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**CHANGING POLITICAL ANALYSIS IN  
U.S. DEMOCRACY:  
THE USE OF INFORMATION TECHNOLOGY**

by

**Doratheia Beall Kingsley**

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**A Dissertation Presented to the  
FACULTY OF THE SCHOOL OF PUBLIC ADMINISTRATION  
UNIVERSITY OF SOUTHERN CALIFORNIA  
In Partial Fulfillment of the  
Requirements for the Degree  
DOCTOR OF PUBLIC ADMINISTRATION**

**August 1998**

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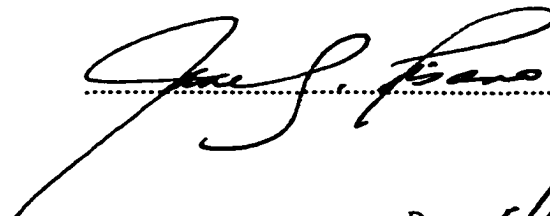
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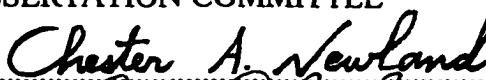
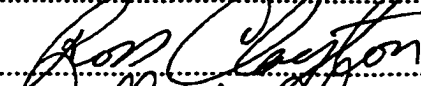
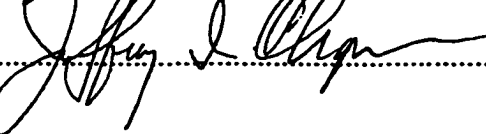
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In Loving Memory of  
Richard Kennedy Kingsley  
1931 - 1994

# DISSERTATION ABSTRACT

## Changing Political Analysis in U.S. Democracy: The Use of Information Technology

This research is founded in the theoretical frameworks of practices of constitutional democracy that inform decision making in contexts of information technologies and systems. These technologies are needed to decrease uncertainty in political analysis, to reduce time frames in information exchange, and to increase disclosure and transparency.

Four contemporary trends inform this study: (1) greater public access to private information held by government, (2) computerization advancements, (3) improved information acquisition technologies, and (4) eclipse of theory by practice. Three case studies are presented: a California political action committee (PAC), an Oklahoma candidate for Congress, and Louisiana State Supreme Court judicial elections.

Findings from these studies show limited disclosure of information by political participants and how information technologies facilitate vetting to enhance openness. A California PAC's political expenditures may be disclosed by reorganizing reported data; political priorities can be documented through the identification of discrepancies; PAC payments made to vendors can be exposed as exceeding direct donations made to candidates; and PAC purposes can change with leadership personnel. Candidates' backgrounds can be judged for their appropriateness for congressional office; voters can make more informed choices; and accurate information can be directed to either donors or

voters. In Louisiana Supreme Court elections, it can be shown that collective patterns of donations hide special interest monies; sources of donations are obscured in judicial campaigns; and reporting procedures within agencies are not standardized by state government.

Conclusions are that political processes are more transparent when electoral campaigns are researched using new technologies; information disparity between political elites and the public can be minimized; cycles of information transfer can be accelerated by new technology in political analysis; and deliberative efforts of society can be supported by new technologies used in combination with commensurate changes in record retention and public disclosure laws.

This study recommends information designs to cope with complexity of analysis; adoption of technical standards for public records accessibility; increased development and utilization of multi-dimensional, relational databases; and increased use of public/private information through manipulation of data to create more transparency in government.



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## CHAPTER I. INTRODUCTION AND STATEMENT OF PROBLEM

### A. Introduction

#### 1. Developments in Information Technology

Four contemporary trends have affected information technology usefulness for political research: (1) greater public access to private information held by government; (2) computer technology advancements; (3) improved information acquisition technologies including the development of sophisticated databases; and (4) eclipse of theory by practice.

##### a) Public Access to Private Information Held by Government

The 1966 Freedom Of Information Act (FOIA) as amended by the FOIA Reform Act of 1986 requires all federal government agencies (1) to make available certain items of information for public inspection and copying and (2) to make available certain information to any member of the public upon specific request for that information. State governments adopted similar Public Records Act(s) guaranteeing freedom of information at state and local levels during the 1980's.

Increasingly greater amounts of information became available in the following decades. Vast numbers of documents from state and federal agencies, formerly confidential information related to individuals and their relationships, and correspondence with governmental offices were opened for public scrutiny. Personal names, addresses and patterns of behavior became available through the disclosure of certain information from welfare, employment, licensees and business interests, social security and military records, to name a few. Nearly all agency records created, obtained or under

control of the national government at the time of a public information request must be answered within thirty days or less.

During the 1990's, the atmosphere of limitless access to personal information disclosed by public agencies was credited for creating opportunities for criminal activity. The killing of a young actress in California prompted the first anti-stalking laws which closed access to Department of Motor Vehicle (DMV) driver's license and car registration information to all but certified law enforcement agencies. Subsequently, several states have closed DMV records. California has set additional limits on a case by case basis to limit access to personal information.

The national Motor Voter Act of 1995 further compounded problems of information access. In 1996, the outcome of federal elections held in both Louisiana and California [U.S. Senator Mary Landau (D-LA) and Congresswoman Loretta Sanchez (D-CA)] were certified by information accessible only from voter registration files. However, these files were placed off limits from public records requests by the federal legislation known as the "Motor Voter Act." Similar reforms adopted the previous year in California prohibited fifty-eight counties from disclosing voter registration records. Only political professionals and mail house vendors are allowed access by signing disclosure reports prior to receipt of information in California. Current law requires sufficient prior documentation to be presented in order to obtain a subpoena to open these registration files in disputed elections. Thus, an increase in election-fraud charges during the 1996 and 1998 elections can be attributed to the prohibited use of voter registration records for comparison purposes in establishing ballot integrity during an election.

**b) Computer Technology Advancements**

During the 1940's, the first single function computers were designed and developed for use by the military. General purpose computers preceded the development of the first commercially available computers early in the 1950's. Mini-computers and structured programming capabilities marked the next decade of development. Full scale database management systems (DBMS) were first introduced in 1970, and soon relational databases were designed, allowing for the integration of data analysis by category or field.

The first "luggable" computers were available by 1980; optical disk storage capabilities were designed to increase storage and memory retention; and gallium arsenide chips were invented, making it possible to design smaller, faster and more portable computing machines. Personal computers (PCS) jumped the barrier between commercial usage and home or personal use. Voice recognition, first developed in the late 1980's, was a boon to devices securing access and other advanced applications. Today, voice recognition is advancing with natural language programs soon to be widely available to the mass market. Parallel processing capabilities enhanced computing late in the 1980's and the introduction of the Pentium microchip increased the processing speed of computers and laptops.

Concurrent with the technological developments during the past thirty years, as the speed of computing increased, the price of computing power dropped dramatically. Computers, once found only in the military-industrial complex, moved eventually into most government agencies; computer use rapidly expanded as PC's became available for home use. The computing capacity of most law enforcement agencies, purchased in the

early 1990's for \$100,000 per Unix machine, was made available to the individual business or personal market for less than \$3,000 by 1995; in 1998, computers priced at approximately \$1,000 offer similar speed, storage and communications capabilities of the older Unix systems.

c) Information Technologies and Database Developments

Following the invention of the computer and microchip processing, the explosion of new programming expanded the applications of computing. Initial technologies aimed at capturing information for such uses as materials planning and stock control and other forms of management information systems. During the 1980's, computer aided design (CAD), computer aided manufacture (CAM), and computer aided diagnostics were developed and then refined for specific industrial uses.

Transaction clearing systems were developed for the U.S. Treasury Department and banking systems worldwide that utilized transaction clearing systems during the 1980's. Integrated text and data processing capabilities followed the development of popular stand-alone business programs such as WordPerfect and Lotus-1-2-3. New programming options first developed for graphical programs such as PageMaker evolved into comprehensive graphic, word processor and data management programs during the 1990's.

Remote sensing devices were developed utilizing limited capability receptors at remote locations that can communicate to a central computer. In this way, information, data or pictures received by the sensors could be compiled and analyzed by a computer with storage and retention capabilities. PC's were developed to include communications

technology such as cellular radios, satellites, switched wideband services and personal mobile communications via satellite; PC's were introduced that included communications software and modem connections to facilitate remote access computing and communications.

Electronic mail (e-mail) and teleconferencing first became possible, then prevalent, during the mid-1990's in the United States. The introduction of digital cell phone communication in mid-1995 preceded an integrated e-mail, word processing and voice communication system(s) that are now sold worldwide. Even Third World nations are benefiting from information technologies as their countries avoid the costs of "hard" wiring for telephone and computer communications. Instead, countries as diverse as Bangladesh and Ghana are choosing to install cell phone systems based on satellite communications to avoid more expensive investments into infrastructure.

Today, the constraints for utilizing on-line information sources solely depend upon access to four basic technologies: a stand-alone or networked computer, a modem, communications software and a standard telephone line. In the first instance of "on-line processing," information was requested by telex, telephone or fax. Records were held on paper or microfiche and turnaround times were counted by days. Subsequent developments have shortened the retrieval time to nearly instantaneous access (sixty seconds for most databases), and information is requested and received through a standard telephone line. Subsequently, more data was automated and the demand for information from public records expanded beyond consumer credit checks. The types of

public record retention now includes files, forms, data, audio, film, photographs, television archives, video and other written, audio or visual data.

Illustration I-1 briefly summarizes how recent technological developments have improved the means by which information is transmitted and have expanded the range and depth of analysis in all fields of communication.

**ILLUSTRATION I-1:** Information Technology in Political Analysis

<b>MEANS</b>	<b>Information</b>	<b>Technology</b>	<b>Analysis</b>
<b>Visual &amp; Auditory</b>	Functionally Separate <i>e.g.: Text, Photographs, Graphics, Numerical, Audio tape</i>	Tangible Storage <i>e.g.: paper, film, books, journals, magazines, microfiche</i>	Knowledge is limited to analysis of comparisons
<b>Electronic</b>	Operationally Integrated <i>e.g.: Text, Multi-media. Sound, Video, Graphics</i>	Virtual Access <i>e.g.: modem, networks, internet, intranet</i>	Intelligence is gained by analysis of multi-relational databases

Thus, information technology has developed the on-line inquiry capability now crucial to the efficient and effective processing of data. Utilizing the World Wide Web, commercially available search engines such as Netscape, MSN Browser, America Online and others have made the personal computer capable of surveying vast amounts of data and information. Preceding the development of web browsers by only a few years were efforts to acquire and control the content which would be made available. Major

American publishing firms such as Knight-Ridder believed that the future of book publishing was a declining industry in the era of electronic media and e-mail. The search began for a process to integrate and develop information electronically.

The publishing firms used their own internal resources to develop technology which standardized the criteria for interfacing locally controlled content. Insurance and litigation investigation firms, due diligence and special interest organizations had created regionalized centers to maintain small databases of information useful to their own research practices. Beginning in 1992, the efforts of Knight-Ridder, McGraw-Hill and other American publishing firms moved to acquire control of additional content. The obvious targets were independent databases maintained by small firms.

The development of professional databases, sold commercially or available at no cost through the Internet, was initiated by those publishers that acquired these smaller firms. Ownership of these firms brought to the large publishing firms vast amounts of information that could be made available electronically. Lease and purchase agreements with government agencies brought the balance of the available information to these larger firms through arrangements to copy microfiche records and files.

The convergence of access to public records through federal and state regulations (FOIA, California Public Records Act) combined with the economic resources of large scale publishing firms created nationwide and international access to private information for sale. In addition to public agencies, judicial records (criminal and civil), universities and colleges, publishers' clearinghouses, consumer credit agencies and credit card issuers

have all sold or made available, to the degree it is legally permissible, whole databases of information about individuals and/or agencies.

For example, campaign management functions have been greatly influenced by new information technologies. Internal activities, including labor-intensive tasks, are minimized; financial reporting is facilitated; list management is automated; and communications are either linked, broadcast or targeted with the use of personal computers. Large mainframe computer systems maintain the Clerk of Election's public records, service the direct mail houses, survey the (polling) phone banks and a wide array of external communication functions for campaigns. Specifically, the campaign research function, once dependent upon volunteers collecting bulky paper files and "dirty little secrets," can now be professionalized to rival Defense Intelligence Agency processes.

Local, state and federal government agencies have made their records available to commercial vendors for a fee. Commercial databases, in turn, charge their customers a fee to download information. Users of public records who wish to access identical information on more than one occasion must therefore devise storage capacity of their own if they desire to avoid duplication in charges.

New methodologies of obtaining and organizing data offers research information concerning complex relationships. Thus, political decision makers must not be limited by old precepts but must allow for the potential competitive advantages that emerge with the use of information technology and the vast amount of new knowledge which can be generated.



## B. Statement of Problems

Information technologies for political analysis are needed in order to decrease uncertainty and time frames and to increase disclosure and transparency.

- First, campaign spending is not transparent to the public or to regulatory agents. Political campaigns do not employ transparent information, that is, information which is both accessible and accurate.

**Problem:** A need exists to establish the means of making electoral campaigns more transparent.

- Second, changes in the political system of government have been known to occur in response to developments in the information structure of society's politics.

**Problem:** A need exists to identify and establish means of minimizing information disparities between political elites and the public.

- Third, models of information processing are extensive in the United States. Approaches to the formation of message-judgment relationships have been attempted.

**Problem:** A need exists to establish the means of accelerating the cycle of information transfer between political researchers and interested parties.

- Fourth, much information acquisition and decision making has been based on imperfect information. Often, past information held by public agencies has been destroyed.

**Problem:** A need exists to identify changes that must be made in record retention and public disclosure laws.

**C. Statement of Methods of Analysis**

**1. Current Techniques**

Several advantages can be demonstrated in current techniques for gathering information about the background of political candidates and organizations. The following is a list of some of the more comprehensive methods of background checks; it identifies several of the methods used for data collection and analysis, including, among others:

- **Resume Verification**
- **Real Property Ownership and Transfer Searches**
- **Address update; National Address Change Records**
- **Civil Court Searches**
- **Bankruptcies, Liens and Judgments**
- **Social Security Number Verification**
- **Corporation/Limited Partnership Searches**
- **Business Credit**
- **Department of Motor Vehicles**
- **Voter Registration Profiles**
- **Fictitious Business/Assumed Name Index in participating states**
- **Consumer Credit Report (Subject to federal Fair Credit Reporting Act)**

## 2. Goals of the Methodology

The above resources have served in this thesis as a foundation for the tracking, gathering and analysis of information from a number of sources. Specifically, these resources are used in order to:

- Gather and analyze financial disclosure files pertaining to primary and ongoing general elections
- Track political expenditures with several electronic sources and computer software (some proprietary)
- Investigate sources of documented and undocumented contributions pointing to the actual funding source behind a PAC
- Determine the actual recipient of political spending and allocations
- Identify collateral financial activities outside of the normal reporting requirements
- Identify relationships between funding sources and any judicial or legislative action on their behalf.

## D. Theory of Political Information

### 1. Conceptual Background

Toward the close of the second millennium, the United States of America has participated in its own experiment with constitutionally limited, democratic government for more than two hundred years. Constitutional democracy, most notably, has changed not only in America but also in countries that have recently embraced similar experiments. Having been spurred by economic and political failures in their formerly

authoritarian systems, former “Iron Curtain” countries and small, Latin America nations are now participating in their own experiments in constitutional democracy.

The challenge to understanding a trend toward democratization of the world’s governments is only partly based in functionality. Performance measurements of economic, health and welfare standards, and even individual personal liberties, are most often cited as factors used to evaluate the openness of countries formerly operating under centralized regimes. Today, the world hosts more than six hundred national governments each struggling to understand the elements critical to development and prosperity. Leading economies are less dominated by large-scale industrial complexes and more by information technologies and services.

America is straining to protect, if not perfect, constitutional democracy in an environment which is laden with burgeoning information, computerization and advanced technology. The total amount of information available in the world is assumed in this area to double every eighteen months or less, taking on massive proportions. Not only is there an explosion of more available information, but it is accessed and analyzed more rapidly with modern, revolutionary, personal computer (PC) technology. This increasing evolution and global diffusion of information technology presented insurmountable challenges to communist and other authoritarian governments by the end of the 1980's. That accelerated in the 1990's. Today, barrier-busting satellite communications, cheap global telecommunications, and perpetual international newscasts all are forcing nations of the world to incorporate considerations for technology development within their governmental processes.

**ILLUSTRATION I-2: Informational Research Design**

Traditional Methods	Limitations
Two dimensional matching Visual inspection Identification of data entries Word processing programs Spreadsheet programs Date of entry Physically Available Records Designated Legends Interpretation of categories Single records Linear records Amendments Identification of regulations	Linear analysis Manual scanning Incomplete Information Sorting by alpha only Sorting by numeric/alpha data Periodic time frames Delay in release of data Simplistic descriptions Inconsistent application Erroneous reporting Erroneous interpretation Possible duplication Erroneous corrections Additions

Current Methods	Advantages
Multi-dimensional computing Optical character recognition Boolean logic applications Graphical content analysis Creation of data sub-sets Contextual frameworks Chronological sorting Multi-level indexing Contextual recognition Data feature recognition Geographic sorting Flexibility of inquiry Data organization Data manipulation Multiple factor analysis Multiple sources Multiple databases Public record retrieval services News retrieval services Case law databases Electronic document retrieval	Dynamic analysis Electronic scanning Non-Linear Non-Static Fractal Pattern Recognition Temporal time frames Cross-reference material Instantaneous Complex descriptions Spatial relationships Consistency of applications Keywords Malleability Accuracy Transparency Relational Inter-connectivity Archiving Comparative Speed Volume Transferability Transportability Digital storage Immediate access

Illustration I-2 lists the differences between traditional and current research. However, in actual practice, neither the traditional methods of research nor current methods are used exclusively. Today, most often, both methods are used in combination.

## 2. Information Theory

It is the premise of this study that providing more information minimizes the potential that information asymmetry can defeat constitutionally democratic processes. It can be shown that technologically sophisticated societies generate more successful constitutional governments by removing limitations to information. Decreasing information asymmetry supports democratic political processes because it creates disclosure, decreases deception and encourages public debate. Fundamental to constitutionally based politics and voting in electoral campaigns are processes of collecting and analyzing information in order to make informed judgments or decisions. Information asymmetry is an imbalance of information held by those who campaign for office and those who are voters. In politics, imbalances of information equate to imbalances in power between voters, the donors, and candidates and their campaign staffs.

But merely having more data is not an answer; having organized information is. The military paradigm of counter intelligence, used first in America by General George Washington at the Battle of Trenton, incorporates data, information and intelligence. Defined by its properties of organization, data are transformed into potentially useful information. Analysis must be applied to such information to develop intelligence.

Thus, by virtue of the creation of personal computer technology, data now available in electronic formats offer opportunities to develop new ways of creating, analyzing and reporting information. In political research, governmental expenditures or campaign donations can be analyzed to identify previously hidden business interests by

means of a search for hidden relationships. By utilizing multiple sources of data, known as databases, information which was previously designated as private by virtue of its hidden or obscure nature, can be collected, organized and analyzed. The affects of analyzing information for citizens who become more familiar with the sources and implications of information can result in more effective political actions.

#### E. Outline of Case Studies

This study describes methodologies and processes which are now available for use to decrease information asymmetry and which, , therefore, may increase informed competitiveness in democratic electoral campaigns. It is shown that, by using traditional methods of research combined with more current methods which incorporate information technologies (Illustration. I-2), the advantages in electoral campaigns can be equalized between political insiders and voters.

The consequences of a reduction in information asymmetry are shown to be positive in three case studies which follow. By asking the question, how can more information be disclosed, it is possible to determine (1) a political action committee's (PAC) actual influence on state legislative elections; (2) the true personal history and background of a candidate for Congress; and finally, (3) the incidence of influence peddling in the judicial election of a state supreme court justice.

Each Chapter is set forth as a case study which is analyzed in the following order:

- A. Brief Introduction to the Case.
- B. Background of the Person or Organization being studied.

- C. Data Collection and Research Processes
  - 1. Traditional Information Gathering Systems
  - 2. Research and Analysis from Current Sources
  - 3. Other Examples of Background Investigations
- D. Conclusions



## CHAPTER II. LITERATURE REVIEW

### A. Introduction

To understand the implications of changing information technologies on political research, a review of uses of information in decision making and of its deficiencies is initially necessary.

- First, literature on decision making is reviewed to present the theoretical frameworks of practices.
- Second, literature on information technologies and the uses of information systems is outlined to connect contemporary political and institutional contexts with the theory frameworks.

### B. Theories of Decision Making, with Critiques

Among academic institutions and political research and media organizations, many scholars and applied theorists have analyzed trends toward liberty and freedom and away from command economies and centralized state controls of societies. From general theories of politics to detailed descriptions of voting patterns, attempts have been made to explain how citizens acquire, examine and act upon information in a constitutional democracy. Such theory-building research is extensive in the United States.

Those seeking to understand the unique role of choice in political democracy often begin with the process of decision making.

#### 1. Praxis Theory

Aristotle first discussed and described the praxis, or the actual practices of human activity. For centuries, this theory served as a basis of historical research, anthropology

and other descriptive sciences. Today, however, most praxis-oriented theories cannot deliver an action-coordinating concept that captures the purposeful nature of the human struggle called politics. A review of contemporary literature suggests that the “project of modernity” is undermined by other alternatives, including the affirmative nihilism of the “me-first generation” and technological determinism during the late twentieth century.

## 2. Public Realm Theory

Simone Weil and Hannah Arendt understood the crisis of the modern age as a period of profound fragmentation and deformation accelerated by “the frenzy produced by the speed of technical progress” (Dietz, 1994). Weil differentiated the issues of action versus technology and Arendt differentiated between the definition of purposeful performance and the issues of technological determinism. Both held a critical commitment to the politics of citizen interaction, reciprocal understanding and self-realization. The public realm theory contributions of both Weil and Arendt have elevated intersubjective understanding to a status in current theory that is equivalent to the status that the theory of ‘emancipation of social labor’ has enjoyed in Marxian theory (Honneth, 1982). Conceptual inadequacies in public realm theory do not obscure Arendt’s belief that human dignity is expressed through politics, a realm where speech, and only speech, makes effective action possible. Aristotle also taught (beyond the merely descriptive doctrine described above) that this same essential commitment was located in a politics of speech and in communicative interaction (See the “*Rhetoric*” and “*Politics*”). Politics is not instrumental, but is instead a linguistically mediated mode of human action in the world.

### 3. Decision Theory

Conventional decision theory posits the dominance of rationality with minor effects arising from the socio-cultural context. Decision making is seen as a product of logical-empirical processes that lead to rational choices. Theoretical questions about rational action have attracted broad interdisciplinary interests from philosophers, economists, political scientists, psychologists, sociologists, and others.

The rational framework of decision theory assumes that individuals actively seek and process information in order to identify their goals and the means to attain them. The common sense notion of rationality likewise assumes that the actor will choose the best means available to achieve a given goal. Both approaches, however, can be criticized because the 'best means' are not always known to the decision maker.

For some theorists, the role of truth in decision making is an issue that is best regarded as undefinable, although, perhaps, truth can be related to other elementary concepts such as belief and desire. Deflationary theories, or theories that play down the need to define truth exactly, avoid the problems of more elaborate theories of truth; however, they are incorrect in attempting to define truth in isolation from other concepts of rationality. Theorists Tarski, Quine and Horwich more fruitfully discuss the concept of truth in relation to its broader context in human behavior, including decision theory and norms of rationality (Davidson, 1996).

Several theorists have pointed out the need to include the insights of economic theory, decision theory, and recent work in game theory in the overall conceptual/ framework of decision making. Theorists do not, however, share a uniform account of

how this conceptual goal can be attained. Their perspectives reveal fundamental disagreements among theories of rationality. For example, disagreements occur over:

- formulation and significance of decision theory;
- the roles of desires and values in rational action;
- relevance of game theory to rational decision making; and
- conditions for irrational action.

Current rational decision making theories fall into three categories (Moser, 1990):

- individual decision theory,
- game theory and group decision making, and
- reasons, desires, and irrationality.

There are several variations of Decision Theory:

*a)* Rational Choice Theory

Rational choice theory asserts that reasoning about action is primarily instrumental; that is, actions are taken in light of a balanced measure of different possibilities. Other scholars disagree; they state, instead, that rational choice theory does not provide for any form of practical reason which allows for the indeterminate, open-ended and creative nature of most important examples of human action. Critics argue that it is not chosen 'preferences' but 'desires' that move individuals to act. The logic of desire is not that of a logical means to an end but that of narrative coherence. Scholars also argue that rational choice theory fails to recognize the essentially social nature of rationality (Finkel, Muller and Opp, 1989; Poole, 1992). When rational choice theory

attempts to construct social theory on the basis of rational choice, it deals incompletely with the fundamental role of trust in social relationships.

In discussing connections between problems in decision theory and problems in action theory, scholars have focused on normative decision theory as applied to individual decisions and standards of rationality (Audi, 1986). The success of these theories has been limited by a lack of studies. Scholars have, for instance, suggested that there is a need for approaches that distinguish between the strength of a belief and the probability of provability that a person assigns to it.

A theory of rational action has been advanced that combines decision analysis and behavioral decision theory. Decision analysis is used to provide a formal characterization of decision situations; behavioral decision theory is used to provide a descriptive characterization of how people perceive those situations (Etzioni, 1992).

Etzioni's combined approach was developed with a set of studies of sexual assaults. Other, similar studies had assumed that the choice of goals and means involve little information-gathering, if any. Etzioni's studies suggested, however, that normative commitments and affective factors in decision making were more important than logical-empirical processes. The studies further suggested that normative-affective variables affect information-gathering and information-processing to the extent that the inferences drawn and options taken are also affected (Etzioni, 1993). There is a small portion of the population entirely dependent upon the normative-affective environment that affects them.

b) Game Theory

Scholars suggest that decision theory deals with individual decision problems while game theory is concerned with interactive decisions between individuals and/or groups. Game theory also involves endogenous and exogenous uncertainty (Muthoo, 1996).

Discussions concerning the limitations of action theories have led recently to other, additional concepts of rational action. Game theory is necessary, some reason, to accommodate situations involving two or more decision makers who have different interests.

Game theory has also been defined as a theory of rational behavior in which players make counter moves based on the anticipated moves of their opponents<sup>1</sup>. Nobel prize winning theorist Harsanyi's contribution to game theory involves games with complete and incomplete information, or C- and I-games (Harsanyi, 1975). A dynamic, "theory of moves" concept developed to complement classic game theory models allows players to anticipate moves and state how these dynamic concepts result in different stable end games. Decision making in interactive situations--such as, iterated dominance, rationalizability, pure-strategy Nash equilibrium, mixed-strategy Nash equilibrium in two person games, mixed strategy Nash equilibrium in many-person games and correlated equilibrium--can be achieved by the use of an alternative interactive

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<sup>1</sup> Especially helpful for the layman are two books listed below.  
Morrow, James D. *Game Theory for Political Science*. Princeton, New Jersey: Princeton University Press, 1994.  
Brams, Steven J. *Game Theory in Politics*. New York: The Free Press, 1975.

decision theory (Brandenburger, 1992). Alternative interactive decision theory is based on game theory but can be used by non-game theorists.

Further developments in game theory have been articulated. They include: probability models for games with incomplete information; standard game theoretical approaches to the prisoner's dilemma (equilibrium points role-play in non-cooperative games and the standard game-theoretical approach to the prisoner's dilemma problem); the concept of perfect equilibrium points (Harsanyi, 1975); the use of non-cooperative bargaining models in analyzing cooperative games; and the Harsanyi-Selten solution concept for non-cooperative games in terms of the decision makers' expectations converging to a certain "equilibrium point" as the solution of the game (Harsanyi, 1990).

Rationality concepts of classical economics and of Bayesian decision theory have also been advanced. However, strategic rationality and Bayesian decision theory are fundamentally incompatible (Mariotti, 1995). The economic applications of game theory mostly take the form of non-cooperative game theory. Under Bayesian game theory, the choices made by rational agents always conform to the Savage axioms or their equivalent. Although rational agents in game theory are believed to follow the Savage axioms, mathematically, Savage axioms of ordering and dominance have been shown to be in conflict with some principles of elementary game theory. According to theorists, this incompatibility is sufficient to warrant a "divorce" between game theory and individual decision theory.

c) Decision Making Based on Values

The modeling techniques and the analytical tools of decision theory are occasionally applied to other inquiries. One such inquiry concerns the controversial area of utilitarianism. According to Etzioni (1976), the moral rules of utilitarian ethics have a logical status similar to that of the normative rules or theories of formal normative disciplines such as decision theory and game theory. The author argues that social utility should not be defined in hedonistic or in ideal-utilitarian terms. In accordance with his equi-probability model of moral value judgments, social utility should be defined in terms of individual preferences.

Also, new methods of modeling have been developed in the fields of artificial intelligence and uncertainty to allow for a more flexible description of probabilistic knowledge. Belief networks and influence diagrams can produce solid representation of probabilistic relationships. There is also a new interest in decision systems based on belief and preference theories (Breese, 1994).

Some scholars posit that rational choice theorists use a narrow notion of rationality because they do not want to make value judgments; they prefer to study relations among factors that can be stated in quantitative forms (Zuckert, 1995). The weight that people assign to goals can be described in numeric terms. However, the process with which they determine the relative importance of goals cannot be described in the same numeric terms. Some theorists therefore regard rational choice theory as prescriptive, the effects of which often provoke a post-modern critique. Zuckert suggests that theorists could respond effectively to criticism if they considered several factors,



among them: the complex interaction between means and ends, the psychological basis and effects of public decision-making, and the difference and the interrelation between discursive and quantitative reasoning (Zuckert, 1995).

Eliciting values is a central pursuit in many areas of the social sciences, including, survey research, attitude research, economics, and behavioral decision theory. These disciplines differ considerably in the core assumptions they make about the nature of the values that can be elicited. These differing assumptions lead to varied methodological concerns and interpretations. In a major shift as represented by Quirk, Wildavsky, Wilson (Wildavsky, 1994) and by Landy and Levin (1995), the argument has been made that major policy innovation is possible with the “new politics,” and that gridlock is a myth.

Field theory proposes that psychological forces are commensurate and expressed in affective terms (Diamond, 1992). Theorists argue for the recognition of the importance of saliency issues anticipated in recent decision theory. This research counters the alleged biased implications of such theories which suggest that political actors have no values and that values do not play a major role in shaping political outcomes.

Traditional pluralist and incremental models from political science and public administration theory, however, have also not adequately accounted for policy making of the last two decades. The old models do not adequately incorporate variables of creativity, happenstance, passion, self-sacrifice, statesmanship, sharp changes in values, persuasion through rational argument (Landy and Levin, 1995).

Some other policy models have become entrenched. There are those in the “rights of the disenfranchized” who believe that the doctrine of entitlement has already been established as fact; consequently, because we can define poverty, it is only a question of how much to give to the poor, and not a question of the relevancy of the policy of entitlement itself. Ideas have now become policy; and policy itself has become only a matter of discussion and implementation. Ideas are forceful influencers of policy, and ideas have led to key changes in discussions of policy as well as changes in the nature of the discussion of new and old politics (Wildavsky, 1994). *Granted all of these influences, however, the applied uses and theoretical dimensions of new and relevant information, as well as the means to obtain it, have been left relatively unexamined.*

d) Information Acquisition in Decision Theory

Decision theorists have increasingly focused on the fundamental importance of information of the acquisition along with its analysis and, vitally, the actions it effects in decision making. The lack of information, with its inherent uncertainties, has also come under scrutiny.

The Harvard University Business School has approached decision making--normative, descriptive, and prescriptive--as largely corresponding to different disciplinary interests from the fields of statistics, mathematics, economics, psychology, operations research and management science (Bell, 1988). A decision maker's lack of complete information with its consequential outcomes (Brams, 1993) is now accounted for with a theory which facilitates analysis of dynamic, real-life situations. Brams's model attempts

to incorporate considerations for imperfect knowledge and incomplete information; the model stands in contrast to the standard game theory which is more static in nature.

The standard consequentialist position inadequately explains the pursuit of well-being based on full information accounts of decision theory. This position holds that an act is moral based upon its effectiveness for social well-being (Sobel, 1994). The requirement of full information is an ideal which ignores accrued experience. Much research suggests that people in real life situations rely not so much upon full information, as they depend instead upon their bounded experience and knowledge in their decision making processes.

Theories about integration schemas can help determine how people cope with missing information (Anderson, 1990). Concepts in social attribution include: causal attribution, attribution of responsibility and blame, and evidentiary imputations about missing information in integration tasks. The tools used to achieve schema analysis such as construction tasks, such as problem solving constructions and goal seeking, need to be considered as part of the mental process that takes place when information is missing.

Specifically, three experiments examined decision makers' use of imperfect information in screening of decision options. The findings reached several conclusions. When specific information about options was missing, the absence was treated as a violation of the related decision criterion in the manner described by image theory. The general paucity of information about options prompted rejection over and above the effects of violations; but paucity had about half of the impact of violations or of missing information. Additionally, information about the probability of whether the outcomes of

an option will actually occur was integrated additively with other information in screening, as predicted by image theory; information was integrated multiplicatively with other information in choice, as predicted by utility theory (Potter and Beach, 1994). The authors suggest results of their experiments support the image theory view of decision making: it is a two-stage process, namely, screening followed by choice. The authors also conclude these experiments demonstrate once again the pivotal role of screening decision making.

e) Political Participation Studies in Decision Theory

Behavioral decision theory claims that virtually all models of political behavior fail to consider how information is actually acquired. The benefits of information-search methodologies in behavioral decision research are indeed limited by the failure to capture the complex, dynamic nature of political campaigns and the decisions that are required of voters.

According to the standard analysis, as grounded in causal decision theory, the rational decision to participate in elections depends on the probability of affecting the outcome. According to the alternative evidential decision theory, voters calculate the expected utility of participating rather than its causal consequences. A version of this theory is introduced into a game theoretic model of electoral participation (Grafstein, 1991). Under plausible conditions, the model yields positive turnout at equilibrium even as the size of the electorate increases.

S. Verba and N. H. Nie (1972) advanced the concept that political participation is not one-dimensional but is comprised of different modes. Expanding on their earlier

study, they analyzed the National Election Studies data from 1956-1988 by using the LISREL model of confirmatory factor analysis and eight variables that influenced the act of voting and campaign participation, six of which had been previously identified by Verba and Nie (Jankowski and Strate, 1995). Two new covariances were found, namely, 1) between voting in the previous election and being registered to vote and, 2) between attempting to influence other votes and displaying a button or bumper sticker. Results from the examination of indicators used in composite indices of voting and campaign participation show that participation is stable across age groups, cohorts, and periods. Political participation, however, as modeled by the action of simply displaying a button or bumper sticker does not advance current understandings of voter participation.

These studies had developed from early research into a variety of multi-candidate voting systems, such as approval and cumulative voting. A model that takes account of a voter's intensity of preference for candidates was used; it also explored the role of uncertainty in decision making. The voter's optimal strategy was investigated for each voting system, using decision criteria under uncertainty (Savage regret and Laplace criteria) and under risk (expected utility) (Merrill and Enelow, 1980). The model was also designed to help the user gain an understanding of how a simple theory of voting can be used to analyze strategic voting in Congress.

In a study from the 1988 Super Tuesday primaries, the authors concluded that political issues, as priorities, do matter in primary elections (Aldrich and Alvarez, 1994). The authors stated that, in most elections, voters are more likely to support the candidate who shares their concerns about the important problems facing the nation and to shun

candidates who emphasize other concerns in their campaigns. The evidence supports the recognition that presidential primary election campaigns do matter in the sense that they provide information upon which voters can make reasonable decisions.

*f)* Exchange Theory and Financial Participation in Politics

Another measure of political participation is the act of donating money or other resources to candidates, committees or organizations involved in electoral or legislative campaigns. Exchange theories postulate that legislative leaders exchange various services, including campaign contributions, for continued support of their leadership (Burns, 1978).

A model which studies the effect of PAC contributions on the voting patterns of legislators has been created (Davis, 1993). Variables considered in the model were contribution, partisanship and ideology and district economic interest. However, the role of PAC influence on ideology, opposition, issue visibility and the range of political policies is still not thoroughly understood. The influences of PAC contributions on roll calls, it was concluded, were considerable. Contributions of a PAC to a legislator have also been positively related to the extent to which its ideology matches that of the legislator (Kau, Keenan, and Rubin, 1982; Poole and Romer, 1985; Saltzman, 1987; Welch, 1980); further direct testing of this proposition have also been positively related (Austen-Smith, 1995).

Campaign contributions from PACs provide politicians with a valuable source of voter preferences in making legislative decisions. However, PAC contributions made to a legislator do not always reflect the policy preferences of the donors contributing to the

PAC. Empirical findings suggest that contributions provide some information on group preferences, especially if groups are sufficiently widely dispersed ideologically (Smith, 1995). Studies investigating the extent of legislators' actions as indicators of their ideologies have found that it is possible to estimate consistently the relationship between contribution and a legislator's preference (McCarthy and Poole, 1993).

The access model states that campaign contributions act not only as signals of policy preference but also can be valuable for gaining access to the "agent" to whom the contributions are made. The importance of access, as key to the possibility of persuasion and the presentation of information to an agent, has been discussed often (Bauer, 1963; Hansen, 1991; Milbrath, 1960; Michelson and Rothenberg, 1992; Wright, 1990).

### C. Information Systems and Related Technology

#### 1. Information Systems

The ethic of expediency in Western culture, first systematically espoused by Aristotle in the *Politics*, can be argued to give rise to the impulse toward action in technological capitalism (Katz, 1992). There are sources, however, that offer resistance to the current technological regime, including the Frankfurt School, Martin Heidegger and the postmodernism movements. On the other hand, Sheldon Wolin (1993), Reiner Schurmann (1994) and Gianni Vattimo (1992), have suggested that the electronic technologies of the information age release individuals from the grip of modernity, end the curse of foundationalism and have initiated a "new dawn of postmodernity." Some view the very designation of technology as a "problem," thus implying that the promise of

a “solution” is, itself, a problematic sign of technological thinking (Metzer, Weinberger and Ziman, 1993).

America, some argue, is a “technological republic” whose founders, mainly Hamilton and Madison, sought to depend upon the mechanisms of interest (Weinberger, 1992), rather than upon the attachments that form the roots of civic virtue (Putnam, 1994). An American society seeking to develop uniformity, precision and efficiency establishes “a society with human values based on technology advancement” that may, in turn, “influence political decision making” (Ivall, 1997).

In other words, private information theory suggests that a change in the form of government can occur as a response to a change in a society’s information structure that underlies government (Green, 1993).

*a)* Historical Examples

The declaration of the Magna Carta debate in 1215 helped to establish an early form of aristocratic parliamentary government in thirteenth century England. Evolved from the earlier French version, *Parlement*, a judicial body which replaced the *Cours Plenieres* or Baronial Courts of early French kings in 1302, the first form of parliamentary government in France became known as *Parlement de Paris*. From the advent of Gutenberg’s press to the present day, the printed pages of John Milton, Thomas Jefferson, Karl Marx and Mao Zedong have quite literally fomented revolutions. In the twentieth century, a radical change in the structure of information came in an electronic form, namely, radio and television. Information can now be disseminated world-wide, at any time. A current example, the demise of communist Eastern Europe in 1989 was



assisted through the long-term introduction of Radio Free Europe, *Voice of America* programming, television and the introduction of visual demonstrations of Western affluence.

*b)* The Chinese Revolt

A modern example of change in the governmental form which occurred as a response to changes in information structure comes from communist societies in Asia. The role of information technologies in China during the 1989 Tiananmen Square crackdown, for example, illustrates the new political dilemma faced by an authoritarian regime in its effort to benefit from the greater economic prosperity brought by advanced technology.

George Orwell once warned of the tyrannical potential of technology. In his book, *1984*, he portrayed powerful technological capabilities of governments and leaders to spy, regulate, mislead and rob humankind of privacy and individuality in the future.

In the real world of the 1980's, however, technology has worked against authoritarian governments. The 1989 democracy movement in China was “successful,” in part, due to television coverage, computers, and facsimile (Fax) machines. These and other new information technologies test the abilities of totalitarian regimes to maintain government control over information and ideas, contrary to the Orwellian vision of governmental tyranny.

In 1978, Deng Xiaoping and a coalition of reform leaders in China embarked on modernization programs which ultimately increased pressures for greater political freedom and culminated in the June 1989 democracy movement. Two significant policy

decisions were made in these early reform years. First, China's leaders initiated a foreign policy of "opening to the outside world," because they realized that the country's modernization program required economic and technological ties with industrialized countries. Second, China's leaders targeted science, technology and the telecommunications sectors as priorities in the country's race for economic modernization. One of the first agreements China signed with the United States was a 1979 umbrella agreement on a comprehensive program of scientific exchanges in science and technology.

By 1987, China had 116 million television sets--an increase from just 3 million sets only nine years earlier. Chinese telephone services handled 186 million long-distance calls in 1978; a decade later, there were 646 million long-distance calls. In 1978, there were fewer than two dozen Fax machines in China; by 1989, there were about 3,000. The impact of this wide dissemination of information undoubtedly changed the initial student protest demonstration into a wider scope of participants. Electronic resources uncontrolled by Chinese authorities offered a flood of independent information to millions of Chinese and galvanized them to participate.

Television news coverage was supplemented by shortwave radio broadcasts, primarily from the Voice of America (VOA). Many of the thousands of students who came to Beijing from other parts of China to join the demonstrations reported that they heard about the movement from VOA broadcasts. Chinese students in the United States and elsewhere began feeding information into China by sending copies of foreign news reports to Chinese Fax numbers. Eyewitnesses reported from Shanghai that copies of Fax

messages were on public display as the demonstrations reached their climax. Chinese student computer networks played an equally important role in the dissemination of information. Information gathered from other sources, including news reports, Fax messages, and phone calls placed to friends and relatives in China, were distributed to the overseas Chinese community for further dissemination and relayed back to China.

Thus, Chinese dissident students, connected through new information technologies to mainland American and other overseas supporters, launched the most serious challenge to Beijing's Communist government to date. This is a direct, well-known example of technology pushing revolutionary change in the governance of human populations.

## 2. Impacts of Technology

Traditional views on the relationship between technology and democracy have highlighted their incompatibility because of apprehensions about technological power. Traditional theorists, however, have insufficiently weighed the dimension of power as it pertains to technology's ability to leverage information uniformly against the imbalances of power present at any given time in a democratic society. It is suggested that by using constructivist and hermeneutic approaches, technology can go beyond the limitations of existing hegemony by shifting the present focus of rationality from power and profit-seeking to human concern and responsibility for the impacts of technology (Feenberg, 1992).

In *The Critique of Power: Reflective Stages in a Critical Social Theory*, Feenberg upholds this new view of technocracy (Feenberg, 1994). Its insights can be used to adopt

an approach to technology by means of a theory of communications. The author suggests several aspects of a new technocracy thesis: (1) the disfigurement of the organizational consensus formation process is created by delegating normative understandings to devices, (2) the articulation of the action is part of the process, and (3) the role of technical indetermination is in technocratic power acquisition (Feenberg, 1994). This approach understands technological changes as those changes which, when brought to organizational and occupation structures, transform patterns of human action. Other theorists have discussed this aspect of technological changes.

Technology's material attributes are said to have an immediate impact on the non-relational elements of work roles; these changes, in turn, influence the relational elements of the work role, which will eventually affect the structure of an organization's social networks (Barley, 1990). Theories of social structure suggest that the micro-social dynamics occasioned by new technologies reverberate up levels of analysis in an orderly manner.

The military and the private sector have been altered by information technologies. The global information infrastructure needs to be reconstructed and rethought. Areas that need to be addressed include, among others, innovation in public policy research to understand the economics of the "infostructure" and the organizational innovation that is needed to provide for an integrated infostructure service (Diebold, 1995).

Several judicial and governmental responses to changing technologies are now impacting informational systems (Litman, 1992). The United States Supreme Court decision in *Feist Publications, Inc. v. Rural Telephone Service* represents a significant

departure from the recent trend toward expansion of proprietary rights under copyright. The existing copyright agreements in force internationally were essentially shaped between 1948 and 1967; today they do not always clearly address information technologies and their latest derivatives.

Congressional action, House Resolution number 4263 in 1997, to extend fair use provisions to unpublished works, illustrates the influence of special interests on information policy. The interests of the computer software industry were reflected in its final vote. Although based on controversial assumptions, opposition views were accommodated in compromise legislation. Debate about encryption and control by law enforcement to information access launched strenuous objections from technology producers and processing agents. Additionally, state and federal stalking laws are currently expanding a trend which some argue threatens to limit public access to information.

### 3. Progress Toward Full Information Capabilities

Bill Gates of Microsoft identifies a sticking point in technology development and information access. He believes that a breakthrough in artificial intelligence and the method with which information is structured would be successful in advancing the utility of a variety of technologies (Kirkpatrick, 1993). He does not yet predict who will play the leadership role in the convergence of computing and communications. Many of the chief intelligence-reform issues today are related to technology, particularly information technology. Intelligence activity relies more on technical systems for gathering, processing, and distributing information; however, such activity still needs to incorporate

strategies for the effective development, management and organization of technology (Berkowitz, 1997).

Experts in counter intelligence agree; they argue that information gathering and processing in the field of intelligence have changed little. Information capabilities in the private sector outpace information technology advances in the U.S. intelligence service (Berkowitz, 1996). Military experts writing in trade magazines agree that the rapid advances in information technologies and miniaturization has made it imperative that the Air Force stay abreast of technological developments.

Others writing for popular magazines have suggested that huge advances in military technology and intelligence gathering will make the United States the world military leader in the next century (Zuckerman 1997).

#### 4. Political Information Studies

Traditional political science literature theorizes that the dissemination of information during an election has little effect on political behavior. Recent studies, however, attempt to define not the dissemination of information, but the benefits of information acquisition by the electorate.

Studies on the information-processing strategies related to media and politics have shown that strong media images result in less attention by the viewer and less time spent watching news and debates during a presidential campaign (Kosicki, 1992; Lan and Kosicki, 1994). Additionally, data from content analysis indicate that talk-shows, a soft-format dissemination, were incompatible with the information-processing capacity and habits of Americans despite their growing popularity (Graber, 1993b).

Various models of the attention the public pays to the media are shown to be dependent on diverse conditions and may be situationally interactive (Graber, 1993a); they include the compensation model, the information-seeking model and the discounting model. Information relevance is situation-specific and is distinguished differently among groups of the public and between levels of involvement; however, this pattern is inconsistent (Atwood and Major, 1991).

In a study comparing the information gathering and voting behaviors of residents in Pittsburg and Cleveland during the 1992 campaign season, the availability of media sources was the only significant difference found between two cities displaying similar demographics and political behavior (Mondak, 1995a,b). Reasserting the role of local newspapers in information acquisition, the author argues that daily newspapers are the only media which rivals television in the electoral arena. Furthermore, these newspapers are more important than television as a source for local information; this includes information about Congressional candidates.

Voters' strategies in actively seeking out information from personal political conversations and other social interaction include the interplay between media exposure and interpersonal conversations. In studies of the mental resources of voters, cognition was found to guide attitudes (Hughes, 1996). The author suggests that people with less education and less media exposure also have less information about the national economic context; they develop their attitudes more on the basis of personal economics.

Two theories about the ways citizens think about politics were developed to define chronologically accessible cognitive constructs or schemas; one is based on issues

and the other based on persons (Lau, 1995). Analyzing the panel findings of the National Election Studies of 1972, 1974, and 1976 that pointed to declining trust in government versus the National Election Study of 1984 survey that pointed to increasing trust in government, the authors argue a declining trust in government only exists for those people who are alienated on the issues; this declining trust also exists for those who are associated with political cynicism and a greater approval of anti-government protest, because, in part, they treat politics with a certain personal animosity.

Development of a "dynamic process-tracing methodology," during which information about political candidates scrolls across a computer screen, allowed the first experiments utilizing a process-tracing technique (Lau, 1995). The author interpreted the results to validate the different models of the vote decision, as he had outlined them.

Nearly a decade earlier, a study had investigated the impact of the use of information in a training program for assessors (Dugan, 1988). Assessors who received three weeks of training were expected to use more information to arrive at ratings than assessors who had received only two weeks of training. Individual step-wise regression analyses did not reveal enhanced information use as a function of training. High interdimensional correlations for both groups indicated no differences in the degree of differentiation. In light of behavioral decision theory, the absence of an effect might have been due to a ceiling effect, due to assessor cognitive limitations, to the redundant nature of dimension information or to some combination of all three.

Some theorists have argued that information cannot exert an enduring influence on people's opinions due to their inability to retrieve incident-specific considerations



from memory. One theory suggests that the message-judgment relationship is mediated by a mechanism other than recall. Doris Graber (1991) hints at some such process when she claims that voters draw conclusions from the campaign information while forgetting contents. In essence, she describes what has come to be called “the on-line model of information processing.” This model traces its origins to social psychology (Anderson, 1991; Hastie and Pennington, 1989) and has recently been extended to the domain of political impression formation (Lodge and Stroh, 1993; Mackie and Asuncion, 1992; Lodge, Steenbergen and Brau, 1995). As an example, the weighted influence of information from on-line processing was considered to determine the differences in information-processing strategies of 219 individuals, aged 18-81 years, who displayed some degree of political sophistication (McGraw, Lodge and Stroh, 1990). Conclusions came out of the study that important information received more weight for these individuals and that individuals with political sophistication were more efficient on-line processors.

According to the on-line model of the responsive voter, when an individual’s goal is to form an overall impression of some person, place or thing, most people, most of the time, appear to act as bounded rationalists. Judgmental processes are simplified by drawing politically relevant conclusions from the information at the very moment it is encountered. At this point in time, when the message is before an individual, the voter’s summary evaluation of a candidate is described as moving from candidate message to the “on-line tally.” Called an “affect-integrator,” this evaluation is immediately stored in long-term memory and the specific considerations contributing to the evaluation are

quickly forgotten. Therefore, because the details have been forgotten, a strong link between recall and evaluation no longer exists.

When later called upon to make a judgment (such as answering a survey of political attitudes in polling responses or making a political choice in the voting booth), voters use the summary impression to guide their decision, not recollections of the original campaign information (Lodge, Steenbergen and Brau, 1995).

Explanations concerning the individual political decision maker's preferences on election day are demonstrated in this illustration. Two campaign messages are delivered to two decision makers. Message "A" is delivered three times and message "B" just once to each. Thus, one voter reaches a vastly different judgment about a campaign than does another given identical messages and intensity of delivery.

When arriving at public judgments and political choices (Yankelovich, 1991), responsive voters will generally decrease their general rating evaluation of a candidate when confronted with negative information and increase their candidate rating evaluation when made aware of information that is judged to be positive.

Extended research on this kind of on-line, impression-driven model of candidate evaluation was reported by M. Lodge et al. (1992). Attempts have been made to determine the importance of the order in which information is encountered and the role that personal importance plays in selecting and/or remembering the information that was encountered.

**Illustration II-1: Acquisition of Judgments in Electoral Campaigns**

Decision Maker #1			Decision Maker #2		
Information	Process	Analysis	Information	Process	Analysis
Message A Received	Information Evaluated	Initial Judgment = "A"	Message A Received	Information Evaluated	Initial Judgment = "A"
Message B Received	Judgment "A" Recalled	Judgment Adjusted $A +/- B = C$	Message A Received	Judgment "A" Recalled	Judgment Adjusted $A +/- A = A$
Message A Received	Judgment "C" Recalled	Judgment Adjusted $C +/- A = D$	Message A Received	Judgment "A" Recalled	Judgment Adjusted $A +/- A = A+$
Message A Received	Judgment "D" Recalled	Judgment Adjusted $D +/- A = E$	Message B Received	Judgment "A+" Recalled	Judgment Adjusted $A +/- B = C$
Election Day	Voting Booth	Judgment Equals "E"	Election Day	Voting Booth	Judgment Equals "C"

*Source: Developed on the basis of concepts discussed by Milton Lodge, M.R. Steenbergen and S. Brau, 1995.*

a) Historical Examples

The practice of political opposition research was initiated in America during the fall of 1776 when General George Washington faced a bleak winter and the loss of the majority of his enlisted army. Thomas Paine published a pamphlet entitled *The Crisis*,

imploring volunteers to stay with Washington's forces. He said: "these are the times that try men's souls. The summer soldier and the sunshine patriot will, in this crisis, shrink from the service of his country." Washington left a few men and many well lit fires to cross behind the enemy camp while the British kept watch at the American position marked by firelight in the distant darkness. General Washington's bold efforts to cross the icy Delaware River and strike at the British Garrison early on the morning of December 26, 1776, personified efforts of leadership in the new revolution. Historians concur that the boldness and intuition of Washington provided the catalyst that cemented the first American victory in the war and helped to bolster the fledgling revolution until final victory.

Another example is Abraham Lincoln's advice to the party faithful on how to manage an election; this advice might have served as a textbook guide to campaign workers for more than a century.

*In 1840 a young Illinois State legislator named Abraham Lincoln prepared an action plan of Whig party activists for the forthcoming Presidential election: 'Organize the whole State so that every Whig can be brought to the polls...divide their county into small districts, and appoint in each a subcommittee, whose duty shall be to make a perfect list of all voters in their respective districts, and to ascertain with certainty for whom they will vote...keep a constant watch on the doubtful voters...have them talked to...place in their hands such documents as will enlighten and influence them...and on election day, see that every Whig is brought to the polls.*  
(The Collected Works of Abraham Lincoln)

b) Current Information Developments

During the 1980's and 1990's, rapid advances in information technology effected a revolution in electoral politics. If the goals of election campaigns are to identify and communicate with likely supporters, persuade the undecided, and promote optimal

turnout, as Lincoln articulated, then information technology now provides new and more effective means of attaining these goals.

In the 1970's, the use of telephone interviews provided one of the first technological advancements in measuring tools concerning political attitudes and behavior. By the 1980's, other telephone interviewing and computer-assisted survey technologies were being established. The new development of continuous audience response technology (CART) became the origin of computing initiatives in political science (Vasu and Garson, 1990). Data quality, accessibility issues, system evolution, interface difficulties, as well as organizational and political issues (Tien and McClure, 1986) were technology issues that demanded more research and needed regulatory resolution if technology were to advance further into everyday usage.

Three statistical analysis techniques that have been greatly enhanced by computer technology are numerical optimization for point estimation (inferential testing of a hypothesis), Monte Carlo simulation (used to understand behavior of a random component) and bootstrapping (used when combining features of a parametric inference and Monte Carlo simulation and used when inference is based on statistics with weak statistical theory) (Mooney and Krause, 1997). The United Kingdom's Labor Party uses the "excalibur electronic filing software (EFS) to manage its campaign, EFS can set the record straight quickly and help in forming new research-backed initiatives (Carr, 1997). New technologies are still in the exploratory stages of development; the frequency of their

use is also new for political efforts such as communications, fundraising, press, issues and opposition research, campaign operations, rapid response and polling (Noble, 1996).

Most recently, political science research on the influence of the Internet ranges from the empirical to the normative in evaluating the scope of political participation in cyberspace. William Dutton in his book, *Lessons from Public and Non-Profit Services*, analyzes the Public Electronic Network, which is an important electronic mail project developed in Santa Monica, California. Evan Schwartz's *Looking for Community on the Internet* assesses electronic bulletin boards and discusses their use in creating virtual political, cultural and social communities. Michael Ogden deals with a dual notion of democracy (Groper, 1996). Press reporters use Internet sites to improve reporting on American politics (Callahan, 1997). Internet sites include political web addresses for state government, Members of Congress, the Census Bureau, Federal Election Commission, all U.S. Circuit Court decisions, specialized political news pages (ALLPOLITICS by CNN) and candidate position information (Project Vote Smart), candidate home pages, special interest group home pages, and institutional references. Additionally, commercial access to news and information (LEXIS-NEXUS) and public record information (CDB INFOTEK) is made available with a service charge to subscribers.

The invention of CD-ROM disks, less than a decade ago, changed the linear communication of information. In the past, large amounts of reference information for political or media analysts were placed in a space cleared on the table for stacks of books, journals, and magazine clippings. This technology, unwieldy and often confusing, made

for the presentation of information that was formal, non-intuitive and linear in its construction. It was a case of fact after fact, page after page. Not only have information technology systems and electronic storage devices changed the accessibility of vast quantities of information but the information has been enhanced with sound, pictures and animation. These technologies have made information accessible in ways that complement natural human inclinations toward free and creative association.

As in Lincoln's day, the goal of persuading voters begins with a "perfect list of all voters." Computerized voter registration records are available in most states. California is the exception and prohibits the public disclosure of voter rolls to non-professional parties. The list of actual voters forms the foundation on which an accurate picture of the voters can be built. Access to a wide range of information on income, family size, consumer preferences, and individual "lifestyles" is available for sale from consumer databases, governmental census records and other demographic reports. Taken in combination with relational database programming, the result can be a remarkably detailed portrait of the target population in districts where the candidates are campaigning.

Messages can be developed and tested through advanced marketing techniques including polling results, and personal focus groups; testing can be carefully tailored by such variables as gender, union or party membership, income level, ethnic background, past voting behavior, degree of activism, and other considerations. In 1998, pilot programs in Georgia and elsewhere will attempt to determine specific voter's previous polling choices and to coordinate telephone solicitation, door-to-door canvassing reports

and direct mail responses; individual voter's interests will be tracked to determine his or her attitudes on and preferences toward key issues such as abortion, gun control, health care, and campaign finance reform.

c) Current Campaign Developments

The influence of new information technologies has affected the internal management of election campaigns dramatically. Increasingly powerful personal computers (PCs) and sophisticated software programs assist in performing a broad range of campaign management functions. Labor intensive tasks are minimized by software utilization. Spread sheet programs assist in campaign budgeting, maintenance of contribution records, expenditures and debts; in this way, compliance with federal and state agency reporting requirements is facilitated. Lists of registered voters, campaign contributors, volunteers, and party activists, can be generated and updated as necessary. Names, addresses, and home telephone numbers of individuals to be contacted by campaign staff can be arranged for ease and efficiency in telephone solicitation, door-to-door canvassing, targeted rapid-response mail, and direct Fax or e-mail communications. Modems linking campaign headquarters, field operations, the candidate's and campaign manager's homes with consultants and outside vendors provides for the instantaneous electronic environment that is critical to today's political operations.

Service providers, vendors and direct mail houses are used by campaign management to distribute the campaign's messages. Large, mainframe computer systems, containing address bar coding and other specialized direct mail preparation, are rapidly being replaced by the widespread availability, growing capabilities, and declining costs of



PCs, lap-top computers and software packages available to virtually every campaign. In addition to the caging (computer uploading of the identification contained in a bar code with a scanner) of telephone and written communication with voters, a wide range of external communication functions (such as the publication of press advisories and releases, solicitations and thank-you notes for contributors, and broadcast fax information for supporters) are being generated with PCs.

In the early 1990's, large national publishing houses such as Knight Ridder and McGraw Hill began to purchase regional firms which had been placing public records catalogues into wider circulation. Personal information from public records in these databases began to be sold on a nationwide basis to customers in consumer credit checking and other businesses covered with asset verification. By the middle 1990's, on-line public records became available to business and government for the cost of monthly subscription fees and user charges. Today, the technology requirements for accessing on-line information includes only four basic items: a stand-alone or networked computer(s), a modem, communications software and a standard telephone line.

The early on-line searches were a process of sending a request by telex, telephone or Fax, then after receipt, often a lengthy period of time, the requested data were processed into a centralized terminal system. The requested records were often retrieved from information held on microfiche records; a twenty-four hour turnaround was required for responses to an inquiry. Subsequent investments in technology created more rapid responses by automating these records. With microfiche records loaded into relational databases, information is now electronically retrieved for immediate access in

about sixty seconds. By 1996, all available public records except those from civil and criminal courts were retrievable instantaneously. Court records still require a twenty-four hour response time and turnaround due to the volume of records still maintained in courthouse files.

With the development of a process of electronic retrieval of public records, the interest access to these public records grew beyond the original base of consumer credit checks. Increased demand for public records created profit for the commercial suppliers. In turn, the commercial suppliers generated additional and new content by collecting even earlier records which were still maintained by public agencies and by inputting these files into electronic formats.

Electronic databases are substantially complete from 1987 on. During the late 1980's when micro processors became widely used in personal computers, vast amounts of information became available to individuals not associated with law enforcement, national security or large corporations. With additional computing power, the technology to combine regional databases and specialized fields has developed toward standardized platforms; moreover the owners of public records have worked to increase their contents by searching even further in the past for records to be uploaded to an electronic platform. In California, the majority of public agencies have destroyed their documents from the 1960's and 1970's, often, the documents were not computerized. Most states followed suit; now a majority of public agencies follow a regular regime of records purging to delete paper files older than seven years.

The retrieval cost of information generally includes the on-line connection time in addition to some access fee or subscription rate to commercial database services. Public agencies generally do not make information directly accessible by modem connection in order to avoid the destruction of files by computer hackers. In some instances, such as California election agencies, individual information is lawfully available only for limited purposes such as registration verification.

When public information is available directly from the reporting agency, information cannot be compiled with other reporting agencies or across jurisdictional boundaries. Most local, state and federal government agencies have found it profitable to sell access to their electronic, microfiche and hard copy files to publishing houses or database vendors. State statutes governing record retention most often limit the requirement for information to be maintained to seven years. In cases where those public agencies have closely adhered to this rule, information from before the early 1980's will never be available since it has been destroyed. Record retention laws therefore are not consistent with electronic storage capabilities. In most cases, public agencies retain records for seven years or less as a matter of paperwork reduction. Commercially available storage and retrieval systems have condensed the spatial requirements and thus, eliminated the need for record destruction. In circumstances where storage or other concerns did not require records to be destroyed or terminated after seven years of retention, most agencies have allowed commercial vendors to microfiche or photocopy these files. Commercial vendors then automate the information for distributors.

For the user of a commercial database, fees are required for any information. However, had the identical information been obtained from a public agency directly, no fees would be charged (except for copying costs). When obtaining information electronically, users find that in order not to duplicate charges each time information is to be recalled or reviewed, some archival process must be initiated. Electronic files downloaded to a computer's hard drive can be saved for later use in different database programs. While accuracy is not guaranteed, the dates and information obtained from agents of specific institutions or organizations are assumed to be correct in any case, no verification process exists for data obtained from an original source.

When Lincoln stated the need to "enlighten and influence them" he obviously did not foresee the creation of television coverage of political campaigns. In 1948, when the first Democratic and Republican National Conventions news broadcast were seen coast-to-coast, television was a novelty. Since that time, television has come to be the dominant campaign expenditure for national and statewide races; television has often reduced such classic elements as rallies, torchlight parades, and whistle stop tours to the status of either "canned" events or historical curiosities.

In lieu of expenditures for television advertising without guarantees of message delivery to targeted audiences, campaigns have turned to video cassettes to deliver candidate information, donor solicitations and campaign worker training. Cassettes are distributed free of charge to targeted individuals and families; they provide a compelling visual and audio message by direct mail (Danitz, 1998). Using high-speed dubbing technology, manufacturers can now duplicate as many as tens of thousands of tapes in a

day at a cost of slightly less than \$1.00 per cassette.

Campaign consultants now produce spot messages, candidate biographies, debates, and "news" programs at a low cost. Much has changed in the staging of political campaigns because of the broadcast media. Movies like *Wag the Dog* (1998) today suggest that conflicts such as the Gulf War can be produced on a sound stage, complete with computer generated graphic visuals of whistling missiles shooting down building vent holes; visuals that can then be displayed on television to depict the "smart bombs" used in Baghdad. The impacts of broadcast media is widely being debated in 1997 and 1998. Today, it is a question of the media's influence on the debate between the White House and the office of independent prosecutor Kenneth Starr over Monica Lewinski and Whitewater investigations.

Audience considerations and the cost of purchasing media broadcast time makes the use of television prohibitively expensive for all but the most well financed campaigns operating in densely populated jurisdictions. However, in recent information developments, video technology and the emergence of cable networks and satellite communications have now made it possible for increasing numbers of political candidates to incorporate less expensive television coverage into their campaigns.

The development of local cable systems across the country has provided an alternative to expensive network television advertising. Campaigns are able to purchase months of saturation advertising in local cable markets for a fraction of the cost of one week of spots on the larger networks. Cable systems, which generally cover smaller geographical areas, are attractive to congressional, state, and local office seekers who are

able to target voters in their districts with greater accuracy. Public access cable channels provide a source of valuable free air time by programming candidate debates, information forums and other public-service campaign events.

National and statewide campaigns are also turning increasingly to satellites as a major resource for external campaign communications. Video conferencing (the use of voice and video connections to link two or more ground facilities, usually by satellite) allows political leadership the opportunity to disseminate information to field operatives and major organizational interests simultaneously. Satellite hookups permit candidates to address a number of events in different locations simultaneously, or in sequence, and to personally field questions from supporters or local news anchors without time-consuming travel.

Pioneered during the 1992 Presidential campaign, the major political parties created in-house satellite capabilities and broadcast studios for direct downlinks to field operations, donor organizations and local party offices nationwide. Satellite communications, including telephone conferencing, computer e-mail and video conferencing are now generally selected for internal campaign operations and activities. Security considerations, however, typically prohibit campaign staff located in widely separated areas to utilize satellite communications to meet "face to face" to discuss strategy and tactics, due to the fear of detection from equally advanced receptor technologies, or listening devices of the opposition.

While America's political dynamics today are driven by very different circumstances than those of General Washington and Abraham Lincoln, the current

information technology systems are providing efficient and, possibly, more effective means of attaining their time-honored objectives. In the late twentieth century, with the revolutionized process of political decision making, modern society now faces a socio-political rationality which can determine the limits of economic-technical rationality (Koopman, 1992); in other words, theorists, limited by old precepts, have not allowed for the potential resources that computing have opened up and for the vast amounts of new information that is now available to research.

*d)* Opposition Research

Within the contemporary American political system, opposition research is defined as political analysis (Bailyn, 1965; Schrage, 1996). Political analysis is, in turn, often disguised as an information access issue and then is used to control access to mission-critical data. If opposition research is akin to political analysis, then, in both cases, the computer has enabled political analysts and practitioners to improve the qualitative analysis of political behavior.

Opposition research, in which the past history of a political opponent is investigated in the hopes of finding negative information, has been a part of political campaigns since Aristotle and the Greeks. In Eastern traditions, the occurrence of political opposition in post-Confucian society (Moody, 1996) was also common. European politics were influenced by the creation of the “hit piece” ever since the invention of the printing press. The practice of leafleting with negative comments about candidates in Russian campaigns continues its influence today.

Opposition research is another aspect of election campaigns that has been revolutionized by new information technology. Once dependent on collections of bulky paper files and file cards of statements by the candidate as well as those of his or her opponent, research can report not only on the issues debated, but also on floor votes that can be stored, analyzed, and cross-referenced for instant retrieval from a computer at party headquarters; research information can then be linked to State party and campaign headquarters across the country. Statements made by a candidate on a particular issue while on the campaign trail can be compared with any previous statements made on the same subject.

Theorists also consider the strategic elements of attack politics (Kenski, 1990) to be the politics of destruction and political disorder (Dahl, 1994). Large numbers of the public believe that the practice of opposition research practices outside of regular campaign staffs to be a regular occurrence in contemporary politics (Impocco, 1996). Researchers are also concluding that knowledge of politics and a sense of subjective political competition contain an ambiguous connection (Bennett, 1997). In circumstances of full information, knowledge of outside competitive interests must be factored into decision making processes.

Opposition research conducted in private industry has been documented by scholars who recognize that private organizations' abandonment of strategy may be driven jointly by both contagion and competition from other organizations (Greve, 1995). Thus, whether in electoral or administrative/industrial politics, the occurrence of strategy abandonment appears to be one of contagion caused by the highly uncertain nature of the



future performance of current and alternative strategies. Decision makers, it has been suggested, examine the actions of other organizations in the industry for clues to correct actions.

Research which employs the collection, storage, retrieval, display and utilization of information allows for plotting hierarchical displays of causal chains, time series plots for the explanation, evaluation and forecasting of activities associated with tactical and strategic decision making (Gorr, 1986). Additional parallels to opposition research can be found in independent analytical process descriptors. Two processes of thinking prior to deciding suggest that thinking backward is largely intuitive and suggestive while thinking forward (or prediction) is based upon multi-variant mathematical formulations for predictions (Einhorn and Hogarth 1987). Graduated processes include: (1) finding relevant variables, (2) casual chain linking, (3) assessing plausibility, (4) metaphoric analysis, (5) seeking multiple cues, and (6) testing alternative explanations. Scholars offer that individuals ultimately put more faith in human judgment than in statistical models; they, therefore, perform poorly in terms of predictions.

#### D. Summary

While America's political dynamics today are driven by dramatically different circumstances than those experienced by General Washington and Abraham Lincoln, the current information technology systems are providing efficient and, possibly, more effective means of attaining their time-honored objectives of politics of constitutional democracy.

This chapter has reviewed a number of theoretical constructs that offer parallel perspectives on current practices in opposition research and political action. The advancing impacts of technology and developments in competitive or opposition research capabilities have been considered from their bases in academic studies and experiential narratives. Theories of action and rationality have served as the basis for advancing studies in decision theory, game theoretic models, values, information acquisition and political participation studies, including the donating of monies to political campaigns. Political information studies, theoretical developments and other information systems have added to the understanding of political occurrences in China, Germany, America and elsewhere. Related research has contributed some comprehension of forces that drive information technology in today's atmosphere of increasingly negative campaigning and shrinking privacy for political actors and others in the public eye.

## CHAPTER III. CASE STUDY-LIMITED DISCLOSURE IN A PAC

### A. Introduction

Donors to victorious causes often seek recognition for their support. Political action committees are no different in their desire to claim victory when supporting successful political candidates for state legislative and constitutional (executive) offices. It is now possible to verify or refute a PAC's claim to have influenced the elections of state legislators and others using recently developed research methodologies to collect, compare and analyze the available public records, specifically, campaign finance reports and public statements made by politicians. Information can be developed which discloses to ombudsmen of the process the relevant and actual timing, activities and influences of PAC donations to specific candidates, campaigns and causes.

### B. Background of Political Action Committees

Following the crisis that forced the resignation of President Richard Nixon after Watergate, legislation was created that controlled the first federal Political action committees (PACs). These political organizations were given the ability to collect monies from individuals with a defined common basis, for example, employees of a union or corporation; these organizations could contribute monies to individuals running for the U.S. Senate or House of Representatives. Originally regulated at the federal level, state regulation soon followed; state PACs were created for the benefit of candidates running for public office in state government.

One significant difference between federal and state PACs has evolved in the nearly twenty-five years since Watergate. While federal PACs collect monies in small

increments and are limited in their contributions to \$5,000 given to any single campaign, state PACs are not similarly limited. In California, during the early 1990's, this loophole of campaign finance regulation was used to mask the identity of donors and the purposes for which they gave monies. This study of the Allied/CIB PAC during 1994-96 demonstrates the problems with certain aspects of these regulations.

1. Background of Legal Authority Controlling PACs

a) Campaign Spending Limitations

Current laws covering the reporting of campaign finances at the local, state or federal level require only that the name of a contributor, group or corporation, be listed. The motivating source of a contribution, often called a donor source, need not be publicly reported.

The reporting of donors or donations can, therefore, hide certain information. If, for example, a donor wants to maximize federal support of a candidate, a husband and wife may each give \$1,000 to a Presidential campaign (the legal maximum for a Presidential campaign). If, however, the contribution is made due to only one spouse's selection of this candidate, the reporting of these donations does not include this information. As another example, if the owner of a real estate company supports Candidate A and the agents working at his office each donate \$1,000, the contributions are made in the name of individual real estate agents, but the attribution for the collection of these donations is given to the company owner. These are examples of campaign spending patterns which are not transparent to the public.

b) Historical Background of Federal Controls

In the early years of campaign reporting, the clerks in the U.S. House of Representatives and Senate received sporadic reporting about major contributors and party campaign committee contributions to candidates.

Illustration III-1 provides a brief account of congressional attempts at election reform since 1966.

**ILLUSTRATION III-1: Major Congressional Hearings and Acts**

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Election reform act of 1966 (1966)  
Federal regulation of Corporations, contributions and political campaigns (1968)  
Hearings before Congress on federal election campaign act (1971)  
U.S. Senate Select Committee Harings on Election Reform: basic preferences (1973)  
Federal Election Campaign Act (1974)  
Amendment to Federal Election Campaign Act (1976)  
Hearings before Congress on Federal election campaign act amendments (1979)  
Federal election campaign financing guide published (1981)  
Subcommittee on the Constitution, Congressional Hearing on Campaign Finance Reform (1989)  
Corporate political activities regulated (1992)  
U.S. Senate Hearings on Campaign Finance Reform (1996)  
Senate/House Governmental Affairs Cmte hearings on Presidential Campaign Financing (1997)  
Congressional debate on McCain-Feingold legislation to reform campaign financing (1998)

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In part as a response to the finances behind Watergate, Congress tightened the reporting of campaign spending in 1974; the Federal Election Commission (FEC) was created in 1976 to collect and publish data about political campaigns. Today, categories of spending remain illusive; they include the use of polling, payments to vendors of consulting services, candidate fundraising strategies, spending by labor unions and non-profit groups organized under Internal Revenue Service (IRS) rules, and independent expenditure committee efforts.

Federal regulations were imposed following the amendment of the Federal Election Campaign Act (FECA) in 1974. Subsequent Supreme Court decisions on FECA held that the statute limited individual contributions to federal races to \$25,000 per donor. In *Buckley v. Valeo* (1976), the Supreme Court ruled against clauses in FECA limiting expenditures by individuals and instead limited only the expenditure of political parties. Unlike the limitations placed on donors to federal races, contributors to state legislative campaigns faced no such regulations. Donors could give large sums of money, in excess of the \$25,000 limit placed on individuals for federal races; no limits were placed on the contributions to candidates for state office.

The FEC has been collecting information on “soft money” transactions, donations made to political parties that are expended on the indirect activities of an election, such as voter mobilization and internal communication. In 1996, hearings in both the Senate and House Governmental Affairs committees sought to investigate practices of circumventing candidate spending limitations (Sabato, 1996). No resolution of these practices has come out of Congress.

c) California Regulatory Controls

California’s governing laws that control PACs are defined in the Political Reform Act of 1974 as amended. Under the existing law, California donors can give unlimited resources during the election year. Unlike the limitations placed on donors to federal races, contributors to state races, whether legislative, Constitutional or initiatives, faced no monetary regulations.

Current regulations allow any statement of campaign finances to be amended at any time, without penalty, for incorrect or incomplete statements. Changes to original source filing material (Campaign Disclosure Statement, Form 420) are filed as Amendments to the Campaign Disclosure Statements, Form 405. These reports detail the changes made and include as attachments the new specific pages being amended. The filing of amendments, however, is not considered to be standard procedure by most organizations.

*d)* Campaign Finance Reform in California

Earlier attempts to place limits on the amount of these contributions, including reform attempts under Proposition 140, California's 1990 Term Limit initiative, would have limited corporate individual donations given to candidates and campaigns. The California Supreme Court held in October 1990 that a ban to limit campaign contributions was unconstitutional.

California's applicable law allowed unlimited amounts of money from an individual or corporation to be donated to a candidate for state legislative or constitutional office. This practice was curtailed by the 1996 passage of state ballot Proposition 208, an initiative to control spending in state legislative races. However, Proposition 208 was overturned judicially in 1998. After this ruling, the period from October 1996 until January 1997 opened a period with no limitations on large contributions from individuals and corporations.

## 2. Background of Allied/CIB PAC

### a) Formation

In 1992, Orange County, businessman Rob Hurtt began building an organization first known as the Allied Business PAC. Following extensive public criticism concerning the ideology of the organization, the PAC was renamed in the third quarter of 1995 as the California Independent Business PAC, or Allied/CIB PAC. Hurtt intended to support candidates running ideological platforms in primary elections; he began by recruiting no more than five Southern California conservative supporters to his cause: Homestead Savings & Loan banking heir Howard Ahmanson and his corporation, Fieldstead & Co.; publisher Roland Hinz, publisher of Hi-Torque Publications, Inc., with his wife Lila; Christian radio network proprietor Ed Atsinger; businessman and real estate developer Richard Riddle; and occasional participant Ron Unz of the Silicon Valley firm, Wall Street Analytics, in Northern California.

In 1994, when Hurtt was first serving a full year in the State Legislature, he contributed \$125,000 to the Allied/CIB PAC and another \$41,000 in donations of cash, furniture and insurance benefits.<sup>1</sup> These contributions totaled nearly fifteen percent of the PAC's entire 1994 receipts. Ahmanson had succeeded Hurtt as Chairman that year; he personally contributed \$14,000 and had his company contribute another \$464,000, nearly forty percent of that year's Allied/CIB PAC receipts. In 1994, Atsinger also contributed

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<sup>1</sup> Campaign Disclosure Statements (Contributions Received) filed by Allied Business with the Political Reform Division, Form 420, Quarterly and Daily Reports, 1994-1995.



\$159,000; Hinz donated \$172,000; Riddle contributed \$162,000; and Unz donated \$25,000 and another \$50,000 from his company.

Serving as Executive Director both of the Allied and the renamed California Independent Business PAC organization, Danielle Madison touted their influence in primary elections by claiming that her guiding hand leveraged GOP elections in state legislative seats in 1994 and 1996. Claims by Madison that the PAC chose GOP nominees in critical districts (preceding voter selection and party support) were promoted among select party insiders, service providers and political consultants, the groups most likely to inform potential candidates of the “lay of the land” (Block and Borland, 1995). Targeting distribution of the PAC’s money was actually controlled by a committee of the PAC directors; Madison reported to them and the PAC chairman. The mechanics of targeting races were also handled outside of Madison’s office by savvy campaign staff and legislative caucus members with broader responsibilities for electing a majority of Republicans to office, rather than ideologically pure, Conservative Republicans.

In December, 1995, the monthly magazine of politics and government, *California Journal*, named State Senator Rob Hurtt and Danielle Madison to a list of twenty-five “Power Elite” political players in California (Scott, 1995). That issue of the *California Journal* stated that Hurtt and Madison were two dream makers, “Californians with the power, influence and ideas to shape the dream for generations to come” (Block and Borland, 1995).

The Allied/CIB PAC founded by Hurtt had declared an overriding goal to bring about Republican control of the state Legislature through the successful election of

conservatives in GOP primaries. Hurtt and Madison promoted themselves on their pragmatic strategies along with the unparalleled personal contributions of the Christian conservatives who joined them. Executive Director, and Hurtt recruit, Madison was advanced for her ability to target the campaigns which could be won. In 1994, the PAC claimed a record of 24 out of 29 races won by candidates supported by Allied/CIB PAC (Scott, 1995).

*b)*      **Claims of Success**

Was there any indication that during the 1994 election cycle that Allied/CIB PAC had altered the course of the GOP advantage in California; or, conversely, that Allied/CIB PAC was less successful than its public claims? Ultimately, in less than twelve months following the praises heaped upon Allied/CIB PAC by the *California Journal*, the PAC had all but languished; some PAC staff had been relieved of their duties and an investigation into past practices of the organization was slated for airing in an Orange County courtroom during a 1997 political corruption trial. This example highlights the need to identify and minimize the information disparity between the political elites catered to by PAC leaders and the general public.

Through computer analysis, it can be demonstrated that after four years of their own promotion and \$5 million in campaign donations, the Allied/CIB PAC's claims about winning campaigns were false. (See Section C., 2., *e*).

**C.      Data Collection and Research Processes**

**1.      Traditional Research Process**

*a)* Limited Review

Traditionally, due to the lack of electronic submissions, the opposition researcher visually reviews the data on file with state reporting agencies. The information provided by a committee in this manner is available only on a two dimensional, linear medium. Review of the data is limited to the identification of entries, a process which can be incomplete given the stated intent of both the committee and the controlling legal authority. On occasion, the timing of a committee's filing or amended filing will provide clues to assist in determination of the goals and priorities of the PAC. For example, the amount of monies donated to a particular race or candidate in a time frame close to an election would suggest whether or not donors had made a judgment that a particular campaign was "winnable" if aided by additional funding.

*b)* Available Public Records

The research data and information presented here was developed solely from available public records that detail specific expenditures filed by the Allied/CIB PAC and associated candidate committees with the California Fair Political Practices Commission (FPPC). All reports and statements filed with the FPPC and SOS offices are public records available for public inspection and reproduction.

*c)* California Form 420 Disclosure by Allied/CIB PAC

The data for this research are compiled from reported entries of donations and payments which may be counted as contributions or expenditures. California Form 420 reports each beneficiary's expenditures, as well as their name, address, their committee

identification numbers, the amounts of donations, and coded description of expenditures, such as those listed in Table III-1.

Following the 1994 election year filings, the Fair Political Practices Commission began limited, electronically assisted filings of campaign disclosures. However, the information disclosed in 1994 by the Allied/CIB PAC was not submitted in electronic form.

The reporting laws which designate the expenditure code definitions are subject to interpretation by the candidate or committee submitting Form 420. Detailed financial records are coded with information concerning the nature of activity as detailed in Table III-2; however, no penalties for incorrect interpretation or erroneous reporting or inconsistent application of code categories are maintained by state regulators.

In addition to entries of contributor data or beneficiary information concerning expenditures, the financial disclosure filings must list "Cash on Hand" totals including a listing of monies raised and distributed during the reporting period.

From 1992 through 1995, the Allied PAC reported the balance information shown in Table III-3. These data were gathered from the reports filed on Form 420 during each of the years listed. When the expenditures and balances of the original Allied Business PAC were terminated, cash on hand was not allowed as a carry forward to the new organization, CIB PAC. Ending balances could be returned to the contributors or donated and transferred to another eligible political committee. Thus, for purposes of public disclosure, the two organizations were separate and distinct. But, in practice, the organizational structure of staff, offices, files and mission did not change from one organization to another.

**TABLE III-1: Allied Business PAC Expenditure Sample Listings**

7/1-9/30/94	CA 1994 Form 420
Allied Business Political Action Committee	Page 14 of 19  ID #921165

NAME	CODE	AMOUNT PAID
FRIENDS OF JIM MORRISSEY P.O. Box 5096 Santa Ana, CA 92704-5096 ID #931868	C	\$40,000.00
TAX FIGHTERS FOR BALDWIN P.O. Box 13277 El Cajon, CA 92022 ID #3920383	C	\$50,000.00
CITIZENS TO ELECT ED SIMAS P.O. Box 690222 Stockton, CA 95269 ID #931392	C	\$30,000.00
BILL HOGE FOR ASSEMBLY 1276 E. Colorado Blvd., #205 Pasadena, CA 91106 ID #930577	C	\$25,000.00
CALIFORNIA REPUBLICAN PARTY 1903 W. Magnolia Blvd. Burbank, CA 91506	C	\$25,000.00

*Source: California Office of the Secretary of State, Fair Political Practices Commission*

*d) Amendments*

In 1976, the State of California amended the law to approve the submission of amendments to reports and statements, stating:

*Any report or statement filed pursuant to this title may be amended by the filer at any time. Amending an incorrect or incomplete report or statement may be considered as evidence of good faith. (PRA Sec. 81004.5)*

**TABLE III-2: California Form 420-Categorical Expenditures**

<b>C</b>	Monetary and In-Kind (non-monetary) Contributions to other Candidates and Committees
<b>I</b>	Independent Expenditures
<b>L</b>	Literature
<b>B</b>	Broadcast Advertising
<b>N</b>	Newspaper and Periodical Advertising
<b>O</b>	Outside Advertising
<b>S</b>	Surveys, Signature Gathering, Door-to-Door Solicitations
<b>F</b>	Fundraising Events
<b>G</b>	General Operations and Overhead
<b>T</b>	Travel, Accommodations and Meals (Must be Described)
<b>P</b>	Professional Management and Consulting Services

*Source: "Codes for classifying expenditures" California 1994 Form 420  
Office of the Secretary of State, Fair Political Practices Commission*

The researcher must collect not only the statements and filings for reporting periods during an election cycle but review any subsequent amendments. Table III-5 lists a schedule of multiple Campaign Financial Disclosure Amendments filed by the Allied Business PAC for the 1994 calendar year.

Each of these amendments includes references to several different dates. The "Close of Filing Period" reflects the original Form 420 period filing which had previously been reported by the Allied/CIB PAC. Another date, "Original Documents Executed," refers to the date on which those Form 420's were signed and executed by an officer of the PAC. Dates that reflect new filings include, first, "Amendments Executed," the date the Form 420 amendment(s) were signed and executed by an officer of the PAC, as well as, second, the date each amendment was marked received by the state agency retaining these records.

**TABLE III-3: Allied Business PAC Balance Sheet**

<b>TIME PERIOD</b>	<b>STARTING BALANCE</b>	<b>MONEY IN</b>	<b>MONEY OUT</b>	<b>ENDING BALANCE</b>
5/16/92	\$0.00	\$235,000.00	\$175,569.98	\$59,430.02
6/30/92	\$59,430.02	\$0.00	\$59,200.00	\$230.02
9/30/92	\$230.02	\$560,000.00	\$313,025.00	\$247,305.02
10/17/92	\$247,205.02	\$25,000.00	\$235,200.00	\$37,105.02
12/31/92	\$3,710,502.00	\$486,100.00	\$500,108.36	\$23,096.66
2/13/93	\$23,096.66	\$30,000.00	\$6,766.99	\$42,329.67
4/10/93	\$42,329.67	\$30,000.00	(\$13,442.06)	\$89,771.73
6/30/93	\$89,771.73	\$110,076.36	\$82,577.53	\$117,270.56
8/14/93	\$117,270.56	\$114.08	\$73,895.10	\$43,489.54
12/31/93	\$43,489.54	\$318,869.78	\$306,102.91	\$55,456.41
3/17/94	\$55,456.41	\$172,204.39	\$89,373.00	\$138,287.80
5/21/94	\$138,287.80	\$277,170.65	\$378,867.59	\$36,590.86
6/30/94	\$36,590.86	\$50,599.86	\$57,306.14	\$29,884.58
9/30/94	\$29,884.58	\$348,046.64	\$282,511.90	\$95,419.32
10/22/94	\$95,419.32	\$353,092.29	\$325,588.45	\$122,923.16
12/31/94	\$122,923.16	\$157,227.79	\$254,352.00	\$235,798.95
3/31/95	\$25,798.95	\$71,575.45	\$58,339.58	\$39,034.82
6/30/95	\$39,034.82	\$49,662.75	\$83,734.13	\$4,973.44
<b>Total</b>		<b>3,274,740.04</b>	<b>\$3,268,976.60</b>	<b>\$4,973.44</b>

*Source: California Office of the Secretary of State, Political Reform Division  
(\$13,442.06) are accrued expenses unpaid.*

**TABLE III-4: California Independent Business PAC Balance Sheet**

<b>TIME PERIOD</b>	<b>STARTING BALANCE</b>	<b>MONEY IN</b>	<b>MONEY OUT</b>	<b>ENDING BALANCE</b>
6/30/95	\$0.00	\$104,566.75	\$83,635.92	\$20,930.83
9/30/95	\$20,930.83	\$107,700.00	\$71,433.39	\$57,197.44
<b>TOTAL</b>		<b>\$212,266.75</b>	<b>\$155,069.31</b>	<b>\$57,197.44</b>

*Source: California Office of the Secretary of State, Political Reform Division*

**TABLE III-5: Schedule of Multiple Amendments on File**

<b>CLOSE OF FILING PERIOD</b>	<b>ORIGINAL DOCUMENTS EXECUTED</b>	<b>AMENDMENTS EXECUTED</b>	<b>AMENDMENTS RECEIVED BY AGENCY</b>
March 17, 1994	March 22, 1994	July 29, 1994	August 1, 1994
May 21, 1994	May 26, 1994	June 6, 1994	June 7, 1994
May 21, 1994	May 26, 1994	June 16, 1994	June 20, 1994
May 21, 1994	May 26, 1994	July 29, 1994	August 1, 1994
May 21, 1994	May 26, 1994	January 25, 1995	January 31, 1995
June 30, 1994	July 30, 1994	August 29, 1994	August 29, 1994
June 30, 1994	July 30, 1994	January 25, 1995	January 31, 1995
September 30, 1994	October 5, 1994	January 25, 1995	January 31, 1995
October 22, 1994	October 26, 1994	January 25, 1995	January 31, 1995

*Source: California Office of the Secretary of State, Political Reform Division*

These amendments include several separate revisions for the single year, 1994. Additionally, the amendments are complicated in their revisions since these filings encompass only five original reporting periods in 1994. The execution date reported by the PAC in its amended filings discloses the differences in amendments filed as quickly as within one month of the original filing deadline and as long as seven months after the



filing period. Using only the chronological data listed on numerous amendments may appear to appear to serve no purpose; however, statements contained within these amendments include acknowledgment that pervious filings contained obvious errors.

**TABLE III-6: Summary of the Reasons for the Amendment**

<b>DATE</b>	<b>DESCRIPTION</b>
July 29, 1994	Amend report to show a non-monetary contribution
June 6, 1994	Subvendor information not available at time of filing
June 16, 1994	Remove Tom Bordanaro, Assembly District 33 from allocation page
July 29, 1994	Amendment report to show loan payment, omitted in error
August 29, 1994	Delete accrued expenses to Wayne C. Johnson and Associates
January 25, 1995	Add Schedule E part II to show loan payment, omitted in error
January 25, 1995	Loans previously omitted on allocation page in error

*Source: California Office of the Secretary of State, Political Reform Division*

Researchers collecting data for a study of the PACs must therefore attempt to eliminate all duplication of data entries and these later corrections of previous data entries filed on original reports when subsequent amended information is provided to the state. Since specific entries are not detailed for correction, all data must be reviewed for the filings amended.

California state regulations governing campaign finance disclosures, it should be noted, do not provide sufficient information to facilitate complete and accurate analysis of all spending information in a specific campaign. This problem has been identified to include the need to change public disclosure laws. Under current law, this kind of an

analysis would require access to private banking records, checkbook stubs and other internal bank documents to ascertain the actual purpose of expenditures, as well as all of the monies spent on behalf of an individual candidate. The nature of public record research does not allow for such cooperation from the various political entities described here; nor does it support use of investigative practices that require extensive private and personal documentation.

## 2. Research and Analysis from Current Sources

Traditional methods of developing intelligence from the data on file with the reporting agencies do not extend the flexibility or depth of analysis available from relational analysis derived from electronic sources.

Information and new methodologies of organizing data which are available through software available for personal computers now offer the ability to research complex relationships between data entries.

In California, the Secretary of State's failure to automate campaign disclosure filings requires researchers to develop additional analytic capabilities where data are readily available for manipulation in an electronic format. Software programs such as the Excel spreadsheet or the Access relational database program offer the framework for the analysis of numerous factors in the reporting of PAC data. This framework includes: date of entry, the name and address of recipient, identification number, purpose of expense, amount of expense, or hidden donor (if "in-kind" donations pass through). The choice between a spreadsheet program, which can count and manipulate data entries of

sources, or a relational database, which can also sort entries and arrange information by interconnected relationships, can be determined by the information that is needed.

Several electronic news retrieval services, for example, are available in California to track activities of the State Legislature. National wire service retrieval is also available to track the news and activities of election candidates. These services offer information concerning campaign activity; some include the actual financial donations made to a candidate from named individuals, committees, as well as those to a candidate from corporate donations allowed prior to changes in campaign finance laws.

These sources of limited information demonstrate that models of information processing are extensive in the United States. There is a need to establish a means of standardization and accelerating the cycle of information transfer. These databases, however, are not useful in further analysis of PAC activities for a number of reasons. First, the electronic services track elected state legislators, those who win general elections, not those who campaign and lose in primary elections for the same public office. Second, available electronic services do not track payments made to vendors or other political service providers for candidates. A more accurate method of compiling a database of expenditures for candidates involves research into both the PAC filings and those reported by both the winning and losing candidates.

*a)* Net Beneficiaries of Allied/CIB PAC Donations

Research to determine the net beneficiaries of the Allied/CIB PAC donations requires a relational database to analyze the data effectively. More complicated relational databases, such as those licensed by Adobe Software of California, offer additional

analysis capabilities by searching multi-factored sources of information. However, California's reporting requirements for campaign financial disclosures fail to provide enough complexity to warrant utilization of advanced, multi-relational database software.

The inputting of data electronically must include information designs that organize the information by type, or district, or purpose of expenditure. In this manner, it is demonstrated that the use of database analysis offers a faster discernment of the actual patterns of the decision making of the Allied/CIB PAC. The relational database software combines single data entries into chronological and geographic patterns generated from the data and information placed on file by the PAC. Additionally, calculations of pass-through expenditures made to other political service providers, namely vendors, may be discovered through this process of investigation.

*b)* Pass-through Expenditures

Additional intelligence may be added to the information disclosed by the Allied/CIB PAC through the use of lists of their contributions made directly to vendors, as shown in Table III-7. Campaign vendors are those providers who sell consulting, research, public opinion polling, direct mail, voter contact lists, targeting and other necessary services required to assist campaign efforts to elect candidates. Sorting of the electronic database according to the vendor expenditures during the year 1994 reveals how much Allied/CIB PAC paid to those vendors, but not the candidates or political purposes to which these vendors contributed.

**TABLE III-7: Vendors List**

<b>VENDOR</b>	<b>AMOUNT</b>	<b>PERCENTAGE</b>
Aaron Group	\$411,735.74	6.69%
Alexander Clark	\$506.50	0.01%
American Petition	\$136,580.85	2.22%
AMS Response	\$233,509.32	3.80%
Bear Republic Political Ss	\$17,203.64	0.28%
Brennan, Daniel L.	\$3,500.00	0.06%
Candidates Choice	\$1,530.00	0.02%
Chapeau Graphics	\$5,479.93	0.09%
Charleton Research	\$21,717.00	0.35%
CIAC Election Service	\$18,859.51	0.31%
Claremont Institute	\$1,100.00	0.02%
Conventional Wisdom	\$10,370.71	0.17%
Core Group	\$20,032.94	0.33%
Data + Imagination	\$37,549.02	0.61%
Data Mailing System	\$2,850.63	0.05%
Direct Communication	\$245,768.26	3.99%
Direct Mail System	\$1,378.95	0.02%
Fernstrom Inc.	\$940.99	0.02%
GCL Lawrence Research	\$9,000.00	0.15%
Gilliard & Associates	\$65,435.23	1.06%
Greenstripe Media	\$35,000.00	0.57%
Hornblower Invade	\$6,009.87	0.10%
Image Express Ent.	\$4,177.37	0.07%

**ILLUSTRATION III-7: Vendor List (continued)**

<b>VENDOR</b>	<b>AMOUNT</b>	<b>PERCENTAGE</b>
IRL & Assoc.	\$116,737.15	1.90%
L. Thomas Gerred	\$16,219.77	0.26%
Lynn Bryan & Assoc.	\$8,072.74	0.13%
McNally Temple	\$1,592,967.04	25.89%
Meta Information	\$178,550.32	2.90%
Miller/Robertson	\$13,975.00	0.23%
Monaco Group	\$184,175.64	2.99%
Moore Information	\$181,547.00	2.95%
Moore Research	\$800.00	0.01%
Moore Response	\$548,567.96	8.92%
Nelson Consulting	\$4,879.28	0.08%
Non partisan Slate Card	\$9,060.87	0.15%
Norcal Associates	\$7,290.16	0.12%
Nygren & Co.	\$347,600.98	5.65%
Pacific Media	\$15,088.50	0.25%
Peterson Group	\$13,391.06	0.22%
Political Data	\$25,215.46	0.41%
Presley & Assoc.	\$18,630.00	0.30%
Presson & Assoc	\$234,008.47	3.80%
Robert Gouty Co.	\$25,950.00	0.42%
Russo Marsh & Assoc.	\$131,297.74	2.13%
Saracino & Assoc.	\$952.13	0.02%
Schuman, Hoy	\$26,416.32	0.43%

**ILLUSTRATION III-7: Vendor List (continued)**

<b>VENDOR</b>	<b>AMOUNT</b>	<b>PERCENTAGE</b>
Southern CA Voter	\$10,706.00	0.17%
Spectrum Services	\$5,183.83	0.08%
Steinberg & Assoc.	\$240.00	0.00%
Stone & Assoc.	\$240.00	0.00%
Stonecreek Group	\$39,840.00	0.65%
Studio Z Recording	\$3,508.28	0.06%
Thompson Group	\$23,730.74	0.37%
Tim Macy & Assoc.	\$8,941.32	0.15%
Valley Press	\$20,660.00	0.34%
Vanguard Group	\$6,000.00	0.10%
Vote Rite Systems	\$23,741.89	0.47%
Voter Connect co.	\$81,907.24	1.33%
Voter Contact Service	\$23,155.21	0.38%
Voters Unlimited	\$242.00	0.00%
Votes R Us	\$2,250.00	0.04%
Wayne Johnson & Assoc.	\$872,499.57	14.18%
<b>GRAND TOTAL</b>	<b>\$6,152,386.13</b>	

Summaries of the Allied/CIB PAC expenditures made directly to vendors and service providers are possible once data have been input into a relational database. However, the problem of a lack of transparency is demonstrated in the instance of vendor payments. The determination of candidate or district beneficiary is often not discernable due to the inconsistencies of the campaign filings and amendments reported to state

agencies. For instance, all expenditures made to a particular vendor on behalf of more than one candidate are not required to disclose what amount went to each candidate. In the payments made to Wayne Johnson & Associates (expenditure made and recorded), the Allied/CIB PAC fails to indicate whether contributions went to individual legislative candidates or to statewide Constitutional office candidates. Additionally, in examining district spending, cross referencing errors may occur when only the vendor payments list is used with any sophisticated counting or analysis. In most instances, records provided to the state reporting agency by the Allied/CIB PAC do not disclose which vendors were participants in specific district campaigns. Therefore, analysis of expenditures by vendor cannot determine if direct mail projects, purchasing voter contact lists or other services were provided for the benefit of one or more candidate's campaigns.

One solution to the problem of information disparity is offered here. When compared with the direct expenditures made to candidates (Table III-8), this analysis highlights the unequal or disproportionate resources directly committed to a candidate or committed to a vendor providing services to a candidate. The contributions examined here, most importantly, also disclose the growing role of the political action committee in choosing to support service providers who can commit resources to one candidate's campaign or to several candidates in conjunction with multiple campaigns.

*c)* Chronological Spending Patterns

Chronological summaries of spending patterns are possible once data has been input, but their accuracy is merely a reflection of the accuracy with which the monetary figures were reported to state agencies at the time the campaign filing was prepared. For



instance, the campaign reporting periods are due daily for a period of ten days prior to a primary election; are due in weekly increments for three months prior to the election; and due in monthly increments prior to that three month period. Computer analysis can be programmed to reorganize data to be representative of more normal time frames, such as months, for example.

**TABLE III-8:** January-June 1994 Primary Election

<b>MONTH</b>	<b>AMOUNT</b>	<b>PERCENTAGE</b>
January, 1994	\$69,395.00	5.51%
February, 1994	\$3,000.00	0.24%
March, 1994	\$372,467.98	29.56%
April, 1994	185,483.30	14.72%
May, 1994	551,620.89	43.78%
June, 1994	\$77,995.00	6.19%
<b>GRAND TOTAL</b>	\$1,259,962.17	-

*Source: California Office of the Secretary of State, Political Reform Division*

Additional information is available from analysis which details the chronological patterns in primary and general elections. This practice is highly recommended to solve the problem of establishing transparency. Chronological summaries based on the spending patterns for the monthly periods during the general election cycle are reported below. The spending patterns in each election cycle show a total of \$1.26 million being spent in the primary election, with an expenditure of \$1.77 million in the general election.

The stated goal of the Allied/CIB PAC to elect Conservative Republicans in primary elections, as articulated by State Senator Rob Hurtt, would suggest that expenditures by the PAC during the first six months of 1994 would far exceed the expenditures during general election months. The recalculation of expenditures based upon calendar months, rather than on a summary of expenditures reported during miscellaneous filing periods during the same year, clearly shows a lack of consistency in the Allied/CIB PAC stated mission and their political contributions to election efforts.

Spending on general elections was nearly a half million dollars in excess of the primary donations but less than a forty percent increase over the initial \$1.26 expenditures. A PAC whose expressed goal was to elect Conservative GOPers, nominally known as pro-life and anti-abortion candidates, would be expected to contribute heavily in primary races to assist in the selection of ideological candidates in safe Republican districts. Thus, primary expenditures would be made in districts with heavy Republican voter registration, districts where open seats would be won by a Republican during a general election. Primary contributions to ideologically Conservative candidates would be intended to assist in their election victory over more moderate candidates without threat of jeopardizing a traditional Republican seat. Primary contests among strong, viable candidates would be expected to benefit the goals of the Allied/CIB PAC without threatening the general election strategy of the Republican caucus only in districts where general election competition is not expected.

Analysis and listing of PAC expenditures by monthly amounts disclose post-election spending in November and December 1994. Donations or payments made by the

PAC after the election are a clear signal that the stated purpose, selection of conservative Republicans to run in state legislative races is not the only priority for decision making. In discussing the success of the Allied/CIB PAC with the *California Journal*, Executive Director Danielle Madison claimed a victory record of 24 out of 29 races. (Allied/CIB PAC actually won only about half of the races it originally supported.) By donating monies in December, after the election victories and losses were clear, it was possible for the PAC to donate funds to those candidates that they did not support during the election cycle or prior to election day in November. Thus, a chronological summary of expenditures exposes discrepancies in the PAC statements of cause and effect in their attempts to influence the outcomes of elections.

d) Priorities in District and Candidate Spending

In instances where the Allied/CIB PAC reported that a candidate's election committee was granted a loan or gift, calculations about these contributions may be confusing due to the nature of the reporting format required by the state. Some loans, for instance, were routinely forgiven by the PAC after election day; therefore, the original amount reported as a loan is now considered a gift. In other instances, amendments would rescind the stated contribution or would note the loan's repayment, causing further confusion in counting actual dollars expended by the Allied/CIB PAC for the 1994 election.

To determine the spending priorities of the Allied/CIB PAC during the 1994 election, an analysis of PAC expenditures by Assembly and Senate district numbers in addition to two statewide Constitutional races was undertaken from the data that had been

input into a relational database. Two types of campaign filings are required to ascertain the accuracy of these figures. First, the Allied/CIB PAC filings are required to be placed

To determine the spending priorities of the Allied/CIB PAC during the 1994 election, an analysis of PAC expenditures by Assembly and Senate district numbers in addition to two statewide Constitutional races was undertaken from the data that had been input into a relational database. Two types of campaign filings are required to ascertain the accuracy of these figures. First, the Allied/CIB PAC filings are required to be placed

**TABLE III-9: July to December, 1994 General Elections**

<b>MONTH</b>	<b>AMOUNT</b>	<b>PERCENTAGE</b>
July, 1994	\$45,469.66	2.58%
August, 1994	\$20,165.00	1.14%
September, 1994	\$406,122.73	23.01%
October, 1994	\$863,341.00	48.91%
November, 1994	\$222,500.00	12.61%
December, 1994	\$207,500.00	11.76%
<b>GRAND TOTAL</b>	<b>\$1,765,098.39</b>	<b>-</b>

*Source: California Office of the Secretary of State, Political Reform Division*

in an electronic database which could be manipulated for analysis. Then, the disclosure filings made by individual candidates who reported receiving funds from the PAC were collected, placed in a compatible database and analyzed. In cases where the reported amount donated by the PAC was inconclusive in either amount, purpose or date, the candidate's filing was used to provide detail. For this reason, the information presented

in Tables III-10 and III-11 will not match exactly with the total funds reportedly expended by the PAC.

The dollar amounts listed in Tables III-10 and III-11 and the percentage of total contributions made for an Assembly or Senate seat show vast discrepancies between prioritized districts. For instance, by listing PAC expenditures by the beneficiary district number, the range of contributions can be analyzed. Specifically, the Allied/CIB/PAC made a token donation of \$2,250.00 to a candidate in one district in the same year that five other campaigns in other districts received contributions in excess of \$225,000. This action allowed the Allied/CIB PAC to claim “involvement” in the outcome of all six of the races.

Once again, the analysis of contributions utilizing a relational database can assist with the support or definition of the claim of Allied/CIB PAC. To demonstrate the inaccuracy of the statement claiming success by the PAC, it is highly recommended that the analyst employ information, such as the context and date of contributions which establishes transparency through the design of this inquiry.

For example, the problem is shown in the analysis by Assembly district. Expenditure data disclose that no monies supporting a candidate in District 59 were spent during a special election. Furthermore, the lack of certain data shows the PAC’s failure to fully disclose information required by the state reporting agencies. In Tables III-10 and III-11, districts marked with an asterisk were listed by the Allied/CIB PAC without disclosing a designated candidate to whom the contribution was made. To complete and validate information included in the relational database in instances where incomplete

information is reported, further examination of the news retrieval sources or individual records on file with the Secretary of State's office is needed.

Analysis of contributions by district can be compared to specific candidate listings for additional comparisons. Visual inspection, the traditional research method, does not disclose overlapping entries listed in more than one periodic report or amendment; such inspections also do not identify dual entries or duplication of data, or discrepancies of dollars donated and dollars received by candidates. Through the process of including information as reported to state agencies into a relational database, the process of elimination of duplication can be automated. Additionally, the vagueness of reports created with overlapping entries, or periodic gaps in reporting can be highlighted when the reorganized data is calculated based upon targeted relationships, for example, chronology, district numbers or candidate names. With these analyses, a listing of contributions by Allied/CIB PAC again reveal clear priorities for certain candidates (Table III-12).

Allied/CIB PAC apparently believed the candidates for Assembly Districts 59 and 65 (\$1,125 each) did not have the priority that the candidates for Assembly Districts 77 and 70 had in terms of monetary support (\$367,250.00 and \$327,383.50, respectively).

A comparison between District and candidate spending by Allied/CIB reveals little difference. Only Assembly Districts 70, 56 and 17 along with Senate District 36 received slightly more monetary support than the candidates running in them (\$17,087.00 more in AD 70, \$14,067.00 in AD 56, \$1,200 in AD 17 and \$34,847.68 in SD 36).

To determine the political priorities of the Allied/CIB PAC during the 1994 election, an analysis and listing of PAC expenditures by candidate name was undertaken from the data analyzed with a relational database. As before, accuracy is reasonable based on the figures reported to state agencies at the time this campaign filing was prepared. However, analysis of two types of campaign filings are required to ascertain the absolute accuracy of these figures, those of the Allied/CIB PAC and those of the individual candidates.

e) Determining Actual Victorious Campaigns

Only an analysis of PAC contributions to the election of winning and losing candidates in those districts can offer an accurate account of primary candidates. It is not possible to judge losing races from district numbers alone. In the example of California's Assembly District 70, Allied/CIB PAC expenditures of \$327,383 were made during a primary challenge mounted by Barry Hammond who lost his bid to Marilyn Brewer. Brewer, a Republican, was elected to represent the Orange County district in the state Assembly without benefit of campaign contributions from the Allied/CIB PAC. District analysis alone does not reveal active Allied/CIB PAC involvement with each primary or general campaign. Only by analyzing a list of candidates supported by the Allied/CIB PAC with direct contributions can such a determination be made. With these Allied/CIB candidates, a list of Republican-held seats in the state Assembly can be matched with a list of district races supported by the Allied/CIB PAC in order to draw accurate conclusions about their claims for supporting victorious campaigns.

**TABLE III-10: Primary Election Expenditures by Assembly District**

<b>ASSEMBLY DISTRICT</b>	<b>ALLIED/CIB AMOUNT</b>	<b>PERCENTAGE OF TOTAL</b>
2	\$32,217.00	1.62%
10*	\$3,250.00	0.16%
17	\$261,122.00	13.10%
25	\$81,628.00	4.09%
30	\$12,250.00	0.61%
33	\$2,250.00	0.11%
34	\$3,625.00	0.18%
43	\$92,250.00	4.63%
44	\$55,000.00	2.76%
54	\$10,875.00	0.55%
56	\$236,009.00	11.84%
65	\$1,125.00	0.06%
66	\$3,625.00	0.18%
69	\$317,250.00	15.91%
70	\$344,471.37	17.28%
74	\$22,250.00	1.12%
77	\$367,250.14	18.42%
Controller	\$94,000.00	4.72%
Superintendent	\$53,000.00	2.66%
<b>GRAND TOTAL</b>	<b>\$1,993,447.40</b>	<b>-</b>

*Source: California Office of the Secretary of State, Political Reform Division*

\* No name given



**TABLE III-11: Primary Election Expenditures by Senate District**

<b>SENATE DISTRICTS</b>	<b>ALLIED/CIB AMOUNT</b>	<b>PERCENTAGE OF TOTAL</b>
4	\$4,367.00	1.10%
12*	\$10,000.00	2.54%
16*	\$5,000.00	1.27%
18*	\$1,125.00	0.29%
34	\$101,125.00	25.66%
36	\$266,512.19	67.62%
40	\$6,000.00	1.52%
<b>GRAND TOTAL</b>	<b>\$394,129.19</b>	<b>-</b>

Source: California Office of the Secretary of State, Political Reform Division

\* No name given

**TABLE III-12: Expenditures by Candidate**

<b>CANDIDATE</b>	<b>DISTRICT</b>	<b>AMOUNT</b>
Baldwin, Steve	AD77	\$367,250.00
Bordanaro, Tom	AD33	\$2,250.00
Decker, Brent	AD59	\$1,125.00
Earle, Jeff	AD54	\$10,875.00
Ghougassian, Phil	SD40	\$6,000.00
Granlund, Brett	AD65	\$1,125.00
Hammond, Barry	AD70	\$327,383.57
Hawkins, Phil	AD56	\$221,942.00
Haynes, Raymond	SD36	\$231,664.51
Hoge, Bill	AD44	\$55,000.00
House, George	AD25	\$81,628.00

**TABLE III-12: Expenditures by Candidate (continued)**

<b>CANDIDATE</b>	<b>DISTRICT</b>	<b>AMOUNT</b>
Hurtt, Rob	SD34	\$101,125.00
Johannessen, M.	SD04	\$4,367.00
Kaloogian, Howard	AD74	\$22,250.00
McClintock, Tom	CONTRL	\$94,000.00
Morrissey, Jim	AD69	\$317,250.00
Olberg, Keith	AD34	\$3,625.00
Rogan, James	AD43	\$92,250.00
Setencich, Brian	AD30	\$12,250.00
Simas, Ed	AD17	\$249,122.00
Smith, Wilbert	SUPERDT	\$53,000.00
Team for the 90s	SLATE	\$68,000.00
Thompson, Bruce	AD66	\$3,625.00
Woods, Tom	AD02	\$32,217.00
<b>GRAND TOTAL</b>		<b>\$2,359,324.08</b>

*Source: California Office of the Secretary of State, Political Reform Division*

Analysis by candidate discloses that, in 1994, candidates supported by Allied/CIB PAC won in less than half the campaigns supported. Allied/CIB PAC lost in the statewide races for State Controller and State School Superintendent; lost in campaigns for Assembly Districts 17, 54, 59, and 70; and lost in the campaign for Senate District 40. Allied/CIB PAC gave token donations (less than \$6,000) to nine of 24 legislative primaries. Allied/CIB PAC gave election day donations to four candidates (Baldwin, Rogan, Setencich and Hammond) and post-election contributions to three more campaigns (Haynes, House and Simas). By simple arithmetic, subtracting the losing

aces (7), subtracting races where money was given too late to influence the outcome (7) and subtracting races where only token support (9) was given, Allied/CIB PAC actually won only 6 of 29 campaigns. Judgments concerning effectiveness of contributions from Allied/CIB PAC can only be based on a comparison of contributions to successful campaigns with those contributions to losing campaigns--the latter totaling \$741,505 in 1994.

### 3. Examples from Other Sources

I. L. Janis (1972) reviews the concept of group think (GT), defined as the tendency for members of a group to develop converging opinions about the adoption of a particular course of action in a given situation. Janis's theory presents a counterintuitive formulation of the effects of group cohesiveness, which, he claims, tends to increase under conditions of high stress. Research on GT is reviewed, with emphasis on real-world case applications (e.g., Watergate) as well as laboratory replications. A paradoxical relationship exists between GT and risk-taking; as the risk dimension of their actions becomes less relevant to members of decision groups affected by GT, they do not refrain from supporting highly risky alternatives ('t-Hart, 1991).

Changes in the Christian Right's policies had developed since 1962. The emphasis moved from opposition to alcohol and divorce to opposition to secular education, abortion and libertarianism. This followed a belief in the need to focus on different concerns as issues shift in importance (Marty, 1997).

Many social theories--social movement formation, psychological or status theories, rational choice, resource mobilization, and state structure theories of collective

action--are insufficient to explain evangelical political actions (Soper, 1995). In a comparative and historical study, Soper applies a theory of social mobilization to evangelical Christian movements. Soper reasons that ideology is the driving force behind evangelical political mobilization; he concludes that ideology leads to political activism.

Since the 1980's, political scientists and sociologists have debated the role of the Christian Right in American politics. Some have seen the Christian Right as a threat to civil liberties, while others have viewed the movement as mobilizing previously disenfranchised elements of society into political participation. Many Christian-identity groups and activists are closed enclaves that avoid publicity; for these groups, less detailed information is public except when they conduct rare forays into the electoral arena or they become involved in extralegal activities. Barkun emphasizes that Christian Identity is a concept that needs to be kept separate from ongoing scholarship on the "mainstream" Christian Right (Barkun, 1995b); he states that "Christian Identity should not be confused with fundamentalism (Barkun, 1995a)."

Radical right organizations threaten the success of Republican congress members such as Steve Gunderson of Wisconsin. Don Brill, Gunderson's challenger, attacked him over gay rights and other issues (Cohen, 1994). Although he was singled out for special attacks, the tactics and dialogue used against him typify conservative activity and influence nationwide. Gunderson and others fear that a strong showing or outright victory by a more conservative candidate in a primary would give the overall victory to the Democratic opposition.

During the early Spring of 1998, special elections held in California for Congress (Santa Barbara), primarily elections held in Illinois and in on-going legislative campaigns from New York to Washington State, the radical right as a controversial issue continues. Using the candidate label "extremist," both moderate Republican and Democrat challengers are having success in portraying "Christian conservatives" as undesirable to fearful voters. In California, Attorney General Dan Lungren, once vocally criticized by conservatives for moderating his stance on abortion and guns, campaigns for Governor in 1998 under an "extremist" attack by opposition candidates.

#### D. Conclusions

This case study serves as an example of the changes in research of political activity created by information from existing public records and ease with which this information can be analyzed. For clarity, further illustrative examples are included with findings in Chapter VI. Relationships between reports of expenditures and outcomes of political activity were previously hidden to anyone outside original decision making sources. Knowledge of the campaign filings and political alliances assists the researcher in defining the appropriate candidate files to access. Electronic filing of campaign reports would assist greatly in the disclosure of this information; however, California's Secretary of State has neglected to automate this process to date.

Information concerning the payments to vendors, including political consultants and all political service providers, is also inaccessible. Current California law does not require disclosure of these payments by the recipient, nor does it require verification of the campaigns and purposes for which expenditures were made by committees donating

on behalf of more than one campaign. The problem of transparency was demonstrated by confusion over the allocation of resources and the ability to pass through substantial sums of money by payments to vendors obscures the disclosure purposes for which the reporting laws were designed. It is recommended that full public disclosure of all payments to vendors made during a particular campaign cycle would document the vast resources allocated not to candidates for public office but to vendors and consultants.

The inclusion of electronically formatted information in a relational database allows for the rapid analysis of campaign expenditures. This study, which was accomplished following the outcome of an election cycle, did not rest on the ability to collapse the time frame required for research. Rather, this research sought to understand campaign expenditures through a sorting and analysis process including chronological series and PAC and candidate interrelationships. The Allied/CIB PAC donations, totaling more than five million dollars in little more than two campaign cycles, were the second largest PAC expenditures in California from a single source. However, the demise of participation by this PAC after 1996 is more easily understood after comparison of payments made to vendors versus contributions directly made to candidates. The research further uncovers a need for political campaign reform in California to report the disclosure of expenditures made to vendors so that the opportunity to hide monies is no longer available.

## CHAPTER IV. CASE STUDY-PERSONAL HISTORY OF CANDIDATE CROCKER

### A. Introduction

Aspects of a candidate's life may be assets or they may be personally embarrassing and a political liability. Often by the time a candidate has run for office more than once, or has been successful in a bid for prior public office, personal history and public background are well established. Candidates in such circumstances consider themselves successful in either having earlier troubles forgotten, or having their personal background sufficiently hidden that further public scrutiny will not uncover new information. It is now possible to provide an unedited and fully descriptive candidate background profile to donors and voters by using new research methodologies to collect, compare and analyze available public records and the candidate's own personal background statements. Information can be secured which discloses to others both the candidate's official background and personal history in great detail and scope.

### B. Congressional Candidate and District Background

Scrutiny of a candidate's background is an important aspect of any employment process, including election to public office. In the past, background checks were mostly limited to military records and some state and federal records. Presently, information about candidates is available from an extensive array of databases through the use of personal computers; additional information is available from public agencies because of legal changes governing access to personal records.

## 1. Candidate Background

Facing term limits during the election of 1996, Ronald Edward Crocker decided to leave his safe seat representing Norman, Oklahoma in the state legislature to run for Congress against freshman Republican, J. C. Watts, Jr. Crocker had withstood opposition scrutiny in three prior state campaigns and had been elected to consecutive terms in the Oklahoma House of Representatives since 1990. Previously, Crocker's background had been researched by the local Republican opposition; in 1989, he had been elected to the Norman City Council. Norman City is the largest city in the Fourth Congressional district and home to the University of Oklahoma. When he announced his candidacy for Congress, Crocker declared his professional resume open to scrutiny by the voters of Oklahoma's Fourth Congressional District and all opposition.

State Republicans running against Crocker had, for three campaigns, reviewed his resume to ascertain any potential discrepancy which could be used to sway voter selection based on adverse political information concerning his background. While candidate vetting or background checks in those races had failed to turn up any useful or interesting items, the political veterans in Oklahoma had noticed that there was a period of time in Crocker's resume for which he had not accounted. Born in 1948, Crocker had completed college in 1980 prior to earning an additional master's degree in 1985. Thus, Crocker completed his bachelor's degree at age thirty-two, or fully a decade later than most four-year college graduates. This is an example of political campaign information which was inaccessible to both political researchers and the public.



In 1996, the question arose as to whether there were damaging issues in Crocker's personal history that would prevent his being elected to Congress. There was indeed; it involved a deferment for military service that was claimed in 1969 by Crocker. J.C. Watts, Jr., the incumbent, charged that Crocker had claimed a deferment to which he was not entitled and that he failed to make himself available for the draft.

The problem presented here concerns the need to identify and establish the means of minimizing the information disparity between Oklahoma voters and political operatives such as local Republicans and Congressman J.C. Watts, Jr.

Gallop Poll figures in September of 1992 (Hugick, 1992) showed that George Bush reduced Bill Clinton's lead from 15 points to only 9 points in one month based on a similar draft deferment controversy. The Gallop Poll further showed that 71 percent of Americans viewed the war as both wrong and immoral and only 60 percent of voters accepted Clinton's explanation regarding the draft issue.

At a local media press conference, the Oklahoma Republican Party Chairman, Quineta Wylie, accused Crocker of failing to report his draft status properly in 1969, a charge more usually known as "draft dodging." In a Southern U.S. congressional district replete with military installations and military retirees, this accusation, once proven, served to end Crocker's political career.

## 2. District Background

Oklahoma, in the post oil-boom years, has seen a large range of political parties and ideologies. Originally, settlers came from elsewhere in the South and Midwest to join the 67 native American Indian tribes living in Oklahoma; then the state expanded in

the oil boom of the 1970's. But the state's history also includes some tragedies, such as the exoduses during the dust bowl of the 1930's and the oil bust of the 1980's.

The Fourth Congressional District of Oklahoma is situated within the southern boundaries of Oklahoma City, just blocks from the ill-fated Oklahoma Federal Building bombed in April 1995. Home to agriculture, family farms and the Red River Valley, Oklahoma's Fourth district is also host to three major military installations: the Army's Fort Sill in Lawton, Tinker Air Force Air Base in Midwest City, and Altus Air Force Base.

In 1990, this district had a population of 524,407 inhabitants, with more than 380,000 voting age individuals. A suburban community built around major government installations of the state capital, a public university and three military bases, the region remains rural in flavor; in fact, 26 percent of the population still farmed. The home of many military retirees, the area is populated by individuals choosing to live in Oklahoma for its quality of life and affordable living standards, evidenced by a median house price of just \$50,800.

### C. Data Collection and Research Processes

#### 1. General Data on Candidate

##### a) Public Records

Two factors suggested research into Crocker's military service records. First, the extraordinary length of his interval between high school graduation in 1966 and the start of his college degree program in 1980. Local political opposition had assumed that Crocker left high school in 1966 and began his four year degree program in 1976, with

completion in 1980. A simple resume verification process to determine actual college enrollment dates would verify the accuracy of the above assumption. Second, the surrounding concentration of military personnel and related support personnel would suggest that military service would be of interest to the voters of Oklahoma's Fourth Congressional District.

The research presented here was developed from available public records and an understanding of applicable legal policies governing the actions of military personnel or registrants. Of course, the time frame established by Crocker's college years was concurrent with the Vietnam War era. It was important to understand what happened to Crocker's records in terms of both military registration and draft board actions for this conflict. Jimmy Carter had campaigned for the Presidency in 1976 with a promise of amnesty to Vietnam War era deserters. Thus, it was generally accepted when the Carter Administration took office in January 1977 that an early action would be to accept the return of "draft dodgers" and other deserters who fled the legal framework of the federal military service during the late 1960's and early 1970's. Subsequent to this action, the White House and Congress agreed to limited destruction of military service records and draft board files in accordance with amnesty actions undertaken in 1977. This example demonstrates a problem created by the destruction of past information by public agencies.

*b)* U.S. Selective Service Act

Prior to the 1970's, one requirement for all eligible men regarding military service, according to the U.S. Selective Service Act, Title 32, National Defense, Chapter XVI, section 1641.7, stated "that the registrants notify their local draft board of any change in

their classification.” Likewise, section 1641.3 of this same chapter required that “they keep the draft board apprised of the address where mail would reach them.” The intent of the law is underscored by the language printed on the face of draft card which every eligible man was required to carry on his person:

The law requires you to have this certificate in your personal possession at all times and to notify your local board in writing within ten days after it occurs, or (1) every change in your address, physical condition and occupational, marital, family, dependency and military status, and (2) any other fact which might change your classification.” -  
*-Fourth Edition, Change No. 178, August 1, 1966*

Further, these constitutional requirements were printed in the Federal Register (E.O. 10735, 22 F.R. 8288, October 27, 1957) under the National Defense Code relating to Selective Service System Act,

The Classification Record (SSS Form No. 102) shall be open to the public at the local board office. It shall be the duty of each registrant to keep himself informed of his status, and any entry concerning him on the Classification Record (SSS Form No. 102) shall constitute due legal notice thereof to him and to all other interested parties. --*Chapter XVI, Title 32, Sec. 1641.5 Classification Record (SSS Form No. 102)*

The Classification Record, SSS Form 102, bearing Crocker’s name is the official record of his draft status and any notation made on this record constituted due legal notice to Crocker. Following the Carter Administration, the Selective Service System has retained only the Classification Record, SSS Form 102, maintained by each local draft board and the registration card submitted by each man of draft age. The Classification Record, SSS Form 102, can be obtained by anyone with a Freedom of Information Act request. However, the registration card can only be obtained by the registrant or, in the event that he had died, by a relative.

Today, the Selective Service System has no current employees who were working in the era under examination, 1968 to 1972. Therefore, there is no institutional knowledge of exact procedures relative to the actions of the local draft boards.

*c)* Vietnam War Draft Lottery

On December 1, 1969, the lottery was instituted to determine the order in which 350,000 men of military age would be called to military service in 1970 (San Francisco Chronicle, 1969). All men between certain years were given a number, or rank, on the list. The men of Crocker's age were all ranked according to the 1969 lottery. A high rank in the lottery meant that a person with that number stood a good chance of being drafted--unless he had a deferral. This lottery was arguably the most important single event for draft eligible men that occurred in America during the Vietnam War era. It literally changed the lives of individuals, since the random drawing determined a specific induction schedule, unless some type of deferment could be obtained.

*d)* Deferment Status

Maintaining a student deferment (2-S status) shielded men from the draft; in other words, as long as men stayed in school, they couldn't be drafted. Once a high-ranking lottery number was secured for those without a deferment, men could accept the A-1 status (available for immediate induction) for a one-year time period during which they could be inducted. The rules stipulated that, if one's status was listed as A-1 for a period of one year without being called for induction into military service, then that name would permanently be removed from the list of available registrants, effectively eliminating the individual from ever serving in the military, except by choice. In the 1969 lottery of

350,000 men, predictions of manpower requirements dictated that it was statistically extremely unlikely that registrants with numbers between 250 and 365 would ever be reached.

The Selective Service System Classification Record maintained by the local Pasadena (California) draft board reveals that Crocker was first classified as 1-A, available for military service, on 8/29/66. He was next classified as 2-S, educational deferment, on 11/17/66. On 2/20/68 his classification was continued as 2-S. The classification sheet at that time shows that he was stamped as "prime group."

On January 2, 1969, Crocker qualified for a legitimate student deferment and was therefore classified as 2-S on January 21, 1969 by his local draft board, the agent for the Selective Service. Crocker is recorded as having petitioned for withdrawal from U.C. Berkeley on January 23, 1969, just days prior to the three-week limitation on withdrawal from courses without penalty. The language that the school defines as a reason for withdrawal is: "*A student may withdraw completely from the University for serious and compelling reasons or in verified cases of accident or serious illness.*"

Pursuant to his withdrawal from all courses at the university, Crocker's 2-S classification was no longer valid and federal law required him to notify his draft board of this change of status. Selective Service records indicate that Crocker did not notify them of his change of status whereupon he retained, falsely, his 2-S status; had he notified them, he would have been reclassified as 1-A and would have been subject to the draft.

Crocker clearly failed to report his change in educational status to the Selective Service Board. Section 1641.7 of Title 32, National Defense Selective Service required

that Crocker notify his Draft Board within 10 days of a classification change. Likewise, on the back of the draft card that was issued to Crocker is the advisement that he must notify his Draft Board of any change of classification.

Crocker deceived the Draft Board from January 23, 1969 until March 31, 1970 by claiming a 2-S, an educational deferment to which he was not entitled. He should have reclassified himself as 1-A, available for military service, within 10 days of January 23, 1969.

A review of the particular classification form from the Pasadena draft board in California dated during the late 1960's and early 1970's indicates that a common date was used for updating the classification status of most of the persons that were classified as 2-S, namely, 11/17/66, 2/20/68 and 1/21/69. Anecdotal history suggests that once individuals had registered, they only contacted the draft board when they had a change in classification. Likewise, the common dates on this form tend to suggest receipt of verification of status that was posted on a common date.

It was required by Title 32 National Defense, Chapter XVI, Selective Service Act, section 1641.7, that the registrants notify their local draft board of any change in their classification. Likewise, section 1641.3 required that they keep the draft board apprised of the address where mail would reach them.

Had Crocker been 1-A during the period 1969 at the height of the war, in all probability he would have been required to report for induction to serve in the military. On 1/21/69, Crocker was again classified as 2-S. On December 2, 1969, fully eleven months after he was classified 2-S, Crocker received a lottery number sufficiently low

that he could not be drafted for the Vietnam War. As stated, on 3/12/70 Crocker was reclassified as 1-A, available for military service. Thus, his changing draft status to 1-A in March 1970 could be perceived as a calculated move to place himself available for the draft when there was no further risk. His final classification on 1/31/72 was 1-H, not subject to processing due to the cessation of hostilities and registrant processing.

## 2. Traditional Research Process

Traditionally, due to a lack of electronically captured public records, the opposition researcher visually reviews the data submitted on a candidate's resume or background description found on campaign literature. Then, the verification process of ascertaining the reality of a candidate's background is usually accomplished through personal and telephone interviews. Occasionally, when personnel and resources allow for an additional on-site review, these materials may be verified visually as well. This example demonstrates the slow practice of obtaining information access. In the case of Crocker's campaign in Oklahoma, the local Republican party had no ability to access educational and employment records outside of Oklahoma due to the lack of electronic data and the logistical inaccessibility of on-site inspection of California records. Thus, the problem exists to establish the means of accelerating the cycle of information transfer.

The research data and information presented here were also obtained solely from Crocker's resume and published campaign literature or from the available public record. This study of findings and subsequent relevant information concerning his education and professional history was obtained utilizing the public records at both federal and state agencies.



*a)* California Public Records Act

Pursuant to the California Public Records Act, requests were made for the verification of Crocker's educational resume to both undergraduate institutions attended by Crocker in northern and southern California. The University of California, Berkeley, confirmed that Crocker graduated from a Pasadena area junior college preceding his acceptance by the University for the fall semester of 1968. That year, it was confirmed that Crocker completed one semester toward earning his bachelor's degree. It was also confirmed that Crocker registered for the winter quarter at the University of California, Berkeley, on January 2, 1969.

*b)* Freedom of Information Act (FOIA)

Pursuant to the federal Freedom of Information Act (FOIA), requests were made to the Selective Service Administration in Virginia for the selective service code and/or military code sections that require registrants to notify their respective draft boards if there was a change in their status of selective service classification. Additionally, a FOIA request was made to the Selective Service Administration specifically concerning the records of Ronald Edward Crocker. Their response became part of the data and information collected for this study. A brief description and inclusion of the content of the legal requirements which governed Crocker's actions at the time is included in the preceding review of regulatory controls and military service records.

3. Research and Analysis from Current Sources

The loss of a Congressional campaign and the demise of Ed Crocker's political career, after seven years in local and state elective office and numerous awards for

legislative excellence, could be explained by the charges leveled against him. By demonstrating one solution to the problem of imperfect information and information acquisition, it can be shown that these charges were developed from previously undisclosed information with the application of computer technology-aided analysis and electronically-accessed information in Oklahoma and California. [See C., 3., a) & b)]

a) Commercial Databases of Public Records

Information in digital form allows for the “global movement of weightless bits at the speed of light” (Negroponte, 1995). Databases are accessible to the public at a cost for subscription to commercial services and a fee for information; they include, among others, credit reporting agencies, as well as civil criminal court searches. The use of electronic retrieval of public records from commercially available information systems proved successful in locating the whereabouts of Ronald Edward Crocker for most of the years prior to his moving to Oklahoma in 1981. His personal history was chronicled from birth to present day Oklahoma using his campaign resume (written), Polk Address Directories (written) and Social Security Administration records listing address histories (available electronically) to assist in the searching of electronic files. Specific emphasis was given to any years and/or activities regarding Crocker that would be critical to his role as an elected Representative to the United States Congress, specifically his education and military service records.

The following electronic records were used to uncover Crocker’s background: address verifications from credit reporting agencies, civil and criminal court searches, bankruptcies, liens, judgments, real property ownership and voter registration. Access to

specific types of information are controlled by state regulation. In Oklahoma, voter registration information is available. In comparison, California's "stalker laws" have outlawed access to motor vehicle information except by law enforcement personnel; access to voter registration information is closed except to political service professionals.

The preliminary background check on Crocker did not seek verification of the information provided from the electronic databases. Any anomalies found were addressed by further inquiry.

The information received electronically from these public agencies was documented by memorandum to the file. Generally, agencies will provide written responses only when written queries are received. Since electronic requests do not generate specific responses directly from government reporting agencies, written documentation of copies of downloaded files must be maintained to verify information.

The initial research failed to disclose a four year college education, normally associated with university graduation with a bachelor's degree. Additionally, Crocker's military service record remained undisclosed. Neither his legislative biographies nor campaign materials and resume referenced military service. As candidates for congressional office, males, particularly the middle-aged, have usually been exposed to questions about their military service. Crocker's age alone raised the specter of military service during the years of the Vietnam War.

The search for Crocker's home address in Southern California during his high school tenure included personal interviews, historical directories, high school records and electronic address verifications. Crocker, it was determined, graduated from Monrovia

High School in 1966 and attended Pasadena City College in Pasadena; he graduated from Pasadena City College on June 14, 1968, with an associates (A.A.) degree in English; he enrolled at the University of California, Berkeley, campus in the fall of 1968. His home address in Monrovia was determined and, with this information, verification of Crocker's draft status with the Selective Service Administration was obtained.

By use of the Freedom of Information Act, the Selective Service System in Virginia was requested to retrieve the records pertaining to Ronald Edward Crocker, listing his birth date and social security number (available from electronic databases of public records) and his Monrovia address when in high school. With these records, Crocker's Draft Board could be determined. The response from the Selective Service System included a copy of Crocker's Classification Record.

*b)* Integration of Data Process

The integration process includes among other things, the cross referencing of materials in written form with electronic files of addresses, court records, names and registration dates. Word processing programs offer rudimentary searches of alphabetically formatted information. Spreadsheet programs offer slightly more flexible searching capabilities depending upon the sophistication of the programming and the detail of the information gathered; these programs normally sort by alphabetical or chronological order. Relational database software offers both alphabetical or numerical sorting and the ability to sort by multiple criteria. For this study, the information obtained by written requests was input to a specially created relational database designed to highlight the correlations of dates and functions. The analysis of Crocker's

background also required both a history of regulatory requirements in effect during the Vietnam War and an understanding of current laws governing access to those records.

With this information, a chronology of Crocker's activities during that period of the Vietnam War was established. A compilation of the laws and regulations governing the Selective Service System during that period was also developed. Relational analysis of this information, however, revealed what was most important: Crocker, in a calculated manner, had avoided the Vietnam War draft by falsely claiming student deferment status when, in fact, he had withdrawn from the University by petition and was no longer a student.

#### 4. Contextual Framework of Other Examples

Crocker's personal history can be placed in a contextual framework of political judgment by comparing his actions with those of others who have run for office with similar resumes. This demonstrates a potential solution by placing the inquiry into context. This analysis is strengthened by the introduction of other campaign venues when draft dodging has been an issue. Traditionally, intelligence drawn from outside examples was the domain of the political consultant who retained institutional and "conventional" wisdom. Today, bibliographic references published electronically by various associations and agencies make research into past practices available to anyone with a modem. Electronic annotated bibliographies, warehoused by large university systems in California, Michigan and elsewhere, make these references available to enrolled students, current faculty and the general public visiting computer terminals located at on-campus libraries. It is acknowledged that another solution is the introduction of instantaneous

information collection, presorted by issue, that results in faster and cheaper increments of political information. It is now possible for those without campaign experience to analyze the potential political outcome of any number of campaigns.

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**ILLUSTRATION IV-1: Sample Listing: Electronic Bibliography**

Broyles, William Jr. "Draft: Bill Clinton's Vietnam draft record" Columbia Journalism Review (cover story), November-December, 1992, 42.

Hess, Stephen. "My Presidency" Presidential Studies Quarterly, 25:4, Fall 1995, 663.

Lodge, Milton, Marco R. Steenbergen and Shawn Brau. "The Responsive Voter: Campaign Information and the Dynamics of Candidate Evaluation," American Political Science Review, 89:2, June 1995, 309.

Merry, Robert W. "Vietnam time warp" Congressional Quarterly Weekly Report, February 22, 1992, 434.

"The leading question: Trustworthiness of President Bush and Presidential Candidate Bill Clinton, an American Survey" Economist, September 19, 1992, A25.  
Source: University of California Melvyl® System

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D. Conclusions

This case study serves as an example of the changes in research possibilities created by the accessibility of electronic files to public records. Further illustrative examples are found in Chapter VI. Geographic boundaries previously allowed information to be hidden or made it available only after lengthy travel and excessive expenses to access information in person. This example points to the complexity in the problem of transparency in public agencies. Electronic files containing public records can now be downloaded onto personal computers equipped with modems. Knowledge of government agencies and of likely reporting relationships assist the researcher in accessing the appropriate agency and its relevant files.

For researchers, it is recommended that access to public information be made via sources that are available in increasingly quicker time frames. The written FOIA request sent to the Selective Service Administration in this case was answered in approximately four weeks. The electronically retrieved address files were received in approximately sixty seconds.

Increasingly shorter time frames that are now available in research have also vastly expanded the amount of information that can be accessed and processed. Due to the nature of a political cycle, voters' attention focuses on the decision making process only for a period of days during an election cycle. Theoretical approaches to the formation of message - judgment relationships have only recently been attempted. Under these circumstances, information processing functions, now both rapid and accurate, vastly improve the quality of materials presented to voters. The rate and quality of information retrieval are premiums at any time. During an election campaign, they are critical.

## CHAPTER V. CASE STUDY--UNDISCLOSED PATTERNS IN JUDICIAL ELECTIONS

### A. Introduction

Selection or retention of judges based upon electoral processes offer special interests opportunities to contribute financial resources to Judges' campaigns. Whether a judicial or legislative campaign, contributions are often made for the express purpose of either creating access or influence with a specific candidate. For State Supreme Court justices, this process is more problematic. Due to judges' relative autonomy in decision making, contributions made by special interests to judicial candidates are deemed to have potentially more direct influence on the process of changing policy. In the past, such donations were often as private as the official's capacity to determine specific litigation outcomes without public participation. It is now possible to establish a connection between industry and donors to a state Supreme Court Justice's campaign using new research methodologies to collect, compare and analyze the available public records concerning corporate holdings and the personal and professional backgrounds of campaign donors. Information can be developed which discloses the potential relationships between these two groups to voters and those not personally involved with either effort.

### B. Background of Judicial Elections and Donor Affiliations

President Bill Clinton appointed Louisiana Associate Justice Jim Dennis to the federal bench early in 1996. This appointment left a vacancy in the Louisiana Supreme Court District Four seat which had been held by Dennis for two decades. Encompassing



the northeast corner of Louisiana, District Four was already scheduled for an election to fill the regular term of office during Fall 1996. Clinton's action created the opportunity for a special election to be held in the spring of that year to fill out Dennis' term of office and then elections in a subsequent primary and general election in the fall of 1996 to serve a full ten-year term.

Was there any indication during the 1996 election for the Supreme Court's District Four Justice that special interests were seeking to influence the voter's choice of candidates? What gaming monies could be identified as influencing the election of a Justice who would serve on the Louisiana Supreme Court bench? Ultimately, the race for a new Justice was, uniquely, run twice. Campaigns for each of two candidates were mobilized four times that year. In each instance, the opportunity to define the opponent negatively while promoting a preferred candidate gave rise to ever-increasing needs for information and analysis.

#### **ILLUSTRATION V-1: Public Records Research Design**

Level I	Riverboat Gaming Establishments
Level II	Corporate Interests Directly Associated with Gaming Activities
Level III	Registered Agents for Corporations Listed on Corporate Filings
Level IV	Corporation Board of Directors and Affiliations of Gaming Individuals
Level V	Video Poker Establishments including Distribution Lists
Level VI	Lobbyists & Consultants Serving Gaming Interests
Level VII	Bleich Donor List
Level VIII	Corporate Affiliations of Bleich Donor List

#### **1. Historical Background**

Judicial selection methods have been controversial from the time of the Constitutional Convention in 1787 to the present day. While the federal government has chosen to appoint its judges, many states prefer to elect their judges.

From the time of the American Revolution until the Jacksonian era of the mid-1800's, justices were appointed in the colonies, states and subsequently, the federal government. In the states during the mid-1800's, either the legislature or the governor appointed judges to the bench. Such positions were lifetime appointments in which judges could make rulings without fear of political reprisal.

The United States Constitution provides for the appointment of federal judges who hold office. Because judicial appointments were so dependent on the executive branch, both state and federal judicial appointments eventually became more and more embroiled in politics. Appointments as rewards for political support and judicial abuses of power were pervasive in the early 1800's. All appointed government officials came to be distrusted. As a result, a reform movement known as "Jacksonian Democracy" swept the nation during the first half of the nineteenth century. Citizens believed all officials should be accountable to the people and, therefore, should be popularly elected. Thus, state judicial elections were born.

## 2. Rules of Conduct in Judicial Elections

The American Bar Association's Model Code of Judicial Conduct (Model Code) echoes the sentiments of U.S. Supreme Court Justice Stewart in *Landmark Communications, Inc. v. Virginia* (1980). The preamble to the Model Code identifies three principles underlying the judicial role: independence, fairness, and competency. The popular election of judges may not achieve these goals because the influence of politics may jeopardize these three fundamental principles.

Justice Kaus of the California Supreme Court has been quoted as saying "no judge can ignore the political consequences of a decision near election time; that would be like ignoring a crocodile in your bathtub."

In 1996, a federal judge in California threw out a lawsuit challenging the high cost of judicial elections. U.S. District Judge Dickran Tevrizian upheld a previous decision on the same issue which had been affirmed by the 9th U.S. Circuit Court of Appeals on August 11, 1996. The federal judge ruled that the matter has been litigated in the past, and nothing has changed since then. The National Voting Rights Institute (NVRI) lost its bid to explore the question of whether "the cost of elections has become so high that poor and middle income people cannot participate in the process." A November, 1995 research study cited by NVRI showed that many winning candidates in judicial races spent more than \$100,000 on their campaigns.

### 3. Background of Louisiana Supreme Court District Four

The Louisiana Constitution of 1974 declared that the Supreme Court consists of seven elected justices; five serving from single-member districts and two serving from a four-parish metropolitan area of New Orleans. Until the year 2000, an eighth justice serves the court from an Orleans parish according to a consent judgment in Voting Rights Act litigation. Until 1996, the partisan affiliation of all high court justices was Democratic.

Supreme Court Justices are elected for ten-year terms. The senior member of the Court serves as Chief Justice and as the chief administrative officer for the judicial system of the state of Louisiana. Retirement is mandatory at age seventy for judges

initially elected after the effective date of the 1974 Constitution.. The high court supervises all lower courts, assigns judges in the event of vacancies, considers applications for writs to review cases and functions as original jurisdiction over disbarment and other disciplinary procedures.

After President Clinton's appointment of Louisiana Associate Justice Jim Dennis to the Federal bench, two district court judges, E. Joseph Bleich and Chet Traylor, campaigned for the vacated seat. Both were long-term office holders, presiding in lower courts represented by the Fourth District Supreme Court seat. Uniquely, these same two men sought office during the 1996 Spring special primary and its general election, and faced each other again as opponents during the regularly scheduled primary and general elections for full term placement on the Supreme Court bench.

Judge E. Joseph Bleich sat on the 3rd Judicial District Court, Division B, prior to 1996. Located within the Supreme Court's Fourth District, the lower court seat includes Lincoln Parish with a voter population of 19,780 (Voter Registration Data, 1994). Judge Bleich resided primarily in Ruston, the Lincoln Parish seat, and he often resided in New Orleans for temporary judicial business. Lincoln Parish typically is known to be supportive of mainstream Republican candidates, a reflection of the city's powerful business community. In the 1992 presidential race, the district population was more balanced politically, casting 43.8 percent of their votes for George Bush and 42.1 percent for Bill Clinton. Bleich, a registered Democrat, whose civic background affiliations include the Lincoln Chamber of Commerce, and the Louisiana and Ruston Jaycees, had

long awaited a vacancy in the high court since no Republican had ever been elected to serve on the Louisiana Supreme Court.

Bleich's Republican opponent, Justice Chet Traylor had sat on the 5th Judicial District Court, Division C, since 1985. Located within the Supreme Court's Fifth District, the lower court seat of Winnsboro, Franklin County was also the home of Chet Traylor. Franklin County has a registered voter population of 13,184 (Voter Registration Data, 1994). The dominance of agricultural economic concerns produced an electoral body that was predominantly Democratic and white; it was, however, conservative on racial and social issues. David Duke enjoyed substantial majorities among white voters in his 1990 and 1991 campaigns. In the 1992 Presidential race, the district was almost evenly split between George Bush who received 41.3 percent of the vote and Bill Clinton who received 41.8 percent of the vote. While Judge Bleich ran unopposed in his primary elections, in both the 1984 and the 1990 district primary elections, Traylor won over his opponent, Sonny N. Stephens, by a margin of less than one percent.

Competitive advantages were few as the same two candidates opposed each other during four campaigns in one year. Bleich was victorious in the special election on April 20, 1996, and he was sworn in as a Supreme Court Justice. Bleich began the fall campaign as an incumbent, facing the same candidate he beat in the primary, Judge Traylor. He served just seven months in that office before losing the final campaign for the same job. Traylor was victorious in the general election for the full term.

One issue had dominated the campaign for the general election for the full term seat. Campaign finances in Louisiana, as elsewhere, were becoming a dominant force in

politics. Sophisticated lobbyists and political consultants have always struggled with the dilemma of identifying sources of political resources and persuading supporters to donate support to specific candidates. Today, their involvement is focused in a more competitive environment than was once prevalent in southern politics. Some donations are readily identified from well known sources; other contributors, however, are less obvious.

In the races studied here, political involvement in the judicial campaigns included a greater concern about the reoccurring donation records of each opposition candidate. Trial lawyers and gaming interests in Louisiana, as well as their opponents, spent considerable resources in attempting to gain victory. These recorded contributions most often pointed toward trial lawyers' support of Bleich, in contrast to business and industry leaders' support of Traylor (Bates, 1998).

During the summer of 1996, research on the affiliations of the District Four incumbent Justice, E. Joseph Bleich, became a priority. The opposition searched for an issue that could provide an opportunity to defeat the candidate who had just defeated them. Clearly demonstrating the problem of transparency, research was targeted to search for information previously undisclosed during the spring campaign; the focus centered on the incumbent's professional vulnerabilities vis-a-vis the flow of his resources during his brief tenure. In particular, the opposition sought out information about any connection that existed between contributions from select interest groups to pending judicial activities being heard before Justice Bleich. The connections are analyzed in C. 2. below.

#### 4. Background of Different States' Judicial Elections

The following are brief descriptions of judicial elections in other states; they help provide a basis for comparison of similar elections in Louisiana.

##### a) Texas Judicial Campaign Funds Regulated

In 1995, the Texas Judicial Campaign Fairness Act was adopted by the legislature to impose restrictions on the acceptance and expenditure of political funds by certain judicial candidates and officeholders. Election Code chapter 253, subchapter (F) notes that, in order to accept political contributions, a judicial candidate or officeholder covered by the act must have first filed with the proper authority the name of the campaign treasurer and a declaration of intent indicating whether the candidate intends to comply with the voluntary expenditure limits of the act. The candidate also acknowledges that contributions may be accepted only during a limited time period. The Texas Ethics Advisory Board issued Opinion No. 307 on March 22, 1996 to discuss a judge's practice of raising funds in compliance with those provisions but whose expenditure of funds may be unlawful.

The Texas elections code provides that a person may not convert political contributions to personal use, and it defines the term "personal use" to mean conversion of funds that furthers an individual's or family's purposes not connected with candidate or officeholder duties or activities. Moreover, Texas law does not prohibit judicial candidates from raising funds in connection with a campaign for judicial office and later spending those funds for legitimate officeholder expenses or for the expenses of a

subsequent judicial race. The legal community continues to debate the proper purposes of the expenditure of funds from judicial campaign committees.

*b)* Maryland Debates Elimination of Contested Elections

The State of Maryland has required the election of judges since 1851. But many have argued that this practice should be ended as it is inappropriate for judges to be forced to campaign and raise money while being greatly limited in commenting on issues like the death penalty and sentencing guidelines. In 1988, a proposal to get rid of contested elections passed the full state House of Delegates by a single vote. The proposal died, by a single vote, in the Senate Judicial Proceedings Committee.

The Commission on the Future of Maryland Courts, which issued its final report in December 1996, is clear about its recommendation in favor of eliminating contested elections. The commission suggested that voters should only be asked whether a judge should be retained or returned to the bench (a process commonly called "The Missouri Plan"). There would be no challenger, no need for fund-raising. No action was taken in 1997, when the commission failed to propose a constitutional amendment to end contested judicial elections, knowing the General Assembly is loathe to pass items that must go before the voters in years when there is no election.

Under the current Maryland Constitution, the governor appoints circuit judges. After they have served at least a year, they run for a 15-year term. Of all the state's judges, only circuit judges run in contested elections. In 1998, however, the governor, who says he has never supported contested elections because they put the judges ``in an



impossible situation," will likely support an amendment to change the process of judicial elections in Maryland.

*c) Elections Only for Merit Retention in Kansas*

The Kansas Constitution, adopted in 1859, provided for the popular election of all judges, including supreme court justices and all state district court judges. The popular election of all state judges continued until 1958. The Kansas electorate voted to dispense with the direct election of Kansas Supreme Court justices and adopted a variation of the Missouri Plan of merit retention in the 1958 general election. Merit retention, however, applied solely to the supreme court. Kansas district court and magistrate judges were still popularly elected.

In November 1972, the Kansas Legislature amended article 3 of the Kansas Constitution to allow individual judicial districts to choose either an electoral or retention system for selecting district and magistrate judges (Washburn University School of Law, 1996). Kansas is only one of twelve states adopting this type of bifurcated judicial selection system. Retention elections, such as those held for the Supreme Court, do not allow for political opposition in the form of another candidate's name on the ballot. Voters are faced with a 'yes' or 'no' option, to keep or not to keep the candidate on the bench.

*d) Minnesota Declines Expansion of Judicial Elections*

The State of Minnesota Supreme Court on June 28, 1996 in *Charles Diemer v. Governor Arne H. Carlson and Joan Anderson Growe, Secretary of State* (C4-96-873) denied the petition to overturn the Governor's appointment of a qualified person to fill a

vacancy and refused “the invitation to engage in expansive and gratuitous judicial construction of unambiguous provisions of the Minnesota Constitution as implemented by the legislature.”

These proceedings concerned two provisions of the Minnesota Constitution, Article VI, Sections 7 and 8:

*(7) Term of office; election; The term of office of all judges shall be six years and until their successors are qualified. They shall be elected by the voters from the area which they are to serve in the manner provided by law; and (8) Vacancy; Whenever there is a vacancy in the office of judge the governor shall appoint in the manner provided by law a qualified person to fill the vacancy until a successor is elected and qualified. The successor shall be elected for a six year term at the next general election occurring more than one year after the appointment.*

Previous attempts at reform, in *Nelson v. Quie*, 299 N.W.2d 119 (1980) affirmed a governor’s order directing the retirement of a judge in the office. The case of *Page v. Carlson*, 488 N.W.2d 274 (1992) reaffirmed a clear constitutional mandate for the election of judicial offices; and Minnesota Statute § 490.126, subd. 2 (1996) was cited by the Minnesota Supreme Court in affirming that a qualified person could be appointed to fill a vacancy when the judge had applied for retirement.

e) Florida Bucks the Trend in Judicial Retention

The Florida system of judicial elections was to be reformed in 1997 with a Constitutional amendment. Previously, justices and appellate judges had been appointed from multimember districts for six year terms and could gain additional terms in retention elections with no opposition candidates. The initiative, entitled Judicial Selection and Retention Reform, introduced on August 5, 1997, proposed that all judges and justices

shall be elected from single member districts for a single eight year term and shall be subject to recall. The measure passed in November by a 75 percent majority.

*Proposed Text (Partial) of Florida Constitutional Amendment*

*2.- Repeal Article V § 10 and replace with the following language:  
s 10. Retention; election and terms*

*(a) All justices, district court of appeal judges, circuit judges and county judges shall be elected in popular elections from single member judicial election districts. The legislature shall prescribe single member judicial election districts by general law and shall reapportion all judicial election districts in the second year following each decennial census by joint resolution...*

*(b) All persons elected to any judicial office shall serve a single term of eight years in the office to which elected. No person elected to judicial office shall be eligible for reelection to the same judicial office for the succeeding term...*

*(c) The final vote in all judicial elections shall be taken in a general election unless a candidate has no opposition from preceding primary elections. The legislature shall regulate judicial elections by general law in a manner not inconsistent with this section.*

C. Data Collection and Research Processes

1. Traditional Research Process

The research data and information presented here were developed solely from the available public record. This study of findings, concerning the specific relationships of individuals involved in legal gaming activities, resulted by means of extractions from records maintained by the Division of Ethics, Louisiana State Police (LSP) and the Louisiana Department of Public Safety and Corrections. The findings and archival information, concerning business interests related to either legal gaming interests or political interests of judicial candidates, were extracted from the Office of Louisiana

Secretary of State. Campaign contributors were also researched from information listed by the Louisiana Secretary of State's campaign financial disclosure filings.

a) Public Records Act of Louisiana

The Public Records Act (PRA) of Louisiana (*LA R.S. 44:1 et Sec.*) requests included: named gaming interests in video poker or river boat casinos; key trial lawyers; business interests; attorneys for business interests; union sources; alcohol and related interests; and campaign finance reports which might shed light on the two Justices' affiliations or activities. Secondary requests were made of corporation records to further identify affiliations.

From these PRA requests, multiple lists of names were created, including: listings of Bleich and Traylor donors; listings of video poker manufacturers; video poker distribution; video poker owners and video poker locations; listings of registered lobbyists; and listings of riverboat gaming licenses and pending applications. This process highlights the problem facing political elites and the public seeking to minimize disparity in information and access. Further searches of public records were required to obtain information containing corporate affiliations of individuals directly associated with licensed gaming activities, individuals associated with the corporations of key gaming officials, relatives and neighbors of key gaming officials, and the corporate affiliations of individuals contributing to a judicial campaign. From these public records, Bleich-Traylor donors could be listed by amount and the lists of Bleich-Traylor donors could then be compared.

b) Legal Authority for Gaming in Louisiana

Louisiana voters faced a plethora of changes in 1996. Riverboat gaming, video poker and other licensed gambling activities were expanding statewide. The Louisiana drinking laws were being challenged when attempts were made to lower the legal drinking age limit. These plans to increase the availability of alcohol to players aboard riverboat gaming establishments were fast mobilizing the socially conservative population of Louisiana.

c) Corporate Ties to Gaming

The gaming related corporations examined in this study were determined to be the riverboat casinos in operation during 1996 or those with pending applications for operations during that year. Local newspapers, including the *Times-Picayune* of New Orleans, chronicled the history of Louisiana riverboat gaming establishments and were useful in documenting the full scope of involvement of some individuals and corporations. The first applications for casinos were submitted from local businessmen. As these applications were granted approval, but still during the early days of operations, these local ownership arrangements ended. Large gaming corporations, including Harrah's and Harvey's, moved into Louisiana by purchasing the approved gaming license and casino operations of local franchise holders. Large profits ensured the participation of local interests. Newspapers also documented the process by which casinos would apply for a license. But the applications failed to come to fruition. Nearly half of the license applications in Louisiana were never approved nor were the casinos ever built.

The horse racing industry in Louisiana was well established by 1996, with few changes in ownership or operations. Horse racing interests were determined not to have pending litigation with the Louisiana Supreme Court following the 1996 election. They were therefore deemed to have little or no incentive to participate in the judicial campaigns. For purposes of this study, the elimination of horse racing-related corporations left thirteen operating riverboat casinos, including the ones with pending applications. It is recommended that political analysis carefully considers design criteria such as participation when crafting informational inquiries. These factors, therefore, comprised the balance of corporate gaming interests in Louisiana.

*d)* Undisclosed Lobbyists in the Legal and Public Relations Professions

Traditionally, political activity has been delegated to two types of collateral business services: legal and public relations. Therefore, in addition to obtaining the registered agents for gaming interests, the “lobbyist’s list” of parties registered to do business with the State of Louisiana as lobbyists and their associated special interest clients was obtained. This list of lobbyists provided the disclosure information concerning specific firms listing clientele related to gaming. Raw data entries were sought that listed corporate clients directly associated with gaming activities, clients affiliated with gaming individuals and registered agents for these corporations. This information was provided in written format since no automated or electronic retrieval system is available from the Louisiana Secretary of State’s office.

e) **Personal History in Public Records**

Research data were also collected from additional traditional sources of opposition research activities related to background verifications; they include: complete resumes; real property ownership and transfer; civil court searches to provide a history of litigation; federal, felony, or misdemeanor criminal searches; bankruptcies, liens and judgments; social security number track searches; business credit and payment history; Department of Motor Vehicle and voter registration profiles; and fictitious business and assumed names. This information is available from public records through numerous local and state agencies in Louisiana and was disclosed via electronic access by a commercial provider.

Traditionally, due to the lack of information available to cross reference public record disclosures, the researcher must thoroughly examine the data on file with state reporting agencies, as well as the judicial activity of the candidates. Review of the data is limited to identification of obvious, matching entries in cases where the single report of an address or name is consistent on two lists. On occasion, the obvious similarity is also available for visual discernment and it provides clues to assist the researcher in determining patterns of action for individuals among two groups.

In an example that highlights the problem of information transparency, for example, a husband and wife both contributing money to the campaign for Supreme Court would be listed as two individual donations, perhaps recording the home address for the wife and an office address for the husband on Louisiana Campaign Activity reports filed in each instance. The wife may also appear as a named officer of a riverboat

casino, listing her business address on corporation records. A close inspection of these two lists may reveal that the wife's address listed in casino records was the same as the husband's address listed on campaign records. However, if only the husband donated monies to the campaign and the wife was listed in casino records, and the address remained the same in both instances, an examination of dozens of these relationships would require lengthy periods of time and would be subject to errors. It is recommended that the same search with a relational database would be much faster and more accurate.

## 2. Research and Analysis from Current Sources

Computer analysis of judicial campaign activities and reports revealed related, but undisclosed, connections between Justice Bleich and gaming interests in Louisiana.

### a) Louisiana Campaign Activity Reports

Pursuant to the Louisiana laws governing political action, every activity report (*Form 102, Revised*) and Statement of Organization filed with the Louisiana Secretary of State's Office of Ethics Administration, Campaign Finance Department, is a public record available for inspection and reproduction. The campaign financial filings collected here for analysis were released as paper copies since no automated or electronic collection, retention or disclosure activities are available.

Additional raw data for this research, such as reportable entries of contributions made to Justice E. Joseph Bleich, was required for correlation. Multiple forms and schedules, submitted by Bleich, provided donor information within the 1996 campaign reporting period. Louisiana Revised Form 102 reported contributions by donor name,



address, telephone number, occupation, amount of donation made and the cumulative amount of all donations made in the election cycle.

Louisiana state regulations governing campaign finance disclosures and corporate record keeping do not require information specific to affiliations and economic interests. In neither instance do regulations allow for the additional disclosure of personal professional relationships.

The nature of public record research allows only for the collection of data. Synthesis of this information requires the integration of documentation from public agencies with commercially available personal and professional information. Thus, the problem of information processing and transfer is demonstrated here.

*b)* Commercial Databases of Public Records

Corporate ownership records of gaming establishments which are on file with the Division of Ethics include: legal entities; mailing and business addresses; latest state registration; resignation date of the last agent, officer, and director; dollar value of each ownership share; and total dollar value of all ownership shares. The type of corporation and its current standing (active/inactive/suspended) in the State of Louisiana was also noted. Illustration V-2 displays a sample electronic format available for video poker licensees.

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**ILLUSTRATION V-2: Sample Electronic File Format: Video Poker Licensees**

0100101043 9697 A POO-YIE'S LOUNGE	CRN OF HWY 95 & 1097 MIRE	LA 70578
3188733361 HOWARD CREDEUR JR		
0100102007 9697 A JOHN'S PLACE	1279 QUARTER POLE RD RAYNE	LA 70578
3183349960 JOHN SMITH		
0100103878 9697 A GREEN FROG	HWY 90 W RAYNE	LA 70578

**ILLUSTRATION V-2: Sample Electronic File Format: Video Poker Licensees  
(continued)**

3183349951	ALBERT FAUL				
0100104063	9697 A RUSTY'S BAR & LOUNGE	HWY 90 WEST	CROWLEY	LA 70527	
3187839849	RUSSA MURPHY				
0100104937	9697 A SIM-A-NOS	2008 W NORTHERN	CROWLEY	LA 70526	
3187836861	ERNIA C SIMONEAUX				
0100106522	9697 A NO WEAR LOUNGE	1224 E TEXAS AVENUE	RAYNE	LA 70578	
3183348557	RICHARD L DOUCET	A			
0100106610	9697 A JAN'S PLACE	3174 EVANGELINE HWY	EVANGELINE	LA 70537	
3188249984	JAN A CHIASSON				
0100107213	9697 A LAST CHANCE LOUNGE	HWY 13 SOUTH	CROWLEY	LA 70526	
3187837822	LEROY SIMON				
0100107314	9697 A EGAN BAR	2358 EGAN HWY	EGAN	LA 70531	
3187882821	JOSEPH L LAUNEY				
0100107818	9697 A OUTER LIMITS	HWY 95 S & I10	DUSON	LA 70529	

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*Source: Louisiana Department of Public Safety and Corrections*

Additionally, the Louisiana Department of Public Safety and Corrections requires reporting of information from the regulated distribution and sale of alcohol establishments. Louisiana laws concerning the on- and off-premise consumption of liquor and beer also allows for on-premise video poker. These public records were released by the Office of Management and Finance, Department of Public Safety and Corrections on computer disks.

*c) Casino Applications and Licenses*

Pursuant to Louisiana business law, every corporation, partnership or limited partnership must file and keep an updated registration with the Office of the Louisiana Secretary of State. All corporation and limited partnership records used in this study were certified through the Secretary of State's office. Records were accessed electronically from a commercially available database.

The raw data for this research also contained reportable entries of business interests and their affiliations, either with judicial campaigns or gaming interests, or both. The filings from the Louisiana Secretary of State were obtained to identify corporate names and identification numbers; the names of business owners, directors and officers, and registered agents (including counsel, if listed); address; phone number; and origination date of the company. Businesses operating in Louisiana pay fees based upon designated levels of activity; corporation records reflect the types of payment to be made and indicate active or inactive status.

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**ILLUSTRATION V-3: Sample Casino Filing: Bally's Louisiana, Inc.**

LA Corporation & Limited Partnership Records

Data From: 00/00/00 - 06/30/96

Date: 7/28/96

Time: 2:56 PM

Reference:

Requestor:

Search Criteria: 34434466D DETAIL; BA

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Legal Corp Name: BALLY'S LOUISIANA, INC.

Mailing Address: BALLY'S LOUISIANA, INC.

C/O C T CORPORATION SYSTEM

8550 UNITED PLAZA BLVD.

BATON ROUGE, LA 70809

Business Address: BALLY'S LOUISIANA, INC.

8550 UNITED PLAZA BLVD.

BATON ROUGE, LA 70809

Corporate ID No: 34434466D

FEIN: 363894697

Parish: EAST BATON ROUGE

Corporation Status: ACTIVE

Inactive/Pending Registration Date: 1993/05/12

Registry Effective Date: 1993/05/06

Corporation Type:

LOUISIANA BUSINESS CORPORATION

Good Standing Status: IN GOOD STANDING

Registered Agent: C T CORPORATION SYSTEM

Address: 8550 UNITED PLAZA BLVD.

BATON ROUGE, LA 70809

Incorporators/Officers/Directors/Partners:

**ILLUSTRATION V-3: Sample Casino Filing: Bally's Louisiana, Inc. (Continued)**

Name: CAROL S. DEPAUL  
Address: 8700 W. BRYN MAWR AVE.  
CHICAGO, IL 60631  
Title: INCORPORATOR

Name: WALLACE R. BARR  
Address: PARK PLACE & THE BOARDWALK  
ATLANTIC CITY, NJ 08401

Name: LEE S. HILLMAN  
Address: 8700 W. BRYN MAWR  
CHICAGO, IL 60631

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**HISTORY TRANSACTIONS**

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**Previous Names:**

Date of Name Change: 1993/06/29  
Name changed from:

**BALLY LOUISIANA, INC.**

**Prior Officers/Directors/Partners:**

Name: NONE SELECTED AT FILING  
Title: NONE SELECTED AT FILING

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*Source: Louisiana Office of the Secretary of State*

**d) Riverboat Corporate Officers and Directors Listings**

In Louisiana, the corporation and limited partnership records can be searched at a secondary level of inquiry. The first level search for information is traditional and simply involves the gathering of the data file for each riverboat casino. The second level of searching outlines information about the corporate officers and directors as well as the registered agents listed for each riverboat.

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**ILLUSTRATION V-4: Sample Listing: Riverboat Licensees' Corporate Officers/Agents**

Abshire, Joy	ra	A Door - Works, Inc.
Abshire, Joy	ra	A Door - Works, Inc.
Abshire, Joseph Lee	ra	A Door - Works, Inc.
Abshire, Joseph Lee	ra	A Door - Works, Inc.
Adams David J.	ra	Harvey Gulf International Marine, Inc.
Adams, Jerry	ra	Cajun Riverboat Company, Inc.
Adams David J.	ra	Harvey Gulf International Marine, Inc.
Adams, Jerry	ra	Cajun Riverboat Company, Inc.
Akers, Doris H.	ra	Akers Oil and Gas Exploration, Inc.
Akers, Larkin J.	ra	Akers Oil and Gas Exploration, Inc.
William Wilson	cp	New Orleans Steamboat Company
Williams, Erroll		
Williams, Felecia Latony	ra	Williams Food Service & Supplies
Williams, Frank	ra	Williams Food Service & Supplies
Williams, Elton	ra	Lake Charles Phys. Hospital Organization
Williams, Deedra Shatell	ra	Williams Food Service & Supplies
Williams, John		
Williams, Elton	ra	Lake Charles Medical Services, Inc.
Williams, Elton L.		
Wilson, William W.	ra	Steamboat L.L.C.
Wilson, Sharon W.		
Wilson, Robert Dalton		
Wise, Don		
Wogan, John D.	cp	Golden Nugget-Louisiana, Inc
Wogan, John D.	ra	Broussard Land Company
Woosley, Evelyn Burton		
Wuellner, Dirck E.	ra	Shreveport Petroleum Data Association, Inc.
Wynn, Stephen A.	ra	Golden Nugget-Louisiana, Inc
Young, Mildred L.		
Zipper, Ralph		

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*Source: Louisiana State Police*

The listing in Illustration V-4 was developed from nearly five hundred names identified as corporate agents or officers of the thirteen river boats in Louisiana in 1996. From this list, each name can be researched to identify all other business affiliations for further inquiries of the corporation records.

e) Search for Agents

A search of public records requires nationwide, regional, statewide and local sources for documentation thereby demonstrating the need for a solution which can assimilate disparate information in an accurate and rapid manner. The solution is to create relational databases to derive a list of gaming interests from river boat casino applications and licenses. Additional names and relationships can also be identified from corporation records.

For instance, the registered agent for a corporation designates the individual(s) who will receive process service in case of legal action. As such, these individuals are known to be directly responsible for legal activity concerning the riverboats. Information concerning their designation as registered agents will also yield listings of other organizations for which they serve in a similar capacity.

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**ILLUSTRATION V-5: Sample Listing: Registered Agents**

LA Corporation & Limited Partnership Records

By Registered Agent Name

Data From: 00/00/00 - 06/30/96

Date: 7/29/96

Time: 11:20 PM

Reference:

Requestor:

Search Criteria:

MIJALIS SAMMY A

This data is for informational purposes only. Certification can only be obtained through The Office of The Louisiana Secretary of State.

No.	Agent Name	Type	Corporation Name	Status
1	MIJALIS SAMMY A	BUSI	PELICAN MARKETING, INC.	INACT
2	MIJALIS SAMMY A	BUSI	REPUBLIC CORPORATE SERVICES, I	ACTIVE
3	MIJALIS SAMMY A	BUSI	RCS GAMING, INC.	ACTIVE
4	MIJALIS SAMMY A	BUSI	PALATKA MANAGEMENT GROUP, INC.	INACT

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Source: Louisiana Office of the Secretary of State

f) Search for Contributors to Supreme Court Campaigns

With a relational database, public records can be searched for nationwide, regional, statewide and local sources of documentation of the business interests that contributes to the Supreme Court campaigns. For this study, a relational database was created to derive a list of candidate contributions specifically targeted to the election campaign of Judge Bleich. Additional names and relationships were identified with the use of corporation records.

For instance, contributors to the judicial campaign can be researched through inquiries to the Louisiana Corporation and Limited Partnership Records division of the Secretary of State's office. Information retained on file include each donor's name and any business affiliations requiring public disclosure. Illustration V-6 shows the relationship of a certain donor with various corporations. A search of Judge Bleich's donors, such as Richard J. Dodson, reveals the following connections with corporations.

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**ILLUSTRATION V-6: Sample Listing: Donor Related Corporations**

LA Corporation & Limited Partnership Records - By Officer/Director Name  
Data From: 00/00/00 - 06/30/96  
Date: 7/31/96 Time: 8:03AM  
Reference: Requestor:  
Search Criteria: DODSON RICHARD J

This data is for informational purposes only. Certification can only be obtained through The Office of The Louisiana Secretary of State.

No.	Officer/Incorporator Name	Type	Corporation Name
1	DODSON RICHARD J	CURR. OFFICER	SOUTHERN MINING COMPANY
2	DODSON RICHARD J	CURR. OFFICER	CATFISH TOWN PROPERTIES
3	DODSON RICHARD J	CURR. OFFICER	ELM STREET LIMITED PARTNERSHIP
4	DODSON RICHARD J	CURR. OFFICER	DUE, DODSON AND DEGRAVELLES
5	DODSON RICHARD J	CURR. INCORP.	SLEEPY LAKE, INCORPORATED

**ILLUSTRATION V-6: Sample Listing: Donor Related Corporations**  
(continued)

6 DODSON RICHARD J	CURR. OFFICER AIRLINE PROPERTIES, INC.
7 DODSON RICHARD J	CURR. INCORP. SOUTHERN DEVELOPERS OF BATON
8 DODSON RICHARD J	CURR. OFFICER SOUTHERN DEVELOPERS OF BATON
9 DODSON RICHARD J	CURR. OFFICER MAMACITA'S RESTAURANT CORP
10 DODSON RICHARD J	CURR. OFFICER CATFISH TOWN II (ALOUISIANA
11 DODSON RICHARD J	CURR. INCORP. CATFISH TOWN MARKET PLACEMER
12 DODSON RICHARD J	CURR. OFFICER JEM FOODS, INC.
13 DODSON RICHARD J	CURR. OFFICER ADDED TOUCH OF BATON ROUGE,I
14 DODSON RICHARD J	CURR. OFFICER HIGH COTTON OF LOUISIANA,INC
15 DODSON RICHARD J	CURR. OFFICER DUE', DODSON & FAUSTS-NICHOLS
16 DODSON RICHARD J	CURR. OFFICER BATON ROUGE EXPRESS, INC.
17 DODSON RICHARD J	CURR. INCORP. DODSON & VIDRINE, APROFESSIO
18 DODSON RICHARD J	CURR. OFFICER DODSON & VIDRINE, APROFESSIO
19 DODSON RICHARD	CURR. OFFICER PAGE AVJET FUEL CORPORATION

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*Source: Louisiana Office of the Secretary of State*

A listing of donations from corporations (not accomplished here) could reveal further connections.

Integration of databases of most of the Louisiana Campaign Activity Reports pertaining to the expenditures of and contributions to Judge Bleich does not yet disclose hidden relationships. Thus, a problem remains. The actual funding source and collateral financial activities of donors remain outside the reporting requirements for political activity. However, if any relationship between funding sources and any judicial or legislative action exists, it should be investigated and identified to the public at large. It is recommended that these relationships, if any, should be made available to all of the electorate, especially during an election.

*g)* Connection of Agent to Corporations

Often, the listings affiliated with a single registered agent or developed from a similar search for corporate directorships will yield a still wider list of organizations.



From this tertiary list of affiliations, directly linked by a named individual to gaming activities, additional connections can be uncovered.

As an example, one individual, Sammy A. Mijahis, is both listed as an agent and is listed in the gaming records. By searching particular corporations for which Mijahis is an agent, additional agents and/or corporate officers can be identified (Illustration V-7).

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**ILLUSTRATION V-7: Sample Listing: Corporate and Gaming Affiliates**

**LA Corporation & Limited Partnership Records**

Data From: 00/00/00 - 06/30/96

Date: 7/29/96

Time: 11:20 PM

Reference:

Requestor:

Search Criteria: 34227700D DETAIL;MI

This data is for informational purposes only. Certification can only be obtained through The Office of The Louisiana Secretary of State.

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Legal Corp Name: PELICAN MARKETING, INC.  
Mailing Address: PELICAN MARKETING, INC.  
C/O SAMMY A. MIJALIS  
1197 HAWN AVENUE  
SHREVEPORT, LA 71107  
Business Address: PELICAN MARKETING, INC.  
1197 HAWN AVENUE  
SHREVEPORT, LA 71107  
Corporate ID No: 34227700D  
FEIN: 000000000  
Parish: CADDO  
Corporation Status: INACTIVE  
Inactive/Pending Reason:  
DISSOLVED  
Inactive/Pending Filing Date: 11/17/93  
Inactive/Pending Effective Date: 11/17/93  
Registration Date: 1987/01/12  
Registry Effective Date: 1987/01/09  
Corporation Type:  
LOUISIANA BUSINESS CORPORATION  
Good Standing Status: NOT IN GOOD STANDING  
  
Registered Agent: SAMMY A. MIJALIS  
Address: 1197 HAWN AVENUE  
SHREVEPORT, LA 71107  
Appointment Date: 01/12/1987

**ILLUSTRATION V-7: Sample Listing: Corporate Gaming Affiliates  
(Continued)**

Registered Agent: JOHNNY A. MIJALIS (Brother)  
Address: 1197 HAWN AVENUE  
SHREVEPORT, LA 71107  
Appointment Date: 01/12/1987

**Incorporators/Officers/Directors/Partners:**

Name: SAMMY A. MIJALIS  
Address: 1197 HAWN AVENUE  
SHREVEPORT, LA 71107  
Title: INCORPORATOR

Name: JAMES A. MIJALIS (Brother)  
Address: 1197 HAWN AVENUE  
SHREVEPORT, LA 71107  
Title: INCORPORATOR

Name: JOHNNY A. MIJALIS (Brother)  
Address: 1197 HAWN AVENUE  
SHREVEPORT, LA 71107  
Title: INCORPORATOR

End of search.

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*Source: Louisiana Office of the Secretary of State*

*h) Video Poker Licensees Matched with Judicial Contributors*

The video poker list was entered into a relational database for comparison with the contributors file. The need for transparency remained since analysis which cross referenced two public records filings was not uniformly parallel in the information reported. Therefore, the information developed with this analysis could only be determined to be accurate with additional verification. For instance, when there is reporting that is filed by different organizations, authored by different officials and placed on file with different divisions of the Louisiana state government, names can not always be connected. Different methods must be used to disclose these connections. One

solution involved comparing video poker licenses with donors to Justice Bleich's campaign to establish a direct relationship (Illustration V-8).

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**ILLUSTRATION V-8: Sample Listing: Video Poker Licensees Matched with Donors to Justice Bleich**

Donor List:	Bob Broussard of Lafayette
Video List:	Bobby J. Broussard of New Iberia
Donor List:	Sam M. Gregoria of Shreveport
Video List:	Sam N. Gregoria of Bossier City
Exact Matches of Donor & Video Lists	J. Hardeman Cordell Central Oil & Supply Corp. of Calhoun  Don Faust Quakers Rest & Bar of Arabi  H.H. Hanks Coronado Amusement Co., Inc. Of Ruston  J. Rock Palermo III of Lake Charles

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*Source: Louisiana Office of the Secretary of State and Louisiana State Police*

The Louisiana State Police (LSP) records on video poker entities and corporation records were cross referenced with the current directory of lobbyists provided by the Louisiana Ethics Board. Included in these records were all of the professional advocates associated with the riverboat, casino or other gambling interests in the State of Louisiana.

*i) Contributors to Judicial Campaign*

While each of the research components could generally be acceptable as a stand-alone analysis, the integration of all component pieces fully develop a profile of the political activity of gaming interests in the judicial campaign. Bleich's judicial and

legislative record was examined to discover any judicial activity that could have benefited listed contributors, benefactors, and corporate sponsors.

In this instance, names appearing on the Bleich donor list may also appear directly on legal documents pertaining to gaming interests. In the example of James E. Smith, Jr. (a common surname), the address disclosed on Bleich campaign finance reports does not match the addresses listed for a James E. Smith of the Paddlewheel riverboat casino operation. Similarly, Charles Viccellio, as an attorney at law, is recorded to have donated to Bleich; he is also recorded as a corporate affiliate of the riverboat casino, Players Lake Charles. This example of imperfect information exists in this case even after careful information acquisition. In order to accurately represent these individuals as donors with gaming ties, further research must clearly determine these individuals' addresses and identities.

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#### **ILLUSTRATION V-9: Sample Listing: Relationship Disclosures**

Addresses for James E. Smith, Jr.?  
700 Camp Street, New Orleans 70130  
1838 Fern St. NO 70118 (Paddlewheel Director)  
2404 International Trade Mart, NO 70130 (Paddlewheel Reg. Agent)

Names affiliated with James E. Smith, Jr.?  
Duane P. And Craig Smith  
610 S. Peters Ste. 202, NO 70130  
(Paddlewheels)

Charles Viccellio  
One Lakeside Plaza,  
Lake Charles LA 70602-2900  
(Players Lake Charles)

Charles D. Viccellio, Esq.  
Of Stockwell, Sievert, Viccellio, Clements & Shaddock, L.L.P.

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*Source: Louisiana Office of the Secretary of State*

In this instance, corporate names appearing on the Louisiana gaming rolls according to the Secretary of State, have records in other states (Nevada) or secondary identities. Fictitious business names or corporate holding companies doing business under another name necessitates additional research. For example, ET River Corporation is listed as the incorporator where normally an individual's name appears as incorporator of a business. In this case, when identifying the interest supporting the Red River Entertainment group, a further search for incorporators of ET River Corp. would be necessary.

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**ILLUSTRATION V-10: Sample Listing: Relationship Disclosures**

New Gaming Capital Partnership (Las Vegas, NV)

Isle of Capri or Isle of Capri-Grand Palais (is dba for Casino America for which no records existed)

ET River Corp. Listed as incorporators of Red River Entertainment et al.

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*Source: Louisiana Office of the Secretary of State*

In this instance, Bleich campaign finance records assert a Jo Y. Rose as donor. Rose is also listed as a professional lobbyist (according to the Louisiana Department of Ethics) for a business concern, LA Riverboat Gaming Partners.

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**ILLUSTRATION V-11: Sample Listing: Relationship Disclosures**

Jo Y. Rose  
711 Isle of Capri  
Bossier City 81181-5637  
(Lobbyist for Louisiana Riverboat Gaming Partners)

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*Source: Louisiana Office of the Secretary of State*

Justice Bleich's judicial rulings were examined to disclose any action that did not appear to be in the public interest or that appeared slanted to favor a special interest group. Actions inappropriate or inconsistent with the actions expected from a public official were also highlighted by means of research into the candidate's background.

#### D. Conclusions

This study serves as an example of the changes in the research of political activity created by the accessibility of information outside of campaign reporting disclosures. One solution to the problem of information asymmetry is to develop analyses from the existing public records of multiple agencies; these analyses may be combined in relational databases and sorted to create relevant political information. Further illustrative examples are found in Chapter VI findings for clarity. The process of cross referencing donor's relationships to their outside business and professional affiliations requires that information obtained from public agencies be input into an electronic format. To date, Louisiana's Secretary of State has automated some divisions' records while neglecting to automate others, most notably Campaign Activity Reports. This example highlights needs to make changes in record retention and public disclosure laws to increase transparency. Knowledge of business filings and gaming alliances helps to define corporation and partnership ties to each campaign contributor.

Another discovery of political research is that information concerning professional employment of political contributors is inaccessible. Current Louisiana law does not require the disclosure of this information with donations to political campaigns. However, confusion over the affiliation of most donors would not have been clarified by

inclusion of this information on Louisiana's Campaign Activity Report. The donors with relationships to gaming establishments included married spouses living at the same address, and most often, grown siblings whose personal relationships were verified through personal interviews. Further research to catalogue all known relationships of donors to a particular campaign would document the interconnections between the candidate and his contributors. These connections may then be compared to pending cases awaiting the Supreme Court's hearing or other controversial issues and activities.

Demonstration of a solution is made by the inclusion of electronically formatted information in a relational database to connect contributor relationships with opposition candidates and their contributors during the election. This study, which was accomplished prior to the conclusion of the general election for a full term on the bench, did not rest on the ability to analyze campaign reports and news clippings. Rather, this research sought to document the campaign participation of individuals and corporations working for gaming interests in Louisiana through electronic sorting and analysis.

The donations to Bleich, while totaling fewer than a dozen with potential ties to gaming, nonetheless raise the issue of influence peddling in the Louisiana Supreme Court races of 1996. However, Bleich's short tenure on the high court is more easily understood after the comparison of his donor base was made to gaming interests. The research further uncovers a need for political campaign reform in Louisiana to report the professional affiliations and economic interests of contributors so that special interest donations are no longer disguised.

## CHAPTER VI. FINDINGS AND ANALYSIS

The findings drawn from case studies presented here help to expand and to illuminate key concepts suggested by the theoretical bases of this study. The analysis portion of this chapter focuses attention on systematic understandings which can be gleaned from case study examples.

As Abraham Lincoln first concluded, the goals of election campaigns are to identify and communicate with likely supporters and undecided voters and also to promote optimal turnout for balloting. Today, information technology provides new and more effective means to attain these goals as illustrated in the three case studies.

### A. Specific Findings from Case Studies

The first section seeks to develop conclusions from the analysis of the California Conservative Allied/CIB PAC. The second section develops findings from the analysis of Oklahoma Congressional Candidate Ed Crocker. The third section analyzes the judicial campaign for the Louisiana Supreme Court in 1996.

#### 1. Findings from the Analysis of Allied/CIB PAC

In the case study of the Allied/CIB PAC, new technologies and analytical tools assisted with the development of five research findings: *a)* the cause and effect of expenditures may be disclosed by reorganizing the data in chronological, district, historical or other summary totals; *b)* political priorities can be documented through unbiased analysis which catalogues PAC spending patterns to disclose discrepancies in the PAC's interest in some Republican candidates or districts and not others; *c)* candidates supported by the PAC who lost may be equated to a bad investment; therefore,



monies spent on this candidate and district may be politically unrecoverable; *d*) payments made to vendors, or service suppliers, can be tracked by combining several types of reporting disclosures. This analysis in turn produces the finding that (i) payments to vendors will far exceed the amount and value of donations made directly to candidates for expenditure and (ii) may be misdirected to the benefit of a particular client without benefitting the intended campaign due to the tendency of vendors to collaborate in management of their internal assets and spending; and finally; *e*) two transitions could be discerned from the spending patterns, (i) a transformational period between “initial focus” and “Brulte” phase, (ii) a second transformation occurred later in the PAC’s development following the case study period when Republican Assembly leadership rotated between Jim Brulte and the new leader Curt Pringle; and then (iii) again when significant public law changed, with the media’s publicity focus on the PAC as exemplified by the *California Journal* articles described in Chapter 3.

## 2. Findings from the Analysis of Congressional Candidate Crocker’s Background

In the example of candidate background vetting, the access to personal information from both past and present circumstances combined with the technology to compare historical perspectives assisted with the development of five primary findings: *a*) the contextual framework in which the political decision will be made is critical to the inquiry; *b*) the appropriateness of candidates’ backgrounds is an issue that can greatly influence voter preferences; *c*) disclosure of the entire history of a candidate’s personal background enables voters to make more informed choices; *d*) the target of disclosing

information is the potential donor or voter; and finally, *e*) party operations can affect candidate preference.

### 3. Findings from the Analysis of the Judicial Campaign

In the example of the Louisiana judicial campaign, corporate records and disclosures maintained by state agencies were accessed and cross referenced with a list of campaign contributors utilizing new information technologies. The findings developed from this case study include: *a*) special interests can be hidden by collective giving, *b*) the nature of donations can cloud Judicial Campaigns, and *c*) a need exists for standardized, if not centralized, reporting procedures within state agencies.

### B. Analysis of Case Studies

#### 1. Analysis of Allied/CIB PAC

The findings drawn from the case study entitled “Limited Disclosures in a PAC” illustrate several key analytic perspectives. Further discussion of these findings comprise the analysis of PAC practices. To assist in explaining the process of political research, specific examples of analytical perspectives which are developed from the case study are reported here.

Campaign financial disclosure reports filed in the State of California are organized by filing period, sometimes covering as lengthy a period as six months or as short a period as daily. Reports are filed on paper as no electronic means of filing has been instituted by the Secretary of State. As a visual medium, paper filings offer two dimensions for analysis. However, the content of information contained within these

hard copy filings are difficult to compare and analyze based on the organization of the small amount of data that is reported.

*a)* Expenditures Disclosed by Reorganizing Data

Additional information can be obtained from these same filings if submitted in an electronic format that can be transferred to a programmable format. The case study presented describes several perspectives on the data which produces information about the political priorities of the donor PAC. These priorities may be disclosed by determining the causes and effects of expenditures. One way this determination can be made is by asking the PAC organization directly. Without the access to PAC personnel, another way this is accomplished is by reorganizing the data in chronological, district, historical or other summary totals and multi-dimensional characteristics such as time, size and distance. Campaign reports include the time frame (or period) in which the contribution is made, and whether it is an early contribution or a last minute gift. This information imparts qualitative perspective to the analyst who has a political perspective.

For example, campaign reports include the amounts of donations and addresses. The city, state and zip code data, whether geographically similar to the candidate (“in the district”) or further away (“out of district”) offers clues to the analyst. Donations made from outside the district can denote a personal friend or special interest contributing to a campaign. An electronic file which sorts contributions by zip code readily assists the analyst in discovering the geographic distribution of donors.

Further examples are provided by the PAC records listed in Chapter 3. In every instance, the general election is held in November. Yet, Allied/CIB PAC continues to

show expenditures in the form of contributions to candidates past this time period. In particular, Allied/CIB PAC reported gifts to candidates on the last day of the year, nearly seven weeks after the election outcome was determined. Part of Allied/CIB PAC strategy was to claim winning candidates supported by monies given to a candidate after they had been elected. In the example of Assemblyman George House, this contribution had been sought prior to the election, but large amounts did not come until December. At that time, monies were useful to the House campaign, not to win a race, but to pay off campaign debt incurred during the actual election process.

*b)* Political Priorities

The establishment of political priorities within a PAC organization is usually the duty of a governing Board of Directors or PAC Chairman, or authority may be delegated to a strong executive director or legislative leadership the PAC wishes to support. The law allows the internal communications and priority setting documents to be known only to PAC members. This information may be disclosed by an inadvertent release of information or by an unbiased and thorough analysis of PAC spending patterns. Only a release of information would disclose PAC preferences, activities and plans prior to an election being held. However, current reporting laws require a release of categorical data at discrete time periods during a campaign. The study of comparisons of the PAC's public statements with actual PAC expenditures can uncover discrepancies in PAC patterns of support.

c) **Losing Candidates**

Candidates supported by the PAC sometimes lose their campaigns. Analysis of published PAC disclosure records, when placed in context with the records of the candidate who lost, reveal further anomalies in the priorities of the PAC. PAC sponsors may determine that a losing candidate is equivalent to a bad investment. However, political strategy could invoke a belief that monies spent on this candidate and district may merely be an investment in developing support for a future candidate, perhaps after a redistricting effort or voter registration drive.

Several types of analysis support conclusions of a PAC's priorities concerning a losing candidate. For example, examination and analysis of the timing and amount of expenditures is one such analysis. Another analytical perspective involves the amount of monies made in a direct expenditure to a campaign versus the indirect expenditure made to a vendor on behalf of a campaign. Finally, a political analyst must have an understanding of the political forces at work in surrounding or overlapping districts to lend greater credibility to his/her claims of PAC priorities. Too often, personal judgments are not substantiated by contextual information, and data are not analyzed to include the potential effects of excess expenditures in a campaign.

For example, in California Assembly District 54, the 1994 primary election candidate Jeff Earle, a conservative, was given \$10,875 by Allied/CIB PAC. He lost this campaign, although Republican Steve Kuykendall was ultimately elected in November. This district is labeled as a safe Republican seat, a district historically known for sending Republicans to Sacramento. According to stated preferences, Allied/CIB PAC

expenditures on a primary candidate in this district should have been among their highest. Winning the primary election would be critical in this district since any winning candidate would, in fact, have an easy election in the general.

In actual practice, however, Jeff Earle's \$10,875 donations were smaller than twenty-one other candidates received but larger than those monies given to seven others. In two San Diego County districts, the PAC spent as little as \$3,625 in the primary to assist Republican Assemblyman Bruce Thompson get through to the general election and as much as \$367,250 in the primary to elect Assemblyman Steve Baldwin. All three primary candidates, Earle, Thompson and Baldwin are pro-life, Conservative candidates.

The numerical analysis which can be accomplished based upon Allied/CIB PAC reports filed with the California Political Reform Division do not answer the question of relative commitment levels when comparing these three campaigns. Perhaps Jeff Earle's commitment to other issues important to PAC personnel was insufficient to gain him the support necessary to overcome his primary opponent. Alternatively, his district could be less attractive to the PAC because of personal or business agendas. Another likely possibility of explanation, the choice of vendor supplying general consulting to the Earle campaign was less attractive to the PAC than vendors serving Thompson and Baldwin.

*d) Payments to Vendors*

PAC payments made to vendors, also known as service suppliers, can be tracked by combining several types of reporting disclosures. This analysis shows that payments to vendors will far exceed the amount and value of donations made directly to candidates for expenditure; it also shows that payments may be misdirected to the benefit of a

particular client without benefitting the intended campaign due to the tendency of vendors to collectively manage their internal assets and spending.

(i) Payments in Excess

Vendors of general political consulting who operate in California legislative races are somewhat analogous to general contractors in the building trades. General consultants are the top level of management for a campaign and are not responsible for daily operations. The term “political consultant” refers to a general consultant. The consultant selects sub-vendors including media, mail, polling and phone banks often including a fifteen percent override in the charges presented by the subvendors to the client. Payments to consultants include their direct fee and occasionally, monies for the purchase of media time. Services costing fewer dollars such as research, signage, list brokers and fundraising may have smaller or non-existent cost overrides for the general consultant.

Often services such as polling, fundraising or research may be a direct cost to the campaign. Nonetheless, the largest single expenditure for a campaign should be “product, ” those expenses which get the word out in signs, mail, radio or television. The second largest expenditure for campaigns is too often the general consultants fees, direct or overrides. The case study documents this phenomenon.

Allied/CIB PAC reported spending \$6.1 million dollars in direct payments to service providers. Of this amount, \$3.3 million (more than half of all monies spent) were paid to one particular type of professional service provider, the general consultant. The balance, \$2.6 million, was paid to other vendors such as pollsters, direct mail, and

telemarketers, including phone banks, list brokers, medica buyers and research firms. Compared to the \$6.1 million paid to political professionals, candidates were given only another \$2.4 million directly. In this PAC, the service industry which has grown out of the efforts to elect public officials now spends more than the candidates themselves, by a three-to-one margin.

**TABLE VI-1. General Consultants Fees Paid by Allied/CIB PAC in 1994**

<b>GENERAL CONSULTANT</b>	<b>FEES PAID</b>
NcNally Temple	\$1,592,967
Wayne Johnson & Associates	\$872,500
Nygren & Company	\$347,600
Presson & Associates	\$234,008
Russo Marsh & Associates	\$131,297
Gilliard & Associates	\$65,435
Schuman, Hoy	\$26,416
Robert Gouty Co.	\$25,950
Thompson Group	\$22,730
Bear Republic Political Services	\$17,206
Saracino & Associates	\$952
<b>CONSULTANTS SUB-TOTAL</b>	<b>\$3,274,061</b>

(ii) **Payments Misdirected**

PAC expenditures to Brett Granlund during his primary election campaign in California Assembly District 65 amounted to \$1,125. Brent Decker, who lost a seat in



Assembly District 59 was also reportedly given \$1,125 in the primary by the PAC.

These exact amounts are the in-lieu of cash contributions the PAC made to the Wayne Johnson & Associates slate card. A slate card was mailed statewide endorsing conservative candidates for the primary election including two Constitutional officers supported by the PAC, Tom McClintock for Controller and Wilbert Smith for Superintendent of Schools.

Further research indicates that on August 29, 1994, the PAC filed an Amendment with the Political Reform Division of the California Secretary of State's Office to "delete the accrued expenses to Wayne C. Johnson & Associates" (1994). The effect of this amendment was to acknowledge that no payment was received, nor benefit actually given for slate card mailings by Mr. Johnson.

Proper reporting of this action would require that some campaigns supported by the PAC also amend their filings to designate this money as never received. Those amendments were not filed and, therefore, analysts are unable to determine whether the slate card mailing was sent to the benefit of some PAC recipients or no PAC recipients.

The monies actually paid by the PAC to Wayne Johnson & Associates, totaling more than \$872,000, may have been misdirected to the benefit of a particular client without benefitting the intended PAC supported campaigns. This strategy, as stated, is made possible by the inadequacy of current disclosure laws and the tendency of vendors to collectively manage their internal assets and spending without oversight or disclosure. This phenomenon has been recognized with the first attempt to regulate consultant financial activities in San Francisco, California. A ballot initiative seeking to force

disclosure of income and expenditures by political consultants has been placed on the June 1998 ballot for consideration by citizens of the City and County of San Francisco.

e) Transition Periods

Two transition periods can be discerned from the spending patterns, first by looking at the chronological listing of spending and secondly through interviews with PAC personnel and California political analysts. A transformational period of PAC control was apparent between their “initial focus,” a second “Brulte” phase, and a third Proposition 208 phase.

(i) Initial Focus

The initial focus of the PAC was stated as the election of pro-life, conservative candidates in primary elections held in Republican districts. California Assemblyman Jim Brulte (San Bernardino) served as the elected Republican Caucus leader in 1994. His responsibility was designated as the election of incumbents to office and to increase the number of Republican Assembly members, thereby increasing the Republican Party to majority status in the Assembly.

(ii) Second Focus

Chapter 3 reports only expenditures for the 1994 campaign season. Ultimately, when factoring the political environment into changes in the PAC’s reporting spending patterns, it is interesting to note that a second transformation occurred later in the PAC’s development. Republican Assembly leadership rotated between Jim Brulte and the new leader Curt Pringle during 1995 and 1996. Focus had turned to Jim Brulte.

(iii) Focus Change with Proposition 208

Focus changed again when significant public law changes were adopted with the approval of California's Proposition 208. Passed in June 1996 (although ultimately thrown out by the courts), this initiative banned large contributions and year-round fundraising for state candidates. The PAC turned away from its initial shunning of the media to become the focus of publicity as exemplified by the *California Journal* articles discussing the "power elite" described in Chapter 3.

Staff members key to the Allied/CIB PAC activities of 1994-96 were Danielle Madison, executive director, and her assistant, Catherine Rayner. Neither employee remained active with the PAC following the 1996 election cycle. Rayner left the PAC late in 1996 and Madison, while remaining on the payroll of the PAC, moved away from the area and pursued other interests. Each was embroiled during 1997 in a political corruption case prosecuted by the Orange County, California District Attorney.

At the center of the controversy, the question was asked: Did Allied/CIB PAC staff assist the defendant to commit fraud by recruiting, soliciting and preparing a Democrat candidate for Assembly? Following the Grand Jury investigation, trial jurors found that the solicitation of a Democrat, including making the filing fees payment to the County Clerk for that candidate, did not constitute a crime on the part of Allied/CIB PAC staff. The jury, however, could not reach a consensus on the issue of fraudulent signatures on the filing application and a mistrial was declared.

## 2. Analysis of Candidate Background

Customarily, candidates for public office publish their personal histories in a number of ways. Resumes, campaign literature, 'compare and contrast' direct mail pieces, earned media including interviews with journalists, or paid media commercials can each offer written claims and more subtle visual cues to voters about the person running for office. The medium of the message was not studied. The content of information conveyed by a candidate running for Congressional office forms the basis of this analysis.

### a) Contextual Framework

The contextual framework in which political decisions are made here about candidate Crocker's appropriateness include details about the Oklahoma Fourth Congressional District. Political judgments are not made in a vacuum but are inclusive of previously made decisions and the environment in which the decision maker functions. Military operations have long been concentrated in the southern states and Oklahoma is no exception. This particular Congressional seat represents three military bases and a large population of military retirees. Without extensive opinion polling or focus groups, basic political analysis support the conclusion that this district's voters are traditional and conservative, whether Democrat or Republican.

An overriding interest in military service is a natural issue to research in this district concerning the candidate's background, especially in an election for Congress. While state legislators often may be elected without question concerning their commitment to military operations, candidates for Congress are held to a different standard.

*b)*      **Appropriateness of Candidate Background**

Federal and state legislative offices differ in their respective responsibilities, since state government is not responsible for the national defense. The case study presented in Chapter 4 considers the appropriateness of Crocker's background for the office to which he aspired.

For example, Congressional representatives who are constitutionally given the authority to vote to declare war are judged for their capacity to accomplish this specific task, as are Senatorial candidates judged on criteria unique to the U.S. Senate, among other things, their power to decide judicial and political appointment confirmations and to vote on trade agreements. American military service, at times conscripted, has historically involved men in draft and lottery activity. Given that both candidates were male, the military background of Crocker and Watts should have been an obvious inquiry for each campaign.

*c)*      **Time Frame Exposed**

A candidate's personal background is exposed to scrutiny throughout the campaign. Traditionally, silver bullets (those issues which "kill off" a candidate) were exposed at the very last moment, a practice necessitated because the length of time formerly required to research information precisely was nearly as long as the campaign itself. Utilizing new information technologies, it is possible to collapse that time frame and establish complicated patterns of behavior from the onset of a campaign. Once the filing period has closed for a vacancy in public office, the campaign begins. Two types of opinion polling are used: benchmark polls taken at the onset of a campaign to establish

name identification as well as voters' opinions about certain issues and tracking polls which are taken close to the end of a campaign to predict voter turnout and preference. Polling, at both times, confirms or redirects the message to be included in mail and media production.

Lessons about the appropriate timing of research are developed from Chapter 4. The example provided by candidate background research, or "vetting" (a term coined by British Intelligence forces), clearly suggests that the appropriate timing for this campaign activity is prior to a benchmark poll being taken. Internal campaign strategy and message development, undertaken with full information, surely advances the campaign plan.

In Crocker's case, the existence of a Selective Service report and University records of a Petition for Withdrawal were established. Watts was too young to have been required to register for the draft. In light of this district's familiarity with military service, this research clearly established a major deficit in Crocker's candidacy.

The Selective Service Administration provided Crocker's Pasadena, California, Draft Board records under a Freedom of Information Act request. The response came thirty days after the initial inquiry. The Chairman of the Oklahoma Republican Party, in making the initial charge against Crocker for failing to honor his legal obligation, was advised to distribute copies of the SSA record. This action saved the Crocker campaign from having to wait the same thirty day period to obtain a copy and thus allowed an immediate response in their own defense to the charges leveled.

*d)* Information for Donors and Voters

Obtaining information utilizing new technologies can change both the scope of a campaign's issues and the timing of their release, as discussed earlier. Additionally, research which is conclusive in finding previously undisclosed information may be information which is more appropriately targeted to potential campaign donors and not to voters.

For example, Crocker's experience dodging the draft was released by the Oklahoma Republican Party prior to the close of the filing period for nominations to the 4th Congressional seat. Not only was this a risky strategy, should another Democrat decide to enter the race due to Crocker's perceived vulnerability, but it went against conventional wisdom. Conventional wisdom dictates "better the enemy you know than the enemy who is unknown to you". Also, conventional wisdom dictates that "silver bullets" are used near the end of a campaign. The release of Crocker's background early and in such a public forum to generate press coverage negated both these maxims.

Crocker's opponent, J. C. Watts, Jr., was due to give a major speech at the beginning of August 1996 at the Republican National Convention. The close of filing nomination papers was just a month earlier. Crocker was in the process of publicizing Watts personal record in real estate and was having some success in influencing opinion negatively toward Watts.

*e)* Party Operations and Candidate Preferences

The disclosure of new information in the Crocker versus Watts campaign allowed a candidate preference to be expressed by party operatives in advance of decision making

by the voters of that district. Two goals were accomplished by the summer release of Crocker's record. First, the Oklahoma Party wished to curtail any negative publicity in order to present a "cleaned up" GOP leader at the Convention. Additionally, the Party felt that Crocker's seniority as a state legislative leader would preclude another Democrat from jumping into the race.

Secondly, the Oklahoma Party sought to prevent Crocker donors and national organizations (primarily unions and Democratic National Party) from giving money to Crocker's campaign. Leading Democrats, familiar with the Oklahoma 4th district, allowed Crocker to campaign unopposed for his party's primary but failed to fund him sufficiently to mount a challenge to Watts in November. By minimizing funding for Crocker, the Republicans were able to paralyze the Crocker campaign and save financial resources once targeted to support Watts.

### 3. Analysis of Judicial Campaigns

Political news outlets have long provided information gleaned from campaign spending reports and candidate actions "caught on tape." The change in accessibility of records concerning all aspects of public life, in addition to those federal and state campaign finance disclosure documents, now makes it imperative for political analysts to develop ways in which this information can be integrated.

#### a) Hidden Special Interests

Jesse Unruh, former California State Treasurer and Speaker of the Assembly, said, "money is the mother's milk of politics." Government regulators have required specialized forms and specific information to be reported. Election laws dictate that the



process of electioneering and judicial rulings add special restrictions on political monies spent in an effort to control the actions and limit the sources of funding for political campaigns. However, incremental changes made to campaigns and election practices far outpace the government's ability to regulate or even record political activities.

The case study presented in Chapter V suggests that special interests, in this case, gambling supporters, hide their donations to a judicial candidate by the collective giving of campaign monies. Variations on names, addresses and business affiliation were disclosed once the ability to match campaign finance reports with the corporate and police records held by Louisiana authorities was available. Lobbying interests, long hidden in legal or public relations budget's may also be revealed by cross referencing lists.

Long a practice of visual "spotting," new information technologies allow for the automation of multiple fields of data and simultaneous sorting of records from differing sources. Thus, the practice of uncovering potential for influence by campaign donors through a process of matching contributions with various special interests can be assisted with information technologies to provide additional disclosure and to do so in a more rapid manner.

*b)* Donations as Critical to Judicial Campaigns

Bleich was primarily supported in his efforts by the trial lawyers of Louisiana. Their interests are not documented in this study. A more recent development, the spread of gaming and casino style gambling in Missouri and Louisiana, Iowa and Illinois will soon compete with Indian gaming establishments in the Western states.

Controversial issues rising from the administration of gaming will not be decided upon by legislative members, either at the state or federal level, once entry of gaming into a state is approved. Ultimately, it will be the state Supreme Courts and the U.S. Supreme Court which will be asked to adjudicate differences and impose order. While the federal Justices are not elected, state Supreme Court Justices often are. In Louisiana, this case study provides some insight into what can be expected in the growing business of gaming.

The four Supreme Court campaigns of 1996 in which Bleich participated offer a unique perspective on issue advocacy as evidenced by campaign contributions to a judicial campaign. Rarely does one candidate need to raise so much money in a single year's span, win a term on the bench, re-run as an incumbent with the attendant financial support and, finally, lose his seat for the full term of office. But the nature of this example, provides a magnitude of campaign reports during a condensed period of time in which to study the patterns of intent and purpose in making donations to a judicial candidate.

c) Standardized Reporting Procedures

Louisiana state agencies are disadvantaged by several factors that are common practices in other states' agencies. The computer systems utilized by law enforcement (State Police) are not synchronized with the automation within the Department of Ethics nor the Elections Division of the Secretary of State's office. The agencies that maintain these records in Louisiana lack the ability to cross reference their own public records holdings. Clearly, standardized, if not centralized, reporting procedures would assist

state agencies in providing additional transparency now that their operations are computerized.

For example, in the Louisiana case study, it was noted that no business or employment information was required to be reported in the campaign finance disclosures. This is a failure of the regulatory agency to consider this factor important or deserving of public disclosure.

Further, the corporate data retained by the State Police and the Department of Corporations are not coordinated. A third department, Ethics, retains records concerning the professional affiliation of lobbyists. This reflects a failure of the computing capacity, age and ability of hardware maintained by the state government in Baton Rouge, although not unique to the State of Louisiana. Failure to coordinate government agencies is not uncommon but is a factor in the continuing obfuscation of information.

## CHAPTER VII. CONCLUSIONS AND RECOMMENDATIONS

### A. General Conclusions

Theory building research in U.S. political analysis has been extensive in seeking knowledge of decision making processes and information systems. However, as discussed previously in Chapter II, such research has been deficient in recognizing the existence of imperfect information and has failed to explain the political process of acquiring, examining and acting upon information in a constitutional democracy. As demonstrated in this study, the practice of political analysis has reached beyond current, articulated theoretical understandings. Academic scholars and applied theorists, public policy makers and media organizations, political analysts, and the citizenry are creating new practices for analyzing the changing political environment in which they find themselves. The following general conclusions are important to both the theory and practice of political analysis.

The following general conclusions have been drawn from this research into the four problems presented in Chapter I of this dissertation. These conclusions offer an understanding of information technologies used for political analysis; they offer ways of minimizing uncertainty in decision making, some means of reducing time frames in information exchange, while maximizing disclosure and transparency. Recommendations follow for future actions that will link cutting-edge developments in both the worlds of politics and technology.

The first section of this chapter summarizes the approaches to information technology and political democracy; it concludes: The political processes of a

constitutionally democratic government are more transparent when electoral campaigns are researched using new information technologies.

The second section summarizes occurrences of private information influencing changes in the political system of government which occur in response to developments in the information structure of society's politics; it concludes: The information disparity between political elites and the public can be minimized by political research utilizing new technologies.

Additional conclusions drawn in the third section summarize examples of the on-line model of information processing, an approach to forming message-judgment relationships; it concludes: The depth of information analysis is enhanced and the cycle of information transfer is accelerated by the availability of new technology to political researchers.

The fourth section summarizes the approaches to information acquisition which result from imperfect information; it concludes: In the long-term, the deliberative efforts of an informed society can be assisted by new technologies used in political research in combination with commensurate changes in record retention and public disclosure laws.

#### 1. Information Technology and Political Democracy

The founding fathers established America as a "technological regime," in which the mechanisms of interest consistent with their Newtonian Era, were established by political principles in the Constitution. The founding fathers' design for a balance of power, when combined with the process of selection, established distinct institutions of the legislature (Congress and Senate), the executive and the judicial branches of

government. This combination of features more-or-less distinguished American Democracy from existing European governments of the eighteenth century.

Today, American politics are practiced in a non-Newtonian, electronic information age. Theory has been eclipsed by practice as cases here show. With use of campaign information developed through new technologies becoming more accurate and extensive, the voting public can make more informed choices. As a result, the political processes of constitutionally democratic government can be more transparent.

In the Third Millennium, if a capable government is to be defined by the quality of transparency with which the people's business is conducted, then the information age will bring further development in the availability and use of public information. To this end, U.S. electoral campaigns, a distinguishing political feature of constitutional democracy, must become more transparent. The processes of selection embodied in the Constitution must continue to allow political campaigns to persuade voters to choose candidates and nominees for elective office. In this manner, the political processes of constitutionally democratic government may continue to develop and serve citizens.

Today's technology, properly used, can leverage information uniformly against the unintended but, nonetheless, inherent imbalances of power that are present in American society. The three case studies presented in this research offer an opportunity to further examine mechanisms of American interests shown in the study of the politics of selection.

## 2. Information Disparity Minimized by New Technologies

The founding fathers persuaded reluctant states to join their federation by written pamphlets and newspaper serial publications, the most famous of which is known as *The Federalist Papers*. Five centuries earlier, the Magna Carta was posted on an English oak tree to assist in the formation of parliamentary government. Clearly, these documents contain profound thinking and clear statements of belief. However, their ability to deliver significant information to the public stemmed not from content but from context.

From the advent of the Gutenberg press, printed pamphlets, news weeklies and newspapers, to the adoption of electronic media and e-mail, the context of information provides opportunities to bring about changes in the forms of politics and government. Alterations in the information structure of a society can contribute to major changes (Green, 1993), as exemplified by German reunification and Chinese student revolts of the 1980's, as discussed in Chapter II.

Issues of modern developments in the information structure of American society often point to the inevitability of a global society. However, implications for constitutionally democratic governments are relatively neglected in the literature of politics, political science and public administration. Within military intelligence communities, in publications which are sometimes shrouded in top-level secrecy, issues of intelligence technology and governmental actions are debated. But new developments in data-recognition, multi dimension, and relational databases used for analysis and needs for increasing the rapid transmission of data are not sufficiently understood by scholars of political action.

Today's technology, if properly understood, can leverage information uniformly for all types of audiences. Complex data can be transformed into understandable patterns and trends utilizing new information technologies. The three case studies presented in this research offer opportunities to identify and establish the means of minimizing information disparity between political elites and the public.

Other recent changes have occurred in some foreign nation states due to alterations of the information structures of their environments. Clear examples are information and technology made available before and during the student protests held in Beijing, China and German unification as discussed in Chapter II-C. But Americans are known for technological adaptation.

### 3. Timely and Accurate Analysis Allowed by Advanced Computing

Traditional theoretical treatments of recall and memory seek to determine an individual's ability to remember exact information previously presented to him/her. Scholars of political communication have tested individuals to explore the relationship between messages (information as originally presented to the listener) and judgment (a decision made by the listener based upon the information which was received) to determine if this mechanism (ability) is mediated by memory or another process (Chapter II).

While interesting as theory, this analysis ignores the fact that voters, as listeners to persuasive political rhetoric, have multiple sources of information. Modeling actual political action with traditional methods does not allow analysis of more than two, or possibly three, sources of information. Thus, the information transmitted orally or by



paper files in a written format does not allow for analysis by any criteria other than matching of visually perceived entries.

Today, common electronic formats offer methods of developing intelligence that extend the depth of information to be analyzed; they provide greater amounts of data as well as greater flexibility of analysis of the information gathered from commercially accessible databases and analyzed by relational databases such as Access. Data available in electronic formats offer opportunities to develop new ways to analyze reported information on political expenditures and to identify previously hidden business interests by means of search as for inter-relationships.

Furthermore, without electronically formatted information that is processed within a relational database or more sophisticated systems, such as multi-relational databases by Adobe Software, analysis of secondary or tertiary relationships between data cannot be developed into meaningful conclusions. Electronic manipulation of data with multiple criteria and varied analytical programs can produce more information by virtue of its non-linear processes. More importantly, for researchers, the cycle of information exchange can be reduced from days or months to seconds. For voters and donors, campaign information can be provided that is both timely and accurate; informed decisions can be made.

#### 4. Information Acquisition and Politics

Information acquisition is a fundamental element in the purposeful nature of the human struggle called politics. Aristotle often discussed the actual practices of human activity, as have theoretical scholars of the descriptive sciences ever since. Clearly, early

human efforts to share information was through auditory delivery and later with the written page; only with the invention of the printing press did mass visual communication become prevalent. Electronic formats, radio and television, FAX and e-mail are of no less interest to today's scholars of information systems than was discourse of interest to Socrates' peers. Aristotle taught that the essential commitment to human dignity was expressed in rhetoric, a politics of through speech and communicative interaction. Subsequent theorizing has supported his basic assertion. Politics is not instrumental, as exemplified by the research reported in this dissertation, but instead is a linguistically mediated mode of human action in the world.

The issues concerning deliberative efforts of an informed and modern society concern three distinct elements. The process of obtaining information must consider (1) access, (2) acquisition and (3) the existence of imperfect information. As reviewed in Chapter II, theories from the literature of politics, political science and public administration are founded on accounts of full information (decision theory and much of game theory). However, these theories do not adequately explain decision making when there is less than full information.

The process of information acquisition begins with data collections. This is true for academic research as well as political research and other manner of inquiry. However, data are not information. To become information, data must be organized in a coherent fashion and not randomly presented. The decision making processes which depend upon full information assume that exhaustive data collection is analogous to full information. This is not true. The accrual of personal experience, the subtle factoring of

environmental concerns such as power imbalances and leadership opportunities are not included in data arranged categorically.

Rather, the existence of idealized full information is merely a convenient assumption in the formulation of theoretical understandings of political decision making. Intelligence systems models are now advanced in counter intelligence and competitive intelligence and their corresponding fields, military and/or industrial. Political intelligence systems models do not yet exist either in the theoretical world of decision making models or in opposition research practices which account for decision making with less than full information. To make use of incomplete information obtained from government agencies, professional databases and experienced political actors, analysis must consistently be applied to form intelligence.

In the literature, the decision making processes which depend upon full information assume that exhaustive data collection is analogous to full information. The three case studies presented in this research show this to be false. The accrual of personal experience, the subtle factoring of contextual concerns such as power imbalances and leadership opportunities are not disclosed from data simply arranged categorically.

Current practices in California and Louisiana show that technology cannot inform a society without also changing the rules of law governing access and acquisition of public and government records. Only in combination can new information technologies and record retention and public disclosure laws fulfill the promise of Aristotle's deliberative political analysis process in today's complex society.

## B. Recommendations

These recommendations are largely directed at society as a whole and not to the individual student of politics or political researcher. Much of the faulty development of computer accessed information and public records is attributable to limitations in either the hardware or software currently developed to date. Market driven reforms, government led standardization, and inspirationally guided advances in information technology will certainly overtake the considerations discussed here.

### 1. Consideration of Information Design

Ideas about the design of inquiry has a lengthy and distinguished history; several examples have been discussed in Chapter II. Serious students of political or opposition research are encouraged to take advantage of the literature and analytical tools available on the subject of research design in any number of disciplines. However, some suggestions are offered here relative to opposition research. Political researchers should consider informational design conventions prior to the process of inputting information from the hard copy reports into an electronic database.

Development of enhanced standards is essential for the future usefulness of public records that are available now to the modern age of PC-Internet access and specialized media. With more people accessing the free governmental web sites, and mass media (broadcast) dividing into ever more specific “pointcast” distribution channels, both accessibility of information and sufficient complexity of analysis are necessary. For instance, to search the campaign finance disclosure data by candidate name, the name must be entered into the electronic source field with last name first, first name last, rather

than the written conventional form of first name followed by last name. Design conventions concerning the delineation of dollars and cents must be standardized. Non-standard entries, such as donations made “in-kind” or non-monetary donations, must also have a convention for electronic filing.

The Federal Elections Commission in March 1998 was the first to post records on the Internet for public access. However, this significant contribution to electronic access only mirrors its hardcopy parentage. No file information such as donor name, amount of contribution or other complex sort features are available when downloading FEC reports.

## 2. Imposition of Technical Standards

The debate on technical standards for the communications industry currently engages engineers, industrial designers, hardware manufacturers, programmers and policy makers. Numerous magazines and technical journals carry monthly updates to inform their readers of new agreements or impediments to progress in developing conformity of technical standards in the processing and delivery of interfaced data.

Adoption of standards will be essential for future development of public records accessibility, the processing of data and the transmission of information between political entities. One example of successful advancement was described in Chapter 1 concerning the purchase of small, diversified databases by publishing houses which home centralized large amounts of information and established uniformity in access to commercial vendors. The adoption of standards should not be compared to a centralization of “big brothers” control (as envisioned by George Orwell in *1984*). Rather, the imposition of technical standards for the transference and interface function of data transmissions

would assist in making information more accessible to anyone with a modem.

Computers, which can retrieve FEC filings but are unable to retrieve relevant California reports, are an embarrassment to the administration of public agencies.

Computers which can retrieve information from the Internet at high speeds but are unable to download at the end of a pipeline transmission (a desktop computer) are inelegant at best, wasteful at worst.

### 3. Development of Multidimensional Relational Databases

Advanced databases contain entries in byte size, organized in complex storage and retrieval arrangements. Multi-relational database programming is available commercially. Expert researchers working for elite institutions such as Rand or SRI routinely optimize their capacities to process information using these advances.

However, most researchers are still prohibited by economic costs from accessing commercial databases where the majority of content is still maintained. While relational database programs such as Access and Excel are readily available, more complex multi-relational database programs are not. If available, few laymen or casual researchers understand their utility and operations. Further, late introduction of write-able CD Rom disks in 1997 to the mass market and limitations on storage and retrieval units sold at reasonable price levels prohibit most medium or small size research organizations from maximizing their capabilities.

Consideration of computer programming which can be applied to information, once data acquisition issues are resolved, could significantly expand searches for understanding of that information. Relational databases in use today allow for the re-

organization of data by some pre-defined analytical schema (chronological, alphabetical, etc.). Significant analytical advances will only come from the adoption of multi-relational databases to organize information with multiple dimensions. Dimensional information which can be compared to changing environments, expected utilities and other relational considerations will offer significant understandings beyond current modes of analysis in use among professional and political analysts.

Inquiry of political activities, whether among donors or candidates, can be advantaged by the integration of multiple information sources. Examples include professional affiliations, employment, local and vacation housing, friends and acquaintances known as “circles of influence,” all of which could more effectively be retrieved for analysis with multi-relational database software and large capacity storage units. While the FOIA and public records acts imposed by government are the first step in listing information, consider the possibility of comparing welfare records with drivers’ licenses and income tax records. If agencies could communicate across barriers, then the comparison and analysis of personal records between federal departments and out-of-state with local agencies would greatly increase researchers’ ability to find duplications, hidden activities and other previously undisclosed information.

#### 4. Use of Public/Private Information

The World Bank has issued its criteria for assistance to “capable governments,” stating that developing countries must include transparency of government as a fundamental democratic process. Manipulation of data to make it transparent is not broadly acceptable among many leading nations of the world. However, within the

United States, the federal and state adoption of public records access and the computer-aided distribution and traditional analytical tools applied to this data represent American transparency of government. New developments in the application and use of information technologies in the political arena seek to enlarge these processes.

Consideration of information asymmetry, or the amount of information held by one entity which is greater than that held by another, is fundamental to the process of politics. Whether the example is found in one congressional candidate's knowledge of his own military record which is discovered by his opposition and exposed, or whether a PAC's insistence on their success in electing conservative candidates to public office when reports of expenditures to campaigns proves the opposite, transparency of information is a key component of the growing changes in opposition research. As citizens and voters become more familiar with the information sources and implications of political action, a reduction in the asymmetry of information will naturally occur. Impulses to hasten this trend will benefit the democratic process and strengthen individual political activities.

##### 5. Reform of Record Retention Regulations

The National Archives and Records Administration (NARA) is charged with the role as controller of records for the United States federal government. Currently, policy makers at the National Archives are considering enhanced retention of public records by electronic means (a development already long used). Eliminating the need for record destruction (due to space limits, etc.) should be a high priority for the National Archives and all governmental agencies. But that problem has been joined by new difficulties in



retrieval of computerized files following hardware and software changes.

By mid-1998, the National Archives had not changed its rules mandating both the medium of retention to be paper and designating the quality of the medium for long lasting physical storage and retention of records by federal agencies. Federal statutes governing record retention dictate a schedule for the length of retention (usually maximized at seven years) depending upon the type of record. The Paperwork Reduction Act, adopted during the Reagan Administration, has not significantly changed these practices. State and local agencies have similar regulations, adopting specific schedules of record retention based upon the type of public record.

Recent lawsuits have aimed at changing records retention policies. This litigation has referenced the introduction of write-able CD Roms, and other cheap means of electronic storage which may virtually eliminate concerns in the private sector for the retention of paper records by the government. Further consideration of changing the federal practices in electronic communications should be illuminated by existing commercial practices.

As discussed earlier, publishing houses and commercial information brokers have purchased or leased the public records now in the process of being destroyed by local, state and federal agencies. This process, begun in the early 1990's, has earned a profitable status within the commercial marketplace. Not only have commercial vendors provided electronic storage of records preceding 1987, the earliest records retained by government departments at the time this technology was available, but commercial houses have sought out earlier records still maintained and created electronic imaging

where public records were lost. Microfiche records, rather than hard copy paper, now exist in some agencies, but commercial vendors are quickly becoming the largest repositories of public archives.

Consideration of changing local, state and federal regulations should be a priority of public policy makers. Public record retention concerns must focus on capturing the largest amount of information possible rather than the current philosophy of record destruction in order to save file space and keep manageable administrative practices.

#### 6. Reform of Campaign Finance Disclosures

Theories of regulation found in the literature of public administration can articulate the foundations and historical context of the regulation of both securities and elections [Securities Exchange Commission (SEC); and Federal Elections Commission (FEC), respectively]. Simplicity of design could be applied to the ongoing development of SEC regulations governing the sale and distribution of all stocks, bonds, futures and other derivative financial securities in the United States. The explosion of financial security derivatives and junk bond trading in the 1980's taught regulators, if they had not already learned, that Wall Street could invent new instruments and transactions much faster than the federal government could regulate their trade. Rules promulgated by the SEC governing the professional investment counselors and licensed traders often rely on "Buyer Beware" methodologies to secure the public interest. Believing that full disclosure at least protects those in the public who seek to read and understand information in order not to follow dubious advice or purchase questionable products, the

SEC requires far more disclosure than the FEC requires from its political professionals.

The FEC and various U.S. Senate and Congressional committees (U.S. Senate Subcommittee on Governmental Affairs, 1998) rely on specific regulations and legal restrictions to prohibit the collection of donations from foreign sources, as well as the use of “hard dollar” expenditures by national party operations and many other actions. Yet, today, the tendency to change the rules incrementally has served to undermine FEC regulations and the Commission’s ability to govern and enforce restrictions.

Consideration of changing the federal and state campaign finance reforms efforts to include a model of regulation closer to the SEC example would greatly enhance the access to political information. An emphasis on disclosure of all information, particularly payments and expenditures made by vendors, would assist in standardizing the practices of political action. Reform of the regulations guiding financial exchange in politics, a field lacking in transparency, would serve to fill the loopholes discovered daily in campaign finance laws.

As an example, in 1997 President Clinton designated a national monument from the vast regions of the Western territories known as the Kaiparowits Plateau coal field. The President did so, not claiming Constitutional executive authority, but instead relying on the 1906 congressional "Antiquities Act" to nationalize an estimated 52 billion tons of high quality coal reserves, the largest deposit in North America.

Many political leaders of Utah, the Republican-led state in which the Kaiparowits Plateau is located, have suggested that the Clinton Administration’s action was motivated by politics, not a concern for the environment. Partisans have charged that large

donations from domestic mineral interests hoping to keep Dutch mining interests out of this territory influenced the administration policy. Without the technical capability to establish corporate linkages to donations made to the Clinton campaigns or their party, Republicans have been stymied from credibly charging that nationalizing this territory was partisanly motivated.

Had the recent information technology discussed in this study been available at the time of the President's decision, the interests behind this decision would most possibly have been exposed.

## 7. The Future of Advances in Community Technologies

Rapid advances in communication technologies have occurred during the twentieth century; rapid advances are expected to follow. A clear need exists to develop methods of adapting to these changes, both in mechanical systems and in individuals' reactions to them.

First, radio use spread from the early 1900's and then television, introduced during the 1930's, changed communication modes to enable government leaders to inform the public more directly and persuade their constituencies. Technology first introduced in the 1940's offered single function computers with commercial computers first available during the 1950's. Today, digital and cellular communications offer mobile personal systems of telephones, paging, faxing and electronic (e)-mail.

Public and private sector organizations and occupational structures have been transformed by the patterns of action and interaction necessitated by computer technologies. These technologies have advanced to natural language recognition,

learning capabilities, and tracking such as those used on military AWAC aircraft which have the capacity to track 800 independently moving objects, each as small as four feet in diameter.

These technologies have created a greater ability to decentralize, to diversify the workforce, to create home-based businesses and other types of telecommuters. Filtering perceptions among co-workers, longer work hours at home, increasing stress levels based upon higher expectation levels among supervisors, are all psychological concerns developing from modern telecommuting experiences.

However, the building, maintenance and decoupling of personal relations, known as communicative networks, make it possible to operate at a higher level of system complexity without increasing transaction costs. Interpersonal communication, heightened by telecommuting, teleconferencing, e-mail, fax and overnight shipping services are increasingly expanding the limits of communication outside of the office. Issues of security, independence and supervision are enhanced by such technologies. More complex relationships, developed between individuals and offices not bound geographically, aided by the Internet access capabilities readily available, shrink the world's many nations into a single, global village.

Modern developments, first in encryption, the method by which information is encoded with symbols which can be sent over a phone line without possible interception, and second in artificial intelligence, the modeling of human advanced thinking processes, have become current battlegrounds for government regulators and high technology industry. Technological changes are increasingly improving the means of acquiring

information because electronic formats provide (1) real-time frameworks with (2) reduced transaction costs to obtain information and (3) without geographical limitations.

Artificial Intelligence systems are still in development, without expectations of near-term, large-scale success. Devices that may independently come up with conceptual ideas or actions would represent a significant leap forward from the information technology discussed here. On the other hand, expert systems are available today, and these can be programmed to make “moves” if an example is provided based upon prescribed limits or changes of a design. In 1997, the famous Chess master Kasparov faced off against an IBM expert system only to lose his matches. The expert system designed by IBM provided an example of an “intelligent” machine that adapts to its environment by adding those strategies it records to its own repertoire. As Kasparov played chess, the machine learned his favorite maneuvers and thus learned how to counter them.

Similarly, information technologies for political analysis are dramatically altering capacities for informed democracy. Developments are rapidly multiplying to facilitate transparency of information about politicians, electoral campaigns, and such crucial details as financial sources and expenditures as demonstrated in findings from this research. Governmental practices have not kept pace with these developments to support needed changes in legal provisions for records retention and public disclosure. However, both classical and contemporary theory of openness of information provides strong foundations for such changes. Supported by this theory, today’s technologically enhanced political analyses, increasingly minimizes information disparities between elites and the

public. In short, intelligence of political democracy is enhanced by uses of cutting-edge information technologies for analysis, provided such activity is linked to basic theory about disciplines of democracy.

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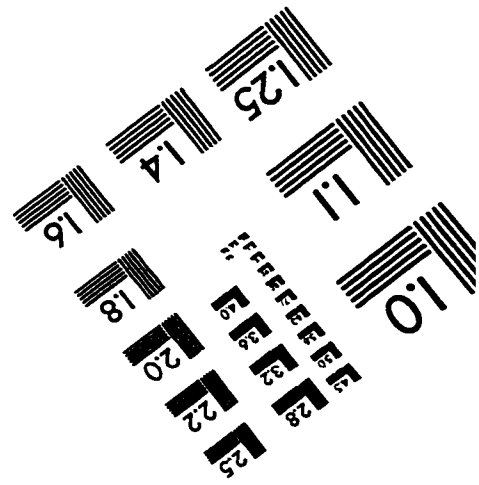
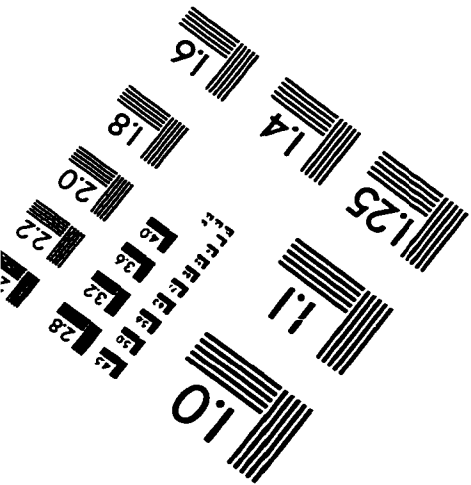
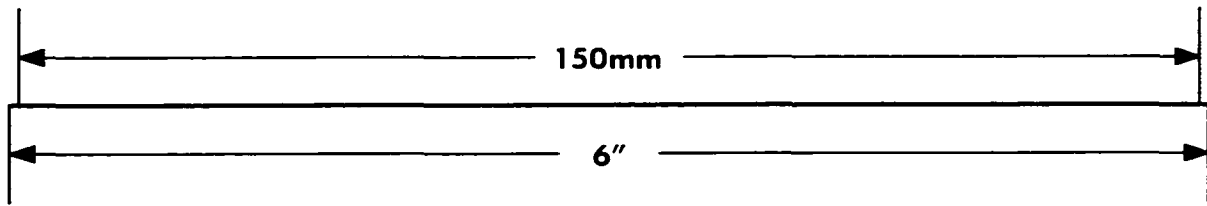
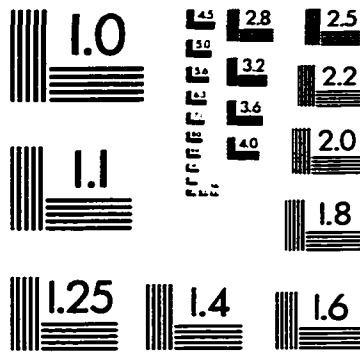
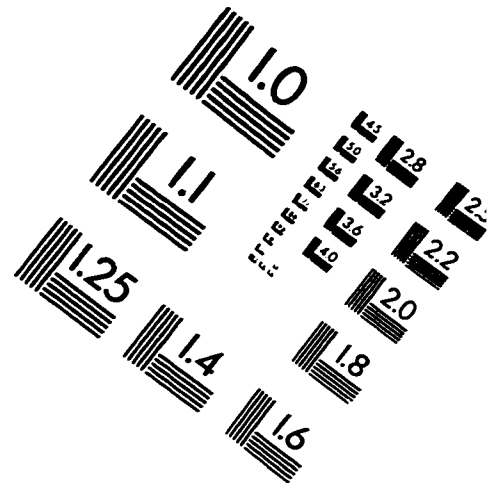
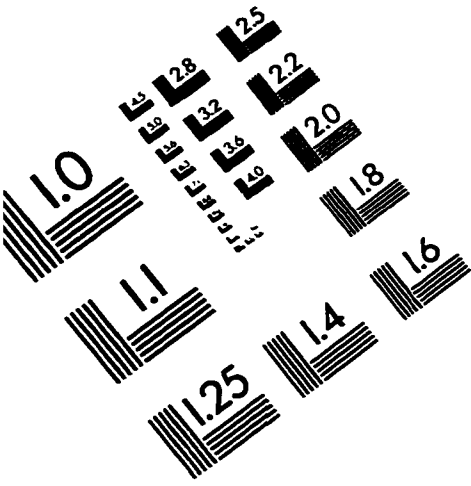
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