

THE OKLAHOMA LEGISLATIVE COUNCIL: PRESSURE GROUP
PARTICIPATION IN THE LEGISLATIVE PROCESS

By

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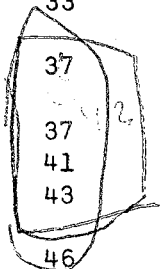
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CHAPTER I

INTRODUCTION

The Problem

Students of government are in general agreement that the tasks of state governments in the United States today are complex and, on occasion, almost overwhelming. They also concur in their doubt as to the ability of many of these governments to make much progress toward satisfactorily solving their problems, and added to these opinions are those voiced by the general public and even self-criticisms of public officials themselves. While such dissatisfactions with the processes of state government appear to stem from many causes, much of the criticisms are directed at the legislatures. This concentration of such criticisms of the legislative process has given rise to what is referred to as the "Decline of Legislatures."

Critics of state legislatures claim that the "image" of these legislatures is in great need of improvement, and in its present condition represents a decline in prestige, status, and effectiveness as compared with the last half of the 19th century. "American legislatures without exception no longer enjoy as great a measure of public confidence as was theirs in the early days of the republic."¹

¹William J. Keefe and Morris S. Ogul, The American Legislative Process (New Jersey, 1964), p. 3.

Pre-revolutionary legislative assemblies in the American colonies were held in high esteem by the colonists and represented the vox populi against the arbitrary authority of colonial governors who were appointed and maintained in power by the might of the British Crown.² The breach between the legislative and executive branches of these early American governments gave rise to many familiar governmental features: legislative budget control, legislative investigative powers, committee systems, bicameral bodies, and the view (now faded) that legislatures are the key institutions of government. From that time state legislatures continued to grow in status and power until new events and forces fostered the emergence of state executives and the national government into dominant positions of control over the affairs of government. Westward expansion of the nation, wars, and increased foreign trade gave rise to strong feelings of nationalism which tended to overshadow the traditional concepts of state supremacy in the republic. Industrialization, advancing technology, urbanization, population growth, and the rise of corporate enterprise combined to increase the complexity and multiplicity of state legislative problems. The comprehension, sophistication, and even the motivations of state legislatures failed to keep pace. They have thus been described as "18th Century institutions in a 20th Century setting"³ --time and change having left them behind.

²William H. Seiler, "The American Parish Vestry in Colonial Virginia," Journal of Southern History (1956), Vol. 22, pp. 310-337. Herein is a discussion of the protective function of the colonial legislatures, although the account is basically concerned with the forerunner of county government.

³In William J. Siffin, The Legislative Council in the American States (Indiana, 1959), pp. 5-16 is an excellent resume of the reasons for the "fall from grace" of state legislatures.

As early as the mid-1800's state constitutions were reflecting the lack of public faith in these traditional law-making bodies and for the next 100 years this attitude became more prevalent. Legislators have been thought to lack knowledge and statesmanlike wisdom. Their authority has become severely circumscribed by executive vetoes, shortened legislative sessions, biennial sessions, substitution of popular elections for legislative appointment of public officials, bills of rights, constitutional earmarking of funds, money-borrowing limitations, and numerous other restrictions. Legislators have been described as being unrepresentative, irresponsible, insecure, timorous, incapable of rapid decision, interested only in re-election, and dominated by special-interest groups. As a result, they have been accused of failing to express the "public will." They are no longer considered to be the arbiter of conflict between the private and public interests, but are accused of being "rubber stamps" of the "interests" that confront them first with the most pressure, persuasion, or information. State legislatures have found their traditional position more and more difficult to maintain, and have long experienced the discomfort of public disfavor.⁴

One of the basic reasons for the present predicament of state legislatures has been their failure to sufficiently adjust their philosophies and methods toward an orientation of action and away from preoccupation

⁴Keefe and Ogul present a capsulized explanation of "discontent over the legislatures" in pp. 3-8. For specific recommendations on "How We Can Improve Our State Legislatures" see James MacGregor Burns and Jack Walter Peltason, Government by the People (New Jersey, 1962), pp. 749-751.

with lengthy, and often inconsequential, contemplation.⁵ However, the most glaring reason for the purported "decline" of these law-makers has been their failure to obtain the information that is so necessary to legislative decision-making. This does not mean that they have not tried to meet this need; but in attempting to do so they have found that the repositories of the required information have been external of their own organizations and widely dispersed throughout the states. Further, they found that these "information centers" were often synonymous with "interest centers" which concentrate their political activities in the legislative processes of the very bodies so greatly in need of their help. In addition, the location of this expertise has not lain wholly within the private sector of the community. The growth of the executive branch of state governments has resulted in the transfer of a great deal of this "know-how" to the public sector and has concentrated the innovative forces of government in the administrative departments. Consequently, the legislatures have found themselves playing a secondary role relative to both the public and non-public experts.

Confronted with this almost insurmountable problem, legislatures were faced with a choice of two alternatives: renouncement of the traditional legislative role or a return to a position of responsibility for law-making. Choosing the second of these alternatives, the legislatures of all fifty states have undertaken programs designed to provide themselves with varying amounts and degrees of "in-house" expertise so as to

⁵These criticisms have also been levelled at the Congress of the United States as it has undertaken to improve its "image" through the use of internal support services. See George B. Galloway, The Legislative Process in Congress (New York, 1953), p. 41 for the specific specialties in which staff support was developed. Also see Bertram M. Gross, The Legislative Struggle (New York, 1953), p. 283.

at least lessen, if not eliminate, their reliance upon external sources of information. These efforts to develop their own home-grown sources of information may be described as the Legislative Council Movement.⁶

In seeking to provide themselves with the necessary internal supportive organs, all fifty states have established various combinations of "support services" which perform research, reference, and bill-drafting functions. Forty-eight states have some form of Legislative Council which provides all or some of these services. The general purpose of such organs is to function as instruments for providing and bringing into focus relevant information for the legislative process in state law-making bodies.

Political scientists have agreed with legislators and consider information to be the single most important ingredient in legislative decision-making. As a consequence of this agreement, they have conducted numerous studies which concentrated upon the forms, substance, and sources of this vital element. They have studied interest groups and the agencies of the executive branch as powerful and influential sources, both in their relationships with the legislature and with one another. Legislative councils have also been studied, both as they relate to executive departments and to legislatures. However, because most of the legislative councils are primarily supportive research organs, little effort has been expended studying the intertwining relationships among these four groups (interest groups, executive departments, legislatures, and

⁶Though most states use the title "legislative council" for their internal support agencies, some are known as "legislative research commissions" and some by other names. For the composition and organization of such council agencies consult the Book of the States, 1964-1965, pp. 84-85.

legislative councils) in an effort to determine the over-all impact of such Councils on the legislative process.

The Oklahoma Legislative Council, being somewhat unique in that all members of the Legislature are also members of the Council,⁷ presented an opportunity for study that is not present in most states and an opportunity for a type of study that has not been undertaken in the state of Oklahoma. Therefore, the focus of this inquiry lies in the attitudes, activities, and interrelationships of the Oklahoma Council and its information sources: political-interest groups, legislators, the Research Department of the Council, and the administrators of the executive branch of state government. It is hoped that this study will provide the reader with further insight into the relationships among these information sources and their relationships with the legislative process.

The fact that the Oklahoma Legislature has attempted to further develop its own expertise stands as an admission that the "holders of information" have wielded a disproportionate amount of influence on legislation. Special-interests have attempted to attain their goals by influencing, not only individual legislators, but also their collective actions. Legislative Councils are supposed to be devices by which legislatures will be better able to withstand the pressures from these interests and it is conceivable that Oklahoma's council may aid in accomplishing this goal by providing objectivity, continuity, and insulation for the regular sessions. However, the possibility arises that the existence,

⁷Nebraska's unicameral, 43-member legislature and South Dakota's 110-member legislature are the only other state councils whose membership includes all legislators. See State Legislative Council publication: Jack A. Rhodes, The Oklahoma Legislative Council (Oklahoma City, 1967), pp. 6-7.

role, and functions of this Council have, in themselves, served to jeopardize one of the justifications for its being by merely providing additional points of access for the very special-interests that it was designed to subvert; or perhaps it has, at the very least, extended and made available for longer periods of time those points of access that were already in existence. If this is true, that fact in itself would not necessarily negate the effectiveness of such an organization; yet, the possibilities of legislative exposure to biased (and informed) influences would be greatly enhanced because of the increased length of time during which the legislative process would be "available" to these influences. Such possibilities provide a basis for the hypothesis of this inquiry.

Hypothesis

Whether special-interest groups and individuals have unduly, detrimentally, or beneficially influenced the product of legislatures has been a topic for research, analysis, and discussion by untold numbers of scholars; therefore such an undertaking is not the purpose of this inquiry. This inquiry is limited to an examination of the hypothesis that the Oklahoma Legislative Council is a vehicle by which those persons and groups with political interests gain a broader base from which to influence the Oklahoma legislative process; and, further, due to the functions and composition of this Council, it is primarily a continuance of the Legislature itself and the attitudes, activities, and responses of its participants are merely reflections of the regular legislative sessions. During the course of this study answers to other questions were sought; for example: To what extent and by whom are the Council processes utilized? What are the effects of annual sessions and reapportionment of

the legislature on the role and efforts of the Legislative Council, political-interest groups and individuals? What are some of the problems of the Legislative Council and what are possible solutions? What are the interactions between the Council and interest groups? How effectively does the Council insulate the regular session of the legislature from the approaches of interest groups? To what extent has the Council served to "institutionalize" interest groups and influence this institutionalization toward a higher inception of public service? What is the Legislative Council Research Staff's perception of its role and of the role of interest groups? How do lobbyists view their own actions and what is their perception of the Legislative Council? What are the attitudes of the leadership of the interest groups and what are their stated objectives and programs? What are the interactions between the Council and the administrative departments of the executive branch? Which are the most influential interest groups in Oklahoma and what makes them influential? Answers to these and similar questions should provide a fairly comprehensive understanding of the overall "political interest environment" in the state of Oklahoma, as well as permit a determination of the validity of the hypothesis stated herein.

Methodology

The methodology utilized in this study was descriptive, analytical, and explanatory, and the Legislative Council was examined in its structural-functional, behavioral, and processual environments. Within that framework, data sources were selected from among public documents, news media, and scholarly analyses. Inquiry was made in the form of written questionnaires to five categories of participants in the Oklahoma

legislative process. Oklahoma Legislature - interest group relations were examined in historical and current contexts. Role perceptions of the participants in the legislative process were explored as were the relations among the Council, the interest groups, and the departments of the executive branch. Major emphasis was placed upon Legislative Council-interest group relations and the participation of lobbyists in Council activities. The functions, role, and processes of the Council were compared with those of the Legislature to determine to what extent the Council might be an extension of the Legislature. Tabular summaries and analyses were presented in the text to portray the extent and results of the inquiry, and pertinent analyses were appended to the body of the study upon its completion.

To determine whether and to what extent interest groups utilize Council activities as a means to influence legislation and to determine how such actions are received, two data sources were examined; namely public documents and participants in the legislative process. Because of the potentially large number and the wide geographic dispersal of the latter, broader coverage of the subject matter was obtained by use of a questionnaire rather than personal interview. Further, those participants occupying positions in closer proximity to the legislative process were queried, as their views, attitudes, and behavior appeared more germane to the purpose of this study. Accordingly, the following categories of public officials and concerned citizens were recipients of appropriate questionnaires:

1. Members of both houses of the First Session (1967) of the Thirty-First Oklahoma Legislature.
2. Members of the 1963 and 1965 Legislatures.
3. Lobbyists registered with the 1963, 1965, and 1967

Legislatures.

4. Members of the staff of the Legislative Council Research Department.⁸
5. Administrative officials of the executive branch of the State government.⁹
6. The leadership of both "registered" groups and "non-registered" groups identified through such sources as news media, scholarly publications, and by those persons identified in the first three categories above.

Broadly stated, the aims of these questionnaires were to determine the Legislative Council-interest group relations, Legislative Council-Executive Branch relations, and attitudes of the respondents. Separate questionnaires were submitted to legislators, lobbyists, administrators, Research Staff members, and interest group leaders. By design, many of the questions submitted were duplicated among the questionnaires, so as to insure coverage and to permit comparison of responses. (Appendixes A and B.)

Fourteen of the questions submitted to legislators, lobbyists, executive department officials, and research personnel and seven of those to interest groups may be considered as "primary" questions relating directly to the basic inquiry. The remaining questions may be considered as "associated" inquiries and serve to round out the research of interest groups in the legislative process, and permit comparison, refutation, or corroboration of answers by the respondents. Answers to these questions were expected to provide the following array of information:

1. The attitude of legislators toward statutory control of lobbying activity and explanation of their tendency to

⁸Hereinafter referred to as researchers or Research Staff.

⁹Hereinafter referred to as administrators.

react favorably or unfavorably to these activities.

2. Whether legislators, executives, and researchers actually do receive aid from lobbyists and whether they are receptive to these acts.
3. The value of the lobbyist to job performance and the receptivity of officials to influence.
4. The relative influence of lobbying, among other interest group techniques, in approaching the legislative process.
5. The officials' awareness of the activities and functions of lobbying and the probability of continued lobbying activities.
6. The degree to which respondents can discriminate and differentiate among various interests, and the relative importance and power of Oklahoma groups.
7. The identification of unregistered interests and the extent of their activities.
8. Influence of interests which may be effective even though not normally considered powerful.
9. Whether a large number of lobbyists place unreasonable demands upon public officials.
10. Comparison of lobbying activities during regular legislative sessions and interim periods.
11. Whether the Legislative Council organs act as initiators or respondents in their contacts with lobbyists.
12. Comparisons among answers of all respondents.

A total of 526 potential respondents were queried from among the six possible data sources. Total responses were somewhat less than expected, being only 27.7 per cent; however, the 146 persons responding were more than could have been contacted personally in a comparable period of time. The responses from the largest groups (legislators, lobbyists, and interest group leaders) ranged from 25.2 per cent from legislators to 50.0 per cent from unregistered interest groups. However, the difference in the range of responses for legislators, registered

lobbyists, and registered groups was only 8.5 per cent. (Table I.) The coverage of the legislative process by the 102 legislators and lobbyists who responded was satisfactory and evenly spread over the three legislative sessions in question. (Table II.)

Preview of Following Chapters

Necessary to a general understanding of the environment in which the Oklahoma Legislative Council presently operates is some comprehension of what has gone before. In addition, the historical development of the Council and the proliferation of pressure groups which accompanied this development is, in the opinion of this author, indispensably relevant to an examination of the hypothesis of this inquiry. Therefore, Chapters II and III are primarily devoted to such historical presentations. The purpose of this approach is to establish a foundation from which to proceed with an analysis of the responses to inquiry by the participants in Oklahoma's legislative process.

Chapter II deals briefly with the pre-constitutional activities of certain political-interest groups in order to illustrate the longevity of these groups as well as to explain the reasons for the language used in Oklahoma's original "lobbying statute" - which remains unchanged to date. From this point, Chapter II traces the increase in lobbying activities to its present status and relates the expressed attitudes of legislators toward such activities, while at the same time illustrating their willingness to establish cordial relations with the lobbyists. In addition, emphasis is placed upon the methods used by the Oklahoma Legislatures in recording lobbying information in their Journals, since this information provides evidence of the permanence of pressure groups on the

TABLE I
 NUMBER OF PERSONS AND ORGANIZATIONS
 QUERIED AND RESPONDING

Identification	Number Queried	Responses Received	Per cent
Legislators ¹	241	61	25.2
Lobbyists ¹	154	41	26.6
Interest Groups ²			
Registered	49	16	33.7
Unregistered	24	12	50.0
Government Executives ²	47	10	21.3
Research Department Personnel ²	8	5	62.5
Former Research Department Personnel ²	<u>3</u>	<u>1</u>	<u>33.3</u>
TOTALS	526	146	37.1 (Avg.)

¹See Appendix C for number of legislators queried by year and house of legislature, and for number of lobbyists by year of registration. See Appendix D for the organizations of those lobbyists responding.

²See Appendix E for identification of interest groups, executive departments, and research personnel queried and responding.

TABLE II
 LEGISLATIVE EXPERIENCE LEVEL OF LEGISLATORS AND
 LOBBYISTS RESPONDING TO INQUIRY¹

Respondents	Responses Received	Sessions Served			Session Coverage		
		One	Two	Three	1963	1965	1967
Legislators*	61						
Senators	23	6	9	8	14	17	17
Representatives	38	18	12	8	22	22	22
Lobbyists	<u>41</u>	<u>21</u>	<u>8</u>	<u>12</u>	<u>22</u>	<u>29</u>	<u>22</u>
TOTALS	102	45	29	28	58	68	61

*One legislator removed his name from the top of the questionnaire thereby making it impossible to identify the respondent. This questionnaire was arbitrarily categorized as a 1967 Senator with only one session of experience.

¹Only the 1963, 1965, and 1967 legislative sessions were considered in preparing this table. Sources of data were: Oklahoma Legislature, Twenty-Ninth, Thirtieth, and Thirty-First Sessions, Journals of the Senate and House of Representatives, 1963, 1965, and 1967, and the card files of the Speaker of the House and the President Pro Tempore of the Senate of the 1967 Oklahoma Legislature.

legislative scene. Finally, a comparison of the numbers and identities of "registered" pressure groups prior to and since the activation of the Council is presented to emphasize the impact of the Council upon lobbying activity.

Chapter III explains the necessity for the development of such legislative tools as the Oklahoma Council and the general efforts of legislatures throughout the United States to establish such entities. Those characteristics of such councils which justify their raison d'etre are identified so as to establish a basis upon which the Oklahoma Council may be examined. Finally, a brief resumé of the "delayed" activation, and the duties and functions of the Oklahoma Council are presented, which further serve to provide a basis for analysis as well as illustrate the predominately "political" outlook of the members of the Oklahoma Council.

Chapter IV contains an analysis of the structural and functional "access points" to the Oklahoma legislative process which are available to political-interest groups because of the organization and operations of the Council. Further, analyses of the questionnaires completed by participants indicate the attitudes, motivations, and methods of such persons as they seek their individual and collective goals in the Council activities. These analyses, when compared with the Legislature-interest group relations prior to the birth of the Council, provide sufficient evidence upon which to base a determination of the validity of the hypothesis of this inquiry - a determination which is presented in the concluding chapter.

CHAPTER II

PRESSURE GROUPS AND THE OKLAHOMA LEGISLATURE

Constitutional Antecedents

"In no country in the world has the principle of association been more successfully used, or applied to a greater multitude of objects, than in America."¹ These words, written almost 150 years ago and only seventy-one years before Oklahoma convened its Constitutional Convention in its drive to obtain statehood, were found to be appropriate then and are still found to be appropriate today, and de Tocqueville further observed: "If some public pleasure is concerned, an association is formed to give more splendor and regularity to the entertainment."²

The participants in the formation of Oklahoma's Constitution most certainly found that these words could be applied to the occasion for which the "framers" gathered. The President of that Convention, William H. Murray, correctly identified the situation when he stated:

It is impossible for an imperfect citizenship to have perfect laws. Too many seek for favors and follies and, particularly for gifts, pelf and patronage; and support public measures that lead to just such.³

¹Richard D. Hefner, ed., Democracy in America, by Alexis de Tocqueville (New York, 1956), p. 95.

²Ibid.

³William H. Murray, Memoirs of Governor Murray and True History of Oklahoma (Boston, 1945), Vol. II, p. 138.

One of the oldest of Oklahoma's pressure groups was identified by Murray as one which he himself had helped to form. In 1902 Murray had supported the combination of one unit of the Farmers' Union at Warner, Oklahoma with another at Sandy Creek, Texas in order to form a union with 200,000 members.⁴ At that time, he observed that his was a "sensible organization without any politics."⁵ Yet four years later this Union sent delegates to the Constitutional Convention in such numbers that Murray was later to write that "... there were thirty Farmers' Union men that would vote for me for President of the Constitutional Convention"⁶ It appears that Murray, as many politicians today, either failed or refused to understand that those groups who supported him in his political aspirations were as deserving of the title "political interest group" as were those who opposed him. However, Murray did note later:

The officers of the Federated Labor and ... the Farmers' Union ... the daily press ... the Chamber of Commerce of Oklahoma City ... were a great group of lobbyists....⁷

Mr. Murray had no difficulty in identifying those interests that were opposed to him, as evidenced by his observations that:

... private and public corporations in Oklahoma City ... the Guthrie Statesman ... hostile and abusive ... misuse of words and their meanings ... cartooned me for three months;⁸ ... also, The Daily Oklahoman, seconded by the Oklahoma News, would resort to 'Cock-and-Bull stories';⁹

⁴Ibid., p. 296.

⁵Ibid.

⁶Ibid., p. 7.

⁷Ibid., p. 17.

⁸Ibid.

⁹Ibid., p. 18.

... and the suffragists were also at the Con-Con.¹⁰

Yet, as ready as Murray was to point out the great opposition that he overcame to win election to the presidency, he played down the amount of interest group support that he enjoyed. He claimed that the only organized force that supported him was the "Prohibition Lobby."¹¹

The fiercest Convention contest grew out of deciding the number of counties for the new state and determining their boundaries. Political interests were both busy and vocal. Those groups who supported the concepts of Andrew Jackson were adamant in their attempts to make the "will of the people" known. On this matter, Murray observed:

... the Farmers' Union and Labor Union officers approached many /delegates to the convention/ ... to 'elect everthing' /sic/ /a large number of officials to state office/¹²

It appears from Murray's comments that the political interest groups were certainly present at the gathering in sizable numbers, and that they actually had a "head start" on the state in that they were formed and operative even prior to statehood.

Although these extracts represent only a few of Murray's comments, they serve to illustrate the fact that political interest groups and individuals were sufficiently motivated to pursue their aims with vigor. Such activity has continued and increased to this day. Many of those interest groups active at the Convention are still operating today in the law-making processes of Oklahoma; for example: the Farmers' Union, the Oklahoma City Chamber of Commerce, labor unions, and Oklahoma newspapers.

¹⁰Ibid., p. 30.

¹¹Ibid., p. 335.

¹²Ibid., p. 45.

Of additional interest is the fact that these groups were extremely active for the purposes of influencing the selection of Convention delegates and the content of the Oklahoma Constitution, and these same groups, plus others, remained active in the State Legislature until 1919; but from that date until the activation of the Legislative Council total "registered" lobbying activity in the legislature was almost non-existent. Further, those lobbyists who wished to elect large numbers of public officers were successful in their efforts, and the resulting constitutional provisions have contributed to the influence of private lobbyists and public officials in the present activities of Oklahoma's Legislative Council. In addition, although the political aspirants at the Convention sought support from these interest groups, they formulated the original "lobbying statute" only a few months later, thereby contributing to a paradox of confused motivations which exists for law-makers even today.

Statutory Regulation Of Lobbyists

Mr. Murray shared his convention experiences with a gentleman who was to become the first governor of the new state, namely C. N. Haskell. He and Murray were in very close contact, and he supported Murray for the presidency of the Convention. These experiences apparently made a lasting impression on the mind of this future executive and resulted in "lobbying" achieving a dubious place of honor in the documents of the Oklahoma Legislature. The subject of "lobbying" was the first discussion by Governor Haskell, the first governor of this newly formed state, in his first "State of the State" message to the first joint session of the two houses of the First Legislature and is recorded in the first Journals of

that body. Governor Haskell stated:

Believing that all classes of people who feel that the interest of themselves and their employees entitle them to be heard before the legislative bodies of the state should be heard, but that such hearings should be open to the public, I earnestly recommend that adoption of such rules and the passage of such laws as will limit the privilege of the lobbyist to open oral arguments or public print, and that a suitable penalty be provided punishing any offender against the rules or laws that you may provide or enact; that this apply not only to lobbying before your honorable body, but before municipal legislative departments also.¹³

The members of the legislature apparently agreed with the Governor on the desirability of regulating the activities of those persons and groups who were intent on pursuing their interests in the chambers and committees of the legislature, for they lost no time in writing and putting into effect such a law as recommended by him.¹⁴

Under the provisions of Section 4038 of this statute any person was "guilty of lobbying" who attempted privately to influence the acts or votes of any legislator. Persons employed for a "valuable consideration" were prohibited from acting as legislative agents or counsel in any manner other than by appearing before the regular committees of the two houses, or by newspaper publication, public address, printed or written statement, or by arguments or briefs delivered to or upon the desk of each member. Further, those persons wishing to appear before legislative committees were required to submit petitions to the appropriate chamber stating the applicant's name, age, place of residence, and the name of

¹³Oklahoma Legislature, First Session, Journal of the House of Representatives, 1907, p. 769.

¹⁴The First Legislature convened in December 1907 and the requested statute was written and passed, and became effective May 8, 1908; "Chapter Forty-Six, Sections 4037-4042," Piper Reed Book Company, General Statutes of Oklahoma (Kansas City, Missouri, 1908), pp. 897-898.

the person, firm, company, or corporation represented as well as the amount of pay he received per day, week, month, or year.

When lobbying petitions were approved by a majority of the members of the house to which they were submitted, cards were issued to the petitioners testifying to such approval. Each house retained the authority to revoke these permits and prohibit further recognition of the persons as legitimate legislative agents. These permits were valid only for the session of the legislature during which they were issued, and authorized the agents to appear only before committees of that legislature. Agents were restricted from appearances on the floor of either chamber while the house was in session, except by invitation.

Although legislative agents were required to obtain approval as described, "any individual citizen of this state" was permitted to appear individually or by attorney, but no attorney was allowed to appear before any committee on the same subject more than twice during the session of the legislature.

Corporations were placed under more stringent restrictions, which reflected the dominance of the agrarian influence and the strength of the "common man" ideology prevalent at that time, and said restrictions still remain a part of the statute. Section 4040 of that law stated:

No corporation, either foreign or domestic, shall appear before any legislative committee except by regular officer who shall submit himself for cross-examination by the presiding officer ... and furnish books and papers necessary to throw light upon the subject of which he desires to call the attention of said committee.¹⁵

Public employees of the state also came under its provisions. Officers, agents, appointees, and employees of the legislative, judicial, and

¹⁵Ibid., p. 898.

executive branches of the state government were prohibited from attempting to influence any member of the Legislature to vote for or against any measure pending therein affecting the pecuniary interests of such persons, excepting in the manner provided in the case of legislative agents. This provision served the purpose of permitting personnel of all three branches of the state government to appear before committees for the same purposes as legislative agents--so long as they conducted themselves in the same manner and met all the requirements and restrictions imposed upon those legislative agents. However, it did obviously intend to deny free and unlimited access to the legislative process to public employees who would probably have greater opportunity to take advantage of their privileged positions and special knowledge.

It appears that Oklahoma legislators still believe the original statute to be a good one, as the current statute is almost identical thereto.¹⁶ "Lobbying" remains so defined almost word-for-word. Procedures for obtaining permits to act as legislative agents, the limitations on actions of agents, revocation of permits, restrictions on corporations, and restrictions on state employees are essentially the same. The only additions to this statute are those concerned with members of the legislature soliciting or securing employment with state departments or institutions. Sections 321 and 322 of the current statute make it unlawful for legislators to solicit, receive, or accept any money or thing of value either directly or through another person for soliciting or securing employment of or for another person from any department or institution of the state, where said department or institution is supported in

¹⁶See Oklahoma Statutes, 1961, Title 21, Sections 308-322.

whole or in part from revenues levied by the legislature. Punishment for those who violate these provisions may range from \$100 to \$1,000 and from one to five years imprisonment.¹⁷

From William H. Murray's account of political interest groups, from Governor Haskell's first message, from the original statute regulating lobbying, and from the current statute one can surmise the public attitude that has prevailed with respect to lobbying and political interest groups in Oklahoma. Yet there appears to be a paradox present in this general attitude. Although the terms "lobbyist" and "interest group" are still looked upon with distaste by many in the legislature and by the general public, legislators continue to be dependent upon these persons for information relative to law-making, and more and more citizens are participating as members of these "disliked" organizations.

This apparent paradox may indicate a change in general attitude that is not yet complete, at least not in the state of Oklahoma. A recent observer has surmised that:

The once prevalent view that 'special interest groups,' by their very existence, continue a threat to the general 'public interest' has generally given way to a belief that interest groups collectively constitute a legitimate clientele in the formation of policy.¹⁸

Within this paradox, elements of both continuity and change can be ascertained from the statements of lobbyists, government employees, leaders of interest groups, and legislators (all of which will be discussed

¹⁷Ibid., Section 321. This provision appears to be aimed at curtailing the activities of patronage-minded individuals, the evils of which can be seen in H. O. Waldby, The Patronage System in Oklahoma (Oklahoma, 1950).

¹⁸John C. Wahlke, et al, The Legislative System (New York, 1962), p. 311.

in a later chapter), and even from the public documents of the legislature. The confused motivations of public officials so apparent during the session of the First Legislature are apparent in the statements and actions of today's legislators, particularly when these officials are participating as members of the Legislative Council. Their public utterances and answers to inquiry do not always coincide with their actions, thereby further validating the accusations that legislatures have experienced a "decline," and supporting the claim that organizations such as the Oklahoma Council have not fully served their purpose.

Lobbyists and the Legislature

To the careful reader, the Oklahoma statute regulating activities of political interests will reveal a distinction between "lobbyist" and legislative agent." It may be noted that the distinction is in the difference between privately attempting to influence legislation and publicly attempting to influence the legislators as they pursue their assigned functions, with "lobbyist" being linked with the former and "legislative agent" with the latter. However, the two terms are being used interchangeably in today's common mode of expression. Actually, in common use the term "lobbyist" has at least three different meanings:

1. In its broadest use, the term 'lobbyist' is often used interchangeably with the term 'pressure group' to mean any organization or person that carries on activities which have as their ultimate aim to influence the decisions of ... the state ... legislatures, or of government administrative agencies.
2. In a somewhat narrower sense, 'lobbyist' means any person who, on behalf of some other person or group and usually for pay, attempts to influence legislation through direct contact with legislators ... he is most frequently found ... in the state capitals while the state legislatures are in session.

3. In a third and still narrower meaning, 'lobbyist' denotes anyone who is required to register ... and also to reveal on whose behalf he is acting, and how much he was receiving ... in carrying out his pressure activities.¹⁹

Although the Oklahoma Statutes continue to make a distinction between the two terms under discussion, the Journals of the two houses of the legislature no longer do so.²⁰ Therefore, for the purpose of this study the terms "lobbyist" and "legislative agent" will be used synonymously, with the only distinction being whether the persons involved are "registered" (as opposed to unregistered) with the state legislature.

Regardless of the legal distinction between these two terms, the legislators of Oklahoma have been prone throughout their legislative history to describe all persons attempting to wield influence in the government as "lobbyists." As the legislative documents reveal, these legislators have had numerous occasions to refer to these persons, a fact which indicates the paradoxical concern with which legislators view such activities and which also attests to the persistence of political interests.

One of the first of such groups to gain the attention of the legislature was not a group of private citizens, but public employees of local governments. The state was only three years old when the Senate, in 1910, found it necessary to reiterate its position relative to lobbyists in a

¹⁹Congressional Quarterly Service, Legislators and Lobbyists (Washington, 1965), p. 5.

²⁰The changing terminology presents some difficulty when using the indexes of the Oklahoma legislative journals. In 1911 House Journal index used the term "Legislative Agents"; in 1915 it used "Permits to appear before committees"; in 1919 the Senate Journal indexed "Committees: Permits to Lobby"; in 1923 the House Journal read: "Lobby Permits"; and in 1927 there appeared three entries in the House Journal: "Permits to Lobby," "Lobby Permits," and "Lobbying." Both Journals in recent years have standardized the terminology and use "Lobbying" or "Lobbyists" only.

Resolution in an attempt to relieve itself of the pressures²¹ being exerted upon them by those locally elected public officials:

WHEREAS, the First Session of the State Legislature enacted what is known as the Anti-Lobbying Law ... and,

WHEREAS, there has been hovering about the State Capitol and the hotel lobbies in the city of Guthrie, a large number of persons who have been entrusted by their constituents with public offices of trust and who are apparently neglecting the duties of their offices at the expense of the taxpayers of their respective counties, and have no other object or purpose in remaining in the capitol at this time than to either prevent or control legislation upon the subject which seeks to regulate the fees and salaries of the various county officers of the State in the interest of such individuals and against the interest of their respective counties, therefore, BE IT RESOLVED by the Senate of Oklahoma, that such acts and practices are not only against public policy but are in direct contravention of the spirit and letter of the acts of the legislature and that we condemn in unmeasured terms the acts, practices, and apparent purpose for which such persons are gathered in the city of Guthrie.²²

It is small wonder that the activities of these lobbyists were apparent to the legislators since the purpose of this session of the legislature was to write laws fixing fees and salaries of public officials, since the Constitution prevented change during the terms for which these officials were elected. And another election was coming up in November of that year.²³ (This group of lobbyists may well have been the forerunners of the County Commissioners Association which appears in the

²¹The use of the term "pressure," although traditionally connected with interest groups, does not necessarily reflect the current relationship between those groups and government officials. In David B. Truman, The Governmental Process (New York, 1951), p. 38-39, it is noted that the term "pressure" suggests a mildly sinister kind of activity. However, the usage of the term is defended as appropriate because it is not likely to produce a negative attitude in Harry Eckstein, Pressure Group Politics (London, 1960), p. 10.

²²Oklahoma Legislature, Extraordinary Session, Second Legislature, Journal of the Senate, 1910, p. 261.

²³Ibid., pp. 1-5.

comments of present-day public officials, as related in Chapter IV of this study.)

Although the Journals of both houses of the legislature have contained numerous references over the years to regulation of lobbyists, those of the House of Representatives contain the largest number. Perhaps this is because the House has contained the largest number of members, which tends to provide more "access points" to lobbyists, or perhaps it is because of the larger number of bills that are introduced in the lower chamber. Following are a few additional extracts from these documents which further serve to emphasize the legislatures's problems with both "registered" and "unregistered" lobbyists for both the private and public sectors of the state:

1927

Mr. Faulk rose to a point of Privilege of the House relative to lobbying on the floor of the House by Senate employees and others....The Speaker announced the Rules of the House prohibited lobbying on the floor of the House and that at any time attention was called to such lobbying the Rules would be enforced.²⁴

1929

House Bill No. 106 - An Act making it unlawful for any state officer, department, or employee to lobby against any measure or law having passed the House of Representatives or Senate; or the use of any stationary or stamps or employees for such, providing penalty for such....²⁵

1931

House Resolution No. 16 - WHEREAS, there exists at the time

²⁴Oklahoma Legislature, Eleventh Session, Journal of the House of Representatives, 1927, p. 961.

²⁵Oklahoma Legislature, Twelfth Session, Journal of the House of Representatives, 1929, p. 289. The Judiciary Committee later recommended a "Do Pass" for this bill (p. 426), but it was stricken from the calendar by the House acting as a Committee of the Whole (p. 886).

those who are lobbying for BIG BUSINESS, privilege, and special privilege, who are not complying with the rules of the House and the statute provided.

NOW, THEREFORE, BE IT RESOLVED, that the Sergeant-at-Arms be, and he is directed to summons and bring forth ... and require them to register and pay into the House the registration fee in order that they may be regularly admitted, and a permit be issued....²⁶

1937

House Bill No. 316 - An Act making it unlawful for any officer or employee of any department or institution of the State to, directly or indirectly, request, or in any manner seek to influence any member of the Legislature of Oklahoma to either support or oppose any Bill or Resolution then pending before said Legislature, except such bills or resolutions as may directly affect the Department or Institution of which he is an officer.²⁷

1949

Upon motion of Mr. Riggs, the Speaker was requested to instruct the Sergeant-at-Arms to enforce the House Rules pertaining to lobbyists.²⁸

Actions such as the foregoing are not only of the past, as lobbyists and their activities are still of concern to the legislature and to the chief executive. Reminiscent of Governor Haskell's recommendations to the Legislature in 1902 is Governor Johnston Murray's message in 1951:

It will be my purpose to communicate with you by open message the needs and requirements of various departments ... any pernicious lobbying activities upon the part of appointees and employees will be looked upon with great disfavor ... it will be the hope of all of us that you will be left free in your deliberations to exercise your powers and your functions unhampered and unobstructed by any other department, since the complete independence of the legislative branch of the

²⁶Oklahoma Legislature, Thirteenth Session, Journal of the House of Representatives, 1931, p. 984.

²⁷Oklahoma Legislature, Sixteenth Session, Journal of the House of Representatives, 1937, p. 746.

²⁸Oklahoma Legislature, Twenty-Second Session, Journal of the House of Representatives, 1949, p. 210.

government is most essential to the public welfare.²⁹

On occasion, lobbyists have submitted requests for permits without fully complying with the provisions of the statutes. One common violation has been omission of the amount of remuneration received by the petitioner. In 1965 this practice led to the following:

Senator Rogers moved that it be the order of the Senate that Lobby Permits be not issued nor requests for Lobby Permits be considered by the Senate until such time as the application is completely filled out.

Senator McClendon moved to amend Rogers' motion to provide that salary or compensation of petitioner for a Lobby Permit be shown at the time the request is submitted, which amendment be declared adopted.³⁰

To facilitate accessibility and familiarity, and to amplify the provisions of the Lobbying Statute, the Legislature has traditionally published House Rules and Senate Rules relative to lobbying. Although these have been changed slightly from session to session, they have remained essentially the same. In addition to repeating the general purpose and definitions given in the basic statute, they have spelled out the procedures to be followed by both applicant and the houses. Quite often the rules for a particular house would be unchanged and would be carried over from session to session.³¹

Two aspects of application and procedures for approving permits have caused the legislature some consternation: the remuneration received by

²⁹Oklahoma Legislature, Twenty-Third Session, Journal of the House of Representatives, 1951, p. 106.

³⁰Oklahoma Legislature, Thirtieth Session, Journal of the Senate, 1965, p. 37.

³¹See Rule 86 in Oklahoma Legislature, Nineteenth Session, Journal of the House of Representatives, 1943, pp. 443-444 and Rule 88 in Oklahoma Legislature, Twenty-Second Session, Journal of the House of Representatives, 1949, p. 19.

lobbyists (as mentioned above) and the mechanics of approval. During some sessions the rules have specifically required that the amount of pay received by lobbyists be stated in their applications, as required by the statute. During others this requirement was omitted. The requirement also differed quite often between the rules of the two houses. The same has been true of the procedures for approving petitions. Such differences are present in the rules for the respective houses of the first session of the Thirty-First Legislature of the State of Oklahoma. (Appendix F.)

Until recent years entries in the two Journals have revealed what appears to be a "splitting-up" of, or perhaps competition for, "sponsorship" of lobbyists applying for permits. The usual procedure in both houses was for the application to be read to the membership and then for a particular member to recommend approval, thereby permitting the member to publicly support a particular organization, cause, or home district constituent. Often the "sponsoring" member was assigned to committee duties relating to legislation in which the applicant was interested.

It is of more than passing interest to note that a total of twenty-eight members in the 1961 House of Representatives were "sponsors" for applicants. Of this number, nineteen were re-elected for the next term in the House and one for the Senate, but only fifty-four of the ninety-three "non-sponsoring" members were re-elected. Eight of those re-elected continued to "sponsor" in 1963 when a total of twenty-four members did so. Thirteen of these twenty-four were re-elected to the House and one to the Senate. Yet, only thirty-four of the remaining ninety-six members were re-elected. Of the nineteen who returned to the House in 1963, ten are still serving in that chamber, three are not serving in the Senate,

and one is serving as Attorney General of the State. Of the twenty-four sponsors in 1963, eleven are still serving in the House and one is serving in the senate. (Appendix G.)

The information related in the preceding paragraph, while not providing definite conclusions because of unknown factors, does point toward some correlation between sponsorship and political success in subsequent elections, and further exploration of this relationship between applicants for lobbying permits and the members of the legislature may provide interesting study. Additional productive analysis might also be conducted which would reveal the relationship between committee assignments of legislators and the affiliations of the sponsored lobbyists. Although such analyses are not within the purview of this inquiry, an effort will be made in a subsequent chapter to determine whether there is a correlation between lobbyists' interest and the Legislative Council committee assignments of these sponsors for the interim periods of 1963-1965 and 1965-1967.³²

Future analyses of this sort may well be impossible because of the present procedures of the legislature for processing lobbyists' petitions for permits and the latitude permitted those who compile the legislative Journals. Since 1965 the sponsorship of applicants has been concealed, for both Houses now refer petitions for permits to standing committees which then examine and make recommendation to the proper chamber. The two committees for such purposes are the Senate and Legislative Affairs

³²The period 1961-1963 is not included because of the unavailability of copies of the Journal of the Legislative Council for that period.

Committee and the House Rules and Procedures Committee.³³ These committees refer petitions for permits to the member of the appropriate house who represents the home-district of the applicant (prior to recommending approval); however, this procedure is not reflected in the Journals nor in the rules of the two houses.³⁴

Prior to adoption of the current procedures for processing the lobbying petitions, the petitions were reprinted in their entirety in the Journals of the two houses. However, the entire recording system has been streamlined, and the Journals now show only the name of the lobbyist, his organization, and his home district. Although concealment from public view is a result of these new procedures, it is not necessarily the reason for adoption. The massive volume of business handled by each session of the legislature has made it imperative to streamline the procedures as well as the record-keeping, since many Journals have contained up to six thousand pages and the editing and clerical tasks continue to increase.

Even if "concealment" was part of the motivation for the modification of procedures for handling petitions the legislature would probably be justified in its streamlining effort because of the continuing increase in the number of petitions from these agents of the political interests. Upon examination of the numbers and names of the surprisingly numerous lobbying organizations recorded in the Oklahoma Journals, one can appreciate Alexis de Tocqueville's observation that he "met with

³³See Oklahoma Legislature, Thirtieth Session, Journal of the House of Representatives, 1965, p. 117 and Journal of the Senate, 1965, p. 62.

³⁴This procedure was related to the author by the personal secretaries of the Speaker of the House and the President Pro Tempore of the Senate on May 12, 1967.

several kinds of associations in America of which I confess I had no previous notion...."³⁵ Judging by the increasing number and types of organizations seeking the ear of the legislature, every problem of the society will eventually become a problem of the government, if that point has not already been reached--and legislators may well already think so when they observe that they are outnumbered by lobbyists in their own domain - a situation which has developed only since the birth of the Oklahoma Legislative Council!

Oklahoma's Registered Lobbyists

When one becomes aware of the registered lobbyists and the groups that they have represented in the Oklahoma Legislature since the earliest days of statehood, additional light and understanding are shed on the statement that "A legislature is an arena, and legislating is an endless process of conflict and adjustment."³⁶ As early as the Extraordinary Session of 1910, when the county officials of Oklahoma were attempting to influence the legislation of fees and salaries for their offices, the contestants were assembling in the Oklahoma arena. In addition to the already-mentioned "public" lobbyists, the "private" interests were at work. The labor and farm groups identified by William H. Murray were among the first to dispatch agents to the legislature and continue to do so to this day, along with increasing numbers of other groups.

For the 1910 session there were only four interest groups represented by registered lobbyists: two labor groups, one farm group, and one

³⁵Hefner, p. 198.

³⁶Siffin, p. 217.

association opposed to vaccination. By the following year, when the regular session was convened, this number had increased to twice that size and among those present were chiropractors, optometrists, the Oklahoma Press, and two persons for whom no affiliation was indicated. By 1915 the women made their appearance as part of the nation-wide "women's emancipation movement" and in support of the "temperance movement." By the time of the regular session in 1919 employers had organized and the national insurance organizations were represented. In addition, some Oklahomans were informing the law-makers of the need to protect the state from horse-stealers. (Appendix H.)

Starting in 1910 and in almost every session of the legislature in which lobbyists have registered since that date, the number of lobbyists has been greater than the number of organizations represented because some interest groups register more than one agent. In 1910 the Oklahoma State Federation of Labor registered two lobbyists in the House of Representatives and three in the Senate. By 1915 this group was utilizing a total of five lobbyists in the House of Representatives alone. In 1919 the nine registered organizations were represented by twelve agents. This practice of multiple representation continues to the present and has resulted in the Senate being "outnumbered" for a number of years by these "formal" lobbyists. The House was also outnumbered during the 1965 session and almost equaled during 1967. (Appendix I.)

From 1919 through the 1947 legislatures the indexes of the Journals of the two houses indicated very few or no registered lobbyists,³⁷ with

³⁷Although total absence of lobbyists from the Journal indexes is not definite proof that no lobbyists were registered, it may reflect lack of sufficient activity to warrant inclusion in the index. However, a

the maximum being only seven in both 1923 and 1937. Not until 1949 did the number of formal agents exceed the twelve in 1919. The turning point appeared in 1949 when the Senate registered thirty lobbyists to represent thirty-three different organizations or individuals and by 1951 the House accomodated thirty-eight while the Senate registrations had increased to thirty-nine. From these dates forward the Journals have not failed to indicate the registered lobbyists and began to index them in a group arranged in alphabetical order, a practice which has been standard for the House since 1951 and for the Senate since 1957. In addition to this apparent increase in importance of lobbyists to the legislative record-keepers, the rapid increase and the continued registration of larger numbers of these groups indicates that they have definitely become a permanent part of the legislative scene. (Table III.) It is important to note that this decided proliferation of registered lobbyists began almost immediately after activation of the Oklahoma Legislative Council-- an activation that was delayed for eight years after creation of the Council by legislative enactment in 1939.³⁸

random examination of those Journals which did not list lobbyists in the indexes failed to reveal any evidence of lobbying petitions or permits in the body of those Journals.

³⁸James A. Houston, "The Origin of the Oklahoma Legislative Council and its Development to 1951" (unpub. M.A. thesis, Oklahoma State University, 1953), p. 51.

TABLE III

NUMBER OF LOBBYISTS REGISTERED WITH THE OKLAHOMA
LEGISLATURE FOR THE YEARS 1949-1967.³⁹

Year of Registration	Number of Lobbyists	
	House	Senate
1949	0	30
1951	38	39
1953	62	29
1955	57	37
1957	57	48
1959	61	55
1961	62	60
1963	68	68
1965	122	84
1967	78	77

Note: The large difference between the number of lobbyists registered in the two houses of the legislature in 1965 was due to the registration of eighteen persons as one group: National Committee for Lowering the Voting Age. This group did not register as lobbyists with the Senate.

³⁹Oklahoma Legislature, Senate and House of Representatives Journals of the Twenty-Second, Twenty-Third, Twenty-Fourth, Twenty-Fifth, Twenty-Sixth, Twenty-Seventh, Twenty-Eighth, Twenty-Ninth, and Thirtieth Sessions for the years 1949, 1951, 1953, 1955, 1957, 1959, 1961, 1963, and 1965 respectively; and rosters prepared from the card files of the secretaries of the Speaker of the House and the President Pro Tempore of the Senate of the 1967 Oklahoma Legislature.

CHAPTER III

OKLAHOMA'S LEGISLATIVE COUNCIL

The Legislative Council Movement

Although the Oklahoma Legislative Council has enjoyed statutory legitimacy for almost twenty years it is a new-comer on the legislative scene. The Legislative Council Movement which began as attempts by state legislatures to further develop their abilities, both in method and substance, was initiated in the early 20th Century. Efforts to cope with the increasing range and volume of problems first led to the use of legislative-reference services and interim committees to provide continuity to legislation and education for legislators. Between 1907 and 1917 more than thirty legislative reference-services were established, often in state libraries which were woefully understaffed and inadequate for the tasks required.¹ As early as 1901, Wisconsin instituted a bill-drafting service and utilized the University of Wisconsin as a source of talent, studies, and experience.²

Only in a few places and to a limited extent did the early legislative reference-services make much of an impact upon the substantive content of legislation. Most legislative bodies did not want others to "find conclusions for them." Such objections led to recommendations for

¹Siffin, p. 27.

²Ibid., p. 24.

support agencies which would employ objective, non-recommendatory approaches--or would even be composed of legislators themselves. Jealous of their prerogatives, most legislators accepted only technical aid from these early organizations; consequently, these reference-services produced little in the way of cure for legislative ailments. Fortunately, these early experiments were not the last of the efforts to solve the information problem. Organizations which were to be more productive and more palatable to legislatures were to come into being.

The National Municipal League was created in 1894 to serve as coordinator for a variety of voters leagues, citizens groups, and similar organizations interested in improvements in state government. In 1919 this League published a Model Constitution which contained the outlines of a Legislative Council³--the type of organization that some legislators would find desirable. However, it was not until thirteen years later that the first workable model was created.

The first truly successful and enduring Legislative Council was established in Kansas in 1933⁴--not due, however, to the farsightedness of the state legislature, but because of the energies and pragmatism of a Mr. Sam Wilson, a civil engineer with a background in city charter reform, who became manager of the Kansas State Chamber of Commerce.⁵ After many false starts and much opposition, Wilson was successful in obtaining legislation which established a Legislative Council patterned after that of

³Ibid., p. 47.

⁴Clyde F. Snider, American State and Local Government (New York, 1965), p. 238.

⁵See Siffin, pp. 62-70, for a detailed account of the political difficulties encountered by Wilson.

a tax-study committee that had worked within the Chamber of Commerce. The Legislative Council was to contain a group of committees, supported by a research staff, which were to study legislative problems and formulate recommendations during the interim period between biennial sessions of the legislature. The term "Little Legislature" soon became attached to this new organization and reflected a growing acceptance and appreciation of it.

The success of the Kansas experiment gave new meaning to earlier thinking on the subject of internal staff-type support. By 1958 council-type agencies were in operation in thirty-six states.⁶ The Council of State Governments gave added impetus to the "movement" in its unqualified support of legislative councils.⁷ It appeared that state legislatures were moving in the proper direction to recapture their time-honored position and that they would be able to successfully accomplish their undertaking, as the example set by the Kansas Council was heartening. However, many found that success rests upon more than mere form or structure for an organization and that the dynamics of continuing operation eventually are the determinants of success or failure.

One conclusion to be reached from a general survey of the development of Legislative Councils in the United States is that the successful ones "ride above" deep and persistent political cleavages; however, all are threatened by strong leadership whether it be executive or legislative, as are all legislative bodies, and survive only by operating in such a manner as to remain free from persistent political attack.

⁶Ibid., p. 109.

⁷Ibid., pp. 115-117.

Another conclusion is that the proper role of such organs is not to modify the individual legislator's span of attention and concern, but to make it more compatible with the needs of the policy-making system. It appears that this is to be most readily accomplished by three methods: (1) studying broad problems and providing specialized, professional approaches to analysis, (2) maintaining attitudes which are objective and neutral, and (3) reducing legislator's dependence on interest groups with privileged access.

If the aforementioned three approaches are successful, legislators will become much more knowledgeable of the problems facing the states. They will be exposed to unbiased, detailed, and specialized information and they will be relieved of the necessity of relying on fragmentary, prejudiced guidance supplied by persons or groups whose primary interest in legislation is molded by a desire to obtain a favored position. If these aims are realized, then the basic needs for organs such as Legislative Councils will have been satisfied. However, the mere existence of these legislative support services is not sufficient evidence upon which to conclude that the goals sought have been reached; and, although the desired standards of performance for legislative councils may appear simple of attainment, such attainment is not automatic. In applying these standards to the Oklahoma Council one may well ask: Can the Oklahoma Council operate in accordance with such objective criteria when all legislators are members? Is the Research Staff of sufficient size to serve the needs of the Council? Is the Council so structured as to promote objectivity and maximum accomplishment of its goals? Does this Council provide professional rather than biased information?

This brief resumé of the reasons for internal legislative expertise

may permit some comparison of the Oklahoma approach with those of other councils. However, answers to questions raised by a general examination of the Council Movement must await examination of the birth, development, organization, duties, and functions of the Oklahoma Council. These are the aims of the following section and of Chapter IV of this study.

Historical Perspective

"The interest of the Oklahoma Legislature in creating a legislative council was prompted by the establishment of the Kansas Legislative Council in 1933."⁸ The development of the Oklahoma Council began in 1935 when the state was in the throes of a depression. Oklahoma City and Tulsa banks had refused to cash state warrants; 150,000 people were looking to the state for relief from poverty; an open break between Governor Marland and Speaker Phillips of the House of Representatives was imminent because of the Governor's financial recovery programs; bills were clogging the legislative committee sessions and the legislature's calendar; time, effort, and money were being wasted; and one special interest group was wasting additional time and money on a proposal to regulate the size of a loaf of bread.⁹

It was in this atmosphere that Representative Easton of Enid forwarded a suggestion to Governor Marland and sparked the movement to form a legislative council in order to help produce better, less expensive legislation and to ease the problems of law-making. Subsequent efforts by Easton to pass a bill establishing the council were defeated on the

⁸Rhodes, p. 2.

⁹Houston, pp. 31-33.

grounds that it was unconstitutional in that it exceeded limitations on the pay of legislators and the maximum length of legislative sessions.¹⁰ In 1935 and 1937 bills were introduced to create this internal supportive organ. "In 1935 the House bill was stricken from the calendar; in 1937 the Senate passed a bill ... only to have it defeated in the House...."¹¹ It was due to the efforts of Senator Charles B. Duffy of Ponca City that the Council was finally created by legislative enactment in 1939, after he had struggled through three sessions of the legislature before securing passage of the bill which bore his name. Opposition throughout this four year period was based on doubts of constitutionality and professional jealousy of legislative prerogatives.¹²

Although the statute that established the Council was enacted in 1939,¹³ the Council was not activated until 1947 when the "Legislature appropriated \$25,000 for each year of the 1947-1949 biennium, plus \$3,500 for the remaining months of the 1946-47 fiscal year."¹⁴ The plans for the Council lay dormant from 1939 to 1947 because the Senate failed to appoint Senators to membership in 1939 and thereafter "on the conscientious belief that the statute was unconstitutional."¹⁵ Revival of the

¹⁰Ibid., pp. 33-36.

¹¹Rhodes, p. 2.

¹²Houston, pp. 36-50.

¹³Oklahoma Statutes, 1941, Title 74, Sections 451-462.

¹⁴Rhodes, p. 4.

¹⁵Ibid., p. 2. The question of constitutionality turned on the problem of constitutional limitations on the pay of legislators. There was no question that the Council was constitutional in the sense that it was an interim committee, although a permanent one. In Attorney General's Advisory Opinion to Honorable Charles B. Duffy, Chairman, Judicial

issue had eventually come from a Joint Committee on Taxation in the Twentieth Legislature in 1945¹⁶ and the funding as well as the membership was provided by the following session in 1947.¹⁷ Original Council membership was ten Senators and fifteen Representatives appointed by the President Pro Tempore and the Speaker, and approved by a majority of each house.¹⁸ The statute was amended in 1949 to admit all legislators to membership.¹⁹

Duties of the Council

Since its creation, the broad duties of the Oklahoma Legislative Council have remained essentially the same. The current statute notes them as follows:

... to collect information concerning the government and general welfare of the State, examine the effects of previously enacted statutes and recommend amendments thereto, deal with important issues of public policy and questions of statewide interest, and to prepare a legislative program in the form of bills or otherwise, as in its opinion the welfare of the State may require, to be presented at the next session of the

Committee No. 2, Senate Chamber, February 9, 1937 (Oklahoma), the opinion was that necessary expenses granted to committee members "are legitimate expenses essential to the exercise of the state's legislative powers; but ... they should not exceed the daily rate fixed by the constitution or statute...." See also David W. Smith, "The Constitutionality of Legislative Councils," The Western Political Quarterly, Vol. 8 (1955), pp. 68-81.

¹⁶Houston, p. 51.

¹⁷Ibid., p. 52.

¹⁸Rhodes, p. 4; and Houston, p. 52.

¹⁹See Houston, pp. 65-69 for an account of a "failing" House Bill and a "passing" Senate Bill relating to the attempts to enlarge the Council. See also Dan L. Bowen, "They All Get Into the Show," National Municipal Review, XXXIX (October, 1950), p. 450.

Legislature;²⁰ ... /and/ ... to investigate and study the possibilities for consolidations in the State government ... and of methods of increasing efficiency and of effecting economies.... To investigate and study the possibilities of reforming the system of local government with a view to simplifying the organization of government.... To cooperate with the Administration in devising means of ... and improving the effectiveness of administration.²¹

In 1951, additional duties were provided by House Bill 414 which created a Legislative Audit Committee within the Council. This law authorizes the committee:

... to compile fiscal information for the House of Representatives and the Senate ... a continuous audit and analysis of the state budget, revenues, and expenditures during and between sessions of the legislature ... make recommendations to the legislature ... concerning post audit findings, the revenues and expenditures of the state and of the organization and functions of the state, its departments, agencies, boards, commissions, offices, authorities and subdivisions, with the view of reducing the cost ... and securing greater efficiency and economy.²²

Although bill-drafting is usually considered to be one of the normal functions of legislative councils and had often been suggested as a proper one for the Oklahoma Council, it was not until 1965 that the Executive Committee of the Council was "authorized and directed to create a full-time division of bill-drafting and statutory revision within said Council."²³

In the foregoing brief history of the development of the Oklahoma Council can be seen certain "seeds" which could possibly tend to negate its effectiveness as a "model" council. First, and foremost, "legislative jealousy" played a major role in delaying activation of the Council

²⁰Oklahoma Statutes, 1961, Title 74, Section 452.

²¹Ibid., Section 453.

²²Ibid., Section 463 (Par. 2).

²³Ibid., 1965 Supp., Section 452.

and led to inclusion of all legislators in its membership. Second, the constitutional limitations on the pay of legislators prevented a favorable opinion from the State Attorney General, which still tends to hamper task accomplishment by council members. Third, and not the least consequential, for sixteen years after activation the Council was not in direct control of a bill-drafting and statutory revision capability, which fact required it to rely, at least to some extent, on external organizations for this service and conceivably could have led to unwarranted dependence upon political-interest groups, both private and public.

CHAPTER IV

PRESSURE GROUP PARTICIPATION

IN THE COUNCIL PROCESS

Structure and Functions of Oklahoma's Council

To permit fulfillment of assigned duties, the Legislative Council is so structured by statute as to contain two basic operating units: the Executive Committee and the committees (both standing and special); and one staff or support level with three agencies: the Legislative Audit Committee, the Research Department, and the Division for Bill-Drafting and Statutory Revision. However, in performing within the broad language of the statute, the Council has added three additional operational units to its structure: Investigating Committees, the Legislative Steering Committee, and the Subcommittees of the standing and the special committees. (See Table IV.) For additional support, the Council may call upon any or all organs of state government and although the statute authorizes the Council to provide for necessary bill-drafting services, as of May 1967 only one person was employed full-time.¹

The Executive Committee is the policy-making organ. It is composed of fifteen members from each house of the Legislature who are selected by the Speaker and President Pro Tempore at the close of each regular

¹Interview with James H. Johnson, Assistant Director, Research Department, May 19, 1967. See also Oklahoma Statutes, 1961, Title 74, Section 458 and O. S. Supp., 1965, Section 452.

TABLE IV

ORGANIZATION OF THE OKLAHOMA STATE LEGISLATIVE COUNCIL 1965-1967²

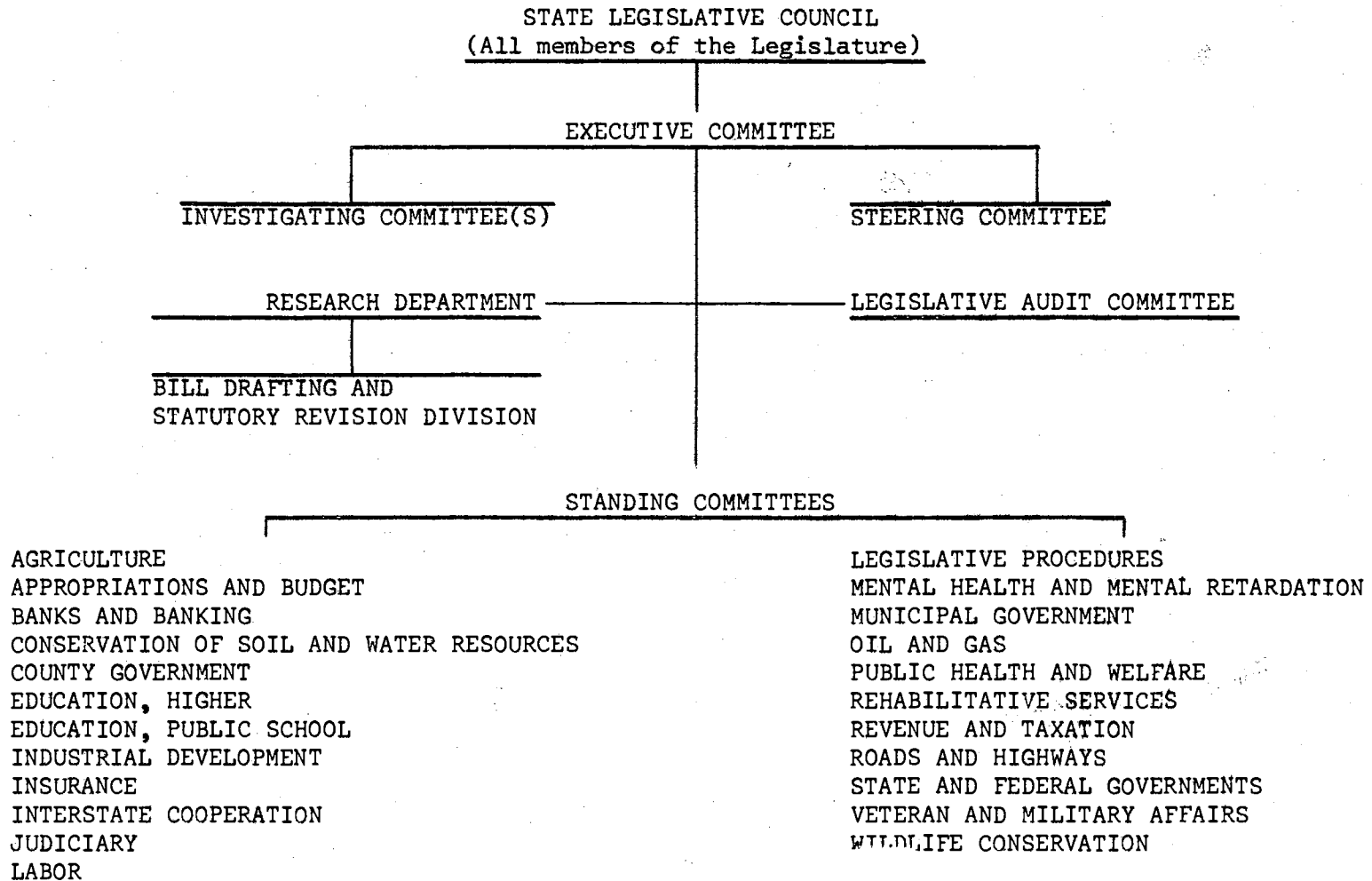


TABLE IV (continued)

SPECIAL COMMITTEES	
ASSISTANCE TO OKLAHOMA UNIVERSITY MEDICAL CENTER CHILD CARE FACILITIES OKLAHOMA CORPORATION COMMISSION OKLAHOMA TURNPIKE BOND FINANCING AND WORK WEEK FOR EMPLOYEES	OPERATION OF PUBLIC UTILITIES SCHOOL LAND DEPARTMENT UNIFORM POLICY ON ACCIDENT AND HEALTH INSURANCE FOR STATE EMPLOYEES
TASK FORCE COMMITTEES	
STATE BOARD OF PUBLIC AFFAIRS BOARD OF AGRICULTURE ALCOHOL BEVERAGE CONTROL BOARD REGENTS FOR HIGHER EDUCATION	STATE HIGHWAY COMMISSION INDUSTRIAL DEVELOPMENT AND PARK COMMISSION MENTAL HEALTH BOARD WILDLIFE CONSERVATION COMMISSION
SUBCOMMITTEES	
(Total of twenty-six for all purposes)	

²State Legislative Council, Journal of the Oklahoma Legislative Council, 1965-1967, pp. 3, 16-24, 69-71, and 78

session, with selections being approved by majority vote among members of the respective houses. The Speaker and the President Pro Tempore serve ex officio as Chairman and Vice Chairman of the Executive Committee and alternate these positions from interim to interim. "The Executive Committee shall have authority to act for and on behalf of the Council with respect to all duties enjoined upon the Council by law."³

The Council which existed in the interim period between regular sessions of the 1965 and 1967 Legislatures adopted rules which were essentially the same as those adopted by the Legislature itself. In these, Executive Committee members were given practically unlimited discretion. They named all the standing committees of the Council, appointed the chairman and vice chairman of each, and appointed Council members to additional committees over and above the two primary committees to which they have a choice. They created special committees, prescribed their duties and powers, and determined their size and membership. They determined the number of meetings for all committees during each quarter of the interim period, even though the chairmen could determine the time and places of such meetings, and they assigned study proposals to committees. They also determined the final form and substance of the legislative program recommended to the next session of the Legislature. The Executive Committee Chairman and Vice Chairman appointed a Steering Committee composed of five members from each house to act as liaison between the Council and the next session of the Legislature by pre-filing bills, suggesting legislation, making recommendations, and following Council proposals through the committees of the regular session. In

³Oklahoma Statutes, 1961, Title 74, Section 456.

addition, requests for investigation which charged, alleged, or implied violations of criminal law, or malfeasance in office were evaluated by the Executive Committee which decided whether and by whom an investigation was to be conducted.

These functions of the Executive Committee could be altered, suspended, or amended only upon approval by a majority vote of the Committee itself.⁴ This fact tended to make the Committee's powers as formidable as those possessed by the regular legislative leadership and they were exercised by persons who performed this role during both regular and interim sessions.

The standing and special committees of the Legislative Council do not differ from those of the regular session of the Legislature in purpose, functions, or methods since the Council itself is, in essence, an enlarged interim committee operating on a permanent basis. These working units perform the same functions as all legislative committees. They are created by the Executive Committee and conduct studies of legislative proposals approved by it. They conduct hearings, receive witnesses, investigate legislation and departments of state government, levy requests upon the Research Department and the Legislative Reference Service, suggest study proposals to the Executive Committee, and render reports and legislative proposals as a result of their research.⁵

⁴The powers of the Executive Committee are enumerated in "Rules of the Legislative Council, 1965-1967 Interim," State Legislative Council, Journal of the Oklahoma Legislative Council, 1965-1967, pp. 9-15.

⁵Rhodes, pp. 15-16. Also see Keefe and Ogul, pp. 140-144 for a description of the "Role of Committees" and Houston, pp. 57-65 for the initial functioning of the Oklahoma Legislative Council committees.

The Research Department is responsible "for conducting research, preparing reports, arranging for meetings, and in general, for conducting such activities and discharging such responsibilities as directed by the Council and its committees."⁶ This department has been described as "...the nerve center of a Legislative Council...a permanent legislative office...available to all members of the legislature at any time."⁷ Its principle function is to "serve the legislature and the individual members in an impartial and objective fact-finding capacity."⁸ Its functions may be considered comparable to those of many staff agencies of legislative bodies, in particular those of the Legislative Reference Service of the Library of Congress:

...to advise and assist any committee of either house or any joint committee in the analysis, appraisal, and evaluation of legislative proposals pending before it...and otherwise to assist in furnishing a basis for the proper determination of measures before the committee.⁹

As of May, 1967 the staff of the Research Department was manned by both permanent and temporary employees. The permanent employees included the Director, an Assistant Director, the Secretary of the Executive Committee, the Legislative Auditor, one Research Assistant, one Bill-Drafter, and two stenographer-secretaries. These persons were supplemented

⁶Rhodes, p. 9.

⁷Houston, p. 76.

⁸Ibid. Also, Rhodes, "Briefing on the Legislative Council, its Structure and Functions," a verbal presentation by Director Rhodes in March 1966 at the Oklahoma Capitol Building to a seminar from Oklahoma State University.

⁹Galloway, p. 41. Also see Houston, pp. 76-78; State Legislative Council, An Introduction to the Legislative Council (Oklahoma State Capitol, November 30, 1964), p. 7; and State Legislative Council, Ninth Biennial Report, 1963-1965, p. 5.

by three temporary "interns" to make a total of eleven employees.¹⁰

Examination of the organization and functions of the Legislative Council reveals numerous access points through which political interests and their agents may gain entrance to the legislative process of the state. Structurally, there are six possible points of entrance: the Executive Committee, the standing and special committees, the subcommittees, the Legislative Audit Committee, the Bill Drafting and Statutory Revision Division, and the Research Department. Functionally, the number of access points is considerably greater and many of them are readily apparent; however, all of them may not be identifiable because of the large number of persons and processes involved in the tasks, procedures, and methods of the Legislative Council and the political interests with which the Council has contact.

The first of these "functional access points" may be seen in the sources of the study proposals which determine the tasks of the Council.

These study proposals are:

- (a) directed or requested by the Legislature in regular or special session (these proposals have number one priority);
- (b) submitted by members of the Legislature;
- (c) submitted by the Governor, other agencies and officials of government;
- (d) submitted by private organization--businesses, agricultural, labor, professions, civic, religious and others;
- (e) submitted by private citizens; and
- (f) results from independent study by the several committees.¹¹

Within these sources of study proposals can be seen certain access points that are once-removed from the Council itself. These may be

¹⁰Johnson, May 19, 1967.

¹¹Rhodes, pp. 15-16.

described as "indirect" access points and include the possibility of influence being exerted upon the initiators of these proposals. The Legislature and its members may also be categorized as "political interests," both collectively and individually, and constitute original, immediate, and direct access to the Council. The belief and aspirations of all agencies and officials of state government enjoy the opportunity for expression through the medium of these study proposals. Direct access is made available to private organizations and individuals in their submission of proposals. In summation, study proposals constitute one of the primary accesses to the Council.

The activities of the Executive Committee make available other opportunities for political interests to wield their influence. The Committee does not conduct all its meetings at the State Capitol. On occasion it convenes in other locations and the meetings are sometimes even hosted by private organizations.¹² At some of these meetings study proposals and legislation have been suggested by the host organizations.¹³ This practice is not a recent innovation, nor is it peculiar to the Executive Committee. All committees have in fact:

...followed the practice of holding meetings out over the state wherever possible, and accepted invitations from several cities to meet with them. This plan was undertaken originally as an experiment, but proved to be very beneficial. Council reports indicate that these meetings were well attended by local businessmen and have done much to improve the public relations of the legislature and bring about a better understanding and appreciation on the part of citizens regarding the problems of the legislature.¹⁴

¹²State Legislative Council, Journal of the Legislative Council, 1965-1967, p. 79.

¹³Ibid., pp. 141-143.

¹⁴Houston, p. 59.

Statutory provisions permit the Governor to enjoy "privileged access" to Council processes. He is afforded the prerogative of sending a message to the first session of the Council after the end of the regular session of the Legislature and additional messages as he may desire.¹⁵ This and other accesses to the Executive Committee are possibly the most effective upon Council activities. Since there has been "only one full meeting of the Oklahoma Council held since the membership provision /including all legislators/ was adopted on June 2, 1949,"¹⁶ and because the Executive Committee "has become in fact, although not in name, The Oklahoma Legislative Council,"¹⁷ any access to the Executive Committee becomes of primary importance in affecting the general policies and programs of the entire council, as well as in affecting specific items of legislation which the Committee may be considering.

Additionally, the Executive Committee conducts hearings and investigations of the Council programs and legislative recommendations to the next Legislature. These functions make available direct access to this agency which establishes policy for the overall operation of the Council.

Both Executive and other committee meetings have generally been "open to the public and leaders in the area of discussion were invited to participate. Appearing before these committees have been state and local officials, business organizations, trade associations, labor groups and informed citizens from all walks of life."¹⁸

¹⁵Oklahoma Statutes, 1961, Title 74, Section 458.

¹⁶Rhodes, p. 13.

¹⁷Ibid., p. 14.

¹⁸Houston, p. 59.

For those political interests which may participate in bill-drafting as forms for suggesting legislation, the drafting functions of the Bill-Drafting and Statutory Revision Division may also provide opportunities for access.

The continuous audit and analysis efforts of the Legislative Audit Committee, by bringing this committee into contact with state agencies, departments, boards, commissions, offices, authorities, and subdivisions, may well afford occasions for personnel of these units to influence or attempt to influence the recommendations of the auditors to the legislature concerning revenues, expenditures, and the organization and functions of such units.

In its supportive role, the Research Department staff, being of rather limited size, must utilize numerous external sources of information in order to provide the Council and its committees with analysis, appraisal, and evaluation of legislative matters. Often these sources of information are those very groups and individuals which are normally classed as "interests."¹⁹ Therefore, the functions of this unit of the Council make available additional possibilities of access.

Considered totally, the functional access points within the Legislative Council appear to be of an almost incalculable number. They could be at least as numerous as the number of members and employees of the Council and may be as numerous as the total number of contacts and interactions that these Council personnel have with "interests" both within and without Council activities. This potentially large number of access points appears to be at least equal to, if not greater than, those now

¹⁹Johnson, May 19, 1967.

available during regular sessions of the legislature. However, whether the existence of these access points truly constitutes an extended and broadened base of entrance for political interest groups depends upon the extent to which they may be effectively utilized and this, in turn, depends largely upon the reception of such activities by the Council.

Council Attitudes Toward Lobbying²⁰

The responses of Council members to this inquiry contained comments which showed the usefulness of interest groups in providing "technical information," but they frequently went beyond this to admit a readiness to even use lobbyists as briefing agents to save themselves time in accomplishing research work.²¹ In particular, Council members extended a warm welcome to those groups who went beyond a mere assertion of demands and biased viewpoints to present information and data which helped the Council work out compromises and solutions to legislative problems. In addition to revealing those characteristics of interest groups which they found pleasing and useful, Council members also identified some of those which they disliked. In so doing, these respondents very adequately revealed a pattern of attitudes toward lobbying in Council activities.

²⁰The general assumption of this section consists of two parts: (1) Council member's role conceptions are a crucial factor in governing their behavior and thereby affecting the access, influence, or power of all interest groups; and (2) a favorable reception of interest groups by the Council will tend to increase the influence of such groups and cause Council operations to more nearly resemble regular legislative sessions. See Wahlke, pp. 326-340.

²¹This is often true of legislators during the regular sessions of legislatures according to Wahlke, p. 338.

Although the general public may believe that lobbyists and interest groups are a blight upon the legislative scene and legislators themselves may publicly denounce their activities by making loud utterances about "pressure politics," they are not entirely unwelcome participants in the legislative process in Oklahoma. Notwithstanding the numerous entries in legislative journals containing legislators' expression of dissatisfaction with lobbying activities and in spite of the strictness of statutory regulation of lobbyists, Oklahoma legislators would probably be unhappy to see them disappear or completely barred from participation--at least without being replaced by some equally useful entity. If we can assume, as does John C. Wahlke, that "any given legislator's behavior with respect to pressure groups will depend largely upon his general affective orientation toward pressure politics and his awareness when it occurs around him,"²² we can be assured that Oklahoma legislators have been, and continue to be, generally pleased that the lobbyists are in business.

The answers to the primary questions (Table V) revealed that all three categories of government employees favor the services that lobbyists provide them, would find their tasks more difficult without lobbyists, have had fairly good relations with them, feel that they contribute to improved public policy, and are convinced that the information received from them is a most valuable aid.

Fifty-six per cent of the legislators and thirty-three per cent of the research personnel declared that they find the present statutes regulating lobbyists to be satisfactory, whereas only a small number deemed

²²Wahlke, p. 324.

TABLE V
 RESPONSES OF LEGISLATORS, LOBBYISTS, EXECUTIVE
 BRANCH ADMINISTRATORS, AND RESEARCH
 PERSONNEL TO PRIMARY QUESTIONS

Opinions* Expressed	Category** Percentages			
	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>
Oklahoma statutes regulating lobbyists				
Are satisfactory	56	58	29	33
Are too restrictive	1	0	0	0
Need "conflict of interest" laws	39	37	95	50
Lobbying activities				
Help in my (their) job	77	90	43	66
Confuse the issues	19	4	14	16
Clarify the issues	52	60	29	33
Identify <u>special</u> needs of the state	43	58	43	66
Without interest groups my (their) job would be				
Somewhat easier	18	4	0	0
About the same	18	12	29	33
Somewhat more difficult	38	4	43	50
Much more difficult	25	63	14	16
Characteristics of interest groups which increase their influence and prestige are				
Large number of members	31	56	14	66
Well organized, with strong leadership	57	66	71	83
Effective campaign activities	47	44	43	66
Skillful lobbying	49	83	57	83
A strong propaganda program	29	20	0	66
The most effective interest group activities are				
Lobbying	46	66	29	66
Campaign support or opposition	31	44	29	33
Keeping voters informed	64	58	43	16
Affiliation with other groups	13	31	29	16

TABLE V (Continued)

Opinions* Expressed	Category** Percentages			
	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>
Reapportionment and annual sessions should cause interest groups to become				
Less active during regular sessions	22	4	2	0
More active during regular sessions	58	70	60	50
Less active during interim sessions	18	17	2	0
More active during interim sessions	52	44	40	50
Annual sessions of the legislature will cause				
Increased workload for the Research Staff	N/A	N/A	N/A	66
Decreased workload for the Research Staff	N/A	N/A	N/A	16
Merely an accelerated pace of activity	N/A	N/A	N/A	16
Increased group activity in Council business	N/A	N/A	N/A	50
Interest groups are important to the legislature in the following order				(Overall rankings)
Business groups				1
Employee and labor groups				4
Farm groups				5
Military and veteran groups				6
Government groups (state, county, municipal)				2
Citizens groups				3
Unregistered lobbyists attempt to influence legislation	56	74	N/A	83
The advice of some interest groups should be considered whether they are powerful or not	94	93	99	83
I have felt unreasonable pressure from lobbyists				
Often	10	N/A	16	0
Sometimes	10	N/A	16	0
Seldom	33	N/A	43	50
I (lobbyist) have represented an interest group before the following organs of the Legislative Council:				
The Executive Committee				23
Standing or Special committees				86
The Research Staff				60
I initiated the contact				43

TABLE V (Continued)

Opinions* Expressed	Category**			
	Percentages			
	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>
Interest group activity in my department				
Occurs to a great extent	25	N/A	14	33
Occurs to a small extent	32	N/A	43	50
Occurs less during interim sessions	34	N/A	59	83
Occurs more during interim sessions	11	N/A	0	2
Does not occur at all	0	N/A	0	0
Improves service to the public	70	N/A	43	66
Detracts from service to the public	7	N/A	14	0
The following Legislative Council organs solicit information from interest groups				
Executive Committee	27	25	N/A	16
Standing and special committees	79	69	N/A	83
Research staff	56	60	N/A	66
All are willing to listen	63	66	N/A	66
None, they prefer to do their own research	0	0	N/A	0

Category Legend: 1. Legislators
2. Lobbyists
3. Executive Branch Administrators
4. Research personnel

*These opinions are modified restatements of Questions 1, 2, 4, 5, 6, 7, 8, 9, 11, 12, 13, 15, 17, and 18 from Appendix A.

**All respondents did not answer all questions, nor all parts thereof.

them too restrictive. Yet, thirty-nine and fifty per cent of these same respondents favored "conflict of interest" laws for controlling lobbyists. The explanation for this apparent paradox seems to be the position in which Legislative Council employees find themselves: "damned if they do and damned if they don't." They cannot perform their jobs without information and the lobbyists provide just that.

Seventy-six per cent of the legislators see themselves as politicos as they perform their legislative functions. (Appendix A, Question 3.) This role orientation requires them to act both as free agents (trustees), using their own judgement in decision-making, and as delegates, receiving and following guidance from home-constituents even though this guidance conflicts with their own opinions and judgements.²³ The problem arises when the legislator alternates between these last two positions. However, the legislator finds a solution to his dilemma in the support of the lobbyists. The Oklahoma Legislative Council has more than a sufficiency of interest groups and agents available to make up for any lack of guidance from constituents that might exist. Legislators are well aware of this fact and make use of it. Further, in so doing they express the opinion that these interests perform a tangible service for the legislator.

Seventy-seven per cent of the legislators and two-thirds of the researchers declared that the lobbyists helped them perform their tasks, and seventy and sixty-six per cent, respectively, stated that this help

²³These terms and definitions are utilized in Keefe and Ogul, pp. 65-66 in a discussion of legislator's role perceptions and their significance in the legislative process. They quote a study by Wahlke which found that an average of 62 per cent of the legislators in California, New Jersey, Ohio, and Tennessee saw themselves as politicos, a figure 14 per cent lower than that for Oklahoma legislators.

provided improved service to the public. Fifty-two per cent of the legislators claimed that lobbyists clarified the issues and forty-three per cent believed they identify the "special needs" of the state.²⁴ Sixty-three per cent of the legislators felt that the absence of lobbyists would make the job more difficult, while only thirty-six per cent believed that this absence would either not make any difference or would make the job somewhat easier. One-half of the legislators thought that skillful lobbying, rather than any other activities, contributed more to increasing influence, prestige, and effectiveness of interest groups.

This pattern of attitudes held by legislators was identical to those expressed by the personnel of the Research Department of the Legislative Council and illustrates the reliance that the entire Council places upon these political interests. Yet, the Council members face a problem: needing the information possessed by lobbyists while, at the same time, fearing dependency upon selfish interests. The solution seems to lie in retaining the desirable features of this relationship and controlling or eliminating the undesirable ones.

The remarks accompanying the answers to the questions revealed a few suggestions for strengthening the control over lobbyists. Such suggestions included: tighter control in the vicinity of the legislative chambers; statutory restrictions on campaign contributions similar to federal restrictions; requiring disclosure of lobbying expenditures; restricting the number of "registered" lobbyists per organization; and even "licensing" of lobbyists. However, even with some apprehension exposed, the overall evaluation of lobbying activities was that they are

²⁴The term "special needs" was purposely included as another manner of stating "functional representation."

presently desirable and will continue to serve the legislative purpose until something better comes along. Yet, as Wahlke points out, a favorable orientation toward interest groups is not the only determinant of a legislator's actions. The awareness of the legislator of group activity and of the identity of those groups also helps shape his reactions. In this respect the Oklahoma legislators and the research personnel both proved to be keen observers.

In answering the questions relating to the identity of interest groups,²⁵ the legislators specifically named a total of 205 organizations, by either title or the type of organization. The research personnel alone identified forty-one organizations by name and nine by type. There was some variance in the assignment of "importance" to groups by the various legislators and the research staff. The 1963 and 1965 legislators ranked both Business and Government Departments equally as foremost, with Farm and Citizen groups tied for second, followed by Employee and Labor, and Military groups. The 1967 Legislature ranked Government Departments and Citizens groups equally as number one, with Business, Employee and Labor, Farm, and Military following. The members of the Research Staff ranked Business as foremost by a margin of four to one. (It is interesting to note that the lobbyists themselves ranked in order: Business, Government Departments, Citizens, Employee and Labor, Farm and Military.)²⁶

Those interest groups identified by legislators and research members

²⁵See Appendix A, Questions 9, 10, 11, and 12.

²⁶The decline of the "farm group" from its strong position of influence can be seen in these ratings. The strength of government departments remains unchanged.

as possessing persistent strength included: County Commissioners (although weaker after reapportionment), utility companies, Oklahoma City Chamber of Commerce, Oklahoma Education Association, League of Women Voters, the farm groups, oil and gas corporations, Oklahoma Bankers Association, Oklahoma Bar Association, Associated Industries of Oklahoma, departments of state government (particularly Welfare, Highways, Health, Agriculture, and Insurance), welfare clients, and associations of retired persons, such as civil employees.

A majority of the legislators and eighty-three per cent of the research staff stated that "unregistered" lobbyists attempt to influence the legislative process, and identified many as members of those groups which also utilize "registered" representatives. The number of these appears to be as large as that of the "registered" agents since such groups and organizations include: individual citizens, government department personnel (Welfare and Safety), university officials, Board of Regents for Higher Education, Oklahoma Education Association, parent-teacher groups, County Commissioners Association, county assessors, Oklahoma Farm Bureau, Oklahoma Association of Electric Cooperatives, labor unions, oil industry representatives, League of Women Voters, common school associations, church organizations, trade associations, sportsmen's organizations, medical doctors, law professors, Oklahoma Bar Association members, Bailey Engineering Company, Oklahoma City Chamber of Commerce, backers of road building programs, bankers, and civic groups. The most powerful of the unregistered lobbyists were said to be: Oklahoma Bankers Association, Christian Science churches, Masonic groups, Oklahoma Education Association, County Commissioners Association, AFL-CIO, Oklahoma City Chamber of Commerce, Oklahoma Association of

Electric Cooperatives, Oklahoma Farm Bureau, Oklahoma Farmers' Union, county assessors, general business organizations, retail merchants, oil industry, and insurance groups.

Members of the Legislative Council expressed more than a willingness to consider advice from certain groups and types of groups, regardless of whether they are powerful or not. This willingness was not caused so much by a need for "political support" as by the desire for information relevant to legislation. They named such groups as the legal profession, cities, government agencies, aged and needy persons, education groups, penal reform groups, "anyone affected by legislation," church groups, taxpayer groups, and retired persons. A few organizations were specifically named: Sooner Alcohol-Narcotics Education, League of Women Voters, and American Association of University Professors.

Council members' reasons for welcoming all lobbyists were based on their desire for additional insight into the pros and cons of laws under consideration. They listen to anyone who satisfies certain criteria; for example: "not selfishly inspired," "any informed group," "specialized knowledge," "any group with information and facts," "research in depth without self-interest," "good judgement and clear vision," "different views," "experience," "voice for moral issues," and "pertinent knowledge in a given field." One legislator summed up what may be the feelings of all: "Legislators are underpaid and most are doing their best to perform a public service. It is a tonic to have a person appear in the above category one providing information, as too many try to confuse the issues and think only of those they represent and the rest of the state is ignored." One member of the research team stated: "Ideally, the Research Department seeks both sides of a question, thus they invite the

participation of all persons who may be affected by particular proposals."

It would appear that with the multitude of interest groups, and the even larger number of agents of these groups active in the legislative process, that personnel of the Legislative Council might quite often undergo tense and unpleasant experiences with lobbyists. However, this is not the case. Of those legislators and researchers who have experienced unreasonable pressures from lobbyists, only ten per cent of the former and none of the latter experienced such relations often, yet one-third of the legislators and one-half of the Research Staff stated that such experiences were seldom. Such conditions speak well for the relationships between these two different bodies of persons whose primary interest, in this context, is the Oklahoma legislative process.

To sum up the attitudes of the members of the Legislative Council relative to interest groups and lobbyists, the conclusion must be that, as a group, they may be classed as Facilitators, rather than as Neutrals or Resistors.²⁷ However, their attitude of accomodation towards these groups is not necessarily one of choice, but probably of necessity born of the need for reliable data upon which to base conclusions. The lobbyists themselves agree that they are important information sources, as can be seen in their answers to the pertinent questions in Table V. Their answers parallel those of Legislative Council members and differ only in degree because of their occupation. In addition, their responses

²⁷Wahlke, p. 325. Facilitators are defined as: "Have a friendly attitude toward group activity and relatively much knowledge about it." Resistors are defined as: "Have a hostile attitude toward group activity and relatively much knowledge about it." Neutrals are defined as: "Have no strong attitude in favor or disfavor...."

to the remainder of the questions were identical in content to those of researchers and legislators.

Having observed the willingness of Legislative Council members to partake of the admitted advantages of their relations with lobbyists and political - interest groups, the next question that comes to mind is whether these groups have actually participated in all Council activities and, if so, to what extent. The answer to this question is of crucial importance in determining to what degree the hypothesis of this study may be correct. For such determination we may turn to statements of lobbyists, legislators, researchers, and also of interest group leaders. (Table VI.)

Lobbyists' Participation in Council Activities

In answering the question concerning their primary motivations, sixty-six per cent of the registered political - interest group leaders revealed that the entrance of their groups into the activities of government began for the purpose of accomplishing a rather narrow organizational goal, whereas only twenty-seven per cent supported a program of improved government in general. Thus, it appears that at a ratio of over two to one these are selfish and biased organizations, and a large majority of these group leaders stated that they were non-partisan in ideology, which seems to further narrow their outlook toward the legislative process.

In pursuit of their organizational goals, all the groups conducted lobbying activities in operations of the Legislative Council. Sixty-four per cent of their lobbyists contacted the Executive Committee, ninety-two per cent the standing committees, and forty-five per cent the staff

TABLE VI
RESPONSES OF INTEREST GROUPS TO PRIMARY QUESTIONS

Opinions Expressed*	Percentages**	
	1	2
The activities of our organization began		
As a general interest in improving government	27	30
As a counterbalance to another organization	7	0
For the purpose of accomplishing a specific goal	66	80
Our organization is		
Non-partisan	82	100
Partisan	27	0
Our programs include		
Identifying specific legislation	91	50
Bill-drafting for presentation to legislators	82	30
This organization has		
Utilized legislative agents in the Legislative Council	100	50
Presented viewpoints to state administrative departments	100	50
Presented viewpoints to the		
Executive Committee	64	20
Standing or special committees	92	30
Research Staff	45	40
Our activities relating to state government occur		
Only during regular legislative sessions	0	10
During sessions of the Legislative Council	100	50
The following are effective in securing our goals relative to state government		
Supporting or opposing candidates	27	0
Informing the public of issues	66	70
Affiliation with other organizations	66	70
Lobbying in the legislature	54	0
Lobbying in the administrative branch	54	30

*These opinions are modified restatements of Questions 1, 2, 4, 5, 6, and 7 from Appendix B.

**Respondents did not answer all questions, nor all parts thereof. Column 1 indicates registered groups; Column 2 unregistered groups.

of the Research Department.²⁸ The fact that the agents of these groups have contact with all the Council organs is corroborated by the lobbyists themselves; however, the percentages reported do not exactly correspond. The lobbyists reported that they contacted the standing committees most often, the Research Staff next most often, and the Executive Committee the least often. This difference in percentages probably is the result of the limited degree of correspondence between those groups and lobbyists responding to the inquiries. (Appendix E.) However, the fact is that lobbyists do operate in Council business. The only difference in opinion is over the extent of these activities for particular lobbyists.

The extent to which lobbyists, as a group, conduct such operations is not a point in dispute, at least not among Council members and the lobbyists themselves. They agree that while lobbying does occur in the Council, it occurs to a lesser extent there than in the regular sessions of the legislature. None of the respondents stated that lobbying did not occur at all in the Council.

Six of the lobbyists failed to commit themselves as to specific appearances before Council organs. However, thirty-one per cent of those who did respond stated that they were not the initiators of the contact, while forty-three per cent said that they were. That Council organs do act as "initiators" is illustrated by responses in which one-fourth of the legislators, lobbyists, and researchers indicated that the Executive

²⁸Interest group leaders believed that lobbying by the group contributes less (54 per cent) toward attainment of group goals than does either affiliation with other groups or information programs directed to the voters. This stance is in opposition to both Council members and lobbyists with respect to affiliations but agrees with legislators on keeping the voters informed.

Committee solicits information from lobbyists; over seventy per cent stated that the standing and special committees do the same; and an average of sixty-one per cent agreed that the Research Staff does also. No one claimed that the Council organs preferred to do their own research. Unfortunately, the Council committees do not publish comprehensive records of committee hearings from which might be drawn information identifying specific instances and legislation drawing lobbyists to these activities. However, the Council Journals do report certain occasions upon which groups and lobbyists make appearances.

The Legislative Council definitely provides opportunities during the interim periods for lobbyists to appear and "have their say" about statutory preparation, revision, and rescission. The Director of the Research Department stated moreover that the Council:

Provides a standing legislative forum all during the interim between sessions before which executive and judicial agencies, private organizations and individual citizens may participate in government and lawmaking by suggesting, studying and advising on legislative proposals expected to confront future legislative sessions.²⁹

That certain of the private organizations mentioned by Director Rhodes avail themselves of this advantage is a matter of record in the Journals of the Council itself. For example, on September 17, 1964 the Executive Committee conducted one of its "meetings out over the state" mentioned by James A. Houston.³⁰ This meeting convened in the Ivory Room of the Mayo Hotel in Tulsa, Oklahoma. At this meeting:

Chairman McCarty expressed the appreciation of the Committee to Andy T. Miller and the Oklahoma State Fireman's Association

²⁹Rhodes, p. 29.

³⁰Houston, p. 59.

for the refreshments served to the Committee and guests. He then introduced Mr. Houston Adams, Vice President of the Farmers and Merchants Bank, who extended a welcome on behalf of the Tulsa Chamber of Commerce.³¹ (Emphasis supplied.)

Mr. Adams thereupon commented:

During the past decade we have had the privilege of serving as hosts to you as members of the Oklahoma Legislative Council on numerous occasions....It is my pleasure, as a former legislative representative of the Tulsa Chamber of Commerce during the 1961 session to be the person through whom this official welcome is extended.³² (Emphasis supplied.)

He went on to add:

Mr. George Sandel, Chairman of the Tulsa Chamber of Commerce State Legislative Committee....submitted copies of the full 1965 State Legislative Action Program to members of the Executive Committee.³³ (Emphasis supplied.)

This Legislative Action Program consisted of proposals regarding Civil Procedure, Education, Elections, Judicial Reform, Local Government, State Government, and Taxes.³⁴

Upon concluding his opening welcome, Mr. Adams advised:

...we'll be looking forward to having you as our guests for lunch in the Crystal Ballroom...and at the dinner this evening in our shiny, new Civic Assembly Center.³⁵

Immediately after these remarks, the minutes revealed that:

Chairman McCarty expressed the pleasure of the Executive Committee in meeting in Tulsa each interim....³⁶ (Emphasis supplied.)

³¹State Legislative Council, Fifth Regular Session, Journal of the Oklahoma Legislative Council, 1963-1965, p. 131.

³²Ibid.

³³Ibid., p. 134.

³⁴Ibid., pp. 134-135.

³⁵Ibid., p. 132.

³⁶Ibid.

Although the lobbyists were not queried regarding the submission of pre-drafted bills to members of the Legislative Council, the leaders of the interest groups were. Ninety-one per cent of them said that they identified specific pieces of legislation for concentration and eighty-two per cent said that they drafted bills for presentation to legislators. It is of interest to note that the answers provided by the Bill-Drafter of the Legislative Council differed considerably from those submitted by the other members and the legislators. He did not find that lobbyists helped either the legislator or the staff in their jobs. However, he did believe that interest group activity occurred to a great extent in Council business, and even to a greater extent than during regular sessions. And he declared that only the Research Staff elicited information from interest groups. He was the only member of the Research Staff to say that he felt unreasonable pressure from lobbyists "sometimes" rather than "seldom."³⁷

Given the total amount of interest group activity in the proceedings of the Council, a logical conclusion might be that like activities are reduced in the regular sessions of the legislature. However, such is not the case, as we have already seen that three categories of respondents claimed that lobbyists were more active during the regular sessions. A second conclusion might be that all the preparatory work done during the interim might cause the regular sessions to be less hectic, with interest groups not presenting their viewpoints quite so avidly. However, even the legislators, lobbyists, and researchers are unsure about this. The

³⁷This statement may have resulted from a poorly worded question, misinterpretation of the question, or the fact that the Bill-Drafter is subjected to more pressure than the other staff members.

former two were evenly divided in their opinions within their own groups, with the latter being divided four-to-two. The only possible conclusion at this point is that an answer is indeterminable.

As the lobbying activities are numerous during both the interim and regular periods, one might foresee even further increases during both periods with the advent of annual sessions of the Oklahoma Legislature. According to the respondents, this is a valid assumption. The members of the Council agreed, and over fifty per cent of them foresaw increases for both periods. Seventy per cent of the lobbyists agreed regarding the regular sessions, but only forty-four per cent agreed with respect to the interim. Two-thirds of the Research Staff predicted a definite increase in their workload. Some remarks supporting this judgement predicted much more activity during the regular season because of the limited time available during the interim. The responses regarding the effects of reapportionment were identical to those regarding annual sessions because the two questions were combined. This dual question produced other very interesting responses.

Those legislators who foresaw more interest group activity in both the regular and interim sessions predicted: "A quickening of the pace which will require more advance preparation; ... more opportunity for interest groups, which will produce repetitious contacts and more favorable legislation; ...and... more activity all the time due to government doing more to control life and business." The Research Staff, while anticipating an increase in their workload, also presented a picture of "change in relative strength of interest groups and basic realignment of strength, some of which is not readily apparent, although the interest groups are aware of the shifts and, therefore, will increase their

efforts." The lobbyists gave reasons similar to those of the legislators, stating: "Issues will be brought to the public attention more often, bringing about a general increase in our responsive activities and with the legislator's work schedule more intensified, they will have less time for research, therefore, a greater need for information from the lobbyist." Some lobbyists were also specific in their reasons; for example: "Much of the membership of the legislature is new and needs more education on the needs of the state...and...by reapportionment giving 'fair' representation, the influence of the large daily newspapers is vastly increased. The 'city' voter has less contact with the office holders and must rely on these 'dirt-sheets' for his facts; therefore, the lobbyists will have to work harder." Assuming that the opinions of the registered lobbyists can be projected to the unregistered lobbyists, the participation of this second group in Council activities will also increase.

One-half of the "unregistered" interest group leaders who responded to this inquiry declared that they utilize lobbyists to pursue their interests in the Legislative Council. Their lobbyists have had contact with all organs of the Council, appearing most often before the Research Staff. These groups professed a low degree of interest in general improvement of government. They believed that lobbying in the legislature was totally ineffective, while affiliation with other groups and public "education" programs were highly effective. In addition, these groups are not as interested in concentrating on specific pieces of legislation or in presenting bill-drafts to legislators as are the registered groups. It may be that the goals of these groups are not as unattainable as those of some others. However, open admission of interests and purposes might

result in better relations with those legislators they may wish to influence, as was the case with those "sponsored" groups of 1961 and 1963.

Many of the legislators who sponsored registered lobbyists in the 1961 and 1963 Legislatures were subsequently assigned to Legislative Council committees whose business was directly related to the interests of the sponsored lobbyists. Five sponsors (Andrews, Baggett, McCune, Taliaferro, and Wolf) were assigned to the Revenue and Taxation Committee whose business was of direct interest to seventeen of the lobbyists sponsored. Representatives Blankenship and Briscoe sponsored Livestock, Sheep, and Farmers' organizations and were assigned to the Agriculture Committee. Representative Burkett, who served on the Mental Health and Retardation Committee, had sponsored the Oklahoma State Nurses Association. Representative Ruby, of the Municipal Government Committee, had sponsored the Oklahoma Municipal League. Senator Nichols and Representative Skeith both sponsored the Associated Motor Carriers of Oklahoma, Inc. and served on the Roads and Highways Committee. Skeith later served on the Turnpike Bond Committee.³⁸ Such relations appear to have produced a "mutual benefit" arrangement.

The foregoing suggests that registration might well prove productive for those lobbyists of groups who have heretofore failed to register. However, the statements of the unregistered group leaders coupled with the comments of the registered lobbyists may explain why many of them do not. Noting the relatively low effectiveness of lobbying for these unregistered groups (as attested to by the group leaders), one inference

³⁸State Legislative Council, Journal of the Legislative Council, 1963-1965, pp. 6-14 and Journal of the Legislative Council, 1965-1967, pp. 16-24. Other "matchings" may also be made, such as the Insurance Committee, and Oklahoma Savings and Loan League.

might be that their lobbying is "situational," or in reaction to legislation which might upset the equilibrium of the status quo. If so, they are what the registered lobbyists referred to as "point of law" groups or as "individuals for one bill only."

Seventy-four per cent of the registered lobbyists stated that unregistered lobbying does occur in the Legislative Council and identified such participants as: "lay groups," "constituents," "civic groups," "education groups," "ethnic groups," "small businesses," "sportsmen," "private industry and enterprise," and "public officials who control big segments of the state budget, such as the Welfare Department." Indicated as relevant organizations were: "Oklahoma Education Association," "Association of Electric Cooperatives," "League of Women Voters," "Parent-Teachers Association," "County Commissioners Association," "major state agencies," "Labor," "Farmers," "small school districts," "Catholic laity," "railroads," "Oklahoma State Department of Public Welfare," and "nursing home owners." Among these respondents noted as most powerful: "teachers," "Welfare," "PTA," "Farm groups," "public officials," "OEA," "nursing home owners," "retailers," "labor unions," "County Commissioners Association," and "constituents who are well informed."

Even with such a large total number of lobbyists, amiable relations such as those between "sponsored" lobbyists and their "sponsors" might be thought to exist for all the Legislative Council sessions, if the pace of activity is not quite so hectic as during the normal session. Furthermore, such an atmosphere might breed a spirit of compromise on the part of those lobbyists the legislators accuse of being self-serving. However, legislators, lobbyists, and researchers deny that this happens.

Approximately seventy per cent of the legislators and lobbyists did

agree that the atmosphere of the Council is more relaxed than that during the regular sessions; however, less than half of each group and only one-fourth of the lobbyists stated that this atmosphere tended to instill a spirit of compromise in the motivations of the lobbyists. Therefore, despite the continuity that is provided for the legislative process, such provision does not appear to influence interest groups toward a less selfish and more enlightened interest in legislation.

More than three-fourths of the legislators, lobbyists, and researchers agreed that Council activities produce indispensable information for legislators, primarily because they receive more "expert" advice during these sessions than they are able to receive during the regular periods. They are further agreed that the sources of such expertise often lie in the executive branch of the government, which points to the conclusion that these departments may be interest groups in their own rights.

Council-Executive Branch Relations³⁹

That the administrators of the executive branch participate in the activities of the Council became clear during this inquiry. However, the relationships between those administrators and external interests was more obscure. In any event, some insight into these relationships was revealed.

Eighty-six per cent of the administrative respondents perceived their roles in much the same way that the legislators defined theirs; that is, as a combination of exercising independent judgement, obtaining

³⁹The responses of legislators, lobbyists, and Research Staff members to questions regarding "lobbying" will be construed to include administrators, unless administrators are specifically identified.

guidance from statutes, and looking to the Governor's programs and policies for enlightenment. However, only one-third of them specifically chose the last of the three.

In comparison, the legislators and Research Staff members viewed the administrators as first, a source of information for the Legislative Council (legislators--63 per cent; Research Staff--83 per cent), and second, as users of Research Staff information for investigation of administrative problems and for preparation of legislative proposals (Research Staff-66 per cent). Seventy per cent of the legislators and eighty-three per cent of the Research Staff identified administrators as proposers of legislation to the Council. Thus some return is realized on the Council investment.

In this two-way exchange of information, the administrators appear before the Council as both supporters and opponents of specific pieces of legislation, according to approximately three-fourths of the Council members. In so doing, the administrators stated, by a five to two ratio, that their presentations provided both more expert information to the Council and a greater chance for administrative participation in the legislative process than are available during the regular sessions. These claims were confirmed by seventy per cent of the legislators and researchers. However, despite the added advantages to these executives, only forty-three per cent of them declared that they were more willing to reach agreement during the Council period than in the regular legislature. This percentage agrees very closely with the thirty-nine per cent reported by the lobbyists and the forty-one per cent by the legislators; however, the researchers estimated only fourteen per cent of the lobbyists were willing to compromise.

Three other categories of interest exist in which almost total agreement was reached among these four groups. First, they were unanimous in their views that the Legislative Council provides continuity to legislation. Second, they were mutual in their disagreement on the question of whether Council activities served to decrease pressure on the regular sessions--three of the four groups were divided exactly fifty-fifty on this point, while the researchers were divided four to two. Third, eighty per cent of the administrators, seventy per cent of the lobbyists, and sixty-six per cent of the legislators agreed that the atmosphere of Council business was more relaxed than that during the regular session. The researchers were alone in their estimate and evenly divided in their opinions, possibly because of the continuous nature of their tasks.

Anticipating a relatively low response from administrators,⁴⁰ the question dealing with their actual participation in Council proceedings was rephrased and submitted to other recipients.⁴¹ The answers to these questions, when compared with others, produced some interesting conclusions.

Administrators reported that they dealt with the standing committees, the Research Staff, and the Executive Committee of the Council, in that order and the Research Staff agreed. Yet, the lobbyists presented a decidedly different picture of administrators' participation in Council business, stating that they appeared before all Council agencies with

⁴⁰This anticipation was based on recent publicity in local news media concerning alleged illegal money transactions between lobbyists and the Oklahoma Corporation Commission.

⁴¹See questions number 21, 22, and 23, Appendix A.

equal frequency. However, the legislators reported all lobbyists dealing with the Council organs in the same order as the administrators.

An analysis of the foregoing reports reveals that the legislators, researchers, and administrators agreed that the administrators appeared before the Research Staff approximately three times more often than before the Executive Committee, and before the standing committees from one and one-half to four times more often than before the Research Staff. The lobbyists believed that the administrators appeared with equal frequency before all Council organs. This evaluation by the lobbyists, when coupled with their numerous remarks concerning the power and activities of executive departments in Council business, possibly reflects an attitude that is caused by the relatively secure position of administrators stemming from their location and access to government information. Nevertheless, administrators do participate in the activities of all Council organs and have revealed by their own statements that they attempt to influence legislation. Although only thirty per cent of the administrators admitted to initiating contact with the Council, the admission by seventy per cent of them that the Council provides them greater access to legislation fails to support the former assertion. In addition, sixty-nine per cent of the legislators and eighty-three per cent of the Research Staff stated that administrators submit legislative proposals to the Council. Moreover, the large number of Council members and lobbyists who classified executive departments as being among the most persistent "unregistered" lobbyists lend further doubt as to the validity of their statement. To what actual extent they initiate contact may be indeterminable, but the Council Journals have recorded some occasions of their contacts with it.

As illustration, the Legislative Council Journal for September 26, 1963 recorded that Mr. Lloyd E. Rader, Director of Public Welfare rendered a report concerning the overall financial picture of the Department of Public Welfare.⁴² In November of that same year the Agriculture Committee expressed its appreciation to the State Board of Agriculture for their cooperation in making a success of a committee study.⁴³ In the same month the Rehabilitative Services Committee reported that "consultants from all government and private agencies" would be used to conduct a study.⁴⁴ In the following March, the Committee on Mental Health and Retardation reported that Mr. Rader had again provided some vital information.⁴⁵ On June 21, 1966, the Chairman of the State Board of Affairs submitted a letter to the Executive Committee suggesting that the Legislative Council might want to take action on a certain matter.⁴⁶ In the same month the Committee on Insurance asked the Insurance Commissioner to submit a draft of legislation to correct problems in the regulation of motor clubs.⁴⁷ During the same session the Committee on Public Health and Welfare requested draft legislation from the Health Department whereby all multi-story frame and frame veneer rest homes-nursing homes

⁴²State Legislative Council, Second Regular Session, Journal of the Oklahoma Legislative Council, 1963-1965, p. 50.

⁴³State Legislative Council, Third Regular Session, Journal of the Oklahoma Legislative Council, 1963-1965, p. 70.

⁴⁴Ibid., p. 75.

⁴⁵State Legislative Council, Fourth Regular Session, Journal of the Oklahoma Legislative Council, 1963-1965, p. 105.

⁴⁶State Legislative Council, Third Regular Session, Journal of the Oklahoma Legislative Council, 1965-1967, p. 80.

⁴⁷Ibid., p. 104.

would be phased out of operation.⁴⁸

In addition to the foregoing opportunities to influence legislation may be added those suggestions from administrators which are adopted as study proposals by the Executive Committee. Whether the ideas and suggestions made by these executive departments are initial ideas of the administrators, or whether they might spring from ideas or hints of interest group agents, remain a matter for speculation. However, the general relations of these administrators and agents of interest groups may be examined,

Administrators presented a less lenient attitude toward present lobbying statutes than did legislators. Less than one-third of them found the statutes satisfactory (agreeing with the Research Staff), while ninety-five per cent suggested that "conflict of interest" clauses be written into "lobbying statutes." However, forty-three per cent of the administrators admitted that the lobbyists helped them in their job and fifty-seven per cent believed that without lobbyists the job would be more difficult. Yet, they felt to a lesser degree than did the Council members that the lobbyists "clarify the issues." Almost one-third of them believed that they could do without lobbyists, and they did not conceive that lobbying was the most valuable of the interest groups' techniques. They placed more emphasis on accurate information from interest groups, as did the Council members.

The administrators were well aware of the identity of interest groups. They named a total of thirty-two organizations and types of groups. However, in assigning relative ranks to various types of groups

⁴⁸Ibid., p. 113.

they only assigned the primary position to business groups and citizens groups, with business warranting a five to one majority. Their overall ranking was: Business, Citizens, Employee and Labor groups, Farm groups, Government Departments, and Military and Veterans. Within this grouping they identified the Oklahoma Municipal League, the Oklahoma Education Association, the Farmers' Union, AFL-CIO, the County Commissioners Association, the Farm Bureau, Associated Industries of Oklahoma, the Chamber of Commerce, Mid-Continent Oil and Gas Company, the American Legion, Veterans of Foreign Wars, the NAACP, and the Urban League.

Ninety-nine per cent of the administrators stated that certain groups should always be listened to because of their state-wide interests. As examples they named such groups as the Oklahoma Municipal League, the Oklahoma Association of Soil and Water Conservation Districts, education, medical research, civic clubs, and trade organizations.

Responses regarding unreasonable pressures from interest group representatives paralleled the answers of Council members, with the dominant answer being "seldom." Only one administrator admitted "often" and specifically named the Human Rights Commission--another state agency. Only fourteen per cent of the administrators stated that interest group activity occurred to a great extent in executive departments; however, none claimed that it did not occur at all. Fifty-nine per cent declared that it occurs to a greater extent during the regular sessions of the legislature than during the interim. Forty-three per cent felt that it contributed to improved public service, while fourteen per cent stated just the opposite.

Answers to certain other questions pertaining to administrators

were provided by interest groups. All the registered interest groups responding stated that their agents presented organizational viewpoints to administrative departments. Only fifty per cent of the unregistered ones did so. Yet, only fifty-four and thirty per cent, respectively, believed that such actions were effective in reaching their organizational goals.

The lobbyists presented a more favorable picture of their activities in these departments. Fifty-six per cent of them claimed that administrators enlisted their support for departmental stands on legislation and seventy-four per cent that administrators looked to them for their special knowledge regarding same. In addition, sixty-one per cent believed that administrators also looked to them to provide insight into public sentiment towards policies and programs. Yet, only forty-five per cent stated that their lobbying was generally welcomed in these state executive departments. In contrast, the opinions of legislators varied considerably from those of the lobbyists. Only forty-five per cent believed that administrators enlisted the aid of lobbyists in support of legislation and only thirty per cent claimed that they looked to the lobbyists for special knowledge.

Council Problems

One surprising aspect of this inquiry was the failure of all the respondents to mention the increase in the number of registered interest groups and lobbyists that has occurred since 1963. From that year to 1965 the number of groups increased by over forty-eight per cent and the number of registered lobbyists increased by almost eighty-seven per cent. For this current session the number of groups is twenty-six per cent

higher than the 1963 level and the registered lobbyists nineteen per cent greater.⁴⁹ At the same time the total number of legislators has decreased by approximately eight per cent,⁵⁰ thereby increasing the ratio of lobbyists to legislators from the 1963 level (1 to 212) for the 1965 (1 to 1.2)⁵¹ and the 1967 sessions (1 to 1.7). If the activities of the unregistered groups increased in the same proportions, the ratio of groups and agents (not including unaffiliated lobbyists) has been further increased by an additional fifty per cent. Thus the lobbyists are now on a one-to-one footing with the Legislative Council. In addition to providing further information, for which Council members express a high desire, these phenomena may well have also multiplied whatever structural and functional difficulties the Council may experience.

The major non-legislative problem that the Legislative Council is confronted with is a shortage of staff personnel.⁵² Although presently staffed with a total of eleven persons, only eight of these are functionally useable as researchers, since two are secretaries and one also functions as the Secretary of the State Election Board (the Secretary of the Executive Committee). Further, three of the remaining eight are temporary interns.⁵³ However, the staff does receive supplementary support

⁴⁹See Appendix I.

⁵⁰See Oklahoma Statutes, 1965 Supp., Title 79, Sections 79 and 107 for realignment of legislative districts.

⁵¹Even though eighteen persons registered in 1965 for one group, the ratio would still have been one lobbyist to 1.3 legislators. The ratio of registered groups to legislators for those years was: 1 to 2.8; 1 to 1.8; and 1 to 2.

⁵²Statement by Johnson, May 19, 1967.

⁵³Ibid.

from the Legislative Reference Division of the State Library; but this support is limited to "reference, research, and technical assistance only,"⁵⁴ which though invaluable still is an historical type service. This Division will provide "reference service on legislative and governmental problems," "summary and digest information,"⁵⁵ and "upon request, will prepare or draft, or aid in preparing or drafting bills, resolutions, and other legislative measures."⁵⁶ Yet, this support appears to be doubtful, since the Legislature is required to supply additional personnel only during the regular sessions to the Reference Division.⁵⁷ Even if this additional service is sufficient for its purpose, the Research Staff still cannot provide personnel for the multitude of committee meetings that occur during the interim.

The interim study for the 1965-1967 period was carried on through 24 standing committees, with 25 subcommittees, 7 special committees, and 8 Task Force committees.⁵⁸ During the 1965-1967 period a total of 213 proposals were studied by these committees.⁵⁹ As a result, one member of the House of Representatives stated:

It is unrealistic to think that a group of from eight to thirty members can meet for two or three hours and do

⁵⁴Oklahoma Statutes, 1961, Title 65, Section 45.

⁵⁵Ibid., Section 49.

⁵⁶Ibid.

⁵⁷Ibid., Section 53.

⁵⁸State Legislative Council, Third Regular Session, Journal of the Oklahoma Legislative Council, 1965-1967, p. 78.

⁵⁹State Legislative Council, First, Second, Third, and Fourth Sessions, Journal of the Oklahoma Legislative Council, 1965-1967, pp. 25-38, 45-48, 83-88, and 139-140.

research. They have to depend on the research of individual members and the testimony of representatives from the various interest groups. The research staff gets information whenever it is available--frequently they have to turn to the interest groups for the information.⁶⁰

The bill-drafting capability of the Research Department appears to be too limited to serve the purposes for which it was created, since it employs only one man full-time and "each interim the Council agenda includes two or three major codification projects"⁶¹ in addition to its regular duties. The reason for this apparent undermanning of the Bill-Drafting Division was undertermined during this inquiry, for the Executive Committee has statutory and Legislative Council Rule authority to "expend funds available to the respective houses for the purpose of employing necessary bill-drafting personnel...."⁶²

That the Research Staff is undermanned can be seen by the "outside" assistance that it gets on projects assigned to it, as evidenced by acknowledgements for additional external expertise and manpower utilized for a project on Rehabilitative Services:

We are deeply grateful to (1) those who served as advisers in developing the over-all study, (2) the consultants who helped evaluate operation of the various state agencies involved, and (3) those assigned by state agencies to work as committee staff members.⁶³

With the present shortage of support personnel for the Council, each request by an individual legislator or administrator in the executive

⁶⁰Response to Question #18 by a member of the 1967 Legislature.

⁶¹State Legislative Council, Fifth Regular Session, Journal of the Oklahoma Legislative Council, 1963-1965, p. 149.

⁶²Ibid.

⁶³Ibid., Study of Rehabilitative Services, 1959-1960 (Oklahoma City, 1960), p. iv.

branch serves to further accentuate this shortage and detract from the service to the Council in general. One possible solution is under study now, namely to provide full-time staff support for the legislature. The present study being considered is a form of year-round combination of committee and administrative staff for the regular legislature that will be integrated with the Research Department.⁶⁴ This solution will probably have its strengths and weaknesses, and while discussion of this pending reorganization is not within the purview of this inquiry, it should provide an interesting subject for future consideration.

In addition, there are a few procedural problems that the Council has experienced that could be easily solved by the Council itself. One of the complaints of legislators who responded to the questionnaire was that too many lobbyists were free to interfere with Council processes. This difficulty stems from two sources. First, lobbyists are not required to "register" with the Legislative Council as they are for the regular sessions,⁶⁵ and this could be somewhat corrected by a Council Rule or Resolution, or by an amendment to or interpretation of the present lobbying statute. Second, the Council committees have all been "open" meetings⁶⁶ and this too could be changed by Council policy, but whether it might damage the image of the Council would have to be considered.

The foregoing Council problems, while described as non-legislative, are the same problems as those faced by the legislature, and the

⁶⁴Johnson, May 19, 1967.

⁶⁵Ibid.

⁶⁶Ibid.

structure, functions, and access points within the Council are almost identical to those found in the regular sessions. The large number of lobbyists, the shortage of support staff, and discontent with procedures --all are experienced by the legislature itself. In addition, the participation, attitudes, and techniques of lobbyists, whether private or public, follow the same patterns that they adhere to during regular legislative operations. Therefore, one must conclude that consideration of the Legislative Council cannot be accomplished within a framework apart from the Oklahoma Legislature. Even if during the years of biennial sessions these two may have been viewed as separate entities, with the advent of annual sessions, the great increase of interest groups, and the growing complexity of legislation, such a distinction becomes even less valid.

CHAPTER V

CONCLUSIONS

As evidenced by the testimony of the preceding chapters, the State Legislative Council of Oklahoma is an extension of the Legislature itself. The basic difference between them lies in the raison d'etre of each: the Legislature existing to enact laws and the Legislative Council existing to identify and recommend which activities of government require legislative attention. Yet in turn the Legislature formulates study proposals to be considered by itself as the Legislative Council.

Some minor differences do exist. One difference lies in the practice of the Council in welcoming practically all persons interested in legislation, in spite of opinions of members regarding the regulation of lobbyists. No Council rules exist for controls as during the regular sessions. This "openness" toward political interests differs from past attitudes expressed by legislators and the underlying reason lies in the great need for information relative to studies conducted by the Council. Although the "lobbying statute" is sixty years old, unrealistic, ambiguous, and possibly not enforced, the Council is satisfied with it. They may feel that the Legislature can adequately deal with lobbying through the rules of its two chambers, but for the purposes of the Council the statute is ignored and no rules have been written to control such activities.

The Council desires amiable relations with all political interests,

yet there exists a desire to control those interests which do not operate by the unwritten rules. The Council members face a dilemma: public admittance of friendly relations with lobbyists is detrimental to the "image," yet, stringent curtailment of their activities will greatly hinder the legislative process. The Council itself recommended in its 1963-1965 session that processing of lobbying applications to the legislature be streamlined and handled by committee action, rather than being presented to the entire legislature, which action required one individual to recommend approval and another to second. The immediate result of this action was to dissociate individual legislators and specific interest groups. Oddly enough, and perhaps not by coincidence, this change took place concurrently with the uproar that accompanied reapportionment and redistricting, which were followed in 1965 by a fifty per cent increase in the number of registered groups and almost a doubling of registered lobbyists, as compared with the 1963 Legislature.

Despite a great amount of preoccupation with agents of various interests, Council members are ever mindful of the voting public and believe that effective campaign activities of interest groups with strong leadership are equally as effective as lobbying in influencing legislators. Further, they believe that those groups which concentrate on keeping the public "informed" are the most influential. This awareness of the general public, plus what appears to be a genuine concern for the well-being of this public, in addition to the need for information, makes the Council willing to listen to almost anyone who professes an interest in legislation. This is the most plausible explanation for the openness of its meetings and the lack of lobbying regulations.

The foregoing is not to be construed to mean that the legislative

members have divorced themselves from all "political" considerations in performance of Council duties. Twelve of the legislators who "sponsored" lobbyists in the 1963 Legislature, and who served on Council committees whose business was concerned directly with the interests of those lobbyists, had also served on committees during the regular session whose business was of the same nature. Further, the committee assignments are of great importance to the Council members. Recalling that the Council rules have permitted legislators to have a choice of two committees, plus the assignment made by the Executive Committee, one finds that certain committees have been "packed," leading to differences in membership of from three to fifty and instances when one house was not even represented on certain committees. Further, a resolution was passed by the 1963-1965 Council recommending that the 1965 Legislature amend the basic statute to limit individual choice to one committee and guarantee representation from both houses. Yet, this recommendation was ignored by the following legislature and the 1965-1967 interim found the same situation existing, with a total of ninety committee positions being filled by Senators who had occupied identical or similar positions in the regular session of that legislature and likewise for 127 positions filled by Representatives.

This freedom of choice of committee assignments is quite revealing, particular since the functions of committees are the functions of the legislature itself. The five largest of these Council committees have been the Insurance, Judiciary, Revenue and Taxation, Roads and Highways, and State and Federal Government committees, averaging thirty-nine members each. In addition the welfare-type committees had a total membership of forty-six. Those committees with the largest number of "repeat"

members from the regular session were Agriculture, Appropriation and Budget, Higher Education, and Roads and Highways with an average "repeat" of seventy-one per cent of the total membership.

This gravitation toward certain committees, plus the differences in "ranking" of interests according to their importance, and the legislator's statements of "what" is important to them, indicate the disagreement and confusion in the thoughts as well as motivations of the legislators. Yet, one conclusion is clear: the Legislative Council is the Legislature and the Legislature is the Legislative Council. The attitudes, activities, and responses to political interests are the same among the two bodies, as is the membership. However, the fact that the 1967 legislators did rank citizen groups second behind government departments in importance, while none of the other groups of respondents did so, may very well portend things to come with change in the composition of the legislature itself.

It is apparent that the existence, role, and functions of the Legislative Council provide additional and extended access for political interests to the Oklahoma legislative process. Those interests which gain entrance to, and actively participate in, the regular business of the Oklahoma Legislature do likewise in the operations of the Legislative Council.

The functions and role of the Executive Committee with its tight control over Council activities may well provide the most potent point of penetration to legislation, since the leadership of this body and the leadership of the legislature is synonymous. However, only approximately one-fourth of all formal lobbying actually occurs in its collective presence. The great bulk of such influence is exercised before the

working committees and the Research Staff, and such contacts do not result entirely from the motivations of "outsiders." All units of the Council, having offered their hospitality to the external holders-of-information, expect and receive reciprocity when they ask for enlightenment on the solutions to state problems. Those organizations which play host during "committee meetings out over the state" do not always wait for the committees to conduct such fact-finding tours. They dispatch their agents to the Capitol Building and attempt to influence legislation on its own home ground. Some of these agents have been there before, not only as dispensers of information, but also as recipients in the role of Council members. (Appendix J.) In addition, some respondents to this inquiry objected to the fact that some legislators, even committee chairmen, are still performing in both roles. This assertion was not pursued in this study because of the difficulty in determining the truth or falsity thereof and further because only two of the respondents made such claims.

Agents of interest groups do not always confront the Council directly, but operate indirectly through the executive departments, with or without the conscious collaboration of administrators. The Council, recognizing administrators as lobbyists in their own right, may not perceive the identity of the initiators of administrative proposals and information as being the clientele of the departments. However, such is a reasonable possibility. Even if they do, it is doubtful that Council members would object, as long as the information presented was that which they did not possess themselves. This "proposal method" of gaining access is a highly competitive one and open to almost everyone, and though the statute establishing the Council makes it appear that the Governor

might enjoy privileged status, in that he may present messages to the Council, he is not "first in line." He does present the first message to the Council after its opening, but he is at least second in line behind the legislature which has had the full length of the legislative session in which to formulate proposals for its own consideration during the interim.

Neither do agents rely solely upon verbal presentation to Council units. Over eighty per cent of the registered interest groups indicated their propensities for bill-drafting for presentation to legislators and committees, thereby exercising an opportunity to pre-empt the Council in both its thinking and formulation of policy proposals.

Council-executive department relations are on the same basis as those of the Council and interests external of state government, being very much on a "mutual benefit" footing. Administrators submit study proposals, support and oppose legislation before Council committees, and utilize the Research Staff as sources of information for their own needs. In addition, their relationship becomes a triangle among the Council, administration, and interest groups. This is often a closed circuit relationship, with an alternating and reversing flow of both information and influence, with the various motivations providing the necessary "voltage" to keep the current following. Surges may occur in this current on occasion when the administrators combine with the external interests in their presentations to the Council. However, these executives face essentially the same problem as the legislators--they are "public" officials also and most of the outside interests are in the "private" category, or even when they are also "public," the general reaction of the citizens is that they are privately motivated.

The multitude of interest organizations and individuals assailing the legislative function is impressive. Yet, this fact lends credence to the term "process." Surprisingly, none of the respondents to this inquiry took specific note of the increased activity coincident with reapportionment and redistricting. Perhaps the full impact is yet to be felt and recognized.

Interest groups had already intensified their activities prior to the advent of the annual sessions of the legislature, but that event alone will cause increased activity in both Council business and regular sessions. The Research Department will definitely feel its impact. The pace of activity in both regular and interim sessions will be speeded up. Prior to annual sessions all political interests were afforded eighteen months for internal formulation and agreement; now their programs are moved one year ahead, as they are for the Legislature and the Council.

Prior to 1967 Council programs were largely "lame duck" type activities with programs being suggested to "new" legislatures. Now the Council will be working for itself during the first interim but more as the previous Councils did for the second interim. There should be an attitude of "move along," and less of an attitude of assurance and relaxation during at least half of the future interim periods. With such conditions existing, what influence interest groups and lobbyists may have on legislation will be more concentrated in both Council and regular sessions, because extended periods of time permit legislators greater opportunity to determine more facts and secure a higher degree of agreement.

A realignment of political interests coupled with the accelerated pace may make the impact of reapportionment and annual sessions more

readily apparent. This being so, a general change in the entire legislative process is possible. The legislature may well become more responsive than before and if the interest groups and lobbyists represent a broad enough political base legislation should more accurately reflect the "public will" than before.

The majority of the problems of the Legislative Council are legislative in nature. However, the emphasis of most literature to date on Legislative Councils has focused on them as research organizations. From the viewpoint the Oklahoma Council does have a major non-legislative problem; that is, if it desires to better perform its research tasks.

The large increase in the number of registered interest groups that accompanied the creation and growth of Oklahoma's Council has been matched by the increase in the annual budget for that body.¹ Yet the size of the Research Staff remains small and inadequate for its implied tasks. Mere expansion of the size of that department is not the answer to its problems; not without some reinterpretation of its proper role. In its present role the staff functions much as a secretariat and caters to the needs of executive departments and individual legislators, as well as to the Council committees. If this practice continues, mere expansion in size would not greatly improve the research capability, but would only serve to multiply its present functions and to further augment the Legislative Reference Division.

One major aspect of Council operation is overstated in certain

¹The Legislative Council Budget for 1949 was only \$25,000 but by 1967 it had risen to \$130,000 and constituted 17 per cent of the total outlay for legislative purposes according to Rhodes, p. 28 and State of Oklahoma, Budget, Fiscal Year 1968, p. 1.

literature prepared by the Research Department: the relations of the Council with the Chief Executive. This literature claims that "close cooperation is maintained with the administration through his office."² Such a statement implies that the Council and the executive branch cooperate in a coordinated effort to produce an integrated program of legislation and policy. The principle expressed is both commendable and highly desirable; however, there does not appear to be a constructive contribution by the Council toward a deliberately planned and coordinated effort of the two branches. Instead, Council - executive branch relations appear to be on the same basis as Council - interest group relations, with cooperation and coordination being decidedly situational. Further, Council dealings with executives is largely on an individual basis with the major departments, because of the large number of elective officials. The literature further states that the Council "Provided the legislature with its own independent research facilities as a continuing staff aid in formulating policies." This statement implies that the Research Department is adequate to meet the needs of the legislature and on a year-round basis. Such is not the case. Small wonder that the Research Staff remains undermanned.

Despite its limited number of personnel, the Research Staff apparently is performing in a commendable manner. The staff members perceive their roles as that of objective analyzers of problems at the service of the legislature, and the comments of both legislators and lobbyists supported this evaluation. A general admiration for these researchers is apparently generated by ^{their} ~~its~~ ability to remain neutral and "ride above"

²Rhodes, pp. 17-18

political cleavages.

Although the Legislative Council has provided its participants with a more relaxed atmosphere in which to work, and has also provided continuity to legislation and additional expertise to the legislature, it has not served to "insulate" the regular sessions from the approaches of lobbyists, at least not in the sense that it has served to decrease the amount of activity of the registered lobbyists. The fact that both legislative houses require registration of lobbyists where the Council does not may appear to provide a relative form of insulation, but the efforts of organized groups is intensified and occurs to a greater extent during normal sessions. This has been true in the past because of the lengthy interim periods and the fact that during regular periods everybody "plays for keeps." There is a possibility that annual sessions may tend to "equalize" attitudes so that there is no noticeable difference between the activity in the two sessions, thereby providing an apparent insulation. However, on matters of a highly technical nature that come up for consideration during the legislative sessions the legislature will most likely prevail upon interest groups for information because they already have it compiled. One solution to this problem could be a well planned legislative program formulated during the interim period, but that may tend to deny legislators a chance at individual notoriety through bill introduction and as a result not be too favorably received.

Annual sessions may well introduce a certain degree of real insulation, at least for the second sessions of the legislatures. The Council members of the first interim who deal with lobbyists will be returning to the legislature for continued contact with many of the same agents. To the extent that a legislative program for the second session is

formulated and agreed upon during this first interim, insulation will be provided. Such possibilities are not so great for the second interim because of the influx of new members that occurs with each new legislature.

One recent innovation by the First Session of the current Thirty-First Legislature was a new set of rules ostensibly designed to shorten regular sessions and lower expenses by making the second session of each legislature primarily a budget session. These rules will allow bills to be carried over to the second session without re-introduction, and will limit the agenda of the second session to appropriations measures, carry-over bills and pre-filed bills. An attorney general's ruling that annual sessions make Oklahoma's Legislature a continuing body permitted the adoption of these rules. The idea appears, on the surface, to be a good one, but one must wonder if such procedures would not serve to strengthen the position of the "old-timers" who return to their positions year-after-year, and work to the detriment of new members.

There is no doubt that Oklahoma's Council, because of its composition and role, has served to institutionalize Oklahoma's interest groups. This fact may account for the obviously congenial attitude of Council members toward these groups. It also may account for the close parallel in the answers of these two groups to related inquiries. Legislators and lobbyists alike view lobbying as a legitimate activity. Legislators' general satisfaction with the lobbying statute and their willingness to receive all groups during Council operations testify to this attitude. The constancy of registered lobbyists on the legislative scene since the activation of the Council has probably been a major cause of this institutionalization. The great legislative need for information is another.

To date it appears that this institutionalization has not been

greatly influenced toward a higher inception of public service, although it has improved legislative service in itself. Neither group agents nor administrators have been willing to compromise and reach agreement because of, or during, Council hearings. What the future may hold with a realignment of interests and a change in composition of the legislature, and the pressure of annual sessions, may only be speculated upon at this point. However, one very good example of the failure of this institutionalization to imbue lobbyists with a high degree of devotion to anything other than themselves may be seen in certain Oklahoma statutes, one of which (Title 59) further reveals the strength of certain groups. This law allows most of the so-called professions and occupations the privilege of self-regulation. The list of these exceptions from state oversight is long. It includes almost everything from accountants to watchmakers; for example, barbers, chiropractors, dentists, pharmacists, funeral directors, optometrists, osteopaths, and dry-cleaners. These special dispensations have been gained through lobbying.

Because of the broad range of problems of legislative councils this study has only been able to cover a segment. Many areas lightly touched upon in this inquiry are deserving of closer scrutiny. Published information pertaining to state government is infinitesimal when compared with the amount of material produced on the more accessible national level; yet, the changes taking place in the states will definitely provide more illumination for the total changes occurring in the nation.

Again, there are only three Legislative Councils such as that in Oklahoma. The remainder do not approach being constituted in the form of a full legislative body. Are such bodies sufficient when they perform only research functions? Are state legislatures sufficient when

they perform only part-time? Should not legislatures be full-time bodies receiving full-time remuneration on a basis comparable to other government officials? Are not all state legislatures in need of and deserving of full-time, fully integrated administrative, committee, and research staff support? Are legislatures really "the same old problem with different faces" or have the inputs into the system changed sufficiently to alter the institutions? If this is so, have the outputs changed and how? Are not interest groups, lobbyists, and legislatures merely parts of the entire system? Why concentrate so on legislators and lobbyists? Why be satisfied with so little voter participation? Where is the leadership? Are legislatures really as bad as they appear or is the image damaged by sensational editorializing? Is lobbying really as bad as it appears or is it any different than human relations in non-public life? These among many other pertinent questions await further scrutiny, analysis, evaluation, and judgement.

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APPENDIX A

QUESTIONS SUBMITTED TO LEGISLATORS, LOBBYISTS, RESEARCH DEPARTMENT PERSONNEL, AND EXECUTIVE BRANCH ADMINISTRATORS.

Category Legend:

1. Legislators
2. Lobbyists
3. Executives and administrators in the Executive Branch
4. Personnel of the Legislative Council Research Department

Category Questions

- | | |
|---------|--|
| 1 2 3 4 | 1. Present Oklahoma statutes for the regulation of lobbyists |
| | a. Are satisfactory |
| | b. Are too restrictive |
| | c. Should be combined with "conflict of interest" laws |
| | d. Need such changes as _____ |
| 1 2 3 4 | 2. Lobbying activities |
| | a. Help the (legislator) (administrator) (researcher) in his job |
| | b. Confuse the issues |
| | c. Clarify the issues |
| | d. Point out the special needs of the state |
| | e. Other _____ |
| 1 2 3 4 | 3. The job of the (legislator) (administrator) (researcher) |
| | a. Is to work out compromises among conflicting interests |
| | b. Requires that he obtain guidance from (constituents) (Governor) (Legislative Council committees) |
| | c. Is to act as a free agent, using independent judgement |
| | d. Is a combination of the above |
| | e. Other _____ |
| 1 2 3 4 | 4. If there were no interest groups trying to influence (legislation) (program administration), the job would be |
| | a. Somewhat easier |
| | b. About the same |
| | c. Somewhat more difficult |
| | d. Much more difficult |

- | <u>Category</u> | <u>Questions</u> |
|-----------------|--|
| 1 2 3 4 | <p>5. Certain characteristics are thought to increase the influence and prestige of interest groups. Which of these are important?</p> <p>a. Large number of members
 b. Well organized and guided by strong leadership
 c. Effective campaign activities (both for and against)
 d. Lobbying by especially skillful persons
 e. A strong "propaganda" program
 f. Providing reliable information to (legislators) (officials)
 g. Well thought of by the voters
 h. Other _____</p> |
| 1 2 3 4 | <p>6. What are the most effective interest group activities?</p> <p>a. Lobbying
 b. Campaign support or opposition
 c. Informing voters of issues and programs
 d. Affiliation with other groups
 e. Other _____</p> |
| 1 2 3 4 | <p>7. Reapportionment and annual sessions of the legislature should cause interest groups to become</p> <p>a. Less active during regular sessions of the legislature
 b. More active during regular sessions of the legislature
 c. Less active during sessions of the Legislative Council
 d. More active during sessions of the Legislative Council
 e. Because _____</p> |
| 4 | <p>8. Annual sessions of the legislature will result in</p> <p>a. An increased workload for the Research Staff
 b. A decreased workload for the Research Staff
 c. No change in workload, merely an accelerated pace of activity
 d. Increased interest group activity in Council business</p> |
| 1 2 3 4 | <p>9. Some interest groups in Oklahoma are said to be more powerful than others. Would you number the following in order of their importance to the Legislature?</p> <p>___ a. Business groups
 ___ b. Employee and labor groups
 ___ c. Farm groups
 ___ d. Military and veteran groups
 ___ e. Government departments (state, county, municipal)
 ___ f. Citizens groups
 ___ f. Other _____</p> <p>Would you please name some of the particular organizations you have in mind?</p> |

- | <u>Category</u> | <u>Questions</u> |
|-----------------|--|
| 1 2 4 | 10. Are there any particular groups that are notably strong on a continuing basis? If so would you please name some of them? |
| 1 2 4 | 11. Do any unregistered lobbyists attempt to influence legislation? If so what type groups are these? _____

Would you please name some of the particular <u>organiza-</u>
<u>tions</u> you have in mind?

Which of these are considered <u>most</u> powerful in Oklahoma? |
| 1 2 3 4 | 12. Are there some interest groups whose advice ought to be considered whether they happen to be powerful or not? If so, would you name some of these groups?

What is there about these groups that makes them worth listening to? |
| 1 3 4 | 13. If you have ever felt unreasonable pressure from lobbyists, has it occurred

a. Often
b. Sometimes
c. Seldom |
| 1 | 14. Do you have experience as a member of the Legislative Council? If so, what committees have you served on? |
| 2 | 15. Have you ever represented any organization before any organ of the Legislative Council? If so,

a. Please name the organization(s)
b. Did you conduct your business with
1. The Executive Committee
2. The Standing or Special Committees
3. The Research Staff
c. Did you initiate the contact with the Legislative Council? |
| 2 | 16. What type of legislation were you interested in? |
| 1 2 3 4 | 17. Interest group activity in (Legislative Council) (administrative department) business

a. Occurs to a great extent
b. Occurs to a small extent
c. Occurs to a lesser extent during regular sessions
d. Occurs to a greater extent during regular sessions
e. Does not occur at all |

Category Questions

17. (continued)
- f. Improves service to the public
 - g. Detracts from service to the public
 - h. None of the above but rather _____
- 1 2 4 18. Which of the organs of the Legislative Council solicits information from interest groups in investigating legislative proposals?
- a. The Executive Committee
 - b. The Standing and Special Committees
 - c. The Research Staff
 - d. All organs are willing to hear interest groups
 - e. None; all organs prefer to do their own legislative research
- 1 2 3 4 19. While dealing with the Legislative Council, (interest groups) (administrative departments)
- a. Are more willing to compromise and reach agreement, than during regular sessions of the legislature
 - b. Are less willing to compromise and reach agreement, than during regular sessions of the legislature
 - c. Most often deal with the Executive Committee
 - d. Most often deal with the Standing or Special Committees
 - e. Most often deal with the Research Staff
 - f. Are more likely to initiate contact than wait to be contacted
- 1 2 3 4 20. The Legislative Council
- a. Provides continuity of legislation
 - b. Serves to decrease pressure from lobbyists on the regular sessions of the legislature
 - c. Permits legislators to receive more "expert" information than they are able to receive during regular sessions
 - d. Provides a more relaxed atmosphere than the regular sessions
 - e. Provides (interest groups) (administrative departments) a forum for their activities and proposals that the regular sessions do not provide
 - f. Serves an important function for legislators; for example _____
- 1 21.* Executive branch departments
- a. Provide an important source of information for Legislative Council activities

Category Questions

21. (continued)

- b. Submit legislative proposals for consideration by the Legislative Council
- c. Appear before committees of the Legislative Council to support or oppose legislative proposals
- d. Enlist interest group support for their stand on legislation
- e. Look to interest groups for specialized knowledge relative to pending legislation
- f. Have other relations with the Legislative Council, such as _____

2 22.* Do the administrative department of the Executive Branch

- a. Look to interest groups for insight into public sentiment toward policies and programs?
- b. Look to interest groups for specialized knowledge relative to pending legislation
- c. Enlist interest group support for their stand on legislation
- d. Generally, react favorably to interest group activity in their departments?
- e. Conduct business with Legislative Council organs regarding legislative proposals? If so, with which ones:
 - 1. The Executive Committee
 - 2. The Standing or Special Committees
 - 3. The Research Staff

4 23.* Executive Branch administrative departments

- a. Provide an important source of information for Legislative Council research
 - b. Utilize Legislative Council Research Staff information for investigation of administrative problems and/or legislation
 - c. Appear before committees of the Legislative Council to oppose or support legislative proposals
 - d. Submit legislative proposals for consideration by the Legislative Council
 - e. Utilize the Research Staff in preparation of legislative proposals
 - f. Most often deal with the Executive Committee
 - g. Most often deal with the Standing or Special Committees
 - h. Most often deal with the Research Staff
 - i. Other relations with the Legislative Council _____
-

Category Questions

- 1 2 3 4 24. Any additional comments that you would care to make will contribute greatly toward broadening my understanding of the legislative process and the relations of those involved in that process.

*These questions were submitted in three different forms and to different categories of persons in order to elicit different information without further lengthening the questionnaire and to insure broader coverage.

APPENDIX B

RELEVANT QUESTIONS SUBMITTED TO INTEREST GROUPS

Questions

1. Did the activities of your organization in state affairs
 - a. Begin as a general interest in improving government?
 - b. Begin as a counterbalance to other organizations?
 - c. Begin for the purpose of accomplishing a specific goal?
(Date such activities began _____)

2. Is your organization
 - a. Non-partisan?
 - b. Partisan?

3. Has your organization formulated a statement of the goals and purposes of your activities relating to the policies and programs of state government? If so, will you please enclose a copy? - or please state them below?

4. Do the specific programs of your organization
 - a. Identify specific pieces of legislations?
 - b. Include "bill drafting" for presentation to legislators?

5. Has your organization
 - a. Utilized legislative agents in appearances before committees of the state legislature?
 - b. Presented organizational viewpoints to administrative departments of the Executive Branch of state government?
 - c. Presented viewpoints before organs of the Oklahoma Legislative Council:
 1. The Executive Council?
 2. The Standing or Special Committees?
 3. The Research Staff?

6. Does your organization conduct activities relating to state government
 - a. Only during regular sessions of the state legislature?
 - b. Only during interim periods between legislatures?
 - c. During both regular and interim sessions?

7. Which of the following is effective in securing the goals of your organization relative to the policies and programs of state government?
 - a. Supporting or opposing individual candidates for office
 - b. Informing the public of issues
 - c. Cooperative efforts with other organizations
 - d. Utilization of agents in the state legislature
 - e. Educating members of the administrative branch

8. I would appreciate any additional comments that you would care to make toward broadening my understanding of the activities of organizations which have an interest in the legislation, policies, or programs of state government in Oklahoma.

APPENDIX C

NUMBER OF LEGISLATORS AND LOBBYISTS QUERIED AND RESPONDING

<u>Year of Service</u>	<u>Number Queried</u>	<u>Not Queried</u>	<u>Responses Received</u>
Legislators¹			
1967			
Senate - 48 members	48	-	17
House - 99 members	99	-	22
1965			
Senate - 48 members	7	-	3
House - 99 members	16	2	3
1963			
Senate - 44 members	17	4	3
House - 120 members	58	6	13
	<u>241 (245)*</u>	<u>12**</u>	<u>61</u>
Lobbyists			
1967 - 86 registered***	86	-	22
1965 - 127 registered****	45	29	13
1963 - 72 registered	27	3	6
	<u>154 (158)*</u>	<u>32**</u>	<u>41</u>

*Seven questionnaires returned for "address unknown". G. T. Blankenship (House 1965) queried as Lieutenant Governor.

**Addresses not available.

***Fifty-three also registered in 1965 and thirty-two in 1963.

****Ten also registered in 1963.

¹Twenty-two Senators and fifty-five Representatives of the 1963 Legislature served in either the 1965 or 1967 Legislature and one in each house died in office. Forty-one Senators and eighty-one Representatives of the 1965 Legislature served in the 1967 Legislature. See Oklahoma Legislature, Twenty-Ninth, Thirtieth, and Thirty-First Sessions, Journals of the Senate and House of Representatives, 1963, 1965, and 1967.

APPENDIX D

ORGANIZATIONAL AFFILIATION OF RESPONDENTS TO LOBBYIST QUESTIONNAIRE

<u>Organization</u>	<u>Number of Respondents</u>
American Insurance Association	1
American Mutual Insurance Alliance	1
Association of Oklahoma Life Companies	1
Associated Motor Carriers of Oklahoma, Inc.	1
Association of Casualty and Surety Companies	1
Better Business Legislation Service	1
Brotherhood of Railroad Trainmen	1
City of Oklahoma City	1
Communications Workers of America, AFL-CIO	1
Electrical Industry Committee	1
Hicks-Mortimer Company	1
League of Women Voters	1
National Association of Retired Civil Employees	1
Oklahoma Association of Realtors	1
Oklahoma City Chamber of Commerce	1
Oklahoma Council of Churches	1
Oklahoma Education Association	4
Oklahoma Farm Bureau	2
Oklahoma Funeral Directors Association	1
Oklahoma Hardware and Implement Association, Inc.	1
Oklahoma Independent Petroleum Association	1
Oklahoma Osteopathic Association	1
Oklahoma Police Officers' Legislative Committee	1
Oklahoma Savings and Loan League	1
Oklahoma Sheriffs and Peace Officers Association	1
Oklahoma State AFL-CIO	1
Oklahoma State Firemen's Association	1
Oklahoma State Grange	1
Oklahoma State Home Builders Association	1
Oklahoma State Medical Association	1
Oklahoma State Nurses Association	1
Oklahoma State School Boards Association	1
Sooner Alcohol-Narcotics Education	1
Southwestern Lumbermen's Association	1
Tulsa Chamber of Commerce	1
Tulsa Education Association	1
United States Plywood Corporation	1
NUMBER OF ORGANIZATIONS - 37	<u>41</u>

Note: See Appendix E for those interest groups queried for leadership opinions and organizational information.

APPENDIX E

INTEREST GROUPS, EXECUTIVE DEPARTMENTS, AND RESEARCH PERSONNEL QUERIED AND RESPONDING

Registered Groups: 1963, 1965, and 1967

<u>Organization</u>	<u>Response Received</u>	
	<u>Group</u>	<u>Agent</u>
American Automobile Association	x	
American Legion, Department of Oklahoma		
Associated Industries of Oklahoma		
Associated Motor Carriers of Oklahoma	x	1
Better Business Legislation Service		1
League of Women Voters		1
Mid-Continent Oil and Gas Association	x	
National Association of Retired Civil Employees	x	1
National Electric Contractors Association, Inc.		
Oklahoma Apartment Owners Association, Inc		
Oklahoma Association of Electric Cooperatives	x	
Oklahoma Association of Insurance Agents, Inc.	x	
Oklahoma Association of Realtors		1
Oklahoma Automobile Dealers Association		
Oklahoma Bankers Association	x	
Oklahoma Bar Association	x	
Oklahoma Cattlemen's Association		
Oklahoma Chiropractic Physicians Association		
Oklahoma City Chamber of Commerce		1
Oklahoma City Cleaners Association		
Oklahoma City Home Builders Association		
Oklahoma Council of Churches		1
Oklahoma Dairy Products Institute, Inc.		
Oklahoma Education Association	x	4
Oklahoma Farm Bureau		2
Oklahoma Farmers' Union		
Oklahoma Federation of the Blind		
Oklahoma Hardware and Implement Association		1
Oklahoma Independent Petroleum Association		1
Oklahoma Lumbermen's Association	x	
Oklahoma Malt Beverage Association		
Oklahoma Municipal Contractors Association		
Oklahoma Municipal League	x	
Oklahomans For The Right To Work		
Oklahoma Optometric Association		1
Oklahoma Osteopathic Association		
Oklahoma Retail Liquor Association		
Oklahoma Retail Merchants Association		

<u>Organization</u>	<u>Response Received</u>	
	<u>Group</u>	<u>Agent</u>
Oklahoma Savings and Loan League	x	1
Oklahoma Sheriffs and Peace Officers Association	x	1
Oklahoma State AFL-CIO		1
Oklahoma State Firemen's Association		1
Oklahoma State Grange		1
Oklahoma State Home Builders Association	x	1
Oklahoma State Medical Association	x	1
Oklahoma State Nurses Association	x	1
Oklahoma State School Boards Association		1
Oklahoma Wholesale Liquor Association		1
Sooner Alcohol-Narcotics Education		1
NUMBER OF ORGANIZATIONS - 49	<u>16</u>	<u>26*</u>

*Fifteen additional lobbyists responded, however their organizations were not queried.

Unregistered Groups

<u>Organization</u>	<u>Response Received</u>
American Association of Retired Persons	x
American Association of University Professors	x
American Legion Auxiliary	
Central Oklahoma Milk Producers Association	x
Christian Crusade	x
Disabled American Veterans	
Eastern Oklahoma Economic Development District	x
Judicial Reform, Inc.	x
Little Council (Oklahoma City-Tulsa Roman Catholic Diocese)	
National Association for the Advancement of Colored People	
Oklahoma Association of Christian Churches	x
Oklahoma Citizens for Decent Literature	
Oklahoma Claim Men's Association	
Oklahoma County Commissioners' Association	
Oklahoma Highway Users Conference	x
Oklahoma Outdoor Writers Association	
Oklahoma Pharmaceutical Association	
Oklahoma Press Association	x
Oklahoma Public Expenditures Council	x
National Riflemen's Association	x
Oklahoma Wildlife Federation	
Southwestern Park and Recreation Institute	x
Truth About Civic Turmoil Committee (Unit of John Birch Society)	
Urban League	
NUMBER OF ORGANIZATIONS - 24	<u>12</u>

Executives of State Government

<u>Organization</u>	<u>Response Received</u>
<u>Elective Offices</u>	
Attorney General	
Chief Mines Inspector	
Commissioner of Insurance	
Commissioner of Labor	x
Lieutenant Governor	
Secretary of State	x
State Examiner and Inspector	
State Treasurer	
<u>Appointive Offices (Senate approval)</u>	
Board of Regents for Higher Education, Chairman	
Building and Loan Board, Chairman	
Employment Security Commission, Chairman	x
Grand River Dam Authority, Chairman	x
Oklahoma Alcohol Beverage Control Board, Chairman	
Oklahoma Human Rights Commission, Chairman	x
Oklahoma Tax Commission, Chairman	
Oklahoma Turnpike Authority, Chairman	
State Board of Health, Chairman	
State Board of Public Affairs, Chairman	
State Election Board, Chairman	
State Fire Marshal Commission, Chairman	x
State Highway Commission, Chairman	
State Soil Conservation Board, Chairman	
<u>Appointive Offices (Without Senate approval)</u>	
Commissioner of Public Safety	x
Director of State Finance	
Director, Oklahoma Industrial Development and Parks Department	
Oklahoma Public Welfare Commission, Chairman	
Oklahoma Real Estate Commission, Chairman	
Oklahoma Water Resources Board, Chairman	
Oklahoma Wildlife Conservation Commission, Chairman	
State Personnel Board, Chairman	
War Veterans Commission, Chairman	
NUMBER OF OFFICES - 31	<u>7</u>
<u>Administrators</u>	
Chancellor, Board of Regents for Higher Education	
Director, Alcohol Beverage Control Board	x
Director, Department of Highways	
Director, Department of Wildlife Conservation	x
Director, Employment Security Commission	

<u>Organization</u>	<u>Response Received</u>
Director, Human Rights Commission	
Director of Personnel (Merit System)	
Director of Public Welfare	
Director, Soil Conservation Board	x
Director, Veterans Department	
Director, Water Resources Board	
Manager, Grand River Dam Authority	
Manager, Oklahoma Turnpike Authority	
Secretary, Real Estate Commission	
State Commissioner of Health	
State Fire Marshal	
NUMBER OF ADMINISTRATORS - 16	<u>3</u>
TOTAL NUMBER OF EXECUTIVES - 47	TOTAL RESPONSES 10

Legislative Council Research Personnel

Director, Research Department	
Assistant Director	x
Secretary (Queried in his capacity as former legislator)	
Bill Drafter	x
Legislative Auditor	x
Research Assistant	x
Interns - (three)	<u>(1)</u>
NUMBER OF PERSONNEL - 8	5

Former Research Personnel

Three Research Specialists	<u>(1)</u>
NUMBER OF PERSONNEL - 3	1

APPENDIX F

RULES OF THE HOUSE OF REPRESENTATIVES AND RULES OF THE SENATE FOR THE FIRST SESSION, THIRTY-FIRST LEGISLATURE OF THE STATE OF OKLAHOMA RELATING TO LOBBYING

House of Representatives

Rule 87. Every person lobbying, or representing any person, organization, or corporation before the House of Representatives, any committee thereof, or any individual member thereof, and who receives for his services fixed remuneration, expenses, or any other thing of value, shall be required to make application to the House of Representatives for permission to lobby or appear as a representative in legislative meetings and reveal to the House of Representatives the person, firm, organization, or Corporation which he represents. The application shall be filed with the Chief Clerk of the House of Representative, and shall be presented to the House of Representatives, and referred to the Rules and Procedures Committee. The permission to lobby must be approved by a majority of the members present and voting after Committee approval. (Emphasis supplied.)

(a) No person employed for a pecuniary consideration to act as legislative counsel or legislative agent for any person, corporation, or association, shall go upon the floor of the House reserved for the members thereof while in session except on invitation of the House.

(b) In case of violation of this section, the offender shall be deemed in contempt of this House, and shall be excluded from the legislative hall, and from all committee rooms, and his name shall be posted in writing on the excluded list at the main entrance of the legislative hall, and any member of this House thereafter willfully and knowingly communicating with such offender before final adjournment of this House shall likewise be deemed in contempt of the dignity of the House and subject to reprimand at the bar of this House in open session by the Speaker.

Senate

Rule 26. Every person lobbying, or representing any person, organization or corporation before the Senate, or any committee thereof, and who receives for his services from the organization which he represents whether as a salary, fixed remuneration, expenses, or any other thing of value, whether or not the act of lobbying is a primary or incidental part of those services, shall be required to make application to the Senate, under oath, for permission to lobby or appear as a representative in legislative meetings and reveal to the Senate the person, firm organization, or corporation which he represents and the remuneration or

compensation he is to receive. The application shall be filed with the Secretary of the Senate, and shall be presented to the Senate, and the permission to lobby shall be approved by a majority of the members present and voting. Any persons violating the provisions of this rule shall be in contempt of the Senate, and shall be punished as provided by law. (Emphasis supplied.)

No one registered as an agent or lobbyist may be on the floor of the Senate during the time it is in session. No person, other than a state officer or legislator, shall discuss any measure with any Senator on the floor of the Senate during the time the Senate is in session. Any person who violates this Rule or any person who shall gain admission to the floor of the Senate by false representation shall be forthwith ejected from the Senate Chamber and thereafter denied admission. No legislative employee shall lobby for or against any measure pending in the Senate and any such employee violating this Rule shall be forthwith discharged.

Note: These Rules are extracted from booklets printed by the two legislative chambers for the convenience of members of the first session of the Thirty-First Legislature.

APPENDIX G

LEGISLATIVE SPONSORSHIP OF PETITIONS FOR LOBBYING PERMITS IN THE HOUSE OF REPRESENTATIVES OF THE OKLAHOMA LEGISLATURE - 1961 and 1963.
(Note: Political party and county indicated for each House member. H= House of Representatives, S= Senate.)

1961

<u>Member and Organization(s) Sponsored</u>	<u>1963 Status</u>	<u>1967 Status</u>
Andrews, Red (D-Oklahoma) Legislation for the Blind Oklahoma Automobile Dealers Association Oklahoma Gasoline Retailers Association Oklahoma State AFL-CIO Oklahoma State Association of Underwriters Oklahoma State Fair and Exposition	H	H
Baggett, Bryce (D-Oklahoma) Oklahoma Education Association Oklahoma State AFL-CIO	H	S
Blankenship, G. T. (D-Oklahoma) Oklahoma Council of Carpenters Oklahoma Livestock Marketing Association Oklahoma Sheep and Wool Producers Association Oklahoma State Home Builders Association	H	State Atty. General
Bradley, Ed (D-Tulsa) Christian Science Churches of Oklahoma Tulsa Association of Life Underwriters	*	*
Briscoe, Bill (D-Rogers) Oklahoma Farmers' Union	H	H
Burkett, W. R. (R-Woodward) Oklahoma State Nursing Association	H	*
Bynum, J. W. (D-Mayes) Associated Industries of Oklahoma, Inc.	H	H
Camp, J. A. (R-Garfield) Oklahoma Wheat Growers Association	*	*
Cox, Barbour (D-Lincoln) Tulsa Chamber of Commerce	H	H

Dyer, M. E. (D-Carter) Teamsters Joint Council No. 92	*	*
Forsythe, G. G. (D-Tulsa) Hicks-Turner Insurance Agency, Tulsa	*	*
Hopkins, R. E. (D-Tulsa) Oklahoma Police Officers' Legislative Committee Oklahoma State AFL-CIO	H	*
Howard, G. C. (D-Tulsa) Oklahoma Independent Petroleum Association	*	*
Johnston, Alex (D-Tulsa) Oklahoma Graduate Registered Pharmacists Association Oklahoma Municipal Contractors Association	*	*
McCune, J. W. (D-Tulsa) Oklahoma Savings and Loan League	H	H
Nichols, A. G. (D-Seminole) Associated Motor Carriers of Oklahoma, Inc.	S	S
Northcutt, D. L. (D-Marshall) Oklahoma Railways Committee	H	*
Page, B. F. (R-Garfield) Brotherhood of Maintenance of Way Employees	H	H
Ruby, Russell (D-Muskogee) Oklahoma Municipal League	H	*
Skaggs, J. R. (D-Oklahoma) Brotherhood of Railroad Trainmen Life Insurance Association of America Oklahoma Optometric Association Oklahoma Police Officers' Legislative Committee Oklahoma Retail Grocers' Association	H	*
Skeith, W. H. (D-Pittsburg) Associated Motor Carriers of Oklahoma, Inc. Oklahoma State Firemans' Association	H	*
Smith, N. A. (D-McClain) Oklahoma Association of Soil and Water Conservation Districts	H	H
Taggart, J. T. (R-Oklahoma) Association of Oklahoma Fire and Casualty Companies	H	H

Taliaferro, Jim (D-Comanche) Oklahoma Retail Merchants' Association	H	S
Tate, Tom (D-Osage) Oklahoma Farm Bureau	H	*
Watkins, Ralph (D-Canadian) Brotherhood of Locomotive Firemen and Enginemen Oklahoma Wholesale Liquor Association	H	H
Witt, J. B. (D-Cotton) Oklahoma Association of Electric Cooperatives	*	*
Wolf, Leland (D-Cleveland) American Mutual Insurance Alliance Associated Industries of Oklahoma Association of Casualty and Surety Companies Mid-Continent Oil and Gas Association Oil, Chemical, Atomic Workers Union Local 5232 Oklahoma Association of Insurance Agents, Inc. Oklahoma Dairy Products Institute, Inc. Oklahoma Education Association Oklahoma For The Right To Work, Inc. Oklahoma Pharmaceutical Association Oklahoma State School Boards Association, Inc. Sooner Alcohol and Narcotics Education Southwestern Oklahoma Building and Construction Trades Council United Steel Workers	H	H

1963

<u>Member and Organization(s) Sponsored</u>	<u>1965 Status</u>	<u>1967 Status</u>
Andrews, Red (D-Oklahoma) Associated Industries of Oklahoma, Inc. City of Oklahoma City Oklahoma Liquified Petroleum Gas Association Oklahoma Mutual Sportmen's Association, Inc. Oklahoma Sheriffs' and Peace Officers' Association Oklahoma State AFL-CIO Oklahoma State Medical Association Oklahoma State School Boards Association	H	H
Blankenship, G. T. (R-Oklahoma) Association of Casualty and Surety Companies	H	State Atty. General

Government Employees Exchange of Oklahoma Oklahoma Licensed Practical Nurses Oklahoma Lumbermen's Association Oklahoma State Nursing Association		
Bull, Bill (D-Muskogee) Carpenters' Local 329 United Brotherhood of Carpenters and Joiners of America United Brotherhood of Teamsters	*	*
Burkett, W. R. (R-Woodward) American Mutual Insurance Alliance Oklahoma Far Bureau Oklahomans For The Right To Work	*	*
Keyes, G. C. (D-Oklahoma) Legislation For The Blind		
Levergood, J. T. (D-Pottawatomie) Brotherhood of Locomotive Engineers Brotherhood of Locomotive Firemen and Enginemen	H	H
Massey, J. D. (D-Bryan) Associated Motor Carriers of Oklahoma, Inc.	*	S
McCune, J. W. (D-Tulsa) Better Business Legislation Service Oklahoma Police Officers' Legislative Committee Oklahoma State AFL-CIO	H	H
Mountford, J. E. (D-Ottawa) Oklahoma Savings and Loan League	H	H
Musgrave, J. E. (R-Tulsa) Christian Churches in Oklahoma Mid-Continent Oil and Gas Association Southwestern Lumbermen's Association	H	*
Northcutt, D. L. (D-Marshall) Oklahoma Cattlemen's Association	*	*
Privett, Rex (D-Pawnee) Oklahoma Council of Churches Oklahoma Federation of the Blind	H	H
Rhodes, R. S. (R-Tulsa) Mid-Continent Oil and Gas Association Oklahoma Gasoline Dealers Association	S	*

Ruby, Russell (D-Muskogee) Oklahoma Municipal League	*	*
Shipley, W. K. (D-Creek) Hicks-Turner Insurance Agency, Tulsa	*	*
Shipley, Bill (D-Nowata) Oklahoma Education Association		
Skaggs, J. R. (D-Oklahoma) Life Insurance Association of America Oklahoma Association of Insurance Agents Oklahoma Chiropractic Physicians Association Oklahoma Education Association Oklahoma Independent Petroleum Association Oklahoma Optometric Association Oklahoma Retail Merchants' Association Oklahoma State Firemen's Association Oklahoma State Home Builders Association Oklahoma State Medical Association Sooner Alcohol and Narcotics Education	*	*
Skeith, W. H. (D-Pittsburg) Oklahoma Optometric Association	H	H
Sparkman, Wiley (D-Delaware) Associated Industries of Oklahoma	H	H
Taggart, J. T. (R-Oklahoma) Association of Oklahoma Fire and Casualty Companies Oklahoma Hardware and Implement Association	H	*
Thornhill, Lynn (R-Grant) Oklahoma Association of Soil and Water Conservation Districts	H	H
Watkins, Ralph (D-Canadian) Brotherhood of Maintenance of Way Employees Brotherhood of Railroad Trainmen Brotherhood of Railway and Steamship Clerks Oklahoma Bar Association	H	H
Williams, Carl (D-Murray) Oklahoma Automobile Dealers' Association	*	*

Wolf, Leland (D-Cleveland)

H

H

Oklahoma City Home Builders Association
Oklahoma Dairy Products Institute, Inc.
Oklahoma Malt Beverage Association

*Denotes "sponsors" not re-elected.

Source: Oklahoma Legislature, Twenty-Eighth Session, Journal of the House of Representatives, 1961; Twenty-Ninth Session, Journal of the House of Representatives, 1963; Thirtieth Session, Journal of the House of Representatives, 1965; and State Election Board, State of Oklahoma Election Results and Statistics, 1966.

APPENDIX H

LOBBYISTS REGISTERED WITH THE OKLAHOMA LEGISLATURE FOR THE YEARS 1910, 1911, 1915, and 1919.

<u>Interest Groups Represented</u>	<u>Number of Lobbyists</u>	
	<u>House</u>	<u>Senate</u>
<u>1910</u>		
Farmers' Educational and Co-operative Union of America		1
Oklahoma Anti-Vaccination Association	1	1
Oklahoma State Federation of Laobr	2	3
Order of Railway Conductors	1	1
	<u>4</u>	<u>6</u>
<u>1911</u>		
American Chiropractic Association	2	
Brotherhood of Locomotive Engineers	1	
Brotherhood of Locomotive Firemen and Enginemen	1	
Brotherhood of Railroad Trainmen	1	
Carver, Dr. Willard (No affiliation given)	1	
Hyde, C. H. (No affiliation given)	1	
Oklahoma Press Association	1	
Oklahoma State Federation of Labor	5	
Oklahoma State Optical Association	1	
Order of Railway Conductors and Brakemen	1	
	<u>15</u>	
<u>1915</u>		
Barnard, Kate (No affiliation given)	1	
Berry, C. L. (No affiliation given)	1	
Finch, Mrs. R. R. (No affiliation given)	1	
Brotherhood of Locomotive Firemen and Enginemen	1	
Brotherhood of Locomotive Engineers	1	
Oklahoma State Federation of Laobr	2	
Oklahoma Women's Christian Temperance Union	1	
Oklahoma Women's Suffrage Association	1	
	<u>9</u>	

1919

Brotherhood of Locomotive Engineers	1
Brotherhood of Locomotive Firemen and Enginemen	1
Brotherhood of Railroad Trainmen	1
Hartford Fire Insurance Company, Hartford, Connecticut	1
New York Underwriters Agency, New York	1
Oklahoma Employers' Association	1
Oklahoma State Federation of Labor	2
Oklahoma Anti-Horse Thief Association	1
United Mine Workers	3
	<u>12</u>

Source: Oklahoma Legislature, First Extraordinary Session, Second Legislature, Journal of the House of Representatives, 1910; Third Session, Journal of the House of Representatives, 1911; Fifth Session, Journal of the House of Representatives, 1915; First Extraordinary Session, Second Legislature, Journal of the Senate, 1910; and Seventh Session, Journal of the Senate, 1919.

APPENDIX I

LOBBYISTS AND ORGANIZATIONS REGISTERED WITH THE OKLAHOMA LEGISLATURE:
1963, 1965, 1967.

<u>Organization</u>	<u>Number of Lobbyists</u>		
	<u>1963</u>	<u>1965</u>	<u>1967</u>
Alva U.H.F. Corporation			1
American Automobile Association			1
American Insurance Association		1	
American Legion, Department of Oklahoma		3	1
American Mutual Insurance Alliance	1	1	1
Associated Industries of Oklahoma	2	2	3
Associated Motor Carriers of Oklahoma, Inc.	1	2	1
Association of Casualty and Surety Companies	1		
Association of Oklahoma Fire and Casualty Companies	1		
Association of Oklahoma Life Insurance Companies		1	
Bakers Local Union #173		1	
Better Business Legislation Service	1		
Brotherhood of Locomotive Engineers	1	1	1
Brotherhood of Locomotive Firemen and Enginemen	1		
Brotherhood of Maintenance of Way Employees	1	1	1
Brotherhood of Railroad Trainmen	1	1	1
Brotherhood of Railway and Steamship Clerks	1		
Carpenters Local Union #329	2		
Chiropractic Association of Oklahoma		1	1
Christian Science Churches of Oklahoma	1	1	1
Citizens Committee for Public Improvement in Oklahoma		1	
City of Oklahoma City	1		
Communications Workers of America, AFL-CIO		1	
Democrat-Republican Voters Education Program			2
Electrical Industry Committee		1	
Emmons Electric Company		1	
Feurborn School of Real Estate			1
Government Employees Exchange of Oklahoma	2		
Globe Life and Accident Insurance Company		1	
Hicks-Mortimer Company		1	
Hicks-Sampsel Company			2
Hicks-Turner Insurance Agency	1		
Higher Education in Oklahoma		1	1
Horsemen's Association of Oklahoma		1	
League of Women Voters		2	1
Legislation for the Blind	1	1	1
Life Insurance Association of America	1	1	1
Mental Institution Inmates		1	

Mid-Continent Oil and Gas Association	2	2	2
Midwest Carbide Company, Pryor, Oklahoma		1	
Midwest City Classroom Teachers Association		3	
National Committee for Lowering the Voting Age		18	
National Electric Contractors Association, Inc.		1	
Oil, Chemical, Atomic Workers Local Union #5232		1	1
O.K. Fireworks Corporation and National Pyrothechnics Distributing Association		1	1
Oklahoma Apartment Owners Association			1
Oklahoma Association of Electric Cooperatives		1	
Oklahoma Association of Insurance Agents, Inc.	1	1	1
Oklahoma Association of Realtors		1	1
Oklahoma Association of Soil and Water Conservation Districts	1		
Oklahoma Association of Teachers' Wives		4	
Oklahoma Automobile Dealers' Association	1	1	1
Oklahoma Bankers Association		1	2
Oklahoma Bar Association	1	1	
Oklahoma Cattlemen's Association	1	1	1
Oklahoma Chiropractic Physicians Association	1	2	1
Oklahoma City Barbers Local Union #743		1	
Oklahoma City Chamber of Commerce		1	1
Oklahoma City Cleaners Association			1
Oklahoma City Home Builders Association	1	1	
Oklahoma City Police Department	1		
Oklahoma Council of Churches	1		
Oklahoma Dairy Products Institute, Inc.	1	1	1
Oklahoma Education Association	5	5	4
Oklahoma Farm Bureau	2	2	2
Oklahoma Farmers' Union		1	
Oklahoma Federation of Chapters, National Associa- tion of Retired Civil Employees		1	1
Oklahoma Federation of the Blind	1	1	
Oklahoma Funeral Directors Association		1	
Oklahoma Gas and Electric Company		2	
Oklahoma Gasoline Dealers Association	1		
Oklahoma Goodwill Industries, Inc.		1	
Oklahoma Hardware and Implement Association	1		1
Oklahoma Hospital Association		1	1
Oklahoma Independent Petroleum Association	1	1	1
Oklahoma Licensed Practical Nurses Association, Inc.	1	1	
Oklahoma Liquified Petroleum Gas Association	1		
Oklahoma Lumbermen's Association	1	1	1
Oklahoma Malt Beverage Association	1	1	1
Oklahoma Municipal Contractors Association			1
Oklahoma Municipal League	1	1	2
Oklahoma Mutual Sportsmen's Association, Inc.	1		
Oklahomans For The Right To Work, Inc.	1	2	2
Oklahoma Optometric Association	2	1	1
Oklahoma Osteopathic Association			2
Oklahoma Police Officers Legislative Committee	2	2	1
Oklahoma Pyrothechnics Association			1
Oklahoma Railways Committee		2	1

Oklahoma Recreational Centers, Inc.			1
Oklahoma Retail Liquor Association		1	
Oklahoma Retail Merchants Association	1	1	1
Oklahoma Retired Firemen's Association	1	1	
Oklahoma Savings and Loan League	1	1	1
Oklahoma Sheriffs and Peace Officers Association	1	1	1
Oklahoma State AFL-CIO	2	2	2
Oklahoma State Board of Electrology		2	
Oklahoma State Building and Construction Trades Council		1	
Oklahoma State Firemen's Association	1	1	2
Oklahoma State Grange			1
Oklahoma State Home Builders Association	1	1	1
Oklahoma State Medical Association	2	2	2
Oklahoma State Nurses Association		1	1
Oklahoma State School Boards Association, Inc.	1	1	1
Oklahoma Wholesale Liquor Association	1	1	1
Order of Railway Conductors and Brakemen		3	
Sooner Alcohol-Narcotics Education	1	1	1
Southwestern Lumbermen's Association	1		
Southwestern Oklahoma Building and Construction Trades Council		1	
Standard Life and Accident Insurance Company, Oklahoma City		1	
State Farm Mutual Insurance Company		1	
Teamsters Local Union #886			1
The Fair Taxation Committee			2
Thunderbird Fireworks Company			1
Tulsa Chamber of Commerce	1	1	1
Tulsa Education Association			2
United Brotherhood of Carpenters and Joiners	1		
United Brotherhood of Teamsters	1	1	
United Land Owners			1
United States Plywood Corporation			1
Various Clients (Insurance Companies, Banks, Contractors, Corporations, Associations, and Individuals)		1	1
		<u>1</u>	<u>1</u>
TOTAL			
Lobbyists	72	127	86
Organization	59	84	68

Source: Oklahoma Legislature, Twenty-Eighth Session, Journal of the House of Representatives, 1963 and Journal of the Senate, 1963; Twenty-Ninth Session, Journal of the House of Representatives, 1965 and Journal of the Senate, 1965; and rosters prepared from the card files of the secretaries of the Speaker of the House and the President Pro Tempore of the Senate of the 1967 Oklahoma Legislature.

APPENDIX J

FORMER LEGISLATORS REGISTERED AS LOBBYISTS WITH THE 1963, 1965, and 1967 LEGISLATURES.

<u>Former Senators</u>	<u>Organization and Year</u>
Ballinger, Paul Senate - 1953, 1955	State Farm Mutual Insurance Co, 1965
Rinehart, J. A. Senate - 1953, 1955, 1957	Oklahoma Bar Association, 1965
<u>Former Representatives</u>	<u>Organization and Year</u>
Green, A. E. House - 1961	Oklahoma Association of Soil and Water Conservation Dis- tricts, 1963
Howze, Laurence P. House - 1961, 1963	Oklahomans for the Right To Work, 1965
Murrow, A. L. "Lute" House - 1965	Alva U.H.F. Corporation and Northwest Translator TV, Inc., 1967
Odom, Jack A. House - 1963	Oklahoma State AFL-CIO, 1965, 1967
Sampsel, G. A. "Pat" House - 1953, 1955, 1957	Associated Industries of Okla- homa, 1963 Midwest Carbide Co., 1965 Hicks-Sampsel Co., 1967

Source: Oklahoma Legislature, Twenty-Fourth, Twenty-Fifth, Twenty-Sixth, Twenty-Ninth, and Thirtieth Sessions, Journals of the House of Representatives and Journals of the Senate, 1953, 1955, 1957, 1963, and 1965; and Twenty-Eighth Session, Journal of the House of Representatives, 1961; and rosters prepared from the files of the secretaries of the Speaker of the House and the President Pro Tempore of the Senate of the 1967 Oklahoma Legislature.

VITA

Joseph E. McCool, Jr.

Candidate for the Degree of
Master of Arts

Thesis: THE OKLAHOMA LEGISLATIVE COUNCIL: PRESSURE GROUP PARTICIPATION
IN THE LEGISLATIVE PROCESS

Major Field: Political Science

Biographical:

Personal Data: Born in Birmingham, Alabama, August 13, 1923, the
son of Joseph E. and Kathleen E. McCool.

Education: Attended both grade and high school in Birmingham,
Alabama; graduated from Woodlawn High School in 1941; received
the Bachelor of Arts Degree from Oklahoma State University in
January, 1966, with a major in Aerospace Studies. Completed
requirements for the Master of Arts Degree in August, 1967
for conferral of degree in May, 1968.

Professional experience: Entered the United States Air Force in
enlisted status in January, 1943; completed Aviation Cadet
training in January, 1945 as a Second Lieutenant - Navigator;
subsequently obtained three additional aeronautical ratings:
Bombardier, Radar-Bombardier-Navigator, and Pilot; served in
various stateside assignments and saw overseas duty in England,
North Africa, Saudi Arabia, Labrador, Kwajalein, Guam, Okinawa,
Phillipines, and Hawaii; retired from the United States Air
Force in June, 1965 as a Lieutenant Colonel and Command Pilot.