

The Process of Direct Democracy: Colorado's 1996 Parental Rights Amendment

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Why are some statewide citizen initiatives in the American states successful at the polls and others not? Quantitative studies tend to emphasize the aggregate *spending* of the proponents and opponents of ballot measures when explaining ballot results. Substantial evidence, though, indicates that an array of nonmonetary variables also influence the outcomes of ballot measures. Through a critical case study of the failed 1996 Parental Rights Amendment in Colorado, we examine the impact of several variables typically ignored in more quantitative studies. We find that three variables in particular—the *kind* and *size* of financial *contributions*, *grassroots support*, and the *rhetorical framing* of the measure—are significant when explaining why some citizen initiatives succeed and others fail. These findings suggest that future quantitative analyses of the initiative process should take these variables into consideration.

In 1996, Of the People, a conservative, nonprofit organization based in Arlington, Virginia poured hundreds of thousands of dollars into Colorado to advance a single ballot initiative. As a result of the out-of-state group's organizational and financial backing, Coloradans were asked to vote on a ballot question that would add to the list of the inalienable rights found in the state constitution, the right of parents to "direct and control the upbringing, education, values, and discipline of their children." Just two months before the election, it appeared as though Of the People's ballot measure, known as the Parental Rights Amendment (PRA), would be passed by voters, as public support for the measure reached

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76% (Patty, 1996). However, on November 5, 1996, Coloradans soundly rejected the PRA by a convincing margin, 58 to 42%. This article seeks to explain why the measure failed, and in doing so, offer insight into the complex process of the citizen initiative.

WHY BALLOT INITIATIVES SUCCEED AND FAIL

Over the past decade, the number of citizen initiatives in the American states has increased dramatically (Price, 1997; Citrin, 1996; Magleby, 1994). With ever more frequency, citizens in the two dozen, mostly western states that currently permit the initiative process are serving as election-day lawmakers (Price, 1975; Schmidt, 1989; Cronin, 1989). Voters in these states now expect that a handful of ballot initiatives (statutory or constitutional measures petitioned on the ballot by citizens) will appear on their November ballots. In 1996 alone, voters in 22 states considered a total of 90 statewide citizen initiatives, the most in the nation since 1914 (Schmidt, 1989; Ayres, 1996). In California that year, citizens cast their votes on 15 ballot measures, passing eight of them; in Oregon, voters approved seven of the 23 measures; and in Colorado, voters passed four of the eight citizen initiatives on the ballot (Stuart, 1996; Marois, 1997). Furthermore, a national movement has been underfoot to extend direct democracy to all 50 states (Vincent, 1996).

Although scholarly research indicates that citizen initiatives may contribute to the setting of public policy agendas in the states (Gerber, 1996; Magleby, 1994; Hahn and Morton, 1977), little is known about the actual mechanics of the initiative process. There is no definitive answer as to why some citizen initiatives are successful at the polls and others not. Indeed, only a few scholars have tried to systematically probe the underlying causes for successful initiatives (Zisk, 1987; Magleby, 1984; Lowenstein, 1982; Shockley, 1978). The principal reason for this gap in the scholarly literature is fairly obvious. The tremendous variation among the 24 states that permit the initiative—from the size and demographics of the state, to the state's eclectic petition requirements, to whether an initiative is statutory or constitutional, to the professionalization of a campaign, to the media coverage, to the disparity in the amount of money spent on a campaign—inhibits data collection as well as parsimonious cross-state comparison of the initiative process. Furthermore, the subject matter of ballot measures varies widely. In the 1990s alone, citizens voted on state initiatives concerning school vouchers, gay rights, English as official language, affirmative action, euthanasia, legalization of marijuana, term limits, crime victims' rights, abortion and parental notification, environmental regulation, gambling, child pornography, tax limitation, campaign finance reform, health care reform, insurance reform, welfare reform, and tort reform. The substantive variance among these measures and the differentiation among the states makes it extremely difficult to quantify the myriad variables affecting the process of direct democracy. As Cronin (1989) laments, “[e]xplaining outcomes over a broad range of issues and in diverse states is a challenge that defies tidy causal analysis.”

Of the studies that have examined the initiative process in some detail, most have found that campaign spending has the largest impact on whether a ballot measure is successful or not on election day. In particular, money seems to matter more during initiative campaigns when it is spent by groups opposing a measure (Zisk, 1987; Magleby, 1986;

Lowenstein, 1982; Lee, 1979; Berg, 1978; Shockley, 1976). Yet, as these and other scholars duly note, campaign spending alone is no guarantee for ballot initiative success (Price, 1975). Schmidt's (1989) examination of 189 statewide ballot initiatives between 1976 and 1984 found that campaign spending determined the election outcome only 12% of the time. Indeed, in Colorado between 1976 and 1994, citizens defeated 29 of the 42 citizen initiatives posed to them. Of the 29 failed measures, proponents actually outspent their opponents in over half of them (CSOS, 1976–1994). Invariably, other factors besides money influence the initiative process.

Although scholars have speculated about the influence of other variables on the electoral outcomes of ballot initiatives, few have tested their hypotheses empirically. Schmidt (1989), for example, suggests that the strength of the initial public support for a measure, the credibility of the groups for and against the measure, and the strategies of the proponents and opponents are often more decisive in an initiative election than even campaign spending. Cronin (1989) submits that grassroots endeavors, political endorsements, campaign organization, and tactical errors can all shape the outcome of an initiative campaign. Smith (1996, 1998) maintains tax limitation citizen initiatives are more likely to be victorious if a “populist entrepreneur” is able to evoke populist-sounding rhetoric to rouse support for the measure. Magleby (1994) argues that the single best predictor of how citizens are likely to vote, besides money, is whether the measure approximates their own political ideology, whereas Lupia (1994) finds that voters do not need “encyclopedic” information to decide whether or not a ballot measure is in their best interest.

Each of these factors, of course, only partially explains why some ballot initiatives happen to garner a majority of votes on election day. More systematic, quantitative research needs to be conducted on the initiative process. In order to better inform future quantitative studies, in-depth case studies can be used to shape their research designs (Van Maanen et al., 1982; Marshall and Rossman, 1989). In particular, exceptional cases, also known as “limiting” or “critical cases,” are often able to highlight complicated patterns or more nuanced relationships that may be discounted or overlooked in more quantitative research. Indeed, Yin (1989) argues that a “single case” study can be useful to “confirm, challenge, or extend” current hypotheses, which can then help direct future quantitative research. We submit that the concise, sixteen-word Parental Rights Amendment (PRA) serves as such a “critical” case.

THE CASE OF THE PARENTAL RIGHTS AMENDMENT

In the case of the PRA, we argue that the aggregate amount of campaign money spent, the bias of the media, the political ideology of the voters, as well as other variables that scholars usually cite, were not decisive factors in the measure's defeat. Rather, we find that three factors turned voters against the PRA. Two of these variables—the kind and size of financial contributions, and the grassroots support for the measure—are usually given short shrift by scholars. The third variable, how a ballot measure is rhetorically framed, has only recently received attention by scholars employing either quantitative or qualitative approaches to the study of direct democracy (Magleby and Patterson, 1998; Smith, 1998; Cronin, 1989). We suggest that these three variables hold the key to why Colorado voters soundly rejected the PRA.

The first two variables in the case study are closely linked. The number of contributions and the dollar amount of each contribution are usually tied to the level of popular, or

grassroots support for an issue. Citrin (1996) offers a five-fold typology of “so-called” “citizen” initiatives in which he categorizes the different kinds of “sponsors and strategic purposes” behind each campaign. One of his categories is “grassroots causes.” Unfortunately, his typology does not take into consideration ballot campaigns that appear on the surface to be grassroots, but are in fact sponsored and promoted by special interest groups. Measures generating numerous financial contributions in small dollar amounts usually signify that they have broad, grassroots appeal; inversely, measures that generate only a few large financial contributions usually signify that they have a narrow appeal and little grassroots support. In the case of the PRA, we argue that the proponents’ failure to secure financial and organizational support among Coloradans, in contrast to the oppositions’ ability to do so, hurt the PRA’s chance for passage.

An equal, if not more important variable in the initiative process is how a measure is framed rhetorically. We suggest that the way groups are able to define and delimit the frequently vague or ambiguous provisions of a measure very well might affect its electoral outcome. The struggle over the PRA—in this case, the contest over the language of abstract parental rights versus substantive outcomes for children—paralleled the nationwide battle during the 1970s and early 1980s to secure ratification of the Equal Rights Amendment (ERA). We draw on Mansbridge’s (1986) study of the ERA to accentuate some of the difficulties groups face when espousing the merit of an abstract principle. We argue that the group opposing the PRA was able to cast the measure in a negative light by highlighting the uncertainty of constitutionally-augmented parental rights. Although a majority of voters supported the principled statement that parents have the right to “direct and control the upbringing, education, values, and discipline of their children,” many of the same voters may have become skittish when the opposition began to claim that the amendment would create a legal defense for child abuse, complicate adoption procedures, and turn public schools into ideological battlegrounds. The preponderance of hypothetical negative outcomes made available to voters emphasized the potential for controversial social change if the PRA was approved.

The Evolution of the Parental Rights Amendment in Colorado

In order to understand why the PRA was defeated by Colorado voters, we need to briefly examine how the measure was placed on the Colorado ballot. In May 1995, Colorado State Representative Mark Paschall (R-Arvada) took the first steps toward placing the PRA on Colorado’s 1996 ballot. With help from the Virginia-based group, Of the People, and its executive director, Greg Erken, Paschall formed a task force in Colorado to study the possibility of adding the PRA to the Colorado constitution. Paschall’s first contact with Of the People came in 1994 at a conference sponsored by the American Legislative Exchange Council (Paschall, 1997). Erken convinced the Colorado representative to sponsor the PRA in the Colorado legislature in 1995. That year, the group sponsored similar legislation in 27 other states (Of the People, 1996). On his return to Colorado, Paschall polled his fellow conservative legislators on the merits of the PRA. Realizing the measure would receive little to no support from the General Assembly, he ended up shelving it. As soon as Colorado’s 1995 legislative session ended, though, Erkin asked Paschall to sponsor the PRA again in 1996. Paschall responded by stating to Erkin that the legislature did not seem to be the best avenue to secure approval for the measure. When the measure went down to defeat in several other state legislatures, Erkin and

Paschall formed a task force in Colorado to strategize how to place the measure on the statewide ballot as a citizen initiative (Broadwell, 1996; Paschall, 1997).

After a series of contentious discussions, Paschall and Erkin were able to agree on the wording of the measure, and set out to get the measure placed on the 1996 ballot. Early financial shortcomings, though, threatened to derail the citizen initiative. Paschall believed the natural allies of the amendment would be groups concerned about the ever-extending reach of government over private lives. Unfortunately, many of these groups could not be persuaded to back the effort financially. The thin financial support the PRA receive early on was mainly from conservative religious groups, such as the Christian Coalition, Focus on the Family, and the Christian Home Educators of Colorado (Ryckman, 1996b). Desperate for funding, Paschall and other members of the task force convinced Erkin and Of the People to finance the initiative campaign. "We relied on Of the People out of necessity," Paschall recalled after the election (Paschall, 1997).

With a secure source of funding, the task force registered with the state as a political organization, calling itself the Coalition for Parental Responsibility (CPR). Following hearings with the state Legislative Council in November 1995, in which the staff reviewed the language of the ballot proposal, CPR submitted the measure to the Ballot Title Setting Board. Comprised of the Secretary of State, the Attorney General, and the director of the Office of Legislative Legal Services, the Board decided that the Parental Rights Amendment clearly expressed the single issue of giving parental rights constitutional status (CLC, 1995). The Board's decision was immediately challenged by a coalition of Colorado organizations, including Planned Parenthood, Equality Colorado, and the Colorado Education Association, which claimed that the initiative violated the state's single subject rule (Steadman, 1996). However, on April 1, 1996, the Colorado Supreme Court cleared the way for proponents to gather the necessary signatures by rejecting claims made by the opposition coalition (Sanko, 1996b). Four months later, on August 5, 1996, CPR submitted over 83,000 signatures to Secretary of State, far exceeding the 54,242 that were required (Sanko, 1996a). After taking a sample of the submitted signatures, Secretary of State Vikki Buckley determined that CPR had collected the necessary valid signatures. She placed the PRA on the November 1996 ballot as Amendment 17.

The collection of more than 83,000 signatures from Colorado voters was organized by paid political consultant, Brad Broadwell. Broadwell was first contacted by Of the People in June of 1996 while he was running Steve Forbes' Presidential campaign in Colorado. Erken asked Broadwell if he would be willing to assist Of the People's effort to place the PRA on the Colorado ballot. Broadwell accepted, and CPR hired him as an independent contractor (Broadwell, 1996). By hiring a political consultant to collect the necessary signatures, the proponents' campaign strategy started to become clear. This campaign would not be run by the people of Colorado; rather, it would be a campaign run and paid for by Of the People to further the group's national political agenda.

Paying individuals or businesses to collect signatures has become standard practice in Colorado. In 1988, the U.S. Supreme Court, in its decision *Grant v. Meyer* (1988), struck down a Colorado law banning the practice of paying individuals or companies to collect signatures for ballot issues. The Court ruled that the Colorado law restricted freedom of expression, guaranteed under the First Amendment, and restricted the most effective, fundamental, and perhaps economical channel of public discourse. Broadwell, taking full advantage of the Court's decision, hired several different firms to collect signatures for the

PRA (Broadwell, 1996). CPR ended up spending \$58,373.30—13% of its total contributions—to pay individuals and companies to qualify the measure on the ballot (CSOS, 1996). Broadwell did establish a volunteer network of 300 individuals throughout the state to collect signatures, but only one-fourth of the signatures were netted by volunteers; the remainder came from paid signature gatherers. Broadwell made a concerted effort to have signatures collected from across Colorado. “Everybody painted this as an issue where most of the signatures would come from traditionally conservative Colorado Springs and surrounding El Paso County,” Broadwell told a reporter. “That’s not true. We had widespread support from throughout the state. It’s not what some people tried to paint as a Christian Right issue” (Sanko, 1996a). After the election, Broadwell conceded that many of the paid signature gatherers used catch-phrases that enticed voters to sign the petition. “Hey, this is a business,” said Broadwell. “It’s very difficult and expensive to dredge up the volunteer support from within a state. They [Of the People] brought me in here to do a job, and I did it. No excuses” (Broadwell, 1996).

Once CPR successfully met the August 5, 1996 signature petition deadline, Broadwell and his organization did very little campaigning, and for good reason. In September, just two months before the election, a *Rocky Mountain News* poll found more than three-fourths of Coloradans supported the PRA (Patty, 1996). Similar polling by Luntz Research, which was paid for by Of the People, showed that 74% of Americans supported the amendment (Of the People, 1996). Because of the early support for the measure, CPR waited to launch its advertising campaign until two weeks prior to the election. Although they sent speakers across Colorado to debate the issue with opponents and responded to concerns in the media, little else was done because little else seemed necessary (Broadwell, 1996).

This passive strategy brought objections from Paschall and eventually led to his disillusionment with the campaign. “I was betting in early June that the PRA would lose 60 to 40 percent,” said Paschall. “They [Of the People] were going about the campaign all wrong.” Specifically, Paschall objected to CPR’s reliance on Of the People for nearly all its funding. “We depended on them during the petition drive, and that was one thing,” said Paschall. “But then we were depending on them to fund the campaign. What we should have been doing was a direct mail campaign to inform voters of the issues and ask them for donations. That’s a more grassroots approach. Then you can spend the money on advertising as it comes in” (Paschall, 1997).

Campaigning Against the Parental Rights Amendment: The Protect Our Children Coalition

In early April 1996, Planned Parenthood, Equality Colorado, the Colorado Education Association, and several other organizations had formed a steering committee to organize opposition to the PRA. The committee hired a consulting firm, Mountain Legislative Consulting Services (MLCS), to coordinate the campaign. Fofi Mendez and Patrick Steadman of MLCS, who had previously lobbied for Planned Parenthood, became the directors of the Protect Our Children Coalition (POCC). During the opposition campaign, POCC’s steering committee deferred all strategy decisions to Mendez and Steadman (Steadman, 1996).

The first, and perhaps most crucial, step taken by POCC was to hire a polling firm, Ridder/Bradden Inc., to conduct a public opinion poll with the dual purpose of determin-

ing popular attitudes toward parental rights as well as testing effective messages to use in opposition to the PRA. Their survey found that although 81% of those polled agreed that parents should have the ability to “direct and control the upbringing of their children without government interference,” 68% said they worried that the amendment offered no protection to children who lived in abusive families. The survey showed that when people heard concrete arguments against the PRA, such as child abuse, they tended to move toward a position in opposition to the amendment. It also revealed that the campaign was winnable, but it would be extremely difficult. Ridder/Bradden suggested that the primary focus for the campaign should be the issue of child abuse. The goal for POCC would be to present a very focused message dealing with the welfare of children, and limit the proponents by not allowing them to control the dialogue (Ridder/Bradden, 1996).

Mendez and Steadman proceeded to build opposition to the PRA. Their four-pronged campaign strategy include the following goals: aggressively obtain “earned” (free) media, including press releases, press conferences, and coverage of rallies; expand the coalition; generate grassroots and voluntary support; and use extensive paid television advertising. With respect to earned media, POCC constantly provided information to the press. In fact, during the last three weeks of the campaign, POCC members held a press conference every day expressing their opposition to the measure (Steadman, 1996). By the final week of September 1996, Steadman and Mendez had built POCC into a coalition that included more than 110 Colorado-based organizations (POCC, 1996). These organizations comprised only part of the grassroots support for the coalition. The other segment of grassroots support came in the form of more than 1,000 volunteers from Denver, Colorado Springs, Boulder, Fort Collins, Durango, Pueblo, and Grand Junction. The volunteers distributed campaign materials, ran phone banks, and solicited donations from voters all across Colorado (Steadman, 1996).

The final phase of the campaign, according to Steadman, was the most important. Nine days prior to the election POCC began to run televised ads depicting a crying young boy, who had obviously been physically abused, as a male voice could be heard screaming at him in the background. Overdubbing the screaming, the announcer said, “Protect our children. Vote ‘No’ on 17.” POCC spent the majority of its budget on this commercial and attempted to saturate the Denver and Colorado Springs television markets with the troubling image (Steadman, 1996).

The differences between the two campaigns reveal many of the reasons why the amendment ultimately was defeated. At the start of the campaign in September, CPR was self-assured and complacent, whereas their opponents were aggressive and focused. POCC, on the other hand, ran a better-organized, more concentrated campaign. These factors alone, however, do not tell us why the overwhelming support for the PRA evaporated in the two months prior to the election. For this answer, we first need to analyze the campaign financing and grassroots support of each coalition.

Campaign Finances and Grassroots Support

Financial resources and grassroots support for the measure are often interrelated in the initiative process, but they remain distinct variables. With respect to the PRA, the amount of money raised by each side was roughly equal. The backers of Amendment 17 ended up raising \$444,609, nearly \$72,000 more than their opponents (CSOS, 1996). This financial advantage does little to explain why voters defeated the amendment. If anything, the

additional money should have given CPR a slight advantage during the fall campaign. But before dismissing money as an immaterial variable, it is important to disaggregate the contributions given to each campaign. The proponents of the measure received 97% of their money from the Virginia organization, Of the People. Disclosure reports filed with the Secretary of State's Office show that CPR received a total of only 68 monetary contributions in 1996. Only 27 of these contributions were in amounts of \$50 or less, while 31 of them, or 46%, were in amounts of \$1,000 or more, and those large contributions accounted for more than 97% of CPR's total revenue. Conversely, POCC received 1,505 donations over the course of the campaign. Of these contributions, 1,151 were for amounts of \$50 or less. Only 38, or three percentage, came in amounts of \$1,000 or more, although those donations accounted for over half of the opponents' total budget (CSOS, 1996).

The case of the PRA demonstrates that the side with more money does not always win. But it is not the absolute amount of money raised and spent by each side that helps to explain why the amendment was defeated. Rather, it is the financial breakdown of the contributions given to each campaign and the grassroots support that is revealing. The number and kinds of contributions, as well as who made the contributions, elucidates the nature of support for each side. According to Cronin (1989), there are two possible explanations for why the high spending side in an initiative campaign might lose. Both are tied to the grassroots support of a measure. First, Cronin argues that money coming from outside of the state often becomes a salient political issue. Second, he claims that "well-organized grass-roots campaigning can make a difference" in ballot initiatives.

In the case of the PRA, the nature of the campaigns run by POCC and CPR reflect the influence that home-grown, grassroots support has on ballot initiatives. The opponents of the PRA ran a more volunteer-dependent campaign, rooted in Colorado, with most of the contributions coming in small amounts. In addition, the issue of out-of-state funding came into play during the campaign. Paschall (1997) described his group's effort to raise money in Colorado as "anemic at best." Broadwell (1996) described it as "pathetic." The above analysis of campaign funding clearly demonstrates that Paschall and Broadwell were correct. The opponents relied much more heavily on small donations from individuals than did the proponents. More than three-quarters of the total number of donations collected by POCC came from small donors. If the number of small donors can be used as another measure of grassroots support, the opponents clearly had the advantage in mobilizing voters against the initiative.

Two-thirds of the explanation for the PRA's defeat is now in place: Proponents relied too heavily on a single out-of-state source for funding and the opponents did a better job of organizing and focusing the opposition within Colorado. The following section illustrates the proponents' failure to clearly frame the PRA through their paid advertisements and subsequent negative portrayal by the media.

Framing The Parental Rights Amendment: Abstract Rights Versus Substantive Change

What arguments were advanced in favor and against the PRA and how did the two sides portray what the PRA would accomplish if enacted? The answers to these questions lie at the heart of why the measure failed. A close examination of the arguments reveals several strategic hurdles that the proponents of the measure faced during the campaign.

The proponents of the measure, the Coalition for Parental Responsibility, advanced four major arguments for the passage of the PRA (CLC, 1996). First, they argued that the amendment would give parents the constitutional right to direct and control the upbringing of their children, including controlling their education, values, and discipline. Constitutional recognition of parental rights would ensure that these rights could not be undermined by the legal, political, educational, and medical systems. Second, they reasoned that Colorado public schools would be more accountable to parents and could not infringe on parental values and authority. They stressed, however, that the amendment would not allow one set of parents to dictate the curriculum to an entire classroom because that would infringe on the rights of other parents. Third, they said that the amendment would limit government authority and curtail government excesses in dealing with families. The amendment would protect against parental rights being undermined by bureaucracies and increase parents' freedom to perform their parenting roles. Finally, the proponents contended that the proposal would establish additional legal protections for parents when faced with excessive actions by the government. They argued that this would ensure that the rights of parents be given greater legal consideration.

The four major arguments advanced by the proponents were actually variations on a central theme expressed in the first argument: By placing the right of parents to direct and control the upbringing, education, values, and discipline of their children in the Colorado constitution, the voters of Colorado would have ensured that the educational, legal, political, and medical systems could not have infringed on that right. Based on the language of *abstract rights*, the proponents were arguing about principles; they did not discuss to any great degree at the start of the campaign the potential outcomes that might have resulted from the measure.

The Protect Our Children Coalition, in contrast, took a very different stance on the measure (CLC, 1996). Their major arguments focused on the potential *substantive outcomes* of the measure. They pointed to very specific, concrete changes that could result from the PRA. First, they argued that the PRA might lead to legal battles between parents and school districts. They suggested that with the PRA in place, parents would have more control than school boards in determining what would be taught in public schools. Second, they argued that the PRA would create the potential for increased child abuse. Doctors, teachers, and a variety of other professionals who are in regular contact with children are required by law to report evidence of child abuse, such as bruises, broken bones, or burns. In these instances, courts are required by state law to base their decisions on what is in the best interest of the child. The opponents emphasized that the PRA would trump existing child welfare laws. Third, POCC members argued that the PRA would take away the right of teens to access confidential services such as counseling and information about birth control, sexually transmitted diseases, and abortion. They suggested that if Coloradans passed the PRA, it would erode existing statutes protecting the rights of minors. Although the opponents advanced several other arguments against the PRA, the three mentioned here were the most poignant and provided the most potential for "real" legal conflict.

Although the backers of the PRA actually had several substantive changes in mind when they designed the PRA, they tended to mute any potential for substantive change during the campaign. Members of CPR flatly denied that the PRA could result in changes in the outcomes of child abuse cases. They rejected claims that the amendment could cause changes in the content and quality of the education received through public schools.

Often they denied the potential for any substantive change whatsoever. Proponent Tom Tancredo, head of the conservative Independence Institute based in Golden, Colorado, said to one reporter, "There is no nefarious purpose, no underlying agenda. It simply says parents have a right to control the upbringing of their children. Bingo. That's it" (Sanko, 1996b). Another reporter quoted Tancredo as saying, "It's simply a statement of philosophy" (Johnston, 1996c). The print media began to pick up on this theme. Lisa Ryckman of the *Rocky Mountain News* wrote that, "Paschall and other proponents hesitate to speculate on the amendment's impact. They are certain, however, that it will not have the earth-shattering effects that opponents predict" (Ryckman, 1996b).

Of course, the proponents of the PRA did intend several substantive changes to result from the adoption of the PRA. In the "Analysis of 1996 Ballot Proposals" (CLC, 1996), which was compiled and distributed by the Legislative Council, proponents claimed parents could "use the amendment to assert their right to direct and control the education of their own children." In turn, they argued that Colorado public schools would "become more accountable to parents and not be allowed to infringe on parental values and authority." CPR wanted to alter the relationship between parents and school administrators in order to give parents more input in the educational process. In addition, proponents wanted more control over specific practices conducted in the public schools. Paschall (Johnston, 1996c) asserted that, "Our children have to have informed consent and everything else just to take an aspirin (at school), but they can get (STD) testing, abortion counseling and sex education training without their parents' knowledge or consent. It is ridiculous." Most of the public statements by members of CPR, however, rarely revealed that these substantive changes were the intended consequences of the measure. Following the election, Paschall (1997) defended the wording of the measure, stating, "I wrote the language for the PRA so that parents would be armed with a more effective legal defense when faced with government agencies that overstepped their bounds. Nothing more, nothing less."

Nevertheless, the question remains as to why the proponents did not begin to emphasize the measure's intended consequences once the opponents started to question the substantive aspects of the PRA. When asked, Paschall (1997) responded, "I'm not entirely sure why they [CPR] didn't talk about our goals. But one thing is for sure. The PRA lost because they never took control of the issues. They never took the arguments surrounding child abuse and education and showed why the people should vote for the PRA in light of those issues." Paschall's statement reiterates the key strategic hurdle faced by the amendment's proponents. The proponents based their arguments on a single principled statement. The group intended to foster substantive changes in the areas of legal standing, social services procedure, and public education. Unfortunately for the proponents, the specific changes that could have resulted from altering the constitution were difficult to foretell. This fact opened the door to speculation from the opposition and placed proponents in the unfortunate position of not being able to confidently project the impact of their own measure.

THE MESSAGE AND THE MEDIA

An in-depth analysis of the media's coverage of the PRA reveals the dilemma that Paschall and CRP faced in promoting their measure (see Appendix). A critical reading of

the television ads and a content analysis of the coverage of the initiative by the state's two major newspapers demonstrates the difficulties the proponents had in getting their message of abstract rights out to the public. The proponents of the PRA failed to effectively communicate their message through their paid advertising and the print media, and as a result, they ended up paying the price on election day. The media, of course, play a critical role in the initiative process. Cronin (1989) notes that, "effective use of the media may often make the difference between failure and success at the polls, and effective use of the media is often a function of money." In the case of the PRA, the groups on both sides spent approximately the same amount on paid advertising (CSOS, 1996). Effective use of the media was, therefore, not a function of money. We are left to examine the quality of the paid advertising done by each campaign in an effort to assess the information available to voters and its effectiveness.

Over television and radio airwaves, opponents of the PRA attempted to reinforce voters' concerns that the PRA would increase the prevalence of child abuse. CPR, on the other hand, attempted to link the PRA to popular concerns about the breakdown of the traditional family unit. Steadman (1996) had this to say about the proponents' single television commercial: "It was absolutely terrible. It said almost nothing about the issues. All you saw was this little kid asking the mother if she would be home after school. I didn't get it." Steadman's criticism normally could be shrugged off as typical political posturing. In this case, however, one of the PRA's most ardent supporters agreed with him. "That was the most inane piece of advertising I've ever seen," proponent Paschall (1997) commented after the election. "It said absolutely nothing."

The advocates for the PRA may have encountered difficulties in communicating their message through paid advertising simply because they had a difficult message to communicate. They did, of course, intend several substantive changes to result from the PRA's passage, but they were trapped by the PRA's language of abstract rights. Opponents, in contrast, could rely on emotional claims such as the potential for increased child abuse for advertising material. Proponents had only abstract arguments with uncertain substantive outcomes to advance, like providing parents with a "more effective legal defense when faced with government agencies that overstep their bounds" (Paschall, 1997). Less of what the proponents wanted to say could be easily transformed into an effective sound bite.

Assessing the impact of these commercials on voters is difficult. A November 1 survey conducted by a Denver polling firm, Ciruli Associates, found that 43% of the respondents supported the PRA, 37% opposed the PRA, and 19% were still undecided (Bettelheim and Johnston, 1996b). The results of the poll were substantially different from the findings of the September 9 *Rocky Mountain News* poll. Perhaps the television advertising, which began four days prior to the November 1 poll, contributed to this difference. Cronin (1989) asserts that the quality and timing of the advertising is an important variable in initiative campaigns. He notes that many voters "make their decisions during the last few days of the election—precisely when media blitzes take place." One thing, though, is certain. If Steadman and Paschall were even close to being accurate in their assessment of the opposition's advertising, CPR was wasting its advertising dollars airing its spot.

With respect to the newspaper coverage of the measure, the print media tended to be slanted against the initiative. Nearly half of the articles that ran in 1996 in Colorado's two major newspapers, *The Denver Post* and *The Rocky Mountain News*, contained at least twice the number of paragraphs discussing the arguments and actions taken by the

opposition as paragraphs covering the actions or arguments of the proponents. Perhaps more damaging to CPR's campaign than the text of the articles were the headlines that blared across the papers. A full 37% of all the articles ran a headline expressing opposition to the PRA. Examples of these headlines include: "Parents rights amendment is misleading" (Schomp, 1996); "Romer urges vote against parental rights: Amendment unclear, deceptive and may spur frivolous suits, he says" (Ryckman, 1996c); "Woman to vote no on parent amendment"(Ryckman, 1996a); "Clergy group denounces parental rights proposal" (Culver, 1996); and "Hidden agenda in Amend. 17?" (Johnston, 1996a). Of the straight news articles, 50% employed a headline expressing this type of opposition to the PRA.

The content analysis of the coverage of the PRA provides a partial explanation for the demise of the measure. The media had a difficult time covering, interpreting, and presenting the proponents' argument for abstract rights. It was much easier to convey to readers the concrete criticisms offered by opponents of the measure. The voters who used newspapers as their major source of information were treated primarily to a message that opposed the amendment. If a voter paged through the paper on any given day, s/he had a fifty-fifty chance of seeing a headline blatantly condemning the amendment. Almost half of the articles had twice as much information on the opposition as on the proponents. Virtually none of the articles presented the proponents' arguments outlining the advantages of adding abstract parental rights to the state constitution.

Parallels to the Equal Rights Amendment

There are many similarities in the local media's coverage of the PRA and the national coverage of the ERA a generation earlier. Mansbridge (1986) argues that those opposed to the ERA succeeded because they brought to the voters substantive questions concerning the amendment's potential impact. The media conveyed the potential substantive changes of the ERA much more clearly than the abstract rights of women that would have been brought about by the amendment to the U.S. constitution. According to Mansbridge (1986), "The campaign against the ERA succeeded because it shifted debate away from equal rights and focused it on the possibility that the ERA might bring substantive changes in women's roles and behavior."

In light of Mansbridge's argument, it becomes clear as to why the overwhelming public support for the PRA evaporated just two months before election day. "Americans can favor abstract rights," Mansbridge (1986) maintains, "while they oppose substantive change." She observes that when pollsters informed people what the ERA actually said—as a statement of principle—they always produced results more positive than did questions that offered possible consequences of its passage. The same was true in the case of the PRA. The majority of the information available to voters in the newspapers emphasized the potential for controversial social change. Close to 90% of the newspaper articles mentioned the potential for substantive changes that would result from the passage of the PRA. Even more problematic for the supporters of the PRA was the fact that more than a third (37%) of the articles included a discussion of the potential for change if the PRA passed, but did not mention the measure's abstract rights. It is clear that the print media focused much of its attention on the potential substantive changes that could have resulted from the PRA's approval.

Rather than chalking the newspapers' coverage of the PRA as an inherent liberal bias of the media against the measure, a more likely scenario exists: The proponents of the

PRA simply did not make specific, substantive arguments as often, or as clear, as their opponents. We have already seen that the proponents did intend some substantive changes to result from the PRA's passage. But they had little understanding of what the substantive impacts on public education and child welfare (primarily child abuse) would be if voters approved the measure. The print media, therefore, covered fewer substantive arguments made by CPR because proponents had fewer substantive arguments to make. Either way, 70% of the articles included at least one statement from an individual opposed the PRA on the potential consequences for child abuse. Only 30% of the articles included at least one statement made by an individual who supported the PRA on child abuse. Over 50% of the articles included statements made by an individual opposed to the PRA concerning the potential effects on public education. Less than 30% of the articles included at least one statement by an individual who supported the PRA on the possible effects on public education.

Clearly, the proponents of the measure failed to control the debate over the PRA and were equally unsuccessful in communicating their primary message through the print media. Like the proponents of the ERA, the PRA's sponsors intended several substantive changes to result from the measure. These intentions, however, did not hold a prominent place in the media's coverage of the amendment. We have speculated as to why this might have occurred. The opponents, on the other hand, were able to frame the debate by focusing on specific, substantive outcomes that would have possibly resulted had the measure passed. This fact, maybe more than any other, led to the demise of the PRA.

DISCUSSION

Two months prior to the election, public opinion polls showed a wide majority of Coloradans supporting parental rights in their most abstract form. And for good reason. Most Coloradans agreed with the general statement that parents have the right to "direct and control the upbringing, education, values, and discipline of their children." During the course of the campaign, though, the opponents of the PRA were able to control the public debate surrounding the measure. They argued convincingly that the PRA would complicate adoptions. They claimed the amendment would protect child abusers. They contended that the measure would turn schools into "ideological battlegrounds" (POCC, 1996). The opponents aggressively made these claims, and the newspapers obligingly printed them.

The PRA provides us with an excellent example of how the initiative process can be used to further the agenda of well-funded, even out-of-state, special interests. Had it not been for the coordination and funding efforts of the Virginia-based group, Of the People, Coloradans would never have had the chance to vote on the amendment. However, the campaign also underscores the dynamic nature of the initiative process, and the ability of voters to rely on "shortcuts" to decide on ballot measures (Lupia, 1994). As the campaign progressed, voters began to understand that the PRA did not originate in Colorado, was not funded by Coloradans, and was in fact not "of the people."

The case of the PRA certainly does not settle why some initiatives succeed and others fail. What it does do, though, is reveal several factors, some of them which are not very easy to quantify, that contributed to the PRA's demise. It is important to note that it was not the aggregate level of spending that shaped the election result; rather, it was the origin

and kind of contributions that influenced voters. The PRA failed, in part, because it was funded by a single, well-heeled special interest group that had little grassroots support within the state.

More importantly, the case of the PRA provides an excellent example of how the rhetorical framing of ballot measures can play a major role in initiative campaigns. The measure failed largely because its ballot language espoused a set of procedural rights, not concrete solutions to tensions that exist between parents and their children. As the content analysis and the personal accounts by Mark Paschall and Brad Broadwell suggest, CPR lost because it failed to clearly communicate why the state needed the PRA. The proponents' failure to frame the debate stemmed from the wording of the initiative. The amendment's language of parental rights was too abstract. Although the proponents clearly wanted to make substantive changes in the arenas of legal standing, public education, and social services by enhancing the rights of parents, they were either unwilling or unable to articulate the specific substantive changes that would result from the passage of their measure. In contrast, the opponents were able to use the ambiguous nature of the amendment to generate fear among voters by providing concrete examples of what the PRA might mean for children residing in the state. As Protect Our Children Coalition campaign consultant Steadman stated following the campaign, "We did everything right, and they did everything wrong" (Steadman, 1996).

Finally, the case of the PRA can help inform future research examining the initiative process. It provides a lesson in the intangible nature of the initiative process. Future qualitative and quantitative studies on the initiative process should try to differentiate between the sheer amount of campaign spending on a ballot initiative and from whom and whence the money flows. Aggregate levels of campaign spending do not necessarily predict whether a measure will be successful at the polls. Furthermore, future research on the initiative process needs to consider not only the substance of a ballot initiative, but also its ballot language. In many ways, an initiative's ballot language shapes how proponents and opponents are able to structure their campaigns. While difficult to quantify, these elusive variables often hold the secret to the mercurial process of direct democracy.

APPENDIX

To measure newspaper coverage of the PRA, we conducted a content analysis of all the articles covering the amendment that appeared in the state's two major dailies, the *Rocky Mountain News* and the *Denver Post*. To ensure high intercoder reliability, we each coded the 83 articles on the PRA that ran in the two newspapers between January 1, 1996 and November 5, 1996 by source, article type, and date. We then determined whether the articles seemed to favor or oppose the passage of the PRA. We counted the number of paragraphs covering the actions and/or arguments of the opposition and the proponents. If an article contained at least twice as many paragraphs covering the opponents as the proponents, the article was coded as being against the PRA, and vice versa. If the article did not meet the two-to-one criteria, the article was counted as "unbiased."

In addition, we conducted election day exit polls in Denver in 1994 and 1996 to gauge the types of information the electorate draws on to inform their vote on initiatives. More than 1,200 voters were asked what the major source of information they used to make their

decisions on the ballot questions. More than one third of those surveyed reported using the newspaper as the major source of information on the ballot questions. This percentage rose to more than 50% when voters primarily interested in the ballot questions were asked the same question.

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