

Second Edition

THE EQUALITY STATE

GOVERNMENT AND POLITICS IN WYOMING Second Edition

by

Gregg Cawley
Janet Clark
Michael Horan, Head
Maggi Murdock
Alan Schenker
Oliver Walter

Department of Political Science University of Wyoming

eddie bowers publishing, inc 2600 Jackson Street Dubuque, Iowa 52001

eddie bowers publishing, inc.

2600 Jackson Street Dubuque, Iowa 52001

ISBN 0-945483-16-3

Copyright © 1988, First Edition 1990, Revised Edition 1991, Second Edition by eddie bowers publishing, inc.

All rights reserved. No part of this publication may be reproduced, stored in a retrieval system, or transmitted, in any form or by any means, electronic, mechanical, photocopy, recording or otherwise, without the prior written permission of *eddie bowers publishing, inc.*

Printed in the United States of America.

9 8 7 6 5 4

Table of Contents

Chap	pter P	Dage
1.	WYOMING'S FIRSTS AND LASTS Context of Wyoming Politics Demographics Economy Mass Communication Political Culture	1 1 2 7 7
	The Wyoming Constitution	14 17
2.	POLITICAL PARTICIPATION: Individuals, Groups and Parties Individual Participation	32
3.	THE WYOMING LEGISLATURE: A Lot for a Little The Legislature and the Constitution Apportionment The Legislative Labyrinth First Reading Committee Consideration Committee of the Whole Second Reading Third Reading Conference Committee Bill is Sent to Governor Legislative Leadership: Positions and Powers Legislative Committees Legislative Staff and Oversight Who are the Legislators? Legislative Elections Legislative Decision Making Constituent Opinion Political Parties The Governor Lobbyists Legislative Cue Givers	444 466 500 511 511 512 522 522 533 558 644 646 6767 6768
	Learning Objectives	70

4.	THE EXECUTIVE BRANCH: Who's in Charge?	71
	The Structure of the Executive Branch	71
	Governor	75
	Wyoming Considered	79
	Secretary of State	81
	Auditor	82
	Treasurer	82
	Superintendent of Public Instruction	83
	Executive Agencies	84
	Public Finance	87
	Learning Objectives	92
5.	THE WYOMING JUDICIARY	93
	The Structure of the Wyoming Court System	94
	Municipal Courts: Tell It to the Judge	95
	Justice of the Peace Courts: An Endangered Species?	98
	County Courts: An Offer They Can't Refuse	99
	District Courts: The Big Leagues	102
	Supreme Court: The End of the Line (Most of the Time)	104
	The Hiring, Firing, and Retiring of Judge	108
	Choosing the Judges	108
	Nomination	110
	Appointment	110
	Retention	111
	Further Retention	111
	Judicial Retirement, Discipline, and Removal	113
	Judicial Procedure: The Courts in Action	116
	Development of a Criminal Case to Trial: Investigation and Arrest	116
	Initial Appearance	116
	Preliminary Hearing	117
	Arraignment	117
	Development of a Civil Case to Trial: Pleadings	118
	Discovery	118
	Pre-Trial Conference	118
	Trial	119
	Appeal	120
	The Wyoming Bench: A Collective Portrait	122
	Endnotes	125
	Learning Objectives	126
6.	PUBLIC POLICY ISSUES IN WYOMING	127
	Introduction	127
	Historic Public Policy Issues in Wyoming	128
	The Physical Environment	128

Land and	d Water Issues	128
W	ater	129
La	and	130
	Resource Issues	131
Financin	g Government in Wyoming	131
		132
Contemporary	Public Policy Issues in Wyoming	132
The Stat	e of the Economy	133
The Role	e of State Government	134
Decision	as and Dilemmas	139
Public Policy a	and Wyoming's Future	142
Learning Obje	ctives	144
REFERENCES .	• • • • • • • • • • • • • • • • • • • •	145
INDEX		149
APPENDIY, CON	STITUTION OF THE STATE OF WYOMING	153
Table of Conte		155
Preamble		1
Article 1.	Declaration of Rights	1
Article 2.	Distribution of Powers	2
Article 3.	Legislative Department	2
Atticic 5.	Apportionment	6
Article 4.	Executive Department	7
Article 5.	Judicial Department	8
Article 6.	Suffrage and Elections	11
Article 7.	Education; State Institutions; Promotion of Health and	11
Atticle 7.	Morals; Public Buildings	13
Article 8.	Irrigation and Water Rights	15
Article 9.	Mines and Mining	15
Article 10.	Corporations	15
Article 11.	Boundaries	17
Article 12.	County Organization	17
Article 13.	Municipal Corporations	17
Article 14.	Public Officers	18
Article 15.	Taxation and Revenue	18
Article 15. Article 16.	Public Indebtedness	20
Article 17.	State Militia	22
Article 17. Article 18.	Public Lands and Donations	22
Article 19.	Miscellaneous	23
Article 19. Article 20.	Amendments	24
Article 20. Article 21.	Schedule	24
Ordinances	Deficulties	24

Chapter 1

WYOMING'S FIRSTS AND LASTS

As the forty-fourth state, Wyoming entered the Union in 1890, more than one hundred years after the birth of the Republic and the adoption of the Constitution. Nevertheless, Wyoming is known for many political firsts. The Wyoming territorial government in 1869 gave women the suffrage and the right to hold political office. Hence, women served on grand and petit juries in 1870, and Esther Hobart Morris became the first woman justice of the peace. In 1894, Wyoming elected the first woman to a state office. The first woman to be inaugurated governor of any state was Nellie Tayloe Ross in 1925. Although the political representation of women in Wyoming languished for many years after these firsts, today women hold significant numbers of state and local offices.

As a result of these political firsts, Wyoming has adopted the motto, "The Equality State." Many explanations have been offered for the adoption of women's suffrage by the first territorial legislature: the work of leaders of the suffrage movement; an effort to lure more women to settle in the state; a political joke (Larson, 1965; 89–94; Chapman, 1952: 54–68). Regardless of the reason, the grant of suffrage is consonant with Wyoming's frontier spirit and dominant libertarian philosophy. Individualism, conservatism and distrust of the federal government, big business and other big organizations pervade the state.

CONTEXT OF WYOMING POLITICS

To understand Wyoming politics, it is first necessary to examine the context.

Demographics

Wyoming has the smallest population of any state and yet its land area is ninth

largest. There are over 90 counties and 25 cities in the United States which have larger populations. After growing more than 40 percent during the 1970s, thanks to the energy boom, the population of Wyoming has fallen. The U.S. Census, taken in 1990, shows a population of 453,588, down three percent from 1980.

Wyoming is a state with a very small minority population. The black population is less than one percent. American Indians comprise another two percent while six percent have a Spanish heritage. The 1990 census lists the population as 94 percent white. Also, although Wyoming is a rural state, it does not have a large agricultural population. The last census found that the farm population was less than 20,000. As in the United States as a whole, the number of farms and ranches has declined drastically. In 1930, there were nearly 18,000 farms or ranches in Wyoming Today, the comparable figure is somewhere around 9,000.

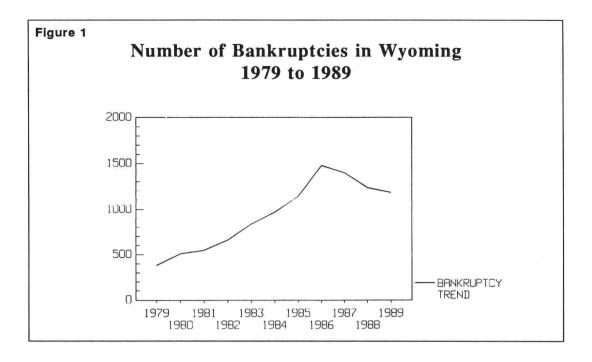
Economy

Throughout its history, Wyoming's economy has been dependent upon mineral extraction and agriculture. Both have been highly susceptible to boom and bust. The first boom period began when the Union Pacific snaked its way across the state in 1867 and 1868. The demand for coal and cattle fueled the economy following the coming of the railroad, but coal demand leveled off, and a series of severe winters devastated the cattle industry. Both World Wars increased demands for Wyoming agricultural and mineral products, but in the post-war eras Wyoming's economy

did not prosper. Between 1960 and 1970 population grew by only 2,000 persons. The Arab oil embargo in 1973 resulted in the sharpest increase in the state's economic base as well as its population. Less than a decade later, the rapid decline in world oil prices and the unwillingness of the federal government to support oil prices led to the most precipitous decline of the economy and the population. The market for uranium also foundered in the early 1980s. Personal income in the state ranked among the highest in the nation at the beginning of the 1980s, but by the end of the 1980s the rate of personal income increase was the lowest in the nation. Figure 1 is a graph of bankruptcies in Wyoming since 1979. The trend was steadily upward until 1987 when the number of bankruptcies began to decline.

The collapse of the price of oil has been particularly devastating to oil producing portions of Wyoming. For instance, oil and gas companies which had maintained offices in Casper for decades consolidated operations in cities such as Denver or Houston. As of the 1990 census, seventeen percent of Wyoming houses were vacant. Wyoming, therefore, ranked fifth among the states in terms of the number of empty homes. Overall, the average of vacant housing in the United States is ten percent.

Wyoming's economy is much like that of many third world nations in its dependency upon several commodities and its inability to control the price of these products. For example, Honduras is dependent upon bananas; Wyoming on oil, gas and coal. Honduras has little or no control over the price of bananas, which is set in a world market. Similarly, Wyoming

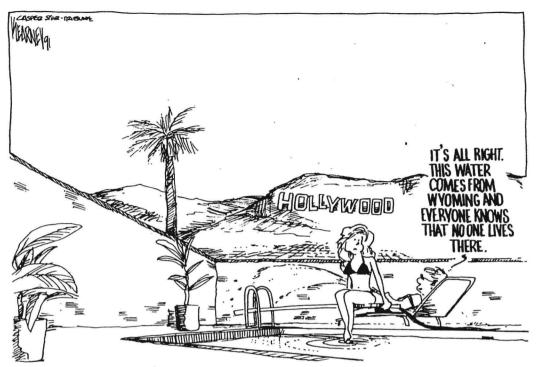


has essentially no control over the demand for and consequent price of its basic commodities. Exacerbating the problem is the state's small population base, which translates into little national political clout. Overwhelmingly, Americans prefer low energy prices; thus, any national policy which might reduce dependence on foreign energy or increase the price of domestic oil is not politically feasible. In a democratic nation, the low cost of gasoline in Los Angeles or Boston is significantly more important than the unemployment rate in the state with the least population.

The mineral extraction industry suffered in the 1980s, but in many aspects, the plight of the agricultural sector was nearly as severe. Wyoming's sheep, lamb, and wool production is among the highest in the United States, but, as in the past, the

cattle industry produced by far the greatest revenue. Beginning in the late 1970s, agricultural prices began to decline nationwide, and Wyoming farmers and ranchers were not immune from this recession. In 1979, Wyoming farmers and ranchers received a net income of \$93.9 million. In 1986, income had fallen to \$29.8 million. A slight economic revival at the end of the decade increased their net income to 45.5 million. By 1988 agriculture produced only 3.6 percent of the state's gross product.

Many other federal government policies which undoubtedly benefit most Americans, have not always benefitted Wyoming. Between 1965 and 1967, the federal government, through various programs, returned \$1.50 to the state for every dollar Wyomingites paid in federal taxes. Between 1982 and 1984, federal



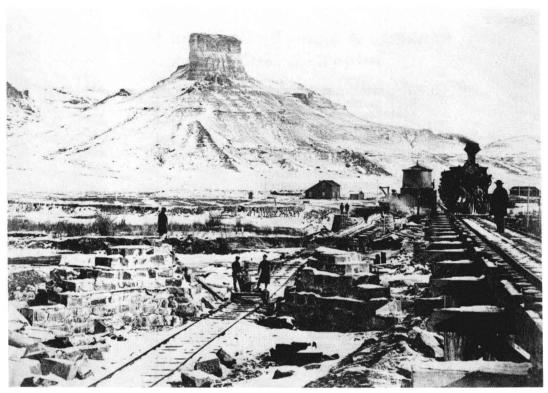
The Casper Star-Tribune illustrates the attitudes of many Americans toward Wyoming.

spending vis-a-vis federal taxes had declined to \$.75 for each dollar paid in taxes. Yet, as of 1989, Wyoming received \$1.61 in federal grants and aid for every federal tax dollar collected in the state.

Airline deregulation, which has made the cost of air travel between Denver and New York or San Francisco and Washington, D.C., significantly less expensive, has meant that most major airlines have abandoned Wyoming's small cities. Large airlines have been replaced by less predictable and more expensive commuter airlines. The federally-operated train service, AMTRAK, deserted the state in the early 1980s for a potentially more lucrative Colorado route. It returned in the summer

of 1991 but only to cities in southern Wyoming willing to provide adequate depots. Major bus companies found Wyoming routes unprofitable and were allowed to abandon service. Even the company so instrumental in the founding of Wyoming, the Union Pacific Railroad, consolidated operations and reduced its Wyoming work force.

As Wyoming's economy faltered, a group of political and business leaders commissioned a study of the economy by the prestigious Stanford Research Institute. The essence of the study was that the state's future should not be pinned either to agriculture or to mineral extraction, both declining industries. Instead, Wyoming

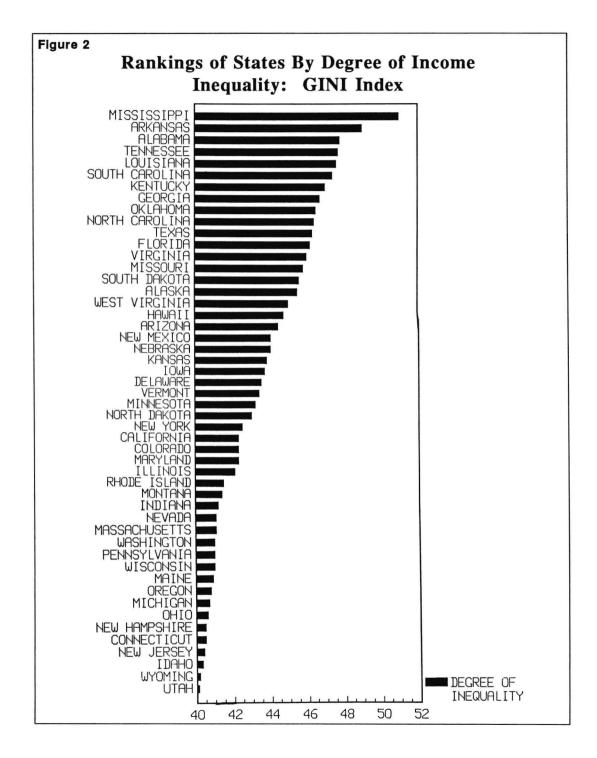


A Union Pacific train entering Green River in 1869. 120 years later the company is moving its work force out of Wyoming. American Heritage Center, University of Wyoming.

should take advantage of its unique scenery to promote tourism (Stanford Research Institute, 1985). This suggestion did not rest well with many who found the image of providing services to tourist distasteful. Nevertheless, the tourist industry is one of the few expanding sectors of the economy, and although there are no reliable estimates about how much income this industry brings into the state, some observers estimate its value to Wyoming between \$700 and \$900 million.

A final feature of Wyoming's economic structure deserves mention. Income is more

evenly distributed in Wyoming than in any state but one. Perhaps because of the boom and bust cycles, harsh winters weather and lack of a large cosmopolitan city, Wyoming's population does not possess a large, exceedingly wealthy element. Further, perhaps because of a rather severe welfare system and the small minority population, Wyoming has the lowest percentage of its population living below the poverty line in the United States (Ross, 1987). Obviously, a large proportion of those losing work simply leave the state. Figure 2 was prepared by political scientist



Thomas Dye (Dye, 1988). It ranks states on the basis of income inequality. Only Utah has a more equitable income distribution than does Wyoming.

Mass Communication

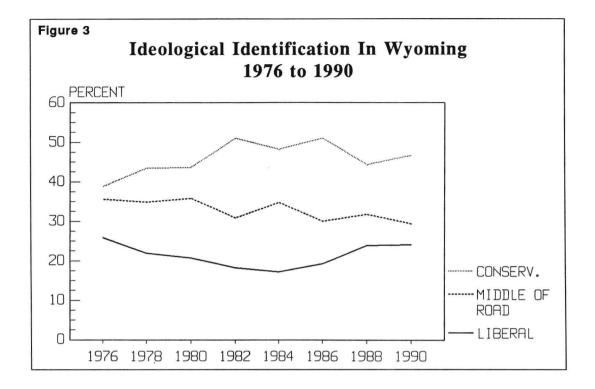
Mass communication is another important aspect of the Wyoming political context. To a significant degree, many Wyomingites know as much or more about politics in surrounding states as they do about politics in the equality state. Denver, Rapid City, Billings and Salt Lake newspapers and television are viewed by a large percentage of the population. A citizen of Laramie is more likely to watch Channel 4 in Denver and subscribe to The Denver Post than to watch a Wyoming channel or read a Wyoming newspaper. A Wyoming candidate may be sorely tempted to advertise on a Salt Lake, Billings or Denver TV station, although the cost may be prohibitive. There is no question, however, about which Wyoming TV channels and newspapers dominate the state. A 1987 Wyoming Heritage Foundation survey found that 59 percent of Wyomingites get most of their information about the state from newspapers, 23 percent from TV and 16 percent from radio. By far, the dominant newspaper in the state is The Casper Star Tribune. Forty-five percent of the Heritage Poll respondents indicated that they relied most upon this paper (Heritage Foundation Public Opinion Poll, 1987). Seventy-two percent believe it is generally fair and Two other newspapers, The unbiased. Laramie Boomerang and The Rock Springs Rocket Miner, were relied upon by six percent of the population. The StarTribune is a highly independent newspaper which clearly gives better coverage to state politics than its competitors. Its coverage of events and personalities, its editorials and political cartoons have repeatedly outraged the Republican establishment although Democrats are frequently the targets of its barbs.

There are two principal television stations in Wyoming: Casper's KTWO, relied upon by 43 percent, and Cheyenne's KGWN, relied upon by 16 percent according to the Heritage poll. Both devote considerable air time to Wyoming politics, but neither is nearly as confrontational as *The Casper Star-Tribune*.

Political Culture

Probably the most essential feature of the Wyoming political context is the state's political culture. This is a rather diffuse concept. In general, political culture refers to widespread attitudes, beliefs and practices which influence the political area. What is the dominant Wyoming political culture?

The most obvious feature of Wyoming political culture is its conservatism. Overwhelmingly, Wyomingites identify themselves as conservative. Since 1976, the Wyoming Election Year Survey (WEYS) has asked respondents whether they consider themselves to be conservative, liberal or middle-of-the road. Figure 3 displays the disparity between the number of conservative and liberal identifiers. Furthermore, conservative identifiers had been increasing quite steadily between 1976 and 1986. However, there was a temporary decline in the number of Wyo-



ming conservatives in the 1988 election, possibly due to the absence of Ronald Reagan at the top of the Republican ticket.

Conservatism has a variety of meanings and is manifested in an assortment of ways. For one thing, Wyoming government is slow to adopt policy innovations. One study found that only two other states were slower to adopt new ideas into law than Wyoming (Walker, 1969). Historically, Wyoming has also been fiscally conservative. State budgets by constitutional fiat are balanced unfailingly, and with rare exceptions state revenue is unfailingly deposited into inviolate trust funds. The chair of the legislature's powerful Joint Appropriations Committee

boasted during the 1988 budget session that even during the darkest days of the Great Depression, Wyoming steadfastly deposited funds into an assortment of trusts, and through considerable self-restraint had not drawn upon these monies in spite of tremendous demand to do so.

Most conservatives are quite reluctant to increase taxes, believing that the individual should be given priority in spending his or her earnings and that government spending is generally in-efficient. Not increasing taxes became almost a moral dogma with conservatives during the 1980s, largely because of President Reagan's pledge not to increase taxes under any circumstances. In spite of Democratic Governor Mike

Sullivan's request for certain tax increases in the 1988 session of the legislature. conservative Republican leaders quashed any discussion of tax increases. Over 90 percent of Wyomingites believe state and local taxes are reasonable (WEYS, 1990). But regarding taxes, most Wyomingites clearly agree with the Republican leadership. The 1987 Heritage Foundations survey asked: "If you were a State Legislator and were faced with raising taxes, cutting spending, reducing taxes or using trust fund money to help solve some of Wyoming's financial difficulties what would you do?" Nearly a majority favored cutting spending; 22 percent wished to use trust funds, while only 13 percent favored increasing taxes in the face of financial difficulties.

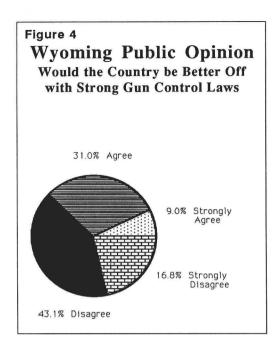
Another feature of conservatism is suspicion of government and the convic-

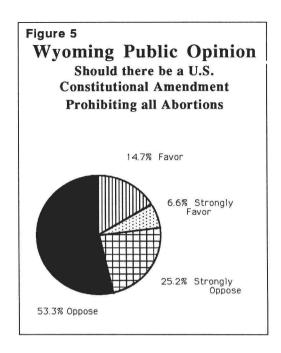
tion that government programs do not work well. The data in Table 1 demonstrate a profound suspicion of welfare, programs to reduce income inequality, government guarantees of a minimum standard of living for all Americans, and the effectiveness of government agricultural programs (WEYS, 1984, 1986, 1988).

Gun control is a highly emotional issue among conservatives, especially among Wyoming conservatives. Figure 4 indicates the high degree of agreement that gun control laws are anathema to Wyoming citizens (WEYS, 1990).

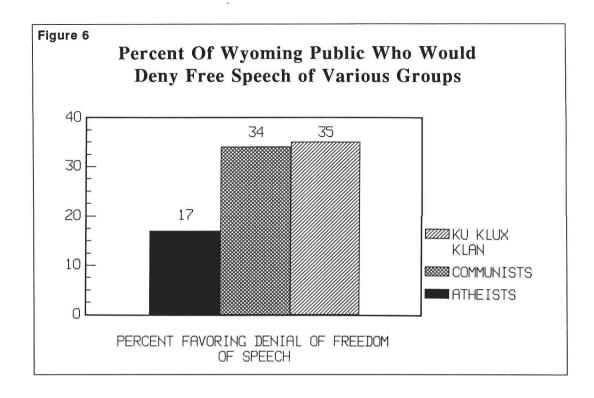
Conservatism in many southern states and in Wyoming's neighboring state of Utah is characterized by an emphasis on social control. Tolerance for beliefs and behavior inconsistent with the majority standards is frowned upon. Wyoming

Wyoming Attitudes On Various Political Issues			
	Percent Conservative Response		
Favor reducing spending for social welfare	55		
Believe that government should not attempt to reduce income in equality.	61.4		
Believe that welfare programs cause loss of self-reliance.	71		
Believe that government agricultural programs have not helped the American farmer.	83		
Believe that government should not provide affordable day care.	53.2		
Believe that government should not provide affordable day care.	53.2		





conservatism, however, is more of a live and let live variety. The individualistic spirit and libertarian political philosophy that pervade the Wyoming culture are shown by staunch hostility to government intervention in private moral decisions. Wyoming citizens are libertarians in the sense that they espouse freedom of choice. As an example, Wyomingites strongly oppose a Constitutional amendment to ban the right of women to have abortions (Figure 5) (WEYS, 1990). Equally significant, Wyoming citizens are staunch supporters of civil liberties. Evidence for this proposition can be found in a set of questions asked several times by the Wyoming Election Year Survey. No other liberty is as central to American political liberties as is freedom of speech. But many Americans, while agreeing with the central principle, find it difficult to permit members of out-groups the right to speak. In 1982, Wyoming respondents were asked whether those against churches or religion. communists, and members of the Ku Klux Klan should be allowed to give a speech in the respondent's community (WEYS, Those Wyomingites who would 1982). deny freedom of speech are a distinct minority (see Figure 6). Finally, Wyoming conservatism places a distinct emphasis on individualism. Whether Wyomingites are more individualistic than citizens of other states is arguable, but as can be seen in Figure 7, nearly three-fourths believe themselves to be more selfreliant than other Americans (WEYS, 1984). Certainly, individualism is an important component of Wyoming political culture.



Fatalism is obviously present in the minds of most Wyomingvoters, also. There is clearly a realization that the economic fate of the state is beyond the control of Wyomingites. Foreign governments, multinational corporations, and the federal government decide whether the next decade will be boom or bust. As noted, because of its small population, Wyoming's political and economic influence is minuscule. Frankly, the political cost of sacrificing Wyoming interests to national interest is, for national politicians or business leaders, not very great. There is a realization that the state is at the mercy of outside interests, whether these interests are concerned with protecting the environ-

