



READING BETWEEN THE LINES ON MEASURE 7

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THE “SLEEPER” INITIATIVE OF the 2000 election, Measure 7 has caused considerable stir in the Oregon legislature, in the news media, and around kitchen tables. At face value, Measure 7 simply compensates landowners for any loss in property values due to state or local government regulation. On a deeper level, however, Measure 7 revolves around a fundamental conflict in values that has not been fully aired in public debate.

In the course of a study we are conducting at the Northwest Communication Research Group, we have identified a range of arguments that have been made for and against Measure 7 in *The Oregonian*, from August 2000 through February 2001. After identifying the breadth of arguments presented, we folded them into categories according to the themes they emphasize, such as economic costs, quality of life, or the relationship between rights and public obligation. This mapping of the discourse has not only allowed us to observe how these arguments interact, but also to appreciate the deeper conflicts in values that may not be immediately apparent in this debate. The purpose of this article is to contribute to a fuller, richer, more informative public discussion about Measure 7 by pointing to the underlying values that propel proponents' and opponents' arguments, the different methods the two sides employ in making their respective cases, and the types of appeals and information each side could provide in

order to speak more directly to each other, and to the public.

There are distinct patterns to the arguments presented in *The Oregonian's* coverage of Measure 7. Proponents tell us stories of individual landowners who have been prevented from using their land as they desire, and who argue for compensation. Opponents offer us estimates of extraordinary costs, forecasts of environmental degradation, and engage in detailed discussion of the measure's language and legal implications.

Beneath these fast-flying economic projections and examples of people who have been adversely affected by land use laws, we have, in essence, a debate between opposing value systems.

Both facts and values are crucial to public policy debates; good policy choices cannot be made in the absence of either. But values-based arguments often resonate with the public more effectively than facts-based arguments. As George Lakoff's work (*Moral Politics*, University of Chicago Press, 1996) indicates, whichever side taps into the most resonant values wins. People may or may

not be motivated to follow tedious discussion of competing studies and technical details of public policy issues, but they know what they believe to be right and wrong. In other words, data are not required to capture the public's mind. Fighting values with data alone is difficult, if not impossible.

Our preliminary analysis shows that proponents of Measure 7 appear to control the values argument, and rarely deviate from this focus with other discussion. We find that the measure's supporters closely adhere to an argument based on

the importance of fairness to the individual: if the worth of someone's property is diminished in order to sustain the common

good, it is only fair that society should compensate that person for his or her loss. If everyone benefits, everyone pays. Why should individual landowners bear a disproportionate burden for society's well being? It is an argument that is powerful enough to require little elaboration. And, it is an argument made frequently and clearly by Measure 7 proponents.

Opponents of Measure 7 also argue on the basis of fairness, but fairness of a different sort. Theirs is an argument about fairness to the community: how unfair would it be to everyone else if the shared environment and quality of life Oregonians have come to enjoy were damaged by individual landowners who subdivide, develop, mine, or otherwise financially benefit from the natural resources of their land without regard to the larger impact of their actions? Opponents to Measure 7 suggest that we all share in a social obligation to preserve Oregon, as we know it—not only for ourselves, but also for our children. This argument suggests that the current generation of Oregonians owes a debt to the last for prioritizing the preservation of Oregon, one that can be paid only by valuing those past efforts with our own. Who among us, they argue, would want Portland to go the way of Los Angeles' or Houston's urban sprawl, landscape destruction, and environmental degradation?

Not only are the two sides saying very different things, but they are packaging their respective arguments differently. The larger issue of concern with fairness to the community that animated opponents of Measure 7 prior to the election has largely been overshadowed in post-election coverage with a dizzy-

“...[the Constitutional challenges] have zero chance of winning.”
— Larry George,
executive director,
Oregonians in Action

ing array of numbers and legal details: estimated costs, lists of land use laws the measure may endanger, and technical discussions of retroactivity and constitutionality. From the perspective of conveying underlying values, this is a problematic approach because it lacks the personal angle that captures people's emotions and enables them to internalize public issues. With the exception of Governor Tom McCall's widow, Audrey, who has served to personalize the opposition's arguments, opponents do not utilize personal stories to give faces and voices to their position.

Proponents of Measure 7, on the other hand, use dramatic personal stories of landowners' frustration and sense of injustice to articulate their fairness-to-the-individual argument. These stories personalize the value of individual fairness, and invite readers to imagine themselves in this same position.

Where do we turn from here? Last autumn, when the public and news media first started paying attention, the debate over Measure 7 was more clearly a discussion about fairness. Now that the Legislature is deciding what to do with Measure 7, this underlying question must be taken up again. Both sides' conceptions of fairness need to be conveyed in the form of stories that journalists can tell and to which the public can relate. While Measure 7 proponents have a more straightforward task in this regard, personal stories that capture opponents' perspectives are also available: People who have been negatively

impacted by recent rezoning and land development decisions, and the stories of today's parents wish to ensure that their children are not tomorrow's casualties of Measure 7. If opponents want to participate fully in this dialogue, and tap into more responsive chords, they will need to more clearly articulate their definition of fairness.

While proponents, have mastered the use of stories that convey why voters should care about this issue, they bear the

"I have been practicing governmental law since 1982, and I've never seen anything even remotely approaching the concern that this measure has brought."

— Russell Poppe, city attorney for Junction City

burden of discussing the details of implementation of the legislation they propose. In addition to values, this factual discussion about what it means to address land use issues in this way is crucial to a rich public discussion. These factual questions have been raised occasionally in the post-election coverage but not been systematically addressed by either side. For example, how much land, and how many land use and environmental regulations, could be affected should Measure 7 be implemented? Will taxpayers be expected to absorb extra costs resulting from development, such as those for new roads, increased load on municipal utilities, and school expansions? What about the charge of "givings"—will potential claimants give back to the state any added value they have gleaned from existing land use laws?

Opponents' numbers and projections reflecting the estimated ill-effects of Measure 7 need to be clarified, put into context, and where appropriate, should be challenged. For example, Measure 7's proponents have generally countered their opponents' claims of extraordinary costs by portraying them as exaggerations, an instance when more specific and careful arguments are needed to clarify the expected price tag.

Identifying key stakeholders would give voters a more complete picture of what is at stake with Measure 7. The industrial interests of contributors from both sides must be revealed, along with those industries and societal groups that will benefit if the

measure is or is not implemented, as well as precisely what they stand to gain, and at what costs to whom. Only with this information can public debate be full and effective.

Ultimately, as is true of so many important public discussions, powerful and opposing value systems, and not just competing facts, are driving the Measure 7 debate. We are essentially arguing the value of individualism versus civic duty, the right to individual property versus the right to collective resources, fairness to the individual versus fairness to society, *a man's home is his castle* versus *no man is an island*. Both sides of this values debate must be clearly articulated; only then can voters decide which perspective should guide decisions about land use in Oregon.



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The Northwest Communication Research Group at Portland State University studies media portrayals of public policy issues in order to enhance a full and informed public debate. Through qualitative and quantitative research methods, we distill arguments from the public forum into their component parts, to reveal their underlying structure and the ways in which these arguments interact within the larger conversation of policy issues.