Life, Liberty, and the Pursuit of Free Markets: ALEC's Populist Constructions of "the People" in State Politics

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LIFE, LIBERTY, AND THE PURSUIT OF FREE MARKETS: ALEC’S POPULIST CONSTRUCTIONS OF “THE PEOPLE” IN STATE POLITICS

By

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Thesis

presented in partial fulfillment of the requirements for the degree of

Master of Arts in Communication Studies

The University of Montana
Missoula, MT

May 2014

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Table of Contents

Chapter 1: Analyzing ALEC: Neoliberalism, Neoconservatism, and the Populist Frame ................................................. 1
  Neoliberalism .............................................................................. 5
  The role of the market ................................................................. 9
  Entrepreneurial discourse ........................................................ 10
  Anti-Regulatory Sentiment ........................................................ 11
  Neoconservatism ......................................................................... 13
  Moral Order ................................................................................ 15
  Entrepreneurial values ............................................................... 17
  Populism ..................................................................................... 19
  The Populist Frame .................................................................... 25
  Framework for Analysis ............................................................. 29
  Chapters ..................................................................................... 30

Chapter 2: ALEC’s internal rhetoric .......................................................................................................................... 34
  “The people” as virtuous entrepreneurs ..................................... 36
    The state as a small business .................................................. 37
    “The people” as small business owners .................................... 38
    The small business owner becomes a virtuous entrepreneur ..... 40
    The virtuous entrepreneur as the hero ..................................... 44
  The enemy as government ........................................................ 46
    The enemy as the federal government ...................................... 48
    Neoconservative constructions of the enemy as the liberal elite 53
  The corrupted democratic system .............................................. 59
    The legal system ....................................................................... 59
    The regulatory system ............................................................. 64
    The legislative system ............................................................. 65
  The economic apocalyptic reckoning ......................................... 68
  Summary of chapter 2 ............................................................... 71

Chapter 3: Translating ALEC’s Message: The Populist Rhetoric of Governor Scott Walker .............................................. 74
  Watching Wisconsin .................................................................... 75
  Walker's Early ALEC Agenda ................................................... 79
  Early February ............................................................................ 82
    “The people” as Wisconsinites and workers ......................... 82
    The state as a business ........................................................... 83
    Walker as an enterprising leader .......................................... 84
    The people as “Wisconsinites” ............................................ 86
    The enemy as the system ....................................................... 91
    Apocalyptic reckoning .......................................................... 93
  Senate Democrats on the Run: Late February, Early March ...... 96
    “The people” as local workers .............................................. 96
    Walker as an enterprising leader ........................................... 96
    “The people” as Wisconsinites ............................................ 97
    The enemy revealed ............................................................. 100
    Apocalyptic reckoning .......................................................... 104
  Summary of chapter 3 ............................................................... 105

Chapter 4: Challenging Neoliberalism?: Populist Rhetoric and Opposition to Walker ................................................................................................. 108
“The people” as civil actors ................................................................. 109
  The “people” as Wisconsinites ............................................................ 110
  Heroic defenders of “traditional” values ........................................... 112

The enemy ......................................................................................... 117
  Uncompromising and undemocratic ................................................ 118
  Corporate puppet ............................................................................. 119
  More than “politics as usual” .......................................................... 120

The corrupted democratic system .................................................... 122

Apocalyptic reckoning .................................................................... 124
  Trouble at home .............................................................................. 124
  Wisconsin as “ground zero” .......................................................... 125

Summary of chapter 4 ...................................................................... 127

Chapter 5: Conclusions and implications ........................................ 131

Research Questions and Answers ..................................................... 131
  How do ALEC’s appeals reinforce a neoliberal political ideology? .......... 131
  How does ALEC’s rhetoric unite the interests of state legislators and corporations? .... 133
  Whose interests are being served by ALEC’s construction of “the people?” ........ 134

Theoretical and Social Implications .................................................. 135
  Neoliberalism and neoconservatism ................................................. 135
  Populist frame ................................................................................. 138
  Social implications .......................................................................... 142
  Limitations and areas for further study ........................................... 145
This essay argues that the American Legislative Exchange Council, or ALEC, utilizes populist rhetoric at the state level to constitute state legislators as small business owners and virtuous entrepreneurs. I argue that ALEC’s constitutive rhetoric of “the people” reveals its neoliberal and neoconservative underpinnings. Central to my analysis of the constitutive rhetoric of ALEC is Michael Kazin’s (1995) history of populist persuasion and Michael Lee’s (2006) construction of populism as an argumentative frame. Examining what Michael McGee (1975) and Maurice Charland (1987) would term ALEC’s rhetoric of a “people,” my analysis shows how claims of shared identity between state legislators and corporations base themselves on the asserted existence of shared values of the entrepreneurial “small business owner” fighting against a bureaucratic “liberal elite.” Using conservative populism, ALEC policies exploit perceived tensions between “the people” and the federal government by offering a new rhetoric of “the people” and a new, neoliberal, subject position for state legislators. In addition to ALEC’s own rhetoric, I also examine a case study of Wisconsin in February 2011, when ALEC alumnus Scott Walker passed highly controversial legislation limiting collective bargaining for public sector employees using the populist frame.
Chapter 1: Analyzing ALEC: Neoliberalism, Neoconservatism, and the Populist Frame

On the evening of February 26, 2012, in Sanford, Florida, Trayvon Martin—an unarmed 17-year-old African American high school student—was confronted, shot, and killed near a gas station by neighborhood watch captain George Zimmerman (Weinstein, 2012a). As details of the case were revealed, Martin’s death and Zimmerman’s claim of self defense quickly kicked off a firestorm of media coverage surrounding Florida’s “stand your ground” law, which allows people to defend themselves with force if they feel threatened in their home, business, car, or a place where they “have a legal right to be” (Clark, 2013). Nearly two months after the shooting, on April 11, 2012, a special prosecutor appointed by the Governor charged Zimmerman with second-degree murder in Martin’s death (Simon, 2012), and on July 13, 2013 a jury acquitted Zimmerman of all charges (Clark, 2013). While Zimmerman did not ultimately use the “stand your ground” defense in his case, his acquittal raised fresh discussion and national outcry about “stand your ground” laws in Florida and across the nation. Inquiring minds in the media and the nation began to wonder, “Where do we stand on Stand Your Ground?” (Lyden, 2013). And for the first time since the law’s passage in 2005, people were asking: “Where did this law come from?” (Ferriss, 2012; Fischer, 2013a)

The answer was the American Legislative Exchange Council (ALEC). Working together with the National Rifle Association, ALEC, a relatively unknown policy-making organization, had been championing and spreading “stand your ground” laws across the country since 2005. While the so-called Castle Doctrine has for centuries generally immunized people from homicide convictions if they resorted to deadly force while
defending their home, Florida's law was the first to extend such protection to those firing weapons in public spaces—parking lots, parks, and city streets (Weinstein, 2012b). Florida’s law is just one of many state laws that is nearly identical to ALEC’s model Castle Doctrine Act, variations of which have been passed in over two dozen states (Merkelson, 2012). With increased media attention surrounding Martin’s death and “stand your ground” laws, now everyone was asking about the previously unknown organization behind so much of the controversy: “Who is ALEC?”

ALEC is a Washington, D.C.-based public-policy nonprofit organization that “advances the fundamental principles of free-market enterprise, limited government, and federalism at the state level through a nonpartisan public-private partnership of America’s state legislators, members of the private sector and the general public” (ALEC.org, 2013, “About ALEC,” para.1). ALEC’s public rhetoric is aimed mainly at state legislators, although the organization offers two forms of membership: legislative (public sector) and private sector. Legislative members are incumbent state legislators who pay $100 for a two-year membership. Private sector (or corporate) members pay a minimum of $7,000 for annual membership in ALEC, plus additional fees to become a member of one or more of ALEC's nine task forces (ALEC.org, 2013, “Join ALEC Online”). Each of ALEC's task forces is co-chaired by both a state legislator "public sector" ALEC member and a "private sector" ALEC member. Both the public sector and private sector members propose legislation in task forces to be adopted as an ALEC bill (ALEC.org, 2013, “Task Forces”). ALEC's bills are used as models for state legislation across the country, often with no mention of their origin. An ALEC brochure distributed to recruit corporations for its private sector membership claimed "during each legislative
cycle, ALEC legislators introduce more than 1,000 pieces of legislation based on these models, approximately 17 percent of which are enacted" (ALEC, 2010, “2010 Legislative Scorecard”). While relatively unknown, ALEC was formed in 1973 and continues to be a strong, albeit low profile, presence in statehouses across the country.

The exposure ALEC faced over Florida’s “stand your ground” law led many of the world’s largest companies, including General Electric, Amazon, McDonald’s, General Motors and others, to exit the organization (Uetricht, 2013). Even after hemorrhaging corporate membership, ALEC continues to wield enormous influence in state legislatures across the country and celebrated its 40th anniversary of its annual conference on August 6, 2013. According to the Center for Media and Democracy, 466 bills resembling ALEC’s model legislation have been introduced in 2013, and while ALEC claims it no longer pushes some of its more contentious policies like Stand Your Ground, such bills have continued to spread across the country (PRW Staff, 2013). While the average American may not find themselves in a situation similar to Martin and Zimmerman, or pay attention to the day-to-day activities of their state legislatures in general, they will inevitably be affected by their legislature’s public policy outcomes. Everyone will pay taxes, use a governmental service, work for private business, see a doctor, ask for sick leave, or send their children to school at some point. All of these can and will be affected by state legislators acting as agents of “the people” in state capitals, and it is these legislators’ rhetorical practices that contribute to our collective notions of community, state, and nation. Because many, typically conservative, state legislators receive advice and guidance from ALEC in the form of “model” bills and access to representatives from some of the country’s biggest businesses, it is both theoretically and
socially important to examine ALEC’s rhetoric to state legislators and the legislators’
rhetoric to the people they represent in defense of ALEC-related bills.

Although ALEC’s rhetoric directly targets state legislators, their messages
permeate the public sphere in the policies legislators propose and the rationale they give
in the bills’ defense. Understanding how and why ALEC’s rhetoric is persuasive to these
state legislators and the legislators’ constituents is a first step in uncovering the values we
use to construct our social realities and determine social action. Prior analyses of ALEC
rhetoric have led me to discover that one of ALEC’s historic strengths has been its ability
to identify with a majority of American citizens. I argue this identification is based on
both neoliberal and neoconservative constructions of the “entrepreneur” and corrupt
“liberal elite,” voiced through the populist style. For this reason, it makes sense to
analyze ALEC’s rhetoric in relation to neoliberal and neoconservative ideologies. Given
that both neoliberalism and neoconservatism are dominant ways of seeing and
understanding the world, it is imperative to understand how they construct social values,
as well as the possibilities they create or obscure for political action. My thesis poses the
following research questions: (1) To what extent do ALEC’s appeals reinforce a
neoliberal political ideology? (2) How does ALEC’s rhetoric of a “people” constitute
state legislators in such a way as to make corporations’ and individual interests appear to
be one in the same? And (3) Whose interests are being served by ALEC’s constitution of
“the people?”

I argue that ALEC’s constitutive rhetoric of “the people” reveals its neoliberal and
neoconservative underpinnings. Central to my analysis of the constitutive rhetoric of
ALEC is Michael Kazin’s (1995) history of populist persuasion and Michael Lee’s
(2006) construction of populism as an argumentative frame. Examining what Michael McGee (1975) and Maurice Charland (1987) would term ALEC’s rhetoric of a “people,” my analysis shows how claims of shared identity between state legislators and corporations base themselves on the asserted existence of shared values of the entrepreneurial “small business owner” fighting against a bureaucratic “liberal elite.” This, in tandem with additional populist appeals of a corrupt system and an apocalyptic reckoning allows ALEC to move state legislators to action. The rest of this chapter will provide an account of neoliberalism and neoconservatism as political philosophies and sources of rhetorical appeal and put these into conversation with theories of populist rhetoric. These concepts will help me build a critical framework for analyzing ALEC’s rhetoric and determining its persuasive power and political and ideological consequences.

Neoliberalism

Neoliberalism is a distinctive political-economic philosophy that first took shape during the 1970’s (Leitner, Peck, & Sheppard, 2006), but why did the neoliberal turn occur? What forces were driving people to seek change? According to David Harvey (2005), prior to the development of neoliberalism in the early 1970’s, the state embraced what is now usually referred to as “embedded liberalism,” which was “an acceptance that the state should focus on full employment, economic growth, and the welfare of its citizens, and that state power should be freely deployed, alongside of or, if necessary, intervening in or even substituting for market processes to achieve these ends” (p. 10). The toils of the Great Depression years earlier had convinced leading economic thinkers like John Maynard Keynes and Karl Polanyi that government was much more than a mere “night watchman”—the role assigned to the state by classical liberals (Steger &
Modern capitalism, it was argued, needed to be subject to certain regulations and controls by a strong secular state. As a result, “Keynes advocated massive government spending in a time of economic crisis to create new jobs and lift consumer spending” (Steger & Roy, 2010, p. 6).

Keynesian fiscal and monetary policies were widely adopted and states actively intervened in industrial policy to “set standards for the social wage by constructing a variety of welfare systems” (p. 10). By the end of the 1960’s however, embedded liberalism began to break down:

Unemployment and inflation were both surging everywhere, ushering in a global phase of “stagflation” that lasted throughout much of the 1970’s. Fiscal crises of various states resulted as tax revenues plunged and social expenditures soared. Keynesian policies were no longer working. (Harvey, 2005, p. 12)

Michael Weiler, Assistant Professor of Communication at the University of Pittsburgh, adds that neoliberalism came in response to the perceived social crisis of the 1960’s:

Suddenly, Great Society programs became a luxury the nation could no longer afford. During the 1970’s, Conservatives used growing public opposition to social welfare spending to huge advantage. They characterized Liberals successfully as supporting programs which help only groups at the bottom of the socio-economic ladder. These programs were seen not only as an unaffordable luxury…but also as a cause of those difficulties in the first place. (Weiler, 1984, p. 366)

In response to the social situation Weiler describes, a Democrat-controlled Congress legislated a huge wave of regulatory reform governing everything from environmental protection to occupational safety and health, civil rights, and consumer protection
(Harvey, 2005, p. 12). The result of this increased governmental interference was a polarizing debate between those who advocated this type of central governmental control and those who were concerned with freeing business and corporate power from these new social, political, and regulatory constraints. By the mid 1970’s, the interests of the latter group came to the fore, and neoliberalism came to dominate the public policy arena in the United States.

Electing candidates who promoted and later implemented a neoliberal agenda was relatively easy, given changes in the campaign finance laws that effectively legalized “the best government that money can buy.” In Buckley v. Valeo 1976, the Supreme Court ruled that the right to make contributions to political parties and political action committees was protected under the First Amendment guaranteeing the rights of individuals (in this instance corporations) to freedom of speech (Harvey, 2005, p. 48-49). The political action committees, or PACs, of various businesses were also of paramount importance in establishing an avenue for neoliberal dominance in public policy. Given these favorable conditions, neoliberalism is more than just a flash in the pan of public policy ideology. Since the 1970’s, the neoliberal project has had great effect on the corporatization, commodification, and privatization of previously public assets:

Its primary aim has been to open up new fields for capital accumulation in domains hitherto regarded off-limits to the calculus of profitability. Public utilities of all kinds (water, telecommunications, transportation), social welfare provision (social housing, education, health care, pensions), public institutions (universities, research laboratories, prisons) and even warfare (as illustrated by the “army” of private contractors operating alongside the armed forces in Iraq) have all been
privatized to some degree throughout the capitalist world and beyond. (Harvey, 2005, p. 160)

Related policy measures include massive tax cuts (especially for businesses and high-income earners), reduction of social services and welfare programs, and the replacement of welfare with “workfare” (Steger & Roy, 2010, p. 14). The introduction of new forms of regulation with “new market-oriented rules and policies to facilitate the development of a ‘new’ capitalism” (Munck, 2005, p. 63) has created an increased reliance on public-private partnerships. Businesses and corporations in particular collaborate intimately with state actors, and even acquire a strong role in drafting legislation, determining public policies, and setting regulatory frameworks (as evidenced by ALEC at the state level). This shift from “government (state power on its own) to governance (a broader configuration of state and key elements in civil society) has therefore been marked under neoliberalism” (Harvey, 2005, p. 76-77).

Neoliberalism may be understood as what Michel Foucault (1991) termed a “governmentality,” a “mode of governance based on particular premises, logics, and power relations” (p. 95). In particular, a neoliberal governmentality is “rooted in entrepreneurial values such as competitiveness, self-interest, and decentralization” (Steger & Roy, 2010, p. 12-13). Aihwa Ong (2006) adds that “neoliberal governmentality results from the infiltration of market-driven truths…into the domain of politics” (p. 4), and all human action. Wendy Brown (2006) notes:

While neoliberal political rationality is based on a certain conception of the market, its organization of governance and the social is not merely the result of
leakage from the economic to other spheres but rather of the explicit imposition of a particular form of market rationality on these spheres. (Brown, 2006, p. 693)

As a governmentality, neoliberalism may be understood as both a political discourse and a set of governing practices premised on the extension of market relationships that facilitate the governing of individuals (Larner, 2000, p. 6). The rhetoric of neoliberalism reflects a belief that “human well-being can best be advanced by liberating individual entrepreneurial freedoms and skills within an institutional framework characterized by strong private property rights, free markets, and free trade” (Harvey, 2005, p. 2).

Consequently, the role of the state is to create and maintain such a framework. Given the wide breadth and depth of neoliberal scholarship, I have highlighted three key rhetorical themes of neoliberal discourse to guide my analysis: the role of the market, entrepreneurial discourse, and anti-government sentiment.

The role of the market

Under a neoliberal mode of governance, a self-regulating free market becomes the model for proper government. Government actors are encouraged to see themselves as “self-interested actors responsible to the market and contributing to the monetary success of slimmed-down state ‘enterprises’” (Steger & Roy, 2010, p. 12-13). Government then, is to be modeled after business, in charge of “free individuals who are then induced to self-manage according to market principles of discipline, efficiency and competitiveness” (Ong, 2006, p. 4). Citizens are redefined as “customers” or “clients,” and administrators are encouraged to cultivate an “entrepreneurial spirit."

If private enterprises must nurture innovation and enhance productivity in order to survive in the competitive marketplace, why shouldn’t government workers
embrace neoliberal ideals to improve the public sector? Enterprising government is earning rather than spending. Customer-driven, meeting the needs of the customer, not the bureaucracy. (Steger & Roy, 2010, p. 13)

Within neoliberalism, markets are understood to be a better way of organizing social activity because they are associated with competition, economic efficiency, and choice (Larner, 2000, p. 5). “For the neo-liberals, the market embodied principles of freedom and acted as a metaphor for individual liberty across other spheres of social life” (Loxley & Thomas, 2001, p. 294). Accordingly, success in all areas of life comes to be measured in economic terms, and the health of the economy comes to represent the health of the individual (Weiler, 1984, p. 365). Because neoliberalism converts every political or social problem into market terms, it also converts them into individual problems with market solutions (Brown, 2006, p. 704). The confluence of the market and the individual is best expressed in the neoliberal emphasis on the enterprising and entrepreneurial individual.

*Entrepreneurial discourse*

Citizens operating under neoliberal governance are framed as self-enterprising subjects obligated to become an entrepreneur of themselves (Ong, 2006). The term “enterprise” refers to restructuring individuals (and organizations) along market lines in order to ensure success (du Gay & Salaman, 1992, p. 624). Enterprising selves are a condition and a consequence of neoliberal discourse (Sturdy & Wright, 2008). At its core, “enterprise” refers to a bundle of characteristics such as initiative, self-reliance and the ability to accept responsibility for oneself and one’s actions (du Gay, Salaman & Rees, 1996, p. 268). Enterprising individuals, then, display qualities such as self-reliance,
personal responsibility, boldness and a willingness to take risks in the pursuit of goals, which are regarded as human virtues and promoted as such (du Gay & Salaman, 1992, p. 628). Lastly, an ideal neoliberal citizen is also one who engages in healthy economic competition (Pedwell, 2012, p. 286).

By extension of the value of the entrepreneurial individual, the ability of businesses and corporations (legally regarded as individuals) to operate within a neoliberal framework of free markets and free trade is also regarded as a fundamental good. In its celebration of individual empowerment, neoliberal discourse advocates for the devolution of central state power to smaller individual units (Steger & Roy, 2010, p. 12-13), attacking both the inefficiency of big government and big business. Just as state governments are closer to constituents and therefore better suited to meet their needs, the neoliberal businessman runs an enterprising company that is trimmed down, efficient, more competitive, and less complacent than its monopolized counterparts. As this partial characterization of business comes to stand for the whole, the neoliberal entrepreneur becomes the widely accepted definition of what business is. As such, neoliberals may criticize particular businesses and business practices without adopting an anti-business stance in general (Weiler, 1984).

*Anti-Regulatory Sentiment*

The last major theme of neoliberal discourse is an anti-regulatory sentiment towards “big government.” In the early 1970’s, those seeking individual freedoms and social justice found a common enemy in the interventionist state, which was characterized as being oppressive and socially unjust. According to Harvey:
The Vietnam War was the most obvious catalyst for discontent, but the destructive activities of corporations and the state in relation to the environment, the push towards mindless consumerism, the failure to address social issues and respond adequately to diversity, as well as intense restrictions on individual possibilities and personal behaviors by state-mandated and “traditional” controls were also widely resented. Civil rights were an issue, and questions of sexuality and of reproductive rights were very much in play. For almost everyone involved in the movement of ’68, the intrusive state was the enemy and it had to be reformed. And on that, the neoliberals could easily agree. (Harvey, 2005, p. 42)

In promoting ideals of individual and market freedom against an evil interventionist state neoliberals found a uniting force against the “liberal elite” in charge of the federal government. “Liberals” in charge of the federal government were scapegoated as being responsible for excluding the working classes in favor of special groups who benefitted from affirmative action and other state programs (Harvey, 2005, p. 49-50). Therefore, government intervention was framed as the problem, not the solution. Cutting back on government would be the only way to let “the incentives for entrepreneurial activity align correctly” (Harvey, 2005, p. 54). Neoliberals, then, vilify the federal government as a drag on both the market and the individual entrepreneur.

Neoliberal policies may be characterized by a propensity to reduce the role of the state in the economy, most notably “via privatization of state-owned enterprises; and those that contribute to fiscal austerity and macroeconomic stabilization, including tight control of the money supply, elimination of budget deficits, and curtailment of government subsidies” (Boas & Gans-Morse, 2009, p. 143). The key point is that
“processes of neoliberalization seek to retool, reconfigure, radically change and remake the state, its role and core functions” (Garrett, 2010, p. 345) in an effort to diminish its oppressive power. In order to mobilize supporters around such a reconfiguration of the state, neoliberals had to reach beyond purely economic appeals. Voters needed something to be passionate about, and these concerned voters needed to get to the polls. Because neoliberal appeals were not acting alone in the public policy arena, my analysis now turns to neoconservative appeals, which both reinforced and augmented neoliberal rhetoric. The moral values that have now become central to the neoconservatives can be understood as “products of the particular coalition that was built in the 1970’s between elite class and business interests on the one hand, and an electoral base among the ‘moral majority’ of the disaffected white working class on the other” (Harvey 2005 p. 84). In tandem with neoliberalism, the rise of the New Right and neoconservativism ensured business and conservative interests were made to dominate the public policy arena.

**Neoconservatism**

Neoconservatism also began in the 1970’s as the hardline opposition to the New Deal. While neoliberals reacted to the perceived economic turmoil of the late 1960’s, neoconservatives saw the crisis from a different, social, perspective:

A sputtering economy…growing domestic conflict over family, gender roles, and basic values; radical social movements that questioned basic features of American society; and a state the demands on which outran its resources—all these factors contributed to a general crisis of confidence in American institutions and created a political opening for possible alternatives. (Himmelstein, 1990, p. 6)
With Leftist policies seen as being responsible for the current social crisis, such an alternative could only come from the Right. The so called “New Right” leaders had myriad social issues to mobilize against: abortion, the Equal Rights Amendment and feminism, drug use, pornography, school textbooks and curricula, busing, affirmative action, and gay rights (Himmelstein, 1990). Jerry Falwell, Phyllis Schlafly, Paul Weyrich, Richard Viguerie, and Howard Phillips, among others, were some of the most prominent early voices advancing these issues.

While not always religious themselves, neoconservatives allied themselves with religion and religious crusades, encouraging family values and praising older forms of family life (Brown, 2006, p. 697) in an effort to tap previously uncommitted swaths of voters. In particular, New Right leaders sought to monopolize on the growing political restlessness of evangelical Christians who had already become politically active over abortion and what they regarded as government harassment of private Christian schools (Himmelstein, 1990, p. 83). Evangelicals were especially attractive because of their already established communication networks and charismatic leadership that could get people to the polls.

Like neoliberalism then, neoconservatism grew out of opposition to increased governmental interference. While neoliberals wanted Keynesian government out of the market, neoconservatives wanted an immoral government out of their personal lives and their communities. Neoconservatives openly advocate individual and civic virtue along with moralized state power—meaning the “state is tasked with setting the moral-religious compass for society” (Brown, 2006, p. 697). As a result, state authority is modeled on church authority (Brown, 2006, p. 709), concerned with the moral character of its
subjects. In order for this reformulation of the state to be complete, neonconservative leaders used both economic and cultural appeals. Like neoliberalism, neoconservatism may also be understood as a political rationality that produces a particular political culture and political subject, which it does through specific rhetorical appeals to the moral entrepreneurial individual.

*Moral Order*

Neoconservatives supported the neoliberal turn economically but not culturally. Central to neoconservatism (what makes it “neo”) is a critique of liberalism’s emphasis on individual self-interest (Harmes, 2012, p. 73). Neoconservatives believed the unbridled individualism encouraged by neoliberalism created a loss of moral order and community, which they sought to alleviate through the discourse of traditionalism. According to traditionalists, the major problems facing society are rooted in the decline of the community, the loss of transcendent and spiritual values, and decay in the belief of an objective moral order (Himmelstein, 1990, p. 49-50). Consequently, such losses have left humans without an overarching purpose or justification for life other than fulfilling material needs. Society becomes an association of individuals bonded together by self-interest instead of moral connections or a set of compelling shared beliefs. In the face of this danger, some sort of higher moral order was needed in order to restore and maintain balance. Neoconservatives believed this order could come through the election of candidates who advocated a return to traditional moral values.

Neoconservatism serves as a counterbalance against the moral permissiveness that individualism under neoliberalism typically creates, stressing a moral order in response to the chaos created by the pure pursuit of individual interests. Under neoliberalism, where
individuals are the building blocks of a society, such individual interests can create
disorder and chaos. “The anarchy of the market, of competition, and of unbridled
individualism (individual hopes, desires, anxieties, and fears; choices of lifestyle and of
sexual habits and orientation; modes of self-expression and behaviors towards others)
generates a situation that becomes increasingly ungovernable” (Harvey, 2005, p. 82). As
a result, neoconservatism seeks to restore a sense of moral purpose and higher-order
values to act as a stabilizing factor for society as a whole. Social control is accomplished
through the “construction of a climate of consent around a coherent set of moral values”
(Harvey, 2005, p. 83). The answer to which moral values should prevail is a product of
the time in which the movement was born—between a coalition of business interests and
the Religious Right. “The moral values centered on cultural nationalism, moral
righteousness, Christianity, family values, and right to life issues and on antagonism to
the new social movements such as feminism, gay rights, affirmative action, and
environmentalism” (Harvey, 2005, p. 84).

Using the Republican Party as a common ground, these groups were mobilized
against the excesses of a “liberal elite” currently in power and responsible for the
deplorable economic and social conditions. “The effect was to divert attention from
capitalism and corporate power as in any way having anything to do with either the
economic or the cultural problems that unbridled commercialism and individualism were
creating” (Harvey, 2005, p. 49-50). The demonizing of the “liberal elite” is a crucial part
of both neoliberal and neoconservative rhetoric, and is perfectly suited for populist
appeals against a defined enemy. While neoliberals and neoconservatives may disagree
about many things, they can agree on a common enemy. Populist appeals unite both neoliberals and neoconservatives as one “people” fighting against this enemy.

*Entrepreneurial values*

The second way populist discourse closes fissures between different factions of neoliberalism and neoconservatism is the emphasis on the entrepreneur. The rise of corporate conservatism has played a central role in many accounts of America’s move to the Right (Berman, 1994; Micklethwait & Woolridge, 2004). The political mobilization of big business in the mid 1970s gave conservatives greater access to money and channels of political influence, which helped elect conservative political leaders and turn conservative ideas into economic public policy. One very significant transformation came in the form of big-business financing candidates for public office:

Corporate campaign contributions became both more ideological and more carefully coordinated. The campaign reform laws of the early 1970’s seemed to threaten the capacity of businessmen and others to funnel large amounts of money to specific candidates by placing strict limits on the amount individuals could contribute to any given candidate and by requiring public disclosure of major contributions. Rather than…limiting the impact of big money on elections, however, these laws encouraged greater rationalization and coordination of campaign contributions. Political action committees flourished, and like-minded PACs showed a distinct ability to work together. (Himmelstein, 1990, p. 140-141)

The most important element of the big business mobilization was the flow of corporate money to expand existing conservative research organizations and create a host of new ones that promoted a pro-business mentality in all levels of social life. Such crossover
became apparent during the 1970’s, when the number of colleges and universities offering courses in entrepreneurship and small business administration increased from eight to almost 200 (Hornaday, 1982).

In an effort to cast business as something appealing, college-based small business courses offered the businessman as a victim of regulation from the “liberal elite.” Specifically, courses conceived entrepreneurship as a set of character traits rather than a function of an economic structure, highlighting “the Entrepreneur as an Individual” (Vesper, 1976). The entrepreneur became a hero, able to mobilize the community in defense of an economic and democratic society:

Texts assigned in the new classes extolled the entrepreneur as a rare and special type, not content with the ordinary round of bureaucracy in corporate life. In this guise, the entrepreneur inherited the mantle of Jeffersonian virtue from the independent farmers and the Populist rebellion—a hero for the age of the mass office, a foil to sissified bureaucrats and the distant Shylocks of Wall Street. (Moreton, 2008, p. 67)

In sum, the moral individual entrepreneur’s creativity and productivity (uninhibited by state interference) became the essence of a capitalist system. Using the entrepreneur as a base, the rise of the New Right drew on significant established sources of power within the business and religious community to rally against the (“liberal elite”) political and cultural establishment to formulate a new political reality. For both neoliberals and neoconservatives then, in the great populist fight against a common enemy the entrepreneur was the hero.

*Uniting neoliberalism & neoconservatism*
Overall, the difference between neoliberalism and neoconservatism is a market-political rationality with a business model of the state on one hand, and a moral-political rationality with a theological model of the state on the other. The two rationalities converge in the Republican Party, which presents itself as the Party of Big Business and the Party of Moral Values. What is significant about neoliberalism and neoconservatism however is not that they have differences, but how they overcome them. While their union may have been out of convenience in the beginning, it is a coalition that has successfully endured to the present day. The vilification of the “liberal elite” and the model of the virtuous entrepreneur are the keys that hold the neoliberal/neoconservative coalition together. While the liberal elite are presented as the source of all evil, the entrepreneur is extolled as the virtuous model of the ideal citizen, operating in a market-based reality, created by enterprise discourse and synecdochically representing the business community at large. The construction of a virtuous people fighting against a common enemy lends itself well to a populist frame. Focusing on these two ideas, factions and contradictions within and between neoliberalism and neoconservatism become united within the populist frame.

**Populism**

The language of populism is a fixture of U.S. democratic rhetoric. From early debates surrounding representative government, through the Populist Party (Kazin, 1995), and numerous 20th century manifestations (Woodward, 1983; Kazin, 1995; Lee, 2006; Formisano, 2010), populism has endured as a persistent and recurring force in shaping “assumptions, tenor, and boundaries that guide political argument” (Lee, 2006, p. 357). At a fundamental level, populism claims to speak for the vast majority of average
Americans. It is the language of real Americans who work hard, play fair, and love their country. In his 1995 book, *The Populist Persuasion*, author Michael Kazin argues that populism is a language “whose speakers conceive of ordinary people as noble assemblage not bounded narrowly by class, view their elite opponents as self-serving and undemocratic, and seek to mobilize the former against the latter” (Kazin, 1995, p. 1).

Incarnations of elite opponents have morphed throughout history, including “aristocrats,” “robber barons,” “capitalists,” “academics,” and more recently the federal government. The defining tenets of populism however, must not be limited to a simple “us” versus “them” dichotomy. Kazin (1995) in particular cautions that we must resist the urge to classify all discourse that champions the cause of “the people” as populist. Identifying populism solely on this “ordinary” versus “elite” binary is an insufficient analytical framework for understanding the complicated and interwoven components of a “people” and their identity. A more complete conception of the language of populism must acknowledge that it is “persistent, yet mutable” (Kazin, 1995, p. 5).

The ideological vacancy of the populist argumentative frame makes it the ideal language for the reinterpretation of various political agendas. Historically, the rhetoric of populism has repeatedly reconstituted collective notions of character, community, and democracy as a whole. Throughout different historical periods, it is the construction of “the enemy” and the “system” that has been most influential in mobilizing the language of populism for disparate political ends on both the Left and Right. Lee (2006) summarizes the spectrum this way:

For Leftist populists, concentrated corporate wealth has disenfranchised real Americans, foisted an unruly and immoral capitalist system on citizens, and
insulated itself from reform by purchasing votes in Washington. For conservative populists, big government ideologues have removed the voice of the “people” from the political process by draining taxpayer dollars and federalizing state and private issues while comfortably regulating from inside the beltway. In each scenario, anti-democratic forces have thwarted deliberative government and the free flow of information essential to representative democracy. (Lee, 2006, p. 364)

In an effort to better explain populist rhetoric, it becomes necessary to review briefly how the central message of populism has remained constant while the rhetoric itself has changed significantly since its inception. Kazin argues that until World War II, populist rhetoric had been expressed generally by political leaders seeking progressive reform or social justice, challenging the status quo on behalf of the dispossessed (which did not include racial minorities at this time). This was the rhetoric of the Populist Party that grew out of the discontent of Southern farmers in the 1880s. Much later, the Left appropriated this rhetoric against the corporate powers that be who had “paid to play” in the political process.

In the late 1940s, populism began a migration from Left to Right. Kazin traces this transformation through historical factors such as the Cold War, the rise of a liberal state, and the fact that most white Americans came to regard themselves as middle class consumers and taxpayers. Taken in succession, these factors contributed to a steady decline in Leftist populism and a greater emphasis on economic appeals. Once oppressed by giant corporations, people who benefitted from populist unionizing suddenly found themselves employed, owning homes, and living comfortably in the middle class. Instead
of being perceived as “aristocratic” or “slave driving,” employers were now a source of security and the desire to confront them began to decline. As newly middle-class producers, these “ordinary Americans” were ripe to be wary of a liberal state that appeared to take them for granted. In the 1960’s and early 1970’s (in the rise of neoliberalism and neoconservatism), government officials who spent public money on the perceived unworthy poor took the place of the previous “plunderers” and “monopolists” who were the enemy at the turn of the century. Drawing on anger against the powerful “liberal elite” and the system they governed, neoliberals began to express this economic outrage in a way that was appealing to a majority of voters.

“Beginning in the late 1960’s,” writes Kazin, “conservative activists and politicians—most of whom were Republicans—re-created themselves as the authentic representatives of average white Americans…The Grand Old Party turned itself into a counter-elite and a welcome home for white refugees from the liberal crack up” (p. 246). The liberal crack up, according to Kazin, was the Democrats’ mistake of leaping beyond the New Deal (programs that taxed the few for the benefit of the many) to the Great Society (programs that taxed the many on behalf of the few) (p. 251). In response, conservatives proclaimed their solidarity with “an imprecisely defined ‘silent majority’ of producers and consumers—taxpayers, white ethnics, housewives, and ‘Middle Americans’ who felt scorned by the New Left and besieged by power liberals” (p. 246).

Of particular importance in the shift from Left to Right was Alabama Governor George Wallace, under whom the four themes underwent their most significant transformations. According to Lee (2006), Wallace shrank “the people” from masses of the Depression-era poor to poor Southerners, “the working man,” and social
conservatives (p. 368-369). Kazin also notes: “Wallace was seeking to represent the same virtuous, masculine middle of America that earlier populist speakers had often embraced (Kazin, 1995, p. 234). Wallace supplanted “big government” for “big business” as the “enemy,” and in so doing effectively began to change the political direction of populist agitation. Bureaucratic malevolence against “the ordinary guy” was characterized as threatening the economic fabric of American life and the “common people” who made America great (Woodward, 1983). Academics agree that Wallace accomplished something unique as a populist spokesman on the Right. “He managed to look and sound more like an ordinary, working American” (Kazin, 1995, p. 234), and in practice, Wallace both constituted and synecdochically represented “the people” (Lee, 2006, p. 369).

Wallace was a product of his time. The turbulence of the 1960’s opened the door for a new constitutive rhetoric of “the people.” As Charland notes:

The development of new subject positions, of new constitutive rhetorics, is possible at particular historical moments… These contradictions place a strain upon identification with a given subject position and render possible a subject's rearticulation. Successful new constitutive rhetorics offer new subject positions that resolve, or at least contain, experienced contradictions. They serve to overcome or define away the recalcitrance the world presents by providing the subject with new perspectives and motives. (Charland, 1987, p. 141-142)

In an effort to manage growing discontent, Wallace and those that followed him used a populist narrative to reconstitute “the people” and outline a new way of seeing the world and their role in it. Kazin notes, “It was a remarkable shift. The vocabulary of grassroots
rebellion was now used to reverse social and cultural change, rather than to promote it” (p. 4).

It is no accident that Wallace’s brand of populism came of age in the late 1960’s and early 1970’s, a time of significant shifts in American public policy. Using populist rhetoric, Wallace became the spokesman for the new face of conservative neoliberal policy in the U.S., giving a voice to and establishing a vocabulary for the new movement. It is also no accident then, that ALEC promotes Wallace-like attributes as model behaviors for state legislators to this day as promoters of neoliberal policies.

Conservative populism didn’t end with Wallace either; it had only just begun:

For two decades, from the end of the 1960s to the end of the 1980s, GOP politicians ran against a “liberal establishment” composed of federal bureaucrats, the mass media, arrogant academics, and other amoral “special interests.” This nexus of power supplanted big business and its political cronies as the main threat to the beliefs (and pocketbooks) of the hardworking white majority. (Kazin, 2005, p. 266)

In the 1990’s, a large populist movement revolved around Ross Perot, “a wealthy man who demanded huge cuts in the federal budget and wanted the government run more like a business because, he said, ‘in business, people are held accountable’” (Kazin, 2005, p. 271). More recently, in the 2008 Presidential election, “economic populism…pervaded other framing elements of the November vote” (Formisano, 2010, p. 250). Then-Senator Obama himself said his populism was aimed “less at frustration with big business as with dysfunctional government” (Formisano, 2010, p. 250). As cited by Formisano (2010): “When you hear me talk about people versus the powerful…my populism is built most
powerfully around the sense that government is nonresponsive to these folks. They’re probably less angry at Wall Street for making money and angrier at Washington for not just setting up some basic rules of the road.”

In sum, scholars have shown that for the last several decades, conservative champions of corporations, free market ideologues, and the religious/fundamentalist right have increasingly appropriated populist rhetoric to advance their political interests. The shift to the Right opened the door for future conservative appeals, from President Nixon’s “Middle America” and “Silent Majority” in the 1970’s, to President Reagan’s “Moral America” in the 1980’s, to Ross Perot’s “owners of this great country” in the 1990’s, to Sarah Palin’s “Real America” in the mid 2000’s (Kazin, 2005), and Obama’s economic populism most recently (Formisano, 2010). All of these leaders exploited economic issues to identify “the people” as in conflict with an unresponsive government, and they were able to do so by manipulating the four main elements of the populist frame.

**The Populist Frame**

According to Lee (2006), populism as an argumentative frame is vacant of specific content but contains four specific structural elements that “inform the content, assumptions, and direction of the movement” (p. 363). These four tropes are: the construction of a virtuous “people,” a vision of a robust “enemy,” disparagement of the current “system,” and promising “apocalyptic confrontation,” which will each be described in turn below.

First, populism as an argumentative frame positions a virtuous “people” against a powerful “enemy,” constituting them as “heroic defenders of ‘traditional’ values” (Lee, 2006, p. 358). The “people” are simple, hardworking, honest, patriotic Americans,
whom the essence and the goodness of the nation rests. While the exact population of “the people” may vary, these certain criteria remain the same. McGee (1975) reminds us that “the only point of agreement is that, in politics, ‘the people’ are omnipotent; they are an idea of collective force which transcends both individuality and reason” (p. 238). This positioning and creation of “the people” is purely linguistic however, “introduced into public argument as a means of ‘legitimizing’ a collective fantasy” (McGee, 1975, p. 239). Through rhetoric, “the people” are a process, effectively “conjured into objective reality” (McGee, 1975, p. 242). This linguistic fluidity means that not even those who appeal to constructions of “the people” would agree on their identity, being careful not to define them too closely while allowing for the actual persons who make up the “people” to be more open.

The process of constituting a “people” is similar to Black’s (1970) second persona, which transforms an audience through a Burkean sense of identification (Burke, 1969); however Charland points out that this sort of understanding of a “people” is incomplete. The significance of becoming “one” with a persona has much to do with the subject’s preexisting ontology and inscription into an identified “people’s” ideology, called interpellation. According to Charland:

Interpellation occurs at the very moment one enters into a rhetorical situation, that is, as soon as an individual recognizes and acknowledges being addressed… the acknowledgment of an address entails an acceptance of an imputed self-understanding which can form the basis for an appeal. (1987, p. 137)

To enter into the rhetor’s construction of “the people” then, is to identify with Black's second persona, but it is also an acceptance of “the people’s” embedded logic and way of
seeing the world. McGee (1975) notes: "though [myths] technically represent 'false consciousness,' they [constitutive rhetorics] nonetheless function as a means of providing social unity and collective unity. Indeed, 'the people' are the social and political myths they accept" (emphasis in original, p. 247). As sources of identification, these constitutive rhetorics of “the people” have power because they espouse an ideology and provide a call to action. As Charland notes, “Ideology is material because subjects enact their ideology and reconstitute their material world in its image” (p. 143). In sum, the ideology that comes with becoming identified with “the people” becomes material, existing outside of the realm of ideas, operating in material reality and therefore influencing material practices even though “the people” exist solely in language. It is easy to see then, the rhetorical power of interpellating a “people.”

In a populist narrative, “the people” become interpellated into a very exclusive and immutable identity (Lee, 2006, p. 359), making those conceived as the “enemy” easier to identify by antithesis. The second trope of populism as an argumentative frame is the construction of “the people” in relation to their rhetorical opposite as much as it is by their perceived shared characteristics. In whatever manner “the people” and their values are defined, the “enemy” stands in stark opposition. As Burke (1941) notes, “Men who can unite on nothing else can unite on the basis of a foe shared by all” (p. 239). According to Lee, “the enemy not only provides a sharp boundary rhetorically insulating the ‘people’s’ identity, but the enemy also is a rhetorical purifier, a scapegoat for societal ills” (p. 359). In a Burkean sense, “the people’s” enemy is constituted as measurably different in race, class, geographical location, ideology, or traditional values, but the “enemy” may also be among persons themselves. Woodward (1983) points out that
populist appeals typically describe a world of workers and shirkers, where some individuals or groups are unworthy beneficiaries of the initiatives and hard work of “ordinary” people (p. 49). Specifically in the narrative of populism, the “enemy’s” (whoever they are) perceived corruption of a once fair and democratic political and economic system becomes the driving force behind “the people’s” need to instigate corrective action in an effort to rectify the situation.

Third, the populist argumentative frame decries the current “system” as corrupted. According to Lee, “the ‘system’ is an amalgamation of numerous sites within the national political and economic order in which power is distributed, governed, and managed” (p. 361). While the conflict between “the people” and “the enemy” initiates a need for action, the corruption of the system adds fuel to the fire because that which is “good” is perceived as losing to that which is “evil.” What makes this conflict worse is that the very structures designed to uphold traditional values and champion justice have become too crooked to save themselves. As such, because the system has become so degenerate, more radical means are necessary to “prevent the enemy’s impending victory” (Lee, p. 361). As a result, “the people” become characterized as revolutionaries battling valiantly on behalf of democratic principles that are under threat.

Lastly, the populist argumentative frame finds promise of revolutionary reform in “apocalyptic confrontation” (Lee, p. 362). Because opportunities for redress of ills within the system itself have been foreclosed, the populist frame features apocalyptic confrontation as the vehicle for revolutionary change. As the crisis is perceived to be at a boiling point, “this presentation of a necessary apocalypse is generated through the absolutist presentation of the ‘people’ and their enemy” (Lee, 2006, p. 362).
Highlighting the struggle between good and evil, populism is not a language meant for compromises. Instead, it pushes for radical change in an effort to halt an impending reckoning of drastic proportions.

In sum, the populist argumentative frame reinforces the rhetorical construction of skepticism towards concentrated power and institutional structures of governance. The principles developed in the four themes “mythologize a belief system premised on the existence of a sacred ‘people,’ their betrayal, the urgency of their redemption, a resulting crisis, and a moral understanding of governance” (Lee, 2006, p. 363). The rhetorical construction of “the people” in particular shapes the outcome of populist calls to action. As Woodward (1983) notes, “by glorifying the ‘average’ American, even the most superficial kind of Populism plays at the very heart of democratic political folklore” (p. 51). As a whole, these appeals are very well suited to American politics on both the Left and the Right.

**Framework for Analysis**

Using the populist frame to combine neoliberal and neoconservative appeals is the main source of ALEC’s persuasive power. My analysis shows how ALEC’s deployment of the populist frame allows it to articulate neoliberal and neoconservative constructions of the “liberal elite” and the virtuous entrepreneur to combine two otherwise distinct ideologies. Identifying the neoliberal and neoconservative appeals in ALEC’s rhetoric is necessary to highlight its most persuasive appeals, as well as identify which of ALEC’s appeals would be most vulnerable to challenge. In order to fully understand ALEC’s rhetoric, it is important to identify not only *what* they are appealing to (neoliberal and neoconservative ideals) but also *how* they do so (populist frame). All three elements are
necessary in order to fully appreciate how ALEC’s rhetoric resonates with the public.

Taken together, my analysis focuses on how New Right politicians and organizations perpetuate the image of the “liberal elite” and of the ideal citizen as entrepreneur through populist style rhetoric. Using conservative populism, ALEC policies exploit perceived tensions between “the people” and the federal government by offering a new rhetoric of “the people” and a new, neoliberal, subject position for state legislators. Charland (1987) notes, “contradictions between discourses…open a space for new subject positions. Tensions in the realm of the symbolic render possible the rhetorical repositioning or rearticulation of subjects” (p. 147), which is just what ALEC’s rhetoric does. In the rhetoric of ALEC, the entrepreneurial "small business owner" is a collective subject. It offers, in Burke's language, an "ultimate" identification permitting an overcoming or going beyond of divisive individual or class interests and concerns (Burke, 1969, p. 194). As ALEC constitutes state legislators as “small business owners,” it transcends tensions between corporate and individual interests. ALEC’s rhetoric offers consubstantiality, in Burkean (1969) terms, between the (economic) interests of corporations and people. While not all state legislators may actually be “small business owners” the rhetorical construction is nonetheless “functionally real and important” (McGee, 1975, p. 245). The legacy of both neoliberalism and neoconservatism paves the way for a better understanding of how and why ALEC’s appeals to “the people” as small business owners are persuasive.

Chapters
In order to answer my research questions I picked the following texts to illuminate ALEC’s rhetoric and its effect on state legislators and the public at large: In chapter two, I analyze ALEC’s “internal” rhetoric. This consists of texts available on ALEC’s current and past websites, which includes blog posts, monthly publications of their newsletter “Inside ALEC,” research and policy articles, model legislation, policy initiatives, and press releases. I refer to this as ALEC’s “internal” rhetoric because in all of these texts ALEC’s immediate audience is state legislators, corporate members, and other policy-makers—those who are actively involved in developing ALEC’s policy and political agendas prior. These texts tend to define and explain all problems and solutions in (neoliberal) market terms, which encourage the reader to think like a business owner. The first element of the populist frame, the construction of “the people” as “small businessman” is most prominent here. There appears to be no tension between encouraging more state government action and discouraging federal government action in the name of laissez faire.

Chapter three focuses on a case study of ALEC’s “external” rhetoric and considers how this rhetoric appeals to different factions of neoliberalism and neoconservatism.” My analysis here is a case study of the passage of the so-called “Budget Repair Bill” in Wisconsin in early 2011, which ultimately led to the unsuccessful recall election of Governor Scott Walker (an ALEC alum). The texts in this chapter include media coverage of the governor’s comments related to the event from when it began in February 2011 to when the bill was reviewed by the state Supreme Court in March that same year.
The goal of this chapter is to discern how ALEC (through Walker) uses populist rhetoric to make neoliberal and neoconservative appeals resonate with the public at large. I chose this particular case for several reasons. First, Walker is an ALEC success story, having been a member as a state legislator before being elected to the state’s highest office. His known ties to ALEC and its corporate members are an assurance that his public rhetoric reflects ALEC interests. Secondly, laws limiting collective bargaining rights themselves wrestle directly with the neoliberal nature of the market, the individual, and the state, and are in direct confrontation with the construction of the state as a business. The passage of such laws in the “birthplace of unionism” was a significant triumph for neoliberals, and similar bills’ nationwide success is a testament to the strength of neoliberal appeals. Lastly, the controversy in Wisconsin was widely publicized, offering many unique and competing texts. I have chosen to separate ALEC’s internal and external rhetoric in an effort to capture any differences between what may be said behind closed doors versus what is heard by the general public. Specifically, what appeals may be foregrounded, changed, or omitted in order for ALEC’s agenda to be considered palatable by a larger swath of the public?

Chapter four focuses on opposition to Walker during the controversy. Specifically, this chapter focuses on rhetorical efforts by union leaders and fourteen Senate Democrats who fled the state to divorce Walker’s economic appeals from the civil rights issue of collective bargaining. It is my belief that by looking at the rhetoric of the opposition I gain valuable insight into which neoliberal, neoconservative, and populist appeals may be most vulnerable to criticism, as well as how the opposition engages with these appeals in general.
The final chapter of my thesis outlines the theoretical and social implications of my work. I advance scholarship in the areas of conservative populist rhetoric as well as constitutive rhetoric. In addition, I hope that my analysis will further advance theories of the union of neoliberal and neoconservative factions. Practically speaking, I hope my analysis will have impacts for those interested in opposing ALEC. I hope that by outlining the rhetorical strategies of ALEC and its opponents I will be better able to either augment or discover new directions of recourse for activists, state legislators, and the general public. As Kazin (1995) notes, the struggle to control perception begins with language, which is why I think a rhetorical approach is both a unique and valuable one. “Political texts tell us what power means, even if they don’t rule the process of crafting those meanings…Political discourse does not speak itself; it is the creation of people engaged in institutions with varied resources and agendas” (Kazin, 1995, p. 286). It is in this spirit that I propose my analysis of these artifacts as an example of the rhetoric that helps shape our public institutions.
Chapter 2: ALEC’s internal rhetoric

At the time of its founding, ALEC was in a prime position to ride the wave of conservative populism and exploit perceived tensions between “the people” and the federal government. ALEC’s rhetoric demonstrates evidence of neoliberal and neoconservative themes that are carefully woven into a populist frame. This led me to my research questions:

(1) How do ALEC’s appeals reinforce a neoliberal political ideology?

(2) How does ALEC’s rhetoric unite the interests of state legislators and corporations?

(3) Whose interests are being served by ALEC’s construction of “the people?”

In the following chapters I will analyze how ALEC’s construction of “the people” as virtuous entrepreneurs and small business owners unites the interests of state legislators with corporations and further serves the interests of larger corporations by reinforcing a neoliberal ideology.

Lee reminds us that the advancement of populism is constituted by alternations in the focus and content, not the structure, of populist activism (p. 355). This populist frame positions a virtuous people against a powerful enemy. Specifically, populism begins with the constitution of a virtuous “people,” then envisions a robust “enemy,” decries the current “system,” and finally finds the promise of reform in apocalyptic confrontation. ALEC’s manipulation of the populist frame allows it to exploit neoliberal and neoconservative constructions of the “liberal elite” and the virtuous entrepreneur to combine two otherwise distinct ideologies.
In order to answer my research questions, I have picked the following texts in this chapter to illuminate ALEC’s internal rhetoric and its effect on state legislators and the public at large: ALEC’s website, blog posts, newsletters, research and policy articles, model legislation, and policy initiatives. ALEC is a notoriously secretive organization, with a lot of its internal material made only available to members. As such, some of the texts reviewed in this chapter were taken from other sources that had obtained ALEC’s once secret information. With the help of the Internet archive, I reviewed ALEC’s website from 1998 (the first available archive of their site) to 2014 (present day). I chose to review ALEC’s historic texts in order to identify common themes in its rhetoric and get a more complete picture of how the organization has changed, or not changed, since its inception. A second reason to consider ALEC’s rhetoric historically is because ALEC was more forthcoming with some types of internal information three decades ago than it is today. As ALEC has generated more public attention it would seem that less of their internal rhetoric makes it onto the public site. For example, speeches from the National Chairmen and annual reports were originally published on the site and viewable by the general public, but that is no longer ALEC’s practice. In all of these texts, ALEC’s immediate audience is state legislators, corporate members, and other sympathetic policymakers, and it is assumed that this rhetoric is indicative of how ALEC’s policies are created and perceived.

Using conservative populism, ALEC’s rhetoric exploits perceived tensions between “the people” and the federal government by offering a new rhetoric of “the people” and a new, neoliberal, subject position for state legislators. As ALEC constitutes state legislators as small business owners, it transcends tensions between corporate and
individual interests. While distinct in some ways, neoliberal and neoconservative ideologies find common ground in the model of the virtuous entrepreneur and resentment towards the anti-liberal elite. For neoliberals, virtuous entrepreneurs are framed as self-enterprising citizens—obligated to become an entrepreneur of themselves by organizing themselves along market lines. These individuals take initiative, are self-reliant, take responsibility for themselves and their actions, and are willing to take risks in the pursuit of goals. Pursuing these goals makes these individuals “good.” Businesses and organizations act as extensions of the individual, encouraged to run an enterprising business that is trimmed down, efficient, and competitive in the free market and less complacent than its monopolized counterparts.

Neoconservatives endow the virtuous entrepreneur with many of these same character traits. Within a neoconservative frame, the virtuous entrepreneur mobilizes the community in defense of an economic (good) and democratic society. They are creative, productive, and essential to a well functioning capitalist system. For both neoliberals and neoconservatives, in the populist fight against a common enemy the entrepreneur is the hero. Populist appeals unite both neoliberals and neoconservative as one “people” fighting against this common enemy (federal government). My analysis in this chapter shows how each of these populist tropes is constructed, enhanced, described, and enforced through neoliberal and neoconservative discourses.

“The people” as virtuous entrepreneurs

In order to fully understand ALEC’s rhetoric, it is important to identify not only what they are appealing to (neoliberal and neoconservative ideals) but also how they do so (populist frame). ALEC’s manipulation of the populist frame allows it to exploit
neoliberal and neoconservative constructions of the virtuous entrepreneur as “the people” and the liberal elite as “the enemy.” Using conservative populism, ALEC policies exploit perceived tensions between “the people” and their enemies by offering a new collective subject in the entrepreneurial “small business owner.” ALEC’s ultimate identification of “the people” as virtuous entrepreneurs is primarily made possible by restructuring state legislators and the state along market-lines and defining all of the nation’s ills as economically based. This collectivization of the market as a way of seeing and understanding the world is the first step in the construction of “the people” in the populist frame.

The state as a small business

Of foundational importance to ALEC’s construction of “the people” is formulating the state as a business. Drawing on neoliberal market-based rationalities, ALEC’s rhetoric models government as a business, managed by discipline, efficiency, competiveness, and choice. For ALEC, an enterprising government, just like an enterprising business, is earning not spending and driven by the needs of the citizen/customer. Legislators are encouraged to put their enterprising abilities into practice and run their states as a small business owner would run a business: prudently, effectively, and efficiently. “Businesses are increasingly using data to better meet customer needs. State policymakers should do the same and leverage available data to help craft public policies that most efficiently allocate taxpayer dollars” (Inside ALEC May/June, 2013, p. 9). ALEC also recommends legislation to treat state employees like those of a business, such as encouraging market based solutions for retirement: “States should consider replacing their defined-benefit plans with defined-contribution (401(k)
style) plans for new employees” (ALEC, 2012, p. 7).

In addition, a majority of ALEC’s model bills echo business-based ideas of “performance reviews” or “audits” of state activities in an effort to streamline efficiency because “improvements in performance come about when there are strong accountability measures” (ALEC, 2002). States are encouraged to measure effectiveness in business terms: “Policymakers can measure their success by looking at job growth and the expansion of state businesses” (Inside ALEC March/April, 2013, p. 9), as well as “…all government departments—need to be held accountable for efficiency and results” (Inside ALEC January/February, 2013, p. 4). Successful states allow “the smallest mom-and-pop retailer in the smallest, most out-of-the-way town to market its goods around the globe…” and successful state legislators allow “government to deliver goods and services in new and better ways—with greater convenience for constituents and lower costs for taxpayers” (Haynes, 2000b). All of these examples show how ALEC’s rhetoric treats the state as an entity to be managed and evaluated on the same basis as a small business.

“The people” as small business owners

As an extension of state government as a business, state legislators are constituted as small business owners. As stewards of the state’s government, legislators are held accountable for its performance the same way business owners are accountable for their organizations. According to McGee, isolating the interests of “the people” is a foundational aspect of constitutive rhetoric. For ALEC, this interest is enterprise. Using neoliberal enterprise discourse, ALEC extols characteristics such as initiative, self-reliance, personal responsibility, boldness, and a willingness to take risks in the pursuit of goals to craft “the people’s” persona. McGee further explains this constitutive process:
The people may be strictly linguistic phenomena introduced into public argument as a means of “legitimizing” collective fantasy. The advocate... dangles a dramatic vision of the people before his audience. The audience, essentially a group of individuals, reacts with a desire to participate in that dramatic vision, to become “the people” described by the advocate. (p. 239-240)

“The people,” therefore, are not objectively real but exist instead as a collective entity, made real by the rhetorical agreement of the audience to participate in the collective identity. The collective identity ALEC is seeking adherence to is that of enterprising small business owners.

ALEC employs the populist frame to reconstitute state legislators as “small business owners” in different ways. For ALEC, the small business owner is the perfect synthesis of the hardworking and deserving individual and the market, which makes them the ideal embodiment of the American Dream. In 1997 ALEC’s National Chair Bonnie Sue Cooper, a State Representative from Missouri, reinforced these sentiments when she announced ALEC’s “Seven-Point Agenda for American Small Business.” According to Cooper, “the opportunity to start a small business has been the heart and soul of the American dream.” This myth is a strong one, and for Cooper and ALEC the goal of public policy should be “to help restore the spirit of entrepreneurship which has driven millions of people to seek the American dream.” The “spirit of entrepreneurship;” however, only fosters itself in enterprising small business owners who are hard working, self-reliant, and resourceful. As ALEC notes in a newsletter sixteen years later: “The American Dream does not mean everyone is guaranteed success. It means America provides vast opportunities for success to those who work hard” (Inside ALEC May/June,
Small business owners then, made virtuous by their hard work and sacrifice, function rhetorically for ALEC the same way that yeomen farmers did for the original Populists or “the people” were for Wallace in the 1960’s. They are the backbone of democracy and the vehicle for change.

*The small business owner becomes a virtuous entrepreneur*

In addition to constituting state legislators as small business owners, ALEC’s rhetoric further refines its definition of “the people” to be virtuous entrepreneurs. Using enterprise discourse and the populist frame, ALEC’s rhetoric transforms small business owners into virtuous entrepreneurs. First, ALEC’s philosophy of free market supremacy imbues their actors with morality. Free markets are good because they unleash the power of the individual, not suppress it, and for neoliberals and ALEC, the individual reigns supreme. Morality and virtue are linked to individuals operating in the free market; they are virtuous because they are market-actors. In 1999, former ALEC National Chairwoman Brenda Burns characterized ALEC’s free market philosophy as a guiding moral compass for state legislators, allowing them to stay the course in both turbulent moral and economical times:

> But if one has principles and a philosophy of government—principles which provide guideposts to separating the moral from the immoral—the ethical from the unethical—the good from the evil—then finding the answers—cutting through the rhetoric and the competing interests—is much easier. (Burns, 1999)

For Burns, a neoliberal philosophy of government provides a clear moral and ethical blueprint for state legislators. Twelve years later, the marketization of politics remains a strong theme in ALEC’s rhetoric: “Let’s unleash the American entrepreneurial spirit with
Constitutional principles that put markets—not politics—at the center of these crucial debates” (Inside ALEC November/December, 2013, p. 7). “The people,” state legislators in this case, are virtuous because they facilitate the (virtuous) market and encourage (virtuous) entrepreneurship for the greater good of society: “In ALEC, the public and private sectors work together as equal partners, sharing ideas and expertise to develop policies that strengthen the free market and a free society” (ALEC, 2002, p. 8).

Second, ALEC’s emphasis on free markets elevates the status of the (enterprising) individual. The liberty of the individual and the freedom of the market are inextricably linked in ALEC’s rhetoric. Freedom of the market is a metaphor for freedom in all other spheres of life, so a free individual is a “good” individual just as a free market is a good market. According to Burns, individual liberty is of fundamental importance to the greater good of society:

The free enterprise system – founded on the freedom and liberty of businesses and workers and investors – demonstrates how the competition to be the best enhances efficiency and effectiveness, while cutting costs… when that most fundamental American principle of liberty is our guide, we prevail. (Burns, 1999)

Unlike the populists that came before it, ALEC’s populist appeals are centered on individual self-interest rather than the public interest. Individual liberty, freedom, and well-being are used to measure the community, state, and nation’s welfare. Former Oklahoma Governor Frank Keating put it this way in his acceptance speech at the Thomas Jefferson Freedom Award Banquet at ALEC’s annual meeting in 2000:

That's our lodestar. That's our magnetic north. The fundamental worth of the
individual. That was Thomas Jefferson. That was particularly Abraham Lincoln, that every one of us is special and every one of us has a right and yes, an obligation and opportunity to enjoy the fruits of our labor. That's ALEC. (Keating, 2000)

While traditional populist appeals focused on “the people” as a collective of like-minded individuals (yeoman farmers, unions, etc.), ALEC’s appeals emphasize personal rights and economic prerogatives above a general sacrifice to the public good. The individual in ALEC’s appeals is sacrosanct, the essential building block for prosperous communities. While these appeals may feature traditional populist markers such as “we” and “us,” all action for state legislators and the public they serve is premised on individual action and individual freedom. ALEC summarized this sentiment in their annual report in 2001, emphasizing the sanctity of the individual and their liberty: “Policy for the collective good of a democratic nation should...be written with minimal impact on the freedom of the individual citizens” (ALEC, 2001, p. 14).

Emphasizing focus on the individual, ALEC’s rhetoric characterizes the entrepreneur as a special type of individual. More than just the result of economic structure, entrepreneurship in ALEC’s rhetoric becomes associated with a set of virtuous character traits: courage, conviction, hard work, accountability, and responsibility. Using both neoliberal and neoconservative entrepreneurial discourse, ALEC encourages legislators to see themselves as virtuous entrepreneurs—chosen individuals who are standing up for their constituents. When addressing ALEC members at the 27th Annual Meeting, then-National Chairman Ray Haynes noted just how special ALEC members are: “All of you, and so many others—our friends and colleagues—are changing America’s
political landscape. What all of us have in common is a quality that’s all too rare these days—the courage of their convictions” (Haynes, 2000b). Framed as “vanguards of change,” ALEC members are extolled as enterprising individuals who “have taken the courageous step of challenging the status quo, to say ‘no’ to business as usual” (ALEC, 2002, p. 5). Members are “loyal” and “hardworking” individuals who are committed to the pursuit of their goals, which makes them special. During his Chairman’s Address at the Inaugural States and National Leadership Banquet given in December of 1999, California Senator Ray Haynes reminds ALEC’s members that they are forward thinking innovators:

> And one of the things that has helped ALEC grow over the last 25 years is that entrepreneurs of vision — people who haven’t focused only on the short-term, but have begun to think in the long term — have been bold enough to make an investment in this organization. (Haynes, 1999)

By joining ALEC then, legislators are reaffirming their identities as special individuals and virtuous entrepreneurs.

Third, ALEC extols as virtuous those actors who fight to preserve individual liberty. In traditional populist fashion, “good” is framed as fighting against “evil,” which in this case are liberty and federal overgrowth, respectively. For state legislators then, fighting to protect individual liberty from the federal government makes them the hero in ALEC’s populist saga of good versus evil. Blending neoliberal emphasis on liberty with neoconservative values of traditionalism and family values, former National Chairwoman Brenda Burns at the Thomas Jefferson Freedom Award Banquet highlighted the enterprising role of state-legislators as heroes in the fight to preserve a fundamental good:
One of my great concerns is that the cause of liberty is suffering in this country. As state legislators, who have inherited this great tradition established by our founders, we need to ask ourselves: are we securing those blessings of liberty to our children and our grandchildren? Are we willing to sacrifice our lives, our fortunes and our sacred honor to further the cause of liberty? (Burns, 1999)

According to Burns, members are “political heroes who have set a very high standard for each of us to try to follow.” These “reformers” are expected to rise above “political rancor” to set the moral compass for society (ALEC, 2001, p. 4). They are on the ground, taking initiative, and actively seeking to improve themselves. Above all, as ALEC members they are expected to answer a rhetorical “yes” to Burns’ questions.

*The virtuous entrepreneur as the hero*

ALEC’s populist appeal also elevates its construction of “the people” by framing entrepreneurs as heroes fighting valiantly against an oppressive enemy. Because ALEC defines all problems economically, only economic solutions are presented as viable means of redemption to this crisis. James Aune, in his 2001 book “Selling the Free Market,” summarizes the sentiment this way: “Nowadays, government serves as the scapegoating device for all the ills in the body politic. And in the romantic drama spun by libertarians, the market assumes the role of hero in vanquishing government” (p. 9). ALEC takes this one step further. By constructing the small business owner and the virtuous entrepreneur as representations of the market, the heroism of the market is transferred to them. For ALEC, entrepreneurs are presented as a sort of “white knight”
against the impending economic crisis caused by the malignant federal government. ALEC implores state legislators to be enterprising leaders, ready to brave the storm and stop the worst from happening. Overall, ALEC is further able to endow moral righteousness to the virtuous entrepreneur who fights for liberty and to preserve what makes America great.

Not only does ALEC constitute state legislators as virtuous entrepreneurs, by extension its rhetoric also frames the public at large as self-enterprising subjects who are entrepreneurs of themselves. State legislators both symbolically and functionally represent the people, and as such their positive character traits are also ascribed to the people they act for. For example, ALEC provides state legislators with a script for making a rhetorical appeal of their own to characterize their constituents as virtuous entrepreneurs:

Welfare reform didn’t mean that government turned its back on the poor or the less fortunate. Instead, it was a vision of responsibility and self-help, and people have responded, throwing off the shackles of the oppressive welfare bureaucracy, and capturing a vision of economic freedom. (ALEC, 2002, p. 6)

In sum, ALEC offers a very appealing subject position to state legislators who transfer their associated virtues to the people they represent.

Drawing on both neoliberal and neoconservative constructions of the “virtuous entrepreneur,” ALEC is able to unite previously disparate state legislators under a common set of shared ideals. ALEC’s internal rhetoric also serves to reinforce neoliberal
hegemony by normalizing the market as a way of seeing and understanding the world and its problems. In offering “the people” a market-based subject position, ALEC is encouraging them to accept neoliberal premises in the name of the American Dream. This is a very powerful appeal for ALEC because it is hard to argue against the common “up by your own bootstraps” associated with the American mythos. People want to be associated with entrepreneurial values, regardless if they are actual entrepreneurs or not. Imbuing entrepreneurs with virtue as ALEC does makes the identification that much more desirable.

**The enemy as government**

In addition to characterizing the virtuous entrepreneur directly, ALEC foregrounds populist constructions of the enemy to further define “the people” in relation to who they are fighting. According to Lee, the identity of “the people” is constituted as much by their rhetorical opposite as by the construction of shared characteristics, making the relationship between the two appeals a symbiotic one. Lee further explains the relationship this way:

The “people’s” collective fantasy is a narrative of unseating an enemy that has an unyielding commitment to hoarding power and to the destruction of “traditional” values. In whatever manner the “people” and their “traditional” values are defined, the enemy stands in opposition. (p. 359)

Complementing the conservative populist structure, ALEC aligns “the enemy” with an intrusive government that stifles entrepreneurialism and the liberty of the individual. ALEC defines “traditional” values as neoconservative ones, denouncing (although not
very publically), those who don’t fit a traditional familial, sexual, or social mold. When expressly defining the enemy in neoliberal terms, ALEC further elevates its definition of “the people” as virtuous stewards of the community, while still retaining its exaltation of individual liberty:

The strength of ALEC is its recognition of that simple fact. The recognition that our society will be stronger when we strengthen these institutions, that our children will be better off when parents, not government, decide what is best for the education and upbringing of their children, that our communities will be better off when the community, through its churches or other local institutions, not the government, comes together to help those in need, that families will be better off when each private enterprise, and not the government, organizes the economy… The key to that change will be liberty. Those who fight for liberty will change the world. (Haynes, 1999)

Primarily, ALEC constructs an overgrown government as the enemy because it is not enterprising, it is a monopoly, and it actively oppresses the virtuous entrepreneur. Metaphorically speaking, ALEC makes it clear that government should take a back seat in running the country: “If two ride a horse, one must ride behind. But, when the riders are government and small businesses, it’s always the latter who should ride front” (Williams, 2014).
The enemy as the federal government

To begin, ALEC characterizes the federal government as the enemy because it is inept and “bloated,” the opposite of an enterprising business and the enemy of an enterprising entrepreneur. Simply put: “Big government does too much, badly” (Upmeyer, 2014). In market terms, the federal government is a bad business model, and it will “never be a better venture capitalist than the individual” (Wilterdink, 2014). According to ALEC:

It’s not like the federal government is exactly flush with cash. According to the Government Accountability Office, total governmental unfunded liabilities tally more than $88 trillion…In addition to Congress writing a check that will bounce, the federal government’s promise to pay 90 cents of every dollar for a Medicaid expansion obscures real costs to states. This is like Uncle Sam fleecing the states by offering to give them a new product they realistically cannot afford, by offering the first few months for free (Inside ALEC January/February, 2014, p. 14).

For ALEC, the federal government’s irresponsibility has crippled the American Dream. The American dream has been “slowly and inexorably destroyed” by the federal government’s ill-managed expansion and inability to live within its means because states, small businesses, and taxpayers must pay for the government’s mistakes instead of investing in their own dreams. Oklahoma Senator Jim Dunlap, ALEC’s National Chairman in 2002, remarked that families in America manage to live within their means,
so the government should as well (ALEC, 2002). The federal government then, is not enterprising.

Secondly, ALEC frames the problem with the federal government in relation to small business creation and growth. ALEC’s rhetoric uses the market to emphasize the federal government’s villainy by constituting it as a monopoly, the market anathema to small business. In 2000, then-ALEC National Chairman Ray Haynes framed the government as the ultimate monopoly: “Governments are monopolies. In the areas in which our constitutions grant us power, government has the ability to change the day-to-day lives of millions of people” (Haynes, 2000a). This construction is important for two reasons. First, it reinforces the animosity between small business and the federal government, because in the free market system monopolies are the antithesis of small businesses. Monopolies put small businesses out of business, and their structure encourages bureaucratic control over individual freedom. Just as monopolies crush competition and innovation in the market system, the federal government also crushes the creativity and productivity of the backbone of the American economy. Secondly, and more importantly, the construction of the federal government as a monopoly obscures the real relationship between big and small business. Practically speaking, small businesses have very different interests from the big business corporations that sit on ALEC’s task forces, but those differences are eliminated in the fight against a bigger common enemy.

It is easier to constitute small and big business interests as the same if no big business is ever a monopoly, and for ALEC corporations can never be monopolies because they will never be as big as the federal government. According to Haynes:
The federal government is making the case that the Microsoft Corporation is a monopoly. Compared to government, they're nothing. You want a monopoly? How about the DMV? Has anyone ever gotten a ticket and their license suspended for not buying Windows 98? (Haynes, 2000a)

While it can be assumed that ALEC’s policies will benefit small businesses, no mention is ever made of benefits to large corporations (and ALEC private sector members), who will also benefit. Unlike earlier populist appeals, corporations are not the enemy. Instead of highlighting differences between small and big business, ALEC focuses on the enterprising nature of big businesses—who themselves were once small. Big businesses were once enterprising small businesses that had entrepreneurs who worked hard, implying that if small businesses work hard enough they will grow, too. “Small businesses have always represented the engine that drives innovation, and every great major American corporation was once itself a small business” (Martin, 2004). This assumes a shared set of values and interests between small and big businesses, which further unites them against the federal enemy. As far as ALEC is concerned, all business is good and the federal government is bad.

The very structure of ALEC also physically and rhetorically unites corporations and people together under the guise of similar interests. Physically, legislators sit on task forces with corporate representatives and ostensibly operate under democratic principles. All task force members vote on proposed legislation as equals and majority rules. Taken from the ALEC website, “Legislators welcome their private sector counterparts to the table as equals, working in unison to solve the challenges facing our nation” (ALEC.org, 2013, “Task Forces,” para. 2). Legislators are listed alongside corporate members on
roster sheets, with no indication of difference between them. Corporations are presented as people, both physically and rhetorically, who care about the economy and have valuable insight to offer. Corporate affiliation is removed from the model bills, while an entrepreneurial spirit is fostered among the individual state legislators to take ownership of the bills and shepherd them through their own state houses.

Third, ALEC highlights how the federal government is the enemy because it stifles the virtuous entrepreneur. This construction depicts bureaucratic malevolence against “the ordinary guy” through costly regulation and poorly written laws. For example, ALEC illustrates this as follows: “Problem: Cost of Regulations is Hurting Businesses and Destroying Jobs…in 2009, the average American worked 64.61 days to pay for the cost of government regulations” (ALEC, 2012, p. 17). More importantly, ALEC positions “the enemy” in direct confrontation with the “small business owner,” once again highlighting the economic nature of the state’s ills and demonizing that which would suppress market development:

The negative economic consequences of overregulation result in fewer jobs, lower wages, and suppressed economic growth. The regulatory burden associated with direct compliance costs is estimated at $1.5 trillion annually. This cost is often shouldered directly by small businesses….Overregulation can prevent a small business owner from opening their doors or from hiring a new employee. When you add up the cost of complying with a complex tax code, health care regulations, and environmental regulations small business owners are correct to feel crunched. (ALEC, 2012, p. 11)
In vilifying the federal government, ALEC’s rhetoric further elevates the identity of the “small business owner,” making them more virtuous and justified as a result.

While regulations against existing small businesses are prime territory for ALEC’s rhetoric to exploit the divide between the federal government and the virtuous entrepreneur, ALEC also depicts the federal government as also standing in the way of those who aspire to be enterprising:

In Utah and other states, African-American style hair braiders must be licensed cosmetologists, even though cosmetology schools don’t teach the skills necessary for those jobs…Because of onerous licensing laws, many professionals are obligated to make a substantial investment of time and money in order to enter a particular industry. Jobs that, by nature, require little up front capital suddenly become extremely hard to enter because of government regulations…Licensing laws can *crush the aspirations of individuals with an entrepreneurial spirit* but not much disposable time and income. (emphasis mine, Boyd, 2013)

The economy needs to be “protected from” the federal government because it is getting in the way of entrepreneurship and prosperity (ALEC, 2012, p. 4). Federal regulations can even be so burdensome that they discourage enterprising individuals from even considering entering the market in the first place:

Every dollar spent on overly burdensome compliance requirements or legal representation is a dollar that cannot be invested to create new jobs or provide better goods and services to consumers. There are also the indirect costs of lost
opportunities for entrepreneurialism as individuals are discouraged from pursuing business interests. (Sullivan, 2013)

Not only is the federal government stifling existing entrepreneurs, it is also stifling new or improved businesses from flourishing. It is actively standing in the way of enterprising individuals who wish to contribute more to society. In all, the federal government is stifling entrepreneurs at every turn, and because these entrepreneurs are virtuous the government becomes the enemy.

**Neoconservative constructions of the enemy as the liberal elite**

At its inception during the rise of the New Right, ALEC was founded with the vision of advancing a conservative corporate and social agenda. In its infancy, ALEC focused on core neoconservative causes such as restricting abortion rights and opposing the Equal Rights Amendment and was concerned about “an overbearing, over-regulating, and over-taxing government” (Defenders of Wildlife, 2002, p. 32). By explicitly championing conservative causes, ALEC was implicitly waging a war on liberals and progressive social reforms. Not only did ALEC support conservative causes, it also actively excluded supporters or beneficiaries of liberal minded policies from its construction of “the people.”

For example, in 1985, twelve years after its creation, ALEC’s neoconservative roots were especially prevalent in its construction of “the people” in regards to conservative values about sex. Specifically, the everyday hardworking “people” ALEC championed needed to be heterosexual, and homosexuals (traditionally associated with supporting liberals and benefitting from their progressive policies) were cast out. In December 2013, People for the American Way and the Center for Media and Democracy
uncovered an issue of ALEC’s *The State Factor* entitled “Homosexuals: Just Another Minority Group” (Ashtari, 2013). The policy memo was distributed to ALEC’s public sector members and labeled homosexuals as “pedophiles” and a major “health risk” (ALEC, 1985). For example, when highlighting one of the many deleterious effects gays have on the community the memo states:

> Whatever type of homosexual, one of the more dominant practices within the homosexual world is pedophilia, the fetish for young children…What is important to remember here is the fact that homosexuals cannot reproduce themselves biologically so they must recruit the young. (ALEC, 1985, p. 5)

Later, the memo warns its readers “the health risks involved in a homosexual lifestyle are significant and a major cause for alarm. Because of the overall promiscuity of the homosexual way of life, homosexuals have been linked to the recent catastrophic spread of venereal diseases” (ALEC, 1985, p. 6). The memo goes on to associate “the homosexual movement and its sympathizers” with an assortment of actions tantamount to the degradation of the moral integrity of society, including the legalization of prostitution, polygamy, repeal of laws prohibiting cross dressing, and the repeal of laws governing the age of sexual consent (ALEC, 1985).

In additional to focusing on the immoral and unnatural predilections of homosexuals, ALEC foregrounds their construction of gays as being outside their framing of “the people” by focusing on the element of choice. According to ALEC, unlike traditionally marginalized groups such as blacks, Hispanics, or the disabled, gays are making a conscious choice to be the (immoral) way they are.
The homosexual makes the conscious choice to pursue members of his or her own sex. In fact, it is because homosexual influence upon children alters their normal sex role development that minority status should be questioned. There is no evidence to support the claim that homosexuality has solely a biological basis. (ALEC, 1985, p. 3).

By highlighting choice, ALEC is better able to isolate homosexuals from the organization’s ideal construction of “the people.” Gays are *choosing* to be immoral and *choosing* to be a danger to society, which means they are undeserving of the benefits and protections afforded to “real” minority groups. Conversely, “the people” are what makes society, and America great, because they make “good” choices to be responsible, accountable, and safe. These good choices make them good people. This is an important distinction because in all of ALEC’s valuation of individual liberty and choice, the organization is denouncing those who make the “wrong” choices. Choosing to be enterprising is good, while choosing to be gay is bad. ALEC’s characterization of gays as outside their construction of “the people” is important because it reflects the neoconservative ideals of community, family, and sexual behavior. Furthermore, ALEC’s construction of “the people” relies on appeals to the virtuous entrepreneur, and casting gays as not virtuous further illustrates the divide between “the people” and “the enemy,” as well as “the good,” from “the bad.”

One might assume that ALEC has integrated more diverse groups into its construction of “the people” in the last forty years; however more internal documents reveal that ALEC is still defining “the people” by antithesis. Trayvon Martin’s death in 2012 and the resulting controversy surrounding ALEC’s model “Stand Your Ground”
legislation renewed public interest in ALEC’s attitude towards minorities. Critics claimed that “Stand Your Ground” was racist, as were other model bills focusing on immigration and voter identification. All of this model legislation came out of ALEC’s Public Safety and Elections (formerly known as Criminal Justice and Homeland Security) Task Force. ALEC has since disbanded this task force, but in 2010 the organization’s site described it as “dedicated to developing model policies that reduce crime and violence in our cities and neighborhoods; while also focusing on developing policies to ensure integrity and efficiency in our elections, and within our systems of government” (ALEC.org, “Task Forces,” 2010). This task force was responsible for the “Resolution to Enforce Our Immigration Laws and Secure Our Border,” which “calls on the State…to enforce immigration laws and end sanctuary policies” (ALEC, “Resolution to Enforce…”, para. 1). Additionally, the resolution “calls on law enforcement officers to execute their authority to arrest any person guilty of hiring, harboring, or transporting illegal immigrants and to turn over illegal immigrants to federal authorities for removal from the United States” (para. 1). This resolution drew ire for perceived racist undertones and a hyper nationalistic attitude that for others simply reinforced a neoliberal understanding of citizenry.

The organization drew the greatest fire for its “No Sanctuary Cities for Illegal Immigrants Act,” which was created in the image of Arizona’s controversial SB 1070. Arizona’s bill, passed in 2010, allows law enforcement officials to stop and check the immigration status of “suspicious” persons and shares much of its language with ALEC’s template. From ALEC’s model bill:
For any legitimate contact made by an official or agency of this state or county, city, town or other political subdivision of this state where reasonable suspicion exists that the person is an alien who is unlawfully present in the United States, a reasonable attempt shall be made to determine the immigration status of the person. (ALEC, “No Sanctuary Cities…,” para. 2)

Arizona State Senator Russell Pearce is credited as the architect of SB 1070, which many view as sanctioning racial profiling. Pearce is a member of State Legislators for Legal Immigration (SLLI), a coalition of anti-immigrant state-elected officials (Progressive States Network, 2009, “State Legislators for Immigration Reform”). In 2009 The Progressive States Network published a report by the Center for New Community that contained a list of SLLI state representatives, 67% of whom were also ALEC members (p. 2). ALEC’s task force was also responsible for the wave of voter identification laws that swept the country in 2012, which critics claim disproportionately affect low-income populations, seniors, and people of color—all of whom have a harder time affording identification. ALEC legislators also made headlines that year for curtailing abortion rights, attempting to cut funding to Planned Parenthood, and championing the sanctity of “traditional” marriage.

In the fallout over their role in promoting Stand Your Ground legislation, voter ID, climate change denial, and an array of other controversial bills, around 60 corporate members have dropped out of ALEC since 2012 (Fischer, 2013a). After Trayvon Martin’s death, ALEC disbanded the Public Safety and Elections Task Force to refocus their “commitment to free-market, limited government and pro-growth principles” (Fischer, 2013a). Corporations that have quit ALEC suggest that “while they were
comfortable working with the right-wing group in order to advocate on behalf of tax and regulatory policies that are favorable to their business interests—they are ill at ease being drawn into debates about issues such as voting rights and gun control” (Fischer, 2013b). Regardless of what ALEC does internally however, its contentious model bills are still available for dissemination for future state legislative members. It is also possible that the task force’s controversial activities were moved further underground in a PR effort to appease critics—but only time will tell. Currently, there is no mention on ALEC’s site or in their published materials that alludes to their neoconservative roots and their construction of “the people,” but as previous examples have shown sometimes the truer nature of their message is hidden deep within the organization. In the life of any organization it is fair to assume that the message may change over time, but history has shown that in ALEC’s case the change may only be superficial.

In sum, my analysis suggests that ALEC uses populist appeals to neoliberal values to construct “the people” as virtuous entrepreneurs and small business owners, but uses neoconservative appeals to exclude potentially undeserving members. While not explicitly denouncing specific people as the enemy, ALEC’s constant juxtaposition of certain populations with enemy “liberal” policies and beliefs reinforces a strong oppositional sentiment. ALEC’s construction of “the people” and their enemy should not be surprising, given the time of the organization’s creation. What is interesting however, is how ALEC continues to champion neoconservative values despite public declarations otherwise and a mission statement that appears to be firmly grounded in preserving economic liberties.
The corrupted democratic system

The third trope of populism as an argumentative frame, decrying the current “system,” manifests itself in ALEC’s rhetoric as it highlights threats to the pocketbooks of hardworking, everyday Americans, exemplified by the small business owner. According to Lee, populists fear the enemy’s corruption of a once fair and democratic political and economic system, which necessitates “the people’s” action (p. 360). For conservative populists, inside-the-beltway elites have coopted the deliberative process. “Big government ideologues have removed the voice of the ‘people’ from the political process by draining taxpayer dollars and federalizing state and private issues while comfortably regulating from inside the beltway” (p. 363). For ALEC, liberal-elites have overgrown the government and corrupted systems once used for justice. More specifically, ALEC’s rhetoric highlights the corruption of the federal legal and regulatory systems that penalize states, small business owners, and hardworking everyday Americans. Above all, ALEC’s primary claim is that the current federal governmental system is harming small businesses and virtuous entrepreneurs.

The legal system

While varying in the perceived problems with and solutions to the federal government, both neoliberals and neoconservatives are united in their belief that a powerful few have corrupted the political system and made it the enemy of “the people.” From the very beginning ALEC was always focused on combating the “liberal elite.” At its inception, ALEC’s founders wanted something specifically organized to counter what they saw as a liberal infrastructure of foundations, think tanks, and academics. Paul Weyrich, one of ALEC’s original organizers, saw it this this way: “I always look at what
the enemy is doing and, if they’re winning, copy it,” he told an interviewer at the time. “You know, conservatives are notoriously difficult to organize” (as cited in Defenders of Wildlife, 2002, p. 33). Thanks to ALEC and a surge of other conservative organizations that grew out of a perceived subordination to liberals, conservatives created an infrastructure of their own to combat the liberal system.

The construction of a virtuous people fighting against a common enemy lends itself well to a populist frame. Just as the model of the virtuous entrepreneur holds neoliberalism and neoconservatism together, they are also united in their vilification of the liberal elite who, along with the policies they implement, assume the identity of the enemy in populist appeals. For ALEC, the overgrown federal government and its overreaching programs are synonymous with “liberal,” but this connection is not always made explicitly. More often than not, ALEC puts forth a “nonpartisan” perspective on governmental policies, focusing instead on individual liberty and free market policies. However, in constantly associating that which is “bad” with traditionally “liberal” policies (like increased government assistance or progressive social reforms), ALEC is denouncing the liberal elite and their programs without being explicit about it. It is up to ALEC’s audience, primarily conservatives, to supplant “liberal” when conceptualizing the enemy and their corruption of the system. These liberals are “elite” because their interest groups are in charge of government, its programs, and their implementation.

The first system ALEC decries as corrupt is legal, and more specifically tort law. According to ALEC, current tort law is making it easier for “shirkers” to game the system, harming small business in the process. Instead of championing justice, the system is perpetuating injustice:
Trial lawyers and others have found ways to, at times, profit off our nation’s broken legal system at the expense of small businesses and job creators. The cost of lawsuit abuse not only falls to businesses that are forced to pay excessive awards for damages, but they are also passed to individuals in the form of higher rates of insurance against liability and higher product and services pricing. (ALEC, 2012, p. 21)

As far as ALEC is concerned, current laws are hurting the country’s bottom line, and everyone is suffering as a result. Because “the people” are constituted as small business owners, the current unfriendly to business system (originally designed to help them) now presents a threat to their well-being. Like the majority of ALEC’s claims, denunciation of the system is market-driven:

For a marketplace to function properly, a legal system must incentivize good behavior and punish bad behavior. Lawsuits exist to make the wrongly injured financially whole by the injurer. If the wrong party is required to pay for an injury, justice is not served. Likewise, if an individual is awarded a windfall of overcompensation for an injury, justice is not served. (Anderson, 2013)

For ALEC, the current system is unjust because it is both punishing and rewarding those who don’t deserve it. Small businesses are being victimized and taken advantage of here, forced to comply with a system that isn’t working for them.

As a direct result of the corruption of the broken court system, “frivolous lawsuits” harm small businesses, “slow job creation, and shift funds out of the business
economy” (ALEC, 2012, p. 21), and honest small business owners are perpetually wronged:

With few proof requirements and lenient standards for claims, consumer protection acts are being used to punish law-abiding businesses…In the case of the well-known $54 million lawsuit against Washington, D.C. drycleaners Jin and Soo Chung, they faced severe financial strain because of an aberrant consumer, a standard satisfaction guaranteed sign, and a faulty consumer protection act. (ALEC, 2012, p. 21)

ALEC presents many examples like this, each time victimizing the small business owner at the expense of an unfair system. “A company out of Massachusetts was sued for millions of dollars for exercise equipment that was used incorrectly and resulted in injury. Gas can manufacturers have been sued after customers poured gasoline onto a live fire and were surprised when the gas can exploded” (Inside ALEC May/June, 2013, p. 24). Small business owners come to represent, through examples, the economy at large, and each are presented as being in need of reprieve.

Small businesses aren’t the only ones being victimized however; according to ALEC the federal government is hurting everyone by criminalizing honest people. Simply put: “The government is supposed to protect its citizens from true criminals, but now policymakers must protect citizens from their government” (Boyd, 2013). This happens because the criminal law system is overgrown:

In March of this year, Anthony Brasfield released a dozen heart-shaped balloons in the air as a romantic gesture for his girlfriend. After a Florida Highway Patrol officer spotted the gesture, Brasfield was charged with polluting to harm humans,
animals and plants—a third degree felony punishable by up to five years in prison….criminalized actions now include many everyday activities that average Americans and business owners have little way of knowing are crimes. As a result, well-meaning, law-abiding individuals and businesses spend innumerable hours and dollars fending off criminal prosecution for actions they never suspected were illegal. (Sullivan, 2013)

The size and nature of America’s body of criminal law threatens the liberties and livelihoods of every American.

ALEC goes to great lengths to document the injustice that springs from questionable laws and an ineffective criminal justice system in order to further vilify the federal government, which makes a criminal out of everyone.

An Oregon landowner spent a month in jail and received a $1500 fine for collecting rainwater on his property. A Kentucky couple, who had all the necessary permits to run their caviar business, was sentenced to three years probation and a $5,000 fine for setting their net on the wrong side of the river. A Michigan mom faced a 90-day jail sentence for watching her friends’ kids while they waited for the school bus. These are just some examples of lives that have been disrupted by the commitment of acts that are not criminal by nature. (Boyd, 2013)

By focusing on small business owners and the “ordinary guy” as innocent victims, cut down by the shards of a broken system, ALEC is further elevating their construction of
“the people” as “good” and the enemy as “bad.” The corrupt system will continue to penalize hard working decent Americans unless something is done.

**The regulatory system**

The second system ALEC claims is removed from the voice of the people is the regulatory system. In particular, ALEC claims that states have been cut out of the deliberative process, which has been overrun by special interests. In this case, those special interests are environmentalists and the EPA, traditionally associated with “liberal,” but not explicitly labeled as such. ALEC is effectively pointing the finger at the “liberal elite” who have corrupted the regulatory system for their own ends and sidestepped state government action. An ALEC blog post from 2013 addresses the issue in regard to “sue and settle” agreements:

> Earlier this year, the American Legislative Exchange Council released a report titled *The U.S. Environmental Protection Agency’s Assault of State Sovereignty* that documents the EPA’s ongoing attempts to seize more and more environmental regulatory authority from the states. …With sue and settle [agreements], the EPA has figured out a way to cut states out of the process and instead negotiate the agency’s priorities with environmental special interests.

(Eick, 2013)

The corrupt system, represented by the Environmental Protection Agency, is overrun with (liberal) special interest groups who work together to undermine state authority.

Here’s how it works: An environmental litigation organization like the Sierra Club sues EPA for failing to meet a deadline for regulatory action pursuant to the
Clean Air Act or Clean Water Act. Instead of challenging the suit, both EPA and the environmentalist groups immediately engage in friendly negotiations, which lead to a settlement that determines a deadline…Input from the states is essentially replaced by that from professional environmentalists. (Eick, 2013)

Because states are characterized as small businesses, this represents another attack on the small business community and by extension “the people” as a whole. Just as small businesses are losing their voice in the legal system, states are losing their power on the national stage, too. In each case the small business owner is victimized, the system decried, and a need for change established. This rhetoric also relies heavily on the association of environmental groups as a special interest group that is part of “the system,” rather than as a voice of the people who represent the public interest. ALEC’s construction of the enemy reinforces its constitution of “the people” as virtuous entrepreneurs and heroes, and its framing the system as corrupt actually victimizes “the people.” Both constructions mutually reinforce an apocalyptic reckoning. Being the victims creates a need for change, while the heroism of “the people” offers a means for change.

**The legislative system**

ALEC also denounces the “liberal” legislative system by focusing on (liberal) federal programs that devaluate the individual and their worth. According to ALEC, public assistance programs undermine individual worth and increase dependency on the (immoral) state. Based on ALEC’s neoliberal foundations, the liberty of the individual is supreme, which means that “every one of us has a right and yes, an obligation and opportunity to enjoy the fruits of our labor” (Keating, 2000). The implication here is two
fold. First, everyone is entitled to receive what they have worked for. Those who don’t work are entitled to nothing. Secondly, no one else can “enjoy” the fruits of your labor without your saying so. This flies in the face of the premise of liberal government programs such as Welfare, Social Security, the Affordable Care Act, and others that in ALEC’s view penalize the ordinary man at the cost of increasing the size of government.

Both neoliberal and neoconservative anti-liberal elite sentiments are articulated in ALEC’s criticisms of one of the government’s biggest and most liberal-minded legislative programs: Welfare. For ALEC, Welfare is an especially broken component of the liberal system of government, draining money away from more deserving causes and prohibiting individuals from fostering an entrepreneurial spirit:

In addition to the fiscal damage that states incur from high levels of welfare spending, the current system is also damaging to the individuals who are subject to these perverse incentives. This is likely due to the fact that in the absence of on-the-job training, valuable, employable skills either languish or cease to develop in the first place—putting these individuals at a significant disadvantage. (Klein, 2013)

According to ALEC then, the federal government has overstepped its bounds and needs to be returned to its original purpose: “providing a safety net for the truly needy, not forcing everyone into a safety net at the expense of choice” (ALEC, 2012, p. 19). While ALEC champions neoconservative ire at the liberal elite more subtly, it still does so using populist appeals to a common enemy in charge of a corrupted system.

Not only does ALEC denounce the liberal elite, it encourages people to stand up for themselves against them. For both neoliberals and neoconservatives, the liberal elite
provide a foil for a righteous “people” who are elevated in their “goodness” and morality by standing up to a corrupted system. In 1999, Ray Haynes gave an address at the Inaugural States & Nation Leadership Banquet where he illustrates the battle between the virtuous entrepreneur and the corrupted system as a battle between good and evil.

And when historians look back on the epic struggles of this century, I believe that it will be simply defined as the conflict between powerful elites and individual liberty. I’m happy to say that today, by and large, the free market democracies have won. And, by and large, that is due to one thing ... the ideals and principles of free enterprise, limited government and individual liberty found in the dream, and in the reality, of the United States of America.

But the struggle has proven to be ongoing for ALEC. Liberal elites and their policies will always be taking America, its economy, and its future to the brink; that is why ALEC members must continue the fight to reclaim democracy.

It is interesting to note that within the populist frame, the election of a liberal to the presidency works in ALEC’s favor. With a Democrat in the White House, ALEC can exploit perceived new threats at the federal level and express concern about new or continuing corruption in the system. This is important because it strengthens ALEC’s populist framing of a defined enemy and a corrupted system, which in turn makes its appeals to “the people” more persuasive. This could also explain ALEC’s marked success in state legislatures after the election of Barack Obama. Having a liberal in the White House heightens conservative populist appeals because the enemy is more pronounced.
The second way ALEC denounces the “liberal elite” as corrupting the legislative system is by excluding individuals traditionally associated with supporting or benefiting liberal causes from its construction of “the people.” In traditional populist fashion, ALEC’s construction of “the people” is very dualistic: you are either part of “the people,” or you are a part of the enemy. According to Lee, “the constitution of the enemy offers the ‘people’ a stabilizing exterior referent” (p. 360). By clearly defining what “the people” are not, ALEC is further elevating its construction of what “the people” are. As Lee notes:

For the People’s Party and Huey Long, the “materialization” of the enemy may elucidate a clearer conception of the “people’s” identity. Although George Wallace did not initially justify a white “people” then a “Negro” “enemy,” the juxtaposition of the two in his numerous orations helped clarify the foundational principles of his populist narrative. (p. 362)

For ALEC, juxtaposing “the people” against constructions of their opposite (associated with liberals) further emphasizes the construction of the liberal elite and those who benefit from their programs as outside of “the people.” In ALEC’s rhetoric, neoliberalism and enterprise discourse serves as a discourse of inclusion (defining “the people” by what they are), while more neoconservative language serves as a discourse of exclusion (defining “the people” by what they’re not).

The economic apocalyptic reckoning

Not surprisingly, ALEC employs the final trope of the populist frame—apocalyptic rhetoric—through an economic lens. Lee notes that with “opportunities for the restoration of guiding ideals foreclosed within the “system,”” apocalyptic
confrontation is presented as the vehicle to revolutionary change” (p. 362). This presentation of a necessary apocalypse is generated through the absolutist presentation of the “people” and their enemy.

ALEC weaves their narrative of a crisis-ridden nation by focusing on fiscal irresponsibility and its impact on small business owners. First, ALEC speaks of an economic reckoning that is sure to come if the states keep operating beyond their means:

Because lawmakers have overpromised and underfunded pensions for state employees, states are now facing trillions of dollars in underfunded pension costs and worker retirements have been put at risk... Unless lawmakers dramatically reform their pension systems, states will have to either slash pensions or dramatically increase taxes and cut core government services. (ALEC, 2012, p. 7)

States overspending has merely postponed the inevitable, and if direct and drastic action is not taken it will not just be the economy that suffers, it will be America as a whole.

Second, the federal government’s runaway spending is also presented as “predictable.” While the crisis the federal government has created may not be surprising (because they are the enemy and their systems are broken), it is a problem that enterprising individuals must assume responsibility for fixing.

Together, we issue a plea for fiscal responsibility in an era of federal irresponsibility. We call on individuals and business and civic leaders to join us in preparing our families, businesses and communities to lead out as a model to the nation dealing with what has been called the most predictable economic crisis in history. (Inside ALEC March/April, 2013, p. 5)
In these apocalyptic appeals, it is the federal government that is bringing the economy and the people to the brink, and firm action must be taken in order to prevent an economic disaster:

We have an obligation to our children and our grandchildren to make sure that we do not leave a legacy of selfishness and entitlement. We need to model the behaviors we say we value—thrift, hard work, generosity of spirit and true community care. Sometimes when problems are so enormous, like the current federal debt situation, we feel frozen. But each of us can start today by not spending beyond our means, getting out of debt, putting away savings or supplies for a rainy day and asking our political leaders to do the same! (Inside ALEC March/April, 2013, p. 5)

Even strides taken to combat these disastrous effects are in danger of being reversed if the current system is not fixed:

State finances are finally starting to rebound after several years of post-recession malaise, but a range of fiscal threats still looms, including rising Medicaid costs, federal deficit and debt reduction policies, and massive, unfunded retiree pension and healthcare liabilities. Hence, it is imperative that state policymakers continue to advance efforts to prune back government through sensible reform strategies like privatization. (Inside ALEC January/February, 2013, p. 26)

These apocalyptic arguments in particular spur state legislators to action and reinforce the dire need for change.

While not the most pronounced appeal in ALEC’s populist rhetoric, threats of an apocalyptic reckoning provide a catalyst for “the people” to defend themselves and their
communities from the enemy. If no action is taken, it will not just be small business owners who suffer, but the country as a whole will face potentially irreparable damage.

**Summary of chapter 2**

This chapter has used McGee’s (1975) and Charland’s (1987) analysis of the constitutive rhetoric of a “people” in tandem with Lee’s (2006) outline of populism as an argumentative frame to illustrate how ALEC converges divergent interests of state legislators and corporations in economic terms. It is my contention that ALEC constitutes state legislators as “small business owners” and virtuous entrepreneurs through a populist frame that emphasizes individual rights and economic prerogatives. Drawing on neoliberal and neoconservative anti-liberal sentiments, ALEC uses the populist frame to construct the enemy, decry the current (liberal) system, and foreshadow an economic apocalyptic reckoning.

Concentrating on a neoliberal ideology that privileges the market as the organizing principle of society, ALEC’s rhetoric consistently positions its audience as market participants. This characterization marries an entrepreneurial vision of the self to the neoliberal value of freedom and liberty and in doing so flattens the differences between individual and corporate interests. In addition, by positioning “entrepreneurial” individual state legislators alongside corporate spokesmen as coequal partners on task forces ALEC further reinforces the cozy relationship between the two, making all voices and concerns seem equal.

Importantly, ALEC’s constitution of state legislators in this rhetoric creates a subject position that motivates them to act as agents of the market. As Charland points
out, “what is significant in constitutive rhetoric is that it positions the reader towards political, social, and economic action in the material world… It inscribes real social actors within its textualized structure of motives, and then inserts them into the world of practice” (Charland, 1987, p. 142). ALEC’s unique structure gives it unprecedented and unparalleled access to state legislators, which amplifies the effects of its rhetoric. This access is undoubtedly a key part of ALEC’s overall success for several reasons. First, “Political analysts have long agreed that access is the principal goal of most interest groups, and lobbyists have always recognized that access is the key to persuasion” (Sabato 1985, p. 127 as cited in Austen-Smith, 1995, p. 566). ALEC grants private members access to state legislators that is far and above that which is granted to the legislators’ constituents or local lobbyists. Second, once a legislator takes an ALEC model bill home to their statehouse and advocates for it, they are effectively becoming secondary lobbyists for passage of the bill and the interest groups it may benefit, which is incredibly powerful. H.R. Mahood, in Interest Groups in American National Politics: An Overview (2000), echoes this sentiment when he says, “The most effective form of direct lobbying is member-to-member lobbying. If a group has a legislative insider as an ally, the insider can do a particularly effective job of selling the groups views to colleagues” (p. 54). In mobilizing policy entrepreneurs to carry their bills and echo their market-based worldview, ALEC is magnifying their impact in statehouses as well as in the public sphere and further normalizing a neoliberal ideology.

Identifying the major themes in ALEC’s rhetoric is the first step in understanding how the organization’s message translates from “members only” to the greater public sphere. ALEC’s rhetoric of a market-based rationality, anti-regulatory sentiment, and
elevation of the virtuous entrepreneur are powerful appeals for not only state legislators, but the greater public as well. In the next chapter I’ll address a case study of how Scott Walker, the Governor of Wisconsin, acted as an ambassador for ALEC’s rhetoric during a conflict over the passage of his “budget repair bill” in early 2011.
Chapter 3: Translating ALEC’s Message: The Populist Rhetoric of Governor Scott Walker

While ALEC may say one thing to its members, the next chapter of my analysis focuses on how this message may be altered to appeal to the public at large, specifically: “How do ALEC’s members advance particular ideological concerns and appease different factions of neoliberalism and neoconservatism in their public promotion and defense of ALEC endorsed policies?” My analysis here is a case study of the passage of controversial collective bargaining legislation in Wisconsin in early 2011, which ultimately led to the unsuccessful recall election of Governor Walker (an ALEC alum). The texts in this chapter promote arguments made by Walker, either directly or through his spokesman, in support of his budget bill that appeared in public forums. These include press releases from the Governor’s office, media interviews, speeches, and opinion editorials where Walker crafted his message for mass consumption. The goal in this chapter is to discern how ALEC and its members use populist rhetoric to make neoliberal and neoconservative appeals resonate with the public at large.

I have chosen this particular case because Scott Walker is an ALEC success story, having been a member as a state legislator before being elected to the state’s highest office. His known ties to ALEC and its corporate members are an assurance that his public rhetoric reflects ALEC interests. Secondly, collective bargaining laws themselves wrestle directly with the neoliberal nature of the market, the individual, and the state, and are in direct confrontation with the construction of the state as a business. Separating ALEC’s internal and external rhetoric will surface any differences between what is said behind closed doors versus what is heard by the general public. Specifically, what
appeals may be foregrounded, changed, or omitted in order for ALEC’s bills to be considered palatable by a larger swath of the public? The controversy in Wisconsin and the passions it generated is proof that not everyone is buying what ALEC and politicians like Walker are selling, and stands as a testament to the fact that the rhetorical work being done in these situations is both functionally real and important.

Watching Wisconsin

On January 3, 2011, Republican Governor Scott Walker was inaugurated in Wisconsin. Inheriting a $137 million fiscal year shortfall and $3.6 billion structural budget deficit, the new governor wasted no time trying to fix the state’s financial problems. On February 11, Governor Walker—who hung a sign on the doorknob of his office that read “Wisconsin is open for business” (Davey, 2011)—introduced his budget repair bill, which included controversial provisions limiting collective bargaining for public sector unions. Stipulations of the bill required employees who pay into the Wisconsin Retirement System to contribute 50 percent of their annual pension payment (approximately 5.8 percent of their salary in 2011), required state employees to pay at least 12.6% of the average cost of annual health insurance premiums, and limited collective bargaining for most public employees to wages (Highlights of Gov. Walker's budget repair bill, Feb. 11, 2011). Law enforcement, firefighters, and state troopers and inspectors were exempt from the changes. The governor told local news outlets that he exempted those groups because he could not risk public safety by potential strikes from law enforcement, but he was prepared should other state workers strike in protest (Barbour & Spicuzza, 2011) Despite heavy local and outside criticism, Walker maintained that the collective bargaining restrictions written into the bill were needed to
give the state and local governments the flexibility to confront looming budget cuts (Richmond, 2012).

What happened in the month that followed the bill’s introduction was nothing short of political theater. The issue of collective bargaining rights became the rallying cry of a new civil war, turning worker against worker and family member against family member in Wisconsin and beyond. All eyes were on the Badger State as it navigated the rough waters of what some saw as a potential solution to the severe budget crisis and others saw as a full assault on a fundamental American right. After hearing 17 hours of public testimony on the contentious bill, the state’s Joint Finance Committee passed it on February 16. One day later fourteen Senate Democrats fled to Illinois in an effort to prevent the impending passage of the bill. Their absence prevented the Senate from reaching the necessary quorum needed to pass a fiscal bill. NBC News reported that during the senators’ three-week standoff, as many as 80,000 protesters and counter protesters had camped out at the Capitol building in Madison, the Justice Department investigated several death threats against Republican senators, and even President Obama spoke out in support of Wisconsin workers (NBC News, March 11, 2011).

Finally, on March 9, the Republicans unexpectedly held a meeting of a legislative conference committee and stripped the budget measures from the law so that it no longer required a quorum to be voted on. The bill passed the Senate without the Democratic senators in less than half an hour (Davey, 2011). The Assembly approved the measure a day later after the police removed about 100 protesters who were blocking the way into the chamber (NBC News, March 11, 2011). There was a glimmer of hope for the
opposition when a judge issued a temporary restraining order blocking implementation of
the bill based on accusations of unconstitutionality, but it was later overturned (Davey,
2011). In response to the bill’s passage Walker’s critics demanded a recall, calling him a
“bully and likening him to Scrooge, Hosni Mubarak, even Hitler” (Davey, 2011). A year
later, after extended national media coverage, combating campaign finance contributions,
and significant battles of public opinion, Walker (and a few of the Republican Senators)
survived the recall election.

The upheaval in Wisconsin, once a leading state in the U.S. union movement,
captured national attention by magnifying the deep divisions in American politics over
how to solve the budget crises of the day. Wisconsin was at the forefront of the
progressive reform movement in the early 20th century: It was the first to introduce
workers’ compensation in 1911, unemployment insurance in 1932, and public employee
bargaining, in 1959 (Cronon, 2011). University of Wisconsin professors helped design
Social Security and were responsible for founding the union that eventually became the
American Federation of State, County and Municipal Employees (AFSME) (Cronon,
2011). In 1959, Wisconsin’s governor extended collective bargaining to municipal
workers with the belief that it would increase efficiency and avoid strikes, which were the
same reasons it was extended to state workers in 1967 (Cronon, 2011).

Given Wisconsin’s progressive union history, Walker’s election and the success
of his budget repair bill foreshadowed a greater trend of declining union power
nationwide. Six decades ago, more than one-third of all American workers were members
of labor unions, but that number has since fallen to only 12 percent, and while nearly 37
percent of public employees belong to a union, only 7.5 percent in the private sector do (NBC News, March 11, 2011). In addition to an already declining movement nationally, unions were also facing increasing legislative resistance at the state level. Thanks to unprecedented levels of campaign financing, Republicans had gained legislative or executive control in several Midwestern states after the 2010 election (Neuman, 2012). On the Republican agendas were many anti-union laws like Walker’s, aimed at weakening unions and a fundamental source of political power for Democrats (who typically are aligned with unions). According to Nancy MacLean, a labor historian at Duke University, eliminating or weakening unions would do to the Democratic Party what getting rid of socially conservative churches would do to Republicans. She called unions "the most important mass membership, get-out-the vote wing of the Democratic Party" (NPR, 2011). Many feared that if Walker was successful in dismantling union power in Wisconsin other Republican-lead Midwestern states would follow suit. In the bigger picture, the struggle between unions and Walker represented another front in the struggle between businesses and workers’ interests. Richard Vedder, an economist at Ohio University, summed it up this way: "The purpose of unions is to raise wages for their workers, and in many cases they succeed in doing so...however, in doing this, they raise labor costs" (Harris, 2011), which puts them in conflict with business interests focused on increasing the bottom line. This is where the role of the worker and the language used to constitute “the worker” come in to play.

Given Wisconsin’s pioneering position in the greater national movement to dismantle union power, it’s important to analyze Walker and ALEC’s populist rhetoric and their constitution of “the worker” within a neoliberal frame that favors business over
traditional populist causes (unions). Understanding how Walker flips traditional populist values that support collective action into rhetoric of the individual is key in tracing a major shift in the rhetoric of modern populism and identifying repercussions for today’s worker.

**Walker’s Early ALEC Agenda**

To begin, Walker has a long history with ALEC. Before being elected as governor, Walker was a state legislator and ALEC member from 1993-2002. Later, he was Milwaukee County Executive. As a legislator, Walker had a track record of attempting to limit union rights and privatizing public services:

- In his first year in legislative office, Walker cosponsored "Right to Work" legislation (1993 SB 459) making it harder for public and private sector unions to organize or exist. That bill failed to pass, but Walker kept trying sponsoring "Paycheck Protection" legislation (1997 AB 624), which would make it tough for unions to spend money on elections. He also worked hard to pass "Truth in Sentencing" (1997 AB 351), which would greatly increase the number of inmates in prison at the same time that he attempted to privatize Wisconsin's prison system (1997 AB 634, 1999 AB 176 and AB 519). He also co-sponsored a bill (1997 AB 745), which would have prohibited all state agencies, including higher education, from providing goods and services that could be procured from the private sector, with rare exceptions. (Bottari, 2012)

After his election in 2010, Governor Walker immediately began introducing legislation that paired nicely with ALEC values. His first proposal was an "omnibus" tort bill that
draws on numerous ALEC templates to make it much harder for Wisconsinites to hold corporations accountable for dangerous products.

When asked by the *Milwaukee Journal Sentinel* if Walker was drawing from the ALEC playbook, Walker's press secretary Cullen Werwie replied "absolutely not" (Bottari, 2012). Despite this denial, ALEC sent an email to Wisconsin ALEC members while the bill was being debated that stated ALEC "supports this legislation which includes numerous provisions that reflect ALEC's civil justice reform policy and model legislation" (Bottari, 2012). After the bill became law ALEC issued a release applauding Walker and his team for their "immediate attention to reforming the state's legal system" (Bottari, 2012). Walker’s support for measures like this reflect long-standing adherence to ALEC bills and priorities, making him one of ALEC’s most effective members. In the 2011-2012 session, the Wisconsin legislature passed at least 32 bills reflecting 41 ALEC provisions, the vast majority of which were signed into law by Walker (Bottari, 2012). At the time of the conflict with unions in 2011, 49 of Wisconsin’s 132 legislators were ALEC members which included leadership in both houses which was the largest percentage of a state’s governing body nationwide (Bottari, 2012).

As a leader, Walker fits nicely into ALEC’s characterization of success. Walker describes himself as “a fiscal conservative with a populist approach” (Davey, 2011), although many have criticized this characterization. One news outlet described Walker the “every-man” as follows:

Mr. Walker, 43, the son of a Baptist preacher, is an Eagle Scout. He opposes abortion. He rides a motorcycle. For years, he has carried the same bagged lunch
to work (two ham and cheese sandwiches on wheat)—a fact he has been fond of mentioning on campaign trails. (Davey, 2011)

Stating that he “will not be intimidated…particularly by people from other places,” (Davey, 2011), Walker argues he is standing up for his policies and his state—making the hard choices and not backing down from his message of fiscal responsibility. As my previous analysis has shown, conservatives like Walker have transformed populist appeals to meet their own ends, and in so doing have transformed the political process and the framing of public problems. This chapter analyzes Walker, the conservative populist, and his rhetoric during the roughly month and a half his budget bill was being debated and passed through the state legislature and defended in the courts. Beginning in early February when Walker first introduced his bill and it was assured passage with Republican leadership in both houses, this analysis explores how Walker’s rhetoric changed or adapted after fourteen Senate Democrats fled the state for Illinois. While Walker’s construction of “the people” as Wisconsinites and “workers” and his foreshadowing of an economic crisis remains constant throughout the struggle, his identification and framing of the “enemy” changed when the senators fled.

Much of ALEC’s populist message is transferred through Scott Walker’s rhetoric. In ALEC’s rhetoric, the entrepreneurial "small business owner" is a collective subject for state legislators. Walker has not only embraced this construction of the state legislator as small business owner, he has expanded it. As Governor, Walker is in a unique position to fully exploit his subject position as small business owner. While ALEC encourages state legislators to see themselves as entrepreneurs of themselves and of the state as a business, Walker’s subject position allows him to make entrepreneurs of everyone else. Using
conservative populism, Walker’s rhetoric exploits perceived tensions between “the people” and overgrown local government by offering a neoliberal subject position for “the people” and a new subject position for himself as an enterprising leader. This is not a huge leap. As governor, Walker is assumed to be the leader of the state, but he must also act like a leader, specifically an enterprising leader. His title alone gives him great power, but it is his rhetoric that allows him to enact a certain level of leadership that is consistent with ALEC’s goals.

Walker’s construction of “the people” is twofold. First, “the people” are specifically “Wisconsinites,” which endows them with certain qualities and responsibilities. Second, and tied to their identity as Wisconsinites, “the people” are also “workers.” Both constructions rest on Walker’s formulation of the state as a business, with him acting as its director and CEO, which is a core appeal in ALEC’s rhetoric. While Walker encourages the already enterprising characteristics of the people, he also stresses the need for leadership, which he himself exhibits as an enterprising manager. More than an entrepreneur of himself, Walker becomes an entrepreneur of others through his management of the state as a business and his construction of Wisconsinites as honest workers.

**Early February**

**“The people” as Wisconsinites and workers**

Walker’s rhetorical strategy differed during the conflict over his budget bill. Walker was forced to adjust his rhetoric after the fourteen Senate Democrats fled the state. While some of his messages remained constant, others changed significantly. The Democrats fled on February 14, and so this analysis is divided as “pre flight” (up until
Feb. 14) and “post flight.” Walker’s rhetoric shifted from an initial focus on the integrity of the worker in early February to a firm denunciation of the enemy in late February and early March. This shift, while rhetorical, is also real and functionally important because it helps identify the more powerful parts of the conservative populist frame.

*The state as a business*

Like ALEC, of foundational importance to Walker’s construction of “the people” is a distillation of all problems to economic, or “pocketbook,” terms. The primary market-based appeal Walker makes in this construction is formulating the state as a business organization. Gleadle, Cornelius, and Pezet (2008) refer to this realignment as “clientelization,” which they use to define a corporate or governmental shift to more market-oriented and less civic transactions between the institution and the citizen (p. 308). The style of government advocated by this contemporary discourse of organizational reform is the generalization of an enterprise form to all forms of conduct, personal as well as organizational, which promotes an enterprise culture (du Gay, Salaman & Rees, 1996, p. 277). This discourse of “excellent organizations” stresses the importance of individuals acquiring and exhibiting more “market oriented” and entrepreneurial attitudes and capacities such as “taking initiative” and “assuming greater responsibility.”

Walker embraces this market-based characterization wholeheartedly, accepting the responsibility of a business when he claimed in his State of the State Address on February 1 that “every action of our administration should be looked at through the lens of job creation” (Walker’s State of the State Address, Feb. 1, 2011). Also in his State of the State Address, Walker describes the state not only as a business, but an efficient one,
which he equates with efficiency and frugality. “That's really what this administration is all about: frugality and jobs. It is only through a more frugal government, that our economy can grow faster than others across the nation and around the globe” (Walker’s State of the State Address, Feb. 1, 2011). Walker makes it very clear early in his tenure that he has no priorities for the state that outrank creating jobs, which he sums up succinctly in the mantra of his administration: “Wisconsin is open for business!” (Walker’s State of the State Address, Feb. 1, 2011).

Walker as an enterprising leader

Walker’s emphasis on the state as a business serves a dual purpose: allowing Walker to position himself as the director or CEO, managing the state the way an enterprising leader would; and making “Wisconsinites” synonymous with workers. First, Walker uses his construction of the state as a business and himself as Governor to position himself as an enterprising leader. Drawing on the state as a business, Walker likens his election to being hired, and his executive position to that of a manager or director:

I spent the past two years in a job interview with the people of Wisconsin telling you what I would do as your next CEO to get this state working again…You hired me to put Wisconsin back to work. (Walker’s State of the State Address, Feb. 1, 2011)

Consequently, by framing himself as a CEO of a business, Walker’s position ceases to be political and becomes “just business.” In a business-themed environment Walker is able to exploit his position for political gains under the guise of protecting the bottom line. As
CEO, Walker is also able to utilize neoliberalism’s enterprise discourse to frame himself as a virtuous entrepreneur and noble leader.

Besides encouraging people to see him as a business leader, Walker utilizes neoliberal enterprise discourse to frame himself as a noble one—noble because he fosters enterprising qualities in others. According to du Gay, Salaman & Rees (1996), conceptions of what a manager needs to be like are linked to conceptions of how organizations must work in order to be successful (p. 266). Within enterprise discourse, managers are granted a pivotal role in securing successful organizational change through fostering certain “entrepreneurial” virtues within themselves and among their subordinates (du Gay, Salaman & Rees, 1996, p. 267). In opposition to the detached bureaucratic manager, enterprising managers are charismatic, calculating, self-reliant, responsible individuals who take initiative. Before they can govern their organizations in an enterprising way though, managers must first cultivate enterprising subjects who are “autonomous, self-regulating, productive, and responsible” (du Gay & Salaman, 1992, p. 626). To do so, the managers themselves must first cultivate an “enterprising self” that attributes both a positive value and a moral imperative to their identity (du Gay, 1996). Only after enterprising managers behave in an enterprising way with enterprising attitudes may a new enterprising business strategy be achieved (Storey, Salaman & Platman, 2005, p. 1035). The commonly valued identities associated with enterprise discourse appeal to positive associations with terms of sport such as “leader,” and have replaced titles that are perceived to be less attractive such as “supervisor” or “manager” (Alvesson & Willmott, 2002, p. 622).
Walker embraced his identity as an enterprising leader early in his tenure when he first introduced his budget repair bill, telling the Associated Press:

The voters of Wisconsin didn't elect me to pass the buck or run away from a tough fight...People, I believe, in times of crisis want leadership...They want leaders who identify the problem, identify a solution and then act on it. That's what we did. (Bauer, 2011)

In highlighting his own enterprising values, such as not running away from a tough situation, Walker is priming “the people” to act as he does—to accept responsibility, fight the good fight, and not back down. Taking the initiative to tackle the state’s budget woes, Walker frames his actions on the budget repair bill as taking the first steps to becoming a recovered and self-reliant state/business. In telling the people “We are ready to grow. We will tackle the big issues. We will lead the way” (State of the State Address), Walker is inviting the people to join him in his enterprising quest—to see themselves beside him, bettering themselves and their state. The transition from ALEC’s conception of the legislator as small business owner to Walker’s conception of himself as an enterprising leader fits perfectly with Walker’s political career. As a state legislator, ALEC taught Walker to be an entrepreneur of himself, an enterprising small business owner. After he mastered the enterprise of himself in ALEC and as a local politician, he was groomed and ready to do the rhetorical work of bringing “the people” into the fold.

The people as “Wisconsinites”

Walker employs the populist frame to constitute “the people” as a collective neoliberal subject, which he does through enterprise discourse. According to Storey,
Salaman & Platman (2005), enterprise at the individual level is inherently associated with changes at the organizational level. Enterprising forms of organizations (and government) are virtuous because they require and unleash enterprising individuals (Storey, Salaman & Platman, 2005, pp. 1034-5). Enterprising individuals (in this case workers), then, display virtues such as self-reliance, personal responsibility, boldness and a willingness to take risks in the pursuit of goals (du Gay & Salaman, 1992 p. 628). Enterprise discourse provides a driving force in Walker’s strategic construction of “the people.” His populist rhetoric provides narratives of ideal identities that individuals may place themselves in. Walker’s managerial rhetoric promotes the agency of the enterprising citizen, which he conflates into the role of the worker. In identifying himself as a virtuous entrepreneur, Walker is identifying with the individual as an enterprising worker in order to connect with them. Like them, he is working to make his state better and his actions are an example of the type of worker Wisconsin needs. In his communication, Walker is forming a collective identity for Wisconsinites that draws on neoliberal constructions of occupations, beliefs, and values. Consequently, with this identification comes the possibility of persuasion (Charland, 1987).

Throughout the conflict over his budget repair bill, Walker makes it very clear that he is speaking to Wisconsinites, whom he endows noble qualities. Using his state’s history with worker’s rights to his advantage, Walker exploits the state’s sense of honor in blue-collar work, and the synonymous nature of “Midwestern” with “unions” and “factories,” which serve to construct the Wisconsinite identity with “worker.” As such, the good of the worker becomes intertwined with the good of the people because “the people” become defined by their work. Walker’s construction of “the people” as
Wisconsinites and therefore workers reinforces his construction of the state as a business. If “the people” are Wisconsinites and also workers, then they are working for Wisconsin. Always reinforcing that “We are Wisconsin,” Walker unites “the people” around a common core of values and goals that glorify the every day, hardworking, honest, Green Bay Packers fan.

To begin, Walker knows that in order to unite both private and public sector workers over his budget repair bill, he needs to focus on their common ground. He does this by elevating all workers, acknowledging that they all want the same things. All workers want what’s best for their families, their state, and they want to be able to do their jobs and do them well. These workers become noble because they are willing to sacrifice for these things, which are defined as the essence of the greater good. In his State of the State Address Walker provides a narrative of an ideal and noble state worker (the target of his budget repair bill) with reference to a private sector model:

Private sector workers have already responded to the tough economic times. When Mercury Marine was on the verge of moving nearly 2,000 jobs to Oklahoma, the company said that "comprehensive changes to wages, benefits and operational flexibility [were] necessary for Mercury to effectively compete in a smaller and fundamentally changed marketplace.” It wasn't easy for the workers, but the jobs stayed in Wisconsin. While state government can't pick up and move, I hope that our state employees feel as if they've been treated fairly over the years, but — like all of us — they should recognize that we are in difficult economic and fiscal times. (Walker’s State of the State Address, Feb. 1, 2011)
In this passage Walker is doing two things. First, he is uniting all workers under the banner of sacrifice for the greater good. Secondly, he is elevating the private business model, further reinforcing his characterization of the state as a business and the state’s citizens as workers. In true neoliberal fashion, Walker extols the private business model as one in which the state should mold itself (and by extension public workers should mold themselves in the image of private sector workers). Walker continued these sentiments a week later when he addressed state workers by saying “government employees are among some of the most honest, hard working, dedicated, professional workers in this state. I sincerely believe that” (Message from Gov. Walker to state worker, February 11, 2011). Describing public employees as “good and decent” (Walker’s State of the State Address, Feb. 1, 2011), Walker shifts the blame from them onto the system:

The difficult reality is that healthcare costs and pension costs have risen dramatically and that has created a benefit system that is simply unsustainable…Asking public employees to make a pension payment of just over 5% (which is about the national average) and a premium payment of 12% (which is about half of the national average) would save the state more than $30 million over three months. Most workers outside of government would love a deal like that — particularly if it means saving jobs. (Walker’s State of the State Address, Feb. 1, 2011)

In all of these examples, Walker is constructing an identity for state workers in particular, almost daring them to live up to the expectations he has laid out for them. If they want to
be noble like their private sector counterparts, and meet Walker’s expectations of them, they will be more inclined to go along with Walker’s plan.

Walker further unites workers under a shared noble umbrella and bolsters his own role as an enterprising leader by framing his plan as one that unleashes the entrepreneurial spirit once oppressed by former administrations. Instead of appealing just to workers to do this however, Walker reaches out to a broader audience of families and businesses who may not be workers explicitly, but who can still share in the desire to make their state great.

We still must change the regulatory environment in Wisconsin. From talking with families and businesses across this great state, I sense a spirit that we can grow again when our people are freed from government mandates, rules, regulations and taxes; freed to create jobs, to grow their businesses, to live their lives.

(Walker’s State of the State Address, Feb. 1, 2011)

The people of Wisconsin then, are entrepreneurial at heart, and Walker is allowing them to be that way. Both public sector workers and the broader “people” are interested in keeping their jobs, helping their state thrive, and becoming an entrepreneur of themselves. In constituting public sector workers’ interests as the same as those of the broader “Wisconsinite public,” Walker is effectively collapsing all of “the people” into individual actors working for a public good (whereas unions are characterized as collective action for individual good). The identification of the worker as an individual makes collectivized union action seem more undesirable, if only implicitly at this point.
Lastly, Walker’s construction of “the people” as Wisconsinites serves a defensive purpose for his proposals as well. Framing “the people” as only those people who call Wisconsin home, Walker can more easily brush aside criticisms of his plan from “outsiders.” While this strategy is not needed early in the conflict over his budget repair bill, he will rely on it more substantially once protesters and national news media begin to question his motives.

**The enemy as the system**

As clearly as Walker constitutes himself as an enterprising leader, his subject position is also reinforced by the construction of a common enemy. Complementing the conservative populist structure, Walker aligns “the enemy” with overgrown (local) government and bureaucracy, the anathema to an enterprising leader and an enterprising government. According to Walker, “our upcoming budget is built on the premise that we must right size our government” (Walker’s State of the State Address, Feb. 1, 2011). Unlike in ALEC’s appeals, Walker does not address the overreach of the federal government. Walker’s early rhetoric surrounding the conflict over his budget repair bill frames the enemy as a broken system that promotes bad decisions and leads to inequality of benefits. It is Walker’s construction of the enemy that undergoes the most transformation throughout the life of the conflict.

For Walker, Wisconsin’s broken system has been the victim of special interests that strong armed government and created unequal and unfair treatment. Here Walker echoes a very familiar populist argument, defending the hardworking every day Wisconsinites against special interest control of “the people’s” government.
For too long, a handful of special interests controlled things at the state and the local level…I wanted to stand up and fight on behalf of the hardworking taxpayers. We have firmly put the taxpayers of this state back in charge of the state and local governments. That's a fight I'll continue to have. (Richmond, 2012)

The first benefit of blaming *all* past administrations is that Walker frames the problem as being nonpartisan, meaning everybody can be involved in the solution. He isn’t faulting people for the benefits they’ve received.

While some of these financial challenges may be attributed to the slowing of our economy, the reality is that these problems were exacerbated by poor budgeting decisions approved and promoted by past elected leaders, Republicans and Democrats alike. By relying on the use of one-time money, segregated fund raids, and increases in taxes and fees, past leaders have focused on short term solutions without looking toward the future. (Message from Gov. Walker to state workers, Feb. 11, 2011)

By highlighting the faults of his predecessors, Walker is further able to elevate his own status as an enterprising leader, one who learn from past mistakes, take responsibility, and make the hard choices.

A second benefit to Walker’s framing of the enemy as an economic problem is that it sets the stage for an economic solution. Early in the conflict Walker begins to frame public sector employee benefits (not public sector employees and not unions specifically) as economic problems, in need of market-based answers. In a press release from February 14, 2011, entitled “The Cost of Public Sector Benefits,” Walker’s
spokesman implores public sector employees to be the good people Walker knows they can and want to be and check their own biases and advantages:

Both Democrats and Republicans know that state workers do great work. But unfortunately many private sector workers who are also hard working, good people either lost their job, took a pay cut, or saw their benefit package reduced as a result of the recent economic downturn. Governor Walker’s budget repair bill strikes a fair balance—asking public employees to make a modest 5.8% pension contribution, which is about the national average, and 12.6% health insurance contribution, which is about half the national average. (Press Release, The Cost of Public Sector Benefits, Feb. 14, 2011)

Here again the private sector is put forth as the model for all workers. Private sector workers are just as good as public sector workers, so neither group should suffer or sacrifice more than the other. All Wisconsinites must pitch in. For Walker then, the impetus is on public sector workers to live up to the Wisconsin legacy to fight economic injustice, even if it is at their own expense. Such action is noble because it serves the greater good and stops the tyranny of a broken system. The unions themselves are not the enemy, at least not yet. This is a clever dodging of Walker’s real enemy: unions. While he does not say so explicitly, Walker’s denunciation of “special interests” controlling the government will later come to be unions.

Apocalyptic reckoning

The most important populist appeal Walker uses to draw early and continued support for his controversial budget repair bill is the depiction of an economic reckoning.
According to Walker, years of bad decisions and distribution of unequal benefits have forced Wisconsin to the edge of a financial cliff.

First, let me be clear: we have an economic and fiscal crisis in this state that demands our immediate attention. The solutions we offer must be designed to address both job creation and our budget problems…In addition to the deficits facing these critically important areas of state government, bill collectors are waiting on the doorsteps of our capitol. (Walker’s State of the State Address, Feb. 1, 2011)

In true populist style, Walker uses apocalyptic themes to frame Wisconsin’s budget troubles as a conflict between good and evil. He depicts things as bad now, highlighting the current budget deficit, but warns that things are about to get worse (layoffs) if people don’t behave correctly now and adopt his budget repair bill. According to Walker, “without the pension and health care reforms described above, saving $30 million over the last three months of the current fiscal year would require laying-off more than 1,500 state government employees” (Message from Gov. Walker to state worker, February 11, 2011). Later, Walker’s spokesman heightens the urgency of acting immediately: “Without taking action to reduce the deficit in the current fiscal year, thousands of Wisconsin children and families could lose their health care coverage through BadgerCare, and there would need to be even more aggressive spending cuts in the future” (Press Release, State of Wisconsin Needs Fiscal Repair, Feb. 7, 2011).

In short, Walker presents Wisconsinites with two options: be part of his solution, or perpetuate the problem—continue with business as usual and force others to take
responsibility for your actions, or stand up and be enterprising. These are the only two options: “One is to raise taxes, continue to hinder our people with burdensome regulations, and kick the difficult choices down the road for our children and grandchildren. The other is to do the heavy lifting now and transform the way government works in Wisconsin” (Walker’s State of the State address, Feb. 1, 2011).

Some of Walker’s critics argued that he created Wisconsin’s dire fiscal crisis by granting significant tax cuts to businesses and to the rich (Hall, 2011), but fabricated or not, the sense of urgency Walker created around balancing the budget remained a constant and integral part of his overall rhetorical strategy.

While Walker’s bill was initially met with controversy, the real conflict began when fourteen Senate Democrats fled the state to prevent voting on the bill. With Republican control in both chambers, Walker’s bill was assured passage and his rhetoric was focused more on bringing people together as “Wisconsinites.” That changed however, when protesters began showing up at the capitol and Walker needed to convince the Senators to return. All of Walker’s early populist tropes, his construction of “the people,” the enemy, and his emphasis on an apocalyptic reckoning are all magnified and refined in the second half of February and early March when the union related provisions of his bill are on trial. Rather than hurting his overall message, the Senators’ leaving actually served to bolster Walker’s populist framing and encouraged greater identification of “the people” and their enemy.
Senate Democrats on the Run: Late February, Early March

“*The people*” as local workers

After the Senators fled to Illinois, Walker’s construction of “the people” relies heavily on their depiction as “local” and “workers.” According to Charland, “tensions in the realm of the symbolic render possible the rhetorical repositioning or re-articulation of subjects” (p. 147), which is just what Walker’s rhetoric does in the wake of the senators fleeing the state. Walker’s construction relies less on framing the state as a business and more on himself as an enterprising leader and “the people” as Wisconsinites and taxpayers.

*Walker as an enterprising leader*

Protesters rallying against Walker’s proposal served to reaffirm and bolster his position as an enterprising leader. The protesters represented challenges that he had to overcome on the road to what is right. According to him, he must sacrifice his public image for the greater good of Wisconsin, but he is up for the fight. In an op-ed in the *Wall Street Journal* in March, Walker summarized his sentiments about the protesters this way:

> Taking on the status quo is no easy task. Each day, there are protesters in and around our state Capitol. They have every right to be heard. But their voices cannot drown out the voices of the countless taxpayers who want us to balance our budgets and, more importantly, to make government work for each of them. (Why I’m Fighting in Wisconsin, March 10, 2011)
In fact, Walker uses the protesters to his advantage by highlighting their presence in Wisconsin and the Senators’ absence. The protesters are making the state stronger because they are forcing Walker to be an enterprising leader who takes responsibility, and they are embracing the democratic process.

Fundamentally, that’s what we were elected to do. Make tough decisions. Whether we like the outcome or not, our democratic institutions call for us to participate. That is why I am asking the missing Senators to come back to work. (Text of Governor Walker's Fireside Chat, Feb. 22, 2011)

Here Walker is highlighting familiar enterprising traits. He is elevating the fact that he is 1.) doing his job, 2.) remaining tough when the going gets rough, and 3.) facilitating the (virtuous) democratic process. Citing his proposals as both “innovative” and “progressive,” Walker embraces the challenge presented to him as part of his identity as an enterprising leader. In doing what he thinks is right, even if people disagree with him loudly, Walker is setting the example for (his) workers.

“The people” as Wisconsinites

The protesters serve another purpose in Walker’s construction of the people. Specifically, Walker’s construction of “the people” as Wisconsinites allows him to dismiss protesters from outside the state as disruptive and out of line, while further reinforcing his framing of Wisconsinites as good and decent:

Wisconsin is showing the rest of the country how to have a passionate, yet civil debate about our finances. That’s a very Midwestern trait and something we
should be proud of. I pray, however, that this civility will continue as people pour into our state from all across America. (Text of Governor Walker's Fireside Chat, Feb. 22, 2011)

Walker creates an “us” versus “them” mentality between Wisconsinites and people from out of state who think they know what’s best for the state. He stresses the need for unity among Wisconsinites who are the only ones who deserve a voice:

As more and more protesters come in from Nevada, Chicago and elsewhere, I am not going to allow their voices to overwhelm the voices of the millions of taxpayers from across the state who think we’re doing the right thing. This is a decision that Wisconsin will make. (Text of Governor Walker's Fireside Chat, Feb. 22, 2011)

If Wisconsinites are divided between public and private employees, they are at least united in their belonging to and having a right to say what happens in their own state. While “they” (out-of-staters) are not necessarily the enemy, Walker makes it clear that “they” are also not part of “the people.”

But what about the protesters who were from Wisconsin? Instead of focusing on the number of protesters, Walker focused instead on the impact, or lack thereof, of their actions. Despite the protests, Walker told news outlets that he believed there was a “quiet majority” that backed his agenda (Bauer, 2011). This “quiet majority” was composed of the hardworking, “decent” people who went to work and did their jobs instead of protesting at the capitol. These are the Wisconsinites, and consequently workers, that
Walker is proud of for the sacrifices they’ve made, who are too busy with real work to protest, and who he is working for:

Time and time again, I’ve heard from Wisconsinites who are doing more with less and making sacrifices to keep their families going. Good people like the retired couple on a fixed income or the new parents paying for daycare and the mortgage on their first house or the middle-class working family where mom and dad still have jobs, but keeping them meant taking a pay freeze. All of them, and others like them across Wisconsin, need true property tax relief and this budget delivers. (Text of Governor Walker’s Budget Address, March 1, 2011)

Using the protesters as a foil, Walker is careful to maintain that government workers are as important and good as private sector workers, but his overall emphasis becomes a glorification of “workers” in general who do their jobs, versus those who don’t.

First, let me be clear: I have great respect for those who have chosen a career in government. I really do…Tonight, I thank the 300,000-plus state and local government employees who showed up for work today and did their jobs well. We appreciate it. If you take only one message away tonight, it’s that we all respect the work that you do. (Text of Governor Walker's Fireside Chat, Feb. 22, 2011)

In sum, Walker’s earlier construction of “the people” rests on the assumption of the state as a business, himself as an enterprising leader, and framing Wisconsinites as workers. In light of heavy protests and increasing controversy over his budget proposal, Walker’s
construction of “the people” comes to rely more heavily on himself as an enterprising leader standing up to challenges and Wisconsinites as people who show up to work to do their jobs well.

The enemy revealed

Walker’s populist construction of the enemy in the weeks following the Senators’ flight to Illinois relies heavily on his construction of “the people” as workers. In early February, Walker’s message identified abstract benefits, past administrations, and a broken system as the enemy. In the second half of February and into early March Walker altered his message to point the finger at Senate Democrats and public employee unions specifically. Instead of damaging Walker’s agenda, the Senators’ absence actually served to bolster Walker’s claims because he was using populist appeals. As the enemy became more defined, so did Walker’s construction of “the people” and his populist message became more persuasive.

The first way Walker paints the Senate Democrats and public sector unions as the enemy is by highlighting how their actions hurt “the people” as workers and taxpayers. In early February Walker was careful to frame the state’s budget woes as a nonpartisan failure, but after the Senators fled the governor named Democrats specifically as compounding the state’s crisis:

Two years ago, many of the same Senate Democrats who are hiding out in another state approved a biennial budget that not only included higher taxes – it included more than two billion dollars in one-time federal stimulus aid. That money was supposed to be for one-time costs for things like roads and bridges. Instead, they used it as a short-term fix to balance the last state
budget. Not surprisingly, the state now faces a deficit for the remainder of this fiscal year and a 3.6 billion dollar hole for the budget starting July 1st. (Text of Governor Walker's Fireside Chat, Feb. 22, 2011)

Not only does he blame Democrats (and the unions that support them) for perpetuating the broken system, Walker also vilifies both groups as actively working against “the people.”

For years, I tried to use modest changes in pension and health insurance contributions as a means of balancing our budget without massive layoffs or furloughs. On nearly every occasion, the local unions (empowered by collective bargaining agreements) told me to go ahead and layoff workers. That’s not acceptable to me. (Text of Governor Walker's Fireside Chat, Feb. 22, 2011)

According to Walker, the symbiotic relationship between the Senate Democrats and unions has made them unreasonable, ungrateful, and entitled. They are knowingly hurting “the people” as he has defined them. Continuing his efforts to cast unions as the enemy as not as “the people,” Walker’s office sent a series of press releases that framed public sector union members as privileged, overpaid, and underworked. For example, Walker’s February 21 press release "Viagra for Teachers," attacked teachers in Milwaukee for having a health care plan that included all prescriptions, including Viagra. On March 3, Walker’s office sent out a press release with the subheadline "Arbitrator Reinstates Porn-Watching Teacher." On March 8, Walker’s office sent out a press release with a subheadline of "Teachers Receiving Two Pensions" and another attacking Green Bay teachers called "$10,000 Per Year for Doing Nothing."
The second way Walker frames Senate Democrats and public sector unions as the enemy is by showing how they are not part of “the people.” Appealing to Wisconsinite’s work ethic and his definition of “the people” as “workers,” Walker goes to great lengths to show the public how the senators are not a part of “the people” because they’re not working. Simply put, Walker widens the divide between “us” and “them” by casting Wisconsinites as workers and the senators as shirkers. For example, Walker released the following statement: “Moving forward, the hardworking, professional public sector employees who show up to work every day and do an excellent job will help ensure Wisconsin has a business climate that allows the private sector to create 250,000 new jobs” (Budget Repair Bill Saves 1,500 Jobs, March 11, 2011) as a direct comparison to the Senate Democrats who

…need to come back to work the jobs that they are getting paid to do…The truth is at a time when Wisconsin is in a fiscal crisis, these individuals are on a taxpayer funded, campaign fundraising vacation—avoiding debate and their duty to cast their vote on a proposal that is 100% directed at balancing our state’s budget. (Timeline of Union & Senate Democrats Budget Related Events, Feb. 21, 2011)

By framing the senators as “on vacation,” Walker is further able to highlight the contrast between their actions and those of the real, humble, and honest Wisconsinites who are “hard at work producing materials and providing services all while trying to make enough money to pay their families’ bills” (Collective Bargaining is a Fiscal Issue, February 21, 2011). Walker is also able to use the senators’ absence to bolster his own
image as one of “the people.” Unlike the senators, Walker is a true Wisconsinite, staying in the state and doing his job like the rest of them. Not only that, he is imploring the senators to “come back to Madison to do their jobs” and bring relief to the state (Senate Democrats Should Come to Madison, Feb. 19, 2011).

Lastly, Walker uses the senators’ absence to frame them as enemies of democracy in general. This means that they are even below the protesters at the capitol, because at least those people were exercising their right in a democracy to make their voices heard. But the senators are not even in the state, and must therefore not care about the democratic process, which makes them the most evil of all. How can “the people” trust the democratic process if their elected leaders in the Senate don’t?

In contrast, their counterparts [in the House] in the Senate fled the state in an effort to prevent democracy from working, stifle debate…I go to work every day to defend the plan I laid out to make the tough decisions needed to balance Wisconsin’s budget…It’s clear Senate Democrats disagree with the bill I put forward. I understand and respect that. I’ll always be willing to cooperate and communicate with the Democrats, but that has to happen at the State Capitol in Madison. (Walker, Democracy Requires Participation, February 24, 2011).

Not only does Walker call the senators’ bluff in this example, he also bolsters his own image as an enterprising leader, ready to cooperate when they won’t, willing to do the job even when it’s hard and they just run away. He’s doing the job he was elected to do, while they are not, which is a betrayal of democracy and to the ideal of the worker.
Apocalyptic reckoning

Walker’s emphasis on a budgetary crisis remained of paramount importance in his rhetorical appeals both before and after the Senate Democrats fled to Illinois. With the construction of a more definite enemy, the threat posed by continuing on the same path became more pronounced. Particularly in late February and early March, the impending reckoning rested heavily on “the people’s” construction as “workers.” Specifically, massive layoffs and unemployment would result if Walker’s bill failed to pass. What’s good for workers then becomes synonymous with what is good for “the people” as a whole. "I’d do almost anything to avoid laying people off," Walker said during a 30-minute news conference at the Capitol. "We need to avoid those layoffs for the good of the workers, the good of the people" (Stein, Schultze & Glauber, 2011). More than just empty threats, Walker actually issued a notice a week before the bill’s passage that up to 1,500 workers could be laid off if the bill failed. But just before signing the measure he rescinded the notice (Bauer, 2011). The issue of layoffs, furloughs, and pervasive unemployment weighed heavily on the public’s consciousness, with opinion polls placing the budget crisis at the top of the list of reasons to support the Governor’s bill.

Walker knew that the threat of an apocalyptic reckoning would be most persuasive in his efforts to pass the bill. Walker told a prank caller posing as a prominent conservative that “If they [Senate Democrats and unions] want to start sacrificing thousands of public workers who’ll be laid off, sooner or later there’s gonna be pressure on these senators to come back. We’re not compromising…I’m not negotiating” (Sulzberger, 2011). Walker later defended the conversation, claiming the call proved he
said the same thing in public as he did in private—all of which stressed the persuasive power of an economic fallout.

**Summary of chapter 3**

Throughout different historical periods, the construction of “the people” and the “enemy” has been the most influential in mobilizing the language of populism for disparate political ends on both the Left and Right. Walker’s populism reinforces these tropes but also foregrounds the threat of an apocalyptic reckoning to make his message resonate with a greater swath of the public. Walker particularly reinforces principles of populism that depict a sacred people as “workers” who have been betrayed by a corrupted system, which leads to the urgency of their redemption from an impending fiscal crisis. While his bill was assured passage thanks to a Republican majority in both houses, Walker was able to shore up more favorable public opinion towards his bill after the Senate Democrats fled the state because he had a more defined enemy, which in turn more concretely defined “the people.” In particular, Walker’s conservative populism defines “the people” as enterprising workers which fosters an individualistic attitude that runs counter to collective union demands. Using his construction of “the people” as workers, Walker is able to characterize the Senate Democrats, the unions that support them, and the protesters at the capitol all as outsiders because they are “not doing their jobs.”

Walker’s populism echoes, enhances, and transforms many neoliberal themes found in ALEC’s rhetoric. Walker accepts ALEC’s subject position for state legislators as small business owners and virtuous entrepreneurs and uses his position as Governor to characterize himself not just as an enterprising worker, but an enterprising leader as well.
As an enterprising leader, Walker acts as an example for other workers to follow, demonstrating virtues such as self-reliance, honesty, hard work, dedication, and sacrifice. Like ALEC, Walker relies heavily on characterizing the state as a business, repeatedly focusing on private sector businesses as the model for state and state worker’s action. Where Walker differs from ALEC’s rhetoric is in his construction of the enemy and depiction of the apocalyptic reckoning. First, for ALEC the enemy was overgrown government, but for Walker the enemy starts out as government mismanagement and becomes distilled into unions and the Senate Democrats they support. This was useful for Walker because in defining the enemy as something much closer to home, he was more able to define “the people” concretely. This is difficult for ALEC because the organization is national, and therefore the enemy is, too. Second, ALEC foreshadows an economic reckoning but not to the extent that Walker does. Walker uses a local economic crisis and threatens a tangible number of jobs to incite people to support his plan. By making the state’s economic crisis the main focus of his message, Walker is placing the market and the economy at the forefront of the discussion and obscuring any civil repercussions.

The first half of this case study has shown that neoliberal appeals to the market remain supreme no matter the audience. For the populist frame in particular, the market is the foundation for the definition of “the people,” the enemy, and the apocalyptic reckoning. Contrary to the populism of the Populist Party and Huey Long before it, conservative populist appeals focus on the individual instead of the collective, and within a neoliberal ideology that individual is a virtuous entrepreneur. This case study did not provide much opportunity to analyze the neoconservative aspects of Walker’s rhetoric.
because of the nature of the conflict. As it was, this conflict threw into sharp relief the role of the worker, the state, and unions not just in Wisconsin, but the in the nation as a whole. While Walker’s bill did ultimately become law, this analysis will now turn to understanding the opposition to his bill.
Chapter 4: Challenging Neoliberalism?: Populist Rhetoric and Opposition to Walker

The populist frame was well suited for both Walker and his opponents. This chapter of my analysis will investigate opposition to Walker and ALEC’s rhetoric. Specifically, this chapter will focus on efforts by union leaders and members, as well as the fourteen Senate Democrats who fled the state, to dissociate Walker and ALEC’s constitution of individual and corporate interests as one in the same. In so doing, the unions and the senators harken back to populism’s progressive roots, and directly challenge ALEC’s neoliberal construction of state legislators as “small business owners” while actively engage all components of Walker’s conservative populist frame. I chose to use this case study for this chapter because the unions and senators were directly challenging Walker’s rhetoric and promoting a populist message of their own in response. By looking at the rhetoric of the opposition I seek to determine which neoliberal, neoconservative, and populist appeals may be most vulnerable to criticism, as well as how the opposition engages with these appeals in general.

The texts in this chapter are taken from the same time frame as the previous chapter—the roughly six week period preceding the final enactment of Walker’s controversial budget bill. The texts are pulled from news coverage on the controversy, as well as interviews of the Senate Democrats with the press. The goal in this chapter is to discern how union members and the Senate Democrats who represented them embraced traditional populist rhetoric to undermine neoliberal and neoconservative appeals to reframe the issue in their favor. My analysis confirms Lee and Kazin’s position that populism is a vacant argumentative frame, made functional by its content while still retaining certain universal structural elements. For Lee, “the language of populism, in its
many different forms, is a language of skepticism toward institutional spaces of deliberation. Representative democracy is built on the promise that citizens’ voices will be heard through their representatives (p. 364-365). For Leftist populists like the union members and the senators, concentrated corporate wealth has disenfranchised real Wisconsinites by corrupting the democratic system with economic hierarchy. Lee also notes that “populism is a structure through which the crisis narrative of a ‘people’ can be popularized and a group can be mobilized” (p. 365), which certainly was the case in Wisconsin. Thousands of protesters in the streets and at the capitol were mobilized to challenge Walker’s construction of “the people” as economic actors. Their rhetoric cleverly re-appropriated Walker’s constitution of “the people” as workers by defining them not as entrepreneurs of themselves but as heroes standing up for fundamental civil rights.

“The people” as civil actors

Like Walker, union leaders in Wisconsin highlighted the constitutive force of class in their constitution of “the people.” Union leaders, members, and the Senate Democrats all reflected Walker’s construction of “the people” as workers. Like Walker, the unions’ construction of “the people” glorifies the every day, hardworking, honest, Cheesehead who wants to work to make their state great. Unlike Walker, however, the unions’ construction of “the people” focuses on the rights of the worker in a democracy instead of the role of the worker in the state as a business. Union opposition to Walker’s rhetoric pits two competing rhetorics of representation against each other: Walker claims to represent the worker through election, while union leaders claim to speak on behalf of the worker in state affairs. Union leaders who spoke up during the conflict with Walker
included Mary Bell, president of the Wisconsin Education Association Council who represents 98,000 educators, and Marty Beil, executive director of AFSCME Council 24, which includes 60,000 members (Hall, Spicuzza & Barbour, 2011). Walker was not just competing with unions however. Walker’s rhetoric also clashed with Senate Democrats, who frame themselves as defenders of democracy and representatives of the “worker,” a representation that helps them create identification with their constituents. Acting both as representatives of workers and workers themselves, the union and Senate leaders’ rhetoric reinforces one another as each claims to speak for “the people.”

*The “people” as Wisconsinites*

Like Walker, unions and Senate Democrats exploited Wisconsin’s rich history of worker’s rights to constitute “the people” as workers. Wisconsinites and workers became one in the same, united by a shared interest in preserving the well-being of the state. For example, Democratic Senator Mark Miller conflates the every day Wisconsinite with workers when he spoke of his responsibility to protect the rights of his constituents (all Wisconsinites and many workers):

The Democrats have always been for protecting peoples' rights, for standing up for the common man, and this is just an example. Wisconsin has the longest tradition of workman's laws in the country. We're the state where workman's compensation began, we were the first state to have unemployment insurance, we were the first state to have a public employees union, to give public employees the right to bargain…So this has been a longstanding tradition of workers’ rights in Wisconsin, and I think, as elected officials, we have a responsibility not only to protect rights but to expand them. (Inskeep, 2011)
Drawing on Wisconsin’s strong tradition of advancing worker’s rights, Miller is encouraging identification with a noble “people” of the past, emphasizing how “the people” today (workers) owe their identity to their predecessors. Democratic Senator Chris Larson further defines “the people” as noble when he spoke about fleeing to Illinois:

And for those who chide us for being gone right now, you know, we were elected independently. And Wisconsin has a strong tradition of independence. We were elected independently by our constituents to stand up for them. And that’s exactly what we’re doing on this bill. It doesn’t matter where our feet are, we’re standing up for our constituents. (Democracy Now! 2011)

According to Larson, he is standing up for worker’s rights and his constituents, who by association are then framed as “workers.” Like Bell and Miller, he too is calling on the state’s history to constitute “the people.”

Union leader Mary Bell also encouraged “the people” to find identity in past leadership. Bell unites “workers rights” with “civil rights” by invoking the image of Martin Luther King in her calls to action, and in so doing encourages her audience to see their actions as part of a bigger picture:

We are here tonight in the spirit of Martin Luther King calling on our union members and all Wisconsinites to look tonight into their hearts and to listen to their conscience to decide what kind of Wisconsin we want to call our home…
What happens to the rights of some today endangers the rights of others to come.

(US News and World Report, 2011)

Union members and all Wisconsinites are united under an all encompassing “we” in Bell’s rhetoric, which emphasizes that worker’s rights are everyone’s rights. Unlike Walker’s constitution of “the people” as workers with an entrepreneurial orientation, union leaders and the Senate Democrats instead call more explicitly on the state’s strong civil history of advancing worker’s rights and their benefit to all Wisconsinites to constitute “the people” as workers with a commitment to fundamental rights. This redefines the worker from an economic agent under Walker’s market rhetoric to a political agent.

**Heroic defenders of “traditional” values**

According to Lee, as part of the populist frame the ‘‘people’’ are portrayed as heroic defenders of ‘‘traditional’’ values. For the Senate Democrats, the populist frame allowed them to identify themselves as defenders of democracy, which becomes synonymous with worker’s rights and open deliberation. The Senators’ status as defenders of democracy was solidified after they fled the state for neighboring Illinois. While Walker denounced the senators’ actions as undemocratic, accused them of being on “vacation,” and challenged their status as workers, the senators’ responses further constituted their identity as “workers” and framed their subject position as heroic.

To begin, when challenged about leaving the state, Senate Democrats embraced their identity as “workers” and framed their actions as inherent to that identity. As Senator Jon Erpenbach simply put it: “We are doing our jobs” (Foster, 2011). When
Senate Majority Leader Scott Fitzgerald said that Democrats in his house were "not showing up for work," Senator Spencer Coggs responded: "We're doing our job of making sure the people have an opportunity to have their voices heard" (Glauber, Stein & Marley, 2011). Framing the issue as a question of deliberation, the Senators construe their own actions as a defense of broader democratic ideals in general. Democratic representation is cast here in terms of work and “doing one’s job,” which helps build identification between the senators and their “worker” constituents. According to Senator Mark Miller:

I think it's [leaving the state] in support of democracy. You can see what a tremendous response in opposition to the governor's proposal to take away workers' rights raised. So we were doing, I think, the thing that was in support of democracy…if you're the majority and you have the power, you also have a responsibility to assure that what you propose is not ran through in four short working days, particularly something that strips away workers' rights. (Inskeep, 2011)

In the traditional “all or nothing” language of populism, the Senate Democrats framed their actions in stark terms, reflecting the apocalyptic nature of Walker’s own rhetoric back at him. For the senators, fleeing the state was the “only option” to stop a gross abuse of the democratic system (Inskeep, 2011), just like Walker framed his budget bill as the only way to pull the state out of crippling debt. According to Senator Holperin:

…I understand the anger of people on both sides of this issue, and so I understand why people are criticizing us for walking off the floor of the Senate. But that was
the only tool procedurally that we had available to us, to delay the bill so that people could look at what's in it. We don't have a filibuster in Wisconsin really, like they do in Washington. (Terkel, 2011)

By leaving the state, the Democratic Senators were forcing Republicans to slow down their passage of the bill and give the public more time to review it. They were confident that Walker was rushing his bill through the legislature because he knew it was controversial, and they believed that by stalling the process they were giving more people a chance to weigh in on the issue.

In addition to framing their inaction on the bill as part of their jobs as representatives in a deliberative democracy, the senators also reinforced their identity as “workers” by focusing on their actions in the absence of appearing at the capitol. "It's not like we have our feet up and we're watching TV and smoking cigarettes and drinking beer," said Senator Holperin.

We're in constant contact with those we need to be in contact with, and I think especially in today's age of technology that one's physical location is increasingly irrelevant. The question is, are you available? Are you doing the things you're paid to do and making the decisions you're paid to make? I know all of my colleagues are in that position. (Terkel, 2011)

Emphasizing how they are working for their constituents, the senators are reminding the public that they are doing their jobs and putting the concerns of Wisconsinites first—sometimes at a personal sacrifice of their own. The Senators’ subject position becomes heroic when they emphasize their own sacrifices for the cause. Empathizing with workers
who were being asked to “sacrifice” for the good of the state, the senators use their own
sacrifices to solidify their membership in “the people.” For example, the senators pointed
out they paid the costs of their exile out of pocket, with some like Senator Dave Hansen
emphasizing that being in Illinois "wasn't without sacrifice." "I missed my 32-year-old
daughter's birthday," Hansen said. "What we did was the right thing…”(Vinson, 2011)

Lastly, the Senate Democrats stood up for traditional democratic values by
framing the issue as one of civil (worker’s) rights, not economics. Unlike Walker, who
framed the problem and its solution in market-terms, the Democratic Senators (supported
by union leadership) poked holes in Walker’s reasoning by removing the economy from
the problem. Early on in the dispute, union leaders accepted the economic stipulations of
Walker’s plan. They agreed to make additional payments and sacrifice for the greater
good of the state, but insisted on maintaining their collective bargaining rights because
they were a democratic, not economic, right. "We want to say loud and clear — it is not
about those concessions," Mary Bell said. "For my members, it's about retaining a voice
in their professions" (Hall, Spicuzza & Barbour, 2011). Senator Miller echoed these
sentiments when addressing the press:

We have provided a window of opportunity for cooler heads to prevail. The state
employees have offered to give the governor the economic concessions he
required to — he thought he required — to be able to balance the next year's
budget. And they've asked in return to be able to keep their rights as workers. So
it's no longer an economic issue. And with that being the case, we have provided
an opportunity for there to be a resolution. (Inskeep, 2011)
The fundamental issue, according to unions and the Democratic senators, is worker’s rights. By acknowledging that they, and the workers they represent, have already sacrificed for the good of the state, the senators challenge Walker’s agenda and elevate their own construction of “the people.”

The right to collectively bargain becomes a traditional democratic value in the rhetoric of the state senators and union leaders, but it also surfaced in the rhetoric of an unlikely ally. While the US Catholic church traditionally sides with Republican interests in promoting a conservative social agenda, the archdiocese of Milwaukee threw its support behind the unions in the fight to retain worker’s collective bargaining rights (Garrison, 2011). In a statement issued on February 16, the Most Reverend Jerome E Listecki, archbishop of Milwaukee and president of the Wisconsin Catholic Conference, noted: "While the church is well aware that difficult economic times call for hard choices and financial responsibility to further the common good … hard times do not nullify the moral obligation each of us has to respect the legitimate rights of workers" (Garrison, 2011).

Close to 70 religious leaders signed a letter that was delivered to Walker opposing the budget repair bill. Daniel Schultz, author and pastor of a United Church of Christ congregation in rural Wisconsin, said: "This shift means that Wisconsin Catholics are not going to retreat into social conservatism and let the Republican governor enact legislation that is not in sync with the will of the people" (Garrison, 2011). Rabbi Renee Bauer, director of the Interfaith Coalition of Worker Justice of South Central Wisconsin, stated, "This not just an issue of the unions and the public sector issue but a moral and ethical
issue regarding the rights of workers” (Garrison, 2011). Religious leaders focused on the dignity and sanctity of work effectively framing the issue as anything but strictly economic as Walker would have the state believe. It is important to note that a more neoconservative support base was cultivated against Walker’s bill than was in its support. While perhaps united with neoliberals on the economic basis of the Walker plan, neoconservatives broke rank when the issue was reframed in terms of rights and moral obligations, rather than strictly in economic terms. This is important to note because neoconservatives imbued the controversy with a sense of a higher moral order—one that went against the historical coalition of neoliberal and neoconservative interests.

The enemy

Traditional populists had a deep-seated fear of concentrated power unaccountable to “the people.” Part of what defines populism is a conviction that an elite has dishonored a constituted “people” and their way of life. In the case of Wisconsin, the conservative populists’ hero became the progressive populists’ enemy. Complementary with the populist structure and in the spirit of their traditional populist ancestors, the unions and Senate Democrats aligned the “people” with an exalted past of just government and associated the enemy with its insidious present. In this case Governor Walker (and to a lesser extent the Republicans who supported him), was the enemy because he refused to deliberate, wanted to abolish what they defined as a fundamental civil right, and was characterized as answering to corporate and moneyed interests over the concerns of his “real” constituents.
Uncompromising and undemocratic

First, unions and the Senate Democrats constitute Walker as the enemy by framing him as undermining democracy, which is defined in terms of collaboration and representation. Walker, in conjunction with Republican legislators, had corrupted the democratic system by shutting out the voices of “the people” and trying to force a vote that would erase a fundamental civil right. According to Senator Chris Larson in an interview with Democracy Now!:

Walker really threw the negotiating table out when he introduced this bill and said, "There is no negotiation. This is going to be how it is." And I think that really, you know, soured the tone with the public, and that’s why so many people immediately took to the streets on this. That’s not how we do things. As John said, democracy isn’t something that happens for 13 hours one day every two years on Election Day. It happens all the time. There’s room for public input. And not even being able to have a conversation is just unacceptable. (Democracy Now! 2011)

Because Walker and the Republicans are denying public input and robust democratic deliberation on such a controversial bill, the unions and the senators have identified them as public enemies. Walker’s unwillingness to compromise on his demands opens his motives up for scrutiny, especially by the Democratic senators. "We'll be here until Gov. Walker decides that he wants to talk," said state Sen. Tim Carpenter in an interview with The Huffington Post about being in Illinois. "He's just hard-lined—will not talk, will not communicate, will not return phone calls," said Carpenter. "In a democracy, I thought we were supposed to talk. But the thing is, he's been a dictator, and just basically said this is
the only thing. No amendments, and it's going to be that way” (Terkel, 2011). Framing Walker as dictator characterizes him as being irreverent and unaccountable to “the people” and the democratic process as a whole. “Even God took seven days,” said Senator Robert Jauh (Sauer, 2011), questioning who Walker may think he is. In all instances, Walker is framed as uncompromising, undemocratic, and characterized as believing his is above the law. Each of these labels suggests Walker sees himself as omnipotent, acting as the seat of concentrated, unaccountable power. Conversely however, while Walker is framed as being unaccountable to the people, he is framed as being accountable to corporate interests—which endows them with even more power.

Corporate puppet

On top of framing Walker as the enemy because he stifled debate on the bill, Senate Democrats voice concerns that Walker is accountable to well-heeled corporate interests instead of the people of Wisconsin. This argument was framed several ways, the first of which focused on Walker’s insistence on the state being “broke.” Union leaders and the Democratic Senators argued that Walker created the crisis by providing generous tax cuts to businesses. Instead of asking businesses to “sacrifice,” like he was asking workers to do, Walker “had no problem making $3.8 billion in campaign pledges to the wealthy to reduce the state's tax collections...Furthermore, he later promised an additional $1.5 billion pledge to repeal the corporate income tax” (Hall, 2011). At a protest in front of the capitol, Jesse Jackson riled the crowd with a similar message: “If we can find the money to bail out wealthy businessmen, we can bail out Madison, Wisconsin!” (Hall, Spicuzza & Barbour, 2011). Simply put, Walker’s actions on behalf of businesses were undemocratic, and therefore “un-American.”
The second way union leaders and the Senate Democrats framed Walker as an enemy of the democratic state was by putting him in the pocket of corporate interests. For example, Walker’s allegiance was called into question when he moved his legislative budget address from the capitol (full of protesters) to the compound of a private corporation (Sauer, 2011). If Walker felt more comfortable in a private business compound than the state capitol, where he belonged, did he really have “the people’s” best interests in mind? Could he really be claiming to represent “the people” as a whole when he wasn’t in “the people’s” house of government? Walker’s corporate accountability fostered a sense of resentment against his policies that were perceived as actually widening the divide between business owners and workers by taking power away from workers.

More than “politics as usual”

The last way union leaders and the Senate Democrats vilify Walker is by framing his attack on worker’s rights as part of a larger, more sinister, agenda to take power away from the Democratic party and workers in general. If the governor was so interested in fixing the state’s economic health, they reasoned, then why was he so intent on attacking worker’s rights (which they claimed were not market related)? State employee unions made $100 million in concessions in December to ease the budgetary strain, said Bryan Kennedy, president of the state chapter of the American Federation of Teachers. But Walker's response has been "to eviscerate our most basic rights" and "end labor peace in Wisconsin" (Mayers, 2011). "Not only is this inconsistent with international human rights law, which recognizes a right to collectively bargain with one's employer, but it also flies in the face of decades of cooperation between the labor movement and the government in

Calling Walker’s actions politically, instead of economically, motivated further vilified him and his supporters as enemies of democracy. Without a strong Democratic party, the state would descend into a one party system, the anathema of the American democratic system.

For those who believe that worker’s rights are a fundamental civil or human right, Walker’s actions were more than just “garden variety politics” because this was the first time their fundamental rights were being taken away from them. While it can be assumed that Walker, as a politician, would be interested in besting his political opponents and weakening their support base, his actions were unique because he was advancing his position at the expense of the rights of others. Rick Badger, the executive director of AFSCME’s Wisconsin 40 council, characterized Walker’s proposal as a "man-made disaster" that is "really about taking away people's rights and creating a second class citizen.” Badger continued: “It's been painted as being all about the money but what this is really about is workers who won't be able to negotiate health insurance, pension, vacation, hours of work, the arbitration process, just cause or discipline" (Shapiro, 2011).

The image of workers as “second class citizens” is reminiscent of prior civil rights battles, where people of color were treated as lesser people than their white counterparts. Walker’s policies then, represented a serious regression in the history of civil rights in America. Instead of expanding rights, Walker’s policies were not just stopping their expansion but actually undoing those fundamental rights.
The corrupted democratic system

For liberal populists like the union leaders and Democratic senators in Wisconsin, a byproduct of the enemy’s vast wealth and power is the corruption of a once egalitarian system into one based on economic hierarchy. The enemy’s corruption of the system is a key component in the populist frame because it sets the stage for apocalyptic confrontation. As Lee emphasizes, “the enemy’s corruption of a once fair and democratic political and economic system creates a specific crisis that necessitates the ‘people’s’ action” (p. 360-361). Because the structures within the system that were designed to uphold justice have become too corrupt to fix themselves, drastic action must be taken. In Wisconsin, union leaders and the Democratic senators denounced Walker for being beholden to corporate (campaign contributing) influences and harboring resentment for worker’s rights, which facilitated the degradation of the democratic system in Wisconsin. Given these circumstances, the senators only available, and drastic, action was to flee to Illinois.

For the Democratic senators, corporate interests were using Walker as a means of perverting the democratic process in Wisconsin. As they saw it, corporate interests were making the system work for them and against the greater good of the people. Constituting corporate interests as separate from “the people’s” interest, the senators were divorcing the corporate and individual identities formulated by ALEC and Walker. For them, “the people” were out in the streets fighting for their rights, while “corporate influencers” were operating in the shadows and behind the scenes to avoid scrutiny in the public sphere. According to Senator Chris Larson:
…this bill is something that was put together not by lawmakers in Wisconsin, but by corporate influencers who wanted to do a fast push to take away a lot of power in Wisconsin and give it to a governor who is answering calls for billionaires instead of the regular people and hearing the calls of tens of thousands of people who have been speaking out at the Capitol, you know, out in the Rotunda, out on the streets, as well as over a hundred hours of public testimony about how this bill will affect their lives. (Democracy Now! 2011)

As Larson points out, the democratic system is no longer working in Wisconsin. Walker has forsaken the good of “the people” in favor of wealthy corporate interests and has reversed the “Wisconsin tradition of having worker’s rights” in the process (Democracy Now!, 2011). Kathleen Arthur, a retired teacher, echoed Larson’s sentiments when speaking about the value of democratic deliberation. "This is America. Everybody has a voice, not just the party in charge. Everyone has a voice" (Harris, 2011). For Larson, Arthur, and others, Wisconsin’s noble traditions and systems of democratic involvement and strong civil rights are under attack and no longer promoting the interests of “the people.”

The way unions and the Democratic senators denounced Walker’s hijacking and corrupting of their once democratic system of representation directly engages Walker and ALEC’s conflation of corporate and individual interests. Framing “the people” as actively fighting to protect and preserve the system while emphasizing the role of corporate interests in corrupting and endangering that system firmly places corporate interests, and Walker who is beholden to them, outside the realm of “the people.” Corporations are not
people in the unions’ and senators’ rhetoric, they are the enemy. In addition, fighting the corrupted democratic system requires drastic action, which helped the senators justify their flight to Illinois as part of fighting the enemy—which reinforced their own construction as heroes fighting on behalf of democracy.

**Apocalyptic reckoning**

Throughout the conflict with Walker over his budget bill, union leaders and the Democratic senators went to great lengths to reframe Walker’s economic problems and solutions in non-economic terms. Speaking of an apocalyptic reckoning within the populist frame was no different. According to Lee, the absolutist presentation of “the people” and their enemy necessitates apocalyptic confrontation. He notes that Huey Long, a traditional leftist populist, “positioned the working class as holy heroes in a fight against a wealthy elite that would decide not only which group could assert political control of the democratic system, but also which group would set the nation’s moral course” (p. 368). Decades later, the events that unfolded in Wisconsin in February 2011 positioned noble “workers” against wealthy corporate interests in a battle not just for the state, but for the labor movement as a whole. As the union leaders and Democratic senators saw it, the apocalyptic reckoning was both a local and a national one.

**Trouble at home**

Locally, union leaders and the senators saw an immediate impact from Walker’s policies on Wisconsinites. Wisconsin was one of many states that ushered in new Republican leadership in the 2010 elections, and many feared that Walker’s policies would instill that leadership for many elections to come be weakening a key Democratic support base. With continued Republican control would come increasingly controversial
economic and social policies. Seeing no other way to have their voices heard, the Democratic senators fled to Illinois as part of the apocalyptic reckoning, which positioned the senators as “holy heroes” fighting against Walker and the wealthy elite that supported him for the future of the worker in Wisconsin. According to union leaders and the senators, Walker was launching a culture war for the next political cycle and beyond; one that pit publically employed workers against their private counterparts, would lead to lower wages across the state and put the future of their state in peril.

*Wisconsin as “ground zero”*

Many saw the conflict in Wisconsin as a bellwether for the fate of the labor movement as a whole. "Wisconsin has become ground zero for the national labor movement," said history professor Stephen Meyer at the University of Wisconsin in Milwaukee (Harris, 2011). As such, a loss for worker’s rights in Wisconsin could foreshadow a loss of worker’s rights nationwide, which greatly raised the stakes of the battle the unions and Senate Democrats were fighting. While Walker framed the apocalyptic reckoning as an economic one, his critics framed the issue as a fight over civil rights. Labor professor Paul Mishler from Indiana University put it this way: "What they see as a fiscal crisis is really an excuse to go after the social and political strength of the unions" (Harris, 2011)."Denying people's rights has nothing to do with the budget," said Michael Uehlein, field director for the American Federation of Labor and Congress of Industrial Organizations (AFL-CIO) (Shapiro, 2011). Rick Badger, the executive director of AFSCME's Wisconsin 40 council, characterized Walker’s plan as a front for something larger:
It's been painted as being all about the money but what this is really about is workers who won't be able to negotiate health insurance, pension, vacation, hours of work, the arbitration process, just cause or discipline," Badger said. "[Walker] claims there's nothing to bargain with. The message we need to get out there is that this could not be further from the truth." Badger continued, "none of the unions involved in this have said that they would not be willing to make sacrifices. They have said that they are, and they will. (Shapiro, 2011)

Badger and others questioned Walker’s characterization of the apocalyptic reckoning as an economic one. If the problem and the impending catastrophe was simply economic, as Walker suggested, then why was there a need to eliminate collective bargaining?

But what is the connection between Wisconsin and other states considering curbing collective bargaining and other union rights? The 2010 election cycle ushered in many Republican majorities and governorships in statehouses across the country, giving them an upper hand against unions, which are traditionally allied with Democrats. Many statehouses were also facing great debt, and perceived rich union pay and benefits were easy scapegoats. Walker’s plan significantly diminished the power of unions, and if passed the GOP could benefit long-term by crippling a key source of campaign funding and volunteers for Democrats (NPR, 2011). This in turn could help solidify Republican power for years. "It would be a huge landscape-altering type of action, and it would tilt the scales significantly in favor of the Republicans," said Mike McCabe, director of the Wisconsin Democracy Campaign, which has long tracked union involvement in Wisconsin elections. "This is a national push, and it's being simultaneously pushed in a
number of states. I think Wisconsin is moving the fastest and most aggressively so far” (NPR, 2011).

While Walker focused on an economic apocalypse in the state of Wisconsin, his detractors framed the issue as a national battle of civil rights. In Wisconsin they were standing on the edge of a perilous cliff, and if their civil rights fell it would cause a national avalanche of worker’s rights across the nation. At stake was more than just Wisconsin’s economic future, it was the future of the labor movement and the Democratic party they usually supported.

**Summary of chapter 4**

While Scott Walker may have won in the courts and at the ballot box, he lost in the court of public opinion. According to a Pew Research Center Survey conducted February 24-27, 42 percent of the 1,009 people surveyed said they sided more with the public employee unions, while only 31 percent they sided more with the governor (Pew Research, 2011). Overall, Democrats, young people, and the less affluent were more likely to side with the unions, while Independents were evenly divided on who they supported (Pew Research, 2011). Even the state’s beloved Green Bay Packers came out against Walker (Sauer, 2011). While the effectiveness of the union and senators’ populist messages on the public at large is difficult to measure, it’s important to identify which of their messages were strongest in terms of challenging Walker and ALEC’s conservative rhetoric.

Both Walker and the unions’ populist themes feature a narrative of the victimization of a noble “people” who find redemption in apocalyptic reckoning. Through no fault of their own, “the people” are punished by a corrupted system and find
themselves “fighting present perversions on behalf of past principles” (Lee, p. 362). This speaks to the flexibility of the populist frame. In the beginning,

the People’s Party and Huey Long successfully popularized progressive notions such as big business regulation, upper-class taxation, and solidarity among and additional benefits for workers. A few decades later, using the same vocabulary, George Wallace made famous the notion that working members of society should protect themselves against government grown too large, the same government that would implement and enforce the wealth-sharing schemes of Ignatius Donnelly and Huey Long. (Lee, p.373)

Walker and his opponents replay these two themes. For Walker, “the people” were constituted in economic terms, as “workers.” As their governor and leader, Walker himself was framed as a manager, and all were characterized as “virtuous entrepreneurs.” The unions and senators accepted Walker’s characterization of “the people” as “workers,” but divorced their role from the market. Instead of focusing on economic sacrifices and becoming a virtuous entrepreneur, the unions and senators focused instead on the civil rights of workers to collectively bargain and take part in their democracy, both of which were emphasized as being in danger.

The unions and the senators also challenged Walker’s construction of the enemy. Each side claimed the other was the enemy—for Walker it became the Senate Democrats and collective bargaining, and for the unions and senators it became Walker. In order to constitute Walker as the enemy, the unions and senators emphasized how he was working for corporate, not workers,’ interests and was therefore not a part of “the people.” They
did this by drawing on a national conversation about businesses and worker’s rights that
pit the two against each other in the fight for political power between Republicans
(typically aligned with businesses) and Democrats (usually supported by unions).
Walker’s vision of the “virtuous entrepreneur” was no longer valid when the unions and
senators questioned Walker’s motives, implying that he was only looking out for himself,
dismantling civil rights, and working to eradicate a two party system.

For the unions and the senators, Walker’s own influence and those who
influenced him were corrupting the democratic system and taking it away from the
people to whom it rightfully belonged. They agreed with Walker that the government was
being held hostage by special interests, but the two groups differed on who those special
interests were. For Walker, it was the unions demanding too much and sacrificing too
little, and for unions it was well-heeled interests intent on making already hard working
people work harder for less.

Lastly, the unions and the Senate Democrats worked hard to remove the economic
foundation from Walker’s claims of an apocalyptic reckoning. Pointing out again and
again how public sector workers were willing to meet Walker’s economic demands, the
union leaders and senators continually refocused the issue on civil, and not economic,
liberty. For Walker, the economic crisis was the foremost appeal during the conflict, and
seeing this the unions and senators attempted to discredit his claims by removing the
impetus for the budget repair bill’s most controversial provisions: the dismantling of
collective bargaining rights. This put Walker on the defensive, forcing him to justify how
collective bargaining was a fiscal, not civil, issue.
Union leaders were right when they warned of a growing national movement to dismantle labor rights. In 2011 and 2012 three states fought bitter fights over ballot measures limiting the rights of labor unions. The battles included a referendum in Ohio to severely limit collective bargaining for public employees, two constitutional amendments in Michigan intended to guarantee the right to collective bargaining and expand unionization rights to home health care workers, and a California initiative that would have barred unions from using payroll-deducted funds for political purposes and otherwise circumscribe their ability to involve themselves in electoral politics (National Institute on Money in State Politics, 2014). The initiatives to restrict labor rights were rejected by voters, as were the initiatives to constitutionally protect the same rights. In all, the events in Wisconsin foreshadowed a national shift in union rights. While the language of populism was once instrumental in guaranteeing these rights, the same frame was used to dismantle them in Wisconsin.
Chapter 5: Conclusions and implications

This analysis began as an attempt to understand the rhetorical power of ALEC and its policies. I began by reviewing two major ideologies, neoliberalism and neoconservatism, as well as scholarship on populism and the populist frame to build a critical framework for analyzing ALEC’s rhetoric. My analysis considered how neoliberal and neoconservative beliefs, values, and attitudes were articulated in the populist frame, and what, if any, changes were made when ALEC’s rhetoric was translated for public consumption. This concluding chapter returns to my three core research questions and identifies theoretical and practical implications from my analysis of ALEC’s rhetoric.

Research Questions and Answers

How do ALEC’s appeals reinforce a neoliberal political ideology?

Based on my analysis, I have determined that ALEC offers a collectivized subject position that constitutes those in its membership as small business owners which transcends the limits of their physical individuality from corporations. This position opens the possibility for them to participate in the collective political project of passing similar bills in statehouses across the country. These bills represent a market-based neoliberal ideology. ALEC couches all of their appeals in the supremacy and sanctity of a free market, a hallmark of neoliberalism. Under a neoliberal mode of governance, a self-regulating free market also becomes the model for the best form of government. Freedom in the market is translated to freedom in all other spheres of social life—and as a result all life comes to be measured in economic terms. This convergence of the market and the
political sphere is best expressed in the neoliberal emphasis on the enterprising and entrepreneurial individual.

In constituting “the people” as virtuous entrepreneurs and the “enemy” as the liberal elite, ALEC’s rhetoric forges a union between neoliberalism and neoconservatism and reinforces the favorability of neoliberal policies by associating them with popularly elected public officials. Interestingly, ALEC’s involvement remained relatively under the radar with its more neoliberal policies on charter schools, fracking, and unpaid sick leave, and prison privatization, but received a flood of unwanted attention for its more neoconservative ones on immigration, stand your ground, and abortion. People want to see themselves as virtuous entrepreneurs, but are perhaps less inclined to accept stricter constructions of “the people” made through a neoconservative lens. Chapter three demonstrated how ALEC is helping reinforce and normalize neoliberalism and neoliberal solutions by making them seem the most desirable and the most effective. By defining all problems as market-based all solutions come from the market, too. Walker does this by relying heavily on the construction of “the people” as workers and economic actors as well as foregrounding the state’s economic crisis as an apocalyptic reckoning.

Chapter four showed that while certain aspects of market rhetoric may have been taken for granted certain aspects were resisted. The union leaders and senators in Wisconsin accepted that financial sacrifices needed to be made in order to contribute to the well-being of the state, so they accepted what they considered to be Walker’s “financial demands.” In so doing, the unions and senators were straddling a line between market rhetoric and civil rights rhetoric. They were acknowledging that as workers they
were economic actors, capable of participating in the market and contributing to a market-based solution, but they prioritized the civil definition of the worker to emphasize worker’s rights and their role in civil society. The unions and senators never accepted Walker’s construction of collective bargaining as a fiscal issue. They drew a hard line at collective bargaining rights being a civil, and not economic, right. Even though collective bargaining can be used to determine future market relations, like pay raises, the unions and the senators resisted the neoliberal tendency to apply a market-based rationality to all spheres of life. Ultimately, chapter four shows that while certain neoliberal appeals may be strengthened and normalized by the populist frame, there remain possibilities for resistance even within neoliberal constructions. Contention over the roles and rights of workers reveals this possibility. Highlighting the instances where these appeals are resisted helps identify which neoliberal appeals are generally accepted.

**How does ALEC’s rhetoric unite the interests of state legislators and corporations?**

Chapter two of my analysis demonstrated how ALEC uses the populist frame to connect both neoliberal and neoconservative appeals to the virtuous entrepreneur as an ideal model for “the people,” as well as frames the enemy as government overreach propagated by the liberal elite. In chapter three, my analysis showed how Walker utilized the populist frame to constitute “the people” as workers and neoliberal market actors. Walker’s construction of “the people” makes workers an asset to businesses because it encourages them to work hard and sacrifice while foreclosing on their civil right to collectively bargain. In both of these chapters, corporations (like state legislators) are characterized as moral market actors, valued because they create jobs and empower the enterprising individual. As such, their interests are assumed to be the same, as is their
enemy: the federal government. In clearly defining a common enemy, ALEC’s rhetoric further identifies shared interests between state legislators and corporations.

**Whose interests are being served by ALEC’s construction of “the people?”**

By reinforcing a neoliberal market ideology, ALEC’s construction of “the people” serves the interests of those who participate in the market. ALEC’s construction of “the people” as small business owners and virtuous entrepreneurs (market actors) serves the interests of its corporate private sector members—whose interests are made to be that of “the people” but who benefit much more substantially from neoliberal policies because of their size. Large corporations sit on ALEC’s task forces and have the same voting rights as state legislators. These corporations often have a hand in creating bills that include tax cuts for large businesses, weaken the power of the worker to collectively bargain, or encourage the privatization of state services which their company provides.

In Wisconsin, large corporate interests contributed to Walker’s election, and he moved his state address from the capitol to a private business. Thanks to Walker’s budget repair bill, all workers in Wisconsin lost their right to collectively bargain, which gave the businesses that employ these workers more power. In theory, if ALEC is encouraging state legislators to be enterprising then the public’s interests should be served. State legislators are ostensibly elected to represent the public interest. In practice however, ALEC’s rhetoric furthers corporate interests over “the people.”
Theoretical and Social Implications

In addition to my main research questions, as I completed my analysis I also considered the theoretical and social implications of my work. It is my goal to contribute to the scholarship on conservative populist rhetoric as well as constitutive rhetoric. In addition, I hope that my analysis will further advance theories of the union of neoliberal and neoconservative factions.

Neoliberalism and neoconservatism

One of the most important findings of my thesis is that ALEC’s public rhetoric emphasizes a construction of workers as “the people.” In ALEC’s and Walker’s rhetoric, the small business owner is both an entrepreneur and a worker, but the latter term is used more in their public rhetoric. This is an important translation between ALEC’s more internal and Walker’s more public neoliberal rhetoric. “The people” as workers is perhaps more easily identifiable than small business owners for a larger, more diverse population. While state legislators are not homogenous in a traditional sense, they all share an enterprising characteristic: they were elected to represent the people. They are also stewards of the public’s well being. Workers on the other hand, are a broader population, and not accountable to notions of the public interest. By casting “the people” as workers, ALEC’s and Walker’s external rhetoric offers a subject position that appears to transcend partisan politics and could be occupied by virtually anyone.

However, by constructing the people as enterprising workers operating in a neoliberal, market-based system, ALEC and Walker foreclose any sort of collective political agency or non-economically defined subject positions for “the people.” The case of ALEC and Walker shows that when neoliberalism is articulated through a populist
frame, the construction of “the people” paradoxically creates a subject position based on the individual instead of a collective. “The people” are encouraged to become entrepreneurs of themselves, exercise their individual liberty, and fight for their individual rights. The good of the community, per neoliberalism’s idioms, emerges as individuals pursue their personal (economic) good by resisting the “liberal elite” enemy who controls a corrupted system. With a populist frame, then, a neoliberal “people” is constituted that shares very little beyond their identity as workers. This limits the possibilities for other collective, non-economic goals to emerge from this newly crafted subject position; instead, the other elements of the frame guide this subject toward ALEC’s underlying neoliberal goals.

The emphasis on neoliberal appeals and themes observed Walker’s public rhetoric is also seen in Chapter Two’s examination of ALEC’s internal rhetoric. This rhetoric foregrounded neoliberal appeals to the market, the individual, and the federal government as the enemy, while its more neoconservative appeals to more traditional family values and nationalistic tendencies were kept out of the public eye. While ALEC has received heated blowback for support of its more neoconservative policies, the organization continues to shepherd such bills through statehouses across the nation. The greater success of their neoliberal economic bills suggests that ALEC’s neoliberal rhetoric has become a more mainstream and appealing discourse than their more conservative appeals.

Combining neoliberalism and neoconservatism within the populist frame is the source of the Right’s strength, but also its weakness. While the populist frame highlights how the two ideologies may come together, it also provides a window into how the two
ideologies may come into tension. The Wisconsin case study illustrates this point. Chapters three and four of my analysis focused on discerning how ALEC and Walker advanced particular ideological concerns in light of the differences between factions of neoliberalism and neoconservatism. I discovered that while Walker’s economically-based construction of “the people” as workers appeased neoliberals, his dismantling of worker’s rights did not appease neoconservatives. Walker relied very heavily on appeals to the worker during his budget debate but received a lot of opposition from labor and Democrats who have traditionally claimed the term and its civil construction.

Within a neoconservative frame, the virtuous entrepreneur mobilizes the individual in defense of a democratic society, which is exactly what happened in Wisconsin. Walker’s construction of “the people” focused on the worth of the worker as an individual in an effort to dismantle collective worker action, or unions. It is telling that typically neoconservative supporters, such as the Catholic church, came out publically against Walker and spoke in favor of retaining the worker’s democratic right to collectivize. For neoconservatives, worker’s rights were moral, ethical, and civil issues instead of economic ones. The rhetoric of rights, which encompasses unions and workers’ issues, is a potential opportunity to exploit in an effort to weaken ALEC’s and its followers’ message because it can drive a wedge in the neoliberal/neoconservative coalition.

The fate of unions is a useful entry point for understanding ALEC’s persuasive power. Given ALEC’s neoliberal construction of “the people,” what repercussions or implications does their rhetoric of the entrepreneur have for workers in general? I believe that ALEC’s rhetoric, and those like Walker who implement ALEC policies,
disempowers workers under the guise of empowering them. While both neoliberalism and neoconservatism exhort the individual to be enterprising and virtuous, this exhortation serves the interests of business more than the workers. Constituting “the people” as individuals forecloses any ability to work collectively, and therefore disempowers workers as a collective civil or political force. ALEC’s rhetoric also offers a very limited set of rights that accrue to their construction of the worker. According to ALEC, people have a right to be workers and operate in the market. They do not have the right to change their jobs or status for the better except to become more enterprising and better workers for their organizations. In the end then, privileging neoliberal and neoconservative constructions of the virtuous entrepreneur serves the businesses that employ the workers, not the workers themselves. As unions become less powerful thanks to neoliberal policies, so do workers. This is a major change from the rhetoric of early populists, who fought for worker’s rights using the same language that is now being used to dismantle them.

**Populist frame**

The case of Scott Walker is particularly significant for understanding the rhetoric of populism because it offers a condensed version of conservative populism that represents a greater shift in the populist frame. It also stands as a testament to the idiom that “history repeats itself.” Walker is the new Wallace, but instead of shifting populism from the Left to the Right, Walker is shifting populism from Right to farther Right. When populism first shifted from Left to Right in the late 1940’s, many Americans (who benefitted from populist unionizing) had come to regard themselves as middle class consumers and taxpayers. Businesses were no longer seen as oppressive, but instead were
characterized as providers, allowing workers to join the middle class and live comfortably. Employers were now a source of security and the desire to confront them began to decline. It is no accident that Wallace’s brand of populism came of age in the late 1960’s and early 1970’s, a time of significant shifts in American public policy, and that ALEC formed during that time as well. In 2014 the country is in a similar situation. A combination of high unemployment, globalization, budget deficits, and business-friendly campaign finance laws has given the Right an opportunity to exploit the vulnerability of workers. Workers are just happy to have a job in such a climate, and as such are less willing to take action against those who provide the jobs.

I believe that Walker is the new Wallace because he is the new populist spokesman on the Right. Looking, sounding, and acting like “the people” he claims to represent, Walker’s rhetoric has tremendous influence over the definition and consequently the power of the modern worker. Dismantling union power by eliminating collective bargaining is the first step in a much larger conversion to a market-based definition of worker’s rights (instead of a civil one). Walker’s rhetoric is a template for a more radical conservative populist frame that makes an enemy out of not only the federal government but any collective institution that attempts to alter market relationships. The overall implications for the populist frame then, are that “the people” are being constituted as individuals, but more so than ever before businesses are accepted as individuals, too, rather than part of “the system.” More so than ever before is populism being used to advocate for business interests, and the businesses themselves, at the expense of those interests it once championed.
Populism is a discourse for change. When I first began my analysis I expected the construction of “the people” would require the most rhetorical work to make neoliberalism fit within the populist frame, but my analysis has also demonstrated to me the importance of appeals to the apocalyptic reckoning. This extends Lee’s arguments about the populist frame. Lee emphasizes the overall importance of “the people” and the system within the populist frame. I believe my analysis builds on Lee’s arguments—extending his emphasis on the system to its overall impact on the public, which is the apocalyptic reckoning. Although the most crucial rhetorical move that makes neoliberalism fit with the populist frame is the definition of “the people” as virtuous entrepreneurs and the enemy as the liberal elite, it is the apocalyptic reckoning that provides the most opportunity for advancing a neoliberal agenda. While Kazin also does not explicitly identify the different components of the populist frame, he does highlight how the content of the frame changes with changing social and cultural dynamics. These changes occur within an apocalyptic confrontation, which I think makes this part of the frame necessary and important for the transformation of a neoliberal ideology into practice.

All aspects of the populist framework together to reinforce the overall purpose of the rhetor. “The people” are the actors, tangible victims of the broken system and a source of identification. The enemy is the scapegoat for all ills, amplifying the goodness of the people and the need for an apocalyptic change. The system is the forum in which the confrontation takes place. Until the system is introduced, “the people” and the enemy have no context. Lastly, the apocalyptic reckoning is the reason for action. It motivates “the people” to act in a certain way for certain reasons. Like any populist rhetor’s motive,
ALEC’s purpose is not just to construct a “people” for the sake of camaraderie, but instigate a system-wide change. ALEC’s role then, is to create membership both literally and rhetorically, that lays a foundation for change by interpellating “the people” as virtuous entrepreneurs stuck within a system that must be changed. What makes ALEC’s rhetoric so effective is what happens after “the people” have been constituted. As my case study shows, at the state level “the people” are best motivated by a sense of apocalyptic reckoning. The state’s impending financial crisis and the potential loss of jobs was placed at the forefront of appeals made by those who favored Walker’s plan, and the beginning of a the destruction of worker’s rights nationally was one of the major rallying cries of those who opposed it.

The same was true for the unions and senators who also used a populist frame to combat ALEC and Walker’s rhetoric. The national reckoning for unions and the absolutist nature of the conflict over worker’s rights was the most persuasive appeal for those inside and outside of Wisconsin. The reckoning of worker’s rights was also what garnered neoconservative support from the Wisconsin churches and weakened Walker’s support base on the Right. While the construction of the worker as either a neoliberal, market actor, or a civil actor was an important distinction between the two competing rhetorics in the Wisconsin conflict, Walker also did a lot of rhetorical work to make sure the apocalyptic reckoning was framed in economic terms. The unions and the senators however, did a lot of rhetorical work to counter Walker’s characterization and challenge the neoliberal implications of framing the confrontation using market appeals. Therefore, neoliberalism seems well suited for use with the populist frame because of its constructions of “the people” and a common enemy, but my analysis has shown that an
economic framing of the apocalyptic reckoning is also necessary in order to further neoliberal political goals.

**Social implications**

Beyond theoretical reasons, I think it is important to study ALEC’s rhetoric because it has a major impact on the way we understand the world around us. Workers’ rights are American rights, and altering them will have dramatic effects on both workers and those who employ them now and in the future. In addition, ALEC’s rhetoric also advances neoconservative social values. As a result of the union between neoliberalism and neoconservatism, continued dominance of ALEC as a political force through their neoliberal agenda also means further social polarization and more bitter culture wars. Such movement is happening already, with statehouses across the country chipping away at abortion rights, voting rights, and the definition of marriage in the name of a higher moral order.

ALEC and its rhetoric is also changing how state legislatures are, or should be, run. ALEC is not a state in the United States, but state legislators are pledging to “act with care and loyalty” to put the interests of ALEC first (Pilkington & Goldenberg, 2013). If these state legislators are elected to represent the people, the people should know what those interests are. ALEC’s presence in statehouses across the country and the loyalty it demands from its members should not to be taken lightly. Molly Jackman, a research fellow at the Brookings Institution, has published a compilation of the public policies ALEC puts on its agenda. In her report, Jackman confirms what many policy experts have previously noted: The real legislative action is in state legislatures, which is where ALEC operates (Jackman, 2013). State legislatures passed 29,000 laws in 2012
For the 2011–2012 legislative session, the number of bills enacted ranged from a low of 142 in Ohio to a high of 1,582 in Texas (Suhaka, 2012), but only 120 bills were passed in the U.S. Congress (Cohen, 2013). According to the Center for Media and Democracy, 466 bills resembling ALEC’s model legislation have been introduced in 2013 (PRW Staff, 2013). “Given the pervasive gridlock in Congress, key legislative change is occurring predominantly in the states,” Jackman writes. “It is, then, all the more important to know who is affecting which bills are introduced in the state legislatures, and which bills pass” (Jackman, 2013). Jackman concludes: “First, ALEC model bills are, word-for-word, introduced in our state legislatures at a non-trivial rate. Second, they have a good chance—better than most legislation—of being enacted into law. Finally, the bills that pass are most often linked to controversial social and economic issues” (Jackman, 2013).

I used Wisconsin’s battle over workers’ rights as a case study to analyze ALEC, but less dramatic instances of ALEC’s rhetorical and political impact are evident nationwide. According to a study conducted by Alexander Hertel-Fernandez (2013), a doctoral candidate in government and social policy at Harvard University, “states with more conservative governments are more likely to pass ALEC bills.” Hertel-Fernandez also found that “states where legislators had smaller budgets, convened for shorter lengths of time, and spent less time crafting policy were all more likely to enact ALEC model bills.” He concludes that: “less-experienced legislators were much more likely to rely on ALEC model bills compared to more experienced lawmakers.” Smaller states in particular then are vulnerable to ALEC’s pressures. With a population of just over one million, Montana is a small state electorally. The 150-member legislature meets for no
longer than 90 days in each odd-numbered year (Article V, Section 6, Montana Constitution, (1972)), and the two legislative chambers have been predominantly Republican for the last three sessions. The state relies on citizen legislators, elected to serve the public part-time in addition to their regular jobs. The Montana legislature is also one of the least experienced in the country given that it has some of the shortest term limits in the nation (Wilson, 2013). At the start of the 2013 session, more than 70 percent of the state House had served two terms or less. On top of that, Montana legislators have small staffs (NCSL.org, 2013, “Full and Part Time Legislatures”).

In Montana, these risk factors make us more inclined to pass ALEC legislation. Montana fell in the top six states that passed ALEC-related legislation last session. In her study, Jackman found that 132 of ALEC’s model bills were introduced in the 2011-2012 session, with almost 18 percent of those sponsored by Democrats (Jackman, 2013). According to Jackman, the states with the most ALEC legislative introductions were West Virginia (10 ALEC bills), Oklahoma (9), Mississippi (9), Arizona (8), Kansas (7), and Montana (7). Lastly, some Montana legislators are on ALEC’s side. In August of 2013, Rep. Dan Salomon and Sen. Verdell Jackson signed a letter demanding that U.S. Senator Dick Durbin of Illinois stop looking into the affairs of the ALEC in regards to the “Stand Your Ground Law” (ALEC, 2013). This reinforces the importance of understanding ALEC and how it operates. I believe a rhetorical approach offers a unique perspective from which to analyze ALEC and its operations because of the fundamental role that their rhetorical strategies plays in creating, supporting, and enacting ALEC policies. Citizens need to be able to critically analyze how ALEC’s populist rhetoric defines “the people” and their interests in very specific ways that tend to advance the
interests of corporations at the expense of ordinary working citizens.

**Limitations and areas for further study**

Because this analysis relied on only one case study I was limited in my exploration of the variety of ways ALEC’s neoliberal and neoconservative rhetoric is translated for more public consumption on a variety of issues. Due to the nature of the case study, I was unable to fully assess how ALEC’s more neoconservative messages are translated into the public sphere. More studies need to be done in order to determine the effectiveness of foregrounding the apocalyptic reckoning within the populist frame, as well as examining different, non-populist forms of opposition to ALEC and their overall effectiveness. Lastly, this study does not offer explicit instructions for how to oppose ALEC rhetorically, but instead opens the door to which of the organization’s appeals might be most vulnerable to criticism. Future areas of study should consider both the neoliberal and neoconservative appeals in ALEC’s rhetoric, as well as track how the populist frame may be moving further to the Right thanks to organizations like ALEC and its members.

In conclusion, populism has endured as a persistent and recurring force in shaping the boundaries of political change. The ideological vacancy of the populist argumentative frame makes it the ideal language for the reinterpretation of various political agendas, and right now ALEC and its members are using it to effectively advance a neoliberal ideology. It is important to understand how and why ALEC does this, as well as how to combat it, in order to better understand our world and the rules, assumptions, and motivations that govern it.
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