

## *Chapter 1. Continuous Interaction*

*We hold these truths to be self-evident:*

*That all men [and women] are created equal,  
That they are endowed by their Creator  
with certain inalienable rights,  
That among these rights are life, liberty,  
and the pursuit of happiness,  
That to secure these rights,  
governments are instituted...,  
deriving their just powers  
from the consent of the governed.*

For more than 200 years these inspirational words from the American Declaration of Independence have been the most profound influence for democracy around the globe.<sup>1</sup> Where government is oppressive, people welcome the message that all persons are equally entitled to basic human rights. Where government is controlled by a dictator or a ruling elite accountable only to itself, people welcome the concept that powers of government are just only if the people give their consent.

The consent of the governed. This means that the people are sovereign. They have the supreme power. Not a king, not a landed aristocracy, not a powerful economic elite, not a military junta, not a dictator, not a political party monopolizing power. Democracy is a system of government grounded in the sovereignty of the people.

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Interestingly neither the Declaration of Independence nor the U.S. Constitution uses the term "democracy". Instead the framers of the Constitution used another term to describe what they created. They called it a "republic".

In explaining this concept, James Madison indicated that

we may define a republic to be....a government which derives all its powers directly or indirectly from the great body of the people.<sup>2</sup>

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<sup>1</sup> Updated here to be gender inclusive.

<sup>2</sup> *The Federalist.* No. 39. p. 243.

This picks up the Declaration's idea of government derived from the consent of the governed.

Such a government, Madison continued,

is administered by persons holding their offices during pleasure, for a limited period, or during good behavior.

Then he insisted:

It is essential to such a government that it be derived from the general body of the society, not from an inconsiderable proportion, or a favored class of it.<sup>3</sup>

Today we call this "representative democracy" in contrast to "direct democracy" in which citizens assemble to make decisions on public policies, as epitomized in New England town meetings. This latter system the framers referred to as "pure democracy".

The framers favored the representative form for two reasons. First, they realized that the everyone-invited approach of town meetings was suitable only for relatively small areas and a fairly small population. A republic can be extended over a greater number of citizens and a greater sphere of the country.

Second, the framers, we should honestly acknowledge, had an underlying fear of common passions of the people, who might form a majority which would ride roughshod over the rights of other citizens. James Madison, in the well-known *Federalist No. 10*, articulated this concern for pure (direct) democracy.

Hence it is that such democracies have ever been spectacles of turbulence and contention; have ever been found incompatible with personal security or the rights of property; and have in general been as short in their lives as they have been violent in their deaths.<sup>4</sup>

Representative democracy would offer protection, he maintained. Its effect would be

to refine and enlarge the public views, by passing them through the medium of a chosen body of citizens, whose wisdom may best discern the true interest of their country, and whose

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<sup>3</sup> *Ibid.*, pp. 243-44.

<sup>4</sup> *Op. cit.*, p. 58.

patriotism and love of justice will be least likely to sacrifice it to temporary or partial considerations.<sup>5</sup>

Madison didn't elaborate who would constitute the "chosen body of citizens", but he probably assumed that they would be men of education and property, like those who drew up the Constitution. In truth, the framers tended toward an elitist orientation, though with a commitment to assuring that the power of government is derived from the "great body of the people". They wanted the people's consent only at election time rather than their direct involvement in ongoing operations of government.

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Two hundred years later we Americans have accepted the practicality of relying on the representative form to serve a large population and an expansive territory, though we use referendums and voter initiatives to provide an element of direct democracy. At the same time we have done much more with the consent process than the framers imagined. In doing so we have greatly widened the scope of American democracy.

We have enlarged the number of offices filled by direct election. We have broadened widely the electoral base. We have created political parties to nominate candidates and work for their election. Months-long campaigns feature interchange between candidates and citizens.

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<sup>5</sup> Op. cit., p. 59.

Moreover, we citizens are not content to sit back and wait for the next election to give our consent once again. As individuals, we lobby elected and appointed officials to influence their decisions. We form organizations to provide collective strength to our lobbying efforts. Sometimes we assemble to express our grievances. We engage in other forms of protest to have our views heard.

In addition, we have instituted formal patterns of interaction between citizens and governmental officials, both elected and appointed, such as public hearings and advisory committees. Some of this is built into governmental decision-making processes, some occurs through citizen initiative.

Indeed, we have elaborated the manner of consent-giving so much that it has become virtually a continuous process rather than merely a once-and-that's-it occurrence. Consent-giving events, such as periodic elections of public officials and votes-by-ballot on constitutional amendments and referendums, are preceded by months of campaigning. Soon after election many incumbents begin to think ahead toward the next election, and this affects their relations with constituents. Lobbying and other forms of citizen advocacy go on throughout the year, and so do formalized processes of citizen-public official interaction.

This is so much a part of our political life that we take it for granted. But from a world view, consent of the governed as a continuous, interactive process is one of the most significant achievements of American democracy. This is how we express sovereignty of the people in our representative system of government.

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As a continuous process, consent of the governed has a past, a present, and a future. The past consists of tradition, established values, psychic memory, habitual attitudes, and past relationships among various actors. The present is a contemporary event, such as an election campaign, adopting a budget, developing a community plan. The future consists of anticipated occurrences, such as fulfilling campaign promises and carrying out plans, and the vision of hoped-for outcome.

The continuity of consent occurs through sets of relationships between citizens and the officials whom they elect to govern, plus persons appointed to decision-making positions. Present relationships are affected by past patterns and by what people project for the future.

Schematically continuous, interactive can be illustrated in the following manner:

Public officials -----  
& candidates

Citizens -----

Past	Present event	Future
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The event might be an election, budget making, adoption of legislation, making a community plan, working out an approach to natural resource development and conservation. Potential actors might encompass all citizens in the case of election but only segments of the citizenry in other matters. Likewise not the entire officialdom participates in any one even, but some officials are involved in many.

Some events, such as elections and budget-making, have recurring cycles and observe a regular calendar schedule. Other events, such as enacting laws, adopting regulations, and project planning, have regular stages occurring in sequence. Other aspects of the consent process, such as relationships between legislators and their constituents and the advocacy activities of citizen groups, happen more randomly but constantly occur.

Later chapters considers the consent process of these events in depth. As an opener, let us examine a couple of them briefly.

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The election cycle can be depicted as a recurring circle or as a wave proceeding through time, such as:

Long before election day and usually long before the nominating process officially begins, persons who want to run for office start **positioning** themselves. They make political contacts, build support, form alliances, take positions on issues, and seek publicity. In this manner they start the process of saying, "If you will vote for me, I will do such-and-such when I take office." Incumbent legislators who want to be reelected position themselves through their votes and constituency service. Elected executives position themselves for reelection through policy decisions they make and the way they respond to public concerns. In this manner positioning is very much part of the continuous, interactive process that achieves the consent of the governed.

**Campaigning** for election goes through several stages. Candidates seek solid commitments for support before they publicly announce their candidacy. They compete for their party's nomination in a primary election or convention, or they seek endorsement of civic alliances if the election is non-partisan. In the general election rival candidates compete with one another and engage in give and take with voters. They offer their views on public issues and reveal what kind of persons they are (though unfortunately sometimes both are obscured). Although campaign promises aren't always kept, the interchange that goes on during the campaign helps voters determine what they are consenting to.

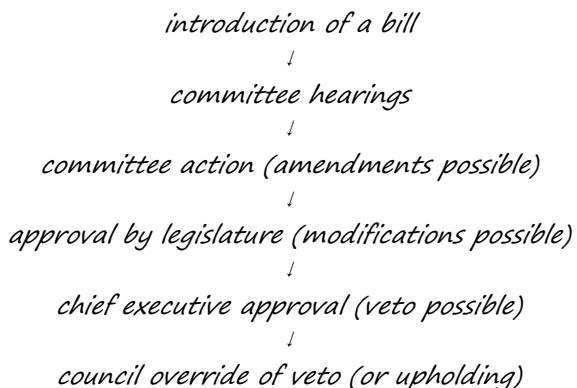
Voting on election day is the culmination of this process. Many factors determine how citizens

vote: party identity, economic status, race, gender, particular interests. One's vote is affected by one's own past, by the campaign, by outlook for the future. In voting citizens give their consent to legislators and executive officials to make significant decisions in our behalf. Election day is an important event for a democracy, but it represents only a fraction of the consent process.

The day after an election positioning commences for the next election. Some persons may even start positioning themselves for one or two elections hence. Positioning shades into informal and then formal campaigning. The next election day and then the cycle starts again. In this manner, interactive consent flows on continuously.

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Likewise enacting law follows a regular sequence through American legislative bodies. In unicameral bodies, such as most city and county councils and the Nebraska legislature, the main stages of the process are these:



In bicameral bodies, such as the U.S. Congress and all state legislatures except Nebraska, the house of representatives and the senate each considers separate bills. Sometimes one house adopts the bill of the other house without change, but often two different versions go to a conference committee drawn from both houses. The conference bill then goes to each house for a vote before the bill goes to the president or governor.

Interchange between legislators and citizens occurs through each stage of the legislative process and also between citizens and the chief executive at points the latter is involved. Sometimes legislators initiate the contact, but more often advocacy groups and individual citizens take the initiative as they lobby for or against particular legislation.

Advocacy groups play an especially significant role. They position themselves before the session begins by making campaign contributions and sometimes providing campaign volunteers. They are likely to be in touch with state legislators and members of Congress in their home community and at

their office at the capitol between the election in November and opening of the legislative session in January. They indicate what they want to occur during the session, and they may offer drafts of legislation.

Throughout the legislative session lobbying goes on day and night. Lobbyists follow every piece of legislation of interest to their organization through all stages. They may help draft it, offer amendments, attend public hearings, testify, observe open committee meetings, sit in the gallery of the legislative body, catch members as they come and go in the capitol lobby (the origin of the term), stop in their office, meet with their staff, take members and staff to lunch and dinner, get to know them personally, and in other ways press for approval of their viewpoint.

A great amount of lobbying is done through coalitions of advocacy organizations, often on opposing sides of legislation. There is a certain drama as various coalitions meet to plan strategy, share knowledge of legislators' positions, draft sign-on letters, stage literature drops, divide the list of swing votes for visits and phone calls, identify legislators for grassroots attention, and work out other lobbying tactics. This goes on parallel to the development and execution of legislative strategy by party leaders, committee chairs, and coalitions within the legislative body itself. Ofttimes cooperation occurs between these outside and inside coalitions.

Parallel with lobbying at the capitol, grassroots lobbying occurs through initiative of one person or a few individuals. Thus, some local residents discover that they have a common concern which has a legislative remedy or that they oppose some measure under consideration by the state legislature or Congress. They pool their resources, especially their time, and get friends and neighbors to support their position. Or persons belonging to a local organization -- such as a church, service club, a local trade group -- get that organization to take a position on a particular issue. They then get other members to write their representative.

Some local organizations develop a legislative agenda every year. They discuss it before the legislative session begins, talk with their representative before she or he goes off to the capital, and follow the legislation they are interested in throughout the session. They write letters, get others to write, and keep in touch with their representative by phone and when she or he is in town. They might even send a delegation to the capital at a crucial moment.

If a local organization is a chapter of a national organization, it is likely to add the national agenda to its own priorities of concern. Conversely, many organizations look to their local units as a major resource for grassroots lobbying. They might even spend more money on printed material, postage, and phone calls to mobilize grassroots action than they do in direct lobbying in Washington and the state capitals. National and state offices mail out periodic legislative alerts throughout the legislative session. They also operate computer networks for this purpose and send out faxes for faster communication than U.S. mail. They call for letters and phone calls on specific matters, and they let

local persons know about legislative recesses when representative are likely to be in their home districts.

Offices in Washington organize their mailing lists by congressional districts and the offices at the state capital maintain their lists by legislative district. In this manner they can send out special alerts to selected districts with legislators they want particularly to influence. They organize "phone trees" so that the state or national office can call a few main contacts, who call others, who in turn call others in spreading branches of telephone contacts.

After the session is over national and state offices of advocacy organizations compile voting records on key legislative issues and send them to their grassroots contacts. Locally they are used for further conversation with state legislators and members of Congress. Local groups distribute information about incumbents voting records during the next election campaign.

Many of the same practices that advocacy groups use in lobbying state legislatures and Congress are applicable in dealing with city councils, county councils, township boards, even school boards. Because the members of these bodies live in town and their offices are located locally, citizens have much easier direct access. They are more likely to know them personally, to be acquainted with relatives and friends of council and board members. Accordingly, greater reliance is placed on phone calls and direct contact rather than letter writing. Sometimes petitions submitted, knowing that local elected official will recognize many of signers. And it's easier to get a city council member to a neighborhood meeting than a member of Congress.

In enacting a law the formal decision-making action -- final vote by the legislative body, signing by the chief executive -- is the end product of a long process. Citizen influence upon these final act may be less important than affecting the bill in earlier stages: drafting, committee action, floor amendments. That's why it's important to understand the interaction between citizens and legislators throughout the legislative process.

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Extra:

The words flow readily from our tongues. If we think about it, we say, "Yes, that's democracy in action." If asked to explain what it means, we are likely to say, "We elect officials who run the government." That indeed may be the idea held by the framers of the U.S. Constitution. But after two centuries, consent of the governed has become vastly more far-reaching than voting once or twice

a year. Consent has evolved into a complex process of continuous interaction between citizens and those who govern.

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## Civic2.072

*Deriving their just powers  
from the consent of the governed.*

A government that secures basic rights and also maintains public order can be a powerful instrument. Our founders fully realized this because they suffered from arbitrary power exercised by the British crown. Taxation without representation was one of their major concerns. Accordingly they insisted that the powers of government are just only if they are derived from the consent of the governed.

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As we reflect on our two founding documents, it's interesting to note that neither the Declaration of Independence nor the Constitution of the United States uses the term "democracy". Yet, there can scarcely be a better description of democracy than the Declaration's formulation of the why and wherefore of government:

Who?	The people
How?	through their consent
Do what?	institute government
Why?	to secure inalienable rights
Which ones?	life, liberty, and the pursuit of happiness
For whom?	equally for all persons

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## Civic2.081

In the United States we the people are sovereign. We have chosen representative democracy as our basic form of government. We empower persons whom we elect to make and enforce laws, to authorize and carry out a wide variety of services, to levy taxes and expend public funds, to conduct foreign policy and declare war. That's a lot of decision-making authority to delegate.

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For more than 200 years these inspirational words from the American Declaration of Independence have been the most profound influence for democracy around the globe.<sup>1</sup> Where government is oppressive, people welcome the message that all persons are equally entitled to basic human rights. Where government is controlled by a dictator or a ruling body accountable only to itself, people welcome the concept that powers of government are just only if the people give their consent.

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### **ANTECEDENTS**

In 1776 "consent" was such a natural part of the political vocabulary that the authors of the Declaration of Independence felt no need to offer a precise definition. The idea came out of a 700 year quest in Western Europe to reconcile human freedom with the coercive power of government.

[To be completed.]

### **THE NEW REPUBLIC**

In 1787 the founders of the United States of America gave concrete expression of "consent of the governed" in the new Constitution. The state constitutions drawn up by the thirteen freed colonies

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offered further expression.

Interestingly neither the Declaration of Independence nor the U.S. Constitution uses the term "democracy". Instead the framers of the Constitution described their creation as a "republic".

In explaining this concept, James Madison indicated that

we may define a republic to be....a government which derives all its powers directly or indirectly from the great body of the people.<sup>2</sup>

(Note that consent can be either direct or indirect.)

Such a government, Madison continued,

is administered by persons holding their offices during pleasure, for a limited period, or during good behavior.

Then he insisted:

It is essential to such a government that it be derived from the general body of the society, not from an inconsiderable proportion, or a favored class of it.<sup>3</sup>

Today we call this "representative democracy" in contrast to "direct democracy" in which citizens assemble to make decisions on public policies, as epitomized in New England town meetings. This latter system the framers referred to as "pure democracy".

The framers favored the representative form for two reasons. First, they realized that the everyone-invited approach of town meetings was suitable only for relatively small areas and a fairly small population. A republic can be extended over a greater number of citizens and a greater sphere of the country.

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Judging by what they did, the nation's founders placed constrictions on participation in the consent process. The right to vote was generally limited to white, male property owners. Among the officers of the new national government only members of the House of Representatives were elected directly by the voters. Members of the Senate were chosen by state legislatures. Voters of the several states chose electors who gathered to select the president. In \_\_\_ of the thirteen states the legislature chose the governor.

By blending indirect selection with direct election the founders guarded against the sweep of popular democracy. Moreover, they seemed to want the people's consent only at election time rather than their direct involvement in ongoing operations of government.

#### TWO HUNDRED YEARS LATER

Although the basic system of government has prevailed, a lot has changed during the past 200 years in how consent of the governed is achieved. Most Americans readily accepted the practicality of relying on the representative form to serve a large population and an expansive territory. However, town meetings still function in New England, and elsewhere referendums and voter initiatives to provide an element of direct democracy.

Suffrage is now universal, for restrictions based upon property, race, gender, and age have been removed by the states and U.S. constitutional amendments. All governors and U.S. senators are directly elected. Presidential electors are bidden to reflect the popular vote. Political parties nominate candidates and work for their election. Months-long campaigns feature intense interchange between candidates and citizens.

Moreover, citizens are not content to sit back and wait for the next election to give our consent once again. Individuals lobby elected and appointed officials to influence their decisions. Advocacy organizations provide collective strength to lobbying efforts. Sometimes people assemble to express their grievances, thus sending a message to public officials.

Formal patterns of interaction between citizens and public officials are built into governmental operations. Public hearings and advisory committees are widespread. Citizen involvement in community planning is commonplace.

Indeed, in the United States the manner of consent-giving has become so elaborate that it has become virtually a continuous process rather than merely a once-and-that's-it occurrence. Consent-giving events, such as periodic elections of public officials and votes-by-ballot on constitutional amendments and referendums, are preceded by months of campaigning. Soon after election many incumbents begin to think ahead toward the next election, and this affects their relations with constituents. Lobbying and other forms of citizen advocacy go on throughout the year, and so do

formalized processes of citizen-public official interaction.

This is so much a part of American political life that citizens and public officials take it for granted. But from a world view, consent of the governed as a continuous, interactive process is one of the most significant achievements of American democracy. This is how sovereignty of the people is achieved in representative government in the United States.

#### **Four Arenas**

Consent of the governed in the United States today occurs through interaction of people functioning in four overlapping arenas: civic, economic, governmental, and political.

The civic arena is the domain of citizens and the associations they form. Many civic activities have little to do with politics, such as those with cultural, religious, social, community service, and self-help orientation, though occasionally they are drawn into the political arena. Other kinds of citizen associations provide a base for political involvement, particularly advocacy organizations.

The economic arena is composed of individual entrepreneurs, partnerships, corporations, their owners, managers, employees, and labor unions. They go about their business of producing and selling goods and providing services. But frequently they enter the political arena through advocacy organizations that represent their various interests.

The governmental arena combines enactment of laws, adoption of regulations, law enforcement, provision of myriad services, and construction of public facilities. Decision making by governmental officials overlaps heavily into the political arena.

The political arena is where interaction occurs between citizens and public officials, and also among public officials. Political parties have their homes in this arena, but advocacy organizations drawn from the civic and economic arenas function here, too. From the governmental arena legislative bodies and decision-making activities of the executive branch also enter into the political arena.

Figure 1 depicts these four arenas and how they interface. In addition to their interrelationships in the political arena, the civic, economic, and governmental arenas relate to one another on nonpolitical matters. For instance, government contracts with business corporations and professionals for services and construction projects, and government itself engages in economic enterprises. Businesses take on civic projects outside their quest for profits, and citizens express their concerns on corporate policies and community impact. Citizens and governmental employees cooperate in carrying out a wide variety of service and improvement activities.

Figure 1. Interaction between Four Arenas

While we acknowledge these other kinds of relationships, we are primarily interested in what goes on in the political arena in achieving the consent of the governed.

#### Time Dimension

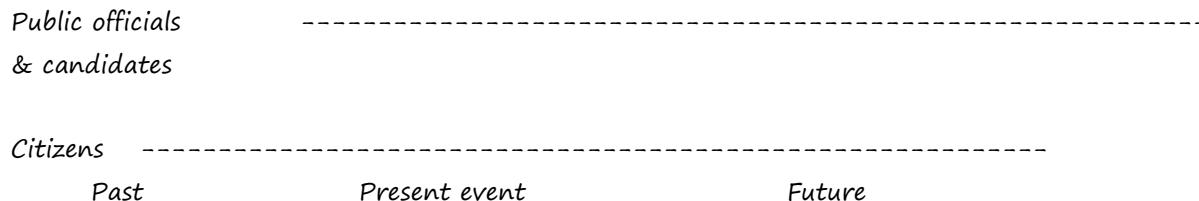
The interaction between citizens and public officials that achieves the consent of the governed occurs continuously. Therefore, the time dimension is important.

As a continuous process, consent of the governed has a past, a present, and a future. The past

consists of tradition, established values, psychic memory, habitual attitudes, and past relationships among various actors. The present is a contemporary event, such as an election campaign or enacting legislation. The future consists of anticipated occurrences, such as fulfilling campaign promises and carrying out plans, and the vision of hoped-for outcome.

The continuity of consent occurs through sets of relationships between citizens and the officials whom they elect to govern, plus persons appointed to decision-making positions. Present relationships are affected by past patterns and by what people project for the future.

Schematically continuous, interaction can be illustrated in the following manner:



The event might be an election, budget making, adoption of legislation, making a community plan, working out an approach to natural resource development and conservation. Potential actors might encompass all citizens in the case of election but only segments of the citizenry in other matters. Likewise the entire officialdom doesn't participate in any one event, but some officials are involved in many.

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Later chapters consider the consent process of these events in depth. As an opener, let us examine a couple of them briefly.

### Election Cycle

The election cycle can be depicted as a recurring circle or as a wave proceeding through time, such as:

Long before election day and usually long before the nominating process officially begins, persons who want to run for office start **positioning** themselves. They make political contacts, build support, form alliances, take positions on issues, and seek publicity. They start the process of saying, "If you will vote for me, I will do such-and-such when I take office." Incumbent legislators who want to be reelected position themselves through their votes and constituency service. Elected executives position themselves for reelection through policy decisions they make and the way they respond to public concerns. In this manner positioning is very much part of the continuous, interactive process that achieves the consent of the governed.

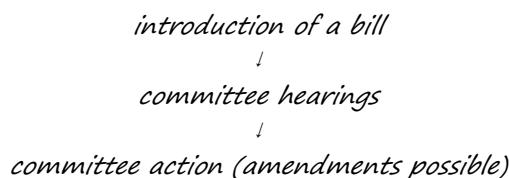
Campaigning for election goes through several stages. Candidates seek solid commitments for support before they publicly announce their candidacy. They compete for their party's nomination in a primary election or convention, or they seek endorsement of civic alliances if the election is non-partisan. In the general election rival candidates compete with one another and engage in give and take with voters. They offer their views on public issues and reveal what kind of persons they are (though unfortunately sometimes both are obscured). Although campaign promises aren't always kept, the interchange that goes on during the campaign helps voters determine what they are consenting to.

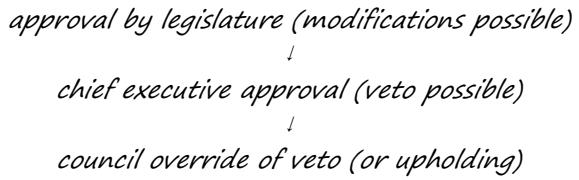
Voting on election day is the culmination of this process. Many factors determine how citizens vote: party identity, economic status, race, gender, particular interests. One's vote is affected by one's own past, by the campaign, by outlook for the future. In voting citizens give their consent to legislators and executive officials to make significant decisions in our behalf. Election day is an important event for a democracy, but it represents only a fraction of the consent process.

The day after an election positioning commences for the next election. Some persons may even start positioning themselves for one or two elections hence. Positioning shades into informal and then formal campaigning. The next election day and then the cycle starts again. In this way interactive consent flows on continuously.

### **Enacting Laws**

Likewise enacting laws follows a regular sequence through American legislative bodies. In unicameral bodies, such as most city and county councils and the Nebraska legislature, the main stages of the process are these:





In bicameral bodies, such as the U.S. Congress and all state legislatures except Nebraska, the house of representatives and the senate each considers separate bills. Sometimes one house adopts the bill of the other house without change, but often two different versions go to a conference committee drawn from both houses. The conference bill then goes to each house for a vote before the bill goes to the president or governor.

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Advocacy organizations play an especially significant role. They position themselves before the session begins by making campaign contributions and sometimes providing campaign volunteers. They are likely to be in touch with state legislators and members of Congress in their home community and at their office at the capitol between the election in November and opening of the legislative session in January. They indicate what they want to occur during the session, and they may offer drafts of legislation.

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Parallel with lobbying at the capitol, grassroots lobbying occurs through initiative of one person or a few individuals. Thus, some local residents discover that they have a common concern which has a legislative remedy or that they oppose some measure under consideration by the state legislature or Congress. They pool their resources, especially their time, and get friends and neighbors to support their position. Or persons belonging to a local organization -- such as a church, service club, a local trade group -- get that organization to take a position on a particular issue. They then get other members to write their representative.

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After the session is over national and state offices of advocacy organizations compile voting records on key legislative issues and send them to their grassroots contacts. Locally they are used for further conversation with state legislators and members of Congress. Local groups distribute information about incumbents voting records during the next election campaign.

Many of the same practices that advocacy organizations use in lobbying state legislatures and Congress are applied to dealing with city councils, county councils, township boards, even school boards. Because the members of these bodies live in town and their offices are located locally, citizens have much easier direct access. They are more likely to know them personally, to be acquainted with relatives and friends of council and board members. Accordingly, greater reliance is placed on phone calls and direct contact rather than letter writing. Sometimes petitions submitted, knowing that local elected official will recognize many of signers. And it's easier to get a city council member to a neighborhood meeting than a member of Congress.

In enacting a law the formal decision-making action -- final vote by the legislative body, signing by the chief executive -- is the end product of a long process. Citizen influence upon these final acts may be less important than affecting the bill in earlier stages: drafting, committee action, floor amendments. For that reason interaction between citizens and legislators occurs throughout the legislative process. This makes the time dimension a major factor in the consent process that occurs when legislation is enacted.

## EQUALITY

Consent of the governed is the second half of the formula for democratic government specified in the Declaration of Independence. The first half is political equality. The two are connected. Providing consent is a right equally available to all citizens. Equality is a standard by which to judge the authenticity of the consent process.

The claim of the Declaration of Independence that all persons are created equality boggles the mind. It seems folly against common sense because it is contrary to our observation that people are not equal in mental and physical capacity. Nor are they equal in wealth, and have never been in recorded history.

Abraham Lincoln realized this when he explained:

the authors ...did not intend to declare all men equal in all respects. They did not mean to say all were equal in color, size, intellect, moral developments, or social capacity. They defined tolerable distinctness in what respects they did consider all men equal -- equal in "certain inalienable rights".<sup>6</sup>

These inalienable rights are life, liberty, and the pursuit of happiness. The preamble to the U.S. Constitution reaffirmed these rights in different language: that we the people of the United States do ordain and establish the Constitution to establish justice (life), promote the general welfare (pursuit of happiness), and secure the blessings of liberty to ourselves and our posterity.

"To secure these rights governments are instituted," explains the Declaration. The powers of government are just only if they are derived from the "consent of the governed." And consent is just only if all citizens have equal opportunity to participate in the consent process.

Historically Americans have realized that all were not equally involved in the electoral process, so state and federal laws and constitutional amendments rectified this deficiency. Today as we look at other ways that consent of the governed occurs, we can notice that all citizens are not equally involved in other aspects of continuous, interactive consent.

For example, moneyed interests are able to gain greater access to legislators during the crucial early stages of drafting and amending legislation in committees. Interests of the poor and

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<sup>6</sup> Speech at Springfield, Illinois, June 26, 1957 in *The Life and Writings of Abraham Lincoln*. Edited by Philip Van Doren Stern. New York: The Modern Library, 1940. p. 422

disadvantaged are often inadequately represented. In community planning a city or county planning commission may be dominated by realtors, builders, and bankers, and the voices of ordinary neighborhood residents may be scarcely heard. Even where the local planning process is open to citizen input, poor neighborhoods may lack the organizations necessary for full participation.

Therefore, in this book as we examine the multiple ways in which the consent of the governed occur in American democracy, we will repeatedly ask: Does this process achieve equality of participation? If not, how can greater equality occur?

This connection between equality and consent is essential for American democracy to achieve its fullest potential. Sovereignty of the people means all of the people.

## .11 Continous, Interaction -- Extra

A great amount of lobbying is done through coalitions of advocacy organizations, often on opposing sides of legislation. There is a certain drama as various coalitions meet to plan strategy, share knowledge of legislators' positions, draft sign-on letters, stage literature drops, divide the list of swing votes for visits and phone calls, identify legislators for grassroots attention, and work out other lobbying tactics. This goes on parallel to the development and execution of legislative strategy by party leaders, committee chairs, and coalitions within the legislative body itself. Ofttimes cooperation occurs between these outside and inside coalitions.

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The words flow readily from our tongues. If we think about it, we say, "Yes, that's democracy in action." If asked to explain what it means, we are likely to say, "We elect officials who run the government." That indeed may be the idea held by the framers of the U.S. Constitution. But after two centuries, consent of the governed has become vastly more far-reaching than voting once or twice a year. Consent has evolved into a complex process of continuous interaction between citizens and those who govern.

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A government that secures basic rights and also maintains public order can be a powerful instrument. Our founders fully realized this because they suffered from arbitrary power exercised by the British crown. Taxation without representation was one of their major concerns. Accordingly they insisted that the powers of government are just only if they are derived from the consent of the governed.

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## Civic2.081

In the United States we the people are sovereign. We have chosen representative democracy as our basic form of government. We empower persons whom we elect to make and enforce laws, to authorize and carry out a wide variety of services, to levy taxes and expend public funds, to conduct foreign policy and declare war. That's a lot of decision-making authority to delegate.

## Chapter 2. Underlying Necessities

The continuous interaction between citizens and public officials that constitutes the consent process in American democracy doesn't take place in a vacuum. It occurs within a legal framework that makes it possible. It is achieved because the spirit of democracy is deeply rooted in the American people. Without these underlying necessities, continuous interactive consent would not occur.

### LEGAL FRAMEWORK

The legal framework for consent of the governed in the United States has evolved over the course of many centuries. The founders drew upon a rich British heritage that curtailed arbitrary power of the monarch, instituted parliamentary government, developed political parties, and established a bill of rights for all citizens. Their experience living under a distant colonial power heightened their sensitivity to fundamentals of liberty and democracy. The U.S. Constitution, the first ten amendments known as the "Bill of Rights", the state constitutions, and the initial laws of the new republic gave concrete expression to what they had learned.

Subsequent generations have developed and refined the legal framework for democracy. It is still evolving. We today are adapting democracy to our era. Our posterity will have the same privilege.

#### Rule of Law

The rule of law is fundamental. Laws made by and with the consent of the people. [develop further]

#### Constitutional Government

The territory now encompassed by the United States has had two waves of settlement. The First Settlers came from Asia over a land bridge from what is now called Siberia to Alaska. They began to arrive at least 20,000 years ago, and possibly as early as 50,000 B.C. Waves of migration moved southward and eastward. By 15,000 B.C., and maybe earlier, they were living on the east coast of North America. By the time Europeans came in contact with them after 1500 A.D., they constituted approximately 250 tribal groupings, each with a distinct language. Tribal government was based upon custom and tradition, orally transmitted from one generation to the next. (Iroquois federation, etc.)

The Second Settlers began to arrive on the east coast of North America from Europe during the second half of the 16th century. In 1565 the Spanish established St. Augustine, the oldest permanent

European settlement in what is now the United States. The English founded Jamestown in 1607, and in 1619 the Jamestown settlers convened their first elected legislature. The next year a band of settlers heading for Virginia on the *Mayflower* landed unexpectedly in Massachusetts. Because they could not conceive of living in a land without a government, the 41 adult males signed a compact before disembarking, stating in part:

We whose names are underwritten...mutually in the presence of God, and of one another, covenant & combine ourselves together into a civil body politic; for our better ordering & preservation...; and by virtue hereof to enact, constitute, and frame such just & equal laws, ordinances, acts, constitutions, & offices from time to time as shall be thought most meet and convenient for the general good of the colony; unto which we promise all due submission and obedience.<sup>1</sup>

Subsequently Second Settlers in other colonies showed a penchant for adopting written charters and constitutions. After the Second Continental Congress declared independence in 1776, it appointed a committee to draw up a plan of union. A year later the Congress agreed to the Articles of Confederation, which gained ratification of the thirteen independent states in 1781. Meanwhile, the states were adopting their own constitutions, such as New York in 1777 and Massachusetts in 1780. (others?)

When the Articles of Confereration proved too weak and ineffective, 12 states sent delegates to a convention in Philadelphia to revise the articles (with Rhode Island declining to participate). Soon after the 55 delegates assembled, they decided to scrap the Articles and to draft a completely new constitution. They worked all summer to craft compromises between large states and small ones, between North and South, between competing ideas on how to organize a new national government. Thirty-nine delegates signed the new United States Constitution on September 17, 1787.

The new U.S. Constitution divided the power of government into three branches: legislative, executive, and judicial. This was done to prevent excessive concentration of power by creating a system of checks and balances. Congress was given two chambers, the House of Representatives and the Senate. This was a compromise between the demands of populous states and smaller ones, resolved by providing representation to the House on the basis of population and giving each state equal representation in the Senate. The framers also wanted senators, originally appointed by state legislatures, to serve as a check on passions they feared might erupt in the popularly elected House of Representatives.

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<sup>1</sup> Philip Davidson, "Mayflower Compact" in *The World Book Encyclopedia*, vol. 12, p. 264. Chicago: Field Enterprises Educational Corporation, 1963. Spelling modernized.

As to the consent process, direct election by the people was limited to the House of Representatives in the original U.S. Constitution. Ratification was handled by special conventions in the states rather than by popular vote. The state legislatures were assigned responsibility of electing U.S. senators and choosing electors, who in turn would select the president. Members of the Supreme Court and other judges would be appointed by the president with the consent of the Senate. Subsequently, however, state laws provided for direct election of presidential electors, and the custom grew that electors would pledge themselves to vote for a specific presidential candidate. Over the years some states provided for popular election of senators (beginning with \_\_\_\_ in 18\_\_), and in 1913 the 17th Amendment to the U.S. Constitution made this practice universal.

State constitutions have established similar patterns of government divided into three branches. All states have bicameral legislatures except Nebraska, which has a single unit. All state legislators and governors are elected directly, and also certain other executive offices and in some states judges. Local governments have written charters or function under state statutes that establish local legislative bodies and executive officers and provide for their election.

Thus, it is a universal practice in the United States for the framework of government and requirements for election of public officials to be set forth in written constitutions, charters, and statutes. It is also universal for the people to be able to amend these legal documents (a matter we'll consider in greater detail in chapter xx).

**Free and Honest Elections** [needs research, rewriting]  
[Number of elected officials in U.S. today]

In the United States the conduct of elections is the responsibility of the states, which delegate a major part of the task to local governments. Accordingly, considerable variation occurs around the United States.

According to Richard E. Morgan, John C. Donovan, and Christian P. Potholm: [rewrite in my own words, based upon further reading]

Early in our history, people registered their choice orally. Voters simply came to the polls on election day and voice their preference. By the 1830s, a number of cities and towns switched to ballots. These were often printed by individual candidates or their parties. Even, then the ballots were marked in plain sight of election officials and onlookers. Not surprisingly, voters were often pressured to vote in a certain way and the practice of buy votes was widespread.

The secret, or Australian ballot, as it was known, was first used in Kentucky in 1888 and then in Massachusetts in 1889, although, surprisingly enough, it was not adopted everywhere in the United States until 1950! Voting machines, which enable individuals to register their votes

by pulling levers rather than my making marks on paper ballots, were introduced in Pennsylvania in 1892. Even today, fewer than half of all votes cast in a national election are recorded on voting machines. Some communities are experimenting with computer cards, on which voters "punch out" their choices.<sup>2</sup>

[something about honest election administration]

**Universal Suffrage** [needs research, rewriting]

Although the Declaration of Independence spoke eloquently of equal rights, suffrage was narrowly limited in the early days of our Republic. It was a privilege restricted mostly to white, male property owners in the early days. It took us nearly 180 years to achieve universal suffrage.

The states removed most property and taxpaying tests during the first half of the 19th century, completing the task in 1888. Yet the poll tax, a kind of economic test, was not completely eliminated in federal elections until 1964 by the 24th Amendment.

[literacy]

Restrictions "on account of race, color, or previous condition of servitude" were set aside by the 15th Amendment in 1870. Even with these amendments African-Americans waited until the Voting Rights Act of 1965 to gain full legal access to the polls. Implementation of this act has also helped Hispanics and other identifiable ethnic groups gain fuller voting rights.

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<sup>2</sup> Richard E. Morgan, John C. Donovan, and Christian P. Potholm, *American Politics: Directions of Change, Dynamics or Choice*. Reading, Mass.: Addison-Wesley Publishing Company, 1979. p. 175.

Women, whose privilege to vote was in the hands of the states, gained universal suffrage through the 19th Amendment to the U.S. Constitution in 1920. Youth 18 years of age and older were accorded the right to vote for president and members of Congress by the 26th Amendment in 1971.

#### Political Parties

#### Associations

#### Extra

In the beginning of our Republic, however, direct election of major state and federal officials was far from universal. In only four of the original 13 states did the people elect the governor. Elsewhere the state legislatures made the appointment. But since 18xx all states have had direct election of governor.

For the national government the original U.S. Constitution provided for direct election of only members of the House of Representatives. The state legislatures chose U.S. senators until 1913 when the 17th Amendment provided for direct election. However, by then 29 of the 48 states required popular nomination of candidates, whom the legislature appointed.

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As the number of elected office has expanded since the formation of the Union, so also has the right to vote.

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Eleven states ratified by July 1788 as North Carolina and Rhode Island held out for a bill of rights. The First Congress, which convened on March 4, 1789, took care of this matter in the form of a dozen amendments (ten were ratified) and the holdout states added their ratification.

### .31 Positioning

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Democratic elections are a competitive process. Many enter the competition for elected office. Some explore the possibility and then drop out because of inability to stand the heat or recognition that their chance for election is small. Others are screened out by political party officials. Quite a number are defeated in an election and don't compete again, while others keep trying. Office holders move from local to state to national positions. At each stage there are more candidates than positions available. Voters act as judges.

Civic 2.081

#### Positioning

**Commonality.** The practice of positioning by candidates seeking elective office is a common phenomenon. If you recall what you have observed over the years, you will realize that positioning occurs not only in the quest for public office but also in other arenas where elections take place.

Potential candidates position themselves for election to class offices and student council in high school and college; as officers of service clubs, women's organizations, lodges, veterans organizations, and professional associations; in civic associations and cause-oriented organizations. The practice also occurs in religious denominations which elect bishops and other top officers. There you can observe persons positioning themselves years in advance and then becoming engaged in informal and formal campaigning as election time approaches.

To be sure in all of these arenas, persons are sometimes sought out to become candidates for positions they haven't pursued or nominated without their consent. These are exceptions, often quite valuable ones, but the general practice of positioning prevails.

In the political arena aspirants for office are usually self-selected. They make their own personal decision to run. Their motives are as complex and as varied as human nature, combining a quest for self-interest and a concern for others. Now and then friends and associates will encourage an individual leaning in that direction to seek elective office. Rarely does a committee of citizens call upon a community leader and convince her or him to step out of private life into the rough and tumble of politics. Candidates are almost always self-seekers, but most of them also perceive themselves as public servants.

Our is not the task to judge motives but rather to choose among those running for office. Or to recruit better candidates if we are dissatisfied. Or to run ourselves.

**Getting in position to run.** If you are interested in seeking public office, you can learn a lot from successful politicians about positioning. How you go about it varies with the type of political system you are in, such as one-party domination or competitive between two parties, tightly-controlled or loosely-run party organizations, nonpartisan civic emphasis instead of party domination. It also varies according to the arena of action: local (city or county), state, national.

You position yourself by joining organizations, doing things, making friends, forming alliances, seeking publicity, and gaining recognition. You may start with tasks that many volunteers undertake, such as stuffing envelopes, handing out leaflets, making phone calls, attending rallies to add to crowd size. You can join committees to work on issues and plan tactics. You can go out as a speaker, write letters to the editor, place phone calls to talk-in programs and appear on one yourself as you gain some publicity.

You can initiate civic endeavors, such as collecting food and clothing for the needy, organizing neighborhood cleanup, starting a mentor program for disadvantaged boys, starting girls clubs. You can become active and take leadership roles in nonpolitical organizations, such as church or synagogue, parent teacher association, service club, women's civic group, veterans organization. Doing so provides contacts, offers visibility, and gives you experience in group dynamics and coalition building. The nonpartisan nature of many civic activities is an asset because it shows you as a public-spirited citizen and not narrowly constricted to one party or a highly-vocal, single-purpose advocacy group.

Persons already holding elective office who want to move to a broader arena -- local to state, state to national -- use various techniques to position themselves to appeal to the broader constituency. They join statewide and national associations. They go outside their locality or state to participate in events where they meet persons from elsewhere and begin to achieve visibility. They serve on committees, speak at political conventions, and sometimes form or join caucuses of like-minded persons. They may support a candidate for a party post or an elective office with the hope that they will receive reciprocal support when they are ready to run for office in this broader domain.

**Deciding when to run.** You may decide to undertake several years of positioning before you seek elective office for the first time. Or you may plunge right in without a lot of preliminary effort. In either case, there are a number of questions to ask yourself before deciding what office to run for and when to do so.

- What office do I want to seek? What are the district boundaries? (This may affect choice of residence.)
- Is there a succession of offices for reaching my goal? (Such as, city council member then mayor and perhaps governor; state representative, state senator, governor; attorney general then governor; U.S. representative then senator and maybe president or vice president; or a

succession of appointive positions before running for elective office.)

- When will there be an opening -- at the next election or a subsequent one? (Because of term limit, announced intent of incumbent not to seek reelection, prospect that he or she will be running for another office.)
- If the incumbent is likely to seek reelection, what are my prospects? If she or he is from the opposite party, can I win my party's nomination? If from my party, should I challenge the incumbent in the primary?
- Even if the incumbent seems assured of reelection, should I run to raise issues or to build initial support for a second try?
- Who else is interested in running? What are their strengths and weaknesses, support and public appeal? How do I compare?
- Who can I get to support me? Should I form a ticket with candidates for parallel offices? Such as other legislative districts.
- What opposition will I face from elements within my party or from advocacy groups involved in electoral politics?
- What are my chances -- excellent, fair, poor? How can I improve my chance? (Sometimes you won't know until you try.)

**Public benefits.** What for individuals is positioning is a screening process for political parties and the broader public. Parties, caucuses within them, and sometimes outside advocacy groups try out potential candidates and groom particular individuals to run for office. Party leaders and citizen activists observe newcomers, note what they do and what they say, judge their accomplishments and their character, and consider whether they are appropriate candidates for public office. Unsuitable candidates to whom voters aren't likely to consent are screened out or encouraged to modify their positions and their mode of operation. Many strive but few are chosen.

Positioning functions as an early part of the consent of the governed. Prospective candidates, seeking recognition and staking out positions on public issues, interact with the public. Learning what the public thinks on particular issues, they may tailor their positions to reflect majority opinion. They may also educate the public on new ideas and learn how to advance unpopular views in a manner that will gain support. This exchange can have an effect on future policy decisions.

The positioning period is an opportunity for advocacy groups to gain support for their positions from potential candidates before they have taken a public stand on particular issues. This kind of early involvement enables advocacy groups to make advantageous connections that they can intensify when formal campaign begins.

**What incumbents do.** We have been talking about what persons not now holding a particular elective office do to position themselves to run. Another aspect of positioning is what incumbents do as they look ahead to the next election. There is variation between legislators and chief executives. For

both their actions become part of the continuous consent process.

Immediately after their election members of city and county councils, state legislatures, and the U.S. Congress write thank you notes to their supporters, attend community meetings as they prepare for the next session of the legislative body, and talk with campaign contributors (usually at the latter's request). They assign staff to respond to letters and phone calls from constituents on legislation and requests for assistance in dealing with the bureaucracy. They send out news releases to newspapers and to television and radio stations in their district, and they distribute newsletters. They schedule informal appearances around the district, sometimes hold hearings, and appear on radio and television talk shows. They introduce legislation upon request of their supporters. When they vote on legislation, they often have their eye on the next election.

Elected chief executives likewise maintain their ties with the citizenry between elections. Mayors and county executive speak at community meetings, tour neighborhoods, appear at numerous local events. They are likely to have an office of information and complaints for ready response to constituent concerns. Governors tour their states and speak at conventions of state organizations. The president of the United States speaks at conventions of national organizations, directly or through remote video connection. All of these chief executives hold news conferences, have staff for press relations, and have a unit to respond to constituent mail and phone calls. They require department heads and operating agencies to be sensitive to constituent concerns. Capital improvement projects, new program initiatives, and grants oftentimes are influenced by the executive's base of political support. So also is the legislation they favor. Rarely does an elected chief executive wanting another term or desiring another office lose sight of the next election.

From our perspective as citizens these are actions we want elected officials to take in order to be responsive to us after they are elected. From elected officials' perspective these actions are fulfillment of their public responsibilities. They demonstrate sensitivity to constituents while at the same time building support for reelection. In practice the lines are often blurred between being a faithful representative and positioning oneself as a candidate for reelection. Good constituent service is good politics. So be it.

The down side is that incumbents sometimes have privileges that give them unfair advantage over opponents in the next election. For example, legislators send out government-financed newsletters close to the election, and both legislators and elected chief executives have fundraising advantages because of their incumbency. We need to deal with this concern (and I'll take it up later), but we shouldn't deny elected officials the opportunity to keep in touch with their constituents and be responsive to them. We want this to happen. It's another aspect of the continuous, interactive nature of the consent process.

## .32 Campaigning

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### Campaigning

At some point individuals make a decision that now is the time to become a candidate for a particular elective office. This may follow months of positioning. It may occur suddenly because of a particular event, such as a public crisis or the death, illness, or unexpected retirement of an incumbent.

After making the decision to run, a candidate enters into a new phase consisting of informal campaigning and planning for a full-fledged campaign that will start with a formal announcement of candidacy. For the purpose of our discussion two aspects should be noted: mechanical and structural matters and the way pre-announcement campaigning enters into the consent-of-the-governed process.

**Planning.** This is not the place to present a detailed campaign manual, but we can note that experienced campaigners deal with the following matters in developing a campaign plan:

- Analysis of previous campaigns
- Voter profile: previous results, who votes, swing voters.
- Methods of voter contact, such as direct mail, phone banks, door-to-door visits, literature handouts, house parties
- Get out the vote tactics
- Media: use of television, radio, newspapers; relationships with reporters and editors
- Scheduling
- Campaign organization
- Assignments for staff and volunteers
- Office space
- Budget
- Fundraising: who does, methods

**Lining up support.** As campaign planning is going on, the candidate will be lining up support from individuals and organizations. This is likely to build upon contacts made over many months during the positioning period, but now the candidate is asking for specific commitments of support, including endorsement, recruitment of volunteers, and financial contributions.

As part of this process, the candidate will solidify positions on various issues and will start making commitments to various groups on specific policies. Therefore, it is a good time for advocacy groups to make contact with the candidate (or strengthen a previous relationship), to offer support, and to get

their ideas incorporated into campaign positions.

The candidate may also start commissioning opinion polls and focus groups in order to learn more about the voters' views on various issues and to gain insights on how to state his or her positions during the campaign.

The interchange that occurs as candidates line up support enters into the consent process, for it begins to tell voters what the candidate will do if elected and it gives various individuals and organizations an opportunity to influence a future public official.

**Formal campaign begins.** With this preparation completed, the candidate is ready to make a formal announcement of candidacy. This requires thoughtful planning of where, when, who to invite, what to say, how to get favorable publicity.

The formal campaign commences with the announcement of candidacy. This is followed by execution of the various activities of the campaign plan. I'll not go into them in detail, for they are well known to observers of and participants in political campaigns. Moreover, there is an abundance of information available from political parties, consultants, and other practitioners.

From the broader prospective of representative democracy, the campaign should offer voters a full notion of what they are consenting to if they elect particular persons to public office. Unfortunately, some candidates cloak what they themselves believe in a mantle of negative campaigning directed against their opponent.

**Negative campaigning.** In American politics the practice of negative campaigning has waxed and waned over the years. Since the mid-1980s it has been on the rise. Rather than saying what they are for, candidates attack their opponent, in many cases with untrue or distorted charges. At worst they play on popular racial, ethnic or religious prejudice. They emphasize the politics of fear rather than hope.

The best remedy is self-discipline by candidates. Just say no. You who are candidates can choose not to engage in this practice. You can decide that you won't partake in the politics of fear. You can conclude that getting elected is not worth the price of participating in divisive campaigning that is harmful to our democratic way of life.

We citizens can also counter this tendency by pressing candidates to cease their negative campaigning. Whenever a negative ad appears on television and radio and in newspapers, we can write the candidate in protest. Such letters will be most influential when they come from the candidate's supporters or supposed constituency, but anyone can write. Here are some samples, based upon ads and practices of recent campaigns:

Dear Senator:

I saw your ad on television tonight where a pair of white hands were crumpling a job rejection letter. The narrator implied that the job went unfairly to a black person and that your opponent favors taking jobs from deserving whites and giving them to undeserving blacks.

Your appeal is racism, pure simple. As one who has voted for you twice previously because you want to cut the federal deficit, I deplore this racist approach. I urge you to cease this kind of negative campaigning and to focus on really important issues, such as getting more jobs for everybody in our state.

Yours truly,  
Charlotte Piedmont

Dear Sir:

As a life-long Republican, I'm appalled at your TV ad suggesting that our opponent willingly lets black murderers out of prison so that they can rape white women. You and I both know that it's not true. This appeal to racist fears should have no place in the party of Abraham Lincoln.

With best regards,  
Herbert Alfred Wendell, III

Dear Congressman:

Your TV ad indicating that your opponent will severely cut social security benefits has my 80-year old aunt very upset. Her only income comes from social security, so her fears are easily aroused. However, the Republicans support a strong social security system as much as we Democrats. So please stop causing the old folks needless anxiety.

Sincerely,  
Willie Franklin

Dear Governor:

I'm greatly disturbed that the national committee of your party has hired private investigators to inquire into the personal lives and finances of the relatives of your opponent. Families of politicians have a right to privacy, just like the rest of us.

I realize that in the primary your opponents brought up matters of your private life. I thought that was unfair and irrelevant. But because it was done to you, that's no reason to use the same methods in dealing with your opponent in the general election. Somebody's

got to put a stop to this unsavory practice. Show us your leadership qualities by telling your party to call off their investigators.

With best regards,  
Judith Post

Many politicians will continue negative campaigning as long as they believe it picks up more vote than it loses. We need to let them know that we find this style repulsive. We need to insist that they accentuate the positive and eliminate the negative.

## .34 Voting

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### Voting

Political campaigns come to a climax on election day. For candidates it is judgment day. For citizens it is a test of civic responsibility. For a representative democracy the breadth of voter turnout is a measure of how strongly the citizenry participates in this phase of the consent process.

**Registration.** Before people can vote, they have to be registered. Usually this has to be accomplished prior to election day, though in some places election-day registration is permitted. Some states require registered voters to vote with a prescribed regularity in order to keep their registration alive.

Voter registration is important for candidates, political parties, and various advocacy groups, and they frequently carry out extensive registration campaigns. They emphasize registering persons who are most likely to vote for the party's candidate or for candidates favored by the advocacy group. Therefore, they conduct registration campaigns targeted at specific precincts or at particular segments of the population. At the same time nonpartisan organizations may be encouraging all potential voters to register to vote.

From the broad perspective of achieving full democracy, the easier registration is the better. Gone are the days when potential voters had to come to the courthouse at limited times and to pay a poll tax. But some jurisdictions make it easier for people to register than do others. They allow for organizations to set up voter registration tables in shopping centers, provide for registration at public agency field offices, such as employment centers, and permit registration by mail. A number of states combine voter registration with driver license applications and renewal.

Those of you, my fellow citizens, who want to strengthen voter participation in elections should examine the registration process in your state and work for improvements to make it more open and more easily accessible.

Those of you who are from a racial, ethnic, or socio-economic community which has low voter turnout may want to undertake a strenuous voter registration campaign within your community. Essential elements include accurate information about the process, awareness of deadlines, and thorough organization of an outreach campaign.

**Get out the vote.** For candidates, political parties, and advocacy groups, getting out the vote on

election day is an important endeavor. This has to be an intensive process, carried out in 12 to 16 hours. For this to happen, careful preparation is essential.

The starting place is adoption of a get-out-the-vote campaign plan two or three months prior to the election. Among the elements are these:

- Appoint a get-out-the-vote director.
- Recruit and train volunteers.
- Learn the election law, such as rules for poll watchers.
- Determine which precincts to target and where polling places are.
- Obtain registration lists for targeted precincts and if possible determine past voting patterns of registered voters.
- Conduct telephone and door-to-door surveys to discover individual voter preference in the current election.
- Near election time, encourage persons identified as supporting your candidate to vote, remind them of location and hours of the polling place, offer rides and babysitting.
- On election day provide rides and babysitting as requested, be at the polls to check off who has voted, make contacts with those who haven't and are favorable to your candidate, and urge them to vote.

After the polls close, campaign workers assemble to wait for election results. After a while the candidate appears to claim victor or to acknowledge defeat. Ordinarily she or he is joined on stage by family, top campaign aides, and other prominent supporters. It is not unusual that persons aspiring to run in the future find a place on stage, visible to the television cameras, as they position themselves for the next election. And so the cycle continues.

## .36 Electoral Reform

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### ELECTION REFORMS

Overall we have a pretty good electoral system in the United States, in spite of citizen griping. If candidates are unsatisfactory, others have full opportunity to run themselves. If campaign practices are unsavory, we citizens can insist that they be cleaned up.

Because many citizens are dissatisfied with governmental performance, they would like to see many of the incumbents replaced. They have the opportunity every two years for many offices, every four years for most others, and every six years for U.S. senators. This is insufficient for some citizens, and therefore they advocate limitation on the number of terms an incumbent may serve. This is a faulty approach, as I shall elaborate in a moment.

It would, though, be desirable to level the playing field by reducing the advantage that incumbents have in campaign fundraising. Several significant reforms of campaign finance are in order.

#### Campaign Finance

[To be written. Deal with CAPs, bundling of corporate contributions, etc.]

#### Term Limits

Another contemporary issue in our electoral system nowadays is whether to limit the number of terms that incumbents may serve.

We may recall that Madison's definition of a republic (what we call representative democracy) specified that officials should hold office for a limited period. With that in mind the U.S. Constitution assigned representatives two year terms, the president a four year term, and senators six years. There were no restrictions, though, on the voters' right to re-elect office holders until 1951 when the 22nd Amendment limited the president to two terms. In the federal judiciary, judges are appointed for life.

State and local governments also specify the number of years in each term of their chief executive and legislators. Some limit governors and mayors to one or two terms, but historically there have been fewer restrictions on the number of terms legislators and city council members may serve.

Not all are satisfied with the present system, so there is now an active term-limits movement afoot in the United States. Already in a few states measures have passed to restrict the number of terms for state legislators. Efforts are underway to enact such measures in other states. Some want to apply this idea to the U.S. Congress.

Advocates for term limits tap into people's frustration with governmental operations and channel it into blame of long-time office holders. Such frustration is understandable because government isn't doing too well in solving some seemingly intractable problems. But this failure is not necessarily the fault of persons who have held elective office for a long time. Some newcomers to elective office share responsibility. So do governmental bureaucracies which, like those of numerous other large organizations, are bogged down in redtape and are too unresponsive to citizen concerns. Another contributing factor is that we citizens lack consensus of some crucial issues and therefore do not give our representatives clear instructions for what we want done.

If we look deeper and examine who the principal term-limits advocates are, we discover that they tend to be conservatives who haven't been able to field candidates and advance policies that voters will support. That was the origin of the 22nd Amendment, promoted by Republicans who were upset that Franklin D. Roosevelt won four successive elections for the presidency.

These days conservatives, not able to compete successfully in many electoral districts, are trying to short-circuit the democratic process by passing laws that take away the voters' choice. In the term-limits movement they are joined by some of more liberal persuasion who haven't been able to defeat incumbent members of Congress or the state legislator. Though mostly unspoken, there is also an element of racism, for many long-time legislators and U.S. representatives are African Americans and some Hispanics who have risen to top positions in state legislatures and Congress. Term-limits advocates want them dislodged.

Although using the rhetoric of democracy, the term-limits movement at its core is undemocratic. It reflects a deep distrust of the citizenry by restricting people's choice of whom to represent them. In effect term-limits advocates want to vote in districts other than their own. This is contrary to the concept of democracy as the sovereignty of the people, which is applicable district by district, state by state.

To be sure, "throw the rascals out" is an ancient sentiment in American democracy. But in our own district, we often realize that the incumbent is "our rascal" and we like him or her. Our representative has helped us when we have had problems with the bureaucracy. The longer he or she has been in office, the more clout he or she has. Moreover, over the years our representative has honed his or her policy positions to reflect majority opinion in the district. If he or she strays too far from district opinion, we'll replace him or her. It's our consent to give or take away, not what some outsiders want. Every two years (four or six for some offices) we can terminate an incumbent's

office-holding.

It really makes no sense to arbitrarily put someone out of office solely on the basis of years served. What if, for example, the same idea were applied to professional sports? As long as Kareem Abdul Jabbar could play good basketball, the Los Angeles Lakers had a place for him. Babe Ruth and Hank Aaron were hitting home runs when most baseball players their age had retired, and Nolan Ryan was throwing no-hitters while in his forties. Cal Ripken ought to be allowed to play as many consecutive games as he is able. And notice how popular Arnold Palmer, Jack Nicklaus, and Lee Trevino are on the senior golf circuit (sort of like the senate in a bicameral legislature).

Ability to perform is the key, not number of years of service. For the occasional representative who gets re-elected while too frail to serve adequately, there are thousands more whose long experience is a treasure for American democracy. By having limits on length of individual terms, but not on the total number, voters have a regular opportunity to determine how long elected officials will serve. The choice rests with the people in each district, not what some outsiders determine. That's the way it should be in a representative democracy.

### Conclusion

The truth is, it's up to us citizens to make our electoral system better. Do you want to see reforms instituted in party politics? Would you like to have better political parties? Then join one. Become active in party affairs -- in one of the mainstream party or in a third party.

Would like to have better office holders? Then run for office yourself or actively work for election of persons you think will do better than incumbents. Or so you want to be sure that the good ones remain in office? Support their re-election campaign.

There's plenty for you to do in politics: get people registered, get them to the polls, join a political party, serve on party committees, attend conventions, hand out literature, stuff envelopes, call potential voters, attend rallies, engage in debate on party positions, support persons seeking the party nomination, support the party's nominee in the general election.

Perhaps you yourself should run for office. If you feel that the rough-and-tumble of politics and elections is not for you, remember that in the whole of American history many of the ablest citizens have responded to the call of politics as the highest possible service to their country. The Continental Congress and the Constitutional Convention were filled with such persons. Governmental positions ever since have attracted people of ability and dedication.

The election cycle and the accompanying political process provides ways for assuring that our government serves us effectively. We are governed by persons to whom we give our consent. They

hold governmental power for stated periods of time. We can reelect or replace them as we choose. In this manner politics enables us to use our government as a vehicle to secure for all equally the inalienable rights of life, liberty, and the pursuit of happiness. It is this commitment to just ends that redeems the political process in democratic America.

It is often said that politics is the art of the possible. It is, but it is more. In a democracy, politics is also the art of the potential.

**CONSENT OF THE GOVERNED**

*Reflections on the American Experience*

A Book Proposed by

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August 31, 1993

**CONSENT OF THE GOVERNED**  
*Reflections on the American Experience*

*by Howard W. Hallman*

**CONTENTS**

Preface

**Part One. Historical Foundation**

1. Representative Democracy Emerges in Colonial America
2. Consent in the New Nation

**Part Two. Today's Processes and Participants**

3. Sets of Decision-Making Processes
4. Elected Officials in a Federal System
5. Political Parties as Instruments of Consent
6. Interest Groups: Another Set of Instruments
7. Ward Republics

**Part Three. Choosing Public Officials**

8. Positioning to Run for Office and Reelection
9. Election Campaigns
10. Interest Groups and Campaign Finance
11. Election Mechanics: Help or Hindrance
12. Suffrage and Voting
13. Appointing Public Officials

14. Recall and Impeachment

15. Term Limits

**Part Four. Influencing Public Policy**

16. Governing Coalitions: Inside and Out

17. Legislative Decision-Making

18. Lobbying Legislators

19. Executive Decision-Making

20. Exemplary Approaches to Citizen Participation

21. Judicial and Regulatory Agencies

22. Town Meetings: Assembled and Electronic

23. Ballot Issues

**Part Five. Public Opinion and Consent**

24. Communications Media

25. Social Movements and Protest

26. Other Efforts to Influence Public Opinion

27. Opinion Polling

**Part Six. Conclusions**

28. Strengths and Weaknesses of American System

October 14, 1993

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**SYNOPSIS**

**Preface**

**Part One. The Setting**

**1. Emergence of Representative Democracy in Colonial America**

Concept of consent in 18th century (heritage from European political philosophers and initial American colonial thought)...Achieving consent in the American colonies: European settlement, colonial government, suffrage, congresses

**2. Framework for Consent in the New Nation**

Adopting state constitutions: process, product...Forming a national government: Articles of Confederation (adoption, provisions, appraisal)...U.S. Constitution: the Convention, anticipatory consent, ratification, first elections...Building on the foundation

**3. American Federalism**

Formation of the Union: confederation, federal union...Later perspectives

(de Tocqueville, Bryce)...American federalism today (growth of nation, emergence of local government, growth of national government, situation now... Images of federalism...Affect on consent process

#### **4. Political Parties and Interest Groups**

Political parties: origin, contemporary parties (structure, roles)... Interest groups: in founding period, situation today

### **Part Two. Selecting Public Officials**

#### **5. Breadth of Electoral System**

Variety of elected officials (some history)...Who may vote (brief history of expanding suffrage)

#### **6. Electoral Mechanics**

Registration...Types of elections (primary, general)...Voting methods... Counting and certifying...Challenges

#### **7. Preparing to Run for Office and Reelection**

Selection committees...Positioning by potential candidates: newcomers, incumbents seeking reelection or another office...Relation to consent process

#### **8. Election Campaigns**

Seeking nomination: presidential, congressional, state, and local primaries and conventions...General election campaigns

#### **9. Interest Groups and Campaign Finance**

Role of interest groups in electoral process...Campaign finance... Reforms: past, present, proposed

#### **10. Voting**

Who votes, who doesn't...Ideas for achieving broader participation

## **11. Appointing Public Officials**

Magnitude...Positioning and informal campaigning...Executive appointments...Advice and consent...Judicial appointments

## **Part Three. Influencing Public Policy**

### **12. Decision-Making Processes and Governing Coalitions**

Length (time) and breadth (participants) of policy formulation and adoption...Governing coalitions: local, state, nation...Relationship to representative democracy

### **13. Legislative Decision-Making**

Variety of legislative bodies...Sequence of legislative enactment... Participants (legislators, staff, executive officials, interest groups, political parties, individual citizens): their roles and relationships

### **14. Lobbying Legislators**

At capitol, statehouse, courthouse, city hall: who and how...Grassroots lobbying: organizing and acting...Mobilization tactics

### **15. Executive Decision-Making**

Executive branch organization...Communication with citizens...Lobbying executive officials...Structures for citizen participation...Budget-making ...Planning processes...Program administration

### **16. Judicial and Regulatory Agencies**

Public influence on judicial decisions...Public influence on regulatory decisions

### **17. Direct Democracy**

Town meetings...adopting constitutions and charters...Ballot issues

## *Part Four. Other Aspects of Consent Process*

### **18. Public Opinion and the Media**

The communications media...Providing information, influencing opinion...

Interactive communication...Opinion polling

### **19. Withdrawal of Consent**

Recall and impeachment...Changing form of government...Protest and civil disobedience

### **20. Conclusions**

Strengths and weaknesses of American system...Basic conditions for effective consent

August 31, 1993

## *Chapter 5. Elected Officials in a Federal System*

### *Introductory paragraph*

*From CIVICS.032*

In American democracy free elections are at the center of attaining the consent of the governed. Through elections we choose who shall govern. We relate to them through other processes, but our right to elect and to reelect or turn out incumbents is fundamental.

According to the latest count there are 497,155 popularly elected officials in the United States.<sup>1</sup> Two thirds of them -- 330,400 -- are members of governing boards of counties, municipalities, townships, school districts, and special districts. There are 7,461 state legislators and 535 members of Congress.

Other elected boards account for another 41,072. Individually elected officials total 118,121, including the president and vice president of the United States, 50 governors, \_\_\_\_ lieutenant governors, \_\_\_\_ county executives, \_\_\_\_ mayors, \_\_\_\_ state and local judges, and numerous other executive officers of state and local government.

These elected officials are the pride of American democracy. They go through often arduous political campaigns. They oversee and operate the 83,235 governmental units in the United States. Even those elected to part-time positions serve long hours. Most of them are readily available to their constituents, who are more likely to bring complaints than offer praise. We should deeply appreciate their dedication, for their work is at the heart of our representative democracy.

### **GOVERNMENTAL UNITS AND THEIR ELECTED OFFICIALS**

*CONSENT3.032*

### ***Emergence of Local Government***

As the United States has expanded in territory and population, local government has emerged as a third major arena of the American federal system, along with the states and the national

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<sup>1</sup> U.S. Bureau of the Census, "Popularly Elected Officials" 1987 *Census of Governments, Government Organization*, vol. 1, no. 2. p. 1. Washington: U.S. Department of Commerce, Bureau of the Census, January 1990.

government. By the latest count there are 83,184 units of local government in the United States. Almost half of them are general-purpose governments while the remainder carry out more specialized activities.<sup>2</sup> General-purpose units consist of 3,042 counties, 15,691 townships (mostly rural but some suburban), and 19,200 municipalities.

<sup>2</sup> U.S. Department of Commerce, Bureau of the Census, *1987 Census of Governments. Government Organization*. Vol 1, No. 1. [To be updated when data from the 1992 Census of Governments becomes available.]

**Variety.** The pattern of local general government in the original 13 colonies exerted a strong influence on the new states as they joined the Union. New England in the northeast was divided into units called towns, which tended to have a village near the center surrounded by farms and forests. They also had counties with limited assignments. The other colonies formed counties with greater responsibilities, and the Mid-Atlantic states also had townships but with lesser powers than the New England towns. Cities formed with charters from the King of England or the proprietors, and after independence they functioned by authority of the state legislatures.

As new states came into the Union, they divided all of their land into counties. North Central states tended to follow the Mid-Atlantic pattern and further divided each county into townships, but new states in the South and West didn't create townships. State legislatures adopted laws allowing municipalities to incorporate. Counties built their courthouse in a centrally located municipality, which became the "county seat". Because each state wrote its own statutes, the details of local governmental organization and authority vary considerably around the nation.

In colonial times New Englanders established public schools. During the 19th century other states set up public schools until they spread throughout the country. In 1987 there were 16,213 public school systems in the United States, and 14,721 of them (90.8 percent) were administratively and fiscally independent of any other government. — percent of these independent school districts had popularly elected school boards. Of the 1,492 school systems that were part of some other government, such as city, county, township, — had popularly elected boards.<sup>3</sup>

Other special districts have formed separate from state and local general government for a wide variety of purposes: fire protection, cemeteries, water supply, sewerage, drainage and flood control, soil conservation, housing and community development, parks and recreation, libraries, hospitals, highways, bridges, airports, and other functions.<sup>4</sup> Most of the 29,532 special districts in existence in 1987 were under boards appointed by mayors, county commissioners, and governors, but — percent had elected boards.

In addition, there are 278 federal Indian reservations (some of them known locally as pueblos, rancherias, and communities). In 1990 about one-half the 1,959,000 population of American Indians and Alaska Natives (Eskimos and Aleuts) living in the United States resided on or adjacent to these reservations. They formed 510 federally recognized tribes, including 200 village groups in Alaska. On each reservation the tribal government is the local governing authority. The federal Bureau of Indian Affairs deals directly with these tribal governments. States in which reservations are

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<sup>3</sup> 1987 Census of Governments. Vol. 1., No. 1. Government Organization. p. xiii.

<sup>4</sup> Op. cit., p. x.

located have quite limited power over them.<sup>5</sup>

The Commonwealth of Puerto Rico has 78 municipalities with popularly elected officials, the Commonwealth of the Northern Mariana Islands has four, and Guam has 19. American Samoa has four districts, administered by appointed officials, and the Virgin Islands has three, one for each island.<sup>6</sup>

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<sup>5</sup> Primary source of information for this section is U.S. Department of the Interior, Bureau of Indian Affairs, *American Indians Today*. Third edition, 1991.

<sup>6</sup> Information provided by the U.S. Bureau of the Census and derived from *Political Handbook of the World: 1992*.

## States and Territories

### CONSENT3.032

**Creating new states.** Following the pattern established by the Northwest Ordinance of 1787, Congress divided newly acquired lands into territories and provided for appointment of a territorial governor and election of a territorial legislature by the Second Settlers. When a territory gained a sizable population of Second Settlers, it could become a state with its own constitution and government. Altogether 48 states formed between the Atlantic and Pacific Oceans, and the last was admitted to the Union in 1912. In 1959 two non-contiguous territories became states: Alaska (purchased from Russia in 1867) and Hawaii (annexed in 1898 after American interests had overthrown a native government five years earlier), bringing the total to 50.

**Map 3-1. The Fifty States of the United States of America**  
[Map of the 50 states.]

The District of Columbia, the site of the nation's capitol, has unique status. It occupies land ceded by the State of Maryland, is partly under the jurisdiction of Congress, but has a home rule charter and its own elected government. Citizens of the District vote in presidential elections and elect a delegate to the U.S. House of Representatives, where she or he has limited voting rights.

**Outlying territories.<sup>7</sup>** There are also island territories having a political association with the United States: Puerto Rico and Guam, won from Spain in a war of 1898; American Samoa, obtained from Germany and Great Britain in 1899; the Virgin Islands, purchased from Denmark in 1917; and the Northern Mariana Islands, formerly a United Nations trusteeship administered by the United States and transformed to political union in 1976. Puerto Rico and the Northern Mariana Islands are self-governing commonwealths, and the other three function as unincorporated territories.

All have popularly elected governors and legislatures. The legislatures are bicameral in Puerto Rico, the Mariana Islands, and American Samoa (where clan chiefs and subchiefs choose members of the Senate) and are unicameral in Guam and the Virgin Islands. Except American Samoa the indigenous inhabitants of these commonwealths and territories are considered to be U.S. citizens but may not vote in presidential elections. American Samoa, Guam, Puerto Rico, and the Virgin Islands each sends a delegate with limited voting rights to the U.S. House of Representatives.

The United States also exercises control over other Pacific islands for military purposes and

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<sup>7</sup> Political Handbook of the World: 1992. Arthur S. Banks, editor. Binghamton, New York: CSA Publications of State University of New York, 1992. pp. 825-9.

administers them through the Department of Defense. During the 1970s and '80s the United States mostly terminated its trusteeships of several other island groupings in the South Pacific but retained its defense interests.

#### **National Government**

## 8. Ward Republics

There is one further perspective on American federalism, first offered by Thomas Jefferson in his retirement. He wrote:

We should thus marshal our government into, 1, the general federal republic, for all concerns foreign and federal; 2, that of the State, for what relates to our citizens exclusively; 3, the county republics for the duties and concerns of the county; and 4, the ward republics, for the small, and yet numerous interesting concerns of the neighborhood;

He advocated this course because he believed that

in government, as well as in every other business of life, it is by division and subdivision of duties alone, that all matters, great and small, can be managed to perfection. And the whole is cemented by giving to every citizen, personally, a part in the administration of the public affairs.<sup>1</sup>

One hundred fifty years later Jefferson's plea for ward republics was taken up by advocates of neighborhood government.<sup>2</sup> This was one of the responses in the 1960s and '70s to the felt need for greater citizen involvement in public affairs and to a desire to give greater power to residents in inner city neighborhoods. No city created full-fledged neighborhood governments, but many of them set up elected neighborhood councils to provide residents with a greater voice in decisions affecting them.<sup>3</sup> Other methods of citizen participation came into widespread usage, as we'll examine in Chapter 10.

Meanwhile, in the suburbs neighborhood government exists in the form of small suburban municipalities with their own elected officials, taxing powers, and administrative operations. Thus, in

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<sup>1</sup> Saul K. Padover, ed., *The Complete Jefferson*. New York: Duell, Sloan & Pearce, 1943. p. 290.

<sup>2</sup> Milton Kotler, *Neighborhood Government: The Local Foundations of Political Life*. Indianapolis: Bobbs-Merrill, 1969; Joseph F. Zimmerman, *The Federated City: Community Control in Large Cities*. New York: St.Martin's Press, 1972; Howard W. Hallman, *Neighborhood Government in a Metropolitan Setting*. Beverly Hills, Calif.: Sage Publications, 1974; David Morris and Karl Hess, *Neighborhood Power: The New Localism*. Boston: Beacon Press, 1975.

<sup>3</sup> Howard W. Hallman, *The Organization and Operation of Neighborhood Councils: A Practical Guide*. New York: Praeger Publishers, 1977.

1970 12 percent of the metropolitan population of the United States lived in suburban units with fewer than 10,000 inhabitants, essentially neighborhood size. Another 11 percent resided in units in the 10- to 25,000 range, a kind of community district which might have several neighborhoods.<sup>4</sup> Thus for nearly one-fourth of the metropolitan population, neighborhood government was a reality. [Update data.]

Along with these small suburban municipalities, numerous metropolitan areas have established areawide agencies, especially in the form of special districts to carry out areawide functions, such as public transit, airports, water supply, regional parks, and other endeavors. This means that there is partly developed, three-arena "local federalism" in many metropolitan areas. Suburban municipalities and neighborhood councils in the central city are the "ward republics", the central city and suburban counties are the middle arena, and metropolitan agencies encompass the entire metropolis.<sup>5</sup>

This adds to the complexity of American government but also contributes to its vitality. No matter what trends point toward a nation-centered system, states retain their constitutional independence and local governments are politically strong enough to maintain a considerable measure of autonomy. In the future functional assignments may shift, relationships will change, but three-arena federalism (with a partially developed fourth arena, neighborhoods) is likely to endure.

October 27, 1993

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<sup>4</sup> Howard W. Hallman, *Small and Large Together: Governing the Metropolis*. Beverly Hills, Calif.: Sage Publications, 1977. p. 35.

<sup>5</sup> I have developed this idea more completely in *Small and Large Together*, pp. 145-157.

### *Chapter 9. Citizen Advocacy*

My fellow citizens. Our involvement in the political process isn't over when we vote once or twice a year. It only begins. Throughout the year we have a multiplicity of ways for interacting with public officials, and they with us. Sometimes interaction occurs through our initiative, at other times through theirs. It is part of the continuous process for obtaining the consent the governed, the hallmark of American democracy.

Each of us as an individual has the right to speak our mind to elected officials. We can also be part of advocacy groups which advanced particular interests and causes. This kind of participation is one of the glories of a free country.

#### **WHAT INDIVIDUALS CAN DO**

As individuals we can communicate our views to the president of the United States, members of Congress, governors, state legislators, mayors, city council members, county commissioners, county executives, county council members, township officials, school board members, and all the others whom we elect. We can also express our opinions to appointed governmental officials.

We let these public officials know what we think about current issues. If we disagree with their vote on a legislative matter or their executive decision, we let them know it. If we like what they've done, we express our approval. We ask them to help us in our dealings with the bureaucracy. Sometimes we ask for their assistance on other matters of our personal interests.

You the active citizen can choose from a variety of methods for reaching public officials. You can:

- **Write letters to legislators and executive officials.** This is most effective if it is spontaneous rather than part of a campaign of an advocacy group with a canned message. Being human, public officials respond more readily to courteous letters, even those opposing their viewpoint, than to vituperative missives. Many legislators read all of their constituent mail. Virtually all of them look over staff tabulations of calls and letters in order to notice trends of opinion.
- **Call your elected representative on the phone.** The smaller the district, the easier it is to talk with her or him personally (that is, city council members are more readily available than U.S. representatives). If you can't reach your representative directly, you can ask for the aide who handles your issue. You can call district and state offices of members of Congress and ask the

staff to forward your message to Washington. Usually for less than a dollar you can call the U.S. Capitol (202 224-3131) and ask for your representative or senator. Most congressional offices are open by 8:00 or 8:30 a.m. (Eastern time) and stay open until 6:00 p.m. With time zone differences, you can save money by calling early or late from your zone.

- **Call chief executives' offices.** Most mayors, county executives, and governors have staff assigned to receiving constituent calls. The White House has a public comment line, open from 9:00 a.m. to 5:00 p.m. (Eastern time), Monday through Friday (202 456-1111).
- **Send a telegram or fax a message** if you can find out the fax number (sometimes not readily available).
- **Talk to your legislators personally** by going to their office, meeting them on the street, attending a meeting where they are speaking. Most U.S. representatives return to their districts regularly. During recess periods they may schedule a series of public appearances at different locales, announced in local papers.
- **Talk to elected chief executives and department heads** when they appear at community meetings.
- **Be alert to appearances of public officials on radio and TV talk shows.** Call in your questions and comments.

Good timing is indispensable. To be effective you need to reach legislators on a particular issue before they vote on it, and you should communicate with the chief executive and department heads before specific policy decisions are finalized. Because the timing issue is so crucial, we'll consider it with greater specificity later in this chapter when we take up group advocacy.

Public officials expect to receive communications from their constituents. Some are more responsive than others. If they are too unresponsive, you have the opportunity to replace them at the next election.

#### WHAT ADVOCACY GROUPS CAN DO

Often we find that we can be much more influential in dealing with our elected representatives if we join with others of similar persuasion. Therefore, we form advocacy groups. At one time political scientists called them pressure groups and now commonly refer to them as interest groups. Sometimes journalists contemptuously call them "special interests." So do some politicians, that is, the interests groups opposing them, but not the supportive ones. In the founding days James Madison had similar derision for "factions" in *Federalist No. 10*.

Such blanket condemnation of interest groups is ill-conceived. Their formation is a natural phenomenon. Indeed most of us are involved in one or more interest groups, sometimes in many. Interest groups aren't "them" but rather "us" in various manifestations. But because of the emotional baggage associated with the term "interest groups", I will speak of them as "advocacy groups".

We form advocacy groups around particular concerns that we share with others. Thus, an advocacy group might consist of persons sharing a common economic self-interest, such as retailers, manufacturers, importers, utilities, workers, farmers, commercial growers, consumers. It might be organized around particular issues, such as in past years abolition of slavery, civil service reform, and women's suffrage, and nowadays civil rights, improved public education, better health care, environment, and other causes. It might focus on an ideology, such as socialism, capitalism, populism, liberalism, conservatism, libertarianism, and so forth.

Democracy expects advocacy groups to form, to articulate their views, to press for advantage, but also to keep the common good in sight and to be willing to work out equitable compromises. An important function of democratic government is to achieve an effective balance among competing interests, to assure than no one group gains an unfair advantage, and especially to see that the interests of the weakest are not overlooked.

If you're a practitioner of an effective advocacy group, I have very little to teach you, for you probably know more about the subject that I do. I would, though, appeal to you to respect the common good that goes beyond your particular interest. Primarily I want to speak to you citizens who believe that your interests aren't well represented in public decision-making and to offer guidance on how you can be engaged in this aspect of the political process more effectively.

## Organize

First of all your effectiveness can be multiplied by joining with others of similar persuasion. This is not to negate the need for individual expression. But under most circumstances persons sharing common concerns will have greater influence if they work together through some kind of organization.

Some advocacy groups arise almost spontaneously in response to an immediate threat to the interests of persons coming together. For example, a neighborhood threatened by a change in land use perceived by residents to be harmful. A group of businesses reacting to a proposal for higher taxes on their commodity or service. Persons concerned with environmental preservation responding to a corporate decision to make drastic changes in a tract of land.

In these circumstances organizing is fairly simple. One or a few people decide to call a meeting. They find a meeting place, pass the word, and a lot of people show up. With the audience already

excited and aware of the issue, discussion can focus on next steps to take and who will do what.

Such advocacy groups, though, often have short lives. Once the issue is resolved -- successfully, unsuccessfully, or through compromise -- the organization's primary reason for existence has dissolved. The organization will cease to exist unless some other cause is identified, or unless a small leadership group wants to keep it going as a base for other kinds of activities.

To establish a more enduring advocacy group without the jolt provided by an external stimulus, careful preparation is essential. This can be accomplished by a small core of volunteers, but sometimes paid organizers are used to get things rolling. Whoever it is, thorough preparation is essential.

Successful organizers have learned that they must spend considerable time talking with lots of people informally. They find out how various people perceive the issue or cause that is the focus of organizing. They determine the level of interest among potential participants. They assess who the natural leaders are. This may lead to formation of a small nucleus to serve as initial leaders.

This nucleus then decides how best to proceed. One option is to have a series of small meetings, leading to a larger gathering. Or the nucleus might call a large meeting in the beginning. In either case a working agenda is useful. The agenda can be more informal in small meetings, but larger meetings need some structure to proceed effectively. Perhaps the nucleus proposes an agenda and lets the audience approve or modify it at the beginning of the session.

It is important for the first meeting to make decisions on how to proceed thereafter. Maybe the nucleus, with possible additions, is designated as an interim steering committee. A by-laws committee might be formed and possibly a study committee on a particular topic is established with instructions to report back to the next meeting. Before adjournment the time and place for such a meeting should be set.

This is not the place to offer a full course on organizing advocacy groups. There are excellent sources for this, several of them listed at the end of this chapter. The point to note is that there is a solid body of knowledge on organizing that you can tap if you believe that your views are not well represented in the public decision-making process.

In many instances organizations find that their strength is enhanced by joining in coalition with other organizations. Here, too, careful preparation is crucial.

Several initiators can get together, identify their common concerns, decide what other organizations might want to be involved, make contact with them, and then work out a call for an initial meeting of the new coalition. Such a meeting requires a combination of structure and openness so that organizational representatives don't feel that all decisions have already been made by the

organizing nucleus but at the same time the meeting is not chaotic and without direction.

Coalitions are among the most delicate of organizational species. Participating organizations usually want to retain their own identity, and in many instances they have different perception of the issue that brought them together. The challenge is to contain separatist tendencies in order to work out a common agenda that all participants can support. This requires mutual respect, including a willingness to agree to disagree on certain matters without dissolving the coalition.

Unity provides strength. One incentive can be the realization that some other advocacy coalition is already working on the other side of the issue. Unless your side is as well or better organized, you may lose out in the contest to influence public policy.

## Chapter 17. Legislative Decision-Making

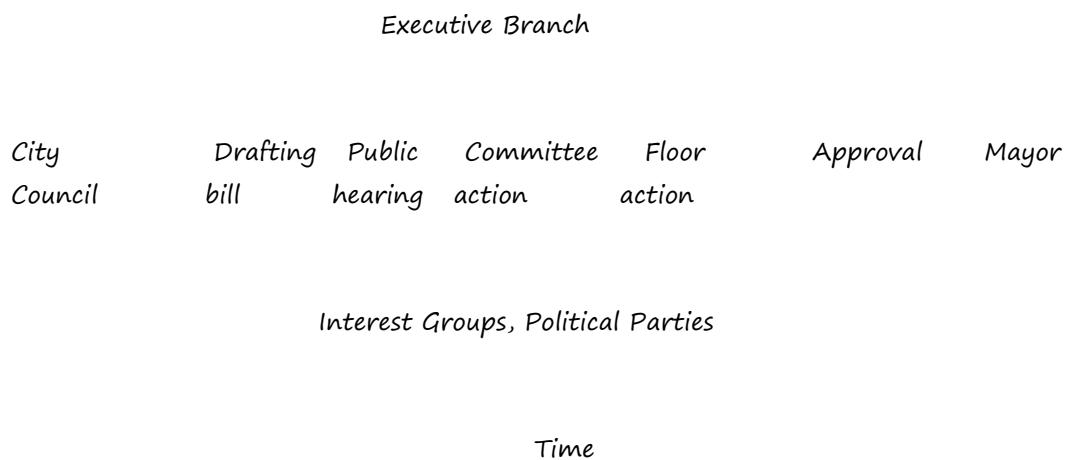
From CIVIC6.122

### Enacting Legislation

Public decisions occurring through relationships that extend through time can be illustrated by the legislative process. It flows through a regular sequence of events that may consume three to nine months. The primary relationship is among legislators themselves: members of city and county councils, state legislatures, and the U.S. Congress. These legislators also have ongoing relationships with the elected chief executive (mayor, county executive, governor, president), other executive officials, representatives of interest groups, and political party leaders.

This is illustrated in Figure 12-1, which shows the main stages of the legislative pipeline used by a typical city council. Like most city and county councils and the Nebraska legislature, it is unicameral, that is, has only one chamber.

Figure 12-1. Legislative Process of a Typical City Council



In the legislative process city council members are obviously involved in each stage. Often they are divided into majority and minority blocs. Other participants are also in the picture from beginning to end. Bill drafting may have input from council staff, executive officials, and interest group representatives. City department representatives and citizen witnesses appear at public hearings. Although direct relationships among council members is the key ingredient in committee consideration and floor action, the mayor, department heads, interest group lobbyists, political party

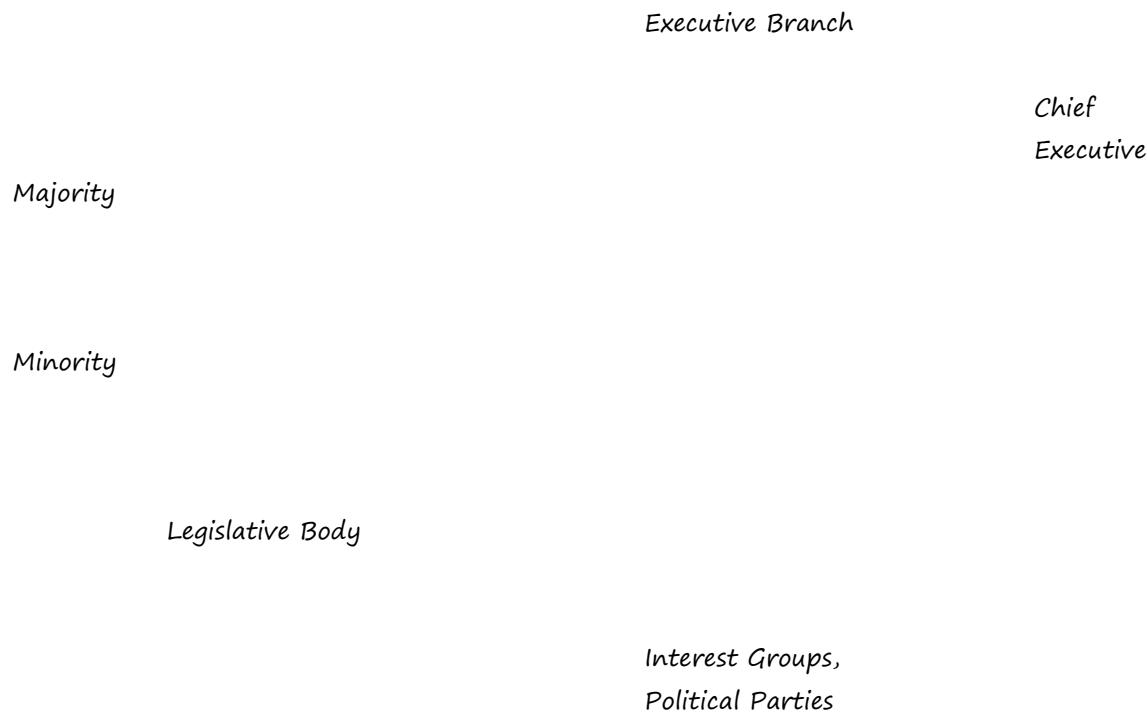
leaders, and ordinary citizens make their views known and exert their influence.

After the bill comes out of committee, citizens lobby council members to pass, reject, or modify it. The mayor may seek changes and may even threaten a veto if the bill is not amended in a certain way. As these outside influences press in on them, council members continue their bargaining with one another. When legislation goes to the mayor for approval, interest groups may push for approval or veto. The council majority may also urge the mayor to sign the bill, and the council minority may lobby for a veto.

During this process participants look back to past promises and look ahead to matters that will come up later. Thus, past, present, and future enter into passage of particular legislation.

A cross-section of these relationships is shown in Figure 12-2. Bargaining occurs within majority and minority blocs of the legislative body, between the two blocs, and within committees. The mayor presides over other executive officials who have an input into legislative proposals and who sometimes have their own direct contacts with council members. Interest groups form alliances and compete. Political parties get involved.

Figure 12-2. Cross Section of Relationships in Legislative Process



In the U.S. Congress and the 49 bicameral state legislatures the process is more than twice as complicated because a bill has to go through these steps in each chamber (most commonly called the House of Representatives and the Senate), next to a conference committee drawn from the two bodies, and back to each house for passage. This adds relationships between House and the Senate to the process. This is shown in Figure 12-3.

Figure 12-3. Legislative Process in Bicameral Bodies

Senate

House

Drafting bill	Public hearing	Committee action	Floor action	Conference committee action	Floor action	Executive approval
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In Congress and many state legislatures subcommittees generally hold the hearings and "mark up" the bill before it goes to the full committee, which can make further amendments. Usually the majority leadership or its policy committee schedules the bills for floor consideration. In the U.S. House of Representatives this function is handled by the Rules Committee.

Throughout the legislative process in bicameral bodies, the chief executive, department heads, interest groups, political parties, and individual citizens make their views known to members of both houses and exert pressures on them.

From CIVICS.152

Based upon experience of successful lobbyists, some key axioms can provide guidance to individuals and groups who want to start lobbying members of Congress, state legislatures, county and municipal councils.

- Legislative bodies in the United States tend to be more pluralistic than monolithic. Ordinarily members are beholden first to voters in their district who elected them and secondly to particular constituent groups which strongly supported their campaign. They are likely to be loyal to their political party, but the intensity of party domination varies considerably.

- Some legislators have more power and influence than others, based upon leadership positions they hold, their knowledge of particular subjects, and their commitment to specific issues. Committee chairs are usually quite powerful, and often subcommittee chairs are very influential. A legislator may be a dominating force on certain matters but a follower on other issues.
- The leadership structure of most legislative bodies in the United States is based upon majority and minority party affiliation. There is variation in the dominance of the top legislative leader: speaker of the house, senate majority leader, city and county council president. Some hold tight reins while others have only loose control. The top leader and committee chairs may form a cohesive oligarchy, but sometimes leadership is quite fractured.
- Beyond the formal committee and party structure, many legislative bodies have caucuses and informal groupings reflecting a variety of interests: African American, Latino, women, urban, rural, and many more. Some of these cut across party lines.
- Although voting in committee and on the floor is the formal mode of decision-making, informal bargaining, compromise, and consensus-seeking are strong factors. Personal relationships (both good and bad) between individual legislators and among legislative blocs are often determinative.
- Legislative staff is commonplace, both for individual members and committees. Often top staff members are quite influential in drafting legislation, writing committee reports, and participating with other staff in fashioning compromises. Nonetheless, legislators themselves retain final decision-making authority.

## Legislative Calendar

Lobbying intensifies when the legislative body goes into session. Lobbyists know every step of the way as bills are drafted and become law. They gear their tactics to the different phases of the legislative calendar. This can be understood by reviewing the process typical for the U.S. Congress and state legislatures. The process of city and county councils may not be quite so complicated but is likely to have most of the same steps.

The way legislation is framed during the bill-drafting stage is influential, for it offers the focus for public hearings and committee discussion and provides the framework for amendments. A variety of authors draft bills: legislators themselves, their personal staff, legislative committee staffs, a bill-drafting office of the legislative body, staff of the executive elected chief executive, operating departments, and interest groups. In many instances a bill is a product of an "iron triangle" relationship of legislative committee staff, departmental staff, and an interest group or coalition.

*Introduction of a bill may be done by a single legislator or a number of sponsors. The latter is especially the case for major legislation.*

*Often similar bills will be introduced in each house, and sometimes even identical bills. This may come about through cooperation between representatives and senators, but frequently lobbyists play a role in orchestrating this cooperation.*

*Many bills are introduced but only a fraction become law, perhaps only one out of ten. Thus, a legislator may show a response to interest group pressure by introducing a bill, knowing that it has no chance of final passage. At the same time lobbyists realize that some bills have a much greater chance than others. They focus their attention on building support for or against legislation that is most likely to clear committee and come up for consideration on the floor of the legislative body.*

*The U.S. Congress, state legislatures, and most city and county councils function through committees and subcommittees. Committees hold hearings on bills, make amendments, approve or disapprove bills, and report the ones approved to the whole body for consideration. Because of the crucial role of committees, skilled lobbyists want their bills introduced and handled by a member of the committee with jurisdiction, preferably by the committee chair, a subcommittee chair, or some other high-ranking member of the majority party.*

*In conducting public hearings committees and subcommittees tend to concentrate on major legislation that has a strong chance for enactment in some form. They will almost always hold a hearing on bills pushed by the executive branch. Sometimes a loud public clamor forces them to conduct hearings on controversial legislation that they would like to block.*

*In Congress most hearings are held by subcommittees rather than the full committee. Subcommittees pick their own witnesses and almost never hold hearings to listen to anyone who shows up (though some field hearings tend in this direction). Favored witnesses are executive branch officials, credentialed experts, and representatives of powerful interest groups. Citizen organizations, even those with a broad, grassroots membership are less frequently represented at congressional hearings.*

*Subcommittee chairs usually select the primary witnesses, but the ranking minority member often is afforded an opportunity to propose witnesses. Other committee members can also make suggestions. This means that subcommittee majority and minority staff are crucial actors in developing lists of potential witnesses, so lobbyists offer suggestions to them. They also work through other subcommittee members, who can propose witnesses to the chair.*

*State legislatures function in a similar fashion in calling witnesses to testify and holding public hearings, though many of them make less use of subcommittees. City and county councils likewise hold*

public hearings structured to hear from their chief executive, department heads, experts, and citizens. Local councils are more likely to hear from all who want to speak than are state legislatures.

After hearings on a bill are completed, the legislative committee or subcommittee meets to "mark up" the bill (as they say in Congress), that is, to rewrite it as deemed appropriate. These days legislative committees tend to have open meetings that the public can attend, though in some legislative bodies the work occurs out of sight in executive sessions. It is a crucial moment in the life of a bill, for amendments on the one hand can yield compromises that broaden the support for the legislation or on the other hand can water down the legislation or even change its purpose.

When a committee completes its work on a bill, it reports the bill for consideration on the floor of the legislative body. The timing for bringing up the legislation is usually determined by the legislative leadership: speaker of the house, majority leader of the senate, a policy committee of the majority party, or by the Rules Committee in the case of the U.S. House of Representatives. Sometimes leaders of the minority party negotiate on the timing. Therefore, lobbyists get in touch with the leadership to press for floor action, or to delay consideration.

In anticipation of floor action on a bill, the sponsoring legislators and committee leaders line up support among their colleagues. Legislators in opposition seek out other legislators to vote against the bill or to support amendments that would dilute the bill's intent. Lobbyists join in this endeavor. They make their own contacts with legislators, share their information with the bill's sponsor, and work closely with the sponsor to put pressure on uncommitted legislators. On major legislation many lobbyists send out legislative alerts to their grassroots networks so that legislators will receive lots of mail and phone calls from the folks back home.

In bicameral legislatures this process is repeated in the second house. Then the bill goes to a conference committee composed of members of the two houses. For the lobbyist it is similar to the mark-up session: finding out what compromises are being considered, offering support or opposition, suggesting alternative language. However, the process usually goes so fast and has so many nuances that it is difficult to muster grassroots pressure on the conferees.

The wording of the bill that the conference committee agrees on goes back to the two houses for approval or rejection but not further amendments. Although conference reports are almost always accepted, sometimes lobbyists press for disapproval with the hope that the legislation will die or that the bill will go back to conference for further change.

The bill as enacted goes to the chief executive for approval or veto. If his or her position on the legislation is unclear or possibly in opposition, lobbyists will urge him or her to sign or veto the act and may encourage grassroots contacts to send a similar message to the chief executive. Even earlier in the legislative process, lobbyists may urge the chief executive to threaten a veto unless particular changes

are made in committee, on the floor, or in conference committee.

## **Chapter 18. Lobbying Legislators**

Note: This rough draft is derived from CIVIC5.152 and CIVIC5.162. Parts of these chapters are transferred to Chapter 17 -- Legislative Decision-Making. Material also retained in draft of this chapter is put in brackets.

In order to influence public policy, numerous citizens and interest groups lobby legislators, elected executives, and appointed administrators. The term comes from the tactic of intercepting legislators in the lobby outside the legislative chamber, but the practice occurs in many other locations: in legislative and executive offices, in restaurants and hotel meeting rooms, at community meetings, on the street, and in any other place where public officials are found. Lobbyists press their views face-to-face, by telephone, telegram, fax, and indirectly through the news media.

Although some persons view lobbying as a nefarious occupation, it is a quite legitimate practice in a democracy. It is part of the continuous interactive processes that achieves the consent of the governed.

Note: If this paragraph is used in "Consent", put toward end.

[There are, however, two concerns. The first is where lobbyists corrupt public officials through bribes, personal favors, and illegal campaign contributions. The second is where significant groups within the citizenry are unrepresented in public advocacy. The first concern can be handled by public officials maintaining high ethical standards and can be contained through laws and regulations, properly enforced. The second concern can be met by helping the unrepresented to become better organized and to engage in lobbying in their own behalf.]

Individuals and interest groups who want to become more active lobbyists should realize that lobbying occurs in two domains, inside and outside. Inside lobbying occurs in Washington, D.C., in state capitals, at county courthouses and city halls. It consists of direct contacts between lobbyists and legislators, legislative staff, and officials of the executive branch. Outside lobbying takes place within the home districts of legislators and among the constituencies of various elected officials. Work in both domains is essential and must be interconnected to be most effective.

### **LEGISLATIVE LOBBYING**

Based upon experience of successful lobbyists, some key axioms can provide guidance to individuals and groups who want to start lobbying members of Congress, state legislatures, county and municipal councils.

[ ■ Legislative bodies in the United States tend to be more pluralistic than monolithic.

Ordinarily members are beholden first to voters in their district who elected them and secondly to particular constituent groups which strongly supported their campaign. They are likely to be loyal to their political party, but the intensity of party domination varies considerably.

- Some legislators have more power and influence than others, based upon leadership positions they hold, their knowledge of particular subjects, and their commitment to specific issues. Committee chairs are usually quite powerful, and often subcommittee chairs are very influential. A legislator may be a dominating force on certain matters but a follower on other issues.
- The leadership structure of most legislative bodies in the United States is based upon majority and minority party affiliation. There is variation in the dominance of the top legislative leader: speaker of the house, senate majority leader, city and county council president. Some hold tight reins while others have only loose control. The top leader and committee chairs may form a cohesive oligarchy, but sometimes leadership is quite fractured.
- Beyond the formal committee and party structure, many legislative bodies have caucuses and informal groupings reflecting a variety of interests: African American, Latino, women, urban, rural, and many more. Some of these cut across party lines.
- Although voting in committee and on the floor is the formal mode of decision-making, informal bargaining, compromise, and consensus-seeking are strong factors. Personal relationships (both good and bad) between individual legislators and among legislative blocs are often determinative.
- Legislative staff is commonplace, both for individual members and committees. Often top staff members are quite influential in drafting legislation, writing committee reports, and participating with other staff in fashioning compromises. Nonetheless, legislators themselves retain final decision-making authority. ]

Effective lobbyists understand both the formal organization and procedures of the legislative bodies they deal with and also the informal network of relationships that determine how decisions are made. They comprehend the decision-making process and know who key decision-makers are at different stages. They look for legislators who will take the lead on their issues, both publicly and in the inner workings. They are well acquainted with legislators' personal staff and committee staff who are influential in getting legislation through the maze.

Successful lobbyists realize that good timing is essential for achieving legislative success. This can be shown by working through both the electoral and legislative calendars and indicating when and how lobbyists exert their influence.

## **Before Session Begins**

Experienced lobbyists understand that their work begins long before the legislative session opens. It starts during the election campaign and continues after the election. Interest groups contact candidates through grassroots affiliates in candidates' home districts and also through lobbyists based in state capitals and Washington, D.C., especially for incumbents running for reelection.

During the positioning period when potential candidates are exploring the possibility of running for office and getting themselves in position to do so, interest groups begin to make contact with leading candidates. They may even promote their own candidates and help get them in a position to run. At this stage the interest groups seek mainly to build relationships and educate future legislators on issues, but sometimes they start to get commitments on particular legislation.

Lobbyists know that incumbents who want to be reelected (usually a majority of them) position themselves for the next election campaign by the votes they cast during the current session of the legislative body. Interest groups with a broad membership base keep track of legislative votes and inform their members, a practice that legislators are aware of. Through their political action committees (PACs) interest groups make campaign contributions well in advance of the election, and this strengthens their lobbying efforts.

Some, but not all, advocacy organizations become openly involved in the nominating process, which occurs through party conventions, primary elections, or a combination. They circulate questionnaires to candidates, offer position papers, and sometimes hold candidates forums. They may even endorse particular candidates, make campaign contributions, and build support among their members.

Many advocacy organizations become even more heavily involved during the general election campaign. Things done during the nominating process, described above, are repeated and intensified, or may be undertaken for the first time. An advocacy organization may decide to make specific endorsements or instead may prefer to press its views on all candidates and circulate information on policy positions of candidates to its members, who will make their own choices. (For more on the electoral process, see chapters 3-4, 6-7.)

Organizations which support winning candidates are then in a strong position to lobby them after they take office. But if an organization's candidate loses, the winner may be less accessible. For that reason many advocacy groups are cautious about making political endorsements. This is especially the case for broad-based organizations whose members agree on particular issues but are divided in their political party affiliation.

In the post-election period lobbyists get in touch with the winners, both reelected incumbents

and newcomers. They offer proposals for the upcoming legislative session and provide background position papers. They get acquainted with newly appointed staff. Lobbying coalitions meet to plot their legislative strategy, share their knowledge of newcomers, develop briefing material, and organize joint visits to new legislators.

### Legislative Calendar

[Lobbying intensifies when the legislative body goes into session. Lobbyists know every step of the way as bills are drafted and become law. They gear their tactics to the different phases of the legislative calendar. This can be understood by reviewing the process typical for the U.S. Congress and state legislatures. The process of city and county councils may not be quite so complicated but is likely to have most of the same steps.]

The way legislation is framed during the bill-drafting stage is influential, for it offers the focus for public hearings and committee discussion and provides the framework for amendments. A variety of authors draft bills: legislators themselves, their personal staff, legislative committee staffs, a bill-drafting office of the legislative body, staff of the executive elected chief executive, operating departments, and interest groups. In many instances a bill is a product of an "iron triangle" relationship of legislative committee staff, departmental staff, and an interest group or coalition.]

Economic interest groups especially give attention to bill-drafting because a word here, a clause there can be determinative of future regulation, lack of regulation, of economic gain or loss. Organizations of state and local officials get involved at least in formulating concepts of congressional legislation affecting their jurisdictions. Cause-oriented organizations with a sizable lobbying and research staff also get involved on their matters of concern. During the drafting stage these various lobbyists pay attention to both executive officials and legislators and themselves become the third side of the "iron triangle."

[Introduction of a bill may be done by a single legislator or a number of sponsors. The latter is especially the case for major legislation.] Lobbyists may help to line up cosponsors, sometimes at the request of the initial sponsor, so that the bill will show support from a broad cross-section of legislators. Advocacy organizations may even urge their grassroots members to contact their legislators, asking them to cosponsor particular legislation.

For bicameral bodies lobbyists work both houses during all stages of legislative process. [Often similar bills will be introduced in each house, and sometimes even identical bills. This may come about through cooperation between representatives and senators, but frequently lobbyists play a role in orchestrating this cooperation.] Where the two houses have different views on particular issues, lobbyists try to get a bill more favorable to their interest introduced in one house to offset a weaker bill under consideration in the other house.

[Many bills are introduced but only a fraction become law, perhaps only one out of ten. Thus, a legislator may show a response to interest group pressure by introducing a bill, knowing that it has no chance of final passage. At the same time lobbyists realize that some bills have a much greater chance than others. They focus their attention on building support for or against legislation that is most likely to clear committee and come up for consideration on the floor of the legislative body.

The U.S. Congress, state legislatures, and most city and county councils function through committees and subcommittees. Committees hold hearings on bills, make amendments, approve or disapprove bills, and report the ones approved to the whole body for consideration. Because of the crucial role of committees, skilled lobbyists want their bills introduced and handled by a member of the committee with jurisdiction, preferably by the committee chair, a subcommittee chair, or some other high-ranking member of the majority party.

In conducting public hearings committees and subcommittees tend to concentrate on major legislation that has a strong chance for enactment in some form. They will almost always hold a hearing on bills pushed by the executive branch. Sometimes a loud public clamor forces them to conduct hearings on controversial legislation that they would like to block.

In Congress most hearings are held by subcommittees rather than the full committee. Subcommittees pick their own witnesses and almost never hold hearings to listen to anyone who shows up (though some field hearings tend in this direction). Favored witnesses are executive branch officials, credentialed experts, and representatives of powerful interest groups. Citizen organizations, even those with a broad, grassroots membership are less frequently represented at congressional hearings.

Subcommittee chairs usually select the primary witnesses, but the ranking minority member often is afforded an opportunity to propose witnesses. Other committee members can also make suggestions. This means that subcommittee majority and minority staff are crucial actors in developing lists of potential witnesses, so lobbyists offer suggestions to them. They also work through other subcommittee members, who can propose witnesses to the chair.

State legislatures function in a similar fashion in calling witnesses to testify and holding public hearings, though many of them make less use of subcommittees. City and county councils likewise hold public hearings structured to hear from their chief executive, department heads, experts, and citizens. Local councils are more likely to hear from all who want to speak than are state legislatures.]

Citizens who have an opportunity to testify at a legislative hearing can prepare a written statement that will become part of the hearing record, but at the hearing they can be most effective by speaking directly to committee members, maintaining eye-to-eye contact, without reading their statement. They can offer illustrations from their personal experience and address what they know

to be concerns of key committee members. If a committee member asks a question that the witness cannot fully answer, the witness can offer to provide further information later for inclusion in the hearing record.

Beyond suggesting witnesses, lobbyists often write questions that committee members can ask at a hearing. They give them to staff of friendly members on the committee. Such questions can be addressed to the chief executive's representative and to expert witnesses, including those of an opposite viewpoint from the lobbyist.

[After hearings on a bill are completed, the legislative committee or subcommittee meets to "mark up" the bill (as they say in Congress), that is, to rewrite it as deemed appropriate. These days legislative committees tend to have open meetings that the public can attend, though in some legislative bodies the work occurs out of sight in executive sessions. It is a crucial moment in the life of a bill, for amendments on the one hand can yield compromises that broaden the support for the legislation or on the other hand can water down the legislation or even change its purpose.]

Accordingly lobbyists devote a lot of attention to the mark-up process. If the meeting is open, they appear early to get a front row seat. They talk with friendly legislators and their staffs during breaks in the proceedings. They may suggest language which the legislator can offer when the committee reconvenes. They may also provide data for the legislator to use in committee discussion. As appropriate, lobbyists also mobilize grassroots pressure on particular committee members on crucial issues under consideration by the committee.

[When a committee completes its work on a bill, it reports the bill for consideration on the floor of the legislative body. The timing for bringing up the legislation is usually determined by the legislative leadership: speaker of the house, majority leader of the senate, a policy committee of the majority party, or by the Rules Committee in the case of the U.S. House of Representatives. Sometimes leaders of the minority party negotiate on the timing. Therefore, lobbyists get in touch with the leadership to press for floor action, or to delay consideration.]

[In anticipation of floor action on a bill, the sponsoring legislators and committee leaders line up support among their colleagues. Legislators in opposition seek out other legislators to vote against the bill or to support amendments that would dilute the bill's intent. Lobbyists join in this endeavor. They make their own contacts with legislators, share their information with the bill's sponsor, and work closely with the sponsor to put pressure on uncommitted legislators. On major legislation many lobbyists send out legislative alerts to their grassroots networks so that legislators will receive lots of mail and phone calls from the folks back home.]

The day or days the bill is up for consideration on the floor, lobbyists will sit in the gallery and patrol the lobby outside the chamber to shore up support (or opposition) and to try to persuade the

still-uncommitted. When amendments are offered, they will pass the word on whether they support or oppose it.

[In bicameral legislatures this process is repeated in the second house. Then the bill goes to a conference committee composed of members of the two houses. For the lobbyist it is similar to the mark-up session: finding out what compromises are being considered, offering support or opposition, suggesting alternative language. However, the process usually goes so fast and has so many nuances that it is difficult to muster grassroots pressure on the conferees.

The wording of the bill that the conference committee agrees on goes back to the two houses for approval or rejection but not further amendments. Although conference reports are almost always accepted, sometimes lobbyists press for disapproval with the hope that the legislation will die or that the bill will go back to conference for further change.

The bill as enacted goes to the chief executive for approval or veto. If his or her position on the legislation is unclear or possibly in opposition, lobbyists will urge him or her to sign or veto the act and may encourage grassroots contacts to send a similar message to the chief executive. Even earlier in the legislative process, lobbyists may urge the chief executive to threaten a veto unless particular changes are made in committee, on the floor, or in conference committee.]

In sum, an effective lobbyist follows legislation through every single stage of the legislative process. Lacking a direct voice or a vote, the lobbyist is totally dependent upon what legislators do. This puts a premium upon personal relationships, both with members and with legislative staff, established through physical presence and a steady acquaintance. Although seldom does a lobbyist change the vote of a legislator who has announced her or his position on a bill, successful lobbyists exercises quiet influence and friendly persuasion at many points along the way.

From CIVICS.162

### GRASSROOTS LOBBYING

The inside lobbying of legislators and executive officials that takes place in the national and state capitals and in county courthouses and city halls is matched by outside lobbying that occurs in neighborhoods and congressional districts as citizens make their views known to public officials on various public issues. Grassroots lobbying is carried out by individual citizens and local citizen organizations. In addition, national trade associations, cause-oriented organizations, and other interest groups mobilize local affiliates to undertake grassroots lobbying.

#### Individual Activities

Every individual living in the United States is free to communicate her or his opinions to the president of the United States, members of Congress, governors, state legislators, mayors, city council members, county commissioners, county executives, county council members, township officials, school board members, and all other elected officials, and also to appointed governmental officials, too.

We citizens let these public officials know what we think about current issues. If we disagree with their vote on a legislative matter or their executive decision, we tell them. If we like what they've done, we express our approval (not as often as we should). We ask them to help us in our dealings with the bureaucracy. Sometimes we request their assistance on other matters of our personal interests.

In doing so, the active citizen can choose from a variety of methods for reaching public officials. Citizens can:

- **Write letters to legislators and executive officials.** This is most effective if it is spontaneous rather than part of a campaign of an advocacy group with a canned message. Being human, public officials respond more readily to courteous letters, even those opposing their viewpoint, than to vituperative missives. Many legislators read all of their constituent mail. Virtually all of them look over staff tabulations of calls and letters in order to notice trends of opinion.
- **Call elected representatives on the phone.** The smaller the district, the easier it is to talk with her or him personally (that is, city council members are more readily available than U.S. representatives). If you can't reach your representative directly, you can ask for the aide who handles your issue. You can call district and state offices of members of Congress and ask the staff to forward your message to Washington. Usually for less than a dollar you can call the U.S. Capitol (202 224-3131), ask for your representative or senator, and leave a brief message. Most congressional offices are open by 8:00 or 8:30 a.m. (Eastern time) and stay open until 6:00 p.m. With time zone differences, you can save money by calling early or late from your zone.
- **Call chief executives' offices.** Most mayors, county executives, and governors have staff assigned to receiving constituent calls. The White House has a public comment line, open from 9:00 a.m. to 5:00 p.m. (Eastern time), Monday through Friday (202 456-1111).
- **Send a telegram or fax a message** if you can find out the fax number (sometimes not readily available).
- **Talk to your legislators personally by going to their office, meeting them on the street, attending a meeting where they are speaking.** Most U.S. representatives return to their districts regularly and so do state representatives. During recess periods they may schedule a

series of public appearances at different locales, announced in local papers. City and county council members are around all the time.

- Talk to elected chief executives and department heads when they appear at community meetings.
- Be alert to appearances of public officials on radio and TV talk shows. Call in your questions and comments.

In making these contacts good timing is indispensable. To be effective you need to reach legislators on a particular issue before they vote on it. You should communicate with the chief executive and department heads before specific policy decisions are finalized. The major steps of several decision-making processes are laid out in chapter 12. Legislative process is reviewed in depth in chapter 15 and reviewed again in this chapter. Local budget-making is considered in chapter 20.

Public officials expect to receive communications from their constituents. Some are more responsive than others. If they are too unresponsive, we have an opportunity to replace them at the next election.

### Activities of Grassroots Organizations

A significant amount of grassroots lobbying occurs through local citizen organizations. Many of them are purposefully organized in the manner discussed in chapter 14. Other organizations spring up rather spontaneously through initiative of one person or a few individuals.

Thus, some local residents discover that they have a common concern which has a legislative remedy or that they oppose some measure under consideration by the state legislature, Congress, or city council. They pool their resources, especially their time, and get friends and neighbors to support their position. In other instances, persons belonging to an existing organization -- such as a church, service club, a local trade group -- get that organization to take a position on a particular issue. They then get other members to write their representative. These actions are an extension of the things individuals can do, as presented above.

In contrast to impromptu initiatives, some local organizations develop a legislative agenda every year. They discuss it before the legislative session begins, talk with their representative before she or he goes off to the capital, and follow the legislation they are interested in throughout the session. They write letters, get others to write, and keep in touch with their representative by phone and when she or he is in town. They might even send a delegation to the capital at a crucial moment.

If a local organization is a chapter of a national organization, it is likely to add the national agenda to its own priorities of concern. Conversely, many national organizations look to their local

units as a major resource for grassroots lobbying. They might even spend more money on printed material, postage, and phone calls to mobilize grassroots action than they do in direct lobbying in Washington and the state capitals. National and state offices mail out legislative alerts throughout the legislative session. They also operate computer networks for this purpose and send out faxes for faster communication than U.S. mail. They call for letters and phone calls on specific matters, and they let local persons know about legislative recesses when representatives are likely to be in their home districts.

Offices in Washington organize their mailing lists by congressional districts and the offices at the state capital maintain their lists by legislative districts. In this manner they can send out special alerts to selected districts with legislators they want particularly to influence. They organize "phone trees" so that the state or national office can call a few main contacts, who call others, who in turn call others in spreading branches of telephone contacts.

After the session is over national and state offices of advocacy organizations compile voting records on key legislative issues and send them to their grassroots contacts. Locally they are used for further conversation with state legislators and members of Congress. Local groups distribute information about incumbents voting records during the next election campaign.

Many of the same grassroots lobbying practices that focus on state legislatures and Congress are also applicable in dealing with city councils, county councils, township boards, even school boards. Because the members of these bodies live in town and their offices are conveniently located, citizens have much easier direct access. They are more likely to know them personally, to be acquainted with relatives and friends of council and board members. Accordingly, greater reliance can be placed on phone calls and direct contact rather than letter writing.

Because the president, governors, mayors, county executives, their department heads, and various boards and commissions make numerous public policy decisions, grassroots advocates seek to influence them. They give attention to proposed laws and programs that the chief executive and departments intend to submit to the legislative branch. They deal with the writing of administrative regulations and their application as they affect their interests. They suggest persons for appointive positions in government. They may try to influence decisions on contracts and other benefits of government.

#### TIMING

Like many other aspects of the consent process, the calendar is an essential tool for grassroots lobbying.

#### Electoral Involvement

A grassroots organization concerned about public policy may want to get involved in the electoral process, at least in a nonpartisan manner. This can start as early as the positioning period and continue through the election campaign. Grassroots involvement might be initiated locally and carried out independently, or it might be part of a broader effort orchestrated by an interest group based in Washington or the state capital.

Grassroots advocates can be attuned to persons who are positioning themselves to run for city or county council, the state legislature, Congress, mayor, county executive, the school board. They can make informal contact with the most promising positioners, find out their views on issues important to the advocacy group, acquaint them with the organization's views, encourage them to support their position. This activity can increase as candidates make a formal announcement of their intent to seek office and can intensify as the campaign gets underway.

Many grassroots organizations prefer to be nonpartisan, that is, to refrain from endorsing specific candidates and supporting a particular political party. They contact all candidates, ask their positions on certain issues, and share this information with their members.

Other grassroots organizations choose to be more partisan, at least in support of particular candidates but not necessarily in affiliation with a political party. They may encourage one of their own members to run for office and throw their full support to his or her candidacy. Or they may interview all candidates, perhaps in the course of a public forum, and endorse the one most favorable to their interests. Members of the grassroots organization make campaign contributions to favored candidates and help in a variety of campaign chores.

If the favored candidate of an advocacy group wins, it is in an excellent position to confer with the newly elected official and to have close contact after he or she takes office. But if the candidate loses, the organization has to find ways to establish contact with the winner and to exert pressure without a close personal relationship.

In contrast, a nonpartisan organization is able to deal with any winner and can seek an appointment during the transition period before the legislative body convenes or the elected executive takes office. This gives advocates an opportunity to lay out their expectations and establish relationships that will last throughout the winner's term in office.

In the case of incumbents running for reelection, grassroots organizations can openly track a legislator's voting record or a chief executive's major decisions and can share this information with its members. Public officials, cognizant that this is occurring, may be more likely to take the organization's views into consideration in legislative votes and executive decisions.

## Legislative Calendar

As an outside advocate, a grassroots organizations approaches lobbying legislators differently than the inside lobbyist functioning at the state capital in Washington. But both must be aware of the legislative calendar.

The efforts of grassroots organizations should commence between the election and the opening of the legislative session. Local advocates can request a meeting with their representative, discuss what is likely to be coming before the state legislature or Congress, offer their views on major issues, and find out their representative's position. They might suggest scheduling similar meetings periodically during the legislative session, especially at times when the representative has returned home for recess and has more time than during a hurried weekend visit.

Once the session begins, the grassroots organization can benefit from a connection with a lobbyist working in the capital. This occurs most easily when the local group is an affiliate of a state or national organization that has a presence in the capital, but it can also happen through a network connection with a broad-based coalition. Many public interest organizations publish newsletters that are available on a subscription basis and provide a running account of what's happening on different pieces of legislation.

With this knowledge available the grassroots organization is in a position to keep its members informed about legislation of interest and to encourage them to make phone calls and write letters at crucial moments in the legislative process. Particular attention should be given to members of committees which are about to mark up legislation and to all members just before a bill comes onto the floor for consideration.

At climatic moments the grassroots organization can send a delegation to the state capital and to Washington to push particular legislation. This is especially effective if it is part of a concerted campaign through which many local groups join together, have a joint briefing session, and then fan out to talk with their own representatives.

For all meetings with legislators, grassroots advocates should be well prepared, should know the issue and the proposed legislation, and should be ready to present their case in a succinct manner. Illustrations drawn from personal experience are useful, and so are examples of how the legislation would be beneficial to the district. Courtesy is of utmost importance. Expression of anger, even to legislators strongly opposed to the group's position, is almost always counterproductive.

Sometimes inside lobbyists will advise grassroots affiliates to flood the office of the speaker of the house or majority leader of the senate with letters and phone calls on certain issues, such as bringing up legislation that has been blocked or allowing certain amendments to be offered. Now and then letters also should go to the president or governor, urging veto or threat to veto particular legislation.

In dealing with Congress and state legislatures, inside/outside lobbying is both/and, not either/or. One strengthens the other. Grassroots organizations benefit from inside connections, and inside lobbyists are much more effective when they relate to a grassroots network.

Locally inside/outside lobbying is more likely to be integrated. Grassroots organizations have much more convenient access to members of city and county councils, and organizations with headquarters downtown or at the county seat are easily in touch with their local members.

#### From CIVICS.142 -- Grassroots Organizing

##### Grassroots Organizing

Moneyed interests know how to organize, how to seek out decision-makers in a timely manner, influence them, and gain representation within governing coalitions. Many cause-oriented organizations also have this knowledge. At the same time there are segments of the population whose voice is seldom or weakly heard in public policy debate. There are also individuals newly activated to work for political reform or some other cause who are uncertain on how best to proceed. For the unorganized a grassroots approach is often the best course to follow.

The beginning point for grassroots organizing is to understand that one's effectiveness in the political arena can be multiplied by joining with others holding similar views. This is not to negate the need for individual expression. But under most circumstances persons sharing common concerns will have greater influence if they work together through some kind of organization.

Some grassroots organizations arise almost spontaneously in response to an immediate threat to the interests of persons coming together. For example, residents alarmed by a plan to develop a tract of land in a manner they deem harmful to their neighborhood. Proprietors of small businesses reacting to a proposal for higher taxes or a new, burdensome regulation. Environmentalists responding an announcement that a corporation wants to fill in some wetlands for a new factory.

In these circumstances organizing is fairly simple. One person or a few people decide to call a meeting. They find a meeting place, pass the word, and a lot of people show up. With the audience already excited and aware of the issue, discussion can focus on next steps to take and who will do what.

Such advocacy groups, though, often have short lives. Once the issue is resolved -- successfully, unsuccessfully, or through compromise -- the organization's primary reason for existence has dissolved. The organization will cease to exist unless some other cause is identified, or unless a small leadership group wants to keep it going as a base for other kinds of activities.

To establish a more enduring grassroots organization without the jolt provided by an external stimulus, careful preparation is essential. This is true for organizing lower-income persons and others who are left out of existing organizations. It is also the case in organizing to pursue causes that don't involve economic self-interest. In these situations a small core of volunteers might take the initiative, but sometimes paid organizers are used to get things rolling.

In a democracy the ideal for organizers, whether volunteer or paid (indeed for all democratic leadership), is the ancient wisdom of Lao Tzu, the Chinese poet-philosopher, who 2,500 years ago wrote:

A leader is best,  
When people barely know that he exists,....

But of a good leader, who talks little,  
When his work is done, his aim fulfilled,  
They will all say, "We did this ourselves."<sup>1</sup>

Except in our day we would add "she" and "her".

Although this isn't the place to offer a full course on grassroots organizing, a few hints on initial organizing may be useful.

Successful organizers have learned that they must spend considerable time talking with lots of people informally and listening carefully. They find out how various persons perceive the issue or cause that is the focus of organizing. They determine the level of interest among potential participants.

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<sup>1</sup> Lao Tzu, *The Way of Life*. Translated by Witter Bynner. New York: Capricorn Books, 1962. pp.34-35. I first came across this passage used in this way in *Community Organization for Citizen Participation in Urban Renewal* by William C. Loring, Jr., Frank L. Sweetser, and Charles F. Ernst (Boston: Massachusetts Department of Commerce, 1957).

By asking around the organizer learns who are considered natural leaders in the community. The organizer seeks them out individually, finds out their perceptions, and encourages them to take the lead in putting together a new organization.

The organizer then facilitates a leadership nucleus coming together and conferring on the possibility of establishing an organization. If they decide in the affirmative, the organizer may offer ideas on how best to proceed.

One option is to have a series of small meetings, leading to a larger gathering. Or the leadership nucleus might call a large meeting in the beginning. In either case a working agenda is useful. The agenda can be fairly informal for small meetings, but larger meetings require more structure to proceed effectively. To enhance democracy the nucleus can propose the agenda and let the audience approve or modify it at the beginning of the session.

At meetings small and large it's important for the leadership nucleus not only to talk but also to listen carefully. At the initial large meeting participants should be encouraged first to offer their views and then to make decisions on how to proceed thereafter. Maybe the leadership nucleus, with possible additions, is designated as an interim steering committee. A by-laws committee might be formed, and possibly a study committee on a particular topic might be established with instructions to report back to the next meeting. Before adjournment the time and place for such a meeting should be set. Democratic procedures should be followed throughout the session.

The next meeting receives committee reports, debates them, and may make decisions on organizational structure and key issues to pursue. Then the new organization starts developing a set of goals, concrete objectives to achieve, overall action strategies, and specific tactics to undertake. This process may take several weeks or months to accomplish, but it is better to move deliberately in developing consensus and building lasting strength than to rush ahead before cohesive bonds are fashioned.

And so it is that persons not now well represented in public decision-making process can become better organized and act as advocates for themselves. There is a solid body of knowledge available providing much greater depth of instruction than these few paragraphs. Several excellent guidebooks on grassroots organizing are listed at the end of this chapter. There are also organizations whose mission is helping people organize advocacy groups. Many of these are private nonprofit organizations, but some city governments have agencies to assist neighborhood organizing. Help for organizing is available for those who seek it.

### **Coalitions and Networks**

In many instances advocacy organizations find that their strength is enhanced by joining in

coalition with other organizations. Here, too, careful preparation is crucial.

Several initiators can get together, identify their common concerns, decide what other organizations might want to be involved, make contact with them, and then work out a call for an initial meeting of the new coalition. Such a meeting requires a combination of structure and openness so that the meeting isn't chaotic and without direction but at the same time organizational representatives don't feel that all decisions have already been made by the organizing nucleus.

Coalitions are among the most delicate of organizational species. Participating organizations usually want to retain their own identity, and in many instances they have different perceptions of the issue that brought them together. The challenge is to contain separatist tendencies in order to work out a common agenda that all participants can support. This requires mutual respect, including a willingness to agree to disagree on certain matters without dissolving the coalition.

Unity provides strength. One incentive can be the realization that some other advocacy coalition is already working on the other side of the issue. Unless your side is as well or better organized, you may lose out in the contest to influence public policy.

Individual advocacy organizations and coalitions may find it advantageous to tie into wider networks of similarly-minded people. Sometimes this occurs by forming local chapters of state or national organizations. Sometimes it happens by attending annual statewide meetings or national conferences. There are also information networks, some computer-based, others relying on mail to get out material. There are also systems of telephone alerts on legislative issues. Networking can multiply strength.

## Chapter 19. Executive Decision-Making

From CIVICS.151

### EXECUTIVE LOBBYING

Numerous interest groups also devote considerable attention to lobbying decision-makers within the executive branch: the elected chief executive, department heads, bureau chiefs, boards and commissions. As in legislative lobbying, personal relationship is a key factor but points of influence are different.

There are similarities during the electoral process as persons interested in running for mayor, county executive, governor, and president position themselves, seek the nomination, and campaign for election. Interest groups contact positioners and candidates, try to influence their stands on policy issues, support or oppose them in the primary and general elections, make campaign contributions. They also use an elected chief executive's desire to be reelected as a leverage for influencing his or her positions on current issues.

When a newcomer wins election, interest groups begin immediately to exert their influence during the transition period. They suggest persons to be appointed to top positions and make known their opposition to certain persons who others have suggested. They quickly seek to establish a relationship with new appointees. They expand upon policy papers they offered during the election campaign.

As a means of getting policy commitments, interest groups offer ideas, and sometimes precise wording, for the chief executive's annual address on the state of the union, state, county, or city. This they do by working through the executive's staff or friendly people in various departments.

Lobbyists work with their contacts in administrative agencies in the development of legislative proposals. They also try to influence budget requests.

After legislation is enacted and signed, lobbyists follow closely the writing of administrative regulations. They try to get a look at draft regulations, offer their comments, and suggest alternative language. Where possible they line up insiders within the departments to advance their cause and provide inside information.

Interest groups and their lobbyists try to affect executive decisions on discretionary spending and law enforcement policies. Wherever else the chief executive and administrative agencies are making decisions, interest groups seek to exert their influence if it affects them.

Citizens who are concerned about government policies and whose voices aren't heard on the inside in Washington, at state capitals, in county courthouses, and city hall would be well advised to make a connection with some kind of lobbying operation or to organize their own. Governmental decision-making is a continuous process. Accordingly, citizen involvement must also be continuous if citizens are to have their presence felt inside the decision-making arena.

At the same time citizens are in an excellent position to exercise their influence from the outside through grassroots lobbying, a subject to which we now turn.

From CIVICS.162 -- Grassroots Lobbying  
**Executive Decisions**

Timing is also an important factor in grassroots lobbying of executive decisions. There is a rhythm to governmental decision-making, often following a calendar of events every year. Grassroots advocates need to know the schedule and also to know who the important decision makers are, including seemingly obscure bureaucrats.

Thus, in preparing the annual budget, departments, the budget office, and the chief executive make important decisions at particular times well in advance of submitting the budget to the legislative body. Legislative proposals are formulated in the months prior to the legislative session. Follow up regulations are written after legislation is enacted.

There are many opportunities for citizen input, as elaborated in the next four chapters. Grassroots organizations should take advantage of what now exists and demand that governmental units weak on citizen participation reach out more effectively.

In addition to tying into existing consultative arrangements, grassroots organizations can be assertive (in a friendly manner) with elected chief executives and operating agencies. They can form study committees, develop recommendations, send delegations, and when appropriate, get members to make phone calls and write letters.

The interactive nature of the consent process functions in two directions. As important as it is for public officials to reach out to the citizenry, it is equally important for citizens to initiate contact with elected and appointed officials of their governments. This makes grassroots lobbying an indispensable tool of democracy.

## .42 Lobbying

CIVIC2.092

### Know the Decision-making Process

In seeking to influence governmental policy it is essential for an advocacy group (and individual citizens, too) to understand the decision-making process and who the primary decision makers are. To be influential involvement must be timely so as to reach decision makers when a matter is under active consideration but before they have reached final conclusions. Usually continuity of involvement is a necessity. For this purpose the calendar is an essential tool.

**Budget making.** Take the budgetary process as an example. The budget is one of the most important policy statements of local, state, and national government, of school boards and other governmental bodies because it determines patterns of expenditures and revenues. Typically a local government budget will go through the following stages:

*Stage One: Advance Preparation.* The budget office starts making economic projections and revenue estimates for the upcoming fiscal year. Operating agencies begin thinking about what they want in their budgets. Then the budget office issues a set of guidelines for departmental submissions.

*Stage Two: Departmental Requests.* Various departments develop their requests for the new fiscal year and submit them to the budget office in a prescribed manner.

*Stage Three: Budget Office Review.* Analysts in the budget office review departmental requests and may propose reductions and other changes. The budget office adds up all requested expenditures and compares them with anticipated revenue. This may lead to paring here and there as the budget office puts the budget together as a whole.

*Stage Four: Chief Executive Review.* During the earlier stages the chief executive (mayor, county executive, manager) is in touch with the process, determines main priorities, makes decisions on key issues, such as a budget freeze, selective increases, revenue matters. The closer to the time for submission to the legislative body, the more attention the chief executive gives. With staff assistance, the chief executive drafts a budget message and then submits the budget to city or county council. Usually the budget is published at this time.

*Stage Five: Council Determination.* Council holds public hearings, starting with heads of public

agencies and usually providing an opportunity for public comment at the end. Sometimes a council holds private, executive sessions to work out budget details before discussing the budget in a public session. Council adopts the budget, oftentimes with amendments, and returns it to the chief executive for approval. If the chief executive vetoes the council's version of the budget, the council can override (usually requiring a three-fifths or two-thirds majority) or may have to make revisions acceptable to the chief executive.

*Stage Six: Implementation.* Once adopted, the budget goes into effect at the beginning of the fiscal year. The finance office allocates funds to the operating departments and might make quarterly allotments to spread out spending. Usually departments have some leeway in transferring funds between programs, but major changes have to receive council approval.

*Stage Seven: Audit.* After the fiscal year is over, the auditor or comptroller audits departmental accounts to determine if they complied with the budget and spent the money in a proper fashion.

State governments and the federal government follow the same budgetary philosophy of executive preparation and legislative adoption. The federal process is more complex because the budget resolution that Congress adopts merely sets a broad outline and details are developed through two other processes: authorizing legislation and appropriations.

Ordinarily the general public first hears about the budget when the chief executive sends it to the legislative body (end of Stage Four). It is published as a thick, complicated document. Administrative officials tend to dominate public hearings, with the citizen voices heard only at the end. By this time it is very difficult to make major changes in the budget because an increase in expenditures in one area may require a counterbalancing reduction elsewhere, or higher taxes.

The greatest opportunity to influence the budget is in Stage Two when departments are developing their requests and Stage Three when the budget office is drawing the entire budget together. If an advocacy group is to be influential in those stages, it must itself be active in Stage One to prepare its own budgetary proposals.

Thus, for a local budget that goes into effect on January 1, citizen preparation should commence the preceding spring, and efforts to impact departments and the budget office should occur during the summer. For a state budget that becomes effective on June 1, the preceding fall is the time to begin. The federal fiscal year starts October 1, and advocacy groups need to start their efforts in September and October of the preceding year to influence executive departments. For all three levels of government, advocacy groups need to follow the budget all the way through the legislative process.

There are some cities which open up the budget process to citizens during these early stages, and we'll look at this experience in the next chapter. Where budget making is not as open, advocacy groups

should make a calendar of the budget process so that they can initiate involvement in a timely manner.

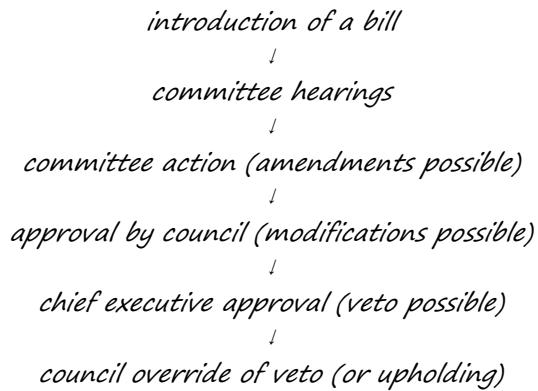
**Legislation.** This same sense of timing is also important in enactment of laws by legislative bodies. Note, for example, the process of how Congress enacts a law, as shown on in the following simplified chart:<sup>1</sup>

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<sup>1</sup> *Register Citizen Opinion.* Washington: United Methodist General Board of Church and Society, 1991. p.34.

In reality the process is more complicated because subcommittees usually consider bills before they are taken up by the full committee, and in the House of Representatives bills have to be cleared by the Rules Committee before they come to the floor.

The same basic process occurs in states with bicameral legislatures (all except Nebraska). Most local governments have unicameral councils which use the following process:



Knowledgeable advocacy groups realize that their greatest influence may occur in drafting legislation before introduction and in the work of committees and subcommittees. To be sure, amendments are offered on the floor and sometimes pass, but typically only a small number of changes occur after a bill leaves the committee.

Thus, early involvement is essential for advocacy groups which want to make an impact on legislation. The same holds true for writing and adopting administrative regulations by various departments. And when the chief executive makes appointments to boards and commissions, the crucial early stage is assembling a list of likely candidates, describing their qualifications, and mustering support for one's favorites.

### Know Who's Who

These processes aren't mere abstractions but rather constitute a dynamic set of relations between real people. Therefore, to be effective advocacy groups must know who they are, when they come into the picture, and how to influence them.

Sometimes it's obvious: the mayor, the governor, the president; members of city council, the state legislature, the Congress; department heads. But underneath prominent officials are staff who are often obscure from public view. For example, in the budget process: policy and planning staff who pull a department's budget together; division heads who push for inclusion of their favorite proposals; program analysts in the budget office; in the legislative body staff of budget, authorizing, and appropriation committees.

Moreover, the neat hierarchical pattern of government organization, shown in a chart derived from constitution, charter, and statute, belies what exists in reality. You know. The chart of the executive branch showing how voters elect the president (governor, mayor, county executive) who appoints departments who in turn preside over various administrative divisions. The chart of the legislative branch indicating that voters elect members of Congress (state legislature, city and county council), which functions as an independent branch, separated from the executive branch.

Not only does the neat hierarchical pattern fail to describe complex relationships within the structure but also it omits significant actors, such as political parties and advocacy groups.

The reality is that governments are run by sets of governing coalitions. In relation to any one unit -- a city, a county, a state, the national government -- the primary governing coalition might consist of the elected chief executive, top leaders of the legislative body, political party leaders, and influential citizens, particularly representative of powerful advocacy groups. Within this framework there are subsets of governing coalitions for major concerns of government, such as transportation, public safety, public health, economic development, housing, social welfare, and others. Department heads, legislative chairs, and citizens influential on the particular matter make up these subcoalitions, with some participation of leaders from the overall governing coalition.

Governing coalitions aren't formal structures but rather constitute a set of every changing relationships. Persons with legal authority for decision-making, such as the chief executive or the legislative body, routinely consult with others in the coalition before making final decisions. Or if they don't consult, these influential persons let them know their views on issues under consideration. Its a subtle process, sometimes quite illusive.

In an effort to arrive at decisions, bargaining and compromise are characteristic of the internal workings of governing coalitions. Although the president, a governor, a mayor has legal authority over department heads, the chief executive might have to negotiate with his or her own subordinates on some matters, particularly those with independent constituencies. Issues cutting across departmental lines, as many important matters do, makes negotiations and consensus-building more complex. To make the process even more complicated, the chief executive also has to negotiate with the legislative body.

Bargaining is a way of life within city and county councils, state legislatures, and the Congress. In this manner, many decisions are made by working out a consensus well before an issue comes to the floor for a vote. To be sure, some members have more power and influence than others, and a dominant political party can control the legislative agenda. But even where one party dominates, numerous legislative decisions are made through some degree of bargaining and compromise within the party, between legislative leaders and the chief executive, with outside interests, and with leaders of the minority party. In the rare instance these days of a local political boss, who seems to have

extraordinary influence and control, he or she is perpetually bargaining with party chieftains and public officials.

Advocacy groups need to understand the phenomena of governing coalitions and the bargaining process. They should figure out who are influential decision makers (in and out of government) on particular issues and how they can be influenced. Moreover, an advocacy group may want to gain representation within a governing coalition, for in many instances greater influence can be achieved from within than without.

Another thing to know is that key policies for particular programs are not always formulated by top level people of the governing coalition but rather are often developed by other persons further down in the hierarchy. For example, in Washington political analysts describe an "iron triangle" consisting of (a) staff within the bureaucracy, (b) congressional subcommittee staff, and (c) staff of an advocacy group dealing with that program. This staff triangle may be more influential on program details than the elected member of Congress dealing with the program and the presidential-appointed department head.

Similar combinations exist within state and local government. An advocacy group desiring to influence detailed program policies has to know who are part of this "iron triangle" and to influence the practitioners, become a participant, or overcome their advantage as inside operators.

### Lobby

To influence decision makers advocacy groups engage in an enterprise known as lobbying -- a practice that has become a fundamental part of American democracy. It has two expressions: direct and grassroots, plus a sidelight involvement in elections.

**Direct lobbying.** Applying their knowledge of the calendar, advocacy groups are likely to be in touch with state legislators and members of Congress in their home community and at their office at the capitol between the election in November and opening of the legislative session in January. They indicate what they want to occur during the session, and they may offer drafts of legislation. Those which make political contributions may help to pay off campaign debts.

Before, during, and after the session, advocacy groups invite legislators to speak at association gatherings, such as breakfasts, dinners, and conventions. They may offer an honorarium and pay travel expenses if allowed. Advocacy groups also pay attention to legislative staffs, inviting them to breakfast meetings and paying their fare to conventions (maybe with extra time for golf, tennis, swimming, skiing). Although cash bribery to buy votes is rare in American politics nowadays, payment of speech honorarium and travel is a first cousin and deserves universal banishment.

Throughout the legislative session lobbying goes on day and night. Lobbyists follow every piece of legislation of interest to their organization. They may help draft it, offer amendments, attend public hearings, testify, observe open committee meetings, sit in the gallery of the legislative body, catch members as they come and go in the capitol lobby (the origin of the term), stop in their office, take them to lunch and dinner, get to know them personally, and in other ways press for approval of their viewpoint.

To engage in lobbying a huge number of trade associations have their national headquarters in Washington, D.C. or maintain a legislative office there. There are so many of them that their managers have formed the American Society of Association Executives, which is so large that it owns its own building and publishes its own trade magazine. On a smaller scale numerous associations have offices in state capitals or hire part-time representatives, usually lawyers who do a lucrative business representing many different associations.

Strong economic interests are especially able to support lobbying staff in Washington and state capitols, but a wide range of other associations have a strong presence. They include associations of retired persons, teachers, environmentalists, arms control advocates, churches, local and state governmental officials, civil rights advocates, social workers, and many, many others. Also numerous organizations based elsewhere send delegations to the capital from time to time to lobby for their cause.

A great amount of lobbying is done through coalitions of advocacy organizations, often on opposing sides of legislation. There is a certain drama as various coalitions meet to plan strategy, share knowledge of legislators' positions, draft sign-on letters, stage literature drops, divide the list of swing votes for visits and phone calls, identify legislators for grassroots attention, and work out other lobbying tactics. This goes on parallel to the development and execution of legislative strategy by party leaders, committee chairs, and coalitions within the legislative body itself. Ofttimes cooperation occurs between these outside and inside coalitions.

There are many positive features about this pattern of advocacy in American democracy. It provides legislators with information, often pro and con, on current issues. It brings a variety of viewpoints into consideration. It is a valuable manifestation of the continuous consent of the governed.

There are also shortcomings that deserve attention. A major gap is the lack of direct representation of the most disadvantaged persons in our society, such as the homeless, welfare recipients, unemployed youth, immigrants lacking citizenship status, and the like. To be sure, there are organizations advocating in their behalf, but disadvantaged persons tend to lack their own organizations. Since they are too poor to pay membership dues and hire their own lobbyist, it would be appropriate to find other means for financing lobbying activities of the least-well represented.

Another remedy is to counterbalance the advantage of wealthy interests through intentional and widespread citizen participation in policy formulation, implementation, and evaluation, a topic we

consider in the next chapter.

**Grassroots lobbying.** What occurs in Washington and at state capitals is only part of the picture of lobbying in American democracy. A vast amount also occurs in the grassroots arena through a combination of local initiation and mobilization from the capital.

Some grassroots lobbying occurs through initiative of one person or a few individuals. Thus, some local residents discover that they have a common concern which has a legislative remedy or that they oppose some measure under consideration by the state legislature or Congress. They pool their resources, especially their time, and get friends and neighbors to support their position. Or persons belonging to a local organization -- such as a church, service club, a local trade group -- get that organization to take a position on a particular issue. They then get other members to write their representative. These actions are an extension of the things individuals can do, as discussed earlier in this chapter.

Some local organizations develop a legislative agenda every year. They discuss it before the legislative session begins, talk with their representative before she or he goes off to the capital, and follow the legislation they are interested in throughout the session. They write letters, get others to write, and keep in touch with their representative by phone and when she or he is in town. They might even send a delegation to the capital at a crucial moment.

If a local organization is a chapter of a national organization, it is likely to add the national agenda to its own priorities of concern. Conversely, many organizations look to their local units as a major resource for grassroots lobbying. They might even spend more money on printed material, postage, and phone calls to mobilize grassroots action than they do in direct lobbying in Washington and the state capitals. National and state offices mail out periodic legislative alerts throughout the legislative session. They also operate computer networks for this purpose and send out faxes for faster communication than U.S. mail. They call for letters and phone calls on specific matters, and they let local persons know about legislative recesses when representatives are likely to be in their home districts.

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After the session is over national and state offices of advocacy organizations compile voting records on key legislative issues and send them to their grassroots contacts. Locally they are used for further conversation with state legislators and members of Congress. Local groups distribute information about incumbents voting records during the next election campaign.

So, grassroots lobbying is a year-long occupation -- another example of the continuous nature of the consent of the governed.

**Lobbying local legislative bodies.** Our discussion has concentrated on lobbying state legislatures and Congress. Many of the same practices are applicable in dealing with city councils, county councils, township boards, even school boards. Because the members of these bodies live in town and their offices are located locally, citizens have much easier direct access. They are more likely to know them personally, to be acquainted with relatives and friends of council and board members. Accordingly, greater reliance can be placed on phone calls and direct contact rather than letter writing. Sometimes petitions are useful because the elected official can read down the list of names and recognize many of them. And it's easier to get a city council member to a neighborhood meeting than a member of Congress.

**Focus on executive decisions.** Although legislative bodies make the basic laws, the elected chief executives -- president, governors, mayors, county executives -- make numerous public policy decisions. So do their department heads and also various boards and commissions.

Many advocacy groups understand this and direct considerable effort trying to influence elected officials and administrators of the executive branch. They attempt to affect the proposed laws and programs that the chief executive and departments intend to submit to the legislative branch. They try to influence the writing of administrative regulations and their application as they affect their constituents. They suggest persons for appointive positions in government. They may try to influence decisions on contracts and other benefits of government.

The principles we discussed previously are applicable. Know who the important decision makers are, including seemingly obscure bureaucrats. Find out how to reach and influence them. Know the process. Remember that timing is crucial.

#### .43 Electoral Involvement

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**Electoral involvement.** Many advocacy groups realize that their task of lobbying is easier if the right people (from their viewpoint) are elected to that office. For that reason they get involved in election campaigns, a topic we've considered in the previous chapter.

Some advocacy groups, however, avoid direct involvement in political campaigns because it would be divisive among their members. This is especially true of multi-agenda organizations, such as neighborhood associations and human needs coalitions. But even these groups may send questionnaires to all candidates, seeking their stand on particular issues, and may hold nonpartisan candidate forums.

Advocacy groups that do get involved in elections through endorsements, financial contributions, and recruitment of campaign volunteers often find that this increases their access to the elected officials they have supported. It may not always secure the vote the advocacy group wants, but it does open doors so that they can make their case directly to the elected official. Access is a very valuable commodity.

## .44 Protest

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### Protest

The most vociferous method of advocacy is specified and protected by the First Amendment to the U.S. Constitution. It is "the right of the people peaceably to assemble, and to petition the Government for a redress of grievances." Nonviolent protest, which exercises this right, has a long, honorable, though often controversial history in American democracy.

Protestors often are blunt and unrestrained in their language, as was William Lloyd Garrison in publishing the first issue of *Liberator*, an abolitionist newspaper on New Year's Day 1831:

I will be as harsh as truth, and as uncompromising as justice....I am in earnest -- I will not equivocate -- I will not excuse -- I will not retreat a single inch -- AND I WILL BE HEARD.<sup>1</sup>

Ten years later Frederick Douglass, a runaway slave, joined the movement. Although he had been treated much better than most slaves, he had come to realize, as he wrote in his autobiography, "It was slavery, not its mere incidents that I hated. I had been cheated....The feeding and clothing me well could not atone for taking my liberty from me."<sup>2</sup> Participating in the abolitionist lecture circuit in the 1840s, Douglass found that "It did not entirely satisfy me to narrate wrongs -- I felt like denouncing them."<sup>3</sup> And so Douglass, Garrison, and other abolitionists loudly and clearly denounced slavery until it was abolished.

For the First Woman's Rights Convention, meeting in Seneca Falls, New York in July 1848, Elizabeth Cady Stanton developed a Declaration of Sentiments that partly copied and partly paraphrased the Declaration of Independence. Naturally this new Declaration stated that "all men and women are created equal." Then it observed:

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<sup>1</sup> [find source]

<sup>2</sup> *Life and Times of Frederick Douglass. Written by Himself.* London: Collier-Macmillan Ltd., 1962 (reprinted from revised edition of 1892). p. 87.

<sup>3</sup> Op. cit., p. 217.

The history of mankind is a history of repeated injuries and usurpations on the part of man toward woman, having in direct object the establishment of an absolute tyranny over her.<sup>4</sup>

To prove this assertion, the Declaration of Sentiments specified 15 kinds of abuses and usurpations.

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<sup>4</sup> *History of Woman Suffrage. Volume I, 1848-1861.* Edited by Elizabeth Cady Stanton, Susan B. Anthony and Matilda Joslyn Gage. New York: Fowler & Wells, 1881 (republished by Arno & the New York Times, 1969). p. 70.

To these woman's advocates, the right to vote was especially significant. Relentlessly the woman suffrage movement pursued this cause until victorious in 1920 with the ratification of the 19th Amendment to the U.S. Constitution.

In the last third of the 19th century the populist movement arose in rural America in response to prolonged agricultural depression. As part of an energetic attack on eastern economic domination, Mary Ellen Lease of Kansas advised farmers to "raise less corn and more hell."<sup>5</sup> In 1891 populists formed the People's Party and their candidate for president, James B. Weaver of Iowa, garnered more than one million votes in the 1892 election out of a total of 22 million votes cast. In 1896 populists threw their support to William Jennings Bryan of Nebraska, who electrified the Democratic convention by proclaiming to the moneyed interests, "You shall not crucify mankind on a cross of gold."

In this same period the labor movement became increasingly clamorous in its denunciation of the evils of capitalism. Among others Eugene Debs, after two decades of work in railroad unions, announced his conversion to socialism on January 1, 1897 with these words:

The issue is Socialism versus Capitalism. I am for Socialism because I am for humanity. We have been cursed with the reign of gold long enough. Money constitutes no proper basis for civilization. The time has come to regenerate society -- we are on the eve of universal change.<sup>6</sup>

Closer to our own day the civil rights movement brought the same fervor to protest and public advocacy of equal rights for African Americans. The Montgomery, Alabama bus boycott in 1955 achieved national attention. A sit-in at a lunch counter in Greensboro, North Carolina in 1956 publicized a technique that was soon applied elsewhere. Civil rights demonstrations occurred in numerous cities, and the March on Washington in August 1963 attracted more than 200,000 people. Everywhere participants sang, "We Shall Overcome", and they did.

During the last thirty years other groups have borrowed techniques from the black civil rights movement to push for human rights: Hispanics, Native American, other ethnic minorities, handicapped

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<sup>5</sup> Quoted by Vernon Louis Parrington in *Main Currents in American Thought*. New York: Harcourt, Brace and Company, 1930. vol. 3, p. 266.

<sup>6</sup> Quoted in *The Bending Cross: A Biography of Eugene Victor Debs* by Ray Ginger. New Brunswick, N.J.: Rutgers University Press, 1948. p. 193.

persons, gays and lesbians, and others.

Often protest movements have advocated specific remedies. Frequently after a few years less militant legislators and chief executives have considered them, made modifications, and then put them into effect. This occurred, for example, with the agrarian populist movement of the late 19th century and the civil rights movement of the 1950s and '60s.

But even if protestors offer no practicable remedy, they have a valuable function by identifying dissatisfaction within the population that should be addressed. They reveal pain within the body politic that requires treatment. This is as much a part of the consent of the governed as election campaigns, public hearings, and lobbying.

Protest can also have the function of withdrawing consent. To a considerable extent this occurred in the United States in the late 1960s and early '70s during the Vietnam War when millions of people expressed their opposition to the war and raised such a ruckus that political leaders knew that they had to end U.S. participation. Beyond American shores we saw this happen even more dramatically in Eastern Europe when the people went into the streets in 1989 and 1990 to indicate they were withdrawing their consent from the stagnant, repressive communist regimes. Without their consent the regimes collapsed and were replaced.

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And so, my fellow citizens, let us all become advocates of what we believe. Let us organize to express our interests. This is an essential part of the interactive process that keeps the consent of the governed forever fresh.

You who are public officials must realize that rather than being an annoyance, advocacy groups are an asset to you. They serve as a fount of knowledge about needs and desires of the population. They reveal pain that requires healing. Often they have good ideas on solutions to public problems, and they sometimes are a useful source of information on technical matters.

Do not be dismayed that advocacy groups tend to be parochial in pressing their views. That's their job. In contrast, your job as a public official is to represent the total community, to achieve a greater whole than the sum of all the special interests. As designated leaders in our representative democracy, you are charged to lead, to balance interests, to take responsibility for the totality, not to be beholden to a particular special interests.<sup>7</sup>

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<sup>7</sup> For more on this matter, see chapter 13.

At the same time, you who are citizen advocates should also keep the common good in view. Sure, your task is to press for your interests, but not so excessively that you harm others or gain an excessive share of public benefits. Often democracy teeters on the brink of chaotic division. So that we don't fall over the edge, we all have a responsibility to work for reasonable compromise that accepts the integrity of even our most obstreperous opponents. After all, they are encompassed in our democratic commitment to respect the worth and dignity of everyone.

**CONSENT OF THE GOVERNED**  
*Reflections on the American Experience*

A Proposed Book  
by Howard W. Hallman

**CONTENTS**  
(Revised 11-1-93)

**Preface**

**Part One. Historical Foundation**

1. Representative Democracy Emerges in Colonial America
2. Consent in the New Nation

**Part Two. Today's Consent Pathways and Participants**

3. Pathways of Consent
4. The People, Citizens, and Voters
5. Elected Officials in a Federal System
6. Political Parties as Instruments of Consent
7. Interest Groups: Another Set of Instruments
8. Governing Coalitions

**Part Three. Choosing Public Officials**

9. Positioning to Run for Office and Reelection
10. Election Campaigns
11. Interest Groups and Campaign Finance
12. Election Mechanics: Help or Hindrance
13. Voting
14. Appointing Public Officials
15. Recall and Impeachment
16. Term Limits

**Part Four. Influencing Public Policy**

17. Legislative Decision-Making
18. Lobbying Legislators
19. Executive Decision-Making
20. Exemplary Approaches to Citizen Participation
21. Judicial and Regulatory Agencies
22. Town Meetings: Assembled and Electronic
23. Ballot Issues

***Part Five. Public Opinion and Consent***

- 24. Opinion Polling and Focus Groups
- 25. Communications Media
- 26. Social Movements and Protest
- 27. Campaigns to Influence Public Opinion

***Part Six. Conclusions***

- 28. Strengths and Weaknesses of the American System

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**SYNOPSIS**  
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**Preface**

Global of "consent of the governed" in American Declaration of Independence....Concept a useful analytical tool for political science....Knowing how consent works in American democracy can be helpful for citizen activists.... American experience can provide guidance for new democracies.

**Part One. Historical Foundation**

**1. Emergence of Representative Democracy in Colonial America**

Concept of consent in 18th century (heritage from European political philosophers and initial American colonial thought)....Achieving consent in the American colonies: European settlement, colonial government, suffrage, congresses.

**2. Consent in the New Nation**

Adopting state constitutions: process, product....Forming a national

government: Articles of Confederation (adoption, provisions, appraisal)....U.S. Constitution: the Convention, anticipatory consent, ratification, first elections....Building on the foundation.

## Part Two. Today's Framework

### 3. Elected Officials in a Federal System

Elected officials as "agents and trustees of the people" (Madison, Federalist No. 10)....Variety of federal, state, and local agents (elected officials and their appointees)....These agents function in a federal system that has three "extensions" (Gulick), three "arenas of action" (Elazar)....This is a different view than a federal union composed of sovereign states and a sovereign national government (concept of numerous scholars of federalism) ....Although the people are sovereign as a whole and within varied geographic areas, their different agents (local, state, national) interact and sometimes compete....Affect on consent process.

### 4. Sets of Decision-Making Processes

Consent features continuous interaction....Illustrated by election roadways (elaborated in Part Three)....Legislative flow (more in chapters 17 & 18) ....Course of executive decision-making (chapters 19 & 20).

### 5. Political Parties as Instruments of Consent

Origin of American political parties....Contemporary parties: pluralistic and decentralized....Their structure....Roles in consent process.

### 6. Interest Groups: Another Set of Instruments

Interest groups in founding period....Variety of interest groups today....How they contribute to the consent process.

### 7. Ward Republics

Thomas Jefferson's idea of four-tiered federalism....Neighborhood units today: neighborhood-sized suburban municipalities, official neighborhood councils in cities, independent neighborhood associations....Various combinations of self-governance, self-help, and interest group entering into consent process.

### **Part Three. Selecting Public Officials**

#### **8. Positioning to Run for Office and Reelection**

Positioning by newcomers....Incumbents seeking reelection: legislators, executive officials....Incumbents seeking another office....Selection committees....Relation to consent process.

#### **9. Election Campaigns**

Course through election roadway....Getting by gatekeepers (party selection committees, convention delegates, primary election voters, general election voters)....How candidates campaign to gain majority support (or at least a plurality) of broadening numbers of gatekeepers.

#### **10. Interest Groups and Campaign Finance**

Role of interest groups in electoral process....Campaign finance... Reforms: past, present, proposed

#### **11. Electoral Mechanics: Help or Hindrance**

Registration....Types of elections (primary, general)....Voting methods... Counting and certifying....Challenges.

#### **12. Suffrage and Voting**

Historic expansion of suffrage in United States....Who may vote today....Who votes, who doesn't....Why, why not....Ideas for achieving broader participation.

### **13. Appointing Public Officials**

Magnitude....Positioning and informal campaigning....Executive appointments....Advice and consent....Judicial appointments

### **14. Recall and Impeachment**

Removal as "negative consent"....Directly through recall; experience with....Indirectly through impeachment; experience with.

### **15. Term Limits**

Recent trends....Founders' views (1770s, Constitutional Convention)....Analysis of today's term limit movement....Judged to be anti-democratic because it restricts sovereignty of the people, the right to choose one's own representatives and reelect them.

## **Part Four. Influencing Public Policy**

### **16. Governing Coalitions: Inside and Out**

Relationships are crucially important in decision-making; go beyond formal structure....Concept of governing coalition....In local government, state, national....Influencing decisions from inside and from the outside.

### **17. Legislative Decision-Making**

Variety of legislative bodies....Sequence of legislative enactment....Participants (legislators, staff, executive officials, interest groups, political parties, individual citizens): their roles and relationships.

### **18. Lobbying Legislators**

At capitol, statehouse, courthouse, city hall: who and how....Grassroots lobbying: organizing and acting....Mobilization tactics.

### **19. Executive Decision-Making**

Executive branch organization....Communication with citizens....Lobbying executive officials....Structured citizen participation....Illustrated by budget-making....Planning processes....Program administration.

#### **20. Exemplary Approaches to Citizen Participation**

Budget-making in three cities....Community involvement in local schools.... Natural resource planning....Other.

#### **21. Judicial and Regulatory Agencies**

Public influence on judicial decisions....Public influence on regulatory decisions.

#### **22. Town Meetings: Assembled and Electronic**

Experience with New England town meetings....Neighborhood assemblies.... Electronic town meetings.

#### **23. Ballot Issues**

Adopting constitutions and charters....Bond issues....Other referenda ....Ballot initiatives.

### **Part Five. Public Opinion and Consent**

#### **24. Opinion Polling and Focus Groups**

Origins....Use by candidates....Use by legislators, elected executive, governmental agencies....Evaluation.

#### **25. Communications Media**

Print, radio, television....Affecting general opinion: editorials, news selection and slanting....Mobilizing opinion on specific issues (such as by talk-show hosts).

#### **26. Social Movements and Protest**

How social movements affect public opinion and sometimes legislation and constitutional amendments....Illustrated by woman's suffrage movement.... Civil rights....Anti-Vietnam War....Abortion, pro and con.

## 27. Campaigns to Influence Public Opinion

By executive branch (such as President Clinton's campaign for health care reform)....By interest groups (several cases).

## Part Six. Conclusions

### 28. Strengths and Weaknesses of the American System

Summation of consent processes in American democracy....Strengths....Weaknesses....Ideas for improvements.

## PREFACE

We hold these truths to be self-evident:

That all men<sup>1</sup> are created equal,  
That they are endowed by their Creator  
with certain inalienable rights,  
That among these rights are life, liberty,  
and the pursuit of happiness,  
That to secure these rights,  
governments are instituted among men,<sup>1</sup>  
deriving their just powers  
from the consent of the governed.

For more than 200 years these inspirational words from the American Declaration of Independence have been the most profound influence for democracy around the globe. Where government is oppressive, people welcome the message that all persons are equally entitled to basic human rights. Where government is controlled by a dictator or a ruling body accountable only to itself, people welcome the concept that powers of government are just only if the people give their consent.

The consent of the governed. This means that the people are sovereign. They have the supreme power. Not a king, not a landed aristocracy, not an economic elite, not a military junta, not a dictator, not a political party monopolizing power. Democracy is a system of government grounded in the sovereignty of the people.

Although the United States of America was founded on this principle, initially consent-giving was a limited process. The original thirteen states restricted suffrage mostly to white male property owners and taxpayers. In only three of them did the electorate choose their governors directly. In the original U.S. Constitution, only members of the House of Representatives were directly elected.

In the United States we've come a long ways during the past 200 years. We have enlarged suffrage to encompass all citizens age 18 and older. We have nearly half a million popularly elected public officials. Political parties have developed as significant instruments in the electoral process. Citizens perpetually interact with public officials, both elected and appointed. Interest groups press hard to influence public policy. The way American democracy has developed, the consent of the governed has become a continuous, interactive process.

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<sup>1</sup> For the authors "men" was a generic term for "humankind". Today to assure an intent of gender inclusiveness we would say "men and women".

There are many lessons to be learned from the American experience: lessons for new democracies, for older democracies wanting to do better, and for people in the United States who want to make further improvements in the consent process and to achieve even fuller participation.

## .51 Casework

CIVIC2.101

### *Citizens Communicate, Officials Respond*

More dynamic but more random is the two-way process of communication and response between citizens and public officials. Citizens express their views to legislators, elected executives, and appointed officials on a wide variety of policy issues and governmental operations. Public officials respond in various ways. In the previous chapter, we reviewed in detail the methods used by advocacy organizations and individual citizens to communicate their views. Here we are interested in how public officials organize their response.

**Legislators.** When we speak of legislators in the United States we encompass a wide spectrum: town and city council members in places ranging in population from a few hundred to millions; county commissioners and council members in both rural and urban counties; state legislators in states of differing size; and members of the U.S. Congress. We elect these legislators, and a majority of them seek reelection.

In smaller jurisdictions legislators occupy part-time positions with little or no pay and earn their livelihood in other ways. Members of Congress, some state legislators, and some members of city and county councils serve full time. In between are local council members and state legislators who are paid for part-time service. Staff assistance ranges from none for small town council members to sizable operations for members of Congress.

Most legislators take seriously their responsibility to respond to communications from citizens. In smaller locales it is direct and entirely personal. In contrast members of Congress have paid staff both in Washington and in district offices assigned to receiving and processing letters, postcards, phone calls, telegrams, and faxes from constituents. They draft replies for the member's signature, perhaps using standard paragraphs worked out with the member. Some staff are assigned to casework on matters dealing with executive agencies. State legislators and members of larger city and county councils also have staff to perform these duties.

My impression is that personal staff of legislators in the United States spend far more time in dealing with constituents than with legislation. Even when committee staff is included, my guess is that the total legislative staff payroll in the United States is weighted toward constituent service and response.

The legislator is, of course, in charge. Where the volume of mail is small, she or he reads all

letters and other communications that come in. Where the volume is large, the legislator is more likely to review a summary of constituent concerns but may read a representative sample of letters from individuals and probably all letters from major supporters and powerful advocacy groups.

With conscientious legislators (and most of them are) letters from constituents make a difference, especially those that seem personal and not mass produced by an advocacy organization. A dozen or so letters on an issue that hasn't had a lot of publicity is likely to cause the legislator to take notice. On major issues, such as the congressional resolution to authorize use of offensive military force in the Persian Gulf in January 1991, millions of letters, calls, and telegrams pour into Congress. Legislative offices tabulate the messages, pro and con. Although legislators don't necessarily consider the result to be a binding referendum on how they should vote, they pay attention.

**Elected chief executives.** Mayors, county executives, governors, and the president of the United States also take heed of communications from citizens. They organize their office to receive letters and phone calls and to respond, either directly or through referral to operating departments.

Mayors and county executives receive fewer letters on legislation than council members do, but they do hear from citizens on major policy issues and on projects they want the city or county to undertake. Usually one or two persons on the mayor's or county executive's personal staff handle these matters.

For a wider range of concerns it is common for city governments to have a mayor's office for information and complaints (the name varies) and for county governments to have comparable units. Citizens call to find out who within the bureaucracy handles particular matters. They ask the city or county to help solve particular problems. They complain about what a city or county agency has or hasn't done. Personnel in the information office are trained to provide answers, if not directly at least through referral. They also track how agencies respond to these referrals.

In the late 1960s and early '70s a number of cities decentralized the information and complaint function to neighborhood offices, sometimes called little city halls or as part of multi-service neighborhood centers. They often hired staff indigenous to the neighborhood. This was intended to overcome citizen alienation, evidenced in that period by civil disorder in African American and Hispanic neighborhoods. During the 1980s many of these units were closed because of city budgetary restraints, but some aspects still exist in neighborhood centers.

Governors have staff in their office to receive and organize the response to letters and phone calls from citizens on policy issues. They are less likely than mayors to have information and complaint offices because state agencies perform fewer direct services for citizens.

In Washington the Office of the President has a citizens' liaison unit that orchestras contacts with major citizen organizations and a public comment telephone line, staffed by volunteers. Not all of the

millions of letters to the White House are answered, but many are, usually with a form letter from a staff persons in the White House or from an executive agency.

Beyond what their own offices do, chief executives at all levels of government are concerned that the bureaucracy is organized to respond effectively to citizen comments, requests for information, and complaints.

**Public agencies.** How operating agencies organize their response varies according to the nature of the services they provide. For example, local public works departments receive lots of calls on refuse collection and street maintenance; parks and recreation departments get numerous requests for information on services, facilities, and events; state employment services hear from many persons seeking unemployment benefits and job referrals. They are more likely to have public information telephone lines than agencies with fewer individual services.

A number of federal agencies maintain special units to deal with the public. Sometimes they are called "office of consumer affairs", which unfortunately is a misconception. The public they deal with are citizens, who are expected to engage in two-way exchange with public officials, and not merely passive consumers of governmental services. "Public liaison" is a more appropriate concept and a better name for these offices.

Department heads in local government don't receive a lot of mail and phone calls on proposed legislation and policy issues because the public doesn't perceive them as playing a major role in policy matters. In contrast, the U.S. Secretary of State gets a lot of correspondence on foreign policy issues, directly or upon referral of letters to the president. Other members of the president's cabinet hear from people on matters within their jurisdiction. Thus, cabinet secretaries have staff units assigned to answer letters and keep track of trends in public opinion that these letters express.

Citizen letters and calls reflect what's on people's minds at the moment and what they feel strongly enough to communicate their views. This is a vital source of information for public officials. Their response is another part of the interactive process that achieves the consent of the governed in formulation of public policy. As in a jigsaw puzzle every piece is important for completing the total picture, so also each part of the consent process has significance.

## .53 Determining Public Opinion

CIVIC2.101

### Determining Public Opinion

As a reciprocal to citizens seeking information from the government, public officials try to ascertain public opinion and to gauge public support by citizenry for policy proposals. One way is through **opinion polls** based upon a scientific sample of the population. Rather than using governmental funds for this purpose, public officials generally rely upon polls conducted by their political party or independent supporters. They also study published results of polls taken by news organizations and professional pollsters.

Polling organizations organize **focus groups** of a dozen or so persons who discuss issues in greater depth than the coverage of opinion polls. Analyses of focus group discussion yield insights on nuances of public response to current issues.

For public officials opinion polls and focus groups serve as a useful source of information on public views on particular issues. This may enable them to be more responsive to what their bosses, the people, want. The downside is that public officials might merely cater to whims of public opinion as expressed in a sample response to a limited set of questions. Different answers might come through fuller discussion that offers more options, considers pros and cons, educates participants, and sometimes comes up with new solutions. Furthermore, elected officials have a leadership responsibility to go beyond today's opinions in finding tomorrow's solutions to contemporary problems.

Legislators use **questionnaires** to their constituents to determine their views on sets of issues. Those who send out regular newsletters may include a list of questions at the beginning of the legislative session. They indicate some key issues that will be before the legislative body and describe alternative positions. They request constituents to mark their choice and return the questionnaire. The tabulated result may not be a completely scientific sample of the constituency, but it provides the legislator with indications of public opinion. Where the same or similar questions are posed in successive years, trends of opinion can be noted.

Sometimes **straw votes** are taken at community meetings where legislators and public agency representatives have made presentations. This provides an indicator of how this small slice of the public feels about issues under discussion.

In some localities local public agencies engage in **media-based balloting** to gauge public opinion on certain matters. A community development agency or city planning commission, for example,

publishes a newspaper ad presenting development alternatives and includes a coupon ballot for readers to cut out and mail in. An agency makes a presentation on television and asks viewers to call in their opinions. If a simple "yes" or "no" is requested on one matter, there can be separate phone numbers for each. A nonpartisan organization stages a television or radio debate offering several views on public policy issues and invites listeners to call in their opinions. A few locales have experimented with **interactive cable television** that enables viewers to press buttons in their own living room to provide an immediate response.

These various methods of determining public opinion are useful, but only as part of a broader process. They are mostly passive and lack the dynamics of legislative debate. They tend to be straight-jacketed by a limited set of questions that don't necessarily reveal the full panoply of alternatives. Nor do they reflect possible compromises that arise from bargaining. Even with these limitations, though, they have value.

## .53 Outreach

CIVIC2.101

### Hearings and Public Meetings

Two-way communication between citizens and public officials achieves greater structure through such events as public hearings, community meetings, workshops, and conferences. These tend to be more sharply focused than the proliferation of letters and phone calls on whatever is on the mind of citizens. They provide for more face-to-face interchange between citizens and public officials.

**Public hearings.** Well-established are public hearings held by legislative committees, boards and commissions, and staff units of public agencies. When done properly, the hearing body provides public notice sufficiently in advance so that potential witnesses can prepare testimony. The notice should state the purpose of the hearing and indicate where pertinent background documents are available.

Public hearings are valuable to legislators, board members, and agency hearing officers as a gauge of public opinion on proposed legislation and administrative policies. They can offer opportunity for presentation of a wide range of opinions and can reveal the depth of feelings. Hearings can provide new information and expert analysis of the proposal at hand. Persons on the hearing panel can ask questions and engage in dialogue with witnesses.

Some hearings are open to all comers and stay in session as long as there are witnesses. Other hearings permit only invited witnesses to testify but do permit other interested parties to file written testimony for the record. Many hearings are in the middle between these two extreme.

Where numerous witnesses want to testify, the hearing panel usually allows only brief oral testimony from each witness (say, three to five minutes) and rarely asks questions. After eight to twelve hours panel members are saturated and exhausted. Where oral testimony is restricted to agency representatives and outside technical experts (and this occurs often in congressional hearings), the views of grassroots citizens and even public interest advocacy organizations are rarely heard.

The best hearings achieve a balance between too much and too little by scheduling witnesses who are likely to provide a fair cross-section of perspectives on the issue at hand and having sufficient time for panel members to ask questions. Sometimes persons with a range of views are at the witness table at the same time, and the panel benefits from listening to them debate.

Attentive listening is a key attribute of a successful hearing. If legislators and board members treat the hearing as a pro-forma, it-doesn't-make-any-difference event, its valuable is lost and witnesses become alienated over the process. If nothing comes of the hearing or the dominant opinion

of witnesses is ignored without explanation, citizen cynicism increases.

Sometimes hearings on highly charged issues, such as abortion, racial integration, or location of a highway or public facility considered undesirable (such as prison, sewage treatment plant, incinerator), produce so much rancor that they are counterproductive. To lessen this danger, adequate explanation of proposed policies should be presented and a broad range of witnesses should be called to testify. The presiding officer should be fair and unbiased but also should insist upon decorum on the part of the audience. Democracy in action can be stormy, but leaders need to insist upon mutual personal respect among persons with opposing viewpoints.

**Community meetings.** Another way for achieving dialogue between citizens and public officials is through community meetings (sometimes called town meetings). They are less formal than public hearings and generally permit greater two-way interchange.

Often a citizen organization schedules a community meeting and invites legislators and other public officials to attend. This may be a regular meeting of the organization or one called especially for this purpose. Some legislators and elected chief executives organize their own town meetings. My preference is for a citizen organization to be the primary sponsor rather than a public official, for there is likely to be greater openness to dealing with a full panoply of citizen concerns. But I wouldn't preclude public officials from taking the lead where there are no citizen-organized community meetings.

Having a good community meeting requires careful preparation. The purpose of the meeting should be clearly stated, and the span of the agenda should be proportional to the anticipated length of the meeting. If there are to be speeches or panel presentations, speakers should understand how long they may speech. Impromptu speakers from the floor should also have this understanding. Invited public officials should be told in advance how the meeting will proceed and what is expected of them. They might be asked to speak first and then respond to questions. Or citizen presenters might go first and the public official asked to respond to what they have said.

Whatever the order of agenda, emphasis should be upon honest dialogue. To be avoided is mere propaganda by public agencies and malicious haranguing by citizens. Debate can be vigorous without becoming nasty. Democracy depends upon even the staunchest adversaries recognizing that their opponents have worth and dignity as human beings.

**Workshops and conferences.** Greater depth for study, education, and dialogue can occur through workshops and conferences. They are generally longer than community meetings and give more people opportunity to express their views.

Workshops can draw in resource persons from citizen organizations, public agencies, colleges,

universities, and other institutions as resource persons. However, the sessions should not be dominated by talking experts, for citizens need a chance to ask questions, share information they have, and offer their opinions.

Often workshops are held as part of a larger conference. Part of the conference is devoted to sets of simultaneous workshops, and part is used for plenary sessions featuring speakers, panels, and reports from workshops. Some conferences are structured to come up with specific recommendations on public policy issues. In this case a drafting committee can prepare resolutions for presentation to the whole body.

Legislators, elected chief executives, and department heads can be invited to speak to the conference. They might serve as keynote speaker, respondent to workshop reports, or closing speaker. There can be opportunity for questions and comments from the floor.

Where a conference comes up with positions on policy proposals, these recommendations be presented to public officials who are present. They can also be offered in writing and personally after the conference is over.

Some conferences are held not to address public officials directly but rather are organized so that citizens can work out their positions on public issues. Sometimes conferences are called as a means of building stronger coalitions among like-minded organizations.

Conferences can also be used to bring together groups which seem to be in contention with one another, such as racial and ethnic groups, factions within neighborhood organizations, and advocacy groups of different persuasion (for instance, those with differing approaches to dealing with crime). Workshops at such conferences facilitate two-way education and dialogue. Ernest, face-to-face conversation replaces shouting from a distance. Sometimes bargaining can occur and compromise positions can be worked out. Mutual acceptance of one another and better understanding can develop even if individuals and groups continue to disagree on particular issues.

## .61 Providing Information

CIVIC2.101

### Information

Knowledge is power. The most knowledgeable persons often have an advantage when decisions are made. This is true both for decision makers and persons positioned to influence decision making.

Effective citizen participation, therefore, depends upon making all information pertinent to pending policy decisions fully available to interested citizens. Public officials should provide such information to participants in a timely manner so that citizens can study details and develop their own ideas prior to the moment when can make an impact upon decisions.

Some government agencies and legislative committees are quite open and are willing to share what they know. Others horde information or release only bits and pieces of their choosing.

For instance, over the years U.S. presidents, the State Department, and the Defense Department have withheld from Congress vital information on issues of war and peace. The Iran-Contra coverup by the Reagan administration is one of the most recent egregious examples. The Johnson administration concealed details about the progress of the Vietnam War. Other cases abound.

Federal domestic agencies and state and local governments likewise withhold information, especially material that reflects negatively on the agency or an official or that weakens the case for a policy proposal. Sometimes they provide only part of the facts, or release reports after decisions have been made.

This is a natural tendency. Fibbing starts in childhood. Teenagers don't tell their parents everything they do. Adults don't always reveal every particular of their lives to relatives, friends, and work associates. To overcome this tendency, courts of law require witnesses under oath "to tell the truth, the whole truth, and nothing but the truth."

Democracy at its best requires public officials to act in the spirit of this oath at all times. We the people are sovereign. We are the ultimate boss of public officials. We expect to know all the facts. Even bad news. In our personal lives we live with the good and the bad, so we can do likewise in our public life. The trust relationship that undergirds democracy requires full availability of pertinent information related to pending policy decisions and program results. Truth telling should be an ethical standard for all public officials.

To whom and how should information be made available? There is a range of answers.

Obviously it would be too expensive to send every document to every citizen, but some kinds of information can be made directly available to a large universe. Governmental agencies regularly send mailings to large numbers of people in the form of tax bills, assessment notices, social security checks, and legislative newsletters. From time to time brief information on pending matters could be included. Recipients could be told where they can obtain fuller information.

State and local governments by law are often required to print legal notices on certain matters in newspapers of general distribution. Unfortunately these notices are in fine print in the classified section and read by scarcely anyone except lawyers. To announce proposed major undertakings, such as new highways, community development projects, and other large capital improvement projects, it would be preferable to put display ads in the news section.

Public agencies can also maintain mailing lists of organizations and individuals who request to be kept abreast of particular subjects. For instance, neighborhood and civic associations which want to know about proposed zoning changes; citizen organizations interested in environmental regulations and enterprises affected by such regulations; diverse organizations in the health field which have an interest in policy changes. An agency can take initiative to build its mailing list and also be open to citizen requests to be on the list. Periodic updating can occur to weed out those no longer interested.

Information depositories can be created in public libraries and elsewhere so that concerned citizens have easy access to key reports and other documents. For issues drawing a lot of attention, an agency can establish a hot line -- an announced telephone number where trained personnel are available to answer pertinent questions. Public channels on cable television offer other opportunities.

Public agencies have a special obligation to provide legislators with full information. This includes persons from the opposition party and caucuses which may be opposing the agency's agenda. We the people elect legislators to represent us in dealing with the executive branch, and we want them to be fully informed.

Public officials can reach out through intermediaries to reach the general public. This occurs through news conferences, distribution of news releases and accompanying reports, appearances on television and radio programs, and interviews with magazine and newspaper reporters. Some officials try to manage this process very carefully, but media representatives counter with tough questions and by tapping other sources within the bureaucracy.

The investigative process represents another important method for obtaining information: citizens, advocacy organizations, journalists, legislators, opposition political parties, rival candidates, and other investigators seeking out withheld information. This tends to be an adversarial relationship,

which seems to be a natural phenomenon in rough-and-tumble democracy. Though annoying to secretive officials, it is a worthy activity as long as investigators concentrate upon public agency performance and refrain from intruding into the private lives of public officials.

Investigations are aided by the federal **Freedom of Information Act** and state and local counterparts, which require public officials to provide requested information within a reasonable time. Sometimes, though, investigators have to go to court to force the release of information they want. Sometimes legislators hold up appropriations and use other legislative sanctions as a means of forcing out information from executive agencies.

So there is a spectrum of accessibility to government information: at one end, provided willingly through agency initiative; in the middle, made available only upon request; at the other end, sought out from inside sources by journalists and other investigators. For democracy the best performance occurs when public officials operate on the full-accessibility end of this spectrum.

## .62 Enacting Laws

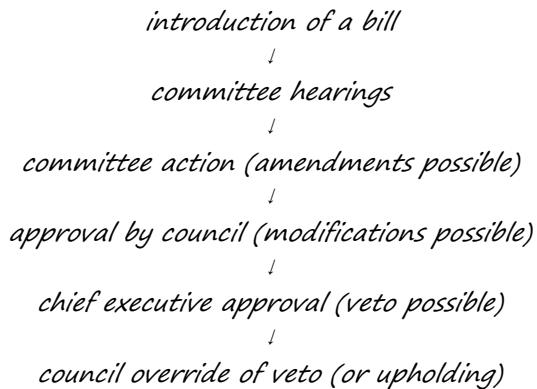
CIVIC2.092

**Legislation.** This same sense of timing is also important in enactment of laws by legislative bodies. Note, for example, the process of how Congress enacts a law, as shown on in the following simplified chart:<sup>1</sup>

<sup>1</sup> *Register Citizen Opinion.* Washington: United Methodist General Board of Church and Society, 1991. p.34.

In reality the process is more complicated because subcommittees usually consider bills before they are taken up by the full committee, and in the House of Representatives bills have to be cleared by the Rules Committee before they come to the floor.

The same basic process occurs in states with bicameral legislatures (all except Nebraska). Most local governments have unicameral councils which use the following process:



Knowledgeable advocacy groups realize that their greatest influence may occur in drafting legislation before introduction and in the work of committees and subcommittees. To be sure, amendments are offered on the floor and sometimes pass, but typically only a small number of changes occur after a bill leaves the committee.

Thus, early involvement is essential for advocacy groups which want to make an impact on legislation. The same holds true for writing and adopting administrative regulations by various departments. And when the chief executive makes appointments to boards and commissions, the crucial early stage is assembling a list of likely candidates, describing their qualifications, and mustering support for one's favorites.

## CIVIC2.101

**Public hearings.** Well-established are public hearings held by legislative committees, boards and commissions, and staff units of public agencies. When done properly, the hearing body provides public notice sufficiently in advance so that potential witnesses can prepare testimony. The notice should state the purpose of the hearing and indicate where pertinent background documents are available.

Public hearings are valuable to legislators, board members, and agency hearing officers as a gauge of public opinion on proposed legislation and administrative policies. They can offer opportunity for presentation of a wide range of opinions and can reveal the depth of feelings. Hearings can provide new information and expert analysis of the proposal at hand. Persons on the hearing panel can ask

questions and engage in dialogue with witnesses.

Some hearings are open to all comers and stay in session as long as there are witnesses. Other hearings permit only invited witnesses to testify but do permit other interested parties to file written testimony for the record. Many hearings are in the middle between these two extreme.

Where numerous witnesses want to testify, the hearing panel usually allows only brief oral testimony from each witness (say, three to five minutes) and rarely asks questions. After eight to twelve hours panel members are saturated and exhausted. Where oral testimony is restricted to agency representatives and outside technical experts (and this occurs often in congressional hearings), the views of grassroots citizens and even public interest advocacy organizations are rarely heard.

The best hearings achieve a balance between too much and too little by scheduling witnesses who are likely to provide a fair cross-section of perspectives on the issue at hand and having sufficient time for panel members to ask questions. Sometimes persons with a range of views are at the witness table at the same time, and the panel benefits from listening to them debate.

Attentive listening is a key attribute of a successful hearing. If legislators and board members treat the hearing as a pro-forma, it-doesn't-make-any-difference event, its valuable is lost and witnesses become alienated over the process. If nothing comes of the hearing or the dominant opinion of witnesses is ignored without explanation, citizen cynicism increases.

Sometimes hearings on highly charged issues, such as abortion, racial integration, or location of a highway or public facility considered undesirable (such as prison, sewage treatment plant, incinerator), produce so much rancor that they are counterproductive. To lessen this danger, adequate explanation of proposed policies should be presented and a broad range of witnesses should be called to testify. The presiding officer should be fair and unbiased but also should insist upon decorum on the part of the audience. Democracy in action can be stormy, but leaders need to insist upon mutual personal respect among persons with opposing viewpoints.

## .63 Participatory Budget Making

CIVIC2.092

**Budget making.** Take the budgetary process as an example. The budget is one of the most important policy statements of local, state, and national government, of school boards and other governmental bodies because it determines patterns of expenditures and revenues. Typically a local government budget will go through the following stages:

*Stage One: Advance Preparation.* The budget office starts making economic projections and revenue estimates for the upcoming fiscal year. Operating agencies begin thinking about what they want in their budgets. Then the budget office issues a set of guidelines for departmental submissions.

*Stage Two: Departmental Requests.* Various departments develop their requests for the new fiscal year and submit them to the budget office in a prescribed manner.

*Stage Three: Budget Office Review.* Analysts in the budget office review departmental requests and may propose reductions and other changes. The budget office adds up all requested expenditures and compares them with anticipated revenue. This may lead to paring here and there as the budget office puts the budget together as a whole.

*Stage Four: Chief Executive Review.* During the earlier stages the chief executive (mayor, county executive, manager) is in touch with the process, determines main priorities, makes decisions on key issues, such as a budget freeze, selective increases, revenue matters. The closer to the time for submission to the legislative body, the more attention the chief executive gives. With staff assistance, the chief executive drafts a budget message and then submits the budget to city or county council. Usually the budget is published at this time.

*Stage Five: Council Determination.* Council holds public hearings, starting with heads of public agencies and usually providing an opportunity for public comment at the end. Sometimes a council holds private, executive sessions to work out budget details before discussing the budget in a public session. Council adopts the budget, oftentimes with amendments, and returns it to the chief executive for approval. If the chief executive vetoes the council's version of the budget, the council can override (usually requiring a three-fifths or two-thirds majority) or may have to make revisions acceptable to the chief executive.

*Stage Six: Implementation.* Once adopted, the budget goes into effect at the beginning of the fiscal year. The finance office allocates funds to the operating departments and might make

quarterly allotments to spread out spending. Usually departments have some leeway in transferring funds between programs, but major changes have to receive council approval.

*Stage Seven: Audit.* After the fiscal year is over, the auditor or comptroller audits departmental accounts to determine if they complied with the budget and spent the money in a proper fashion.

State governments and the federal government follow the same budgetary philosophy of executive preparation and legislative adoption. The federal process is more complex because the budget resolution that Congress adopts merely sets a broad outline and details are developed through two other processes: authorizing legislation and appropriations.

Ordinarily the general public first hears about the budget when the chief executive sends it to the legislative body (end of Stage Four). It is published as a thick, complicated document. Administrative officials tend to dominate public hearings, with the citizen voices heard only at the end. By this time it is very difficult to make major changes in the budget because an increase in expenditures in one area may require a counterbalancing reduction elsewhere, or higher taxes.

The greatest opportunity to influence the budget is in Stage Two when departments are developing their requests and Stage Three when the budget office is drawing the entire budget together. If an advocacy group is to be influential in those stages, it must itself be active in Stage One to prepare its own budgetary proposals.

Thus, for a local budget that goes into effect on January 1, citizen preparation should commence the preceding spring, and efforts to impact departments and the budget office should occur during the summer. For a state budget that becomes effective on June 1, the preceding fall is the time to begin. The federal fiscal year starts October 1, and advocacy groups need to start their efforts in September and October of the preceding year to influence executive departments. For all three levels of government, advocacy groups need to follow the budget all the way through the legislative process.

There are some cities which open up the budget process to citizens during these early stages, and we'll look at this experience in the next chapter. Where budget making is not as open, advocacy groups should make a calendar of the budget process so that they can initiate involvement in a timely manner.

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#### **Processes with Continuity of Involvement**

Hearings, town meetings, and conferences bring citizens and public officials together on specific

occasions. For the most part they deal with issues of the moment. That's useful. But in addition there needs to be processes through which citizens and public officials can work together systematically over an extended period to take up problems, analyze causes, consider possible remedies, and come to agreement on solutions. There is a considerable body of experience with practices of this sort. It is most common and strongest in local government, but some state and federal agencies also make use of such processes.

**Neighborhood Planning.** [To be added.]

**Budget Making.** In the previous chapter we noted eight stages of local budget making and suggested that advocacy groups should push assertively for early involvement if they want to be effective. Here we can note that some cities in the United States invite citizens to participate from the earliest stage as working partners, and indeed use public funds to make this possible. They include New York, Dayton, St.Paul, and Portland, Oregon. We can learn from their experience.

Several ingredients are common to the budgetary process in these cities. First, citizens have their own organizations to work out priorities and make budget recommendations. Most frequently these are neighborhood associations or district councils of neighborhood representatives, but sometimes citywide organizations and coalitions with a particular focus, such as social welfare, economic development, and environment also get involved. Second, these citizen organizations usually have staff support. This might come from their own staff, consultants they hire, or personnel assigned by a public agency.

Third, city government has an office designated to receive citizen budgetary proposals, to transmit them to the budget office and city departments, to provide feedback to citizens on departmental response. This citizen liaison office sometimes provides technical assistance to citizen associations or allocates funds for their use. Fourth, city departments accept the idea of citizen input early in the budgetary process and work within that framework. Fifth, this process is scheduled over a sufficiently long period to allow time for meaningful citizen involvement to occur.

How it works can be illustrated by going through the stages of the budgetary process and indicating how neighborhood organizations are involved.

**Stage One: Advance Preparation.** The neighborhood organization either has a neighborhood plan upon which to base its recommendations or has a system to determine priorities for the upcoming fiscal year. This might occur through citizen surveys, neighborhood meetings, committee meetings, or a combination.

**Stage Two: Departmental Requests.** Just before city departments start working out their

budget, neighborhood organizations submit their proposals to the city liaison agency, which transmits them to the respective departments. In this manner city departments consider neighborhood proposals simultaneously with proposals from their own bureaus. Departments inform the citizen liaison office how they respond to neighborhood requests, and that office provides feedback to the neighborhood organizations.

*Stage Three: Budget Office Review.* While the budget office is reviewing departmental request, a citywide citizen advisory committee or a set of citizen task forces are also reviewing budget requests that have come from departments, neighborhood organizations, and other citizen organizations. The budget office takes into consideration comments and recommendations from the citizen advisory bodies.

*Stage Four: Chief Executive Review.* As the earlier stages have proceeded, the mayor or city manager is kept abreast of citizen recommendations as well as budget requests and provides guidance to the budget office on how to respond. The chief executive takes into consider these varied requests in making final decisions on the budget to submit to city council.

*Stage Five: Council Determination.* As in other cities, neighborhood organizations and other citizen groups send representatives to council hearings on the budget. But having been intimately involved during earlier stages, this is a less crucial moment for them. They are likely to be supportive of the total budget even though not everything they requested is included, though sometimes they will propose adjustments and upon occasion oppose certain elements.

*Stage Six: Implementation.* Citizen organizations are less involved in the implementation stage, but a citywide advisory committee may be consulted about major proposed changes in big ticket items, such as capital improvement projects.

*Stage Seven: Audit.* Although citizen organizations usually don't get involved in the financial audit project, neighborhood organizations may have an evaluation system of their own to watch over the projects they proposed and provide feedback for the next budgetary cycle.

In cities providing roles for citizens throughout the budgetary process, there is constant interchange between citizens and public officials at all stages. Final decision-making authority remains with the chief executive and city council, but there is strong citizen input early in the process when it can be truly influential.

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### Citizen Input into Federal Budget

The federal budget is one of the most important policy documents considered and adopted each

year. Yet its development is one of the most secretive, least participatory processes found in government today.

The process starts in summertime about fifteen months prior to the fiscal year that begins October 1 of the following year. The Office of Management and Budget (OMB) issues guidelines to federal departments and lays out a schedule for submission of requests. Departmental proposals go to OMB in the fall. Working under guidance from the president, OMB makes cuts (rarely increases). Cabinet members have the right to appeal to the president but use this right sparingly.

By December the budget is nearly complete. A few leading supporters of the president in Congress may be kept informed on some aspects of the emerging budget, but most members of Congress are in the dark on details. Final adjustments are made in January, including economic projections and decisions on revenue measures. The president submits the budget to Congress toward the end of January.

Each house of Congress has a budget committee. They hold hearings in February and March, inviting witnesses from the administration, some outside economists, a small number of other experts, but hardly anyone from advocacy organizations. By mid-April or early May Congress adopts the budget resolution, which establishes spending levels for xx major categories and outlines the revenue package to pay for the budget.

By then two sets of committees are active in both houses. Authorization committees, each dealing with major sets of programs, such as armed forces, agriculture, education and labor, start holding hearings on what expenditures to authorize for the coming fiscal year. Meanwhile subcommittees of the two appropriations committees begin hearings on how much money to appropriate. These committees and subcommittees hear both government and civilian experts, generally have a broader range of witnesses than the budget committees, but don't bring in many representatives of membership-based, citizen advocacy organizations. However, advocacy organizations busily undertake direct lobbying and mount grassroots lobbying campaigns to influence decisions of authorization and appropriations committees.

This whole process could be significantly improved through early citizen involvement in preparation of the president's budget and fuller opportunity for a wider range of views to be heard in congressional hearings.

Thus, I suggest that in September and October when the departments are working on their budgets, the cabinet secretaries should hold public hearings so that a cross-section of interests can offer recommendations for the departmental budget. Regional directors should conduct similar hearings around the country. The president should also hold several public hearings that focus on overall budgetary issues, such as deficit reduction and taxation. Witnesses before the president could include

representatives of governors, mayors, county commissioners, business, labor, social welfare, environmentalists, and other broad interests.

At these executive budget hearings the president, cabinet secretaries, and regional directors should ask all witnesses to respond to three questions:

- What expenditures do you want included in the budget?
- If you recommend increased spending, what expenditure reductions elsewhere in the budget will you publicly support?
- What revenue measures will you publicly support to get the federal deficit under control?

This approach would not only provide citizen input early in the federal budgetary process, but it would also encourage persons representing various interests to broaden their horizon and look at the total picture. It would seek to develop support for difficult measures needed to achieve deficit reduction.

A new president inaugurated on January 20 inherits the budget prepared by his (someday, her) predecessor. He (she) could immediately embark upon a shortened version of departmental and presidential public hearings with the intent of offering a revised budget by mid-April.

The congressional budget committees, when their turn comes, should hear from a broader range of witnesses. This can be accomplished not only through conventional hearings in Washington but also by satellite television linkage with witnesses situated in other locales around the nation. All witnesses should be asked the three key questions: what expenditures do you propose, what expenditure reductions and revenue increase do you favor to pay for it? And not only make recommendations on expenditure cuts and revenue measures, but also pledge to support these measures, no matter how unpopular.

State governments could embark upon a similar process for early citizen involvement in budget making. Governors, department heads, and district directors could hold hearings well in advance of finalization of the governor's budget. State legislative committees could hear from a wider range of witnesses than they do now, could use television linkage to hear from witnesses scattered around the state, and could conduct field hearings.

## .66 Structures for Participation

CIVIC2.101

### Structures for Participation

Along with processes that provide full citizen participation, organizational structures are required. This applies both to the citizenry and to government.

A sizable number of cities have recognized the importance of neighborhood organizations and have created systems that give official recognition to neighborhood councils. In some instances neighborhood councils are established afresh by city ordinance or charter, and in other situations there is a process for recognizing existing neighborhood associations. In either case the neighborhood entity is governed by policy body elected by residents and responsible to them. It is an embodiment of grassroots democracy.

There can also be a citywide structure for bringing neighborhood representatives together. In this manner they can share ideas, give consideration to communitywide issues, resolve conflicts between neighborhoods, and work out solutions imbued with the spirit of the common good.

Cities with recognized neighborhood councils usually have some kind of neighborhood liaison office to work with them. In some locales the liaison office channels public funds to neighborhood councils so that they can hire their own staff or retain consultants. Elsewhere the liaison office provides staff assistance directly, sometimes through district offices.

City and county departments, and also state and federal agencies, frequently set up advisory committees and task forces involving representatives of various interests. Some are temporary and dissolved as soon as the assignment is completed. Others are permanent and with members appointed for specific terms, sometimes overlapping. Some advisory committees have full-time staff assigned to assist them.

Going beyond the advisory role, some citizen boards have full policy-making responsibility. This is true with boards of education, some of them elected, some appointed by an executive official. It is also the case with city and county planning commissions and boards of public health.

Legislative bodies make less use of citizen advisory bodies than executive agencies. This is because legislators, being directly elected, consider themselves to be the people's representative and don't require an intermediary body. Also, they conduct public hearings, individually participate in community meetings, and use other methods for staying in touch with their constituents.

An interesting exception occurred in Chicago in 197x=xx when Alderman Richard Simpson established the 44th Ward Assembly to serve as his official advisory body on important policy decisions of City Council. [to be completed]

## .68 Costs and Benefits

CIVIC2.101

**Benefits and costs.** These illustrations of citizen involvement in neighborhood planning, local budget making, and natural resource planning could be expanded to encompass many other cases where citizens have achieved deep and steady participation in development of public policy.

There are a number of benefits to this approach. By involving persons most affected, problems can be better defined. Citizens often have good ideas for solutions, and they can provide feedback on public agency proposals at an early stage when modifications can be made and unsound ideas dropped. The interchange provides opportunities for conflict resolution and consensus building. The process may broaden support for public policy while at the same time encouraging citizens to undertake their own, complementary activities. It is yet another way for achieving continuous, interactive consent of the governed.

In other ways citizen participation processes serve as a school for democracy. Many people gain their first opportunity for involvement in public life. They learn the give and take of decision making. In this manner new talent develops. Some move on to other civic activities, some run for public office, and others take appointive positions with government. In the last thirty years this has been a particularly important method for leadership development among African Americans, Hispanics, and recent immigrant groups.

There are costs. Decision making may take longer. There are expenses for staff, reports, and meeting facilities. Where public officials give only lip service to the process and ignore citizen views, alienation and distrust may increase.

The way around the time factor is to extend the planning schedule to allow sufficient time for participation. If done properly, widespread citizen support will develop for budgets and projects. In contrast, quite a few projects planned without participation are blocked by citizen opposition at a late stage and the whole planning expense is wasted.

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### Conclusion

My own faith is that a well-informed, fully-involved citizenry has the capacity to make wise choices on controversial issues. Moreover, the democratic commitment is that what government does has to be based upon the consent of the governed. Experience teaches that this consent is best

obtained through full citizen participation in important matters.

For interaction between citizens and the public officials they choose to be effective, it should related to real decisions on significant issues. Continuity of participation is essential, starting with early involvement in goal setting and problem defining. Citizens require a full supply of readily-accessible information. More often than not citizens need some kind of organizational base so that they can study problems and work out their own views on solutions.

Governmental agencies should be organized in ways that facilitate citizen involvement. Regularized processes are helpful. This facilitates a steady flow of citizen input and provides for feedback from public officials to the participating citizens.

Citizen participation processes do not replace other features of representative government, such as elections and the legislative process. Rather the numerous ways for achieving fuller citizen involvement and more intensive interaction between citizens and public officials enhance democracy by enriching and providing greater continuity to the consent of the governed.

## .82 Broadening Participation

CIVIC2.101

### Nationwide Study of Big Issues

We need to find ways of achieving more widespread citizen participation in working out solutions to some of the big issues our nation faces. In a pluralistic society with many conflicting interests this is no easy task. Because we the people are divided, the president of the United States and major blocs within the U.S. Congress often espouse different solutions to major national problems. What appears as gridlock is reflection that we the people haven't worked out a sufficient consensus to enable our representatives to come to an agreement. That being the case we need to participate fully in the search for agreement.

Take, for example, the issue of health care financing. Total health care costs nationally are accelerating enormously. Because health insurance arrangements are highly diverse and in some respects duplicative, administrative expenses are high. Yet millions of people lack health insurance and do not have personal financial resources to pay for medical care.

A variety of remedies have been proposed, ranging from entirely private health insurance to totally governmental. They tend to cluster into three or four major sets of alternatives. Each has powerful advocates who represent different interests: doctors, hospitals, private health insurance companies, consumer groups, and governmental agencies. So far none of these interests or coalition of interests has been able to prevail. Hence the deadlock.

As a way of bringing a larger segment of the public into the search for solution, I suggest a process designed to achieve extensive, in-depth study and discussion by a wide segment of the population. Citizen opinion would then feed in to our elected officials, the president and members of Congress. It might work as follows:

- Have a nonpartisan body, such as a unit of the National Academy of the Scientists, prepare a study guide that outlines the major alternatives for health care financing. The guide would relate the best case for each alternative as offered by their respective advocates. It would also provide an objective analysis of costs and benefits of each, of advantages and disadvantages, and of possible trade-offs. This study guide should be written in clear language that high school graduates can understand, making use of charts and graphs as appropriate.
- Publish the study guide in tabloid form and distribute it for sale in supermarkets, drug

stores, and other easily accessible outlets. Existing private distribution networks could be used.

- Through a wide variety of citizen networks encourage the formation of local study groups, community forums, and interactive radio and television discussion. Groups which meet weekly or monthly, such as service clubs, neighborhood associations, and other civic organizations, could schedule one or more sessions to talk about alternatives for health care financing. Local organizations with rival positions could come together to stage a debate. Both broadcast and cable television could organize forums with panelists representing the different sides and could give the viewing audience opportunity to call in questions and to vote. Local newspapers could print and receive ballots on the major alternatives and publish the results.
- After an appropriate period of local discussion, have members of the U.S. House of Representatives hold informal hearings and appear at community meetings in their districts to hear feedback from the various citizen study groups. Emphasis should be upon consensus building and exploration of possible compromises. U.S. senators could attend some of the district forums in order to listen to citizen opinion first hand.
- Develop ways for local conclusions to reach the White House and the U.S. Department of Health and Human Resources in a systematic manner. This would enable the executive branch to reconsider its own proposals in the search for an acceptable national approach to health care financing.

Ultimately the Congress with presidential approval will have to adopt legislation to deal with health care financing. Widespread citizen education and public discussion could strengthen the determination to find solutions and help develop a consensus. Or the process could merely reinforce present division and add to the stalemate. But it's worth a try.

The same approach could be taken to other major national problems. This would require discipline in selection of topics so as not to overburden the participatory process. Maybe only one or two issues could be taken up each year for in depth consideration. A resolute commitment to fairness is essential. So too is respect for the wisdom of the people.