

**DEMOCRACY ALL YEAR ROUND**

*Better than Term Limits and Other Elixirs*

*by*

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## PREFACE

*American democracy of the 1990s is full of message senders. In the 1992 presidential election nearly 20 million voters didn't like the presidential candidates of two major parties, George Bush and Bill Clinton, so they voted for Ross Perot and a sprinkling of other candidates. As follow-up, Perot has tried to organize his supporters into a new kind of political movement, United We Stand America.*

*Some persons are so dissatisfied with candidates for elective offices that they want to add "none of the above" to the ballot. Voters in 15 states have been persuaded to enact term limits for incumbents, some of whom they have previously reelected many times.*

*Radio and television talk show hosts are acting as instigators and cheerleaders to have citizens flood the Capitol Hill switchboard in Washington with calls on specific legislation, usually in opposition to some measure. As a way of verbalizing concern over deficit spending, a number of politicians have*

*been advocating a balanced budget amendment to the U.S. Constitution (including some who themselves could but have never offered a balanced budget).*

*Yes, we are a nation of message senders.*

*That's neither new nor unusual in American history. After all the first congress of the American colonies in 1765 met to send a message to the British Parliament to denounce the Stamp Act, a new form of taxation without representation. In 1773 Massachusetts residents dumped tea into Boston Harbor to protest British trade policy. The Declaration of Independence specified 26 "abuses and usurpations" of the British monarch.*

*Since then abolitionists, women suffragettes, populists, labor union organizers, civil rights proponents and opponents, war protesters, tax objectors, abortion proponents and opponents, and many more have used various techniques to send their messages. In doing so they have exercised the right guaranteed by the First Amendment of the U.S. Constitution "of the*

*people peaceably to assemble, and to petition the Government for a redress of grievances."*

*Great! That's fine and dandy! Sending messages is an all-American pastime. Yet it's but a fraction of democracy. Democracy is also about governance: voters electing legislators, executives, and sometimes judges; legislators enacting laws; executive officials administering national, state, and local governments, accomplished with the consent of the governed.*

*You can't run a government solely with messages. You have to make decisions, sometimes very difficult choices among complex policy alternatives. You have to decide who will pay the cost of government and then enact revenue measures. With finite resources available you have to decide who will benefit most and who the least in budgetary allocations. Lots of hard choices.*

*You can vote for an independent candidate to send a message, or even refrain from voting, but somebody's going to be elected. For most of the last*

200 years nearly all of these somebodies have been members of one of two major political parties. Occasionally a third party has gained control of one or both houses of a state legislature for a while or become the second ranking party. Now and then some third party members and independents have served as governors and mayors. But these are exceptions. The American people have entrusted government mostly to elected officials from the two major parties -- since 1860 either Republican or Democratic.

You can follow the urging of your local radio talk show host and call your representative in Washington to protest a congressional pay raise or some other measure. You and other callers might even get your way on that single issue. But the same session of Congress will enact thousands of bills that move through the legislative pipeline with little public attention. This legislation, however, is noticed, supported, opposed, modified by interest groups which maintain a full-time presence in Washington.

Government goes on all year long. So does the electoral process, even

*though it may gain public visibility only during periodic election campaigns.*

*In Intermittent participation by voting once or twice a year and sending a message now and then is insufficient. If American democracy is to flourish, citizens need to find ways to achieve ongoing participation in the processes of government. Accordingly, citizen involvement in governmental affairs should occur year-round.*

*This book offers ideas on how this can occur, how citizens can play fuller roles in the selection of public officials and in governance all year long. It examines the electoral process and suggests points of entry for concerned citizens. It looks at how governmental decisions are made and offers ideas on how citizens can be more fully involved on a continuing basis.*

*Government in American democracy is "us", not a bunch of politicians set apart. Its successes and failures are ours, not those of a separate political class. The challenge is not for "us" to send messages to "them" but rather for millions of citizens to become more fully involved in the ongoing processes of*

*government. In that way American democracy can live up to Abraham Lincoln's idealization: government of the people, by the people, and for the people.*

*Howard W. Hallman*

*May 1994*

*Bethesda, Maryland*

# PART ONE. GOVERNMENT WITH OUR CONSENT

## Chapter One

### *Sending Messages Isn't Enough*

*In the fall of 1994 American voters were frustrated with the course of national life. Many were outright angry. On November 8 they sent a dramatic message: "We don't like the way the Democrats are running the country."*

*Since President Bill Clinton wasn't on the ballot in 1994, the best way to express disapproval was by voting against Democratic candidates for Congress, both incumbents and nominees for open seats. So large numbers of voters cast their ballots for Republican candidates. Judging from the negative tone of the election campaign, many voters were voting "against" the party in power rather than "for" the opposition.*

Two years earlier voters had sent another message: "We don't like the way the Republican administration is running the country." This feeling was so strong that only 38 percent of the electorate voted for the incumbent president, George Bush. Bill Clinton's 43 percent was enough to win, but independent candidate, Ross Perot, garnered 19 percent. By voting for Perot and several small-party candidates, one out of five voters sent a message that they were dissatisfied with the candidates of both major parties.

Thus, for two elections in a row -- 1992 and 1994 -- the American electorate has voted for change. It may happen again in 1996 if enough people don't like how the Republicans have performed in the 104th Congress. At this writing (June 1995) a growing number of concerned citizens are perceiving that many of the radical changes pushed by House Republicans are harmful to children, the hungry and homeless, and threaten essential health, safety, and environmental protections. This may have an impact on the 1996 election.

*It's an era of fast-food politics. We elect an array of public officials.*

*Then if they don't quickly solve a set of exceedingly difficult problems, we cast them aside for someone else. We want instant gratification.*

*Some citizens are so dissatisfied with available candidates for elective offices that they want to add "none of the above" to the ballot.*

*In the period from 1990 to 1994 voters in 22 states were persuaded to enact term limits for members of the U.S. Congress, some of whom they have previously reelected many times. That was their message to incumbents.*

*However, in the spring of 1995 Congress turned down a constitutional amendment mandating term limits on its members, and the U.S. Supreme Court ruled that state-imposed congressional term limits are*

*unconstitutional. In response staunch advocates promised to make term limits a major issue in the 1996 election campaign. (For more on this issue, see chapter 5.)*

*As a way of verbalizing concern over deficit spending, a number of*

politicians have for years been advocating a balanced budget amendment to the U.S. Constitution. They include many present and past public officials who could but never have drawn up a federal budget with revenues and expenditures in balance. In 1995 the U.S. House of Representatives passed a balanced budget amendment to impose discipline upon itself. Although the Senate rejected the measure by one vote, it remains as a hot political issue. (See chapter 15.)

Radio and television talk show hosts are acting as instigators and cheerleaders to have citizens flood the Capitol Hill switchboard in Washington with calls on specific legislation, usually in opposition to some measure. They and a host of politicians, including some current officeholders, have branded the federal government as the enemy.

Every year several hundred marches and demonstrations occur in Washington, D.C. as a expression of "the right of the people peaceably to assemble, and to petition the Government for a redress of grievance." This

*right is guaranteed by the First Amendment of the U.S. Constitution.*

*On April 19, 1995 a small group of extremely angry men destroyed the federal office building in Oklahoma City, killing 168 persons, as their way of sending a message.*

*Yes, we are a nation of message senders, expressed in votes, speech, demonstrations, and occasional violence.*

*That's neither new nor unusual in American history. After all the first congress of the American colonies in 1765 met to send a message to the British Parliament to denounce the Stamp Act, a new form of taxation without representation. In 1773 Massachusetts residents dumped tea into Boston Harbor to protest British trade policy. The Declaration of Independence specified 26 "abuses and usurpations" of the British monarch.*

*Since then abolitionists, women suffragettes, populists, labor union organizers, civil rights proponents and opponents, war protesters, tax objectors, abortion proponents and opponents, and many more have used*

various techniques to send their messages. In doing so they have exercised their First Amendment rights of free speech and assembly.

Great! That's fine and dandy! Sending messages is an all-American pastime. Yet it's but a fraction of democracy. Democracy is also about governance: voters electing legislators, executives, and sometimes judges; legislators enacting laws; executive officials making policy decisions and administering national, state, and local governments.

You can't run a government solely with messages. You have to make decisions, sometimes very difficult choices among complex policy alternatives. You have to decide who will pay the cost of government and then enact revenue measures. With finite resources available you have to decide who will benefit most and who the least in budgetary allocations. Lots of hard choices.

You can vote for an independent candidate to send a message, or even refrain from voting, but somebody's going to be elected. For most of the last

200 years nearly all of these somebodies have been members of one of two major political parties. Occasionally a third party has gained control of one or both houses of a state legislature for a while or become the second ranking party. Now and then some third party members and independents have served as governors and mayors. But these are exceptions. The American people have entrusted government mostly to elected officials from the two major parties -- since 1860 either Republican or Democratic.

So if you want to increase your influence on who is nominated and elected to public office across the board, you need to get involved in the Democratic or Republican party.

You can follow the urging of Rush Limbaugh and other talk show hosts and call your representative in Washington to protest a congressional pay raise or some other measure. You and other callers might even get your way on that single issue. But the same session of Congress will enact thousands of bills that move through the legislative pipeline with little public attention.

*This legislation, however, is noticed, supported, opposed, and modified by interest groups which maintain full-time presence in Washington.*

*If you want to gain greater influence on the course of many important legislative measures, you need to find ways to lobby directly in Washington or through grassroots mobilization. Likewise for state and local government.*

*It is not enough to think that you elected change-oriented candidates and that they will take it from there. Almost certainly they will stray in some way or other from the course you thought they would pursue. You need to keep in touch and let them know your views all through their term in office.*

*Government in the United States goes on all year long. So does the electoral process, even though it may gain public visibility only during periodic election campaigns. Intermittent participation by voting once or twice a year and sending a message now and then is insufficient. If American democracy is to flourish, citizens need to find ways to achieve ongoing*

participation in the processes of government. Accordingly, citizen involvement in governmental affairs should occur year-round.

Such participation should be essentially positive rather than negative.

This wasn't the case for the 1994 election. Many observers noted that this was the meanest, most vindictive election in many years. It felt that way to me.

But this isn't solely the politicians' fault. We citizens must take ultimate responsibility. Candidates have discovered that negative appeals work. They observe that many of us are using our vote not so much to elect particular candidates to public office to accomplish clearly stated objectives but rather to send a message to the holders of political power. They find that their chance of winning increases by belittling their opponent rather than explaining in detail what they themselves will do in office. We are suckers for their bait.

On election day 1994, still breathing the polluted atmosphere of the

1994 campaign, I leafed through my thesaurus for words to describe political involvement at its best. Here are some of them:

*Affirmative, constructive, productive.*

*Honest, trustworthy.*

*Tolerant, broad-minded.*

*Dedicated, committed, diligent, faithful.*

*Decent, patient, kind, warm-hearted.*

*Considerate, amiable, cordial.*

*Hopeful, visionary.*

*None of these is inconsistent with the competitive nature of political campaigns. We want candidates who contest vigorously by offering policy choices and alternative modes of governmental operations (sometimes even saying what government won't do). But we want them to compete in a constructive manner with a commitment to build, not destroy. We want them to appeal to our hopes, not our fears.*

The same standards can apply to legislative debate. This need has been highlighted in the 104th Congress as some House Democrats have adopted "search and destroy" tactics which House Republicans perfected when they were the minority. At the same time some of the Republican newcomers from the radical right have unleashed scourging verbal assaults on President Clinton and other Democrats. As a consequence the legislative process has suffered.

Government in American democracy is "us", not a bunch of bickering politicians set apart. Its successes and failures are ours, not those of a separate political class. The challenge is not for "us" to send messages to "them" but rather for millions of citizens to become more fully involved in the ongoing processes of government. What we need is more democracy, not less.

This book offers ideas on how this can occur, how citizens can play fuller roles in the selection of public officials and in governance all year long. It

*considers the basic purposes of government in American democracy. It examines the electoral process and suggests points of entry for concerned citizens. It looks at how governmental decisions are made and offers ideas on how citizens can be more fully involved in decision-making processes on a continuing basis.*

*Sending messages is not enough. We citizens must become year-round participants in the political life of the nation, our states, and our local communities. In that manner we can truly achieve Abraham Lincoln's characterization of American democracy: government of the people, by the people, and for the people.*

*June 5, 1995*

## Chapter Two

# Our Governments: Agents and Trustees

*We may aspire to government of, by, and for the people, but nowadays a strong anti-government sentiment prevails in the United States. This was highly evident in the 1994 election campaign as numerous Republican candidates for Congress ran against Washington, D.C., the U.S. capital, even as they sought to serve there.*

*That's not new. Successful presidential candidates of the past 30 years ran against Washington. Richard Nixon did in 1968. So did Jimmy Carter in 1976 and Ronald Reagan in 1980. Both Nixon and Reagan used anti-Washington rhetoric in their bid for reelection after they had been in charge of the federal government for nearly four years. So did George Bush after eight years as vice president and previous service in a variety of federal offices.*

*But these days anti-government feelings seem to be even stronger.*

*Politicians are tapping into a strong vein of public uneasiness with trends in national life. Some of them are attributing numerous problems -- such as crime, family breakdown, youth violence, drug abuse, unemployment, homelessness -- to governmental failure. Rather than seeing government as a means for achieving solutions, they insist that government is the problem.*

*This seems to be the view of virtually all of the 74 Republicans newly elected to the U.S. House of Representatives in 1994 and the eight new Republican senators. And also with many of the Republican holdovers, even though they themselves have held governmental office for many years.*

*What an astounding loss of faith in government by citizens of the longest-standing democracy in the world! What a drift from the ideals and aspirations of the founders of the United States of America!*

*Recall the noble words of the Declaration of Independence. With a great burst of idealism, the signers of affirmed:*

*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 are life, liberty,  
and the pursuit of happiness,  
  
That to secure these rights  
governments are instituted among men,  
  
deriving their just powers  
from the consent of the governed.*

*The right to life and liberty we still understand. Pursuit of happiness  
we can update to mean seeking self-fulfillment. Although this ideal lacks  
specificity, it suggests that the role of government goes beyond merely law  
and order.*

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

Whatever the powers of government are, they are just only as they derive from the consent of the governed. That is to say, we the people are sovereign. We assign government its responsibilities, not vice versa.

As to the claim of equality, Abraham Lincoln offered this explanation:

"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>2</sup>

With this ideal as a goal, the American people in the course of 200 years have eliminated slavery and granted voting rights to all citizens age 18 and over, regardless of gender, race, or national origin. But we're still working to eliminate other expressions of inequality.

Thirteen years after the Declaration of Independence, the framers of the U.S. Constitution were more specific in laying out the basic purposes of

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<sup>2</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.

government. They did this in the Preamble, which states:

*We the people of the United States in order to*

- *form a more perfect union,*
- *establish justice,*
- *insure domestic tranquility,*
- *provide for the common defense,*
- *promote the general welfare, and*
- *secure the blessings of liberty*  
*to ourselves and our posterity,*

*do ordain and establish this Constitution*  
*of the United States of America.*

*These are clearcut purposes which we today can fully accept, although we might argue about means of implementation.*

*In the Preamble when the framers spoke of forming a more perfect union, they were alluding to the relationship between the thirteen original states and the national government. During the ratification debate James Madison was called upon to explain how these two sets of government would come together in the new Federal Union. He indicated:*

*The federal and State governments are in fact but different agents and trustees of the people, constituted with different powers, and designed for different purposes.<sup>3</sup>*

*What a marvelous explanation! These two sets of governments aren't independent entities functioning on their own. They are our agents, accountable to us. They are our trustees. We decide what we want them to do. We give them their powers and responsibilities. This is the key to American federalism.*

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<sup>3</sup> James Madison, *The Federalist No. 46*. New York: The Modern Library, 1937. pp. 304-5.

As it has turned out, we Americans have added many more governmental units, especially in localities. Besides the federal government and the 50 states, we have 38,978 general purpose local governments: counties, cities, towns, townships.<sup>4</sup> We also have 14,422 self-governing school districts and 31,555 special districts for a wide variety of functions. And 489 officially recognized Indian tribes have their own governments.

Altogether we elect nearly 500,000 public officials to run our governments. Thus, we have numerous agents, fulfilling many different purposes. They function with our consent, or at least are supposed to.

In addition to these governmental units, we Americans use many other agents to serve our needs. We use private corporations as the principal organizational form for economic enterprise. We have a hugh variety of

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<sup>4</sup> U.S. Department of Commerce, Bureau of the Census, *1992 Census of Governments, Government Organization*. vol.1, no. 1. "Government Organization." (Washington: U.S Government Printing Office, March 1994.) p. v.

voluntary associations: service clubs, neighborhood organizations, social service agencies, hospitals, universities, national membership organizations, trade associations, and many more. Thus, our agents fall into three sectors: government, private profit enterprises, and nonprofit associations. They all have important roles to play in our society.

Making one of our agents -- the national government -- the whipping boy for public dissatisfaction contributes very little to solving perplexing sets of problems we confront in the United States today. Rather our challenge is to find the best balance among the three sectors and the three sets of government, local, state, and national. We are also challenged to achieve effective partnerships between various governmental units and the private profit and nonprofit sectors.

In doing so, we may conclude that the national government should do less and that the states, local government, and the two private sectors should do more. Or we may want some other distribution of responsibility. That's

*for us the people to decide.*

*Again it comes back to consent: what consent means and how it occurs. That's a central issue in American democracy today and the focus of much of this book.*

*Clearly consent begins by electing officials to public office as legislators and executives. But it doesn't end there. Because we want to assure that they govern as we choose, we must continue to interact with them as they serve between elections.*

*Therefore, persons who voted for change in 1994 will want to keep in touch with the newcomers they elected and the incumbents they voted to retain in office. Citizens who voted for losing candidates will want to establish contact with the winners, who are now their representatives.*

*This makes consent an ongoing process, not merely what occurs on election day once or twice a year.*

*How can this come about? As a start in finding answers, we can turn*

*to a group often disparaged in political campaigns and by media commentators and talk show hosts: political insiders in Washington, D.C. We may not always agree with what they do, but we can learn some very practical knowledge from them and use it to our advantage. We can apply their wisdom as we go about developing a much more participatory democracy.*

*January 18, 1995*

Chapter Three

## **Political Insiders' Secret: Consent Is Continuous**

*"Special interests." "Influence peddlers." "Political insiders." These persons are frequently targets of biting criticism in contemporary political campaigns. Candidates for public office, editorial writers, and political commentators are fond of castigating them.*

*In face of this disapproval, I would like to put in a good word for interest groups. They are merely doing their job, which is to represent various interests in the decision-making processes of American government.*

*They've been around since the First Congress convened in 1789 and are a normal part of the American political process. Although we can properly condemn the rare cases where interest groups offer bribes to public officials and engage in other illegal activities, we should fully accept their ordinary role of providing group representation. After all, almost all of us belong to*

*one or more interest groups.*

*As we acknowledge the legitimacy of interest group advocacy, we citizens should recognize that we have a responsibility to insist that our elected officials constantly keep broader public objectives in view as they deal with contending interests. We ourselves should work diligently to have our governments function openly, fairly, economically, and effectively in doing what we want them to do.*

*As we do so, we can discover that political insiders are a surprisingly good source for instruction on how to make government more effectively serve our needs. We don't have to ask them directly to be our teachers. Rather we can learn by carefully observing how political insiders function in Washington, at state capitals, county courthouses and city halls. Then we can apply many of their techniques as we work for changes we want in public policy and governmental performance.*

*The practical knowledge possessed by political insiders is well-illustrated*

by what they do two days after each general election. (The first day they are too sleepy from staying up late to watch election returns and sometimes attend victory parties.) Two such days stand out in recent history: Thursday, November 5, 1992 following the presidential election and Thursday, November 10, 1994 after the congressional election.

On Thursday, November 5, 1992 clusters of people met all around Washington, D.C. to consider how they could influence President-elect Bill Clinton. These meetings were held by trade associations of many kinds, labor unions, corporations, law offices and public relations firms specializing in lobbying, associations of state and local governmental officials, associations of doctors, teachers and other professions, environmental groups, consumer organizations, religious social action offices, peace and human rights organizations, and many more.

Each group speculated on who Bill Clinton would appoint to his cabinet and sub-cabinet. Many had already submitted names to the Clinton

campaign organization and now wanted to be certain that their suggestions were in the hands of the transition team. Participants in these post-election meetings asked one another: Who knows who among the Clinton people? Who has ties with Hillary Clinton? Who has Arkansas connections?

The groups also examined congressional election returns. There would be 110 new members in the House of Representatives and at least 12 new members in the U.S. Senate. Democrats would still be in control, but several committee chairs were not returning. Their replacements were pretty much predictable because of seniority. Participants asked: Who has ties with them? (In fact, some organizations had already invited the new chairs to speak at meetings in January, February, March.) Also they wanted to know: Who will be committee staff directors under the new chairs? Who knows them?

Two years later on Thursday, November 10, 1994 various

Washington-based interest groups met to survey the results of the 1994 election, which produced a Republican majority of both houses of Congress. The younger participants in those meetings weren't even born the last time this occurred, although many remembered the six years from 1981 to 1986 when Republicans controlled the Senate.

So they asked themselves: Who has close ties or at least a working relationship with Representative Newt Gingrich, destined to be speaker of the house, and with Senator Robert Dole, who will be Senate majority leader? Who knows other top Republicans in Congress and their staff?

They speculated on who would be chair of various congressional committees and who the staff directors would be. Committee chairs were pretty predictable for the Senate, but the House offered greater uncertainty, especially with the Republicans' promise to reduce the number of committees. Some interest groups worried that committee consolidation would disrupt their connections. Others began to invite likely new committee chairs to

meetings scheduled for the early months of 1995.

After the 1992 election various interest groups pulled out legislative proposals that had failed passage in the previous Congress, some of them vetoed or threatened to be vetoed by President Bush. Some participants had computerized lists of Clinton's campaign promises. They asked: Can we get support for our agenda from the White House and new cabinet members? Will new committee chairs be more sympathetic or less?

After the 1994 election a different set of interest groups pulled out legislative proposals rejected by the Democratic Congress. They examined the Contract with America, which House Republicans had offered during the election campaign, and tried to find a connection with what they wanted adopted.

After the 1992 presidential election, many organizations were ready to build on prior contacts. For many years Bill Clinton had been positioning himself to run for president. He was in touch with hundreds of

organizations, and they with him, offering policy proposals before and during the presidential contest. Some of their staff had taken leaves of absence to work in the Clinton campaign. Many organizations with grassroots networks had encouraged local affiliates to get involved in the campaign, officially or unofficially, and maybe in both the Clinton and Bush campaigns, just to make sure of supporting the winner.

The organizations also had a thicket of relationships with members of Congress. Many of them had made campaign contributions through political action committees (PACs) and had otherwise helped with fundraising. Some of the organizations had established ties with candidates for open seats and perhaps with challengers of incumbents. Now they wanted to get in touch with the winners.

Similar happenings occurred after the 1994 congressional election. Interest groups with conservative orientation were best positioned because many of them had supported winning Republican candidates. They had

long-term relationships with incumbents who would be assuming top leadership positions in the House of Representatives and the Senate.

PACs which had made campaign contributions to incumbents who were defeated began to contact the winning challengers with offers to contribute now in order to help pay off campaign debts. Better late than never!

After both elections -- 1992 and 1994 -- in congressional offices where members were reelected, staff started writing "thank you" letters for their bosses to send to campaign workers and contributors. They were preparing lists of persons who the representative or senator should call to thank personally. Around the country the same thing was occurring in the campaign offices of the newly elected representatives and senators. Their expressions of gratitude would be both sincere appreciation and the beginning of positioning themselves to run for reelection, as the vast majority of winners intended to do.

Immediately after the 1992 presidential election Vice President Dan

Quayle, two or three cabinet members, several U.S. Republican senators, a Republican representative or two, some Republican governors, and a few former office holders were meeting with their closest advisers to discuss getting in position to run for the Republican presidential nomination in 1996. Some of them had started the process in speeches at the Republican National Convention that summer, for they knew that President George Bush, if reelected, couldn't run again in '96.

Within a week after the 1994 congressional election several Republicans indicated that they were gearing up to run for the presidency in 1996. They felt that prospects were excellent for the eventual Republican nominee because President Clinton seemed highly vulnerable.

If Bill Clinton had lost the election in 1992, presidentially ambitious Democrats would have held strategy sessions on how to gain the Democratic nomination in 1996. Two years later with the 1994 congressional election interpreted as an anti-Clinton vote, a number of Democrats quietly reviewed

*the situation and speculated on whether they should challenge President Clinton in 1996 presidential primaries.*

*This kind of post-selection strategizing after these and other elections is not merely a Washington phenomenon. It goes on in every state capital, county seat, and city around the country. As soon as an election is over, interest groups, elected officials, and future candidates start to look ahead to what might unfold in governmental processes during the next two years. They begin to think about the next election.*

*"Aha," says the disillusioned citizen, "those are all of the things I deplore about Washington influence peddlers and career politicians. And about those who hang around the state capitol, county courthouse, and city hall, too. This perpetual maneuvering is what's wrong with the American political system. These are the practices we must bring to an end."*

*Don't be so hasty in your conclusions, I respond. These widespread practices are a natural phenomenon of democracy. They reveal that*

*political insiders have learned a basic truth about the American political system that every concerned citizen should know. They realize that obtaining the consent of the governed is a continuous, interactive process.*

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*"Consent of the governed" -- that crusty old phrase from the Declaration of Independence. As we reviewed in the previous chapter, John Hancock, John Adams, Benjamin Franklin, Thomas Jefferson, and the other 52 signers proclaimed that if the powers of government are to be just, they must derive from the consent of the governed. Since then developing ways to achieve consent has been a major theme in U.S. history.*

*Periodic elections are a central focus of consent. Voters elect public officials, and they govern. Then in two, four, or six years voters reelect them or replace them with others. For most citizens, participation in elections is intermittent -- going to the polls once or twice a year, Yet, the electoral process itself goes on all year long. So does the filling of executive positions*

*and judges through appointment.*

*And so also do various processes of governmental decision-making: enactment of legislation, adoption of regulations, program development and project planning, adoption of executive policies. These are year-round occurrences.*

*Notice what was happening two days after the 1992 and 1994 election. Aspirants for office or reelection were starting to position themselves to run in the next election. In doing so they were trying to build a solid core of supporters for the early stages of the next contest. They were seeking to gain favor with persons who have control of party endorsement: local party leaders, central committee members, caucus participants, convention delegates. They were looking ahead to gaining favor with voters in primary elections and in the next general election. They were mapping plans to garner support of individuals and organizations which influence blocks of voters. They were figuring out ways to achieve favorable media attention.*

*They were starting to hone their message to attract enough supporters to win. Their strategizing was based upon first-hand knowledge that the electoral process is continuous and is highly interactive.*

*Two days after the election interest groups were giving lots of attention to who would fill appointed positions. They knew that while voters elect one president, one governor in each state, one mayor in each city, these elected chief executives appoint many cabinet members and other executive officials and delegate them substantial policy-making authority. Some of these top officials must receive approval by a legislative body, thus providing for consent by elected representatives. But many other executive positions are filled without formal outside concurrence. For both categories interest groups want to influence who is appointed. In this manner a segment of the citizenry becomes involved in an informal consent process for executive appointments.*

*Two days after the 1992 and 1994 elections interest groups*

commenced working on their legislative agendas. They knew very well that legislation goes through a formal process with successive stages: bill drafting, introduction, committee (or subcommittee) hearings, committee consideration, floor action. They knew that how a bill is drafted and how its wording is changed in committee can be determinative of the final law adopted by the entire legislative body. They perceived legislative enactment as a lengthy process, and they wanted to be involved during the full course of the journey.

November 5, 1992 was too early to start trying to influence executive policies in Washington, for this would have to wait until President-elect Clinton started making cabinet appointments and designating who would fill various positions on the White House staff. But as soon as these appointments were made, interest groups would write congratulatory letters, send along their policy ideas, and request a meeting. Policy proposals and program initiative which President Clinton would announce in

February, March, April, and May would start taking shape in December.

Interest groups wanted to be in on the launching.

After the 1994 congressional election well-informed interest groups could identify the key actors in the Republican takeover of Congress. So they moved into action to influence the shape of legislation the Republicans wanted to have ready the day the new Congress convened.

So here is the secret of success for political insiders. They know that those who are most influential are the ones who are involved year-round. They realize that to be most effective participation has to be continuous, not merely intermittent.

Actually it's not much of a secret to any observer of American political life. Continuous interaction between citizens and elected officials has been a hallmark of American democracy from the beginning.

For citizens who have voted regularly and perhaps have made campaign contributions from time to time and then wondered why government didn't

*perform up to expectations, the idea of continuous, interactive consent can be a valuable working tool. Citizens who want to improve the functioning of American government and to obtain officeholders more to their liking must find ways to make their participation continuous.*

*In doing so, citizen activists need to know how, when, and by whom crucial policies are determined. They need to clearly comprehend the decision-making processes of American government. This is the subject of the next chapter.*

*June 5, 1995*

## Chapter 4

# Journeying Along Decision Roadways

*American democracy at its best is not a governmental system for lazy people. It takes time and effort on the part of millions of citizens as well as the public officials they select. This is demanding, but it's worth the effort to have government based upon our consent.*

*As we noted in the previous chapter, consent in American democracy is continuous and highly interactive. Consent occurs in three major sets of decision-making processes. The first is elections -- the determination of who will formally govern. The second is enacting legislation. The third is adoption of executive policies.*

*These three processes can be envisioned as occurring along decision roadways laid out in sequence of stages. Candidates for public office move along the election roadways toward the end moment: election day.*

Legislators work along the legislative roadway as they introduce bills and push them to final passage. Executive officials move along various kinds of decision-making roadways that end with formal adoption of executive policies.

Candidates, legislators, executive officials don't journey alone along these decision roadways. They are accompanied at various stages by staff, their supporters, political party officials, interest group representatives, and others. Along the roadways they often encounter opponents. Periodically they come to gates and have to persuade gatekeepers to let them through. All of these things make decision-making in American democracy a very interactive process, stretching over time.

Citizens who want to influence election outcome, legislation, and executive policies should be prepared to spend considerable time along these decision roadways. Two tools are essential for this journey: a calendar and a road map that demarcates key decision-making processes.

## ELECTION ROADWAYS

The election journey in various political jurisdictions has three major stages: positioning, primary campaign, and general election. This is laid out in Figure 4-1.

Figure 4-1. Roadways to Election  
[Redraw with footsteps]

DEMOCRATS

Positioners

REPUBLICANS

Positioners

*Party convention or  
primary election*

*Party convention or  
primary election*

*Party  
nominees*

*General  
election  
campaign*

*Election day*

*Installation  
in office*

The journey toward election day begins on numerous separate trails traversed by persons positioning themselves to run for public office. The positioning trailways have different characteristics for incumbents seeking reelection than for their challengers or persons preparing to run for an open office where no incumbent is running. The gatekeepers, who determine whether positioners move on to the next stage, are the potential candidates themselves and their advisers.

These positioning trails lead into the roadway of party nomination, actually separate sets of several alternative routes for each political party. Political party nomination may feature a convention preceded by delegate selection or a party primary campaign. It may function through many separate caucus meetings. There may be a party selection committee. Sometimes these features combine and occur sequentially. Depending on the arrangement the gatekeepers are convention delegates, primary voters, caucus participants, and party leaders.

The nominating roadways then merge into a single thoroughfare for the general election campaign. The final gate is the election itself. Gatekeepers are the voters. The route ends on election day. Winners then move on to become officeholders.

Persons aspiring for elective office look ahead to the roadway they must travel over the course of weeks, months, and sometimes years. Citizens and interest groups wanting to affect election outcome should likewise look ahead for ways they can influence candidates journeying along the election roadway. Often this can occur long before the formal election campaign is underway, as we'll consider in chapter 6.

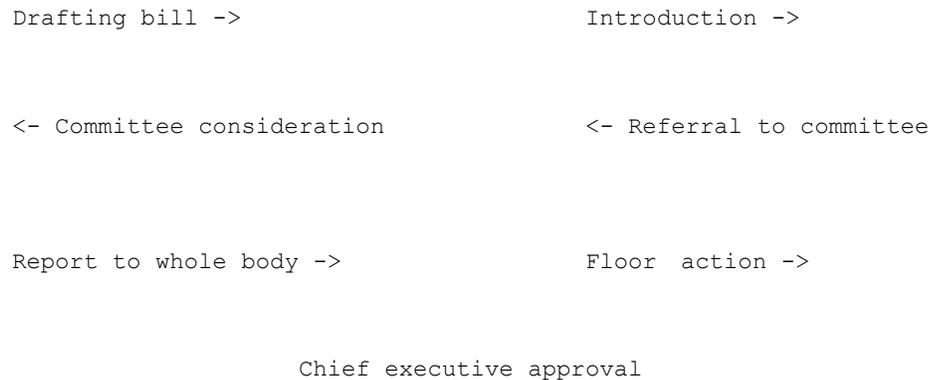
## **LEGISLATIVE ROADWAYS**

Legislative bodies in the United States -- the U.S Congress, state legislatures, city and county councils, township boards -- have regular procedures for enacting laws. This establishes the legislative roadway.

In unicameral legislative bodies, such as most local councils and the Nebraska legislature, the major steps along the path are shown in Figure 4-2.

## Figure 4-2. Legislative Roadway in Unicameral Body

[Redraw with footsteps]



*In bicameral bodies, such as the U.S. Congress and 49 state legislatures, a bill passed by one house goes to the other house for committee consideration and floor action. Next differences are resolved by a conference committee. The bill then goes back to the two houses for final action before going to the president or governor.*

*In American democracy the legislative roadway runs mostly through an open field. There is a written trail of bills as introduced and amended, committee reports, and published journals of legislative debate and action. Although on occasion the roadway may go out of sight in some legislative*

bodies, such as when committees are "marking up" bills, final consideration occurs in full public view.

Legislators don't walk this roadway by themselves. Citizens, interest group representatives, and officials from the executive branch accompany them, often openly but sometimes in the shadows. There is no phase of the legislative process where outside influence is absent.

As this happens, not every citizen, not every interest group gets involved in every piece of legislation, as legislators are. Rather particular individuals and interest groups deal with matters that concern them most. Although ultimately elected representatives enact laws, appropriate funds, and levy taxes (subject to the chief executive's approval), the final product is shaped through continuous interaction with the public. We'll study this process more completely in chapter 9 when we discuss ways to lobby legislators.

### **ROADWAYS OF EXECUTIVE DECISIONS**

In the American governmental system executive officials, elected and

appointed, have important policy-making roles. Numerous programs enacted by the legislative body provide considerable discretion to executive departments in implementation. So also do laws that must be enforced and regulatory actions that must be carried out. Moreover, by common practice the executive branch is the initiator of many new programs and laws that go before the legislative body for further consideration.

In formulating policies and designing programs, executive officials often move through a sequence of analysis, consideration of alternatives, drafting details, and then either adopting policies or submitting proposals to the legislative body for consideration. They proceed along a roadway for executive decision-making, as shown in Figure 4-3.

Sometimes executive officials clearly demarcate their roadways to decisions. Along the way they provide information to the public and invite participation through advisory committees, community meetings, hearings, and other means. But for many executive decisions the roadways are not

well

*defined for outsiders to follow and not particularly open to participation.*

*For instance, this is often the case with foreign and military policy.*

*Nevertheless, the roadways are there for individuals and interest groups to seek out and try to influence executive decisions as they move along the way.*

**Figure 4-3. Roadway of Executive Decision-Making**  
[Redraw with footsteps]

*Analysis of problems and needs -->*

*<-- Evaluation of past and current responses*

*Development of policy alternatives -->*

*<-- Choosing among alternatives*

## *Policy adoption*

*In chapters 12 and 13 we'll consider how citizens can gain greater access to executive decision-making and what executive officials can do to open their decision-making to much broader citizen participation.*

### **COMBINED ROADWAYS**

*We have looked at executive and legislative roadways separately, but often they occur sequentially or overlap. Quite commonly the president, governors, mayors, and county executives offer full-blown legislative proposals. These are developed by administrative departments and units of the chief executive's office. In doing so there often is contact with key legislators, but not always.*

*Once legislation is introduced, the chief executive and appointive officials are in close touch with legislators. The executive task forces and working groups which developed legislative proposals continue to function. They*

review changes proposed within the legislature and try to work out compromises. Interest groups are similarly involved.

After legislation is adopted and turned over to the executive branch for implementation, further policy decisions are made in the form of regulations, guidelines for grant-making, and written administrative policies.

Sometimes key legislators and their aides keep track of these executive decisions and offer their input. Interest groups are also so engaged.

These are deliberative process which might include citizens, or at least interest group representatives, but not necessarily. Concerned citizens, therefore, need to know about executive-legislative interaction and seek their own input at crucial moments.

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American democracy features numerous opportunities for citizens to journey along electoral, legislative, and executive decision-making roadways with candidates for office, legislators, and executive officials. Some stretches

*of the roadways are prickly. Some are seemingly barren and dull while others feature lush landscapes and exciting relationships. A sojourner must be prepared for varied conditions. It is not necessarily an easy journey and is certainly not a trip for lazybones. But it's an essential trip for numerous citizens to embark upon.*

*Democracy isn't easy. But it's worth the effort to assure that the powers of government are derived from and exercised with the consent of the governed.*

*January 18, 1995*

## PART TWO. ELECTORAL PARTICIPATION

### Chapter Five

## Term Limits: An Anti-Democratic Nostrum<sup>1</sup>

*The truly valid way to achieve effective and meaningful consent of the governed is to achieve full participation of the citizenry in the decision-making journeys of American government: elections, legislation, and executive policy-making. But some persons want short cuts to these essential processes.*

*This was reflected in a remark of a fellow of conservative persuasion who*

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<sup>1</sup> *This chapter was completed November 30, 1994. It is expected that between January and June 1995 the U.S. Supreme Court will issue a ruling on whether state-imposed congressional term limits are constitutional and the U.S. House of Representatives will vote on as proposed constitutional amendment to establish term limits for U.S. representatives and senators. If not yet published when these events occur, this chapter will be updated as appropriate.*

said to me a couple of years ago, "I wish I could vote in other districts." He was expressing his frustration with the workings of American government and with the make-up of the U.S. Congress and state legislatures. He wanted to change other people's representatives to persons holding his own views.

Of course, you can't legally vote in any district except your own. So if you don't like who voters in other districts are electing, what do you do? You try to limit their choice. You change the rules and restrict how many terms individuals can serve in a legislative body.

And so it is that the term limit movement has arisen in the United States. Its leaders are primarily conservatives who for many years were unable to produce enough winning candidates to gain control of Congress and many state legislatures. Feeling that they were a permanent minority, they searched for other ways to curtail liberal majorities. Their solution was term limits.

Much of the funds for term limit campaigns in various states have come from national organizations heavily supported by conservative donors. The leaders are outsiders who want to limit the choice of voters in districts they can't control. But here and there they are joined by others, including some liberals, who have backed losing candidates in their own district -- some call them "sore losers" -- and want to change the rules to nullify competition.

Stemming from a motivation to displace incumbents they can't defeat at the polls, term limit advocates have tapped into voter dissatisfaction with government. They place blame on long-term incumbents. So far they have persuaded voters in 22 states to pass measures limiting the number of terms members of Congress and their state legislature may serve. For many voters, it has been another way to send a message, to express dissatisfaction with the status quo.

In spite of this popular appeal, the term-limit movement is basically anti-democratic both in spirit and intent. It reflects a deep distrust of the

*citizenry by restricting voter choice. Term-limit advocates want to control the vote in districts other than their own.*

*In doing so term limit advocates display their lack of commitment to the true nature of democracy. At its heart, democracy is sovereignty of the people. Where members of legislative bodies are chosen by districts, it is up to the people of that district, and they alone, to decide who they want to represent them. If they are satisfied with an incumbent, they should be entitled to reelect her or him as many times as they choose. If they are dissatisfied, they can vote her or him out of office. The only limit should be length of term, not number of terms.*

### **Founders' Intent**

*This reflects the intent of the founders of the United States of America. They had more than enough of outsiders telling them what they could do or couldn't do. They were tired of the king appointing their governors, and these governors appointing the "upper houses" of their legislatures. They*

were angry that the distant Parliament in which they had no representation was making laws for them and levying taxes.

The founders insisted that the people are sovereign and must be able to choose their own representatives. They declared independence, stressing the importance of "the consent of the governed". Then they adopted their own constitutions and started the practice of seeking popular ratification.

The framers of the U.S. Constitution realized that direct democracy, as epitomized by the New England town meeting, was unworkable for a large territory, so they established a system of representative democracy (which they referred to as a "republic"). James Madison, who was a leading figure in the Constitutional Convention of 1787, explained that such a government 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>2</sup>*

*Based upon this reasoning, the framers limited length of terms an incumbent could serve. Thus, the U.S. Constitution specifies a two year term for U.S. representatives, a four year term for the president of the United States, and a six year term for U.S. senators. Federal judges have life tenure in order to assure an independent judiciary.*

*The framers considered limiting the number of terms an incumbent could serve but rejected this idea. This arrangement stood for 164 years until ratification of the 22nd Amendment in 1951 to limit the president to two terms.*

*In circumstances similar to today's term-limit movement, conservatives were upset because they couldn't defeat Franklin D. Roosevelt in four*

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<sup>2</sup> *The Federalist*, No. 39. New York: The Modern Library, 1937. pp. 243-44.

successive presidential elections. Although Roosevelt was dead, their reprisal was the 22nd Amendment. In rich historical irony the only two presidents since then who served two full terms and might have gone for a third were Republicans Dwight D. Eisenhower and Ronald Reagan.

There is, though, no constitutional limit on number of terms members of Congress may serve. The U.S. Constitution sets only three qualifications for members: minimum age (25 for representatives, 30 for senators), minimum years of U.S. citizenship (seven for representatives, nine for senators), and residency in the state represented.

### **Court Rulings**

In the most relevant legal case on this matter, *Powell v. McCormack*, the U.S. Supreme Court ruled in a 7-1 decision that Congress itself cannot add qualifications beyond the three specified in the Constitution. This nullified refusal by the House of Representatives in January 1967 to seat Adam Clayton Powell, Jr., a Democrat representing Harlem in New York City, for

another term because of alleged misuse of committee funds in the previous Congress and other alleged offenses.

In 1994 a federal district court in Washington State cited this case in ruling that a state law establishing term limits for members of Congress from that state was unconstitutional. The Arkansas Supreme Court used similar reasoning to strike down a state law that would keep off the ballot the names of U.S. representatives elected to three or more terms and U.S. Senators elected to two or more terms. The U.S. Supreme Court is reviewing the Arkansas ruling, and its decision is expected in the spring of 1995.

While Adam Clayton Powell's case was pending, the voters in Harlem in 1968 re-elected him to his 12th term as a tribute to his long championing of civil rights and in defiance of outsiders restricting their choice. But after the Supreme Court ruled in Powell's favor in June 1969, the Harlem voters in the 1970 election chose Charles B. Rangel to replace him in Congress. That was the democratic solution.

## *Desire to Change the Rules*

*In our own era conservatives, joined here and there by some liberal "sore losers", are trying to change the rules of the game to bring about a result that they cannot achieve in competitive politics. In seeking to limit the number of terms that incumbents may serve, they are attempting to short-circuit the democratic process by passing laws that take away the voters' choice. Such laws would limit not only the choice of today's voters but also the right of voters in future years to reelect incumbents who they want to remain in office. In this manner parents and grandparents supporting term limits demonstrate a lack of trust in their children and their grandchildren to exercise their vote wisely when they come of age.*

*Though mostly unspoken, there is also an underlying element of racism in term limits. Many long-term state legislators and U.S. representatives are African Americans and Hispanics who have risen to top positions in state legislatures and Congress. They have power based upon seniority.*

Term-limit advocates want them dislodged. It's another case of white anglos wanting to limit the opportunity of African Americans and Hispanics to choose their own representatives and to restrict the power and influence of those they elect.

Changing the rules by enacting term limits is like deciding during a baseball game, when the opposing pitcher hasn't allowed a hit, that no pitcher may pitch more than six innings. Or it's like saying that no player may play more than 100 consecutive games so that other players may have a chance. Tell that to Cal Ripken with his streak of 2,009 consecutive games at the end of the strike-shortened 1994 baseball season.

It really makes no sense to arbitrarily remove someone from a position solely on the basis of years served. As long as Kareem Abdul Jabbar could play good basketball, the Los Angeles Lakers had a place for him. The Lakers wanted Magic Johnson to keep playing until he voluntarily retired due to the HIV virus, and the Boston Celtics retained Larry Byrd until his bad back

caused him to quit. Babe Ruth and Hank Aaron were hitting homeruns when most baseball players their age had retired, and Nolan Ryan was still pitching and throwing no-hitters in his forties. And notice how popular Arnold Palmer, Jack Nicklaus, and Lee Trevino are on the senior golf circuit.

How would it be if hospitals had to discharge all physicians and nurses after six or eight years of service? Would we want to put our money in a bank where no one had worked there longer than a half dozen years? Young doctors, nurses, and bankers, of course, provide fresh vitality, but older ones furnish wisdom and experience of inestimable value. Having energetic newcomers and seasoned professionals serve together at hospitals and banks gains the benefits of both. That's true in legislative bodies, too.

Ability to perform is the key, not number of years of service. For the occasional legislator who gets reelected while too frail to serve adequately or who is proven to be corrupt and still gets reelected, there are thousands more whose long experience is a treasure for American democracy.

## *Unproven Nostrum*

*Term limits are a lazy person's nostrum, a supposedly cure-all for American democracy, a patent medicine with extravagant, unproven claims.*

*To begin with, term limit advocates offer a faulty premise: that incumbency is the primary problem with American government. There is no proof that long-term office holders perform worse than newcomers, that they are less concerned for the general interest than short-term office holders. Personally I know some truly great legislators who have been in Congress a long time and some newcomers who are valuable additions. I'm also aware of some longtimers whose vitality has diminished or who have become too attuned to particular interests, but I also know of newcomers who are more out for themselves than the general interest. Variation occurs individually and isn't correlated with length of service.*

*Government is a complicated enterprise. It takes a while to gain*

expertise. We need experienced legislators to match long-time administrators of the executive branch. Otherwise members of Congress and state legislatures risk being outmaneuvered by career administrators, manipulated by legislative staff with long tenure, and unduly influenced by lobbyists who have been around a long time. In the competitive atmosphere of policy formulation, solid experience has great value.

One of the strangest arguments of term-limit advocates is that incumbents spend too much time seeking reelection. It is true that most legislators send out newsletter, operate district offices, go around to numerous meetings in their districts. They steer their legislative votes to gain constituency support in the next election. But I thought that's what a representative is supposed to do. Frankly, I would rather have a representative who is seeking reelection and is therefore keeping in touch with me than one whose term is coming to an end, who may be on the lookout for future economic gain, and is ignoring me.

There is, though, one troublesome feature of incumbents seeking reelection, and that is their perpetual quest for campaign funds. The solution, however, is in campaign finance reform, not term limitations. (See chapter 8.)

### **Hypocrisy and Irony**

There is considerable hypocrisy among term-limit advocates. Thus, in September 1994 most Republican candidates for the U.S. House of Representatives, including virtually all the incumbents seeking reelection, publicly signed a Contract with America. This Contract promised votes on 10 bills during the first 100 days of the next Congress if Republicans gained a majority. One of these bills would establish congressional term limits. As the Contract explained:

*Let's replace career politicians with citizen legislators. After all, politics shouldn't be a lifetime job.*

Although the Contract didn't specify the number of terms, the initiators have indicated that they will give House members an option to vote for either

three or six two-year terms for representatives and two six-year terms for senators. This would provide a maximum of six to twelve years of service for representatives and twelve years for senators.

Interestingly 54 of these Republican signers had already served six or more consecutive terms in the House of Representatives, including 13 who had 20 or more years of service. Representative Newt Gingrich, destined to become speaker of the house, was seeking his ninth term. Another 36 signers had served from three to five consecutive terms, including Representative Dick Armey, who was destined to become House majority leader. Thus, 90 of these term limit advocates would be ineligible for reelection if a three-term limit were already in effect. Yet, none of these career politicians were willing to step aside and allow citizen legislators to take their place!

Then to protect themselves further, their proposed constitutional amendment would apply only to terms in office after the amendment is

ratified by three-fourths of the states. This process at the quickest would likely take until 1997 to complete, and it might take longer. This would keep the present incumbents in office through 2004 if they kept getting elected. It would be 2010 if six more terms were allowed. That's 10 to 16 years after signing the Contract with America, thus assuring this batch of incumbents something like lifetime jobs.

Senate Republicans weren't involved in the Contract with America, but Majority Leader Bob Dole has promised a vote on term limits in the first session of the new Congress. He himself has served in the Senate since 1968, long beyond the proposed two term limit for senators.

Now Republicans have taken control of Congress, in the process displacing a number of long-serving Democrats. If public opinion should force Congress to make previous service in office count toward the term limit restriction, many champions of conservative causes will soon depart from Congress. For conservatives this would be a manifestation of the warning:

*"Be careful what you wish. It may be granted!"*

### ***A Better Remedy***

*But assuming that current members of Congress, including the Republican majority, would protect themselves from retroactive term limits, it would take voters frustrated with governmental performance far too long to change Congress through term limits. The superior response for persons wanting change right away is to replace incumbents district by district. Now, not ten years in the future when term limits would go into effect.*

*This began to happen in the 1992 election season for 110 seats out of the 435 in the U.S. House of Representatives due to retirement or defeat at the polls, the highest turnover in 44 years. The trend continued in the 1994 election when 86 House incumbents were replaced, 48 by voluntary retirement but 38 through electoral defeat.*

*In 1994 Republicans achieved a net gain of 52 members to win control of the House. Their greatest success came by winning open seats where*

incumbents weren't running for re-election. Altogether 90 percent of the House incumbents running for reelection were successful.

Turnover hasn't been as rapid in the U.S. Senate, but the Republicans picked up eight Senate seats in the 1994 election to gain control. And after the election Senator Richard Shelby of Alabama switched his party affiliation from Democrat to Republican.

In these same years many state legislatures had higher than average turnover, too. In 1994 Republicans replaced Democrats as the majority party in \_\_ state legislatures and gained control of at least one house in \_\_ more.

In 1996 voters will have another opportunity to replace other congressional incumbents if they are dissatisfied. Or to reelect them. And again in 1998 and 2000. It can be a judicious choice of voters in each district, not the slam-bang approach of term limits.

This was the case in the 1994 election in which no Republican

incumbent seeking re-election to Congress or as governor suffered defeat while numerous Democratic incumbents were voted out of office. Voters had a choice, and they exercised it. Its a much superior approach than arbitrary term limits.

### **How to Go About It**

If you are one of those who want to replace incumbents through competitive elections, you should remember the ancient political adage: "you can't beat somebody with nobody." To apply this advice, change advocates will find it necessary to enter the political fray at the earliest stages of the electoral process. It begins as potential candidates start positioning themselves to run for office and then continues in primary campaigns. That's when nominees are determined. (See the next chapter for more on this subject.)

Change advocates also need to understand that virtually all members of Congress and the state legislatures, the president of the United States, and

*almost all governors belong to either the Democratic or Republican Party.*

*So do almost all members of city and county councils and nearly all mayors and county executives in local jurisdictions with partisan elections.*

*Independent and third party candidates are a safety valve for letting off steam, but they almost never achieve a legislative majority. Therefore, involvement with the two main political parties is crucial for persons who want to determine the composition of Congress and state legislatures.*

*(Chapter 8 deals with political parties.)*

*This is democracy the old-fashion way. You compete. You work hard in election campaigns and earn your results. You don't restrain voter choice.*

*Beyond involvement in elections, citizens need to realize that policy decisions of government are made every day in the year by elected officials and their appointees. Accordingly, citizens should devote considerable attention to keeping incumbents alert to what they the citizenry expects of them. Citizens can do this by letters, fax messages, phone calls, delegations,*

attending meetings where their representative are appearing. In reciprocity legislators and executive officials can and should established procedures to gain citizen input on a continuing basis. Year-round democracy of this sort is a far superior remedy to what ails American government than term limits. But it's not a task for lazy persons, as later chapters will point out.

### **Exercising Our Choice**

Much fuller citizen involvement can, of course, be a humbling experience for active citizens. As we get closer to governmental decision-making, we may come to realize that a contributing factor to public stalemate is our own lack consensus on some crucial issues. Collectively we don't give our representatives clear instructions on what we want done. Or we offer conflicting advice.

But an advantage of fuller involvement is the increased capacity we gain to assess the capabilities of office holders. This may lead us to apply the long-established practice of American democracy: "throw the rascals out" at

the next election because they deserve to be thrown out. But in our own district, it may also help us realize that the incumbent is "our rascal" and we like him or her. Our representative has kept in touch with us and 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. So we want keep the incumbent.

Moreover, we may see that 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. This is consent of the governed in action. 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, or we can choose to continue his or her service for another term.

This is applied sovereignty of the people, which term-limit advocates want to take away. By having limits on length of individual terms, but not

*on the total number of terms, 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.*

*Let's stick with true democracy!*

*November 30, 1994*

## Chapter Six

# You Can't Beat Somebody with Nobody

*At election time these days some persons don't like any of the candidates offered by the political parties. They don't even care for those running as independents. Their remedy is to add "none of the above" to the ballot so that voters may send a message of their displeasure. Among others, consumer advocate Ralph Nader favors this approach.*

*That's another over-simplified solution for American democracy. It's another lazy person's alibi for not fulfilling civic responsibility. You can express your ire by proclaiming "none of the above", but you can't beat somebody with nobody.*

*If you don't like the names on the ballot, work to get persons of your liking to run. Or run yourself. Enter the rough-and-tumble of politics. That's the true spirit of American democracy, not the pouters' way of "none*

*of the above" or the anti-democratic approach of term limits.*

*Indeed, vigorously pursuing the competitive approach was a major reason that Republicans were in a position to take control of the U.S. House of Representatives after the 1994 election. Persons of other persuasions must do likewise if they want to get officeholders of their liking.*

### **A Long Journey**

*If you want to beat somebody -- an incumbent, challengers you don't care for, or candidates for a open seat -- you or the candidate of your choice must realize that moving along the electoral roadway is a long journey. It begins by getting in position to become a candidate. It continues through a formal announcement of candidacy. It goes through the quest for party nomination and then moves into the general election campaign.*

*If you want to take this journey, you need to map out your course long before the deadline for filing a petition of candidacy. You need to understand that you are embarking on a quest that takes time and effort.*

*That's the nature of democratic participation.*

## **POSITIONING**

*The electoral journey starts along many individualized positioning trails, as shown on the sketch in chapter 4. These trails take on a variety of characteristics that differ according to who the positioner is: a person seeking office for the first time, a candidate recruited by a party bloc or an interest group, an incumbent seeking reelection, or an incumbent seeking a different office.*

*These days in American politics most aspirants for public office are 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. They are self-seekers but also perceive themselves as public servants. In preparation for running, they often make a careful effort to position themselves well ahead of the formal nominating process.*

If you want to run for office or encourage someone else to run, you can learn about positioning by studying the careers of successful politicians. You will notice that persons seeking public office for the first time position themselves by joining organizations, performing community service, making friends, forming alliances, seeking publicity, and gaining recognition. Incumbents seeking reelection position themselves by being responsive to their constituents.

### **Gatekeepers**

As you embark on the quest for public office, you must position yourself to gain favor with a succession of gatekeepers along the electoral roadway. These gatekeepers decide which aspirants for public office may pass through to the next stage. The number and diversity of gatekeepers increase at successive stages.

In the beginning you are your own gatekeeper. You decide for yourself whether you want to initiate the quest for office or respond to urging of

friends and political associates to run. But you may want to consult with your spouse, other family members, and close personal advisers.

After a period of exploration and positioning you have to decide whether to become a formal, announced candidate. This usually requires filing a declaration with election officials. It may require garnering signatures on a petition of candidacy, so you will need to recruit workers to circulate petitions and to appeal to enough registered voters to reach the minimum required.

This is an open process, so virtually anyone with political ambition may enter the contest. However, to have the best shot at winning party nomination an aspirant may want to have the endorsement of party leaders or of a major bloc within the party. Therefore, an early focus of positioning may be to make a favorable impression on significant endorsers who can ease your passage through the party nominating process. In tightly controlled party organizations their approval might be decisive. In loose-knit parties

*leadership endorsement can be a plus unless you are openly courting support from an anti-leadership faction.*

*Beyond this initial support you will want to position yourself to win favor with the gatekeepers for party nomination. Depending upon the nominating system, they are participants in party caucuses, primary election, or convention. You must win approval of a majority, or at least a plurality, to get through that gate.*

*This challenge causes positioning to merge with efforts to get your supporters to turn out for party caucuses, vote in the primary election, or be elected to the party nominating convention.*

*On beyond the nominating gatekeepers is the electorate who will determine the winner in the general election by majority vote, or perhaps only by a plurality in multi-candidate elections. And constantly looming in the background are editorial writers, columnists, newspaper reporters, radio and television talk show hosts and others who influence public opinion.*

Thus, in your positioning you need to figure out how to gain support from a widening number of persons as you move through successive gates into different stages of electoral roadway. One of the challenges is to win support of the smaller number required in the early stage without alienating the larger numbers needed later. You may attract enough zealous partisans on a particular issue to win your party's nomination. But in the process you may foster strong misgivings among independent voters so that your chance of winning the general election is greatly diminished.

Accordingly you should sketch your entire journey as you begin to position yourself to seek elective office.

### **Gaining Recognition**

Some persons start with the benefit of name recognition, derived from athletics, television, business achievement, prominent family, or some other source of renown. Even so they usually have to get involved in politics or some other public endeavor before becoming a serious candidate for elective

office.

*If you want to run but lack immediate name recognition, you must find ways to become known and develop a favorable reputation in the district where you want to run.*

*You may decide that your best chance is to build support within your political party, one of its caucuses, or an advocacy organization that supports candidates. For that particular unit you can take on volunteer tasks, 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. Sometimes you can obtain a staff or volunteer assignment with an elected official. To become known more widely, you can go out as a speaker for your organization, write letters to the editor, place phone calls to talk shows, and appear on one yourself as you become better known.*

*An alternative (or even complementary) approach is to go beyond party and caucus by initiating civic endeavors. You can head a drive to collect food*

*and clothing for the needy or for victims of hurricanes, floods, and earthquakes. You can organize a neighborhood crime prevention campaign, start a mentors program for boys without fathers, form a girls club. 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.*

*It may be that you are already engaged in such activities because of religious or civic motivation with no intention of running for office. Then you find that you get an urge to seek elective office, or you are pushed into running by friends. What you have done for other reasons turns out to have positioned you to enter the political arena.*

*These civic activities provide lots of contacts for potential candidates and offer visibility. They also give you valuable experience in group dynamics and coalition building. The nonpartisan nature of many civic endeavors can be an asset because they show that you are a public-spirited citizens, not*

*narrowly constricted to one party or beholden to a highly-vocal, single-purpose interest group.*

### **Recruits**

*Although most candidates for public office nowadays come forth on their own, occasionally a selection committee of a political party, a caucus, or an advocacy organization will reach out and recruit someone to run. This sometimes occurs, for instance, in searching for somebody to run against an entrenched incumbent. It also happens as a result of factional fights within parties when a rising faction tries to wrest control from the dominating leadership. And sometimes a particular caucus, such as for women, African Americans, Latinos, tries to settle on its single best candidate to carry its banner in the primary contest.*

*The selection committee is likely to look at persons who are already positioning themselves and may also think about other persons who are politically active but haven't made any obvious positioning moves.*

Sometimes a party or caucus committee will start grooming particular individuals for the next election, or the one thereafter.

In rare instances a committee of citizens or party leaders might call upon an established community leader and convince her or him to step out of private life into the political arena. But a true draft of a previously uninterested person is quite unusual, although the appearance of drafting is sometimes staged.

Once a selection committee makes its choice, it can help the person recruited to gain publicity, but the recruit will also have to map out and implement her or his own positioning strategy.

### **Incumbents**

The majority of incumbents in elective office at any one time in the United States would like to be reelected. They therefore usually start positioning themselves to run again soon after their latest election. In this chapter we won't go into how they position themselves, but in chapter 11 we

will discuss how citizens can take advantage of incumbent positioning to keep them alert to voters' desires.

### **Timing for Non-incumbents**

The best time for newcomers and other challengers to enter the positioning roadway varies according to the office, geographic spread, and renown of the positioner. In recent decades most aspirants to be president of the United States commence the positioning process more than four years in advance. Persons interested in becoming governor may wait until after a gubernatorial election to position themselves for the next time around, but some make a longer quest. Aspirants for the U.S. Senate may take a two-year lead, and so also for the U.S. House of Representatives. Persons wanting to run for the state legislature and local elective office may give themselves a year's lead time, and sometimes longer.

Timing is affected by whether an incumbent is likely to be running for reelection. Where the incumbent cannot be a candidate because of term

limit or an announced intent not to seek reelection, competition for the nomination is likely to be greater and positioning is likely to commence earlier. But even if the incumbent is running for reelection, some challengers start positioning themselves long in advance.

If you are a new aspirant for public office, your timing decision is crucially important. If you don't enter the positioning roadway soon enough, your chance of winning is greatly diminished. Persons who wait until a month before filing date to get into position to seek the nomination may find that one or more aspirants have already preempted their most likely set of supporters. It will probably be an unsuccessful quest for johnnies-or-susies-come-lately.

### **Succession of Offices**

It is common in the American political system for elected officials to move from one office to another. Often the second office serves a larger

territory than the first: going from the state house of representatives to the state senate, from city council or the state legislature to Congress. Of it may be a move from a legislative post to the executive branch: from city council to becoming mayor, from the state legislature to being governor. Some governors run for the U.S. Senate, and some members of Congress become governors. Every president of the United States of this century held previous elective office, except Herbert Hoover and Dwight Eisenhower, and both of them held prominent appointive positions.

This means that persons who would like to become a member of Congress, mayor or governor might first seek another office. Likewise party leaders and party blocs recruiting candidates for such offices might look among elected officials holding other positions and who therefore are already known to voters. In this manner the positioning process extends across offices and governmental jurisdictions and stretches over the course of several elections.

## DECIDING WHETHER TO RUN

*If you think you may want to run for public office or if you are approached to run, the positioning process can help you determine whether you really want to enter the political arena. It can also help you to assess your chances of winning. Here are some questions you can answer:*

- *What office do I want to seek? What are the district boundaries?*

*(This may affect choice of residence.)*

- *Can I stand the heat of campaigning? The prospect of invasion of my privacy by the media? Attacks by opponents? Do I have the right temperament for competitive politics?*

- *Are there skeletons in my closet that the opposition will reveal?*

- *Do I want to commit the time required for campaigning and holding public office? (Even a part-time office demands a lot of time, and full-time positions may take 60 to 80 hours a week.)*

- *Can I afford to work for the salary? (Some salaries for elective*

*officials may seem high, but there are a lot of hidden expenses.)*

- *How will it affect my family? Possible negative publicity? The long hours I will put in? The possible economic burden?*
- *Is there a succession of offices for reaching my goal? (Such as, school board then county council; member of city council then mayor; mayor or county executive then governor; state representative, next state senator, 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 can I get to support me? What individuals, caucuses, organizations?*
- *Who else is interested in running? What are their strengths and weaknesses, their support and public appeal? How do I compare?*
- *What opposition will I face from elements within my party or from advocacy organizations involved in electoral politics?*
- *Should I form a slate with candidates for parallel offices? (Such as persons running in other legislative districts.)*
- *What are my chances of winning -- excellent, fair, poor? How can I improve my chance?*

*Thus, the positioning period is a time for self-analysis. If you*

*contemplate seeking an elective office but discover enough negatives, you may decide not to run now, and perhaps never. In this manner a certain amount of self-screening out occurs during the positioning period.*

*If you conclude that you have the desire to run, you can announce your candidacy and enter the competition. Through your positioning you have prepared to gain approval of the gatekeepers of the nominating process: political leaders, convention delegates, and primary voters who will determine whether you will win the nomination.*

### **INFLUENCING POSITIONERS**

*Because persons positioning themselves to seek elective officer are trying to establish a broad base of support, advocacy organizations often find that this is a good opportunity to promote their cause with the positioners.*

*If you are a leader of an advocacy organization, look around and see who is getting ready to run for office: for the school board, city council, county council, mayor, county executive, state legislature, governor, Congress,*

president of the United States. Some of them will already hold policy position diametric to yours, so there's little point in talking with them.

Others will be strongly supportive of your positions. Some will be unknown quantities or will be uncommitted. They are the ones particularly worth approaching.

You can educate them on your issues. Provide written information. If appropriate, take them on site visits. Invite them to your meetings. You don't necessarily have to make a commitment to support them if they announce their candidacy. Among other reasons, you will want to see who else is running, who is most supportive of your cause, who is mostly likely to win.

At the same time positioners may want to avoid making firm promises to promote your cause. They are testing the water and are becoming aware of various cross-currents. Ultimately strong positions on particular issues will gain some votes and lose others. They may prefer to wait taking

positions on very controversial issues. But you can still talk with them.

Even with these ambiguities, contact by advocacy organizations with positioners is worthwhile. It can be the beginning of a relationship that will blossom later, or it can be a deadend. Not knowing which positioners will ultimately be elected, advocacy organizations can be in touch with a number of them.

### **PUBLIC BENEFITS**

Individuals positioning themselves to run for political office are motivated by personal ambition and a desire for public service. Political party units, caucuses, and interest groups screen candidates and endorse one in hopes of winning. It's a competitive process that has public benefits.

As potential candidates position themselves, party leaders and other political activists observe them, 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. Those who don't suffer defeat at the polls. 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 organizations 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 citizen activists to make advantageous connections that they can intensify when formal campaign begins. It lays the groundwork for future lobbying of those who are elected.*

Incumbents positioning themselves for reelection keep in touch with constituents and track public opinion. This influences the votes of legislators and the policy decisions of elected executives. Lobbyists offer election support to incumbents they favor. All of this is a manifestation of the interactive nature of the consent process, occurring continuously.

Accordingly, what happens along positioning roadways is as much a part of the consent of the governed as election day. Numerous public policy decisions are affected by the positioning process.

So even if you're not a candidate for election, give attention to those who are or who seem to have this ambition. Try to influence them in the early phase when their positions are fluid. All campaign commitments aren't observed, but many are. Thus, interaction with positioners and announced candidates is a worthy endeavor.

And don't forget, "you can't beat somebody with nobody!"

## REFERENCES

### *How to Campaign for Election*

Discussion of detailed techniques of political campaigns is beyond the scope of this book. There are, though, books that consider this topic in great depth. Among them are the following:

Cathy Allen, *Political Campaigning: A New Decade*. [Publisher to be added], 1990.

Ann Beaudry and Bob Schaeffer, *Winning Local and State Elections: The Guide to Organizing Your Campaign*. New York: Free Press, 1986.

Judge Lawrence Grey, *How to Win a Local Election: A Complete Step-by-Step Guide*. New York: M. Evans and Company, 1994.

Sandy Huseby, *How to Win an Election*. New York: St. Martin's Press, 1983.

Jewel Lansing, *101 Campaign Tips for Women Candidates and Their Staffs*. Saratoga, CA: R & E Publishers, 1991.

Edward Schwartzman, *Political Campaign Craftsmanship: A Professional's Candid Guide to Campaigning for Public Office*. 2nd edition. New York: Van Nostrand Reinhold Company, 1984.

Every four years the Democratic and Republican national committees publish guides for selection to their quadrennial presidential nomination



June 5, 1995

## Chapter Seven

# Negating Negative Campaigning

*Negative campaigning has been on the rise in the United States since the 1980s. Rather than emphasizing their own qualifications and positions on public policy issues, candidates run TV ads presenting negative images of their opponent. Sometimes it's harsh invective, sometimes subtle though still devastating attack. On occasion candidates or their henchmen spread scandalous information about the opponent's private life and may even smear his or her family.*

*At worst the negative campaigners play on popular racial, ethnic or religious prejudice in ways that increases intergroup conflict. They emphasize the politics of fear rather than hope.*

*Although politicians aren't necessarily meaner than the average citizen, they tend to be more ambitious. They want to get elected or reelected and*

sometimes believe that this goal justifies almost any means they can get away with. It's become so bad that during the 1994 election campaign a number of officeholders seeking reelection who had previously avoided such tactics relied heavily on negative campaigning.

Most politicians are pragmatists. They use techniques that work. They note that many of us respond to negative information about their opponents. In spite of criticism by some segments of the public, politicians discover that negative ads take enough votes away from their opponent to make it worthwhile. We the public allow ourselves to be swayed by the negative.

This is nothing new in American politics. Indeed, some past campaigns have been even nastier than what we've seen in recent years. But past practices don't make it right. Nor does apparent success in winning elections today.

The best remedy for negative campaigning 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. You can forbid all of your supporters from using smear tactics.

But if some candidates persist in negative campaigning, we citizens must find ways to end the practice. Candidates who are attack victims need constructive methods for rebuttal and mitigating the effect.

### **WHAT CITIZENS CAN DO**

*Citizens can press candidates to cease their negative campaigning.*

*There are a number of things which citizens can do.*

#### **Seek Commitment to Fair Campaign Practices**

*Citizens can ask every candidate to agree to carry out fair campaign practices. This needs to be done in every jurisdiction with electoral contests: local government, state legislative districts, congressional districts, statewide*

for state offices and U.S senatorial contests, for presidential primaries and the nationwide campaign for the presidency. Coalitions of citizens in these various jurisdictions should draw up a set of campaign standards and ask each candidate for public office to pledge to follow such practices.

One model comes from the Fair Campaign Practices Committee, as follows:<sup>1</sup>

### ***Code of Fair Campaign Practices***

*There are basic principles of decency, honesty, and fair play which every candidate for public office has a moral obligation to observe and uphold in order that, after a vigorously contested but fairly conducted campaign, our citizens may exercise their constitutional right to a free, untrammelled, and informed choice of those to whom they will entrust their welfare and that of the Nation. Public office*

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<sup>1</sup> Copyright by Fair Campaign Practices Committee, Inc., Washington, D.C. Feminine gender added.

*is a public trust which may be undertaken only by those of unblemished character. Every candidate for public office is expected by the voters to adhere to the following basic understandings:*

*I SHALL conduct my campaign in the best American tradition, discussing the issues as I see them, presenting my record and policies with sincerity and frankness, and criticizing without fear and without malice the record and policies of my opponent and his party which merit such criticism.*

*I SHALL uphold the right of every qualified citizen to full and equal participation in the electoral process.*

*I SHALL condemn the use of personal vilification, character defamation, whispering campaigns, libel, slander, or scurrilous attacks on any candidate or his/her personal or family life.*

*I SHALL condemn the use of campaign material of any sort which distorts, misrepresents, or otherwise falsifies the facts regarding any*

*candidate, as well as the use of malicious or unfounded accusations against any candidate which aim at creating or exploiting doubts as to his/her loyalty and patriotism.*

*I SHALL condemn any appeal to prejudice based on race, sex, creed, or national origin.*

*I SHALL condemn any dishonest or unethical practice which tends to corrupt or undermine our American system of free elections or which hampers or prevents the full and free expression of the will of the voters.*

*I SHALL IMMEDIATELY AND PUBLICLY REPUDIATE support deriving from any individual or group which resorts, on behalf of my candidacy or in opposition to that of my opponent(s), to the methods and tactics which I condemn.*

*Citizens can publish and widely distribute lists of those who do and who don't subscribe to fair practices. They can establish review committees to*

monitor campaign advertising, speeches, video and radio presentations and then point out practices that violate the Code of Fair Campaign Practices.

### **Protest against Negative Ads**

Whenever a negative ad appears on television and radio and in newspapers, citizens 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 Mr. President:*

*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 Governor:*

*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 Mr. Chairman:*

*I'm greatly disturbed that the national committee of our party has hired private investigators to inquire into the personal lives and finances of the relatives of our opponent. As a major contributor, I'm deeply disturbed that my money is going for this purpose.*

*Families of politicians have a right to privacy, just like the rest of us.*

*I realize that the opposition is bringing up matters in the private life of our candidate. But because it is done to us doesn't make it right. That's insufficient justification for using the same methods in dealing with our opponent. Somebody's got to put a stop to this unsavory practice. So please call off your investigators.*

*With best regards,  
Judith Post*

*Dear Mr. Chairman:*

*As the TV commentators pointed out, an entire evening at our party's national convention was devoted to "defining the opponent". It was all negative, and a lot of it was grossly exaggerated. That's terrible. A waste of time and money. At a time when the nation is crying for leadership we should have used this exposure on national television to offer a positive vision for America.*

*Maybe your expert political consultants think we can pick up votes by going negative, but I for one believe we should emphasize the positive. And I'm surprised that our candidate, who seems to be a decent person, would permit a "garbage" evening at the convention.*

*Sincerely yours,  
Betty Barber  
(Mrs. Richard R.)*

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.

### WHAT CANDIDATES CAN DO

If you're a candidate and your opponent launches a negative campaign against you, there are ways to respond without stooping to a negative counterattack. Humor may be the best response.

#### **Countering Negative Ads**

For example, in the Democratic primary for U.S. Senate in Wisconsin in 1992 the two candidates perceived as frontrunners levied a barrage of negative attacks on each other. The third candidate, Russ Feingold, considered an underdog, gained from this and rose in opinion poll ranking. To take advantage of public revulsion of mudslinging and to avoid being a victim, he ran a TV ad showing the other two candidates throwing mud at

one another. Then as some mud hits Feingold, he says, "Oh, oh! I must be gaining on them!" He won the nomination and was elected to the Senate.

[Add other examples. Perhaps with pictures.]

When my older daughter was in first grade, she learned an effective way to counter name-calling that seems to be a routine part of child culture. A TV ad could be based upon her technique, as follows:

*Scene one. Two six-year old boys (or girls) in a schoolyard.*

First boy: You're a stinkeroo and a mealy-mouth mushhead!

Second boy: Ha! I'm rubber, you're glue. The bad things you say about me bounce off and stick on you!

*Scene two. The two candidates in cartoon style.*

Your opponent: [Accusing you of something.]

*Key words appear on screen, such as "quotas", "tax and spend".*

You: I'm rubber, you're glue. The bad things you say about me bounce off and stick on you.

*The key words bounce off you and stick on him/her.*

*Narrator: [Citing some action or speech by your opponent or his/her appointees that do what he/she has accused you of, such as preferential hiring or tax increases.]*

*Another TV ad might feature you, the candidate, in an informal setting, speaking in conversational tone:*

*Candidate: My friends, you have been hearing my opponent and his supporters say all kinds of bad things about me. But for some strange reason, he [she] never wants to talk about the problems that concern you most, such as [unemployment, environmental hazards, etc.].*

*It reminds me of a preacher who wrote his gestures on the margin of his sermon. At one point, it said, "Look up at Heaven." [Look up with raised arms] At another place, "Point in scorn." [Point finger at camera] Toward the end of the sermon, the note said, "Argument weak here. Yell loudly."*

*That's the way with my opponent. He's [she's] weak on the issues so he [she] tries to distract you the voter with loud accusations about me and my family. I know you're too smart to be fooled by this diversion from matters that really concern you. So I suggest that you call or write him [her] and ask him [her] to stick with important issues.*

Thereafter on the stump, the candidate could mention the latest attack by his or her opponent and say, "It reminds me of the preacher...." and the audience would immediately get the point and laugh without the candidate completing story.

Ingenious campaign media specialists can come up with many other humorous ways to counter negative campaign advertising.

### **In Candidate Debates**

If as a candidate you are debating an opponent who is very abusive, you can tell the preacher story, or you can use a method suggested by Buddha.<sup>2</sup>

[To audience] Friends, you have heard my opponent unleash a scurrilous attack against me. You may wonder how I'm going to respond.

I simply want to ask him [her] a question.

[Turning to opponent] (Name), if you offer me a gift and I don't accept it, to whom does the gift belong? Obviously the gift still belongs to you. Likewise with your abuse. I don't accept it. You may keep it for yourself.

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<sup>2</sup> C. M. Case, *Non-violent Coercion*. pp. 25-26

And if your audience is appreciative of a more earthy approach, you can add:

[To audience] Let me put in another way. It's like spitting into the wind. The spittle blows right back into your own face.

[To opponent] That's way it is with your abusive words. People in this state who insist upon fairness and friendly debate will blow your abuse right back on you. [Pulling out a handkerchief] And to show you that I have no ill-feelings, I offer you my handkerchief to wipe it off.

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A Hebrew proverb teaches:

A soft answer turns away wrath,  
but a harsh word stirs up anger.

Then it adds:

The tongue of the wise dispenses knowledge,  
but the mouth of fools pour out folly.<sup>3</sup>

There's no reason why the soft answer can't have some good natured

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<sup>3</sup> Proverbs 15:1-2.

humor. Then add serious discussion of the issues. We voters are wiser than many politicians give us credit.

Revulsion with negative campaigning is growing but it was still widely practiced during the 1994 congressional election campaign. It's time for citizens to rise up and force its banishment in future campaigns.

November 30, 1994

*Chapter Eight*  
***Getting Out the Vote***

*To be written.*

*Chapter Nine*  
**Reforming Campaign Finance**

*To be written.*

## Chapter Ten

# Bringing Life to the Parties

*If you are tired of standing on the sidelines, bemoaning the kinds of candidates running for election, you may resolve to run yourself or to actively work for the election of candidates you believe in. Great! That's a very worthy calling in American democracy.*

*If your decision is to seek elective office, you face a choice of auspices for running: as a candidate of one of the two major political parties or a third party, or as an independent. If you decide to work in behalf of particular candidates, you must make a similar decision.*

*In making your choice, you should be aware that persons identified as Democrats and Republicans hold virtually every elective office in the United States chosen on a partisan ballot. You can send a message by running as an independent or as a third party candidate, or by voting for one, as did 20*

percent of the voters in the 1992 presidential election. But if you want to win, you should run as a candidate of one of the two major parties. If you want to support winners, your best chance is by voting for Democrats or Republicans.

### **Importance of Being A Democrat or Republican**

The dominance of the two main parties is evident in the basic facts of who holds elective office in the United States at this time. The story is told in Table 9-1. Democrats and Republicans compose 99 percent of the 8,063 elected officials serving as president, vice president, members of Congress, governors, lieutenant governors, and state legislators. Of the remainder, 49 serve in the nonpartisan, unicameral Nebraska legislature and 20 are independents or third party affiliates.

**Table 9-1. Political Party Affiliation of State and Federal Officials<sup>1</sup>**

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<sup>1</sup> Data for January 1995, as projected in November 1994 when

<i>Position</i>	<i>Total</i>	<i>Democrat</i>	<i>Republican</i>	<i>Nonpartisan</i>	<i>Other</i>
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*there were 9 vacancies in state legislatures and one undecided electoral contest.*

President	1	1			
Vice President	1	1			
Members of Congress	535	251	283		1
Governors	50	19	30		1
Lieutenant Governors	42				
State Legislators	<u>7,424</u>	3,838	3,409	49	18
	8,063				

More than 80 percent of the nation's 3,043 counties hold partisan elections for their governing body, and most winners come from the two major parties. Among municipalities only 25 percent have partisan elections, but where they do, the elected mayors and council members are mostly Democrats and Republicans.

Because they provide the winners, the Democratic and Republican parties are a commanding force in the electoral process. Initial competition for nomination occurs during party primaries, caucuses, and conventions.

Then parties help to organize, finance, and carry out campaigns in the general election. Even when the campaign is dominated by candidates, as many are these days, party loyalists ordinarily form a solid core of political workers.

That's not to say that the two main parties and party activists reign over all aspects of elections. They don't. These days independent voters constitute around 30 percent of the electorate and function as the swing vote in numerous elections. Thus, candidates and parties have to appeal to them. But independent voters alone don't make up a large enough block to elect candidates unaffiliated with a major party unless they get lots of help from Democrats and Republicans.

Ross Perot is trying to buck this trend with his independent political organization, United We Stand America. But it remains to be seen whether, if he runs for president again in 1996, he can go much beyond the 19 percent of the vote he gained in 1992.

Two other prominent presidential candidates, the Rev. Jesse Jackson and the Rev. Pat Robertson, have also formed separate political organizations. However, Jackson and his Rainbow Coalition have so far competed within the Democratic Party, and Robertson and his Christian Coalition have worked within the Republican Party.

### **Beyond Elections**

The importance of parties goes beyond elections. Party affiliation provides the foundation for organizing the U.S. Congress and 49 of the state legislatures, based upon division into majority and minority blocs. The president, governors, mayors, and county executives look mostly for persons from their own party in making appointments of cabinet officers, members of regulatory boards, and judges.

Accordingly, persons with political ambition who want to serve in elective office usually must attach themselves to one of the two major parties. To a considerable extent the same is true for persons seeking appointment to

high-level, policy-making positions.

If you want to get involved with the Democratic or Republican party, you will discover that in most locales the two major parties are remarkably open. You don't have to have an invitation to participate, but you do need to know how the parties are organized, how they function, when and how best to get involved. With this knowledge and a strong commitment you can infuse the political party of your choice and help make it a more effective instrument of democracy.

### UNDERSTANDING PARTY STRUCTURE

To properly understand the Democratic and Republican parties, first put aside those neat organization charts from political science textbooks that depict a hierarchy with the national committee on top, state committees in the middle, and local committees at the bottom. Instead, the two parties are highly decentralized, pluralistic, and sometimes quite disorderly. Their structure is built from bottom-up, but some party operations work

top-down.

### **Bonds of Identity**

Neither the Democratic nor the Republican party maintains ideological purity, though now and then some party leaders make the attempt. In neither party can officials order party members holding legislative and executive positions to adopt party-approved policies. Instead legislative bodies are controlled internally by legislators sharing a common party affiliation. Party identity provides bonding, and legislators so united are a power unto themselves. Likewise elected chief executives and their appointees form separate blocs within their party. Thus, the Democratic and Republican parties have numerous nuclei rather than a single command center.

Neither party has formal membership requiring strict creedal adherence or payment of dues. The closest you come to joining is by stating your party preference in voter registration or at the primary polling place, and at that

in only three-fourths of the states. Mainly it is a matter of personal identity.

How local and state party organizations are organized and operate differs among the states. No one knows for sure the total number serving as party officers and convention delegates, but perhaps between them the Democratic and Republican parties have close to half a million. Thus, there are numerous opportunities for interested citizens.

### **Precincts**

The operational base for American political parties is the approximately 175,000 local voting districts, often called "precincts", sometimes "divisions" or some other name. Each has a precinct leader (or a similar title), or can have (for in some precincts this office is unfilled by one party, sometimes both). Depending upon the state, they are chosen by party members voting in the primary or general election, by party caucus, or through appointment by a city or county party official. This is the best point of

entry -- something that some ideological groups, such as the Christian Coalition, understand well these days as they try to take control of state parties.

Precinct leaders recruit and direct the activities of block workers and other volunteers. They reach out to voters in their precinct, distribute campaign literature, collect funds, and get out the vote. In some cities precinct leaders come together in ward committees. In many states they play a role in selecting members of city, county, and state party committees and in choosing convention delegations.

### **Local Committees**

Local party committees are built upon the precinct foundation. The Democratic and Republican parties have committees in virtually all of the 3,043 counties in the United States and in a large number of cities, New England towns, and township with strong governmental powers. They usually operate under rules specified by the state central committee or state

law, but in their operations they are basically autonomous.

Typically county and city committees are composed of all precinct leaders. They elect the chairperson, who directs local party activities and may represent the county on the state committee. Thus, a county chairperson is an important figure in party politics.

For the primary election local party leaders in some locales offer a slate of candidates for local and state offices, sometimes even for Congress. A more common pattern nowadays is to let candidates compete, and then the local party supports the winners in the general election.

Local committees are free to take positions on public issues on their own. They cannot be forced to follow a party line issued by the state committee or national committee, but more often than not they are loyal to these broader entities. If local party officials don't like the candidates offered by their party's state or national unit, they usually sit on their hands rather than oppose them outright.

Where a state legislative district or a congressional district encompasses more than one local governmental jurisdiction, local party committees come together in the nominating process. In some states they hold nominating conventions to select the party's candidate. In other states the candidate is chosen in a primary election, and the aggregate of local committees supports her or him in the general election.

### **State Committees**

Because each state may establish its own political party structure, state party committees vary greatly around the United States. They range in size from fairly small to quite large. Most commonly state committee members are elected in the primary election or by local party conventions, but in some states county chairpersons form the state committee. The committee formally elects the state chairperson, but in many instances the governor or the last gubernatorial candidate determines who it will be.

State committees play a role in selection of party nominees for state

office: governor, lieutenant governor, attorney general, and other elected executive officers. In yesteryears party leaders in many states decided their party's nominee and got it ratified by the state convention or in the party primary election. This happens less frequently now because candidates usually come forth as self-starters, but sometimes party leaders have a hand in recruiting who they think will be a strong candidate and then issue an endorsement. In several states the state committee is responsible for organizing and conducting a nominating convention for state offices and candidates for the U.S. Senate.

Like local committees, state party committees are autonomous and are not directed what to do by the national committee. However, during the past 20 years many state committees have received technical assistance and financial contributions from their national committee. They in turn have offered assistance to local party committees, such as computerized lists of registered voters, training for candidates, and sometimes financial donations.

## *National Committees*

*The Republican National Committee is composed of 165 members: the party chair plus a committeeman and a committeewoman from each of the 50 states, District of Columbia, American Samoa, Guam, Puerto Rico, and the Virgin Islands. The Democratic National Committee consists of approximately 400 members, who include the chair of each state and territorial party, the highest ranking officer of the opposite sex, additional positions assigned each state on a population basis, representatives of Democratic elected officials, Young Democrats, and Democratic Women. Each national committee selects its own chair, but usually they accede to the choice of the incumbent president or the party's presidential nominee.*

*The central task of the national committee is to organize and run the quadrennial national convention to nominate the party's candidate for president. As an extension of this responsibility, the national committee establishes rules for selection of delegates from the states, such as when state*

primaries may be held and the gender composition of delegates. Court rulings have affirmed the right of the national committee to adopt binding requirements that state party organizations must observe even if it means changing state laws.

The national committees of the two major parties sometimes issue policy statements on public issues. Their chairs make speeches, appear on TV talk shows to discuss policy issues, and grant news interviews. However, the chairs and the national committees as a whole lack formal authority to order the president, if from their party, to adopt specific policies. Nor can they tell party members in Congress what legislation to enact or how to vote on specific bills. When the national chairs communicate their views to elected officials, they are more like lobbyists with good connections than party commanders.

Nor can national party committees command state and local committees what to do. They do, though, get involved in state and local

party affairs by making financial contributions to candidates, offering technical assistance and training to party officials and candidates, and in some instances helping to obtain a strong candidate to run for an open seat in Congress or against an incumbent of the other party.

### **Party Convention**

Both major parties hold national conventions during the summer preceding the presidential election. In \_\_ states the parties hold nominating conventions state officials and sometimes for their candidate for the U.S. Senate. There are similar conventions in congressional districts to select candidates for the U.S. House of Representatives, and sometimes for nominations to the state legislature and local offices.

Whereas precinct officials and members of local, state, and party committees serve for specific terms, delegates to party conventions are chosen just for that event (though many hold other party positions). In 1992 the Democratic National Convention had 4,287 voting delegates, and

the Republican National Convention had 2,209. In one cycle of local and state nominating conventions for local and state office, approximately \_\_\_\_\_ persons serve as delegates.

Party members usually seek election as convention delegates in order to support a particular candidate or slate of candidates. The candidates themselves often decide who may run in their behalf for delegate positions.

Delegates to national and state conventions adopt party platforms, specifying policy positions on a broad range of issues, but these platforms aren't binding on officeholders elected on the party ticket. Although disputes over platform language may produce a lot of heat at the party convention, the adopted document rarely enters into campaign debate and is quickly forgotten after the election.

### **Legislative Units**

Democrats and Republicans serving in Congress and state legislatures compose separate, self-contained units within their parties. Party members

meet as a caucus in each house of the legislative body, decide what kind of operating structure they want, elect officers, sometimes select chairs or positions of ranking minority of the various legislative committees, and adopt legislative policies and strategies. Each party unit within each house is a power unto itself, not beholden to the party unit in the other house or to the state or national committee. There is usually communication with these other units, often cooperation, and sometimes strong collaboration. But this is a relationship of co-equals, not a hierarchical command system.

Thus, in 1994 Republicans members of the U.S. House of Representatives acted on their own in drawing up and proclaiming their Contract with America. Although they received financial support from the Republican National Committee to publish it in *TV Guide*, they spoke only as Republican candidates for the House of Representatives and not for the Republican Party as a whole.

In addition to legislative policy committees, Democrats and Republicans

*in each chamber of Congress have their own campaign committees -- a total of four. These committees raise money to help with campaign expenses of the more vulnerable incumbents seeking reelection and to assist candidates challenging incumbents of the other party or running for open seats. They offer consultation to non-incumbent candidates. Sometimes they work with political leaders in particular districts to recruit strong candidates to run the other party's incumbents or to contest for open seats. During the two year period prior to the 1994 election, the House Republican Campaign Committee was particularly active and contributed substantially to Republican success in that election.*

### **INFUSING POLITICAL PARTIES**

*To reiterate, the two major political parties are important in American government because they provide a bond of identity for public officer holders. This is crucially important in organizing legislative bodies and is highly influential in executive appointments and operations.*

*For persons who want to win election to public office, active involvement in either the Democratic or Republican party is virtually indispensable, except in local, nonpartisan elections. For citizens who want to influence public policy by assuring that persons they favor get elected, party involvement is highly important, especially in the early stages of the electoral process.*

*This was recognized in the 1970s by numerous liberals who supported George McGovern in his losing bid for the presidency in 1972. Soon after that election they moved heavily into the Democratic party structure in many states and worked for changes in rules for the national party convention. In 1974 they were a dominant force among a large group of newly elected members of Congress, who changed the way Congress functioned.*

*In the 1990s evangelical Christians affiliated with the Pat Robertson's Christian Coalition have moved into the Republican party structure and have virtually taken over in several states. In 1994 a broader band of*

conservative activists produced the new Republican majority in Congress, which led to a fresh set of changes in congressional structure and operations.

Such efforts of party influx and takeover, full or partial, are fair game for any ideological group within a party which wants to organize and take advantage of party rules and procedures. It is also something to resist by persons of other persuasions.

### **Points of Entry**

Because political parties are built from the bottom up, the most readily available entry points are found at the local level. The easiest entry is to serve as a party volunteer and choose from a wide variety of necessary tasks to perform. If you don't have a ready contact, just ask around or look up the party committee's number in the phone book.

The next level of involvement is to attend party caucuses and other meetings that are open to all party members. In some states such gatherings play a role in the nominating process by recording preference

among candidates or selecting delegates to nominating conventions.

A more competitive entry is to seek election as a precinct leader or as a delegate to a party convention: local, congressional district, state, or national.

To do so you must first learn the rules. They vary from state to state, so you'll have to search out the rules for your particular state.

Often (but not always) the party's state central committee publishes a manual describing party structure and rules of operation. The secretary of state at the state capitol may have such information, especially if it is codified in state law. If the latter is the case, laws related to political parties will be found in the state statutes book.

Nonpartisan organizations, such as the League of Women Voters, may have publications about party political organizations and operations. Some partisan organizations -- such as labor unions, business and trade associations, ideological groups -- have handbooks available for their members.

From this information you can determine what, who, when, and how of party operation. Questions you must find answers to are outlined in the following sections.

### **Choosing Party Officers**

What political party offices are elected? What offices are appointed? They may include precinct leaders, county committee members, county chairperson, state committee members, state chairperson, delegates to party conventions which meet to nominate party candidates and perhaps to choose party officials.

Who elects these officials? Registered party members? Anyone who shows up at a caucus or at the primary polling place and declares party affiliation? Members of a party committee choosing members of the next level committee (such as county committees electing state committee members)?

Who chooses persons to fill appointed party position? Are they

*confirmed by some committee?*

*When does selection occur? This is one of the most important things to know. Election for particular party positions may occur every two or four years. If you miss one election or get started too late to mount an effective campaign, you'll have to wait until the next round two to four years later.*

*Where election occurs through a bottom-up process, such as precinct leaders electing county committee members, who in turn elect state committee members, you have to anticipate the sequence. Thus, groups trying to take over a state committee first must get their people elected as precinct leaders and then county committee members. Controlling factions trying to block takeover must compete in the same party election. If the process has several stages, it is like to stretch out over many months.*

*How does election or appointment occur? Does a candidate for a party office have to file a petition of candidacy? Or merely show up at a party meeting and be nominated from the floor? In the case of an appointed*

*position, is confirmation by a party committee required?*

### *Choosing Convention Delegates*

*The same set of questions apply to delegates to party nominating conventions. What positions as delegates are available? Who selects them? When does this occur? How is it accomplished?*

*Here, too, a realistic sense of timing is essential. This requires knowing the schedule and looking ahead to what must be done by particular deadlines. As aspirants for public office position themselves to run long before election day, so also aspirants to become party delegates may want to position themselves well ahead of the time when delegate selection takes place.*

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*Like many other aspects of year-round democracy, infusing political parties requires long-range planning and steady involvement over many weeks and months, even years. In the four year cycle of presidential elections, it needs to commence soon after an election is over, that is, almost*

four years before the next one.

If you don't like party nominees, you can send a message by voting for independent and third party candidates. But if you want the parties to nominate persons more to your liking, you will need to get involved in party activities in greater depth and longer duration.

There are many callings in year-round democracy. If yours is for political party activity, there are numerous opportunities. They take effort. But that's true of all citizenship responsibilities.

January 18, 1995

# PART THREE. PARTICIPATION IN GOVERNANCE

## Chapter Ten

### Who Governs? Coalitions, Of Course

*OK, we've elected them -- nearly 500,000 public officials in local, state, and national governments. Now what? How do we assure ourselves that what they do with the processes of governance will reflect our will?*

*As we explored in chapter 3, political insiders know the answer. They constantly keep in touch with public officials and their appointees to policy-making positions. They follow the legislative process closely and try to influence the outcome. They keep track of executive decision-making processes and try to have an input. They continuously interact with public officials all year long. Some of them are so influential that they enter into decision-making processes directly and in effect are part of the governing*

group.

Observers outside government notice this and claim that a city, a state, the whole nation is run by a "power structure" consisting of a combination of public officials and highly influential private citizens. Sometimes they call it "the establishment". By these terms they imply that a narrow, tightly controlled group determines major decisions.

There's a particle of truth in these descriptions, but it's far from the whole truth. Certainly in most communities, in the states, and in the nation as a whole, determination of public policy isn't solely in the hands of elected officials. Other influential persons play roles in decision-making. But it is neither as controlled nor as exclusive as concepts like "establishment" and "power structure" suggest it to be.

If that's the case, who governs anyway? That's something citizens who want to participate more fully in public affairs need to know. They need a clearer understanding about who the real decision makers are and how they

*go about making decisions.*

### **EXPERIENCE WITH CITIZEN ASSOCIATIONS**

*Although most of us don't have first hand experience as an elected public official, we have had direct experience in democratic decision-making in organizations we belong to: neighborhood associations, churches, synagogues, civic groups, service clubs, lodges, labor unions, trade associations, and many others. Some of these organizations have staff, others are solely volunteer. We can build on our experience in them to obtain better comprehension of the public decision-making process.*

*If we examine the dynamics of these organizations, we notice a division of labor and a differentiation of roles, influence, and power. A few persons, such as elected officers and committee chairs, initiate policy which the governing board or attendees at membership meetings review and approve.*

*The president of the association and other officers have leadership across the board, and so does the staff director if there is one. But on most issues*

these officers will not have the intensity of interest that committee members have on matters within their jurisdiction. So while every association member, everyone on the governing board has equal voting rights, some members have greater influence on particular concerns. To the extent that committee chairs and officers control the agenda and maximize their influence on decisions, they have greater power.

In these associations some persons are leaders, others are followers. A person may be a leader on one issue and a follower in other matters. Officers are chosen by the members and may have power to appoint committee chairs, so there is democratic accountability. At the same time there may be other persons on the governing board or in the association at large who hold no office but who have influence because of their wisdom, social stature, financial contributions, or leadership of a minority faction.

Thus, an association may have both formally elected and appointed leaders and informal leaders within it. Although an organization chart may

show a neat hierarchy of officers and committees, policy determination is most frequently guided by a leadership coalition rather than a single leader with unchecked power.

Members have formal control of policies through decisions made by voting at business meetings with the majority prevailing. But long before the matter comes to a vote there is a lot of talk and often negotiations. Talk occurs not only in the formal setting of committee meetings and the business session of the whole body but also informally among leaders and advocates of particular positions. Most often an effort is made to achieve a consensus rather than force a vote on every jot and tittle.

To reach consensus advocates of different viewpoints make compromises, especially if they are interested in moving ahead. Formal votes are reserved for major issues where division is apparent and no ready mutual accommodation is in the offing. On the whole bargaining is the most common mode rather than showdown votes, although the latter may

*generate the greatest emotion and receive the most attention. Thus, there is much more to decision-making in democratic organizations than the final vote on issues.*

### **GOVERNING COALITIONS<sup>1</sup>**

*The kind of leadership coalition we observe in citizen associations also occurs in the decision-making processes of government. Rather than a command hierarchy suggested by typical charts of governmental organization, it is more accurate to say that governments in American democracy are directed by governing coalitions.*

*"Governing" describes the function. "Coalition" describes an alliance between persons possessing power and influence, not all holding governmental positions. It indicates that power is pluralistic but acknowledges that the governing group is limited in numbers.*

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<sup>1</sup> This section is an elaboration of my previous writing on this subject in *The Organization and Operation of Neighborhood Councils* (New York: Praeger Publishers, 1977), pp.126-8.

## *In Local Government*

*The governing coalition in municipal government will almost always include the elected officials -- mayor and members of city council -- and also the appointed city manager, if there is one. In county government, likewise: elected county executive, county commissioners or members of county council, and appointed county administrator. Similarly for township governments.*

*In addition, a governing coalition of local government is likely to include some of the following, though not necessarily all at the same time: administrators heading public agencies; leaders of the victorious political party; representatives of business and labor; leaders of ethnic, racial, and religious groups active in public affairs; leaders of other organized interests, such as social welfare organizations, vociferous issue groups, and strong neighborhood associations. Except for the elected chief executive, each member of the governing coalition represents a minority. Even the chief*

*executive is limited in speaking for the people as whole, for his or her political base is likely to consist of a collection of minorities that together provided an electoral majority.*

*Within a governing coalition some will have more power than others, and the respective degree of influence will vary from one issue to the next. Moreover, the balance of power will be in a constant state of flux. If one person or group isn't exercising its full potential of influence, then another person or group is likely to claim more than its proper share. But if this second group goes too far, the first group, or a third or fourth group will begin to resist. Thus, a governing coalition is quite dynamic.*

*Around each cluster of decisions there is probably a subcoalition. One subcoalition might deal with housing, another with highways, a third with tax policies, and fourth with employment programs, and so on. Some subcoalitions are basically tripartite, consisting of administrators, legislators, and representatives of advocacy organizations. Memberships in subcoalitions*

may overlap but are never identical.

Leaders who are in several subcoalitions have different weights in each depending upon the strength of influence and depth of feelings of the group they represent. The mayor or county executive usually has a role in most of the subcoalitions. This makes the overall structure what political scientist Robert Dahl has called an executive-centered coalition.<sup>2</sup>

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<sup>2</sup> Robert Dahl, *Who Governs?* New Haven: Yale University Press, 1961.

*A governing coalition is no monolith. Internal decision-making is characterized by continual bargaining. Participants are constantly negotiating, trading support, building and reinforcing alliances. For the most part this isn't a formal process conducted around a table as in bargaining during labor-management negotiations, although some of this occurs in meetings of legislative committees and advisory boards. Rather it is informal, subtle, and sometimes quite elusive.*

*Although ultimately formal decisions are made by elected officials -- the chief executive and the local council -- they will usually take into account the views and strengths of others in the coalition, and even those outside the coalition in the opposition. Even a mayor or county executive who is reputed to be the local political boss lacks total command authority, for he or she has to constantly touch base with leaders outside of government and sometimes has to bargain with his or her own appointees.*

*Ultimately decisions retain their democratic character because they*

require formal action by elected officials, who were democratically selected for this role and can be replaced at the next election. Moreover, sometimes advocacy organizations not represented within the governing coalition can mobilize public support to overturn an informal decision of the governing coalition when it comes to vote at the city or county council. They might be assisted by council members who, though elected, are not included in the governing coalition. So broad-based democracy can prevail.

Even though an outsider may believe there is an unbreakable solidarity that excludes any new participant, an effective governing coalition will admit new individuals and representatives of groups which are showing increased strength and have enough in common with the coalition to be a useful working partner. Participants in governing coalitions who become out of phase with the objectives of the coalition or who lose their supporters will be eased out, or simply ignored.

Advocacy organizations will often find that it's better to be represented

inside a governing coalition or a subcoalition than remaining entirely on the outside. Insiders talk with one another, bargain, and work out compromises that later emerge in policy proposals and legislation offered for formal adoption. Having a voice in such proceedings can be valuable -- if it's real and not merely manipulated for appearance sake. If the latter is the case, an advocacy organization may be better off to remain outside and mobilize its supporters to pressure legislators and executive officials who have legal authority to make the final decision.

Some governing coalitions will try to preserve the status quo while others will initiate change. In either case the coalition, as a leadership group, will be committed to objectives that aren't necessarily shared by the entire citizenry. Nevertheless, the key leaders of the coalition will claim that their policies represent a broad community consensus. Often this is the case, but not always.

**In State and National Governments**

The same kind of governing coalitions function in state governments and in the national government, though they are more complex and subcoalitions are more diversified. The governor and leading state legislators, the president and leading members of Congress play central roles but seldom have unrestricted dominance. They have to bargain among themselves, with their own appointees, with career administrators, with political party leaders, with interest group representatives, and with other persons who have influence because of campaign contributions, moral stature, or ability to mold public opinion through the media.<sup>3</sup>

Local elected officials, staff from their statewide organizations, and local party officials may be participants in the state's governing coalition.

Representatives of local government, governors, state legislators, and state

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<sup>3</sup> A superb exposition of how coalitions functioned in Washington during the Reagan years is offered by Hedrick Smith in *The Power Game: How Washington Works* (New York: Random House, 1988; paperback by Ballantine Books, 1989), especially chapter 13, "The Coalition Game: The Heart of Governing".

political parties may participate in the national governing coalition and subcoalitions dealing with concerns of local and state governments. Business and labor representatives and other kinds of advocacy organizations try to get into the inner workings of subcoalitions handling their interests.

Take virtually any subject that national and state governments deal -- foreign policy, defense, international trade, transportation, housing, health, welfare, education, environment, natural resources, and dozens more --and you will find a coalition working out policies during the various stages of decision-making. Persons with official positions -- president, governor, chairs of authorizing committees and appropriation subcommittees on that subject -- will have the most power and influence, but their authority is contained by the bargaining that is an inevitable part of the political process.

### **Relation to Representative Democracy**

This arrangement is widespread in American democracy. It fits within the framework of representative government because elected officials are

principal participants and retain ultimate decision-making authority. Most persons from outside government who are involved in governing coalitions represent various interests. This achieves a kind of representative participation that is part of the consent-giving process.

Even so, we should ask of any governing coalition: Do all groups and viewpoints have equal access to gaining representation within the governing coalition? Often the answer is: No, they don't.

If the answer is negative, remedies are threefold. First, elected officials, who are supposed to take a holistic view of the common good, have an obligation to achieve very broad participation in public decision making. This includes truly representative consultation during the policy formulation process. Second, advocacy organizations can examine the decision-making process, learn its stages, determine who is influential at each stage, seek to make an impact, and maybe gain representation in the inner workings of governing coalitions. For them it is important to know both who makes

*decisions and how the decision-making process works.*

*Third, where segments of the population aren't well enough organized to participate effectively in the dynamics of governmental decision-making, strenuous efforts are needed to help them organize.*

*January 18, 1995*

## Chapter Twelve

# Keeping Incumbents on Their Toes

*If you want to influence the policy decisions of government, the place to start is to focus attention upon incumbent elected officials. They are the persons we elected to govern. We expect the best possible performance from them. We want them to respond to the will of the people at all times.*

*Among many Americans, however, incumbents belonging to the party in power are in ill repute these days. That was a message in President Bush's defeat in 1992 and in the ouster of congressional Democrats in 1994. It's an appropriate remedy for voter dissatisfaction as an initial step, but it still doesn't deal with performance of incumbents currently office.*

*Incumbent officeholders are in charge of the government. They enact legislation, enforce laws, initiate executive policies, run programs, provide services, collect revenue. Accordingly, we face the challenge of keeping*

*incumbents on their toes to assure that they perform as we want them to.*

*In undertaking this task, we can increase our effectiveness by understanding what makes officeholders tick, by learning how they go about performing their duties. We can use knowledge of their natural behavior to influence their conduct in office.*

*The first thing we should realize is that most incumbents holding elected office in the United States intend to seek another term. The majority who run again will be reelected. This is a fact of life in the American political system in the 1990s. Some critics of American government don't like it, but that's the way it is.*

*The desire to stay in office directly affects the conduct of elected officials. As soon as one election is over, they start positioning themselves to run in the next one. This sharpens their awareness of their constituents' wishes and shapes performance of their official duties. It is part of the continuous, interactive consent process.*

Actually this is a good deal for American democracy because it enhances the accountability of elected officials. It is advantageous to us citizens because it causes elected officials to keep their antennas raised to receive our messages. Not only incumbents seeking reelection but also most of those not running again are attentive to public opinion.

## LEGISLATORS

First, let's look at legislators -- members of Congress, state legislatures, county and municipal councils, township boards -- and explore how we can keep incumbents alert to our desires,

### Motivation

Legislators act from a variety of motivations. They want to serve the needs of their district. They have a desire to affect public policy, often in behalf of particular causes. They seek ego fulfillment. Some want to gain power and influence within the legislative body. Some are looking for career advancement. A small handful concentrate on achieving economic gain be-

yond the legislative body. Most of them want to get reelected. Among legislators these motivations occur in different combinations and varying degrees of emphasis.

Their motivations are not much different from the general run of the population from which they come and which elects them to public office.

That's not too surprising, for they are our representatives. However, their commitment to public service is probably higher on the average.

### **How They View Us**

Relationships with constituents is a central factor in the life of most legislators. Voters elected them in the first place and will determine whether they will be reelected. Therefore, most legislators pay a lot of attention to their constituents.

In viewing their constituents legislators tend to look outward toward a set of widening circles, as depicted in Figure 11-1.<sup>1</sup>

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<sup>1</sup> This discussion is based upon Richard Fenno, *Home Style: House*

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*Members in Their Districts.* Boston: Little, Brown, 1978. The conclusion of this study, derived from field work in congressional districts in the early 1970s, remains valid in the 1990s.

*Figure 11-1. How Legislators View Their Constituents*



*Close at hand the legislator has a small, intimate circle of friends and close associates with whom she or he can relax, get advice, and receive emotional support. The next circle contains strong supporters who form the*

core constituency for the primary election, make financial contributions, and work in the campaign. Then comes a larger circle of persons needed to provide a winning vote in the general election. The outermost circle encompasses the entire legislative district, including opponents, swing voters, and apathetic citizens who seldom or never vote.

For an incumbent seeking reelection, the first task is to maintain the loyalty of strong supporters within her or his political party so as to scare off potential primary opponents, and if challenged, to have a solid base for winning. The second task is to develop and maintain trust and support from a wider range of voters, including independents and perhaps some from the other party, in order to win the next general election. A third task is to be the representative of everyone in the district whether or not they voted for her or him in the last election or will do so in the next.

### **How Legislators Act**

**Communications.** Starting with this outlook, legislators give lots of

attention to communication with constituents. Members of Congress, using printing allocations and free postage of their mailing frank, regularly send out newsletters to every household in their district or state. For many the first issue each year contains a questionnaire on important matters that will come up during the legislative session, and constituents are asked to reply. State legislators and local council members, lacking the frank, tend to send out fewer newsletters, but they find other ways to communicate with people in their district.

Legislators at all levels of government regularly send news releases to newspapers, radio and television stations serving their district. They hold news conferences within the district.

The U.S. House of Representatives and the U.S. Senate maintain television and radio studios so that members can make live or taped broadcast to local stations. They send out radio "actualities" -- taped statements that are transmitted via telephone lines to local radio stations for

insertion into news programs. They use satellite linkage to transmit videotaped statements or excerpts from floor speeches and committee testimony. Sometimes through these linkages they grant live interviews to local TV reporters.

Although state legislatures and local councils rarely have their own radio and television production facilities, their members constantly seek opportunities to be heard and seen on broadcast media. They make themselves available to television reporters and are usually quite willing to appear on call-in talk shows. Because the listening and viewing audience of many radio and television stations encompass a number of state legislative and local council districts, legislators and council members compete among themselves for access. To get attention they sometimes create newsworthy events.

**Mail.** Legislators at all levels assign staff to handle constituency response and service. All mail is read by staff and usually tabulated by issue

and opinion. Local council members and state legislators are likely to read all their mail. Some U.S. representatives do, too, but for many and for most U.S. senators the volume is too heavy for them to read every letter. Instead they receive a summary prepared by staff and read a sample, including correspondence from key supporters, state and local officials, and other prominent citizens.

For the most part legislators answer their mail, except for postcards arriving in mass. Sometimes their reply is quite general: "Thank you for your letter. I always like to hear from my constituents." Etc. But often the response is tailored to the issue addressed, for the advent of computers has made it possible to easily combine stock paragraphs into a seemingly personal letter. The response is likely to be more specific when the legislator shares the constituent's viewpoint and is fuzzier when the legislator is in disagreement or uncommitted on the issue. Computers also permit legislative offices to build mailing lists of constituents interested in particular

issues so that later they can be sent statements and reports on legislative votes.

**Casework.** Most legislative offices are organized to perform "casework", that is, to help constituents deal with the bureaucracy and other kinds of problems. Much of this is unrelated to particular legislation, although certain patterns may reveal problems with legislative remedies. In this sense legislators serve as ombudsmen, that is, troubleshooters and overseers of bureaucratic performance.

In Washington, D.C. the majority of staff time of a typical congressional office is spent on dealings with constituents rather than legislation (but committee staff is available on legislative matters). In addition, U.S. representatives and senators have district and state offices that provide further linkages with constituents. Staffs of state legislators and local council members devote a lot of time to constituent service.

**Tracking public opinion.** On legislative issues most members of

*Congress, state legislators, and local council members keep careful track of opinion in the district they represent. They have previously taken stands on particular issues during the election campaign, and they have the position of their political party to uphold. At the same time they are usually careful not to stray too far from what seems to be majority opinion on particular issues. Or if they do on some issues, they try to counterbalance this by sticking with prevalent district opinion on many other issues. They do this both out of respect for their responsibility to represent their district and because they want to be reelected. Even legislators who garnered 70 percent or more of the vote in the previous election are cautious about casting wrong votes that could cause a drastic turnaround in the next election.*

*In short, most of the things that legislators do are things we citizens want them to do as they represent us and serve us. Whether their motivation is solely a desire to stay in office or is derived from a genuine commitment to be a true representative, the result is constant interaction*

*between legislators and their constituents.*

### ***Contacting Legislators within Their District***

*The natural desire of legislators to keep in touch with their constituents provides natural opportunities for us citizens to initiate our own contacts with legislators. If incumbents are perpetually positioning themselves to run for reelection, then we voters should position ourselves to influence the incumbent positioners. If legislators constantly seek to know citizens' opinions, then we citizens can systematically make our views known.*

*Visits home. In the jet age most U.S. representatives return to their home district nearly every weekend or least two or three times a month. Most U.S. senators return to their home states with almost as much frequency. Both houses of Congress schedule light workloads on Mondays and Fridays most of the session to facilitate members' travel. They also have 10 to 14 day recesses several times a year. Similarly state legislators go home on weekends. City and council members are around all the time.*

*A legislator seeks visibility within the district. Therefore, she or he will attend various events, speak at service clubs, visit community facilities, attend church, go to wakes and funerals. Sometimes the legislator will be available at a district office at particular hours for anyone who wants to drop in, or will organize a series of town meetings to which anyone can come and speak.*

*Gaining access. As noted earlier, legislators tend to perceive their constituents in several circles: close advisors, primary election supporters, general election supporters, and general population of the district. The closer citizens are to the center the easier their access to and rapport with the legislator. Therefore, citizen activists may find it useful to become strong supporters of their legislators, make campaign contributions, and work in their behalf first in the primary election and then in the general election. This tends to increase accessibility to legislators to discuss issues and specific legislation.*

*But even without this kind of easy access, individuals and organizations*

with policy concerns can take advantage of their legislator's visits to the home district. When the legislator makes public appearances, citizens can raise their concerns and present their views. Some organizations "birddog" legislators by getting different persons to go to various appearances and repeatedly bring up the organization's key issues.

**Meetings.** Many organizations find it advantageous to sponsor town meetings themselves rather than leave it up to the legislator. This enables the organization to control the agenda and be certain that the legislator deals with all of its concerns. Sometimes coalitions structure meetings so that representatives of various organizations first state their positions and then ask the legislator to respond. (For more on town meetings, see chapter 14.)

When a legislator is appearing on a radio or television call-in show, individuals can call in their questions. Organizations can alert members so that they can place calls.

Advocacy organizations desiring to reach legislators in these ways will

need to know the legislative schedule of recesses and the legislators' itinerary during visits to the home district. Although there may be some groups a legislator would prefer to avoid, most legislators are willing to be widely accessible on these occasions.

To influence legislators on specific legislation, there are variety of lobbying techniques that we'll consider in the next chapter. An advocacy organization can let legislators know that the organization is following their voting records and will publicize this record during the next election campaign. This reflects an understanding that throughout the legislative session, legislators are positioning themselves for reelection. Strong citizen advocacy can influence the positions they take on legislative issues.

### **Impact of Fundraising**

One further activity absorbs a lot of time of legislators beyond their legislative duties, particularly members of Congress. It is fundraising for the next election campaign or for paying off debts from the last campaign. For

many legislators this a heavy burden because the advent of television has made election campaigns much more expensive. This is especially true in states and congressional districts with multiple viewing areas.

Campaign finance records reveal that incumbents tend to have a distinct advantage in raising funds from interest groups and individual contributors. This occurs because interest groups are concerned about legislative votes in the current session as well as in the future. They don't buy votes directly, but by making campaign contributions they usually gain greater access to present their views and have them listened to.

The superior fundraising capacity of incumbents is one source of discontent that has led to the term limit movement. Term limit advocates deplore the fact that many local, state, and national legislators keep getting reelected. They attribute this to the unfair advantage that incumbents have in fundraising and, in the case of members of Congress, with the mailing frank. Not seeing a way to alter this advantage, those who want to displace

incumbents who can't be defeated at the polls have turned to the term limit remedy.

As chapter 5 pointed out, term limits are anti-democratic because they restrict the choice of voters in each district to select their own representative. However, the concern for incumbent advantage in campaign fundraising is valid for two reasons. First, it tends to give moneyed interests an unfair advantage in gaining greater access to elected officials than the average citizen can achieve. Second, it absorbs a lot of time of legislators, thereby detracting them from their legislative duties.

The best remedy is not term limits, but campaign finance reform, a subject dealt with in chapter 9.

### **EXECUTIVE OFFICIALS**

Like legislators, mayors, county executives, governors, the president of the United States, and other elected executive officials often want to be reelected if they are eligible for another term. (Historically term limits have

been more common for chief executives than legislators, especially for governors). So they position themselves for reelection as they go about their duties. But even most of those not seeking reelection give lots of attention to public opinion.

Usually an elected chief executive has a distinct advantage over legislators in gaining publicity. A city has only one mayor, a state only one governor, the nation only one president whereas city councils, state legislatures, and Congress have many members. The same pattern prevails in counties with an elected executive and county council, compared to the older pattern of a board of county commissioners. In these situations the chief executive is a central focus of media attention while legislative leadership is much more spread out. Moreover, the executive process is more action-oriented than the deliberative processes of legislative bodies, and this generates greater publicity.

Even so elected chief executives do many of the same things legislators do

to communicate with their constituents and stay in touch with them: issue news releases, hold press conferences, grant interviews to print and broadcast journalists, appear on radio and television shows, speak at community meetings and conventions, appear at public events, attend funerals. In addition, the chief executive can call upon a host of appointed officials to perform similar outreach. In the process they are in touch with a variety of group constituencies, who are told how the chief executive shares their concerns.

Citizens who want to influence chief executives can take advantage of these opportunities: invite them to meetings, catch them when they are making public appearances, call in when they are on radio and television shows. When cabinet members and department heads appear instead of the chief executive, citizens can send messages to the chief executive through them.

Lobbying executive officials is different than lobbying legislators, for

executive policy-making processes are usually not as open and ordinarily don't follow a set procedure and timetable. There are no bills or proposed ordinance to study, support, oppose, or propose amendments, although chief executives often develop legislative proposals (commonly out of public view). Nevertheless, some key policy processes take place regularly, the most important being the annual operating budget. Also, vacancies in top appointive positions occur, and who gets the job affects future policy decisions in the particular department. So there are matters on which citizens can lobby chief executives. We'll examine techniques to influence executive decision making in chapters 14, 15, and 16.

If the mayor, county executive, governor, or president is positioning himself or herself to run for reelection or for another office, citizens can recognize the positioning process and take advantage of it in their efforts to influence executive policy decisions. But even if he or she isn't going to seek elective office again, citizens can keep executive officials constantly alert and

*thereby more accountable to the public they were elected to serve.*

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*In sum, American democracy needs constant interaction between citizens and elected officials from the legislative and executive branches. Citizens have as much responsibility as elected officials for initiating and maintaining these relationships. The natural processes of American democracy provide numerous opportunities for continuously keeping incumbents on their toes. Being engaged in this, or some other task of year-round democracy, distinguishes a responsible citizen from a chronic complainer.*

*June 5, 1995*

## Chapter Thirteen

# Persistent Lobbying: Better Than Squawk Talk

During the last several years radio and television talk show hosts have become major players in the political arena. They have taken single issues, such as congressional pay raises, perks for members of Congress, proposed tax increases, regulation of lobbying, and other matters, and have encouraged citizens to air their views and call or write members of Congress. They have demonstrated a capability to flood the capitol switchboard in Washington, D.C.

In contemporary America this kind of squawk talk is another way to send a message to public officials. In a historic sense it is part of the protest tradition, which has various times has featured marches, rallies, teach-ins, sit-ins, and diverse methods of civil disobedience. It is an honorable heritage. It helps maintain a healthy democracy, for protest reveals aches

and pains that require attention.

Valuable as it is for message sending, squawk talk is limited in its ability to achieve solutions for significant public problems. Usually it is negative, attempting to block legislation or repeal a recently adopted measure. Rarely does it bring support for positive, problem-solving legislation. Moreover, squawk talk impacts only a tiny fraction of legislative business conducted throughout the year.

To exercise much deeper, more-lasting influence on a broader range of legislation, much greater stick-to-itiveness is necessary. This is the trait displayed by numerous interest groups. That's why they are so influential as lobbyists with Congress, state legislatures, and city and county councils. Citizen activists who want to be similarly influential over the long haul can learn from them and apply practices of effective lobbyists.

## HOW LEGISLATIVE BODIES FUNCTION

*General government in the United States has numerous legislative bodies: the U.S. Congress, 50 state legislatures, five territorial legislatures, and the governing bodies of 3,043 counties, 19,279 municipalities, and 16,656 towns and townships. To lobby them effectively you need to know how they are organized and how they function. As a starting point, here are some key axioms derived from the experience of successful lobbyists,*

- *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 particular 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.

## **TIMING**

Successful lobbyists realize that good timing is essential for achieving legislative success. They know and follow both the electoral and legislative calendars. They understand that their work begins long before the legislative session opens. It starts during the election campaign and continues after the election. During the campaign interest groups engage in a variety of activities we have considered in previous chapters. This helps them get in position to be influential once the legislature convenes.

### **Legislative Calendar**

Effective lobbyists know the legislative roadway thoroughly (see chapter 4 for a pictorial depiction). They are aware of 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.

### **Bill Drafting**

A variety of authors draft bills for introduction into the legislative hopper: legislators themselves, their personal staff, legislative committee staff, a bill-drafting office of the legislative body, staff of the elected chief executive, operating departments, and interest groups. In many instances a bill is a product of a triangular relationship of legislative committee staff, departmental staff, and an interest group or coalition.

The way legislation is originally drafted is quite influential. Bills as introduced provide the focus for public hearings and committee discussion and serves as the framework for amendments.

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 in formulating legislation affecting their jurisdictions.

Cause-oriented organizations with a sizable lobbying and research staff focus on matters of their concern. During the drafting stage these various lobbyists pay attention to both executive officials and legislators, and they seek to become part of the network that produces legislative proposals.

### **Introduction of Bills**

A bill may be introduced 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. Sometimes advocacy organizations 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 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 or more adverse 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.

### **Public Hearings**

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 than are state legislatures to hear from all who want to speak.

Citizens who have an opportunity to testify at a legislative hearing should prepare a written statement that will become part of the hearing record. At the hearing, though, they should speak directly to committee members, maintaining eye-to-eye contact, without reading their statement. In their testimony they should 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.

### **Committee Mark Up**

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 can correct flaws, can yield compromises that broaden the support for the legislation, or 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 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.

### **Floor Action**

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.

In Washington lobbyists and lobbying coalitions commonly divide members of Congress into five categories, based on their positions on particular issues. "1" is most supportive and "5" is least supportive.

Lobbyists give particular attention on the "3's", the swing vote. They try to pick up some "4's" and keep in touch with the "2's" so that they don't stray from the fold. The "1's" they tend to take for granted and consider the "5's" as hopeless.

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.

### **Conference Committee**

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 along the legislative roadway. 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 exercise quiet influence and friendly persuasion at many points along the way.

### **GRASSROOTS LOBBYING**

Frequently lobbyists based in Washington and state capitols tie in with grassroots networks and mobilize persons from around the country and the state at particular times in the legislative process. In addition, numerous grassroots organizations initiate lobbying on their own without full-time representation at the capitol. This effort, too, must have an acute awareness of the legislative calendar.

Grassroots organizations can anticipate their legislative agenda by getting involved in the election campaign, supporting candidates favorable to their point of view, and developing personal relationships. Their specific legislative efforts can 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 can be a powerful combination. 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 an integrated operation. 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.*

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*In some circles, lobbying has a bad name. That's because of the sometimes corrupting influence of money, especially as dispersed by economic interest groups and sought from them by a few unscrupulous legislators. But apart from such abuses, lobbying contributes to a healthy democracy. It an essential part of the consent process because it articulates the views and preferences of citizens and interest groups between elections.*

*Lobbying is an occupation open to all comers. It is another worthy calling for citizens committed to making government of, by, and for the people to function more effectively.*

*January 18, 1995*

Chapter Fifteen

## It's Our Money: Citizen Roles in Budget Making

*Government spending is a big issue in American politics. So is taxation.*

*We citizens like many of the services that our governments provide (though not all of them), but we wish our taxes were lower. Our inconsistency comes to focus in the annual budgetary process of our various governments.*

*The budget is the most consequential policy document adopted by governmental units on a regular basis. By allocating resources the budget determines what various public agencies will do in the coming year and who will benefit from their services. By demarcating revenue sources the budget indicates who will pay for services, capital projects, and other governmental activities.*

*Budget making is not an easy process. It forces agonizing choices among competing programs. It pits worthy cause against worthy cause,*

interest groups against interest groups. It raises the specter of tax increases, which are likely to be unpopular. It offers temptations to use "smoke and mirrors", as they say in Washington, to pretend to solve budget difficulties while not really doing so. It leads to displays of hypocrisy: talking big about the need for balanced budgets but never taking the drastic actions necessary to bring it about. The result is deficit spending, especially in the federal government. In efforts to lower governmental taxation and spending, citizen groups and certain political leaders in recent years have pushed through measures to set ceilings on property taxes in a number of states and localities. Because most state and local governments are required to balance revenue and operating expenditures, revenue curtailment forces elected officials to decide which programs to cutback or eliminate.

During this same period advocates of reduced federal spending have championed a balanced budget amendment to the U.S. Constitution. It would require that expenditures not exceed revenues except in cases of

*national emergency. Among other reasons offered, proponents insist that Congress and the president need the discipline of a constitutionally imposed requirement to balance the budget.*

*Previous to 1995 this proposition came up several times in Congress but never mustered the two-thirds vote in both Houses required for a constitutional amendment. In 1995 the balanced budget amendment passed the House of Representatives, but lost by one vote in the Senate. However, it remains on the agenda and is likely to come up again.*

*Looking back 15 years, we can note that both President Ronald Reagan and President George Bush strongly favored a balanced budget amendment. Yet, neither of them ever submitted a balanced budget to Congress or offered a long-range plan that would achieve a balanced budget. Rather they pursued spend-and-borrow policies that more than quadrupled the federal debt in their combined twelve years in office, rising from \$700 billion in 1981 to \$3.2 trillion in 1993.*

The balanced budget amendment considered by the 104th Congress in 1995 would require the federal budget to be in balance by 2002. However, before this amendment came to a vote, Republicans leaders refused to offer a detailed plan on how this objective could be achieved. They explained that "special interests" would mobilize to block a balanced budget amendment if they knew for certain that their programs would be cut. Their unstated message to the American people was: "we don't trust you to know the facts and support us as we act responsibly."

Subsequently, however, both the House and Senate budget committees produced seven-year plans to eliminate the annual federal deficit by 2002. A congressional majority approved a compromise plan in 1995. Then authorization and appropriations committees went to work on details applicable to the fiscal year ending September 30, 1996.

This same process of budget resolution, authorization, and appropriation

will be repeated in the following years. So the battle over the federal budget will be an ongoing saga in the years ahead. It's a process which should have much fuller citizen participation. After all, it's our money they're spending.

### **CONVENTIONAL BUDGETARY PROCESS**

Unfortunately citizens are mostly shut out of the federal budgetary process the way it now works. And citizen participation in most local and state budget making is fairly limited, too.

#### **Current Federal Practices**

The federal budgetary 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 or in early February.

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. In a break with this established pattern, the House Budget Committee under new Republican leadership held hearings at several locales around the country in February 1995 on general budget alternatives, though not on a precise budget proposal.

By May or June Congress adopts the budget resolution, which establishes spending levels for 18 major functions and outlines the revenue package to

pay for the budget. Usually the House of Representatives and the Senate pass different versions. The differences are ironed out in a conference committee and brought back to each chamber for passage.

By then two other sets of committees are active in both chambers.

Authorization committees, each dealing with major sets of programs (such as agriculture, labor and human resources, national security), start holding hearings on what expenditures to authorize for the coming fiscal year.

Meanwhile subcommittees of the appropriations committees in each chamber begin hearings on how much money to appropriate.

These committees and subcommittees hear both government and civilian experts, generally with a broader range of witnesses than the budget committees. But they usually don't bring in many representatives of membership-based, citizen advocacy organizations. Nevertheless, advocacy organizations busily undertake direct lobbying and mount grassroots campaigns to influence decisions of authorization and appropriations

committees. Only at this advanced stage is citizen input very strong.

### **Local and State Budgetary Practices**

Like the federal government, the budgets of most local and state governments in the United States today are drawn up by the chief executive and adopted by the legislative body. The chief executive is mayor, county executive, city or county manager, governor, superintendent of schools, or chief administrator of a special district. The legislative body is city or county council, state legislature, school board, or special district commission.

Usually the chief executive is assisted by a budget officer, who seeks requests from operating departments and draws them together into a comprehensive budget. The chief executive submits the budget to the legislative body and publishes it for public consideration. The legislative body holds public hearings to take testimony from departmental representatives and citizens, makes revisions it deems appropriate (sometimes following negotiations with the chief executive), and then adopts the budget.

In this typical process citizen involvement usually doesn't occur until fairly late. After the budget is published, citizens analyze it, testify at public hearings of the legislative body, and lobby legislators to support certain items or to adopt particular amendments. Only very sophisticated interest groups are involved earlier by contacting specific departments and asking them to seek funding for a particular service or project in the departmental budget requests. These interests may even carry their advocacy to the chief executive.

In this pattern citizens may be able to affect certain aspects of the budget, but they have very little influence on overall budget priorities. Because most local and state budgets have to balance expenditures and revenues, it is difficult to make major changes after the budget has been published. An increased expenditure for one item has to be balanced by a decrease elsewhere or by revenue increases. That's hard to accomplish that late in the budgetary process.

## ACHIEVING FULLER CITIZEN PARTICIPATION

*Because the budget is such an important instrument of governmental policy, much fuller citizen involvement in budget-making is essential.*

*Fortunately there is some valuable experience in a number of cities to build upon. There are also some experimental efforts to help citizens learn more about the federal budget and the hard choices which must be made.*

### **Significant Local Experience.**

*Several cities in the United States are an exception to the conventional pattern of budget-making. They 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.*

*They have several common ingredients.*

*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, and 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.

### **Participatory Budget-Making**

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. Citizens are doing this at the same time that city departments are engaged in their own advanced preparations.

*Stage Two: Departmental Requests.* Just before city departments start working out their budget in detail, 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: Putting Budget Together.* The budget office receives departmental and citizen requests, reviews them, and puts them together in a total budget. Similarly a citywide citizen advisory committee or a set of citizen task forces reviews 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 in making its composite recommendation.

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

*Stage Five: Council Adoption.* 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. Sometimes, though, they will propose adjustments and upon occasion will oppose certain elements. City council retains its authority to amend and adopt the budget. In many jurisdictions the elected chief executive has final approval, including the right to veto certain items or the entire budget.

*Stage Six: Implementation.* Citizen organizations are less involved in the implementation stage, but a citywide advisory committee may be consulted about proposed major 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 to 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.*

*The cities cited -- New York, Dayton, St. Paul, and Portland, Oregon -- have 15 to 20 years experience with participatory budget-making. The process is built into the New York City Charter and is established by city ordinance in the other cities. St. Paul's process is also a local elaboration of state law. Citizens and local officials elsewhere could benefit from studying this experience and adapting it to their situation.*

***Citizens and the Federal Budget***

Matters of scale make it difficult to replicate these techniques of local citizen participation in the federal budget process. There are, though, other ways to achieve much fuller citizen involvement in federal budget-making.

At the present time two levels of citizen participation are needed:

- (1) working out overall national priorities of expenditures and taxation and
- (2) dealing with the annual budgetary process.

**Setting national priorities.** At this writing (June 1995) our elected political leaders -- the president and members of Congress -- are still trying to agree upon a long-range budgetary plan to eliminate the annual federal deficit, or at least reduce it to a tolerable level. This is not a one-time decision because every year a new budget has to be developed and approved. It's a process in which we citizens need to have a greater role.

What is urgently needed is a systematic national dialogue on the federal budget with everything on the table: defense, tax breaks, tax rates, interest payments, social security, agriculture and business subsidies, other

entitlements, and every governmental program. Many of these were left off the table in 1995 by Congress in adopted its seven-year deficit reduction plan.

As one means of achieving wider participation in federal budget making, citizen budget forums should be held in every congressional district in the United States. A start in this direction has been made by the Committee for a Responsible Budget, a bipartisan organization based in Washington, D.C., which has conducted forums of this type in a number of locales.

Furthermore, the Kettering Foundation and the Public Agenda Foundation have sponsored issue forums around the country on a variety of subjects during the past 15 years, as we'll review in the next chapter. This is solid experience to build upon.

To be truly effective, citizen budget forums should examine budget choices that include alternatives not considered "political feasible" by conventional wisdom. Here are some examples.

The present military budget is based upon an assumption that the United States might have to fight simultaneously two regional wars without allies: one in the Korean peninsula, the other in the Middle East. Respectable organizations, such as the Committee for National Security, the Center for Defense Information, and the Federation of American Scientists, have questioned this assumption and have developed budgetary proposals with substantial reductions in defense spending. Another matter is the role of the United States in dealing with ethnic strife and civil conflict in other nations, which is the principal threat to world peace in this era. These are issues to consider in determining the appropriate level of military spending.

The federal budget contains "entitlements" for individuals, such as social security, medicare, medicaid, welfare assistance, and subsidies for segments of the economy, such as agriculture. There are also what are called "tax expenditures", that is, tax deductions beneficial only to certain taxpayers, such as homeowners, real estate investors, and business corporations.

*Congress, the president, and even a special bipartisan commission haven't been able to develop acceptable limits to these high-cost items. Citizen budget forums could come to grips with these significant expenditures in the federal budget and offer recommendations.*

*Taxes should be considered, including the possibility of tax increases and forgoing of tax cuts in order to help lower the federal deficit.*

*Interest on the federal debt must be paid, so it is usually off the table of budgetary discussion. But perhaps some citizens would come up with ideas on public debt financing which would lower interest costs. Maybe not, but the matter should be on the table.*

*And so should every single program in the federal budget.*

*These citizen budget forums should be ongoing enterprises, not merely one-shot affairs. Perhaps some national organizations could agree on an agenda through which different topics would be taken up in successive months. They could prepare and publish nonpartisan background material*

on a range of budget choices. To reach a widespread audience such material could be distributed through supplements in daily and weekly newspapers and in special tabloids sold at supermarkets and drug stores. Public and commercial television could put on programs with discussion of the issues by experts and representatives of interest groups.

Final decisions would remain with the president and Congress. But these elected officials may discover that citizens, if given the opportunity, will work out recommendations that go beyond narrow interests and seek what is best for the nation as a whole.

**Annual participation.** In addition to citizen budget forums dealing with broad priorities, citizens should have ample opportunities to be heard each year during preparation of the president's budget and later at congressional hearings.

Thus, in September and October when the departments are working on their budgets, the cabinet secretaries could hold public hearings so that a

*cross-section of interests and the general public could offer recommendations for the departmental budget. Regional and area directors of various departments could conduct similar hearings around the country. The president could 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 and area directors could 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.*

*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 could be asked the three key questions: what expenditures do you propose, what expenditure reductions and revenue increase do you favor to pay for it? Citizens could be asked not only to make recommendations on expenditure cuts and revenue measures, but also to pledge to support these measures, no matter how unpopular.*

## *Participation in State Budget-Making*

*State governments could embark upon a similar process for early and continuing citizen involvement in budget making. Citizen budget forums could function around each state. 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. They could use television linkage to hear from witnesses scattered around the state and could conduct field hearings.*

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*Because many crucial public-policy decisions are made in the course of developing federal, state, and local budgets, it is highly important that citizens be involved in the early stages of budget-making. Although executive budget makers and legislators might find this an intrusion into what they have considered their exclusive domain, it would bring much*

*greater democratic participation into this highly important process of governmental decision-making. Most likely it would result in superior budget decisions and would gain greater public acceptance of tough budget choices.*

#### **REFERENCES**

*For ideas on how to exert influence in typical local budget making, obtain  
Citizen Involvement in the Local Budget Process from*

*Center for Community Change  
1000 Wisconsin Avenue, NW  
Washington, DC 20007.*

*For information on how to conduct budget forums, contact*

*Committee for a Responsible Federal Budget  
220½ E Street, NE  
Washington, DC 20002*

*For information on how to conduct issue forums, contact*

*Kettering Foundation  
200 Common Road  
Dayton, Ohio 45459.*

*June 5, 1995*

Chapter Fifteen

## It's Our Money: Citizen Roles in Budget Making<sup>1</sup>

*Government spending is a big issue with us taxpayers. Although we seldom admit it, we have contradictory attitudes. We want a wide variety of governmental services we find beneficial, but we wish taxes weren't so high. Therefore, we look around at what our governments are doing. We discover programs that don't serve us directly and think that they should be cut back or eliminated. Yet, other citizens and taxpayers find these services beneficial and want them continued. They may even look at our favorite programs and want them abolished.*

*In the last twenty years some taxpayers have gone beyond trying to*

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<sup>1</sup> This draft was written on January 18, 1995 as the 104th Congress was considering a balance budget amendment to the U.S. Constitution and various budget-cutting proposals. It will be revised later to reflect these events.

*reduce government spending by means of specific program cutbacks.*

*Instead in numerous states and localities they have pushed tax limitation propositions measures that set ceilings for property taxes. Because most state and local governments are required to balance revenue and expenditures, revenue curtailment forces elected officials to decide which programs to cutback or eliminate.*

*Because the federal government has no balanced budget requirement, advocates of federal tax reduction and spending cutbacks have been pushing for a constitutional amendment requiring that annual federal expenditures not exceed incoming revenues.*

*Both President Ronald Reagan and President George Bush favored such a measure. In practical terms, however, neither of them ever submitted a balanced budget to Congress or offered a specific, long-range plan that would achieve a balanced budget. Rather they pursued spend-and-borrow policies that more than quadrupled the federal debt in their combined twelve years in*

office, rising from \$700 billion in 1981 to \$3.2 trillion in 1993.

Now Republicans who control both houses of Congress have taken up the cause for a balanced budget amendment. Like the last two Republican presidents they are doing so without offering a detailed plan for how it can be achieved by 2002, the proposed effective date. Republican congressional leaders state that "special interests" would mobilize to block a balanced budget amendment if they knew for certain that their programs would be cut. Their unstated message to the American people is: "we don't trust you to know the facts and act responsibly."

For a balanced budget amendment to go into effect, it must have a favorable vote of two-thirds of the membership of both the House of Representatives and the Senate and ratification by three-fourths of the states. At this writing Congress hasn't yet acted, so the outcome isn't known.

Nor is it known what government spending would be cut to achieve a

balanced budget, or whether taxes would be increase. As an indicator, Republicans during the 1994 congressional election campaign promised to cut federal taxes, increase defense spending, and leave social security untouched. They would have to maintain Interest payments on the federal debt. Together defense, social security, and interest payments make up half the federal budget.

The remaining half contains items such as revenue collection, veterans payments, prisons, law enforcement, and some other functions that are practically and politically off limits for budget reductions. This means that domestic programs would bear the entire brunt of budget-balancing.

During the election campaign prominent Republicans indicated an intent to reduce basic food, cash, housing, medical, child care and other benefits for poor families and individuals. But since that isn't enough for needed deficit reduction, substantial cuts would also have to occur in funding for Medicare, education, student loans, school lunches, transportation, environmental

protection, and numerous grants to state and local government. This will make budget-balancing a highly controversial process.

But whether or not a balanced budget amendment is added to the U.S. Constitution, the current debate has highlighted the importance of governmental budget-making and the taxing and appropriation processes that implement the budget. This is proper, for the annual budget is the most consequential set of governmental policies adopted on a regular basis. By allocating resources the budget determines what various public agencies will do in the coming year and who will benefit from their services. By demarcating revenue sources the budget indicates who will pay for services, capital projects, and other governmental activities.

As significant as it is, budget-making isn't an easy process. It forces agonizing choices among competing programs. It pits worthy cause against worthy cause, interest groups against interest groups. It raises the specter of tax increases, which are likely to be unpopular. It offers temptations to

use "smoke and mirrors", as they say in Washington, to pretend to solve budget difficulties while not really doing so. It leads to displays of hypocrisy: talking big about the need for balanced budgets but never taking the drastic actions necessary to bring it about.

Because budgets are so important, full-scale citizen participation in their development and adoption is essential. Yet, this doesn't happen today in most governmental jurisdictions in the United States, least all in federal budget-making. Fuller participation is something we citizens should insist upon. After all, it's our money that public officials are spending.

### TYPICAL PROCESS

In most governmental jurisdictions in the United States today, the budget is drawn up by the chief executive and adopted by the legislative body. The chief executive may be mayor, county executive, city or county manager, governor, president, superintendent of schools, or chief administrator of a special district. The legislative body is city or county council, state

legislature, Congress, school board, or special district commission.

Usually the chief executive is assisted by a budget officer, who seeks requests from operating departments and draws them together into a comprehensive budget. The chief executive submits the budget to the legislative body and publishes it for public consideration. The legislative body holds public hearings to take testimony from departmental representatives and citizens, makes revisions it deems appropriate (sometimes following negotiations with the chief executive), and then adopts the budget.

In this typical process citizen involvement usually doesn't occur until fairly late. After the budget is published, citizens analyze it, testify at public hearings of the legislative body, and lobby legislators to support certain items or to adopt particular amendments. Only very sophisticated interest groups are involved earlier by contacting specific departments and asking them to seek funding for a particular service or project in the departmental budget requests. These interests may even carry their advocacy to the chief

executive.<sup>2</sup>

In this pattern citizens may be able to affect certain aspects of the budget, but they have very little influence on overall budget priorities.

Because most budgets have to balance expenditures and revenues (or in the case of the federal government not exceed a previously agreed-upon deficit), it is difficult to make major changes after the budget has been published. An increased expenditure for one item has to be balanced by a decrease elsewhere or by revenue increases. That's hard to accomplish that late in the budgetary process.

### **LOCAL EXPERIENCE WITH FULLER PARTICIPATION**

Several cities in the United States, however, are an exception to this typical pattern. They invite citizens to participate from the earliest stage as working partners, and indeed use public funds to make this possible. They

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<sup>2</sup> For ideas on how to exert influence in typical local budget-making, see *Citizen Involvement in the Local Budget Process*, published by Center for Community Change, 1000 Wisconsin Avenue, NW, Washington, DC 20007.

include New York, Dayton, St. Paul, and Portland, Oregon. We can learn from their experience. They have several common ingredients.

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, and 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.

### **Participatory Budget-Making**

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. Citizens are doing this at the same time that city departments are engaged in their own advanced preparations.

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

working out their budget in detail, 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: Putting Budget Together.* The budget office receives departmental and citizen requests, reviews them, and puts them together in a total budget. Similarly a citywide citizen advisory committee or a set of citizen task forces reviews 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 in making its composite recommendation.

*Stage Four: Chief Executive Determination.* As the earlier stages have

proceeded, the mayor or city manager is kept abreast of citizen recommendations as well as departmental requests and provides guidance to the budget office on how to respond. The chief executive takes into consideration these varied requests in making final decisions on the budget to submit to city council.

*Stage Five: Council Adoption.* 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. Sometimes, though, they will propose adjustments and upon occasion will oppose certain elements. City council retains its authority to amend and adopt the budget. In many jurisdictions the elected chief executive has final approval, including the right to veto certain items or the entire budget.

*Stage Six: Implementation.* Citizen organizations are less involved in the implementation stage, but a citywide advisory committee may be consulted about proposed major 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 to 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.

#### **CITIZEN INVOLVEMENT IN FEDERAL BUDGET MAKING**

In contrast to these examples of full citizen participation local

*budget-making, the development of the federal budget is one of the most secretive, least participatory processes found in government today.*

### ***Current Process***

*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 with a broader range of witnesses than the budget committees, but they usually don't bring in many*

representatives of membership-based, citizen advocacy organizations.

Nevertheless, advocacy organizations busily undertake direct lobbying and mount grassroots lobbying campaigns to influence decisions of authorization and appropriations committees. Only at this advanced stage is citizen input very strong.

### **Achieving Greater Citizen Participation**

The federal budget process could be significantly improved through much fuller citizen involvement. This can occur through opportunities for citizens to be heard during preparation of the president's budget and later at congressional hearings. There can also be ongoing consideration of budget issues by citizen groups around the country.

Thus, in September and October when the departments are working on their budgets, the cabinet secretaries could hold public hearings so that a cross-section of interests and the general public could offer recommendations for the departmental budget. Regional and area directors of various

departments could conduct similar hearings around the country. The president could 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 and area directors could 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.

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 could be asked the three key questions: what expenditures do you propose, what expenditure reductions and revenue increase do you favor to pay for it? Citizens could be asked not only to make recommendations on expenditure cuts and revenue measures, but also to pledge to support these measures, no matter how unpopular.

In preparation for involvement in budget making, citizens could participate in issue forums around the country with a focus on spending priorities and revenue matters. There could be one or more ongoing federal

*budget forums in each congressional district, offering regular input to members of Congress and the federal executive. In the next chapter we will consider how these kind of forums can function.*

*State governments could embark upon a similar process for early and continuing citizen involvement in budget making. Citizen budget forums could function around each state. 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.*

*Because many crucial decisions are made in the course of developing federal, state, and local budgets, it is highly important that citizens be involved in the early stages of budget-making. Although executive budget-makers and legislators might find this an intrusion into what they have considered their exclusive domain, it would bring much greater*

democratic participation into this highly important process of governmental decision-making.

January 18, 1995

Excerpt from book manuscript  
*More Democracy, Not Less: Making OUR Governments Work for US*  
by Howard W. Hallman

Chapter Fifteen  
**It's Our Money:  
Citizen Roles in Budget Making**

*Government spending is a big issue in American politics. So is taxation. We citizens like many of the services that our governments provide (though not all of them), but we wish our taxes were lower. Our inconsistency comes to focus in the annual budgetary process of our various governments.*

*The budget is the most consequential policy document adopted by governmental units on a regular basis. By allocating resources the budget determines what various public agencies will do in the coming year and who will benefit from their services. By demarcating revenue sources the budget indicates who will pay for services, capital projects, and other governmental activities.*

*Budget-making is not an easy process. It forces agonizing choices among competing programs. It pits worthy cause against worthy cause, interest groups against interest groups. It raises the specter of tax increases, which are likely to be unpopular. It offers temptations to use "smoke and mirrors", as they say in Washington, to pretend to solve budget difficulties while not really doing so. It leads to displays of hypocrisy: talking big about the need for balanced budgets but never taking the drastic actions necessary to bring it about. The result is deficit spending, especially in the federal*

government.

In efforts to lower governmental taxation and spending, citizen groups and certain political leaders in recent years have pushed through measures to set ceilings on property taxes in a number of states and localities. Because most state and local governments are required to balance revenue and operating expenditures, revenue curtailment forces elected officials to decide which programs to cutback or eliminate.

During this same period advocates of reduced federal spending have championed a balanced budget amendment to the U.S. Constitution. It would require that expenditures not exceed revenues except in cases of national emergency. Among other reasons offered, proponents insist that Congress and the president need the discipline of a constitutionally imposed requirement to balance the budget.

Previous to 1995 this proposition came up several times in Congress but never mustered the two-thirds vote in both Houses required for a constitutional amendment. In 1995 the balanced budget amendment passed the House of Representatives, but lost by one vote in the Senate. However, it remains on the agenda and is likely to come up again.

Looking back 15 years, we can note that both President Ronald Reagan and President George Bush strongly favored a balanced budget amendment. Yet, neither of them ever submitted a balanced budget to Congress or offered a long-range plan that would achieve a balanced budget. Rather they pursued spend-and-borrow policies that more than quadrupled the federal debt in their combined twelve years in office, rising from \$700 billion in 1981 to \$3.2 trillion in 1993.

The balanced budget amendment considered by the 104th Congress in

1995 would require the federal budget to be in balance by 2002. However, before this amendment came to a vote, Republican leaders refused to offer a detailed plan on how this objective could be achieved. They explained that "special interests" would mobilize to block a balanced budget amendment if they knew for certain that their programs would be cut. Their unstated message to the American people was: "we don't trust you to know the facts and support us as we act responsibly."

This is a sad commentary on American democracy. We the people should not be satisfied with this conclusion, even though we may have led political leaders to think it is true. Rather we need to find ways to work with our elected representatives to achieve fiscal discipline in federal spending and taxation whether or not it is required by a constitutional amendment. We need to insist on fuller citizen participation. After all, it's our money they're spending.

### **CONVENTIONAL BUDGETARY PROCESS**

Unfortunately citizens are mostly shut out of the federal budgetary process the way it now works. And citizen participation in most local and state budget-making is fairly limited, too.

#### **Current Federal Practices**

The federal budgetary 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 or in early February.

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. In a break with this established pattern, the House Budget Committee under new Republican leadership held hearings at several locales around the country in February 1995 on general budget alternatives, though not on a precise budget proposal.

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. Usually the House of Representatives and the Senate pass different versions. The differences are ironed out in a conference committee and brought back to each chamber for passage.

By then two other sets of committees are active in both chambers. Authorization committees, each dealing with major sets of programs (such as agriculture, labor and human resources, national security), start holding hearings on what expenditures to authorize for the coming fiscal year. Meanwhile subcommittees of the appropriations committees in each chamber begin hearings on how much money to appropriate.

*These committees and subcommittees hear both government and civilian experts, generally with a broader range of witnesses than the budget committees. But they usually don't bring in many representatives of membership-based, citizen advocacy organizations. Nevertheless, advocacy organizations busily undertake direct lobbying and mount grassroots campaigns to influence decisions of authorization and appropriations committees. Only at this advanced stage is citizen input very strong.*

### **Local and State Budgetary Practices**

*Like the federal government, the budgets of most local and state governments in the United States today are drawn up by the chief executive and adopted by the legislative body. The chief executive is mayor, county executive, city or county manager, governor, superintendent of schools, or chief administrator of a special district. The legislative body is city or county council, state legislature, school board, or special district commission.*

*Usually the chief executive is assisted by a budget officer, who seeks requests from operating departments and draws them together into a comprehensive budget. The chief executive submits the budget to the legislative body and publishes it for public consideration. The legislative body holds public hearings to take testimony from departmental representatives and citizens, makes revisions it deems appropriate (sometimes following negotiations with the chief executive), and then adopts the budget.*

*In this typical process citizen involvement usually doesn't occur until fairly late. After the budget is published, citizens analyze it, testify at public hearings of the legislative body, and lobby legislators to support certain items or to adopt particular amendments. Only very sophisticated interest groups are involved earlier by contacting specific departments and asking them to*

seek funding for a particular service or project in the departmental budget requests. These interests may even carry their advocacy to the chief executive.<sup>1</sup>

In this pattern citizens may be able to affect certain aspects of the budget, but they have very little influence on overall budget priorities. Because most local and state budgets have to balance expenditures and revenues, it is difficult to make major changes after the budget has been published. An increased expenditure for one item has to be balanced by a decrease elsewhere or by revenue increases. That's hard to accomplish that late in the budgetary process.

### ACHIEVING FULLER CITIZEN PARTICIPATION

Because the budget is such an important instrument of governmental policy, much fuller citizen involvement in budget-making is essential. Fortunately there is some valuable experience in a number of cities to build upon. There are also some experimental efforts to help citizens learn more about the federal budget and the hard choices which must be made.

#### **Significant Local Experience.**

Several cities in the United States are an exception to the conventional pattern of budget-making. They invite citizens to participate from the earliest stage as working partners, and indeed use public funds to make this

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<sup>1</sup> For ideas on how to exert influence in typical local budget-making, see *Citizen Involvement in the Local Budget Process*, published by Center for Community Change, 1000 Wisconsin Avenue, NW, Washington, DC 20007.

possible. They include New York, Dayton, St. Paul, and Portland, Oregon. They have several common ingredients.

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, and 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.

### **Participatory Budget-Making**

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. Citizens are doing this at the same time that city departments are engaged in their own advanced preparations.

*Stage Two: Departmental Requests.* Just before city departments start working out their budget in detail, 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: Putting Budget Together.* The budget office receives departmental and citizen requests, reviews them, and puts them together in a total budget. Similarly a citywide citizen advisory committee or a set of citizen task forces reviews 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 in making its composite recommendation.

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

submit to city council.

*Stage Five: Council Adoption.* 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. Sometimes, though, they will propose adjustments and upon occasion will oppose certain elements. City council retains its authority to amend and adopt the budget. In many jurisdictions the elected chief executive has final approval, including the right to veto certain items or the entire budget.

*Stage Six: Implementation.* Citizen organizations are less involved in the implementation stage, but a citywide advisory committee may be consulted about proposed major 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 to 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.

The cities cited -- New York, Dayton, St. Paul, and Portland, Oregon --

have 15 to 20 years experience with participatory budget-making. The process is built into the New York City Charter and is established by city ordinance in the other cities. St. Paul's process is also a local elaboration of state law. Citizens and local officials elsewhere could benefit from studying this experience and adapting it to their situation.

### **Citizens and the Federal Budget**

Matters of scale make it difficult to replicate these techniques of local citizen participation in the federal budget process. There are, though, other ways to achieve much fuller citizen involvement in federal budget-making. At the present time two levels of citizen participation are needed:

- (1) working out overall national priorities of expenditures and taxation and
- (2) dealing with the annual budgetary process.

**Setting national priorities.** At this writing (March 1995) our elected political leaders -- the president and members of Congress -- have failed to come up with a long-range budgetary plan to bring down the annual federal deficit to an tolerable level, much less eliminate it altogether. Therefore, we citizens need to pitch in and help find acceptable solutions.

We can do this by instituting a systematic national dialogue on the federal budget with everything on the table: defense, tax breaks, tax rates, interest payments, social security, agriculture and business subsidies, other entitlements, and every governmental program. One approach would be to organize citizen budget forums in every congressional district in the United States.

There is a solid body of experience to build upon. The Committee for a Responsible Budget, a bipartisan organization based in Washington, D.C., has

*conducted forums of this type in a number of locales. And the Kettering Foundation and the Public Agenda Foundation have sponsored issue forums around the country on a variety of subjects during the past 15 years, as outlined in the next chapter.<sup>2</sup>*

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<sup>2</sup> *To obtain information on how to conduct budget and issue forums, contact The Committee for a Responsible Federal Budget, 220½ E Street, NE, Washington, DC 20002 and The Kettering Foundation, 200 Common Road, Dayton, Ohio 45459.*

To be truly effective, citizen budget forums should examine budget choices that include alternatives not considered "political feasible" by conventional wisdom. Here are some examples.

The present military budget is based upon an assumption that the United States might have to fight simultaneously two regional wars without allies: one in the Korean peninsula, the other in the Middle East. Respectable organizations, such as the Committee for National Security, the Center for Defense Information, and the Federation of American Scientists, have questioned this assumption and have developed budgetary proposals with substantial reductions in defense spending. Another matter is the role of the United States in dealing with ethnic strife and civil conflict in other nations, which is the principal threat to world peace in this era. These are issues to consider in determining the appropriate level of military spending.

The federal budget contains "entitlements" for individuals, such as social security, medicare, medicaid, welfare assistance, and subsidies for segments of the economy, such as agriculture. There are also what are called "tax expenditures", that is, tax deductions beneficial only to certain taxpayers, such as homeowners, real estate investors, and business corporations. Congress, the president, and even a special bipartisan commission haven't been able to develop acceptable limits to these high-cost items. Citizen budget forums could come to grips with these significant expenditures in the federal budget and offer recommendations.

Taxes should be considered, including the possibility of tax increases and forgoing of tax cuts in order to help lower the federal deficit.

Interest on the federal debt must be paid, so it is usually off the table of budgetary discussion. But perhaps some citizens would come up with ideas

on public debt financing which would lower interest costs. Maybe not, but the matter should be on the table.

And so should every single program in the federal budget.

These citizen budget forums should be ongoing enterprises, not merely one-shot affairs. Perhaps some national organizations could agree on an agenda through which different topics would be taken up in successive months. They could prepare and publish nonpartisan background material on a range of budget choices. To reach a widespread audience such material could be distributed through supplements in daily and weekly newspapers and in special tabloids sold at supermarkets and drug stores. Public and commercial television could put on programs with discussion of the issues by experts and representatives of interest groups.

Final decisions would remain with the president and Congress. But these elected officials may discover that citizens, if given the opportunity, will work out recommendations that go beyond narrow interests and seek what is best for the nation as a whole.

**Annual participation.** In addition to citizen budget forums dealing with broad priorities, citizens should have ample opportunities to be heard each year during preparation of the president's budget and later at congressional hearings.

Thus, in September and October when the departments are working on their budgets, the cabinet secretaries could hold public hearings so that a cross-section of interests and the general public could offer recommendations for the departmental budget. Regional and area directors of various departments could conduct similar hearings around the country. The

president could 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 and area directors could 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.

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 could be asked the three key questions: what expenditures do you propose, what expenditure reductions and revenue increase do you favor to

pay for it? Citizens could be asked not only to make recommendations on expenditure cuts and revenue measures, but also to pledge to support these measures, no matter how unpopular.

### **Participation in State Budget-Making**

State governments could embark upon a similar process for early and continuing citizen involvement in budget making. Citizen budget forums could function around each state. 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. They could use television linkage to hear from witnesses scattered around the state and could conduct field hearings.

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Because many crucial public-policy decisions are made in the course of developing federal, state, and local budgets, it is highly important that citizens be involved in the early stages of budget-making. Although executive budget-makers and legislators might find this an intrusion into what they have considered their exclusive domain, it would bring much greater democratic participation into this highly important process of governmental decision-making. Most likely it would result in superior budget decisions and would gain greater public acceptance of tough budget choices.

March 4, 1995

Chapter Sixteen

## National Policy Formulation: Achieving Systematic Citizen Input

*In the United States today some persons are very sour on representative democracy in the United States. They believe that elected officials far too often ignore the wishes of the citizenry. So they want to give authority directly to the people. "Let the people decide," they argue, "without intermediaries of elected representatives." The technology buffs among these critics add proposals for using electronic communication to achieve direct democracy.*

*We do already, of course, have elements of direct democracy as part of the American political system. New England town meetings allow all adult citizens to participate. In all but one of the 50 states voters must approve amendments to the state constitution and wholesale constitutional revision. Twenty-five states have referendum provisions that permit citizens to vote*

on state statutes. Twenty-one states (mostly the same ones) allow citizens to initiate state legislation. Thirty-nine states mandate or allow local referendum on bond issues and other matters.

In 1993 referendums were held in states and localities.

In 1994 the count was referendum in states and localities.

### **Limitations of Plebiscite Democracy**

Even though direct democracy occurs through referendums and New England-style town meetings, most new laws in the United States are enacted by representative assemblies, functioning at all levels of government.

Every day our legislative bodies make hundreds of policy decisions, many of them on minute, but nonetheless important, details. It would be physically impossible to submit every single decision for popular approval. A few measures from time to time, yes, but not most policy decisions.

Advocates of plebiscite democracy, though, would vastly expand the use of referendums by frequently polling the entire population by electronic

means. They propose using interactive television, supplemented by print information, to allow voters to express their views on a host of issues.

Individuals would vote through telephone or cable television connections.

Centrally located computers would record the results instantly.

Small-scale experiments with this approach have revealed low participation rates, skewed to favor more highly educated, more affluent voters. Persons busy with full-time employment, some with two jobs, occupied with family responsibilities, and those plainly apathetic don't participate. So it isn't the whole people deciding but rather a self-selected minority. But unlike representative democracy, these participants, though more numerous than elected legislators, have not been chosen through an open electoral process.

Another drawback to extensive reliance upon electronic voting is the significant reduction in public dialogue. Individuals record personal opinions without the benefit of debate with persons of differing views, without a need

to work out mutual accommodation, without an examination of the needs of the total community, which may go well beyond selfish interests

Nevertheless, many of the ideas for using new communications media are intriguing and suggest techniques that could make representative democracy more effective. Direct democracy without legislatures is quite infeasible in a continental nation with more than 250,000,000 inhabitants. But we can and should find ways to enable many more people to participate in the deliberative processes that precede adoption of executive policies and enactment of legislation.

### **TOOLS FOR GREATER PARTICIPATION**

In previous chapters we consider ways citizen can be involved in certain types of federal projects and in the budgetary process. Here we can explore other methods for bringing many more citizens into the policy-making processes of our national government. Fortunately there is an excellent body of experience to build upon, and some interesting proposals for new

approaches are afloat. Many of these techniques would be applicable in state government, too.

### **Present Approach**

Occupants of the White House -- the president and top staff -- are usually not very open to extensive public involvement in developing policies they plan to propose to Congress. Most executive departments are likewise fairly secretive, except as they deal with a few of their favorite interest groups.

As an illustration of present practices, consider the matter of health care reform. President Clinton made it the top domestic priority of his administration. He appointed a task force of federal officials with his wife, Hillary Rodman Clinton, as chair. They were supported by a sizable collection of governmental employees and consultants. In the course of their work this entourage conferred with outside experts and representatives of interest groups which have a financial stake in health care legislation. After

President Clinton's presented his proposal to Congress, he went around the country holding town meetings to explain and sell his ideas and to answer questions and respond to criticism.

As this was going on, interest groups began their own campaigns to get their views across. They began lobbying members of Congress, running television ads, and organizing grassroots lobbying throughout the land.

Many of these organizations opposed some or most aspects of the Clinton plan, but some were his supporters, including an offshoot of the National Democratic Committee.

A couple of years earlier Democrats in Congress had conducted ad hoc town meetings in the their home districts on health care reform, partly as a means of mobilizing support for legislation opposed by President George Bush, who was then in office. After the Clinton proposal reached Congress, both Democrats and Republicans talked with people in their districts about health care issues. Some held town meetings. Congressional subcommittees began

holding formal hearings. Witness lists were weighted with officials from the Clinton Administration, interest group representatives, and professional experts.

This is the process we have become accustomed in our representative democracy with its interplay between interest groups and elected officials. Sometimes ordinary citizens are in the middle of the fray, but at other times they are mostly on the sidelines.

### **Greater Public Dialogue Needed**

What we need are more systematic and far-reaching efforts to bring many more citizens into policy deliberation. The place to start is achievement of extensive public involvement in the dialogue that leads up to policy formulation and decision making. Public officials and interest groups should not have a monopoly on this kind of public discourse.

Dialogue can occur in different ways. One tried and true method is through issues forums, held all around the country under non-partisan

auspices. By non-partisan I mean neither sponsored nor dominated by political parties, executive departments, legislatures, or interest groups.

There is a solid body of experience with this approach, carried out by organizations such as the League of Women Voters and numerous civic associations. Of particular interest is the National Issues Forum, developed and promoted by the Kettering Foundation and the Public Agenda Foundation since 1981. David Matthews and Daniel Jankelovich are the respective heads of these foundations.

Each year the two national sponsors prepare study guides on three major policy issues, such as health care, abortion, budget deficit, criminal violence, energy options, and others. Each book offers three or four policy options, presents the case in favor of each choice, and indicates what critics say. These study books are made available to organizations around the country and to colleges, secondary schools, and libraries along with training material for organizers and moderators.

The suggested format for a forum or study circle has these elements: welcome; pre-forum ballot on how participants feel about the issue under discussion; explanation of ground rules; starter video summarizing the public policy alternatives; discussion starting with a look at participants' personal stake in the issue; deliberation on the pros and cons of policy choices; formulation of group consensus, or least identification of common ground and remaining areas of disagreement; post-forum ballot.

In this approach a neutral moderator encourages everyone to participate and keeps one or a few individuals from dominating the discussion. The forum focuses upon choices, and all the major choices or positions on the issue are considered. However, the forum is not a debate but rather a thoughtful analysis of alternatives.<sup>1</sup>

From years of experience with the National Issues Forum and similar

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<sup>1</sup> *National Issues Forum Guidebook: Organizing Your First Forum/Study Circle.* Dayton, Ohio: National Issues Forum, n.d. p. 24.

arrangements with other sponsors, it is clear that citizens can come together to consider difficult issues, struggle with their complexity, and arrive at conclusions. Participants may not achieve unanimous agreement on particular solutions, but they understand the advantages and disadvantages of various options.

Civic education is the primary focus of the National Issues Forum, not lobbying to affect public policy. The assumption is that participants will find their own ways to reach policy makers. However, the national sponsors have tried to draw together conclusions of local forums and have shared them with national policy makers and persons in the news media.

### **Achieving Nationwide Involvement**

Much more is needed to connect these and other kinds of citizen study groups to governmental decision-making. This is a great challenge because ordinarily the deliberative processes of policy formulation within the federal government (and the states, too) don't provide ready entry for citizens who

have studied the issues under consideration.

Suppose, though, policy formulation now dominated by the executive branch were opened to greater citizen input. Policy planners would announce when, where, and how the voices of citizens would be heard during the deliberative process. Citizen groups would study the issue at hand and feed in their recommendations prior to the time policy makers reach their conclusions. Citizens views would be a significant input.

This kind of openness should apply to all policy making, but it might be useful to give particular attention each year to a few perplexing issues that are at the top of the nation's agenda. As examples, on the domestic side: health care, welfare reform, crime and violence; on foreign policy: the role of the United States in responding to ethnic conflict around the globe, the place of nuclear weapons in the post-Cold War era.

There could also be a continuing set of issue forums on federal budget priorities, as suggested in the previous chapter. A special aspect of the

*budget issue is how to deal with "entitlements" to individuals, such as social security, medicare, medicaid, welfare assistance, and with what are called "tax expenditures", that is, tax deductions beneficial only to certain taxpayers, such as homeowners, real estate investors, and business corporations. Congress, the president, and even a special commission haven't been able to develop acceptable limits to these high-cost items. Through issue forums the citizenry could come to grips with these significant expenditures in the federal budget.*

*To get this kind of discussion going, the president, leaders of Congress, and representatives of nonpartisan citizen organizations could work out a consensus on what national issues might be considered by forums and study groups around the country in a given year. Elected officials of state and local government and citizen organizations could do likewise in their jurisdiction.*

*Issues forums on national issues could be promoted by national*

organizations, working through state and local affiliates but also reaching out to other groups. Local organizations, such as civic associations, churches, synagogues, mosques, and other units could organize their own issues forums without prodding or assistance from national organizations. Organizations serving racial and ethnic minorities, low-income persons, and others who are too often left out of political and civic discussion could make special efforts to assure participation of persons with these perspectives.

### **Timeliness**

To be influential citizen input must occur during the fluid period of policy deliberation before final decisions are made.

For the national government this varies during the cycle of presidential terms. A new president may have a few policy initiatives ready to go, some of them holdovers from legislation considered by the previous Congress.

Immediately after inauguration the president's staff and cabinet members commence work on other new policy proposals and programs, which will be

announced later: three months, six months, in the fall, early the following year. A second round may occur to produce proposals for the Congress elected halfway through the presidential term. Similar cycles occur in state and local government.

Issues forums, therefore, would have to be organized prior to the time when executive officials are arriving at policy decisions. Commonly citizens should begin their discussions in the fall of the year so that they would be ready by springtime to offer recommendations to policy makers in Washington, at the state capitol, at city hall and county courthouse.

### **Background Information**

To participate fruitfully in issues discussions citizens need well-balanced and nonpartisan background information. This can be a combination of print material, videotapes, presentations on radio and television, and information distributed through computer networks.

As pioneers with the National Issues Forums, the Kettering Foundation

and Public Agenda Foundation have produced study guides and video cassettes and distributed them through a commercial publisher. The League of Women Voters reaches out through state and local affiliates. Other nonpartisan associations have similar networks.

Such organizations can continue to produce and distribute material in expansion of issues forums. There might also be roles for other respected and trusted bodies, such as the National Academy of Science and the National Academy of Public Administration, both nonpartisan and chartered by Congress. University consortiums could be involved.

Of course, interest groups would want to get their material to participants in issues forums. This is inevitable and acceptable. They also might try to stack membership with their adherents. This is a danger to avoid or overcome if it happens in order to maintain the nonpartisan nature of discussion.

**Tabloids.** If increased citizen dialogue on urgent public issues is to occur,

*wider channels of dissemination for background information are needed.*

*For printed material the most readily available channel is the distribution system that gets tabloids and magazines to supermarkets and drug stores throughout the land every week. Issue study guides could be distributed in a similar manner, published as newspaper tabloids, and sold at these outlets. During the course of the year they could be updated as appropriate.*

*For example, if this approach had been used on the issue of health care financing, there could have been a study guide distributed in February 1993 as President Clinton's task force was forming. One appendix could have offered suggestions for organizing and conducting study groups. Another appendix could have presented instructions for feeding in citizen comment to the presidential task force and to members of Congress.*

*A second study guide could have been published and distributed in October 1993, analyzing the president's proposal and the responses of critics. A third study guide could have been disseminated early in 1994 with an*

analysis of major bills introduced in Congress and an appendix explaining the legislative process and how citizens can have an input.

In the realm of foreign and military policy, during 1993 Secretary of Defense Les Aspin led the Pentagon in a "bottom up" review of U.S. defense policy. It was almost entirely internal with little outside involvement except for credential defense excerpts. A similar review of the U.S. nuclear posture was conducted in 1994, again with virtually no citizen input. Yet, these are matters of great concern to the American public.

Many aspects of defense policy represent value judgments and can be discussed by lay persons. Central issues can be considered without access to top secret military information. For both of the "bottom-up" defense policy review and the nuclear posture analysis, citizen study guides could have been prepared and disseminated so that the American people could have had a greater say in policy deliberation on these vital issues. The issues affect us all gravely so that widespread citizen participation would have been highly

valuable.

In the years ahead many other major policies will come up for consideration. In-depth involvement of the citizenry should be encouraged and assisted.

**Computer networks.** In addition to distribution of print material on major issues, computer networks provide another very valuable channel. Background information can be distributed as videotext for use by individuals studying the issues and for printing out to share with others.

Computer-based conferences can link individuals and groups in various areas to exchange their ideas on the problem being studied and alternative solutions. Issue forums can use computer networks to share their conclusions with others. They can pick up ideas from other study groups and consider them in their own discussion.

### **Electronic Town Meetings**

As a supplement to face-to-face discussion in local communities,

*electronic town meetings can be conducted to bring many more people into consideration of particular issues. This can occur in a variety of formats, such as radio, television (broadcast and cable), two-way and multi-channel teleconferencing. They can be linked to other media, such as newspapers providing mail-in ballots and tabloid background information available at supermarkets and drugstores, as previously suggested.*

*Electronic town meetings can be local, statewide, or national. They can be linked with issues forums and other discussion groups or can be free standing. Although they are conducted in real time, particular elements, such as debates and panel discussions, can be recorded and rebroadcast later or made available as audio- or videotapes.*

*The basic presentation of an electronic town meeting can take a number of forms: discussion by a panel of experts, debate by partisans of different viewpoints, a pre-recorded documentary, an educational presentation with graphics, case studies and interviews depicting real life stories, dramatization,*

role-playing by studio participants. Public feedback can take the form of studio audience participation, call-in with questions and comments, voting by telephone, interactive cable television, mail-in of newspaper ballots.

There can be a pause of an hour or two after a radio or television presentation to allow discussion groups around the broadcast area to consider the issues. Individuals would then have an opportunity to call-in questions and comments for a panel in the studio to consider. There could be radio or television linkage with persons assembled in particular locations, such as schools and libraries.

For statewide and national town meetings, panelists could be based at various locations around the state or nation, linked through satellite connections. Likewise citizens offering feedback could be in a number of locations.

Electronic town meetings would have a valuable educational function. They would add significantly to public discussion of particular issues.

*Feedback would serve as a barometer of opinion.*

*However, an electronic town meeting cannot properly serve as binding referendum on policy choices. Call-in shows, for instance, usually offer opportunity for only 10 to 12 persons to comment each hour with no assurance that they are a representative sample of opinion. Electronic and mail-in balloting runs the risk of being skewed by self-selection biases and sometimes by special interest manipulation. But even so, as a means of public discourse electronic town meetings can make a significant contribution to democracy in America.*

### ***Feed-in to Executive Deliberations***

*Electronic town meetings and face-to-face issues forums have their greatest utility as part of the deliberative process of public decision making. For this to be meaningful, chief executives -- president, governors, mayors, county executives -- and their executive departments should be receptive to obtaining and giving careful consideration to citizen views as they go about*

formulating policy proposals.

Chief executives should institute and announce specific mechanisms for receiving citizen views on particular policy issues. For instance, by publicizing a post office box or some other identifier for mail on a specific issue; a telephone comment line (best if available in the evening and weekends as well as during business hours). Where there are issues forums, special arrangements should be made to receive recommendations and comments. Perhaps a series of multi-choice questions can be posed to the issue forums with opportunity for further comment.

Executives engaged in policy formulation should also find ways of having face-to-face dialogue with representative groups of informed citizens. At this stage the executives should listen more than talk. Later they will have plentiful opportunities to promote their policy recommendations, but now is the time for the voices of citizens to be heard.

**Connections with Legislators**

Likewise legislators should be willing to receive citizen views and also reach out to obtain citizen input during the policy-formulation stage. The nature of their job in representative democracy and the dynamics of seeking re-election tends to make them attuned to doing this. Certainly more so than executive officials. But most of them could do even more.

Where issues forums and electronic town meetings function, legislators should pay particular attention to their outcome. This is especially so when policy-making reaches the legislative stage. For instance, a legislator might meet regularly with representatives of issues forums, share with them alternatives under consideration by the legislative body, and ask for their views.

### **Representative Participation**

As with neighborhood planning and citizen budget committees we discussed in the previous chapter, issues forums would be an expression of representative participation, functioning in the context of representative

democracy.

Look at some numbers. Suppose on a particular issue 20 issue forums were organized in each of the 435 congressional districts, a total of 8,700 around the nation. Suppose that they had an average of 25 participants, yielding a national total of 217,500. Suppose that was a little more than doubled to produce 500,000 participants. Suppose that participation in issues forums grew until it reached one million persons every year. This compares with 99 million who voted in the 1992 presidential election and the xxx million who are age 18 and over in the United States.

The 500,000 to one million participating in issues forums would not necessarily constitute a perfectly representative sampling of the total population. They would most likely overrepresent persons with more education and higher income and underrepresent the opposite. But the same is true of the 535 members of Congress and other elected officials. Nevertheless, adding a half million to a million who are giving serious

*consideration to vital public issues would be a great asset to democracy in the United States.*

*It would not displace chief executives and legislators who are elected to make policy decisions. Nor would significant citizen participation during the policy-formulation stage reduce the need for citizen involvement during the legislative stage. Clearly interest groups will continue to lobby on specific legislation from beginning to end. Citizens concerned about the broader public interest should likewise be heavily involved through their own lobbying activities, as discussed in chapter 12.*

*Once again it is a case of both/and, not either/or. Ample citizen dialogue early in the process of policy formulation would be another way to achieve year-long democracy. Not the only method, but a very important contributor to our democracy fuller and more effective.*

January 18, 1995

## PART FOUR. ACHIEVING COMMON PURPOSES

### Chapter Seventeen

## Urban Crisis: We're All in This Together

*In the United States, as discussed in chapter 2, we have numerous agents to serve us: multiple governments with local, state, and national extensions and a wide variety of voluntary associations and profit-making enterprises. They exist for diverse purposes. Among other uses, we employ them as means of achieving social objectives. They provide us with tools for finding solutions to common problems.*

*In searching for solutions, sometimes leadership comes from elected political officials, sometimes from citizens not holding governmental office. Sometimes they are national leaders, sometimes state or local. Often it takes a combination. To illustrate how this might occur through grassroots*

initiative to deal with the multiplicity of problems lumped together as the "urban crisis", I offer a short story. It is set in the fictional city of Laketon.

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The idea sprang up, not at the White House or at a Washington thinktank or at a university, but rather in the multi-purpose room of the A. Phillip Randolph Elementary School in Laketon, a midwestern industrial city. It happened during the October meeting of parents, teachers, and principal.

For a while the meeting took its usual course. Teachers reported low test scores in reading and arithmetic and wondered why parents weren't helping their children more. Several parents responded that they were hard pressed making ends meet: both parents working long hours, single mothers holding two jobs, those on welfare receiving insufficient income. Anyway, they complained, the school doesn't even have textbooks for every child. The principal rebutted that she was trying but the Board of Education, with limited resources, puts its money where greatest pressure came from, the

*schools in outlying middle class neighborhoods.*

*Then came the second phase: verbal attacks on the Board of Education, the mayor and city council, the state legislature, Congress and what the Republican administrations had done the last dozen years, or hadn't done. And, of course, racism. "We're all victims," one parent said. "That's why we're poor and unemployed, why our housing's so bad, why drugs are all around us, why our youth fight and kill one another."*

*Ordinarily others would agree. Some would despair of their situation. A few would insist that even if things are bad, they ought to make life happier for their children. Then they would plan a party for Halloween, Christmas, or Valentine Day.*

*That evening, though, the meeting took an unexpected turn. "Sure we're victims," Opal Martin exclaimed from the back of the room. "But we're not helpless victims. It's time that we took things into our own hands."*

*With that she raised her hands. As people turned, they saw the*

calloused hands of a woman used to hard work. They all knew her: not well-educated but plenty of savvy; above all determined. Deserted by her husband, she was raising four children on her own. Well-scrubbed children. "My grandmother told me", she would often recount, "you may be poor, but you don't have to be dirty!"

Walking to the front of the room, Opal held out her hands, palms up. "Do you every think how powerful our hands are?" she asked. Clenching hers, she asserted, "You can make them into a fist, like a lot of our boys do, and some of the girls, too. You can hold a gun and pull a trigger." Which she did. "You can tear down a building." Gesturing in that manner. "Or build it, one brick at a time." Stooping to pick up imaginary bricks and put them in place.

"You can sit with your child and show him how to write." Visually writing. "You can take your pen and write to the school board, the mayor, the governor. You can pledge your allegiance to our country." Placing her

right hand over her heart. "You can praise the Lord God!" Raising both arms above her head. Several parents clapped their hands. "Speak, sister!" one shouted. "That's the truth!" exclaimed another.

"What do you want us to do?" asked a teacher.

"I'll let each of you decide for yourself," answered Opal. "As for me, I hereby pledge" -- raising her hand to take the oath -- "that I will spend an hour each day helping my children with their homework."

"I'd do the same," one of the fathers asserted, "but I'm afraid that I've forgotten all I ever knew about arithmetic."

"I'll help you," the math teacher declared. "I'm willing to come one night each week to teach a refresher course in basic arithmetic."

"I'll do the same for reading," another teacher added.

"Yes, we'd like that," several parents exclaimed.

Vivian Worthy, the principal, spoke up. "We're getting lots of good ideas. Let's not lose them." Still a school teacher at heart, she insisted:

"Let's write them on the chalkboard."

And so for the next half hour parents and teachers filled all the chalk-boards with their pledges. Teachers on one list, parents on another, and a third list of things for Ms. Worthy to ask the school board.

Looking at all the entries, Evelyn Clark, an administrative aide in a lawyer's office downtown, spoke out, "We ought to get this all down on paper. We should have a written agreement. A compact that we all can sign."

And so they did. The Randolph Compact, they called it. Not a lot of fancy legalese. Simply: "We parents who have children in A. Phillip Randolph School promise that we will...." And: "We the teachers of Randolph School pledge that we will...." Also: "I, Vivian Worthy, principal, will endeavor to...."

At first the teachers' union was skeptical because union leaders felt it was a bad precedent for teachers to work as unpaid volunteers. The associate superintendent for elementary schools advised Ms. Worthy that she was making commitments she couldn't fulfill. But in six weeks the effects of

the Randolph Compact were apparent. Children were doing better in reading and arithmetic. School attendance was better. Parents were in and out of the school all day. Discipline was easier.

A committee of teachers and parents formed to review curriculum, and this was added to the compact. In this K-5 school the 4th and 5th grade classes voted to become signatories by pledging to study harder and help younger children with their lessons. The custodial staff saw what was going on and wanted to be part of the compact, so another section was appended.

Nehemiah Lightfoot, a member of the parents committee, told some men at his church what they were doing and remarked that a lot of the boys had no fathers around. From this conversation came a mentors group, linked to the school and encompassed in the compact. This yielded a paragraph in the "What's New in Laketon" column in the Sunday paper.

Peter McHugh, a retired industrialist, read it. He'd heard about a multi-millionaire in the East who had guaranteed college tuition for all

children in an elementary school who completed high school. He'd been thinking about doing the same for some school in Laketon. Within three weeks McHugh was part of the Randolph Compact.

This spurred the superintendent of schools to pay more attention to what was happening. As he got better acquainted, he recognized the benefits of the Randolph Compact, found some money to pay teachers of the evening refresher courses, and assigned an aide to study whether the approach could be used in other schools.

He needn't have bothered. The word spread around Laketon. Parents from other schools visited Randolph School, and teachers from elsewhere queried their Randolph colleagues. After New Year's parents, teachers, and the principal in a half dozen other schools in surrounding neighborhoods began to write their own compacts. When they had completed and signed the compacts, the seven schools formed an alliance and demanded a meeting with the Board of Education to request more funds and to press for greater

flexibility in school management.

But it wasn't just "gimme." They offered a long list of activities parents were undertaking. They laid their compacts on the table and offered the school board an opportunity to add a section, promising what the school system will do to help their schools, and to become another signatory. The superintendent was aghast. He had never heard of such a request. He was trained in hierarchial management and believed that working arrangements flowed top-down, not bottom-up.

Opal Martin, the initiator of the Randolph Compact, replied, "You're the missing point. It's not a pyramid. It's a partnership. Our compacts are like the tinkertoys my kids play with. You put some pieces together, then add others. We're just asking you and the school board to add your pieces. No one's on top. No one's on the bottom. We're all in this together."

"Tinkertoys. That's an interesting concept," thought Juan Mendoza, one of the parents at the meeting. He worked as a counselor at a

neighborhood employment center. Unemployed persons came in looking for work. Welfare workers sent in others. Employment counselors referred them to jobs and training programs. There was sort of a system but linkages were weak. He was vaguely aware that there was something called the private industry council that was supposed to coordinate all the programs in the labor market area, but all the pieces didn't fit together. He knew he couldn't change that, but he thought he knew how his part of the system could work better.

So Juan bought a box of tinkertoys and brought them to the next staff meeting. At first his director wasn't amused, but as Juan began putting pieces together he caught on. "This is our center," said Juan, holding up a round piece. Adding other pieces, he continued "These are other neighborhood employment centers. We all refer people to the Voc Ed training institute" -- attaching another piece -- "and they place them in jobs. At least we think so, but we never know. What we do know is that

*some trainees come back to us in a few months, again unemployed.*

*"Why don't we," Juan asked, "develop a compact between the neighborhood employment centers, the Voc Ed training institute, and the Retail Merchants Association, whose members have lots of job openings every month? Later we can get other employer associations to become part of the compact. We can commit ourselves not only to refer unemployed persons to jobs and training but also to keep in touch with them in their home neighborhoods while they are in training and as they enter their new jobs. That way we can help them during the tough transition period." And so the Laketon Jobs Compact came into existence.*

*Elsie Jackson, Laketon's community development director, learned about this new compact from her staff aide who was liaison to employment programs. She had also some awareness of the Randolph Compact. Being not only an adroit administrator but also a keen conceptualizer, Elsie recognized that a common feature of these two compacts was individuals in*

key positions willing to work together: parent leaders, principal, mentor chair, the industrialist; heads of the employment centers, Voc Ed institute, and trade associations. She had a similar relationship with the city planning director, the county transportation director, chair of the community development citizens advisory committee, and the executive director of the local bankers' association. They didn't have a written compact, but they had lots of informal agreements on matters of common concern.

Elsie's problem lay further afield. Community development in Laketon was oriented primarily toward housing and community facilities but kept backing into social problems: unemployment, low wages for many who worked, single mothers dependent upon inadequate welfare, idle youth and young adults with no job skills, drug abuse, even some gang violence. She occasionally talked to heads of programs dealing with these problems. Some were cooperative, others more insular. But even those who wanted to cooperate were restricted by regulations of the state and federal agencies

that supplied their funds.

Taking first things first, Elsie worked out a written community development compact with heads of the principal agencies dealing with physical improvement of Laketon and the surrounding area. She realized that she couldn't achieve a broader compact on her own, so she went to Mayor Joshua Taylor. She knew that almost 25 years ago he had worked in Laketon's Model Cities Program that had tried and failed to mobilize these types of agencies. The stumbling blocks were, first, habitual separatism, and second, funding restrictions. So not much had changed in a quarter of a century.

This time it had to be different. Instead of taking the made-in-Washington programs -- Community Action, Model Cities, CDBG, CETA, Enterprise Zones, and all the others -- which the federal government wouldn't or couldn't coordinate, this time they would devise their own arrangements and force Washington to give them greater latitude. It wasn't

easy, but within a year they had put together the Laketon Compact. In reality, it was a set of compacts dealing with the major functional areas: education compact (Randolph Compact enlarged), jobs compact, community development compact, social services compact (encompassing welfare), drug abuse compact, law enforcement compact.

Each functional compact was a compilation of smaller compacts. For example, the police agreed to increase foot patrols in areas where drug dealers hang out and residents volunteered to augment their crime watch activities; the housing authority promised project rehabilitation with tenants taking on management responsibilities; in the same project the recreation department would increase its services but could count on more volunteers; the welfare agency would embark upon a work-and-training program that encompassed community improvement activities; a bank consortium pledged more home improvement loans in blocks where homeowners were going to undertake housing rehabilitation and the city would be enforcing the housing

code on absentee owners.

Each of Laketon's five central neighborhoods took these various functional components as they applied to their neighborhoods and put them together in a comprehensive neighborhood program. In this manner a neighborhood development corporation would assist new business enterprises. Youth work crews would clean up vacant lots, plant trees, and paint houses of elderly homeowners. Day care centers would use trainees from the Voc Ed institute. Above all, a middle school in each neighborhood would function as a community school, open 16 hours a day, staffed by personnel from diverse agencies, and supported by dozens of volunteers, drawn both from the neighborhood and beyond.

The community school director would coordinate in-building activities. A neighborhood coordinator, based in the school and representing the mayor, would coordinate services and projects in the wider neighborhood. A neighborhood council elected by residents would provide oversight to all

neighborhood programs and offer advice to citywide agencies, the mayor, and city council. Indeed, the neighborhood council was a major signatory of the neighborhood compact that combined the various functional elements.

The first year none of the compacts were complete, neither the citywide functional compacts nor the neighborhood compacts that integrated activities within geographic areas. All were open-ended so that other elements could be added later. That was the beauty of them. Neighborhoods and the city didn't have to take several years to produce a "perfect" plan, but instead could move ahead with activities and improvement projects that were ready to go. Next year a compact could add other components and could drop projects that were not successful.

In an attempt to illustrate the collection of compacts, Juan Mendoza had to buy an extra large box of tinkertoys. His model looked a little cockeyed, certainly not neat and clear like those organization charts with boxes connected in strictly top-down hierarchy. But interconnected functional

systems seemed to make sense.

Except they hadn't yet solved the riddle of federal regulations. Mayor Taylor, Elsie Jackson, and some others talked to Representative Krystyna Mickiewicz, who represented the greater Laketon area in Congress. The mayor wanted to go straight to the president, who he had supported in the presidential primary, but the congresswoman advised him against that course.

"Even if you see the president himself," she insisted, "he'll just turn the problem over to a White House aide. Not much will happen because White House staff don't understand government operations. They come and go, but departmental bureaucracies remain forever. If you want action, you've got to get a firm commitment from cabinet secretaries."

"I know a couple of them," volunteered Mayor Taylor.

"I'm sure they'll receive you respectfully," Representative Mickiewicz replied, "and may even promise you their help. But that is only one by one."

What you want is simultaneous assistance from all of them."

She thought about it a moment and then remarked, "I tell you what I'll do. Ordinarily each cabinet member deals only with a certain set of congressional committees, and never the same set as other cabinet members. However, I sit on the Government Operations Committee that cuts across all departments. I'm chair of a subcommittee that's interested in federal-local relationships. I'll invite three or four key cabinet members to testify together on coordination of urban programs. I'll tell them in advance about the Laketon Compact and ask them to come prepared to report how they will be supportive."

Well, as they say, the rest is history. Six members of the president's cabinet entered into their own compact to be fully supportive of locally developed compacts for comprehensive approaches to opening new opportunities and bringing about improvement in neighborhoods with the greatest needs.

Federal criteria were simple, though demanding: (1) A local compact must have full participation of local government, community service agencies, residents of the areas served, and the private enterprise sector. (2) Each local party must pledge to undertake specific activities cooperatively with other participants. (3) Each year there must be a performance review to determine if promises are kept. (4) A compact can add and subtract components each year. In exchange, the cabinet secretaries promised that their agencies would channel their funds to support local compacts and would administer their regulations with flexibility. Congress passed legislation to give each department authority to waive regulations in a manner to support locally developed, comprehensive urban improvement programs.

A public administration scholar observed what was happening and remarked that the pyramid had been turned upside down. Juan Mendoza with his now very complex tinkertoy model rebutted that there is no longer a pyramid, point up or point down, but instead a labyrinth of connections

*between a multitude of actors, a network of systems.*

*Opal Martin, who started the process at the Randolph School, simply explained, "It's just folks working together on common concerns and not letting egos and structures get in the way."*

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*Okay, you've read my story. In real life members of President Clinton's cabinet have been trying to put together packages of support for cities. In response to Clinton's request, the 103rd Congress enacted a program for creation of nine local "empowerment zones" with substantial federal funds and 95 "empowerment communities" with lesser new funds. In both the "zones" and "communities" federal regulations may be modified to facilitate coordination of local activities. Except that a city has to win a national competition to have this privilege, and then only in selected neighborhoods. It's a move in the right direction but doesn't go nearly far enough.*

*If you're interested in your local community, put aside the last part of*

my story about what happened in Washington in this fictional account. Go to the beginning. Look at what Opal Martin did. Couldn't you do the same at a block meeting held in your own living room? At a meeting at your children's school, at your church, at a recreation center?

Take up whatever problem that disturbs you: street crime, run-down housing, unemployment, poor quality education. What are you willing to do about it? What pledge will you make? What pledges will your neighbors make? If you are a teacher, principal, police officer, social worker, neighborhood organizer, what commitment will you make? Are willing to enter into a social compact with fellow residents, with various service workers?

Do you live beyond neighborhoods with lots of street violence, high unemployment, many school dropouts, children with no fathers present, numerous welfare recipients? Are you willing to support initiatives take by people living in such neighborhoods? Are you willing to volunteer and

*become a part of such compacts which the residents draw up and administer?*

*Will you help mobilize resources in behalf of those with greatest need?*

*Remember, they will be in charge, not you. You will be supporting their initiatives.*

*I don't claim that thousands of neighborhoods compacts, draw together into city compacts, can alone solve all urban problems. Impoverishment occurs because many households don't have enough cash income, because of lack of economic investment in the inner city and inadequate community services. More resources are needed. But if those resources are to be applied effectively they must be tied in with concerted efforts by residents themselves and the people who serve them.*

*We're all in this together. We have to find many different ways for folks to work together on common concerns and not let egos and structures get in the way.*

January 18, 1995

## *Chapter Eightteen*

# *Cooperative Federalism*

*There are lessons for American federalism in my story in the preceding chapter about how the folks in the fictional city of Laketon got together to deal with a challenging set of social and economic problems.*

*From the outset they accepted government as a useful instrument for achieving social objectives: public schools, city and state agencies, federally supported programs. They just wanted to be sure that these governmental entities were responsive to their needs and receptive to their participation. They also insisted on having operational roles for voluntary organizations in problem-solving and service-provision. They want cooperation rather than confrontation.*

*To bring this about local citizens and local public officials signed compacts with one another. All parties pledged to fulfill specific*

responsibilities and to work together. Then they gained the cooperation of state and federal agencies. In this manner city government, the state, and the national government acted as true servants of the people.

Governmental units became pillars of support for community efforts.

Hierarchy disappeared in this common venture.

This was a contemporary expression of James Madison's 200 year old definition of the Federal Union, quoted previously in chapter 2.

The federal and State governments are in fact but different agents and trustees of the people, constituted with different powers, and designed for different purposes.<sup>1</sup>

Add in local government, and it's the best description of American federalism ever penned.

Madison wrote these words in 1788 in *The Federalist No. 46*, an essay

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<sup>1</sup> James Madison, *The Federalist No. 46*. New York: The Modern Library, 1937. pp. 304-5.

*in a series explaining and advocating ratification of the new U.S. Constitution.*

*He continued by arguing:*

*The adversaries of the Constitution seem to have lost sight of the people altogether in their reasonings on this subject; and to have viewed these different establishments, not only as mutual rivals and enemies, but as uncontrolled by any common superior in their efforts to usurp the authorities of each other.<sup>2</sup>*

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<sup>2</sup> *Op. cit.*

The common superior was, of course, the people, who must give their consent to whatever arrangement is worked out and who have ultimate authority over their several agents.

This is a much different emphasis than contemporary debate on American federalism. Most scholars, journalists, and elected officials look upon these different extensions of government -- national, state, and local -- as mutual rivals and occasionally as enemies. If they quote Madison, they are more likely to go to his second definition of federalism, contained in *The Federalist No. 51*:

*In the compound republic of America, the power surrendered by the people is first divided between two distinct governments, and then the portion allotted to each subdivided among distinct and separate departments. Hence a double security arises to the rights of the people. The different governments will control each other, at the same time that each will be controlled by itself.*<sup>3</sup>

In this second explanation Madison himself lost sight of the people, as does much of today's discussion of federalism. In the compound republic the

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<sup>3</sup> James Madison, *The Federalist No. 51*. p. 339.

people, rather than being the common superior, surrender power to national, state, and local governments, which become competing sovereigns. The people are protected, not by direct control through continuous, interactive consent processes, but rather through rivalry between the three sets of government. Within each governmental unit division into legislative, executive, and judicial officials branches creates a second set of rivals.

Today we can certainly observe manifestations of rivalry between different divisions within the compound republic. The people's agents -- the president and Congress, governors and state legislatures, county executives and county councils, mayors and city councils -- contest for power among themselves. Elected chief executives compete with legislative bodies.

National, state, and local governments compete for dominance.

Yet, this is only part of the picture of American federalism. To exercise popular control the people directly elect officials of local, state, and national governments. Citizens interact with these officials throughout their

term in office without going through a hierarchy of governments. If a group of citizens wants a new law, a new service, or a new program, they can choose between Congress, their state legislature, or their local council. If citizens are concerned about the amount of taxes they pay or volume of governmental expenditures, they can deal with budgets and expenditure patterns of any or all levels of government. Elected officials of each level are accountable to the people directly. Voters can reelect them if they choose, unless blocked by term limits (which prevail for certain officials in some state and local jurisdictions).

In practice these two concepts of federalism intertwine. Elected officials do serve directly as agents of the people, but they also compete among themselves. This is illustrated by one of today's hottest topics of federalism: mandates.

Congress enacts laws on various concerns, such as clean water, clean air, accessibility of facilities by persons with physical disabilities, and then

requires compliance by business corporations, voluntary associations, and state and local governments. State legislatures similarly enact laws mandating local governments to carry out particular responsibilities. In many cases these mandates compel state and local governments to spend money but do not make grants for this purpose. Accordingly they are called "unfunded mandates".

Governors and state legislators object to Congress imposing unfunded mandates on them, and associations of state officials lobby to get relief from them. Likewise mayors, county executives, and local council members object to unfunded mandates forced on them by both Congress and state legislatures, so their associations lobby against them. This is the rivalry of the compound republic.

But if we look at the source of these mandates, we will usually discover that some organized interest among the citizenry has pushed Congress or the state legislature to enact laws and adopt programs responding to particular

needs. Environmental interest groups, for example, argue that air and water pollution are problems national in scope and therefore require action by Congress. Advocates for persons with disabilities likewise make a case for national action. Within states such interest groups go to the state legislature to gain enactment of statutes applicable to all municipalities.

So it's not merely the president or governors, not just Congress or state legislatures on their own dreaming up a new mandate and imposing it on other jurisdictions. Rather it's the citizenry convincing a majority of the legislative body to pass a particular law. In the process the people may ask one of their agents to place requirements on another set of their agents.

Yet, in the political process there is scarcely ever an occasion when it can be said that the people as a whole press for a particular solution. Rather it's segments organized as interest groups. Organized one way, such as environmentalists or human rights advocates, interest groups may gain majority approval in Congress. But then organized in another way, such as

taxpayer leagues, they may oppose tax increases and expenditures required of their local and state governments to meet federal mandates.

That's the ambiguity built into American federalism. It's often unsettled and messy, but to make it neater would require a stricter, more tightly controlled hierarchy than we would find acceptable. The diversity of the American people and the wide geographic spread of the nation is reflected in the federal system. Our challenge is to take advantage of its many strengths, to determine how our different agents, which are "constituted with different powers and designed for different purposes", can work together most effectively.

It would help to discard the notion of hierarchy. That's not easy to do because in our normal speech we speak of levels of government (as I've done previously in this chapter). This implies that the one on top is superior and reigns over the ones in the middle and on the bottom.

As a substitute Luther Gulick suggested "extensions of government":

comprehensive (national), intermediate (the states), and limited (local).<sup>4</sup>

Daniel Elazar has spoken of a non-centralized system in which "there are no higher or lower power centers, only larger or smaller arenas of political decision-making and action."<sup>5</sup> "Extensions" or "arenas of action" don't flow readily from our tongues, but they convey the right meaning.

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<sup>4</sup> Luther Gulick, *The Metropolitan Problem and American Ideas*. New York: Alfred A. Knopf, 1962. pp. 30-32.

<sup>5</sup> Daniel J. Elazar, "Urbanism and Federalism: Twin Revolutions of the Modern Era" in *Publius* (Winter 1975), Vol. 5, No. 2. pp. 23-25.

Suppose we add to these thoughts the principle of "no larger than necessary" and the motto from the days of the American revolution, "united we stand, divided we fall". With these ideas in mind, let's return to the story of Laketon in the preceding chapter and explore the place of federalism in solving urban problems.

In this fictional account parents, teacher, principal, pupils, and custodians at an elementary school signed a compact to work together to improve the quality of the children's education. After a while school administrators downtown, a church men's group, and a millionaire industrialist were signatories, pledging support and taking on responsibilities.

Then inner city neighborhoods developed comprehensive programs to bring about social, physical, and economic improvements in the lives of the residents. In each neighborhood a democratically elected neighborhood council became a primary policy-making vehicle as a new kind of "agent and trustee" of the people. This applied the principle of "no larger than

necessary". It is also reminiscent of an idea expressed by Thomas Jefferson in his retirement years of having "ward republics, for the small and yet numerous and interesting concerns of the neighborhood."<sup>6</sup>

In the Laketon story other agents of the people -- city, state, and federal departments -- agreed to support these efforts by contributing resources and making neighborhood coordination easier. Voluntary service organizations and private sector businesses did likewise. This fulfilled Jefferson's expectation that

in government, as well as in every other business of life, it is by division and subdivision 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 public affairs.<sup>7</sup>

Perfection may be an exaggerated hope, but the idea of division of responsibility with parts for everyone is an authentic description of American

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<sup>6</sup> Thomas Jefferson in a letter to Samuel Kercheval, July 12, 1816 in *The Complete Jefferson*. Assembled and arranged by Saul K. Padover. New York: Duell, Sloan & Pearce, 1943. p. 290.

<sup>7</sup> *Op. cit.*

federalism.

So, what do we want our several agents to do for us in this last decade of the 20th century? What are the appropriate roles for local, state, and national governments, and also for private-sector organizations, as we prepare to enter the 21st century?

Clearly we need a strong, effective, responsive, and compassionate national government. We need it to handle the same tasks identified by the framers of the U.S. Constitution in 1787: provide for the common defense, take care of international political and economic relationships, deal with immigration and naturalization, coin money and print currency, regulate commerce among the states, provide for postal services, establish interstate highways and waterways, promote the progress of science and the useful arts, institute courts dealing with federal laws, lay and collect taxes, duties, imposts and excises, borrow money on the credit of the United States and pay debts.

It is also essential that our national government "secure the Blessings of Liberty to ourselves and our Posterity", as the Preamble specifies. This is a full bundle of human rights, laid out in a series of amendments to the Constitution and in acts of Congress. These are fundamental rights that no state or local government may abrogate.

What of other purposes stated in the Preamble: establish justice, insure domestic tranquility, promote the general welfare? These, too, are responsibilities of our national government, but not alone, for the states and local governments have very large roles to play.

As American federalism has evolved, concern for the general welfare, oftentimes accompanied by a concern for justice, has elevated a variety of matters to the national agenda: public health, working conditions, wages and hours of employment, labor-management relations, unemployment, economic dependency of persons who cannot work, housing conditions, air and water pollution, waste disposal, and numerous other concerns.

These matters have become a concern of our national government for two basic reasons. First, our economy and many aspects of our social system are national in scope (and increasingly international). Therefore, we need national standards, established through democratic processes.

Second, in the name of social equity our national government has the capability of achieving a degree of economic redistribution in three varieties: between geographic areas, between economic groups, and between age groups. To be sure, the term "redistribution" is mostly avoided nowadays in political debate, but that is a basic purpose of numerous programs, such as social security, food stamps, Medicaid, welfare assistance, targeted education grants, student loans, assisted housing, community development grants to cities, rural development grants, disaster aid to localities stricken by floods and hurricanes, and many other programs.

We operate through a pair of seldom-stated principles: (1) taxation based upon the ability to pay and (2) expenditures directed according to

need. These are proper expressions of justice. We shouldn't be so bashful to state them openly and debate how they can be best implemented.

Thus, it's proper for our national government to use its superior revenue-raising capacity to achieve a degree of economic redistribution, sometimes in cash (such as social security) but frequently in program support. But our national government need not administer all the programs it helps to finance. Many of them can be best handled by the states, by local governments, by nonprofit organizations, and sometimes by private-profit enterprises. The principle should be "no larger than necessary". How big is that? This a matter of judgment and political debate. We the people need to engage fully in this debate in order to decide which of our agents we want to undertake what responsibilities in providing the governmental services we desire.

This debate is now underway. One thread speaks of sorting out responsibilities among the different levels of government. Some persons

propose the national government pull out of particular activities and let the states handle them. In exchange, they propose that the states turn over certain tasks entirely to the national government. Similar discussion could occur about the assignment of responsibilities to our state and local governments.

Such sorting out might occur for particular tasks, but we should understand that each level of government will have some kind of role to play in every broad functional area of government. This is an insight offered 30 years ago by Morton Grodzins, a most astute observer of American federalism, when he noted:

No important of government in the United States is the exclusive province of one of the levels, not even what may be regarded as the most national of national functions, such as foreign relations; not even the most of local functions, such as police protection and park maintenance.

If you ask the question "Who does what?" the answer is in two parts.

One is that officials of all "levels" do everything together. The

*second is that where one level is preponderant in a given activity, the other makes its influence felt politically (here the voice of the peripheral power units are heard most strongly) or through money (here the central view is most influential) or through professional associations.<sup>8</sup>*

*Because national, state, and local governments do everything together in a broad functional sense, it is essential that they work cooperatively and not as adversaries. Because each of them serves as our agent, we citizens have an obligation to enter wholeheartedly into the current debate on division of responsibilities within the federal system, to express our preferences, and to insist on cooperative federalism.*

*As we enter this discussion, we will discover an ideological overlay to the federalism debate. Many liberals have been strong advocates of centralization of authority in Washington because they have mistrusted the*

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<sup>8</sup> Morton Grodzins, *The American System*. Chicago: Rand McNally & Company, 1966. p. 8.

states to promote racial equality. This has spread into a firm insistence on national standards for clean air and water, occupational safety, and other concerns. In contrast, many conservatives have opposed federal programs for a large variety of social and economic programs, arguing that government shouldn't be involved in such activities at all. Yet, they have pushed for federal regulations related to abortion and for making crimes previously handled exclusively by the states into a federal offense.

Interest groups at both ends of the political spectrum, and many without much of a political ideology, have pushed for federal legislation because it is often easier to get an act through Congress than through 50 state legislatures. Thus, there are multiple reasons for the growth in federal power during the last 60 years.

But American federalism is a never-ending story. In *The Federalist* No. 46 James Madison indicated that when the people become more partial to one level of government than the other, they have the right to change the

*distribution of responsibilities among them. This has happened over the years and is going on now.*

*As changes occur, we need to insist that officeholders in all units of our governments must function as our servants, not our masters, and that they work together in our behalf, not compete among themselves for their own benefit. We should be participants, not listeners, in the federalism debate. The power of every unit of government in the United States derives from us the people. We should exercise this power judiciously.*

*January 11, 1995*

## *Chapter Nineteen*

# **Politics: The Art of the Potential**

*To solve the numerous social and economic problems facing the United States in the 1990s and looking ahead to the new century, we must mobilize all of our governments -- local, state, and national -- to work together effectively in our behalf. They are, after all, our agents for achieving common goals. And our governments must work in partnership with our other agents in the private sector: voluntary organizations and profit-making enterprises. That's the spirit of cooperative federalism we discussed in the preceding chapter.*

*For such partnerships to be effective, millions of Americans must to be engaged all year long in multitudinous acts of citizenship. Among the many tasks to perform, numerous public-spirited citizens should become heavily involved in politics.*

"Oh, no!" many will respond. "Not politics! That's not for me.

Politics is too manipulative. Politicians are just looking out for themselves or for special interests. I don't want to associate with them or get involved in all that conniving."

Certainly it's true that in many circles politics has a bad name. Not just in governmental affairs. We speak in a derogatory manner of office politics, church politics, club politics. This stems from our distaste for the machinations of ambitious people and crafty maneuvering on policy matters.

Without a doubt the quest to gain advantage occurs in these settings. It's a natural phenomenon. Electoral outcome and public policy decisions benefit some persons more than others. There are winners and losers. So naturally self-interest arises to the surface in politics.

But the competitive nature of politics isn't necessarily harmful. Indeed, rivalry between ambitious persons and contention over policy options can have positive effects. Voters are offered a choice. Decision makers have

opportunities to forge compromises that best serve the public interest with the least negative effects.

Let's face it. The pursuit of self-interest is an integral part of human nature. We realize this when we look inward at ourselves and outward at other people. Yet, selfishness doesn't define all of what we are. We have concern for others, too, for the broader good of humankind. This oftentimes overrides our narrow interests. But self-interest is seldom out of sight.

The founders of the American Republic were acutely aware of this aspect of human existence. George Washington, for instance, told a committee of Congress in 1778:

A small knowledge of human nature will convince us, that, with far the greatest part of mankind, interest is the governing principle; and that, almost every man, is more or less under its influence.<sup>1</sup>

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<sup>1</sup> Quoted by Saul K. Padover in *The Meaning of Democracy*. New York: Praeger Publishers, 1963. p. 41

The framers of the U.S. Constitution accepted this finding and tried to design the new system of government to contain the effects of self-interest. As James Madison insisted in justifying the separation of powers into legislative, executive, and judicial branches, "Ambition must be made to counteract ambition."<sup>2</sup>

And so this occurs in the democratic political process. Individuals compete for party nomination for various elective offices. Party nominees compete against nominees of other parties in the general election. Even in the rare occurrence of a person not seeking public office who is drafted for party nomination, he or she competes in the general election.

Within legislative bodies, members compete for leadership positions. Persons seeking appointment as cabinet officers, department heads, bureau chiefs, and judges compete, though usually not in full public view. Political

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<sup>2</sup> James Madison, *The Federalist No. 51*. New York: The Modern Library, 1937. p. 337.

party workers compete for offices in the party hierarchy.

Interest groups, both private and public, work hard to obtain public policies advantageous to the individuals, groups, and organizations they represent. They get involved in elections, lobby legislators, and try to influence executive officials in behalf of their interests. Simultaneously other interests attempt to influence public officials to move in the opposite direction. So interest groups compete vigorously for attention and influence.

So it's quite natural for politics to feature intense interaction between competing interests, both individual and group. Indeed, that's one of the principal purposes of the political process in a democracy: to provide a forum for resolving disagreements between powerful interests and working out practicable solutions to perplexing problems. It's a vital function.

American history is full of cases where this has happened. Sometimes it hasn't occurred as rapidly as some would desire. Sometimes solutions have been incomplete. Often some segments of the population have disliked the

results. And sometimes there have been decades of failure before issues were resolved. But there are numerous success stories.

The Bill of Rights became part of the fundamental law of the land as a result of political promises made during the campaign to ratify the U.S. Constitution. Women gained the right to vote through decades of exhortation, marches, and eventually political support by male officeholders.

The 19th century abolitionists were fully engaged in politics in their quest to eliminate slavery. When the political process broke down, the Civil War ensued. In the midst of that war Abraham Lincoln's Emancipation Proclamation was essentially a political act. Both the initial gains of freed slaves and then their repression occurred through national and state political processes, showing that politics is a two-edged sword.

Laws abolishing child labor, protecting workers from harmful working conditions, establishing minimum wages, and assuring the right of collective bargaining all came about through political action.

The civil rights demonstrations of the 1950s and '60s were political acts, not revolutionary movements. The pressure on Congress to respond was a strong manifestation of politics in action. Subsequently numerous African Americans and Hispanics have gained elective office through involvement in political parties and election campaigns.

Citizens opposing the Vietnam War took to the streets to voice their concern and also put pressure on members of Congress when two successive presidents continued the fighting. This forced President Nixon to produce a peace treaty without victory.

In the late 1970s persons fearing the Soviet Union pressured President Carter to start a military buildup, which President Reagan continued and accelerated. Other citizens who felt this went too far initiated the nuclear freeze movement, staged demonstrations, brought about state and local referendums favoring a freeze, and persuaded Congress to hold down defense spending.

*But political action isn't always noisy. Over the years persons who believe that we can use our government to provide economic security for older persons have successfully achieved enactment of Social Security and Medicare. Although the environmental movement has staged large gatherings, such as Earth Day, most of its success has occurred through public education, persistent lobbying, and support for candidates committed to this cause.*

*Taxpayers concerned about too much government have brought about referendums and legislative measures in a number of states and localities to limit tax rates and governmental spending. In recent years conservatives who have been unsuccessful in the electoral arena have turned to referendum politics to force incumbents out of office through term limits.*

*There are winners and losers. That's democracy in action.*

*There are also stalemates and long delays in achieving satisfactory solutions to urgent problems. The most recent example is the challenge of*

finding ways to finance health care for persons lacking health insurance. In 1993 and 1994 Congress failed to respond to this challenge as powerful interests groups blocked legislative action.

But the story of health care finance hasn't ended. In some states the political process has succeeded in finding solutions. Nationally this may take two, four, six, or ten years to accomplish, but it will very likely happen eventually. It will occur through politics.

The numerous successes of the political process come about because elected officials holding decision-making authority are willing and able to negotiate with one another, to bargain, to work out acceptable compromises.

Sometimes this occurs in a legislative body dominated by one party. Sometimes it requires bipartisan agreement. Ofttimes negotiation between the legislature and the chief executive is required. Even where one party controls both the legislative and executive branches, there is bargaining because American political parties are not tightly disciplined monoliths.

Successful politicians are skilled in the arts of negotiation and compromise. They mediate between rival interests, including their own, and find ways to achieve agreement. Far more often than the general public realizes, they work for consensus rather than resolving every issue by a straight up-or-down vote.

This happens because officeholders have within them another significant aspect of human nature: a concern for others, a commitment to the general welfare that counterbalances their pursuit of self-interest. This is a trait they share with the rest of us.

It's always been that way in American democracy. From the beginning public-spirited individuals have been drawn to public office. No doubt many of the founders had an economic stake in independence and the kind of constitution they developed (as various scholars have pointed out), but they were also deeply committed to the broader public interest. Thus, the signers of the Declaration of Independence boldly stated:

*And for the support of this Declaration, with a firm reliance on the protection of Divine Providence, we mutually pledge to each other our lives, our fortunes and our sacred honor.*

*And they did indeed risk their lives and fortunes.*

*Although George Washington could say that interest is the governing principle with far the greatest part of humankind, he himself was a noteworthy example of a person who arose far above mere self-interest to enter into public service. When he was inaugurated as our first president, he noted:*

*I was summoned by my country, whose voice I can never hear but with veneration and love, from a retreat which I had chosen with the fondest predilection.*

*But he realized that he must respond to "the magnitude and difficulty of the trust to which the voice of my country called me."<sup>3</sup>*

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<sup>3</sup> *Inaugural Addresses of the Presidents of the United States.*

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Washington: U.S. Government Printing Office, 1969. p.1

*John Adams, our second president, was what today we might call a career politician: a lawyer active in Braintree and Boston town meetings, delegate from Massachusetts to the First and Second Continental Congresses, an emissary to France, member of Massachusetts Constitutional Convention, member of the delegation to negotiate a peace treaty with Great Britain, first minister to Great Britain, first vice president of the United States, then president.*

*Thomas Jefferson, third president, kept leaving his beloved Monticello to serve in public office: member of Virginia House of Burgess, delegate to the Second Continental Congress, governor of Virginia, minister to France, first U.S. secretary of state, vice-president, president.*

*Likewise many other founders realized that politics is a natural response to public service and a honorable profession.*

*In my lifetime some of the presidents have been professional politicians: Franklin Roosevelt, Harry Truman, John Kennedy, Lyndon Johnson, Richard*

Nixon, Gerald Ford, George Bush, Bill Clinton. Others have had other careers: Herbert Hoover, Dwight Eisenhower, Jimmy Carter, Ronald Reagan. All had strengths and weaknesses. Some accomplished more than others. All were personally ambitious, but they realized that service to country is a high calling.

This feeling was well expressed in a funeral eulogy for one who twice ran for the presidency and was twice defeated, Adlai Stevenson II:

Many have asked how it was that a man of Governor Stevenson's sensibilities could have intruded himself into the dust and heat of politics. We may think, I believe, that it was simply his joyous response to one of his deepest instincts -- that for public service.

He knew that the greatest opportunities for effective public service lie in elective office. The shattering disappointment that beset that way of life can also dissolve in the satisfaction of feeling the reins of political power in one's hands harnessed to good and just ends.<sup>4</sup>

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<sup>4</sup> Judge Carl McGowan, *New York Times*, July 17, 1965, p.10.

Many mayors, county commissioners, governors, state legislators, members of city council and the U.S. Congress, and other holders of elective office understand this feeling. Women and men. Persons of all races, religions, and ethnic groups. Young, old, and middle-aged.

To be sure, a few of our elected officials are corrupted by pursuit of economic gain. Some are windbags, inflated with huge egos. Most, like the general run of the population, act from a mixture of motives, combining self-interest and concern for others. But by and large they are no worse or no better than the rest of us. Why should they be? They are who we are. We elect them, and frequently reelect them.

And so it is that politics is one of the highest callings of American democracy. It is not the only calling, for many other civic tasks outside the political arena draw in women and men of all ages. But politics is an extremely vital calling because it is through the political process that we are able to solve numerous common problems and work together toward

achieving our highest ideals.

Some say that politics is the art of the possible. It is. Skilled officeholders find ways to achieve workable compromises on controversial and perplexing issues. For this we are grateful.

But politics is even more. Through the political process we can rise above narrow interests. We can work together to achieve a just and free society. We can overcome conflict with reconciliation. We can respect diversity but also build and retain a strong sense of community. As we do so, we will realize that politics is also the art of the potential.

January 18, 1995

## Chapter Twenty

# Indivisible with Liberty and Justice for All

*We are nearing the end of this journey in our quest to determine how we can make our governments work more effectively for us. We started by restating our basic ideals, as expressed in the Declaration of Independence, and by reviewing the basic purposes of government, as effectively summarized in the Preamble to the U.S. Constitution. We examined how the consent of the governed is a continuous, interactive process which requires millions of citizens to be engaged all year round.*

*Now it is time to rededicate ourselves to the fundamentals of American democracy, derived from these founding documents and to commit ourselves to fulfill our citizenship responsibilities. Such a commitment is contained in our "Pledge of Allegiance".*

*First written in 1892 and expanded in 1923-24 and 1954, the*

"Pledge" in its deepest meaning affirms basic American principles. As a statement of patriotism, it expresses a genuine love of country without threatening harm to other nations. Reflect on the words.

### *I pledge allegiance to the flag of the United States of America*

Flags have long been flown by nations and city-states, kings and emperors, fiefdoms and warrior tribes. The flag serves as a symbol, a visual representation of the nation or kingdom. Led into battle, it becomes a rallying point for combatants. Wrapped around the casket of a deceased soldier or political leader, it shows honor and respect. Carried in parades and displayed in public places, it evokes devotion and loyalty.

The flag's importance, though, is not in its design, its color, the material of which it is made, not even in the manner of display, but rather in what it symbolizes. We pledge our allegiance not to a piece of cloth but rather to the nation, to the United States of America.

Almost too easily we say "United States", virtually as one word. But if

we enter our historical memory, we recall the struggle for unity among the American colonies. It gained expression first in the two Continental Congresses, then in the weak Confederation of States, until finally the Federal Union was established under the U.S. Constitution. Individual states chose freely to unite but to retain their own identity.

"We the people", as the Preamble indicates, are sovereign. For this nation spanning a continent and beyond, we have decided to have different extensions of government -- national, state, and local -- to serve our needs. These various governments are our agents, our trustees, indeed our servants.

The same Continental Congress that adopted the Declaration of Independence appointed a committee to design a seal to be a symbol of national unity. And what a committee! Its members were Benjamin Franklin, John Adams, and Thomas Jefferson. As a national motto for the Great Seal, they chose a Latin phrase, "E pluribus unum". "Out of many, one". The "many" still existed, but they were united. The United States of

America. Emphasize "united".

But unity hasn't been easy. We remember the decades-long struggle to keep the Union whole. We call to mind the agonizing debate over whether one nation could be half-slave, half-free, and the wrenching, bloody Civil War. We recall the Reconstruction era when national supremacy asserted itself in the South, then was replaced by a robust states-rights movement that resisted application of the U.S. constitution's protection of human rights. Fresh in our memory is the civil rights movement of the 1950s and '60s that culminated in assertion of federal authority over state laws on voting rights, access to public accommodations, and other basic rights.

Today tension between the national government, the states, and local governments is contained with bonds of fundamental unity that permits peaceful resolution. This is the United States to which we pledge our allegiance.

*and to the Republic for which it stands*

In *The Federalist* Madison defined a republic as "a government which derives all its powers directly or indirectly from the great body of the people."<sup>1</sup> In other words, with the "consent of the governed." Today we refer to this as representative democracy.

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<sup>1</sup> *The Federalist*, No. 39. New York: The Modern Library, 1937. pp. 243-4.

Throughout this book we have seen how consent is a continuous, interactive process. It goes on all year long in myriad ways: through election campaigns, lobbying legislative bodies, and involvement in executive decision-making.

In pledging our allegiance to representative democracy, we citizens are making a commitment to vote and to engage in other forms of participation. Public officials who make this pledge are making a commitment to respect the will of the people and to carry out the responsibilities of office in a trustworthy manner. The non-voter and the derelict official are violating their pledge.

### **one Nation**

We are one nation. Not two nations, one black and one white. Not two nations, one rich and one poor. Not two nations, one Democrat and one Republican. Not several nations, Protestant, Catholic, Jewish, Muslim, agnostic.

To be sure, we are a diverse people. We fill numerous occupations, proudly claim many ethnic backgrounds, worship in different ways, have varied life styles, and have wide variation of consumer preferences. We have disagreements on political and social issues. Indeed, those who push for uniformity of opinion and conformity to a single norm don't understand the true nature of American life.

We honor our diversity. But within this diversity, we are committed to being one nation that assures freedom for everyone and is respectful of individual and group differences.

### *under God*

The U.S. Constitution guarantees freedom of religious belief and worship. It prohibits establishment of an official religion. This freedom allows us to describe God in our own manner and even to deny that God exists. (God's existence, though, is not dependent upon our belief or creedal formulation.)

Within this scope of religious freedom, we acknowledge in the pledge of

*allegiance that our nation is under God's domain. This is true for all humankind and for all nations, whether or not they admit it. There is one Eternal God for the whole Universe.*

*We are all equally endowed by the Creator God with inalienable rights of life, liberty, and the pursuit of happiness. So states the Declaration of Independence. Americans who deny the rights of others are breaking their pledge to "one Nation under God".*

### ***indivisible***

*Again we affirm our fundamental unity, asserting that our nation cannot be split asunder. This does not disavow our diversity, nor thus it nullify the federal principle through which national, state, and local governments all have important roles to play. Rather it asserts that we will not allow our diversity to tear us apart.*

*To remain indivisible, we continuously seek to enhance our sense of community as a nation. We strive for a "we feeling" that comes from shared*

*ideals and aspiration and is achieved by working together for common objectives. It provides a national sense of purpose that respects individual differences and finds a place for them in common endeavors.*

*Stated another way, we make a commitment to wholeness. The whole is composed of many parts. When one part is ailing or disabled, the whole is weakened. Retaining our indivisibility requires us to strengthen the weak elements of our society, to remedy deficiencies that prevent us from achieving wholeness.*

***with liberty and justice for all***

*Our "Pledge of Allegiance" commits us to seek both liberty and justice for everyone. It is well that they are paired. As both air and water are essential for human life so also both liberty and justice are essential for a flourishing democracy.*

*Too often, though, political partisans emphasize one and slight the other. Thus, there is a tendency for liberals to stress a concern for justice and civil*

liberties but to show little concern for an overbearing, centralized government. In contrast, conservatives seek freedom from governmental control, especially over the economy, but have less interest in civil liberties and the role of government in achieving social justice. Libertarians want government to refrain from interfering with individual conducts and to take a laissez faire approach to business, even though injustice may result.

Although liberty and justice are indivisible, for discussion purposes we can consider them one at a time.

For America's founders living under the restrictions of British rule, liberty was so precious that Patrick Henry could proclaim, "give me liberty or give me death!" The Declaration of Independence specified liberty as one of the three inalienable rights. The Preamble of the U.S. Constitution stated that one of six fundamental purposes was to "secure the Blessings of Liberty to ourselves and our Posterity."

The original Constitution contained varied provisions to protect our

liberty. For instance, the Constitution prohibits a religious test for office, assures the writ of habeas corpus and trial by jury, and prohibits ex post facto laws. Experience had taught the framers that such basic rights should be built into the fundamental law of the land.

Quickly the first ten Amendments added other basic rights. The First Amendment guarantees free exercise of religion, freedom of speech and of the press, the right of the people peaceably to assemble, and to petition the government for redress of grievances. Through numerous rulings the U.S. Supreme Court has firmly upheld the right to express unpopular opinions. The Court has protected a wide latitude of religious beliefs and practices, including the right of school children to refuse to salute the flag on religious grounds. Thus, when we say the "Pledge of Allegiance" with "liberty for all", we are upholding the right of free speech, including protest activities and other expressions of dissent.

The Fourth Amendment protects us from unreasonable searches and

seizures. The Fifth Amendment provides protection against self-incrimination and double jeopardy for the same offense, and it protects all persons from deprivation of life, liberty, or property without due process of the law. The Sixth Amendment establishes the right of a speedy and public trial by an impartial jury in criminal cases, the defendant's right to confront witnesses against him or her and the right to have assistance of counsel in defense. The Eighth Amendment prohibits excessive bail and fines and cruel and unusual punishments. The Fourteenth Amendment, adopted after the Civil War, applies the due process clause to the states.

This is the bundle of liberties we commit ourselves to in the "Pledge of Allegiance". When we worry that alleged criminals and other persons we don't like might be taking advantage of these constitutional rights, we should remember that these rights are encompassed in our pledge of "liberty for all".

Likewise in the "Pledge of Allegiance" we make a commitment to justice for all. In doing so we can remember that to "establish Justice" is another

one of the six fundamental purposes specified in the Preamble of the Constitution. One of the Federalist essays written to explain and defend the new Constitution affirmed, "Justice is the end of government. It is the end of civil society."<sup>2</sup>

Holding this belief, the framers gave considerable attention to constitutional provisions assuring a system of legal justice. They created an independent judiciary. Many of the basic rights enumerated in the Constitution and its Amendments relate to the judicial system. It is no wonder that the portico of the Supreme Court of the United States displays the motto, "Equal Justice Under Law."

Justice also has social and economic dimensions. The Declaration of Independence places "life" as the first of three inalienable rights that government is founded to secure. To "promote the general Welfare" is yet another basic purpose of government specified in the Constitution's Preamble.

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<sup>2</sup> *The Federalist, No. 50.* p. 340

Instructed by these fundamental principles, we use our governments to be instruments for remedying social injustices, for assuring that all people have adequate food, shelter, and medical care. We use the taxing powers of government to achieve a degree of redistribution of wealth by basing taxes on the ability of pay and by directing services to persons and communities in greatest need. We reaffirm this commitment each time we pledge to support "justice for all."

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So we see, the "Pledge of Allegiance" is very people oriented. It promises "liberty and justice for all". It insists that we are one people indivisible. As a Republic, we the people give our consent to those who represent us in running the government, but we continuously interact with them to influence various policy-making processes. Being "one Nation under God", we acknowledge that God reigns over all of us.

Knowing that God is the Lord of the Universe, we realize that God reigns over other nations as well. From this knowledge it is a natural step for us to

assert that "liberty and justice for all" is an aspiration of all humankind. The quest for more democracy is global in scope.

Thus, we can extend our love of native land to love for all of Earth and its people. As common inhabitants of this planet, we share a common destiny. Rather than rallying around the flag to war against other Earth dwellers, we can perceive of our flag as a symbol of our commitment to global unity, indivisibility, liberty and justice for everyone on our planet. We can sing:

This is my song, O God of all the nations,  
a song of peace for lands afar and mine.  
This is my home, the country where my heart is;  
here are my hopes, my dreams, my holy shrine;  
but other hearts in other lands are beating  
with hopes and dreams as true and high as mine.

My country's skies are bluer than the oceans,  
and sunlight beams on cloverleaf and pine;  
but other lands have sunlight too, and clover,  
and skies are everywhere as blue as mine.  
O hear my song, thou God of all the nations,  
a song of peace for their land and for mine.<sup>3</sup>

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<sup>3</sup> Lloyd Stone, 1934.

November 22, 1994