

Legislatures and Citizens

Public Participation and Confidence in the Legislature

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This paper addresses ways that legislatures can increase citizen involvement and public confidence in the institution. Its emphasis is on the legislative institution, addressing issues such as transparency of the legislative process, access to the parliament, media relations, roles of

organized interests and civic education. It covers primarily public activities in the halls of parliament. A companion paper to this one, "Legislatures and Citizens: Communication Between Representatives and Their Constituents," deals at the individual level with relations between legislators and citizens in their districts. (Kurtz 1997)

Why Public Participation Is Important to Democracy

An Hawaii state legislator, proud of his state legislature's initiative to provide a public access room in the capitol, says, "In a democracy, the more people involved the better the result" (Koch 1997, 33). From the context of his remarks, one suspects that he was thinking primarily of the benefits to the decision-making functions of legislatures. He talks about the complexity of legislative issues and how outcomes will be better if all sides are represented.

In addition to decision-making, scholars identify two other key functions of legislatures: linkage and legitimation. (Copeland and Patterson 1994) The principle of more-public-involvement-better-results could equally apply to the linkage and legitimation functions of legislatures in a democracy. The linkage between citizens and their government is obviously strengthened when the public has ample opportunity to have their concerns heard by the legislature. Even in countries with weak legislatures subservient to a strong executive, parliaments may play an important role by voicing the concerns of diverse elements of the population.

This role of linking citizens and their government is closely related to the complicated concept of legitimacy. Citizens who regard their government as legitimate are more likely to obey laws, support the regime and accommodate diverse points of view. Citizen participation in the legislative process is vital to creating this sense of legitimacy. Political scientist Norman Ornstein comments on the importance of legitimacy in writing about the Kenyan National Assembly:

The real power and influence of the [Kenyan National] Assembly comes through the exercise of its informal powers. The most important informal function the legislature performs is to provide legitimacy to government actions. This in turn promotes support among the populace for the regime. The legitimizing function is vital in light of the revolts and bouts of instability that have plagued other nations in the region. By accommodating cultural and historical realities, the Kenyan Assembly allows for opposition and dissent within the system, yet also provides stability. As a result, the populace feels at ease about the strength and legitimacy of the system; at the same time, it feels it has some say in the political process. (Ornstein 1992, 7)

The concept of government legitimacy implies that citizens have some knowledge of their representative institution and a certain level of support for it. A comparative study of public knowledge of legislatures in three countries suggests:

The exercise of democratic control over the legislative system and the policy-making process cannot occur unless the public has an elementary understanding of the national legislative institution and its membership. The quality of democratic politics diminishes if citizens are ignorant about legislatures. (Baker et. al. 1996, 44)

Two analysts writing about public opinion in the new democracies of Eastern Europe argue, "...legislatures depend for their survival and effective functioning on public approval. This is

especially the case for legislatures in newly democratic or transitional regimes." (Mishler and Rose 1994, 8)

And elsewhere, in the context of an established democracy, I have suggested that in a society ruled by consent of the governed, public support is vital. If legislatures do not have a certain minimum level of public support, laws will not be obeyed; the institution will be bypassed routinely by executive fiat, court order, or voter initiative; few will want to run for election; and incumbents are not likely to be returned. In short, public support provides legitimacy to the institution. (Kurtz 1991, 1)

In conclusion, the primary purpose of this paper is to discuss ways that legislatures can increase public participation in the parliamentary process. One of several reasons why this is important to democracy is to promote the legitimacy of democratic regimes. This legitimacy is in turn dependent on public knowledge and support of the legislature. As we will discover in the course of this analysis, most of the things that legislatures can do to promote public participation also promote knowledge and support of the legislative institution. Before turning to what legislatures can do to increase citizen participation and confidence in the legislative process, it is important to understand the dynamics and interrelationships of public knowledge and support of legislatures.

The Public Standing of Parliaments

A comparative analysis of public opinion surveys in Canada, Britain and the United States found that British and Canadian citizens are much more knowledgeable about their national parliaments than Americans. On a scale of one to 11 for knowledge of their national legislature, Canadians scored nearly 10. Britons and Americans scored six and three, respectively, on a scale of one to 10. Simpler governmental structures and greater opportunity and motivation to obtain political information were the key factors that explained why Canadians and Britons scored better. (Baker et. al. 1996)

If our premise is correct that an elementary understanding of the legislature is vital to democracy, these numbers on citizen knowledge of the U.S. Congress are distressingly low. If we found similar data in an emerging democracy, we would surely ring alarm bells and urge steps to promote public knowledge of the legislative institution. Unfortunately, though, it is impossible to specify the level of knowledge of the legislature that is necessary to sustain democracy in any given country. Suffice it to say that most legislatures probably suffer from inadequate public knowledge and understanding of their work and must constantly seek ways to provide information, educate the public and strengthen public understanding of the institution.

Public support for legislatures may vary with the governmental structure. It is an axiom of American politics that voters generally think highly of their own elected representative but poorly of the legislature as an institution. In the American system of separation of powers, single-member districts and candidate-centered campaigns, individual legislators are friendly faces, and voters can identify with them. The legislature as an institution, on the other hand, is a faceless institution that can be blamed for any and all actions that citizens disagree with. In Norway, a country with a parliamentary system, proportional representation according to party lists and no constituency service tradition among members of parliament, just the opposite result

was found. Norwegian voters think highly of the Storting, but they view its members as inattentive to their concerns and unresponsive to public opinion. (Shaffer 1996)

In the United States, voters generally do not think highly of Congress or state legislatures. Approval ratings ranging from 20 to 40 percent are common among state legislatures and during the 1990s seldom have gone above 50 percent. Despite these low evaluations of individual legislatures at specific points of time, there is generally strong, diffuse support for legislative institutions—a "reservoir of good will"—that sustains democracy in this country. (Shaffer 1996)

Public opinion data about parliaments in emerging democracies are hard to find. A survey conducted just 18 months after establishment of new parliamentary institutions in six Eastern European countries found remarkably high levels of support for legislatures in all of them. Only one in 20 citizens in those six countries thought it likely that parliament in their country would be suspended in the next few years. More than three-quarters would oppose the suspension of parliament, if it occurred. (Mishler and Rose 1994, 11) The authors conclude:

...Citizens in countries introducing democratic institutions in recent years...have developed democratic attitudes more rapidly than Germans and Austrians did after 1945. East Europeans who lacked democratic institutions apparently learned to value them, perhaps through vicarious socialization resulting from their unhappy experiences with the undemocratic institutions of the former Communist regimes and their long repressed admiration for the institutions enjoyed by neighboring democratic systems in western Europe. (Mishler and Rose 1994, 13)

Unfortunately, few comparable data exist for emerging democracies in Asia, Africa or Latin America. A USAID evaluation study in the Philippines reported fairly high public support for the Congress, although it has steadily declined since imposition of a new constitution in 1987. (USAID 1995, 12) Impressionistic evidence from other parts of the world suggests that many other emerging democracies have had experiences with popular support similar to the Eastern European parliaments.

Mishler and Rose's study of Eastern European public opinion challenges the assumption that the work of legislatures lends legitimacy to governmental regimes. They found that the causal relationship is stronger in the opposite direction: general public support for democratic regimes leads to greater approval of parliaments.

What is the relationship between knowledge and support of legislative institutions? Do people who know more about legislatures score higher on support? The study of Canada, Britain and the United States found no consistent link between citizen knowledge and support of legislatures. In the United States people who are more knowledgeable about government tend to think less of the legislature while knowledgeable Canadians rate their parliament more positively. Knowledge had no effect on public opinion about parliament in Britain. (Baker et. al. 1994)

Possible explanations for these findings about the relationship between knowledge and support of legislatures include differences in structure and mass media. The U.S. separation of powers system may cause Congress to appear more confrontational, obstructionist or slow moving in the public eye than the Canadian parliament. The frequency of divided party control of government in the 1990s at both state and national levels perhaps contributes to this problem. U.S. mass media tend to be more critical and negative about governmental institutions than their counterparts in Canada and Britain. Under such conditions, it would not be unreasonable to

expect that Americans who are more attentive to government and consume the most information from the media are likely to be more negative about the performance of legislatures. (Baker et. al. 1994)

Another explanation for these findings (not offered by the authors) may be that the greater size and social diversity of the United States make the issues that Congress deals with more complex and intractable than those confronting the British and Canadian parliaments. As a result, Congress' performance is more likely to disappoint the public. This point is supported by data from American state legislatures that show that more professionalized legislatures (i.e., those that spend more time in session, have more staff and are better compensated) are rated lower by the public. The more professionalized legislatures are generally found in the larger, more diverse states. (Squire 1993)

The relationship between knowledge and support of legislative institutions is important to the cause of democracy building. An underlying assumption of the later discussions in this paper about what legislatures can do to improve their public standing is that more information (i.e. knowledge), access and participation will lead to more public support for the institution. The data from the United States, though, offer a cautionary note that structural and social factors may prevent this linkage from working.

What Legislatures Can Do

When asked what legislatures could do improve their public standing, a former speaker of the Connecticut house said, "Always reduce taxes and increase services." His response was facetious but implied an important point about how parliaments are limited in what they can do to increase public confidence: legislatures, by their nature, often must make difficult decisions on complex matters involving trade-offs and compromises that inevitably make some segments of the public unhappy. (Kurtz 1991)

Nonetheless, there are things that legislatures can do to promote citizen participation in and support for the legislative institution. We will divide this discussion into three parts that coincide with the three ways that the public learns about legislatures: direct communication, news media and other indirect methods.

Direct Communication

The one-to-one and one-to-many communications between individual legislators and their constituents covered in a companion paper on communication between legislators and constituents (Kurtz 1997) are obvious important elements of direct communication between a legislature and the public. We will not repeat that discussion here other than to remember that these communications between individual legislators and citizens in their districts help lawmakers make decisions about public policy issues, provide mechanisms for resolving citizens' complaints about the government and allow an outlet for the expression of public views and opinions.

Similarly, although it is beyond the scope of this paper, we should also mention that political parties and election campaigns perform a vital role in providing voters with opportunities to

express their public policy preferences and in shaping the positions of their elected representatives.

In this section of the paper we will focus, instead, on more formal mechanisms for public participation in the legislative process through public access, committee hearings and public information about the legislature. Outside of the United States, these topics are usually grouped under the subject of "legislative transparency." In American usage they are more often referred to as "openness." We will use the two terms interchangeably.

Legislative Buildings

At the most elemental level, public participation in the legislative process requires access to the building where the legislature meets. In the United States and most other established democracies, the capitol building is a major public edifice—a source of national or state pride—that is almost completely open to the public. Citizens can and do roam the legislative halls with the exception only of a few private hallways and the floor of the legislative chamber itself. All American legislative chambers have public visitor galleries where citizens can observe legislative sessions. The national capitol in the United States and a few state legislative buildings screen everyone who enters the building for security but otherwise these buildings are extraordinarily accessible.

While we take open capitol buildings for granted in the United States, this is not always the case in emerging democracies around the world. Countries that have experienced political unrest and violence or have a totalitarian history may bar or at least discourage the public from the legislative building, usually for the security or privacy of the members. An NCSL technical assistance team in Africa observed that the Zambian legislative building is located on the outskirts of Lusaka far from the city center and requires visitors to pass through an intimidating iron gate. In Kenya the public regularly packs into the galleries of the legislative chamber, but the rest of the legislative building is closed to citizens. A basic step toward expanded democracy and public participation in such countries would be to open the legislative building to the public.

In addition to public access, most American capitols have visitor information centers to welcome citizens, answer their questions and guide them to where they want to go. Informative tours are usually provided to anyone who is interested in learning about the history of the building and the policy-making process.

The Hawaii Legislature has recently established an innovative public access room—a public lounge where legislative documents, fax machines and computer terminals are available to help citizens who wish to influence the lawmaking process. (Koch 32-34)

The Berlin legislature in Germany recognized the importance of transparency in a symbolic way in the design of its legislative building. After reunification, the Berlin House of Representatives renovated the home of the old Prussian parliament in former East Berlin to serve as their new home. The new legislative chamber has a glass roof open to the sky to symbolize the importance of openness in German democracy today.

Legislative Committees

In many countries legislative committees perform the primary work of obtaining expert and public opinion on issues before the legislature. For example, the North Dakota Legislature's site on the World Wide Web contains this public invitation: "You have the right, as do all citizens, to testify before the North Dakota Legislative Assembly on any bill or resolution." (<http://www.state.nd.us/lr/testify.html>) This testimony takes place before legislative committees of the assembly. A National Democratic Institute report on committees quotes a Malawi parliamentarian who makes the case for obtaining technical advice through legislative committees:

Outside opinion must be sought so that the advantages and disadvantages of a bill and how the bill might affect the nation or a particular section of the population will be discussed and considered by the committee and the parliament before it is passed.... Committees must make it a habit to get in touch with organizations, ministries and people who have technical know-how...." (NDI 1996, 13-14)

American legislatures make widespread use of public hearings to obtain public and expert testimony. In fact nine state legislatures require a public hearing on all bills before the legislature. This is by no means universal throughout the world. A USAID report included this assessment of the impact of a Nepali parliamentary delegation's visit to U.S. legislatures:

For some [Nepali legislators who visited the US], public hearings were the most desirable single feature of American legislatures. Although Parliament does not actively resist public input, it rarely seeks it, aside from expert witnesses. (USAID 1996c, 9)

The NDI study of legislative committees concludes, "In newly established democratic legislatures, legislators must actively help create a [committee] system that invites public participation." (NDI 1996, 13)

Public hearings assume that capitol buildings have adequate space to seat the public at committee meetings. This is not always the case. In Nepal not even journalists are permitted in committee meetings because the meeting rooms are too small. (USAID 1996c)

Public hearings of committees, by definition, are open to the public. There is substantial variation and debate, however, about the extent to which other meetings of committees should be open. In the United States today, virtually all meetings of committees in all 51 legislatures are open to the public. The only exceptions are generally for individual privacy matters, such as personnel decisions, and issues of national security. The Florida and Colorado Legislatures passed the earliest and most stringent "sunshine" laws: all meetings of two or more legislators where public business is discussed in these states must be open to the public.

This openness of American legislative committees has transpired only in the last 25 years. Around the rest of the world it is far from the norm. A 1986 study found that 60 percent of national parliaments always or usually held private committee meetings and only one in four always or usually held public meetings. (IPU 1986, 678)

The case for open meetings of committees is that it allows the public to know what decisions are made and how their legislators vote at what is sometimes the most critical stage of legislation. Woodrow Wilson's slogan about the League of Nations, "open covenants, openly arrived at," captures the argument in favor of open legislative committee meetings.

The argument against open committee meetings is that they may inhibit free and open discussion among legislators and unnecessarily limit the ability to negotiate and compromise. A USAID study of the Nepal Parliament concluded that their closed committee meetings may seem undemocratic but are beneficial because they allow parliamentarians to discuss policy issues without being bound by party positions. (USAID 1996c, 18) An American legislator sums up this case: "Good legislating takes place behind closed doors." (Linsky 1986, 42)

Some of this debate over legislative transparency is artificial, because most legislatures that require open committee meetings find informal ways to "close the doors" and work out differences in private. Or, they may find that on many issues few members of the public or the media bother to attend so no outsiders are present to inhibit discussion.

Open meetings do not suffice to encourage public participation unless there is adequate public notice. The member of the Malawi Parliament quoted earlier says,

...It is necessary to publicize [committee] meetings through the radio, newspapers and posters. Notices containing a detailed agenda must be posted and publicized in good time, at least a week or two before the meeting is to take place. (NDI 1996, 13)

Public hearings in the capital city and open meetings benefit only those who live within easy traveling distance of the capitol or those who have the resources to travel longer distances. Legislatures in many jurisdictions go a step beyond by taking committees on the road. The state legislatures of Minnesota, Missouri, Washington and West Virginia often hold interim committee meetings outside the capital to obtain public input and familiarize legislators with the entire state. After sending Louisiana house committees to 42 communities in 1996, the speaker of the house reported some of the benefits for public participation and the image of the legislature:

Some citizens never had a chance to participate in their government before except at the polls. This let them actually see a committee in action. It also gave private citizens a chance to vent their frustrations.... Citizens saw that legislators aren't the people they've heard about who meet in smoke-filled back rooms. They saw that lawmakers are down-to-earth people, just like themselves, with the same concerns. (State Legislatures 1997, 6)

In the late 1980s the Zimbabwe Parliament organized a series of provincial workshops throughout the country around the topic of regional planning. By including members of parliament, civil servants, and non-governmental organizations in the workshops, MPs not only felt better prepared for debate on the issue but also had vital opportunities to interact with civil servants charged with implementing programs in the field. (Kabasa 1990)

Modern information technology makes it possible for committees to receive public testimony from remote locations by means of audio- and videoconferencing. State legislatures in geographically large western states like Nevada, Wyoming and Alaska routinely provide citizens who live great distances from the capital opportunity to testify before committees via satellite. All Texas senators have Internet videoconferencing capabilities between their district and capitol offices, so citizens can see and speak with their senators in Austin by traveling the relatively short distance to the senator's district office. While these kinds of technologies today are confined to relatively wealthy countries, decreasing costs over time will make them a viable option in poorer countries in the future.

A final idea for promoting public participation in the committee process is to include citizen members on legislative study committees. By statute interim committees of the Wisconsin must include citizen members as well as legislators. In other jurisdictions citizen members may be included on special study committees on an ad hoc basis.

Public Information

Legislatures use various methods to provide information to the public about the legislative process and to bypass the media and communicate directly with the public.

At a basic level, most legislatures produce a brochure describing the parliamentary process. The one published by the Malawi Parliament, with the assistance of NDI, describes the role of parliament in making laws, how the budgetary process works and the parliament's role in scrutinizing the executive branch. NDI also funded the publication of "How Laws are Made" for the Namibia Parliament. A directory of members of the legislature including photos, biographies, staff and contact information is also a basic public resource that all legislatures should provide.

Most legislatures produce a record of actions by the legislature. This record may be a verbatim transcript as in the Congressional Record or the Hansard common to Westminster style legislatures, or it may be a journal summarizing actions and recording votes as in most American state legislatures. Some legislatures tape their proceedings, archive the tapes, but transcribe them only upon request by a court of law. Staff efficiency in producing records of proceedings and providing copies of pending bills improves the transparency of the legislature. A USAID report on legislative strengthening in Poland reported that improved staff and computer services "made parliament more transparent because it is easier for the media, advocacy groups and public to follow the legislative process." (USAID 1996b, 1) In Nepal, though, USAID found "verbatim transcripts are long delayed, have limited distribution and require some digging to obtain." (USAID 1996c, 9)

The above kinds of explanatory materials and public records generally have limited distribution, often requiring consumers of the information to come to the capitol to obtain them. A minimum level of transparency requires that such records be distributed to the media and public libraries or other public facilities.

Many legislatures go substantially beyond explanatory brochures and official records in their efforts to provide effective public information. The Minas Gerais state legislature in Brazil has a very sophisticated public information program. They publish a daily newspaper summarizing the discussions of the day in the legislature complete with photographs and feature stories. They also produce a weekly television talk show program in which members of the legislature are interviewed and answer call-in questions from the public. USAID's legislative strengthening project in El Salvador has helped produce not only a guide to the Assembly but also television and radio ads, newspaper columns and comic books explaining and promoting the legislative process. (USAID 1996a, 9) The Zimbabwe Parliament exhibits at agricultural and trade fairs around the country. Their exhibit includes constituency maps, pamphlets on the role and history of Parliament, and videotapes of the prime minister's question time before Parliament. (Kabasa 1990)

Many legislatures attempt to reach wider audiences directly through radio and television. They may provide facilities for radio feeds that allow members to supply their local radio stations with news and information.

The U.S. Congress permits C-SPAN to broadcast its sessions live on television. Seventeen state legislatures provide similar unedited television coverage of legislative sessions. Unfortunately, there are few data on the impact of watching legislatures on TV on citizens' attitudes toward the legislature. An unpublished U.S. survey, though, showed that regular C-SPAN viewers are more critical of Congress than non-viewers. (Mann and Ornstein 1994, 10) This reinforces an earlier statement that, at least in the U.S. context, more knowledge of the legislature does not necessarily mean more support for it.

The USAID evaluation in Poland also reports negative reaction to televising Sejm debates in the early 1990s. (USAID 1996b, 13) This was attributed to lack of public understanding about the operations of a democratic legislature. In retrospect, it is suggested in the USAID report, more money should have been invested in helping the public understand the Polish legislative process.

Finally, many legislatures are finding innovative ways to use modern information technology to provide information about the legislature to the public. For example the Rio Grande do Sul State Legislative Assembly in Brazil provides a touch screen computer terminal that helps people learn about their legislators and the legislative process. This capability is currently only available in the legislative building, but they have plans to provide computer kiosks in shopping malls and public libraries, as the Hawaii Legislature has done in the United States. Citizens can listen to legislative debates, committee hearings and other governmental functions of the Washington Legislature through RealAudio on the World-wide Web (www.tvw.org). The Missouri Legislature provides a toll-free number that people can dial into in order to hear a broadcast of legislative proceedings.

Media Relations

The primary mechanism by which citizens learn about the legislature in most countries is the news media-newspapers, radio and television. In order to analyze how the media cover different legislatures, we must take into account varying media cultures in different countries. Key variables include the degree of competition among the media, the role of political parties, the extent of government control and the prevailing styles of reportage.

In the U.S. context, there appears to be a paradoxical relationship between media competition and coverage of legislatures: the less the competition, the more extensive the coverage of the legislature. This is because newspapers in competitive markets feel compelled to provide the news that their market research shows the public wants: short, human-interest stories a la USA Today and not detailed public policy analysis. Newspapers in non-competitive markets, on the other hand, can afford to be traditional "newspapers of record" and cover public policy issues that they deem to be important. (Kurtz 1991)

The American context of a free and relatively sophisticated press does not exist everywhere, however, and the degree of competition among the media may not always be a crucial variable. In El Salvador, where media ownership is concentrated in few hands, there are few skilled journalists and little hard news about the legislature. (USAID 1996a, 7) In this case of a less

literate society with no tradition of free entrepreneurial press coverage, the lack of media competition discourages knowledgeable coverage of public policy issues.

Where a free press exists, it plays a significant role both in educating the public about legislative issues and holding the legislature accountable. USAID's evaluation of legislative strengthening in the Philippines found that free media "play a persistent, visible role in holding Congress accountable." (USAID 1995, 12) Similarly they report that Polish media have unlimited access to parliament (even though the public is generally excluded from committee meetings), and they play a "major role in ensuring transparency and accountability in the legislative process." (USAID 1996b, 9)

In some countries the political parties control some, if not all, of the newspapers. Party-controlled newspapers may provide extensive coverage of public policy issues and the legislature, but the coverage is likely to be highly biased. Newspapers controlled by opposition parties are likely to make strong attacks on the government and the legislature. Party-controlled newspapers in a one-party state, on the other hand, are effectively the same as government-controlled newspapers.

Government control of the news media obviously means a bias in favor of the government and the legislature. The legislature's image is well served by the media, but the public does not receive objective information.

The final element of media culture is the prevailing style of political reporting. In the United States, observers mark a substantial change over time in how Congress has been covered. One analysis of press coverage of Congress since World War II suggests that skepticism about Congress has always been a healthy hallmark of American political reporting. But in recent years,

...healthy skepticism about Congress has now largely been replaced with a debilitating cynicism that potentially undermines the foundation of representative government. Recent coverage of Congress, even by the most prestigious news organizations, smells of tabloid sensationalism. The emphasis on petty scandal and conflict reinforces the worst stereotypes of dishonest, lazy, and vindictive legislators and perpetuates widespread public belief that corruption and malfeasance permeate life on Capitol Hill. (Rozell 1994, 59)

We do not know much about this subject in comparative perspective. The comparative analysis of British, Canadian and U.S. public opinion about parliament notes that reporting in Canada pays more attention to policy and governing and is less character-driven than U.S. reporting. Partial state sponsorship of the media and a tradition of public service journalism in Britain and Canada may have impeded the development in those countries of the kind of "attack" journalism practiced in the United States. (Baker et. al. 1996)

Improving Media Relations

At a conference of state legislators the speaker of the West Virginia House of Representatives sums up the complaints of virtually any legislator anywhere about legislative media coverage:

We have two problems. One is that we do lots of things well, but nobody knows about or appreciates them. The other is that we do lots of things poorly, and everybody knows about it and condemns us for it.

Can anything be done to improve the relationship between press and parliament? In countries with party- or government-controlled media, probably little can be done short of completely changing the media culture. But in countries with a relatively free press, the legislature, the media and outside donors can take steps to strengthen the relationship:

- *Training for journalists.* The Centro de Estudios y Asistencia Legislativa (CEAL) in Chile and Florida International University have successfully conducted training programs for reporters in Latin America on the legislative process and how to report on the legislature. (SUNY 1997, 3) Nineteen American state legislatures conduct orientation sessions for the media. Both legislative leaders and veteran reporters participate in these sessions. (NCSL 1993, 3-4)
- *Frequent meetings between legislators and journalists.* Regular formal meetings with the press such as the weekly Monday afternoon press conferences held by the Minnesota house majority leadership can improve communication. (NCSL 1993, 3) CEAL in Chile and Poder Ciudadano in Argentina have sponsored regular, informal, "off the record" meetings to help journalists and legislators better understand each other. (SUNY 1997, 3) Many American legislative leaders also make it a point to meet with editorial boards of major newspapers to discuss current state issues.
- *Information.* Disseminating information to the media like that described in the section on public information above is essential. Examples of particularly useful information for the media include CEAL's publication of a legislative-economic bulletin (SUNY 1997, 3) and the Arizona house's annual report containing questions frequently asked by the media. (NCSL 1993, 4)
- *Transparency.* All of the ideas for direct communication between the legislature and the public in an open and transparent fashion described above are also important to relations with the media.

Finally, although it is largely beyond their control, legislatures can encourage voluntary media restraint, openness, and independence. In the United States some news organizations voluntarily subject themselves to the same public financial disclosure and conflict of interest reporting requirements as those applying to public officials. A strong press association can help to train, mediate and accredit reporters. Minnesota has a statewide news council, made up of journalists, citizens and a supreme court judge, to which anyone who feels wronged by the press can complain. This panel investigates complaints and issues reports on the news media. (NCSL 1985)

The manner in which reporters cover the legislature has an impact on the public image of the institution and citizen participation in its activities. An American analyst emphasizes the importance of restrained and responsible media:

Reporters and editors can voluntarily do a better job of educating the public about Congress and representative government. Whether they are motivated by concern over the impact of fueling public cynicism toward the institution or by professional pride in factual reporting, fairness, and balance, journalists could truly serve the public by covering the legislative branch in a manner that befits the most representative institution of our government. (Rozell 1994, 114)

Indirect Methods

In addition to direct communication and media relations, there are a number of other indirect approaches that legislatures can take either to improving their public image or to increase citizen participation.

Legislative Performance

One of the most important, although often overlooked, tools for improving the legislature's public standing is effective performance. Legislatures that move expeditiously and efficiently to formulate timely legislative responses to public policy problems will always be regarded more favorably than those that delay, engage in partisan bickering and deadlock.

Decorum in the legislative chamber is an important element of the public's perception of the institution. Speaking at an international conference on the links between parliament and the public, a New Zealand minister said, "The chamber is the most visible element of parliament, and too often we fall short. If we look silly, it's not the media's fault; it's our own." Presiding officers play a crucial role in ensuring that legislative rules require decorum and that those rules are enforced.

Ethics

"Real or perceived unethical behavior by members and staff erodes public confidence in the legislature and all legislators," says an NCSL report on strengthening state legislatures. (NCSL 1994, 10) This is doubly true in emerging democracies where traditions of bribery, nepotism and legislating for personal benefit may be difficult to eradicate in a short period of time. All legislatures should develop codes of ethics for public officials and conflict of interest and public disclosure laws that suit their countries' culture and circumstances. Training should be provided to legislators and staff about ethics laws, and they should be encouraged to meet the highest ethical standards, not just the letter of the law. (NCSL 1994, 11)

A detailed discussion of anti-corruption strategies and legislative ethics laws is beyond the scope of this paper. The Law Library of Congress has recently published a very useful comparative analysis of legislative ethics laws in 34 countries. The report covers restrictions on gifts to legislators, outside income, financial interests and disclosure and post-legislative service employment restrictions. Generally, it finds that restrictions and limits in the United States are more stringent than in most other countries. (Law Library of Congress 1997) Many U.S. state legislatures have substantially more restrictive ethics laws than the Congress. These more extreme state laws have usually been passed in the wake of widely publicized scandal in the state. (Rosenthal 1996)

Direct Democracy

The ultimate form of public participation in the legislative process is direct democracy through referenda (also known as plebiscites) or initiatives. Referenda or plebiscites occur when a legislature (or, in some cases, the executive) refers a measure to the public for a vote. This method of allowing people to determine their own fate directly has worked well in many countries. Australia and Switzerland have made particularly extensive use of the referendum. In Switzerland citizens can demand a referendum on measures passed by the legislature by

obtaining an adequate number of signatures. The referendum has been particularly useful in resolving constitutional and boundary issues. (Cronin 1989, 160-163)

The direct initiative, in which citizens can initiate a measure, bypass the legislative process and submit the matter to a public vote, is less frequently used around the world. Approximately half of the American states have the right to initiate legislation directly. The initiative has a strong appeal as a means of ensuring that the majority of the public can themselves pass the laws that they want. Criticisms of the initiative, though, include the concern that overuse of the initiative can result in long and complex ballots that voters do not understand. Initiated measures may be poorly crafted, and they are not subject to the public hearing and comment process that often leads to the accommodation of differing views through negotiation and compromises within the legislature.

The most severe critics of direct democracy regard it as a threat to parliamentary democracy and representative government. Advocates, on the other hand, argue that sparing use of these devices, as in Australia and Switzerland, "can buttress rather than destroy a parliamentary system." (Cronin 1989, 162)

Civic Education

Civic education is a vital strategy for strengthening public participation and confidence in the legislative process. The methods of direct communication described above are all forms of civic education. The most effective long-term civic education, though, begins at younger ages in the schools. The most important thing that legislatures can do to promote civic education is to require that it be taught as part of the school curriculum, provide adequate funds for texts and curriculum materials and ensure the availability of knowledgeable and trained teachers.

Legislatures in various countries have developed innovative curriculum materials to aid in teaching about the legislative process. The Minas Gerais Legislative Assembly in Brazil has produced a series of storybooks and games written by award-winning children's authors to explain representative democracy in their state. A USAID-funded project in El Salvador has published comic books aimed at primary school children. (USAID 1996a, 9) The Pennsylvania Legislature has designed a board game based on the legislative process and distributes it free of charge to public schools. (NCSL 1993)

The Center for Civic Education in the United States, with funding from Congress, sponsors a national competition for high school students on the Constitution. A companion program, We the People...Project Citizen, is aimed at middle school students and is designed to involve students in community problem-solving exercises. The curriculum for Project Citizen has been translated into Spanish, Bosnian and Czech and used successfully in countries that speak those languages. (Center for Civic Education 1996)

To combat a bias toward teaching about the national government and overlooking the role of state and local government, the Minnesota Legislature and the National Conference of State Legislatures have published textbooks for high school students that explain the state legislative process. (Neal 1996) The Institute of Government at the University of Georgia provides newsletters, curricular materials and training workshops for civics teachers on Georgia state government. (Kurtz 1991)

Organized Interests

Organized interest groups can play a vital role in communicating between the public and parliament. Businesses, trade associations, labor unions and non-profit organizations, often referred to outside the United States as NGOs (non-governmental organizations), can aggregate interests and bring the concerns of many people before a representative assembly. These organizations can provide expert advice to the legislature on how proposed laws will affect their interests.

In its assessment of legislative strengthening projects in a number of countries, USAID consistently reported on the relationship between NGOs and the parliament. In the Philippines, where NGOs are constitutionally mandated to participate in public affairs, they are very active with the Congress. USAID-funded projects that promote the role of NGOs in community development and service delivery and improve their internal management have contributed indirectly to strengthening public participation in the legislative process. (USAID 1995)

In Nepal, on the other hand, USAID found that "NGOs ...seemed unsure of the legislative process and how they could engage in it." (USAID 1996c, 9) And in El Salvador there was limited interaction between the legislature and NGOs "because special interest groups and deputies do not yet see it as useful." (USAID 1996a, 6)

Words like "lobbying" or "lobbyist" have negative connotations in many cultures. USAID found that lobbying was not accepted as legitimate in Poland due to a communist past in which representation of organized interests was viewed as a capitalist tool. (USAID 1996b, 9) An NCSL team working with Brazilian legislative staff found that the most difficult cultural barrier to overcome was explaining how "lobbying" could have a positive connotation involving information, expertise and representation of legitimate interests rather than a negative image of corruption and illicit influence.

Much of the discussion of accessibility of the legislature to the public, transparency and codes of ethics applies to the role of the legislature in establishing a climate in which NGOs communicate effectively with the legislature. In response to poor interaction between NGOs and parliament in Poland, USAID helped to develop ground rules of acceptable and ethical lobbying practices. (USAID 1996b)

Conclusion

How Can Donors and Support Organizations Help?

There are no major differences between how donors and organizations can help strengthen public participation in the legislative process and the strategies for improving interaction between individual legislators and their constituents that are described in the companion paper on legislator/constituent relations. And thanks to the USAID impact evaluation studies, this paper is dotted throughout with examples of how support has been given to promoting transparency and public participation. We will not repeat those discussions here but will add a few comments generated by the examples already cited.

Training and education are the most effective tools for strengthening legislatures in the area of public participation. Because of the institutional focus of this discussion of citizen participation in the legislative process, training and education in this area should be targeted to key legislative leaders and senior staff who are responsible for legislature-wide functions. Study tours to established democratic legislatures may be particularly effective in promoting things like access to buildings, public information and committee hearings because these aspects of transparency tend to sell themselves when people see them in action. Reference has already been made to the impact on the Nepali legislators of seeing public committee hearings during their study tour to the United States.

Technical assistance can also be targeted to a few key leaders and staff of the legislature. Assuming that a climate exists in which a legislature wants to open up its process, experienced legislative staff from established democracies with public information responsibilities could provide very effective in-country advice and support in short periods of time.

We have also mentioned ongoing in-country legislative support institutions or public policy institutes like CEAL in Chile and Poder Ciudadano in Argentina. NDI has permanent American staff on the ground in the countries in which they work. These kinds of ongoing support functions have obvious advantages in establishing credibility, cementing personal relationships with key leaders and staff and being able to assess legislative needs over an extended period of time. The only disadvantage of this approach is that on-site staff may not have the expertise necessary to support legislative strengthening in specific areas. The ideal combination is to have staff in country and also have the resources to bring in subject matter experts and practitioners from established democracies for short periods of time. This is a model that NDI has successfully used.

NCSL's experience both in the United States and abroad is that peers provide the most effective training. Legislators in other countries want to learn from fellow elected officials. Visiting legislators have instant credibility with their elected hosts. Legislative staff, on the other hand, pay respect to visiting elected officials but really prefer to hear privately from their fellow staffers about "how things really work." In other words, the make-up of training and technical assistance teams should be tailored to the target audience.

Because civic education is generally more of an indirect function of legislatures, the most effective assistance in this area may be provided through grants and general support to universities or NGOs that write textbooks and curriculum materials or train teachers. Technical assistance in the area of civic education can come from U.S. NGOs like the Center for Civic Education. Translation of international curriculum materials like "We the People...Project Citizen" can supply a valuable resource for training young people in countries that lack a tradition of civil society and community problem solving.

A Checklist for Public Participation

The following table provides a test against which public participation in the legislative process can be evaluated in any country. Few, if any, legislatures in the world meet all of the standards set forth in this table, although the U.S. Congress, the British Parliament and many American state legislatures, notably Minnesota and Georgia, come close.

Conditions Promoting Public Participation and Confidence in the Legislature	Check
1. The legislative building and galleries are open and inviting to the public.	
2. Committee meetings are open to the public with adequate notice of meeting times and agendas.	
3. Records of committee meetings and plenary sessions are available to the public and distributed to libraries or other public facilities.	
4. Committees aggressively seek public input by such means as holding hearings inside and outside the capital and utilizing remote conferencing technology.	
5. The legislature publishes basic information about the legislative process and distributes it to the public, media and libraries.	
6. Legislative sessions can be viewed on television or heard on radio or via the Internet in unedited form.	
7. Freedom of the press is guaranteed in the constitution and practiced.	
8. The legislature and society in general encourages voluntary media restraint, openness and independence.	
9. Journalists have adequate access to the legislature, are supplied with timely information and receive training and education about the legislative process.	
10. The legislature responds to public problems in a timely manner and operates in a decorous fashion.	
11. The legislature has a code of conduct and legislators are trained in how to meet high standards of ethical behavior.	
12. Appropriately limited forms of direct democracy exist to allow voters to make their own decisions on vital constitutional and policy matters.	
13. The legislature supports civic education in schools and provides curriculum materials to help children learn about the legislative process.	
14. Both the legislature and NGOs have ground rules of acceptable and ethical lobbying practices and abide by them.	

Taking all of the above steps will not by any means guarantee that legislatures will rank well in the public eye. Indeed, examples like the public reaction to televising Sejm debates described above and the data from the United States showing that greater knowledge of the legislature

means lower esteem for the institution point out the potential downsides of greater public information and participation.

But if there is a basic reservoir of good will toward the legislature, these potential negative consequences of opening up the legislative process are not debilitating. Another way of putting it is that there are no tradeoffs to increasing public participation in the legislative process at the institutional (as opposed to individual legislator) level. Strengthening citizen involvement in parliament is a desirable democratic goal in and of itself. It improves the quality of legislative decision-making, links citizens to their government and provides legitimacy to democratic institutions.

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