

The Case for Representative Democracy

What Americans Should Know About Their Legislatures

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NATIONAL CONFERENCE *of* STATE LEGISLATURES

The Forum for America's Ideas



AMERICAN POLITICAL
SCIENCE ASSOCIATION



CENTER ON CONGRESS
AT INDIANA UNIVERSITY



CENTER FOR
CIVIC EDUCATION

A Publication of the Trust for Representative Democracy



The National Conference of State Legislatures serves the legislators and staffs of the nation's 50 states, its commonwealths, and territories. NCSL is a bipartisan organization with three objectives:

- To improve the quality and effectiveness of state legislatures,
- To foster interstate communication and cooperation,
- To ensure states a strong cohesive voice in the federal system.

The Conference operates from offices in Denver, Colorado, and Washington, D.C.

Cover photo: North Dakota House chamber.

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Printed on recycled paper

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ISBN 1-58024-127-1

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PREFACE

In February 2000, the National Conference of State Legislatures (NCSL) marked its 25th anniversary by establishing the Trust for Representative Democracy. The Trust for Representative Democracy is a public outreach and education initiative designed to counter the cynicism and distrust that prevails among the public today by offering a more positive and accurate view of elected officials, the people who work with them, and the legislative institutions in which they serve.

The American Political Science Association (APSA), the Center for Civic Education (CCE) and the Center on Congress at Indiana University share NCSL's commitment to enhancing civic education on representative democracy and join in a project to offer a fresh perspective on Congress and our state legislatures. This perspective is grounded in the ideas of the framers of the U.S. Constitution and reflects the prevailing view of legislatures, the legislative process and legislators among political scientists. *The Case for Representative Democracy: What Americans Should Know About Their Legislatures* forms the foundation of the project.

This publication first appeared as *A New Public Perspective on Representative Democracy: A Guide for Legislative Interns* in January 2000. Four political scientists—Alan Rosenthal of Rutgers University, John Hibbing of the University of Nebraska, Karl Kurtz of NCSL and Burdett Loomis of the University of Kansas—collaborated on that guide for students who are interns in state legislatures. The guide was field tested by the authors with legislative interns in 12 states during 2000 legislative sessions. Because interns are students who are intensely involved in the legislative process, they offered a unique vantage point for providing feedback on the content and exercises in the guide. The authors also discussed the interns' guide with legislators, legislative staff, political scientists and civics teachers. Most of these readers reported that they found the guide to be useful and compelling. Based on this response the authors have revised and adapted the original interns' guide for a more general audience.

We hope that *The Case for Representative Democracy: What Americans Should Know About Their Legislatures* will serve as a useful tool for all citizens who wish to engage in American democracy to gain a broader perspective on the legislative process, politics and representation. It describes the core features of representative democracy in Congress and the state legislatures and provides exercises that enable people to make their own judgments about our political system. On-line resource materials on NCSL's web site at www.ncsl.org/public/civiced.htm augment this guide. Additional references for studying politics and government can be found on the APSA's web site at www.apsanet.org.

The authors of this monograph have a point of view: they make the case for representative democracy. Americans are so bombarded by negative and inaccurate portrayals of government that it is essential to offer an explicitly positive view of representative democracy to balance the prevailing cynical and distrustful views.

Many civic education initiatives are under way across the United States today. Considerable attention is being devoted to increasing *civic knowledge*, which is at low levels, especially among younger generations. Even more attention is being given to encouraging *civic engagement*, whereby people vote and participate in government between elections. Our effort complements these two thrusts. It focuses on *civic perspective*—how citizens view the political institutions, processes and people that are fundamental to representative democracy in America.



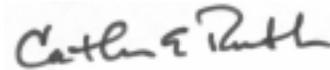
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ABOUT THE ORGANIZATIONS AND AUTHORS

The **National Conference of State Legislatures** is a bipartisan organization that serves the legislators and staffs of the nation's 50 states, its commonwealths and territories. NCSL has established the Trust for Representative Democracy to improve public understanding of the concepts of American democracy. The Trust for Representative Democracy offers a comprehensive package of civic education programs about America's legislatures.

The **American Political Science Association** is the major professional society for people who study politics, government and public policies in the United States and around the world. Education for civic engagement and responsive governance were founding objectives of the political science profession at the beginning of the 20th century, and they remain essential for the 21st century. APSA maintains a national civic education network.

The **Center for Civic Education** promotes informed, responsible participation in civic life by citizens who are committed to American democracy's fundamental values and principles. Among the Center's range of curricular, teacher-training and community-based programs is Project Citizen, a middle-school civic education program designed to help prepare students to participate competently and responsibly in state and local government.

The goals of the **Center on Congress at Indiana University** are to improve public understanding of Congress—its role in our large and diverse country, its strengths and weaknesses, and its impact on the lives of ordinary people—and strengthen civic engagement, especially among young people. The Center advocates a balanced, realistic view of Congress, that leads to a desire to make things better rather than to cynicism and giving up. Center programs include syndicated op-ed and radio commentaries and on-line educational activities for students.

Alan Rosenthal teaches at the Eagleton Institute of Politics at Rutgers University and has written numerous books and articles about state legislatures.

John Hibbing, professor at the University of Nebraska-Lincoln, has written about Congress and currently is exploring public attitudes toward the political system.

Karl T. Kurtz directs the National Conference of State Legislatures initiative, the Trust for Representative Democracy, and writes about state legislatures.

Burdett Loomis is professor of political science at the University of Kansas and writes about interest groups, state legislatures and Congress.

Do You Trust Our System of Government?

Before you read this publication, score yourself on the following test to see how much trust you have in our system of representative democracy. Please circle the number that most closely matches how you feel about each of the following pairs of statements.

- | | | |
|-------|---|---|
| a) | Most legislators act unethically and are out for themselves. | Most legislators are out to promote the public welfare as they and their constituents see it. |
| | 1 2 3 4 | 5 6 7 |
| <hr/> | | |
| b) | Legislators don't care what regular people think. | Legislators care deeply about what their constituents want. |
| | 1 2 3 4 | 5 6 7 |
| <hr/> | | |
| c) | Americans agree on what is right and necessary, so the legislature should just pass the laws that the people want. | People disagree on most issues except at a general level, and the legislature must resolve the clash of values and interests. |
| | 1 2 3 4 | 5 6 7 |
| <hr/> | | |
| d) | Legislators are the servants of special interests that look out for themselves, not the will of the regular people. A few big interests run the government. | There is an organized interest for almost every conceivable policy interest that anyone might have. The number and diversity of organized interests ensure that all sides of an issue are heard but not that any one group comes out ahead. |
| | 1 2 3 4 | 5 6 7 |
| <hr/> | | |
| e) | The lawmaking process doesn't work well because of politics, unprincipled deal making and needless conflict. | Making laws is a contentious process because it takes in so many competing values, interests and constituencies. |
| | 1 2 3 4 | 5 6 7 |
| <hr/> | | |
| f) | Politicians are not accountable for their actions. | Politicians, who must run for office every two or four years, are as accountable as anyone can be. |
| | 1 2 3 4 | 5 6 7 |
| <hr/> | | |

Add up the total of the numbers you circled above and write down your score. _____

If you scored:

33-42

27-32

21-26

15-20

6-14

You are:

Trustful of representative democracy

Moderately trustful

In-between

Moderately cynical

Cynical about representative democracy

EXECUTIVE SUMMARY

Americans like the idea of representative democracy, but they have little liking for the practices, institutions and politicians that make representative democracy work. Nor are they tolerant of the processes, which require debate (viewed as bickering), compromise (viewed as selling out), advocacy (viewed as posturing) and stalemate (viewed as obstructionism). They do not trust government to do the right thing, they are cynical about elected public officials who are supposed to represent their interests, and they feel that the legislative system as it operates is wide open to special interests but not to the public. The political system gets low marks from most Americans.

There are many reasons for these negative public perceptions. The virtues of representative democracy are not self-evident. The processes in Congress, state legislatures and city councils are messy and difficult to fathom, even to insiders. In their efforts to draw readers, the media focus on conflict and overemphasize negative events. All too often, politicians run against the political system and the people in it. At the same time, significant societal changes have taken place, and culture wars have broken out in American society. Although expectations of what government can do have risen, notions about why and how government should perform have become more heterogeneous and conflicting.

The accumulation of negatives fuels public discontent and disenchantment. No particular incident, specific charge, single newspaper story or television portrayal makes a huge difference, but years of battering have eroded support for the political system.

This climate of cynicism is deadly to representative democracy. It hinders the recruitment to elective public office of talented and concerned people, many of whom no longer will risk having their characters assailed and their reputations damaged. It weakens the bonds between citizens and their representatives. It makes consensus more difficult to achieve, because trust is in such short supply. It hinders steady and pragmatic solutions, while encouraging posturing, scapegoating and quick fixes. It erodes the representative assemblies that have served us remarkably well for more than 300 years. It puts our system of representative democracy in peril, even though we have nothing else we would rather have in its place, and nothing that would serve nearly as well.

This publication offers engaged Americans an alternative view of representative democracy by providing a more accurate and positive perspective. It is based on six operating principles of representative democracy as it is practiced throughout the nation. The first two principles focus on representatives as individuals, and the latter four emphasize representa-

tion as a system. The treatment of each operating principle includes both a discussion of what the public perceives and a discussion of how politicians and institutions work.

The authors of this guide believe that the system and its participants work well—by no means perfectly, but well—and better than any realistic alternative. Of course, there are problems with legislatures and with legislators that need attention. Of special concern are the conduct of political campaigns, the business of campaign finance and conflicts of interest, partisanship and incivility in the legislature. These concerns should not be taken lightly. Yet, they should not detract from an appreciation of a system that, while currently the envy of the world, is misperceived and unappreciated here at home.

Representative Democracy: Public Perceptions vs. Reality

What People Think

How It Really Works

1. Legislators are simply out for themselves, lack integrity and act unethically.

The overwhelming number of legislators are out to promote the public welfare, as they and their constituencies see it. Moreover, they are generally ethical, although not everyone agrees on just what is and is not ethical in public life.

2. Legislators do not care what regular people think.

Legislators are very concerned about what people in their districts want and need. Everybody's opinions are invited and welcome before the legislature. But organized groups that have sizeable memberships or major employers in their districts may have more influence than individuals alone.

3. Americans agree on what is right and what is necessary, so the legislature should just pass the laws that the people want.

People in our diverse and pluralistic system do not agree on issues except at a general level. It is the job of the legislature to resolve the clash of values, interests and claims.

4. Legislators are the servants of special interests that look out for themselves, not the will of regular people. A few big interests run the government.

There is an organized group for almost every conceivable policy interest that anyone might have. The number and diversity of organized interests ensure that all sides of an issue are heard but not that any one group comes out ahead.

5. The lawmaking process doesn't work well because of politics, unprincipled deal making and needless conflict.

Making laws is a contentious process because it encompasses different and competing values, interests, and constituencies, all of which are making claims on government or one another. Some differences are fought out, but most are negotiated, compromised and settled—at least to a degree and for a while.

6. The political system and politicians are not accountable for their actions.

Legislators who run every two or four years, who may be subject to recall and whose every vote is on record are as accountable as anyone can be.