

The “Wizard” of Democracy

Intellect, insight and inspiration distinguish Alan Rosenthal’s influence on state legislatures.

Alan Rosenthal dedicated his life’s work to legislatures—to understanding them, making them strong, and extolling their value to generations of students, legislators, governors and political scientists. As an author, he graced the pages of *State Legislatures* magazine many times for many years. He believed, as we do, that legislatures are the most responsive, innovative and effective institutions in government, and he went out of his way to prove it to our readers every chance he got. A Rosenthal article in the magazine was always witty and insightful and full of passion for the institution he loved best. His perspective was like no one else’s, because no one else knows legislatures as completely as he did. As we were preparing this magazine, Alan was critically ill. He died on July 10. It is our honor to pay tribute to his life’s work on the pages of the magazine he wrote for so prodigiously. Thank you, Alan.

—*The editors*

“His leadership of the Eagleton Institute of Politics at Rutgers University inspired new respect for what state legislators do and the way they do it. Whenever I was with him or heard him speak, I took notes.”

—*Bob Garton, former president of the Indiana Senate*

“No one else is able to be so deeply immersed in a deadly serious cause while maintaining such a playful sense of humor and delightful overall disposition. I shudder to think where this noble cause would be without Alan’s tireless work over these past several decades.”

—*John Hibbing, professor of political science, University of Nebraska*

“His service, dedication and usually spot-on advice have spanned decades, and have been given freely to those across the spectrum of politics.”

—*Steve Sweeney, president of the New Jersey Senate*

“His efforts to track and evaluate changes in lawmaking and promote the spread of good practices have had an incredible impact throughout the nation.”

—*Talbot “Sandy” D’Alamberte, former state legislator, former president of Florida State University and the American Bar Association*

“Alan Rosenthal certainly merits a tribute from state legislators and legislative staff for his work over the years. I hope that a new generation of political scientists will pick up his legacy and do multi-state studies that will help to strengthen state legislatures.”

—*Bill Kelly, former member of the Minnesota Legislature*

“Alan was a legend, and we continue to benefit from his good sense, good works and good humor.”

—*TALBOT “SANDY” D’ALAMBERTE, FORMER STATE LEGISLATOR, FORMER PRESIDENT OF FLORIDA STATE UNIVERSITY AND THE AMERICAN BAR ASSOCIATION*

BY KARL KURTZ

It happened like this: When Rutgers University Professor Alan Rosenthal went to Columbus, Ohio, to observe the General Assembly, he decided to test the old saw, “Two things you should never watch being made are sausages and laws.”

“After watching our legislature, he wanted to observe sausage being made,” says Richard Finan, former president of the Ohio Senate. “So I made several phone calls and got him an appointment to visit a sausage factory. When he returned from touring it, he concluded that the saying was a total myth. Sausage-making is nothing at all like lawmaking.”

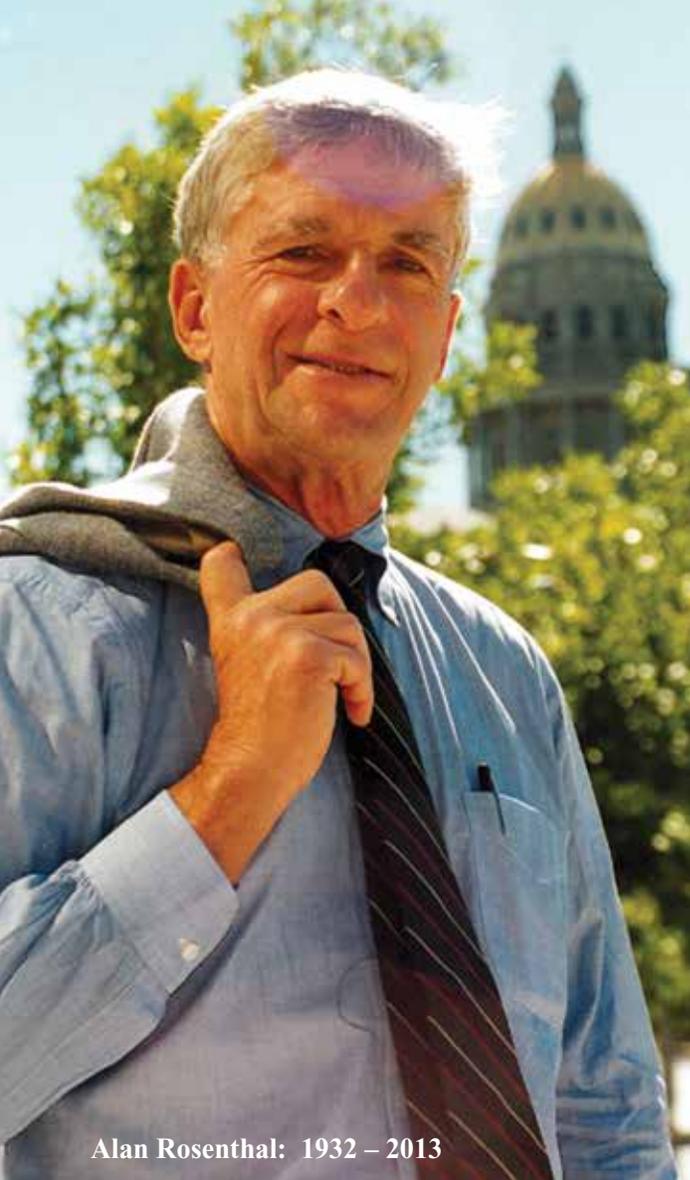
Rosenthal turned this experience into a memorable article for *State Legislatures* magazine in September 2001. In “The Legislature as Sausage Factory: It’s About Time We Examine This Metaphor,” he contrasted the highly private, regulated, inspected and routine process of making sausages with the highly public, ever-shifting, on-the-fly, never-the-same process of making laws.

A Rare Combination

This story illustrates both the humor and acuity Rosenthal brought to his study of state government and politics. His rare ability to bridge the gap between academics and politics served him well.

He has written or edited numerous books, reports, articles and monographs. He’s influenced the lives of thousands of students and two generations of political scientists. He’s been honored with many awards.

Karl Kurtz, director of NCSL’s Trust for Representative Democracy, has known Alan Rosenthal for 40 years as mentor, collaborator and friend. Brian Weberg, director of NCSL’s Legislative Management Department, suggested and contributed to this article.



Alan Rosenthal: 1932 – 2013

But perhaps the greatest influence this skilled observer of representative democracy has had is this: He has helped to modernize and strengthen state legislatures, encouraging them to become equal partners in our three-part government.

“Alan’s good humor, keen intellect and incessant curiosity have enabled him to make lasting contributions to our understanding of representative government,” says David Frohnmayer, a former state legislator and University of Oregon president-emeritus. “In very few fields of political science scholarship is so much owed to the efforts of a single pioneering investigator. Alan Rosenthal is owed a debt of gratitude by all who study or serve in state governments.”

The Art of Scholarship

Rosenthal had been practicing the art of scholarship and practical politics since the late 1960s and early 1970s when he and the Eagleton Institute of Politics at Rutgers University conducted studies of the Arkansas, Connecticut, Florida, Maryland, Mississippi, Ohio, Texas and Wisconsin legislatures, to strengthen them and make them more effective.

Rosenthal directed and wrote or edited all the reports and recommendations on the eight states. Connecticut’s report, written by David Ogle, a former student of Rosenthal’s, is credited with

The Conscience of State Legislatures

Alan Rosenthal may not have known it, but for 14 years, he was my go-to guy. When NCSL hired me in 1999 to be the first director of the Center for Ethics in Government, all I knew about legislative ethics came from my own experience as a Colorado state legislator. I needed a national perspective and, lucky for me, Alan and his array of books provided that.

The Ethics Center’s early association with this widely respected expert on state legislatures also provided us with credentials.

“We need to get the Ethics Center on the map,” he said. He suggested we publish and widely distribute what he named “The State of State

Legislative Ethics.” The manual—chock-full of essays, case studies and research on states’ ethics laws in more than two dozen categories—came out in 2002 and has sold out twice.

A prophetic and excellent writer, Alan jam-packed his books with relevant information. But of all the books he wrote, “Drawing the Line, Legislative Ethics in the States,” is the winner for me. It has helped me develop ethics trainings for public officials and taught me about legislatures across the country. My copy is now dog-eared and tabbed, underlined and bookmarked.

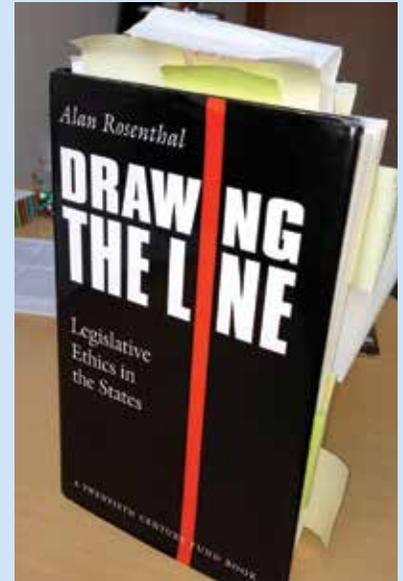
I quote Alan all the time. Sometimes I use a quote from one of his books. Most times, I would call him for a fresh perspective and angle. And I never hesitated to send calls from the media his way. No matter the issue—even when I was reluctant—he never hesitated to weigh-in on a subject and give a good quote.

Alan worried that legislatures are “too inbred, clubby and gift-oriented.” He first clued me into using the “appearance of impropriety” as a standard test for ethical behavior. No-cup-of-coffee laws, strict gift bans and strong disclosure laws are ways to curb the appearances of impropriety by legislators, he said. “Legislators have to take ethics seriously and assume responsibility.”

His enormous respect for the legislative institution was evident in all his advice. “One of the major ethical issues facing legislators is not about accepting a meal from lobbyists or whether their occupations outside the legislature pose a conflict,” he said. “Rather, it relates to their commitment to the Senate, the House and the legislature. Legislators have an obligation to maintain the well-being of their institution and to leave it in as good, or better, shape when they depart as they found it when they arrive.”

Oh, so true. Alan Rosenthal could have been talking about his own legacy, for he has done just that.

—Peggy Kerns, director of NCSL’s
Center for Ethics in Government



“Alan’s enduring legacy is that he could remind current members they are only the next season and not the start of history.”

—TOM LOFTUS, FORMER SPEAKER OF THE WISCONSIN HOUSE, AMBASSADOR TO NORWAY AND AUTHOR OF THE ART OF LEGISLATIVE POLITICS

persuading members of the Connecticut General Assembly to adopt sweeping changes.

The transformation in Hartford reflected the institutional challenges of the times: switching from biennial to annual sessions, creating nonpartisan offices for research and fiscal analysis, establishing a joint legislative management committee, converting bill drafting and more to the computer age, and raising legislators’ salaries.

About the same time, Rosenthal and Donald Herzberg, the director of the Eagleton Institute, were conducting seminars for emerging legislative leaders. For 10 years, these workshops on the institution of the legislature made a profound impression on participants, many of whom later became legislative leaders, governors and members of Congress.

Like many others who participated in one of these conferences, Martin Sabo, former Minnesota House speaker, NCSL president and congressman, says Rosenthal “taught me and other legislators the importance of the legislative institution and the responsibility to nurture it.”

Throughout his career, Rosenthal paid particular attention to his home state of New Jersey. In 1992 and again in 2001, he served as the independent, nonpartisan tie-breaker on the state’s congressional redistricting commission. And in 2011, he served as the independent member on the state



legislative redistricting commission, the obvious choice for the chief justice, since his name appeared most often on the lists submitted by both the Republicans and the Democrats. In 2011, Politicker NJ, an online political report, ranked Rosenthal No.1 among the state’s 100 most powerful politicians, excluding elected officials, for his efforts to draw fair state political maps in the face of intense partisan pressure from both sides.

“Alan’s knowledge of the legislative process and how the gears in Trenton turn is second-to-none,” New Jersey Senate President Steve Sweeney (D) says. “It’s why governors, legislators and other elected officials have called on him to help resolve the issues that shape the state of New Jersey.”

Nationwide Influence

Rosenthal and his work extend beyond the Garden State. He’s well-known and admired among state-government politicians, students and professors across the country. “Alan’s knack for taking knotty ideas about legislatures and federalism, and making them clear and relevant has helped

John Patton: Putting Rosenthal’s Theory Into Practice

John Patton is but one example of how influential Rosenthal’s work has been. Rosenthal’s vision of stronger, more effective legislatures intrigued Patton as a young Wyoming lawmaker at an Eagleton Institute conference in 1967. But what really fired him up was a national study in 1971 that ranked the Wyoming Legislature 49th in the country on how functional, accountable, informed, independent and representative it was.

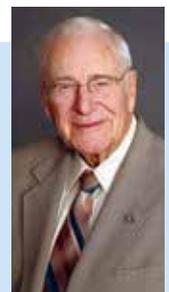
The ranking, by the now-defunct Citizens Conference on State Legislatures, horrified Patton and many other Wyoming legislators. Patton immediately introduced bills based on recommendations in the study, including going to annual legislative sessions and

establishing a central, nonpartisan Legislative Service Office. The bills passed and transformed the Wyoming Legislature. “We made more positive changes than any other state that year,” says Patton.

Patton’s success did not go unnoticed. The Citizens Conference on State Legislatures and the National Conference of State Legislative Leaders asked him to direct the Project for Legislative Improvement, to continue work being done in Arizona, Colorado, Louisiana, Massachusetts, Minnesota, New Hampshire and Ohio. In this work he consulted often with Rosenthal. “I liked his reports and recommendations on legislative improvement because they were tailored to

each state and not a one-size-fits-all approach,” he says. Patton hired a staff of bright, young activists to work with each of these states. Among them were Steve Lakis, now president of the State Legislative Leaders Foundation, and Michael Bird, who recently retired from NCSL.

Patton eventually moved on to a short stint in President Gerald Ford’s administration, then in 2008 once again ran successfully for the Wyoming House. At age 82, he is serving his third consecutive term in the House. Fittingly, he currently co-chairs NCSL’s Legislative Effectiveness Committee.



thousands of students, journalists and government officials understand the complexities of governing,” says Tom Berg, a former Minnesota legislator and author of “Minnesota’s Miracle: Learning from the Government That Worked.”

For more than 40 years, Rosenthal defended state legislatures—even the ones most maligned by the media. In his books and when talking with the media, he pointed out what is right about our system of representative democracy, refuting the public’s perception of a broken-down system.

“Federalism in the 20th century owes a debt to the life’s work of Alan Rosenthal,” says former Michigan Governor John Engler, now president of the Business Roundtable. “His faith in the importance of state government and state and local decision making led him to report on and write about leadership and creative problem solving in all 50 states. He inspired many to imitate the successes, and more than a few to go where none had previously gone. I know because I was one who

read Alan’s work, didn’t wait for Washington, and in the end made a small difference.”

Along the way, Rosenthal made lasting friendships with many governors, legislators, staff and lobbyists—not to mention thousands of students. Tom Loftus, former speaker of

“My first conversation with him, so full of passion and enthusiasm and insight, typified Alan and his life-long affair with state legislatures.”

—CARL TUBBESING,
NCSL’S FORMER DEPUTY DIRECTOR

the Wisconsin House, U.S. ambassador to Norway and author of “The Art of Legislative Politics,” says, “As speaker of the Assembly in Wisconsin for almost a decade, I cherished

In the Beginning

Before the National Conference of State Legislatures even existed, Alan Rosenthal was influencing it. Some 40 years ago, Rosenthal conducted a study on how three then-competing organizations of state legislators might merge to become more effective. His recommendations became the blueprint for creating NCSL in 1975.

Fast-forward 20 years and again Rosenthal’s influence on the organization is significant. To combat the public’s growing cynicism and distrust of democratic institutions, he challenged state legislators and staff in his book, “The Decline of Representative Democracy,” to develop educational programs about the democratic process.

NCSL took up this challenge by launching the Trust for Representative Democracy, a public education and outreach program aimed at teaching people of all ages about the legislative process. “Republic on Trial: The Case for Representative Democracy”—written by Rosenthal, Burdett Loomis, John Hibbing and Karl Kurtz—became the intellectual foundation for the Trust.

At about the same time, Rosenthal was playing an integral role in establishing NCSL’s new Center for Ethics in Government. His national reputation and wise guidance on legislative ethics were vital to the center’s success.

And throughout the years, Alan kept writing and writing and writing: At least 15 of his keen and clever articles have appeared in State Legislatures magazine.

He was a mentor, collaborator, idea man, courage giver and conscience to some of NCSL’s most long-tenured staff. Rosenthal’s contributions to the organization’s work continues, reaching far beyond its office walls.

“When I introduced Alan as the ‘rock star’ of state legislatures, he thought I was teasing him, but I wasn’t,” says Wyoming legislative staffer Wendy Madsen. “For those of us involved in educating the public about the importance of this institution, he is our champion and his work is the well from which we drink.”

Fortunately for NCSL that well is full to capacity.



Alan's advice, interest and friendship. Being the speaker is a rather lonely job in the sense that a friend without an agenda is hard to find. Alan was that friend. And, he was that friend to hundreds of others."

The Work Continues

After funding ran out for the annual conferences for emerging legislative leaders, Rosenthal continued periodically to convene legislators, legislative staff and scholars to reflect on the state of the legislative institution. The most memorable of these was a symposium, "Legislatures in the States: Progress, Problems and Possibilities," in Williamsburg, Va., in 1990.

From that conference, Rosenthal wrote: "Acknowledging the progress that had been made in modernizing state legislatures, the symposium concluded that change is necessary and possible. And it can be accomplished within the confines of the present system. It will require the commitment in each state of legislative leaders and substantial efforts by other legislators as well. It is up to them to meet together and discuss their institution in terms of what they want to be and how they can achieve their objectives. Then, it is their collective responsibility to make it happen—to shape their legislature according to the traditions, cultures and needs of their respective states. They must begin now to shape an even more effective legislature for the twenty-first century."

These words ring truer than ever for a new generation of legislators and legislative leaders. And Alan Rosenthal remains the premier voice in America calling lawmakers to action, just as he did with a young lawmaker from Cody, Wyo., more than 40 years ago.

"Alan Rosenthal shaped my legislative life," says former U.S. Senator Alan Simpson. "We first met when I was a young Wyoming state legislator. Alan was this amazing, creative, inspiring, warm, wise and witty man. He became my mentor—one of the greatest influences on my life as a legislator—on how to make legislating work," says Simpson.

"He is 'The Wizard' in my mind."

SL ONLINE

To discover more about Rosenthal and his contributions, and to learn about a fund being developed in his honor, go to www.ncsl.org/magazine.

A Legislative Life

BY GARY MONCRIEF

During his long and productive career, Alan Rosenthal was described in many ways.

- ◆ "The foremost observer of comparative state government."
- ◆ "The most highly regarded academic student of the practical issues swirling around state legislatures."
- ◆ "Encyclopedic knowledge and unparalleled access to key lawmakers."
- ◆ "The guru of state legislatures."

All these descriptions from his book jackets are true. Well, maybe not the "guru" one. My favorite comes from Chris Mooney (himself a highly regarded student of legislatures) who began his review of one of Rosenthal's publications in 1998 this way: "Alan Rosenthal knows the U.S. state legislatures better than anyone else. For the past 30 years, he has acted as a political anthropologist, going bravely into the field to bring back intelligence on these institutions, their cultures and the people who inhabit them."

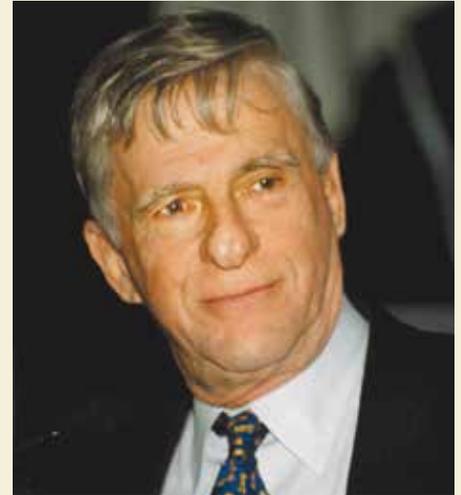
That is true. He spent hundreds—probably thousands—of hours in legislative halls and chambers. He was a firm believer in what the great congressional scholar, Richard Fenno, described as "soaking and poking," which is the process of observing first-hand the legislature and the legislator. It is talking with—and especially listening to—all manner of legislators, staff, lobbyists and journalists, absorbing oneself into the legislative culture.

To look over a legislator's shoulder and simply comment on what one sees is not enough. Good anthropologists or political scientists take those observations and make them meaningful; they make sense of the multitude of observations. That is Rosenthal's unique contribution: the ability to observe the legislative world, understand what it all means and convey that insight clearly to others.

Tomes of Treasure

Alan has produced almost 20 books, more than 50 book chapters and another 50 or so

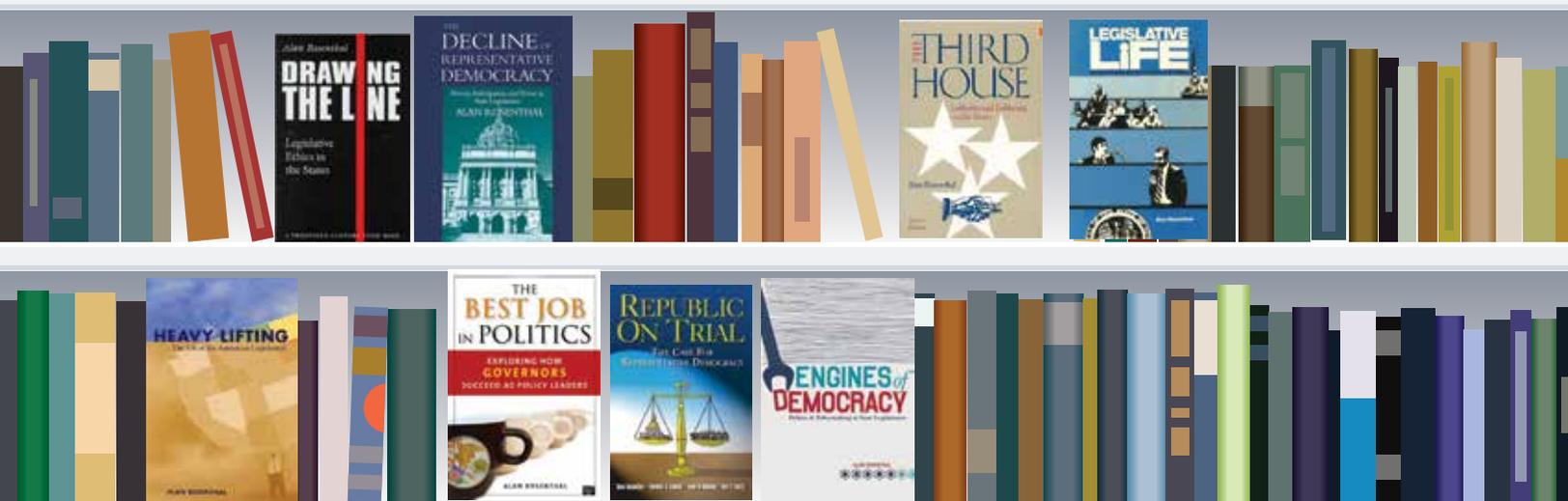
Gary Moncrief is the university distinguished professor and internship director at Boise State University. He co-authored "Why States Matter," a new book due out in September 2013.



monographs, research articles and magazine pieces on state politics generally and New Jersey politics and government specifically, as well as comparative work on governors and lobbyists. But it is for his books on legislatures that he is justly celebrated. And there are many. Some are co-authored, including "Republic on Trial," (2003) written with Burdett Loomis, John Hibbing and NCSL's Karl T. Kurtz. Some are monographs about a specific legislature, such as "Strengthening the Maryland Legislature" (1968). Some are about the interaction with other branches, such as "Governors and Legislatures: Contending Powers" (1990).

"Engines of Democracy" (2009) is a compilation of Rosenthal's legislative wisdom distilled into one book. I believe he intended it to be his capstone work on state legislatures, and he would probably tell you that if you could read only one of his books about legislatures, that would be his recommendation.

Limiting oneself to that excellent but singular work is not, however, the way to truly appreciate his contributions, nor is it the way to truly appreciate what he teaches us about legislatures and their evolution. I recommend, instead, reading my three favorite Rosenthal books as a trilogy, starting with "Legislative Life" (1981), proceeding to "The Decline of Representative Government" (1998) and finishing with "Heavy Lifting" (2004). Combined, these three books provide a complete and true picture of the importance of state legislatures and legislators and how they've changed over a quarter century. They also bear



Alan Rosenthal was a genius at making sense out of his observations. His explanations of what it all means could fill a library—and do.

witness to his great respect for the legislative institution and his concern for its future.

A Legislative Classic

“Legislative Life” was the first comprehensive volume devoted specifically to the topic of state legislatures in almost two decades. It is a thorough review of everything from running for legislative office to the roles of leadership, committees and staff to legislative appropriations and oversight functions. Most important, it heralded the emergence of his method of research, which he describes in “Legislative Life” as “synthesizing qualitative data obtained in the field with the more systematic data produced by the discipline of political science.”

His aim in this book was to describe the organization, structure and culture of legislatures, but with a comparative view. After all, it is the comparison of the 99 legislative chambers in the 50 states that make legislatures so interesting to so many of us. And he recognized that description precedes comparison. Because of this approach, his field work in collecting interviews, his genuine appreciation for the legislative institution and the people who serve it, and his easy writing style, Rosenthal’s “Legislative Life” is a classic. It is illuminating, realistic and thorough, and it still holds the reader’s attention.

“Legislative Life” is also important because it sets the baseline for where legislatures had been and where they were going. He argued that, by 1980, legislatures had developed into important and capable policymaking institutions. He paints the picture of legislatures that, beginning with the reapportionment revolution

in the 1960s and continuing through the modernization period of the 1970s, had reformed themselves into vital and viable partners in the state policymaking process.

As he concluded, “The contemporary state legislature is the product of decades of development and change. No longer a relic of the past, the legislature has built up capacity and become heavily involved in the governance of the state.” In some respects, these were the halcyon days for state legislatures, helped in large part through Rosenthal’s work to develop and build the institution’s ability to govern.

Essential Reading

By the time Rosenthal published “The Decline of Representative Government,” his assessment of legislatures was no longer sanguine. In the book, he chronicles how a series of changes made in the 1980s and ’90s and certain current trends—inside and outside the legislature—were threatening the independence and equality of the legislative branch.

The threats he focused on were the growing concern for re-election rather than policymaking, the increase in direct democracy initiatives by interest groups to bypass or threaten legislatures, and the advent of term limits. In this book he emphatically recognizes the tension between the goals of the individual legislator and the needs of the legislative institution, and warns of the need to reconcile the two.

Written in 1998, his admonishment rings even more true and urgent today: “Legislators have to take responsibility for their own institution. That entails any number of things: nurturing civility; keeping partisanship from dam-

aging the legislature or the legislative process; maintaining the strength of the institution; and providing enough centralized power to facilitate consensus building.”

“Legislative Life” and “The Decline of Representative Government” are essential reading for anyone who cares about the institution of the American state legislature and wants to understand it better.

But I believe his best book in the trilogy is “Heavy Lifting: The Job of the American Legislature.” In it, he undertakes the difficult task of answering the question, “What makes a good legislature?” The quality, he concludes, can be judged by three things: how legislators represent their constituents, how deliberative and fair-minded the legislature is in the business of making law, and how well the legislature balances the power of the executive.

Based on extensive surveys, interviews, anecdotes and research from other scholars, he builds a case for what legislatures should and can be. It is a brilliant book. Chapters 2 and 3 on representation contain one of the best discussions of state legislative representation ever. His descriptions of how bills are crafted and obstacles overcome are superb—excellent, detailed yet accessible explanations of the lawmaking process itself. His analyses of the interplay between the executive and legislative branches and the essential role leaders play are also spot on.

“Heavy Lifting” is the wisest book about legislatures, written by the wisest legislative scholar we have had. It should be required reading for all lawmakers and anyone else who cares about America’s legislatures even half as much as Alan Rosenthal cared about them. ■