

WENDY WILLIS

For the Policy Consensus Initiative

Notes on the State of Democracy in the States

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The PCI Mission

To play a catalytic role in helping state leaders develop a collaborative system of governance, PCI and NPCC:

- Create and support collaborative governance capacities, structures, and networks in states
- Offer a nationally recognized source of information on collaborative governance, consensus building, and conflict resolution
- Demonstrate effectiveness of collaborative, consensus-based processes
- Support and foster state leaders who champion these approaches

In the fall of 2011, longtime Policy Consensus Initiative (PCI) Board Member Beverly Gard surprised her fellow Board members and the PCI staff by announcing her retirement from the Indiana Senate after 24 years of service. It's not that we expect elected leaders—even extraordinary ones like Senator Gard—to serve forever; but it was the reasons she gave for her retirement that struck her colleagues at PCI. Despite her party being in a solid majority and her serving as the chair of the influential Energy and Environmental Affairs Committee, Senator Gard said: "The environment is so toxic that we can't govern well anymore. And, it's not just in Indiana—it's everywhere."

Senator Gard's courage in calling out the toxic environment in Congress and state legislatures triggered a three-year conversation among PCI Board members, allies, and others about the decision-making environment in the states. The conversation was intended both to further understanding of the current environment and to help PCI and its university partner, the National Policy Consensus Center (NPCC), decide how best to serve its mission.

PCI was founded in 1998 by a group of governors, state legislators and collaborative governance practitioners to promote and support collaborative governance in the states. Over the years, PCI has worked to fulfill that mission by supporting leaders and practitioners in collaborative governance, offering workshops for leaders, creating case studies, documenting best practices, and supporting networks of collaborative leaders and practitioners.

But the stories we heard from Senator Gard and others suggested that perhaps the working environment in states had changed so much over the past fifteen years that PCI needed to adapt its strategies and tactics, even as its values remained intact. The conversation launched by Senator Gard was followed by others talking about vicious primary battles in their own states and a

pervasive climate of take-no-prisoners political battles both in campaigns and in the state houses themselves. Around the same time, Olympia Snowe of Maine left the United States Senate, making a similar argument:

The great challenge is to create a system that gives our elected officials reasons to look past their differences and find common ground if their initial party positions fail to garner sufficient support. In a politically diverse nation, only by finding that common ground can we achieve results for the common good. That is not happening today, and frankly, I do not see it happening in the near future.

Former Congressman and Chair of the National Endowment for the Humanities, Jim Leach, argued in the December 2012 issue of *Kettering Review*:

In Western civilization's most prophetic poem, "The Second Coming," William Butler Yeats suggests that the center cannot hold "when the best lack all conviction and the worst are full of passionate intensity." Yeats was reacting to the seemingly senseless carnage of World War I trench warfare. But the chaos of modernity has produced a crisis of perspective, as well as values, that give his words contemporary relevance.

And *New York Times* columnist Thomas Friedman wondered whether, under the current political conditions, "we can seriously discuss serious issues any longer and make decisions on the basis of the national interest."

Purpose and Methodology

Because of the Board's concern that incivility and toxicity were taking over legislative bodies from Congress to city councils, PCI board and staff decided to further explore the decision-making climate in states, particularly in state legislatures. The purpose of that exploration was not to make a scientific or scholarly study of legislatures but

rather to better understand the current environment so that PCI and its partners could make well-informed, strategic decisions about future work in the fields of collaborative and democratic governance.

The Kettering Foundation generously entered into a learning agreement and provided both historical research and financial support for the project.

In the winter and spring of 2012–13, PCI staff, board members, and close partners held listening sessions with legislators and former legislators in Arizona, Colorado, Florida, Louisiana, Minnesota, Montana, Ohio, and Oregon. In addition, the staff closely followed a study by Washington State University that examined civility and decision-making in the Washington Legislature. The staff also did a close review of legislative studies conducted by the Kettering Foundation in 1989, 1990, and 1995. This report draws some comparisons to the findings of those inquiries, and ends with a brief addendum specifically addressing some of those earlier reports. Finally, the PCI staff conducted a relatively broad literature review on attitudes toward legislative decision-making and possible interventions.

Findings and Solutions

This report is intended to provide guidance to PCI, the Kettering Foundation, and other partners as they develop promising activities to support collaborative, democratic, and citizen-centered decision-making in state legislatures. The proposed interventions for improving civility, citizen relationships, and good governance fall in several categories: relationship-based solutions, parliamentary changes, election reforms, supporting political demand for better governance, and interventions to improve the relationship between the public and legislators. The most frequently mentioned solutions are detailed later in this report along with a summary of some of the work being done by other

organizations, and some possible interventions to be pursued by PCI.

Public Opinion

It has become axiomatic that public trust in government is at an all-time low. And while it is true that there is widespread mistrust, the story is slightly more complex. The public's relationship to government has become an emotional one. In a September 2013 Pew Report, 26% of public respondents said they were "'angry" with the federal government, and 51% said they felt "frustrated." Only 17% said they were "basically content" with government. A Pew values survey from the year before revealed that "69% of Americans said the federal government should only run things that cannot be done at the local level." And, in a 2013 Pew survey, a majority of Americans (53%) said that the federal government threatens their personal rights and freedoms.

When asked about who is to blame for the perceived political dysfunction, a majority of Americans cited the members of Congress themselves rather than the "system" as being the most to blame for the broken political system. The survey showed that the more closely people follow politics, the more likely they are to say that the tone of politics has gotten worse.

And despite the fact that only 10% of Americans will say that American politics is growing more civil, 95% of Americans believe that civility is important for a healthy democracy, and 89% say they believe it is possible to disagree about political issues respectfully.

A 2010 study conducted by Allegheny College about civility in the political arena concluded that the "blame for the decline in civility is spread widely, but political parties and the media are seen as the worst culprits."

Although this is a low point in the public's opinion of government and elected officials, incivility in government is a new phenomenon. We have seen

Why So Uncivil?

The list below shows the percentage of respondents who cited the following reasons for increased incivility in national politics.

70% Political Parties

65% Competitiveness of Elections

61% TV News

61% Radio Talk Shows

59% Changing American Culture

58% Sense of Entitlement Among Average Citizens

Data Source: 2010 study by Allegheny College

incivility—and at times outright violence—since the beginnings of the Republic. Perhaps one of the most storied incidents of legislative incivility is the 1856 caning of Massachusetts Senator Charles Sumner by South Carolina Senator Preston Brooks on the floor of the United States Senate.

In 1995, on behalf of the Kettering Foundation, Rich Harwood interviewed 21 state, local and federal office holders. Those officials reported that the 1994 elections—now 20 years ago—“were a wakeup call” and that the relationship between the public and elected officials was “at a breaking point.” As his report summarized: “Indeed, officials suggest that the message of the ‘94 elections is clear: ‘Officeholders must more strongly convey a sense of understanding and responsiveness to citizen concerns (especially voter) or they will be turned out of office.’”

In the context of this inquiry, it is important to remember, that while public opinion about government is on a downward trajectory overall, state and local governments still have better approval ratings than federal government. In a 2013 Pew study, 63% of respondents said they had a favorable opinion of their local government, and 57% expressed a favorable view of their state government, which was actually a slight improvement over the year before.

Despite the many expressions of mistrust, members of the public do believe that American politics can be more civil and therefore more functional. In the 2010 Allegheny College survey, a strong majority of Americans said it was possible for there to be more civility in decision making. When asked the question, “Many people in this country—politicians included—hold strong views on certain issues. Given this difficulty and often personal nature of these issues, do you believe it is possible for people to disagree respectfully or are nasty exchanges unavoidable?” 87% of respondents said

it is possible to disagree respectfully. Only 10% said nasty exchanges were unavoidable.

Although the public believes that American politics is dysfunctional and uncivil, Americans also believe it can be better. They also believe that it is up to the elected officials themselves to make it better rather than to blame institutional and structural causes. One notable difference between the public and legislators' opinions is that the public focuses on individual leaders' behavior, while the legislators look to structural and institutional causes.

Legislators' Opinions

Throughout the listening sessions PCI conducted, legislators and former legislators were deeply concerned about increasing incivility, extreme partisanship, polarization, and decreasing functionality of legislative bodies. There has been plenty written on each of these topics, and they were subjects of concern for many—if not all—of the legislators we interviewed. No legislator or former legislator said that they believed that civility or functionality of legislatures was improving. There were, however, a few legislators who believed that robust—and sometimes uncivil—debate has always been a part of legislating. But no one seemed to believe that the decision-making climate has improved over the past 10 years.

At least some members of Congress share similar concerns about the tone of debate on Capitol Hill according to a recent article in *Esquire*. One Republican Congressman was quoted as saying:

I didn't get elected to Congress to not get things done—most people here want *to get things done*. I didn't get elected to Congress to make meaningless speeches on C-SPAN and tell lies about people. I didn't get elected to Congress to scare the hell out of the country and drive the sides further apart. I didn't

get elected to Congress because I love politics—I hate politics, to be perfectly honest, and if I didn't before I got here, I do now.

It is also worth taking a close look at the survey conducted by the Washington State University about the Washington Legislature, which queried all sitting legislators. According to that survey, 60.8% of legislators said that civility has decreased over the past ten years, while only 4.1% said it had increased. When asked why civility had decreased or failed to increase, legislators most often gave the following reasons:

- Lack of interest in understanding other legislators' perspectives
- Prolonged one-party rule
- Political parties' (focus on partisanship) and lobbyists' (focus on special interest) influence
- The media promotes conflict
- Increased uncivil campaigns lead to increased incivility during session
- Focus on maintaining or obtaining majority status rather than what is best for the state
- Changes in the economy have reduced available money and increased conflict over how money is allocated
- Incivility is encouraged and allowed by leadership

When asked what aspects of the work of the Washington Legislature they think contribute most to an unfavorable reputation among citizens, legislators most frequently mentioned the following:

- Partisan agendas that include mudslinging, gridlock, and unwillingness to compromise
- The appearance of undue influence of interest groups
- Budgets and funding with the appearance of waste, back room deals, and a lack of transparency
- The appearance that the focus is on pet projects rather than improving the state

- When press reports show the legislature in a bad light
- The appearance of unethical behavior
- Incivility between legislators and within and between parties
- The appearance that a legislator is not making time for constituent needs
- Responding with form letters

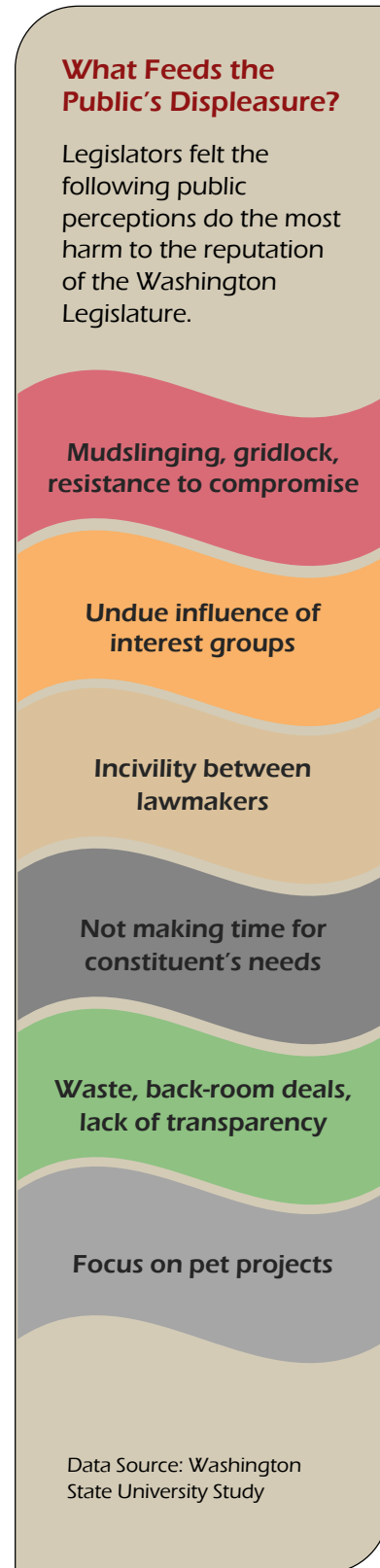
A former Washington Speaker of the House who participated in the Washington State study—in addition to several of the Legislators who participated in our listening sessions—warned against creating a nostalgic gloss on the past. Several people suggested that there were no “good old days,” and to make sure that any proposed solutions or interventions were forward-looking rather than those focused on returning to some unattainable past golden era.


To reinforce that perspective, as far back as 1995, a selected group of public office holders interviewed by Rich Harwood of the Kettering Foundation concluded that “civility is gone.” He reported from his interviews:

A view that emerged time and again in these interviews is that civility has been driven out of public life. As evidence, officials point to media’s focus on conflict, rhetoric used by interest groups, *and* the tone and nature of discourse in legislative bodies. Yet when pressed on how to restore civility most officials suggest the need for *someone else* to change.


In fact, even in 1990, the complaints from both citizens and elected leaders were remarkably similar:

If citizens perceive their voice to be weak and their role to be limited in the policy process, they may become apathetic about their ability to have a true and lasting effect on that process. Indeed, they may find that they do not want to participate or invest time in community forums, or in other community activities, for fear of spending their increasingly





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scarce time on efforts that will bring about little or no positive benefits.

Meanwhile, policymakers seem to interpret the public's apparent reluctance to engage in the policy process as an unwillingness to make the commitment of time and energy to that process. The result of these perceptions of one another may, in fact, create a vicious cycle of accusations and misunderstandings.

In the context of increased concern about civility, it is important to note that over-focusing on civility can become a means to quiet dissenters or discredit those who hold unpopular opinions. As Hua Hsu recently wrote in *The New Yorker*:

At its worst, concern for civility is a way to avoid having difficult conversations at all. Today, the greatest structural driver of the civility wars is the Internet, where these two versions of the word collide. In the comparatively decentralized space, we have become compelled to take everyone's grievances seriously, even when those claims for civility and courteous debate have been made in bad faith. And, as the common ground between us seems to dwindle, it has become easier to fixate on incivility than to reckon with whatever ideas rude language might describe. Interestingly, the new civility troubles those across the political spectrum. For those on the right, civility is political correctness by a different name, while those on the left tend to see it as a way of silencing dissent. What unites these interpretations is a shared suspicion that the rules of civility exist to preserve our hierarchies.

The civility that is important to preserve in governing is civility that improves decision-making rather than a kind of politeness that protects the status quo and places minority views at a disadvantage.

Causes

After identifying the problems in governance, the listening sessions and subsequent conversations turned toward questions of why the breakdown in civility and functionality has occurred across the levels of government. The legislators offered a broad array of reasons, ranging from the breakdown of interpersonal relationships all the way to deep institutional causes. Depending on where they landed on those questions, groups of legislators were more or less interested in particular solutions. Below is a discussion of the issues that were most often raised in the listening sessions and other conversations.

Breakdown in Personal Relationships

In virtually every state, leaders mentioned a lack of personal relationships with people from the other party. In Minnesota, a pair of Democratic and Republican legislators who became close friends mentioned that their relationship was frowned on by party leadership, despite the fact that it provided a means to work across the aisle. In each listening session, legislators recalled an era when members of opposite parties used to fight bitterly over substantive issues, but then “go out for a beer” later. That story was frequently told, especially among male legislators who recalled a time when legislators—regardless of party—were more homogeneous.

Senator Patrick Leahy has a similar lament about Congress according to the *Esquire* article:

When I first came to the Senate, people in both parties went out of their way to have personal relationships. I remember being there for about a few months and Hubert Humphrey said, “Have you been to Moscow?” “Well, no,” I said. And he said, “I want you and Marcelle to come.” And I didn't have any money, I was flat broke, and I blurted out, “What do you suppose the airfare is to Moscow?” And he said,

“No, we're gonna take Jerry's plane.” And I said, “Jerry who?” And he said, “Jerry Ford. He's the president. Don't you read the papers?” Humphrey led the delegation. His Republican counterpart, Hugh Scott, the Republican leader, came also. There were other senior and junior senators from both parties. I had just turned thirty-five, and I was with this group representing my country. And we would build relationships, talk about where our kids went to school, the vital business of daily life, which then enabled us to work together on the vital business of the United States. Those relationships don't happen so much anymore.

Some legislators also mentioned that national organizations like the National Conference of State Legislators (NCSL) no longer provide the same venue for socializing and relationship building. As one Ohio legislator summarized, “Hardly anyone goes to NCSL anymore—leadership doesn't authorize any spending and doesn't encourage it. Not many go now— maybe 10 a year. We used to have 40, 60 going.”

In a few of the listening sessions, there was discussion that as legislatures became more politically and demographically diverse, it became more difficult to socialize in the same way. When legislators were very homogenous, there were more shared experiences and more perceived similarities, even across party lines. As women, people of color, and legislators from a variety of backgrounds entered the arena, party affiliation started to become the primary way to identify and organize relationships and affinities.


Several other factors were identified as possible reasons for the breakdown in personal relationships, including the pressure to use every spare minute fundraising, year-round campaigning, and ethics laws that prevent lobbyists and interest groups from hosting informal bi-partisan gatherings.

The lack of informal relationships in modern legislatures is in stark contrast to one of the most functional decision-making bodies in American history, the Constitutional Convention. As Derek Webb concluded in the *South Carolina Law Review* in his article called “The Original Meaning of Civility: Democratic Deliberation at the Philadelphia Constitutional Convention”


The Constitutional Convention in Philadelphia was marked first by an unusual degree of civic friendship fostered through ground rules of parliamentary procedure that facilitated respect, listening and open-mindedness, initial gestures of respect and deference, and extensive social interaction among the delegates leading up to and during the convention.

As Webb describes the Constitutional Convention, there were tremendous opportunities for informal social interactions. Because of limited options, most of the delegates lived in the same few boarding houses and belonged to the same clubs. In addition, the delegates worked from 10 a.m. to 3:30 p.m., then met together in the evenings at various taverns, where they forged social bonds and learned to hear and understand one another’s perspectives.

The modern-day legislators we heard from told a very different story, one in which there were no—or very limited—opportunities to informally interact with other legislators or chances to learn about one another’s families, interests, or passions. Though there are few opportunities, it was widely agreed that informal social occasions matter tremendously. As one Minnesota legislator put it: “Politics or the legislative process is a social sport and you should never de-socialize a social sport, but we’ve been de-socializing it. We don’t know one other, the backgrounds of one another, what



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*Perpetual Campaigns, Money in Politics,
“Congressional Bleed”*

In virtually every state, legislators mentioned the influence of money and the pressure of campaigning as detrimental to the process of governance. Moreover, several legislators mentioned the fact that the vitriolic, win-at-all-costs climate in Congress and Congressional campaigns trickles down to state legislatures and legislators.

Money in Politics. There was a widespread discussion among legislators about the effect of money in politics. As one legislator in Minnesota described it, it used to be that state legislative campaigns were primarily funded by constituents. Now, he said, funding from interest groups comes into legislative races, basing contributions on single issues and speculative votes regardless of how high a priority those issues might be to residents of a legislator’s district. For example, national interest groups will dump thousands of dollars into local races in order to secure votes on particular pieces of legislation. Constituent contributions are very small in comparison.

Legislators also suggested that because legislative sessions are so rapid-fire and complex, legislators were often receiving policy briefings from well-heeled and well-organized advocacy organizations rather than more unbiased sources. Across the board, legislators mentioned that they felt increased pressure not only to fundraise but also to track the priorities of major interest groups that might well fund an opponent if they were to vote in a way that the group did not like.

The increased focus on campaign costs and money in politics is not lost on the public. In 2012, the Brennan Center at the NYU Law School conducted a national survey about the influence of Super PAC spending on


government. Nearly two-thirds of Americans (65%) said that they trust government less because big donors to Super PACs have more influence than regular voters.

Perpetual Campaigns. Many legislators also complained that they feel as if they are in a state of perpetual campaigning. Because interest groups have such a watchful eye on every relevant vote, legislators feel as if there is no break from the election cycle. It has also become harder to work across the aisle because of increasing vitriol during campaigns, which damages relationships essential to governing.


Some legislators said they find themselves mistrusting even members of their own caucus because of the threat of primary challenges. Even if legislators do not draw a primary challenger, the threat is present throughout the session.

Many legislators also pointed to the role that campaign consultants play in setting the tone for campaigns that then affect relationships and the ability to govern. Several legislators described battling their campaign consultants in order to keep campaigns from getting too negative. In the report “Civility and Democratic Engagement,” prepared for the National Institute for Civil Discourse, the authors described the dynamic often set up between candidates and campaign consultants:

Whatever the reality, the key point here is that political consultants and campaign managers *believe* that their best strategy is to “go negative.” Thus it is of little surprise that their candidates bend to the magnetic pull of campaign trash talk, sound bites, and distortions of others’ positions. This obviously dovetails with concerns about the impact of money on elections. The more a campaign believes that “going negative works,” and the more money it has to spend,



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the more negative political messaging, including that which is aimed at persons rather than at issues and that which is perceived to be uncivil or mudslinging, voters are likely to receive. It also dovetails with other election reforms, such as Clean Elections or finance rules that force candidates to raise money sooner and sooner. Wedge-issue candidates can split the electorate, and campaign seasons become much longer—indeed, interminable. It is easy to see why the nation feels it is aflood in political mud. And even though some voters are resistant to political mudslinging, enough are not that there is reason to worry about the quality of our democracy and its discourse.

Several of the legislators mentioned that they believe the constant campaigning and the negativity that goes along with it is keeping potentially good, civic-minded people out of the political arena. Legislators in Florida said they were often challenged to find good candidates for seats in the legislature. One Colorado legislator said, “The problem is we demonize the opposition. This keeps good people out of the arena. We forget our manners and our language is rude. It is difficult to be in the public arena in the era of the 24-hour news cycle.”

“Congressional Bleed.” Several legislators mentioned how the degraded decision-making climate in Congress has affected the states. They said that even if their state legislatures used to be more civil and productive, the public assumed that it was just as vitriolic and stymied as Congress. They also said that the expectations for negative campaigning and “political gotcha” have begun to trickle down to legislatures, legislators, and legislative staff.

Interest groups

In a related phenomenon, nearly every legislator we interviewed said the increased influence of interest

groups has harmed the business of legislating. In every state PCI visited, pre-election questionnaires, pledges, and endorsements were a major source of conversation and concern.

The questionnaires and pledges are particularly troublesome and problematic for younger or new candidates and legislators. As one legislator put it:

When I ran, the mailbox started filling up with these surveys. I think they represent a vast simplification of what we do in the legislature. You can't boil it down to "will you do this?" It takes away your leadership ability to compromise.

Referring to the "no tax pledge" that has taken hold at nearly every level of government, another legislator said "everyone wants to be a mini-Grover Norquist now." To give a sense of the importance of the Norquist pledge, Grover Norquist was the only person mentioned by name in each of the listening sessions as having a deleterious effect on the ability to govern.

Several senior and retired legislators mentioned that the questionnaires and pledges were particularly dangerous early on in a legislative career. If candidates and new legislators could resist the first wave of pledge requests, they would be more able to do so later in their career once they had established some credibility and seniority.


As one Republican member of Congress put it recently:

There's an entire industry in Washington that makes money on conflict. Some of these outside groups—you know, your Club for Growth types, and your Heritage Action, and your FreedomWorks—they go out and they fundraise by saying that Republicans aren't sufficiently conservative. Or they pick an issue




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to go to war on because they can stir the base and raise money on it and pay their big salaries. And what that does in the long run is it takes what would be a solid Republican agenda and causes chaos. And they do the same thing on the Democrat side, you know? If Democrats want to reach out and work with Republicans, you have these groups that will stir the base and say, “If they’re working with Republicans, they’re capitulating.” So there’s a very destructive cottage industry that exists on “Hey, we can raise nice salaries for ourselves by just raising people’s ire with Washington.”

The influence of interest groups is not lost on the public. Kettering’s National Issues Forum conveners described public sentiment way back in 1990:

Because the public holds diverse, and often contradictory, views on issues—so conveners say—citizens feel that policymakers do not know how to incorporate these views into policy. Policymakers have an easier time dealing with the clear, concise, and forceful views put forth by organized groups. Thus, many citizens feel these groups have a louder and stronger voice in the policy process than the general public.

A year earlier, the 1989 Kettering report reflected that elected leaders were also becoming increasingly uncomfortable with the role of interest groups in policy-making:

Leaders report that people with special interests often turn public meetings into opportunities to make their views known, and to try to sway public opinion and the policy process in their favor. Clearly leaders do not find this trend comforting. When talking about public input, one state legislator lamented, “The problem is so many special interest groups capsule [the issues], feed it back into the public’s mouths and minds, and [the public] spills it right back to you. It’s

very seldom you get a true *public* response.” . . . This splintering of the public leaders say, can result in public meetings becoming hostile and conflict-filled.

A related phenomenon is that of the endorsement and the report card. Interest groups from both ends of the ideological spectrum create report cards that give legislators a score on their issues. They then use those report card scores to endorse candidates and campaign against others. One Montana legislature told the story of being stripped of his leadership position for one vote against a piece of legislation being carried by a powerful interest group. That one vote dropped his score below 100%, and the interest group successfully lobbied the caucus to strip him of his leadership position. He said he was relieved to be term-limited out of the Senate: “The pressure of the report card is tremendous.”

An Ohio legislator commented that the interest groups were even more powerful now because of gerrymandered districts that force candidates to run to the more extreme edge of their party. He said: “We shouldn’t be creating districts where people are more concerned about the primaries than the general. That empowers these interest groups. “

Partisanship & Caucuses

Similarly, many legislators we spoke with argued that political parties and caucuses were much more important than they once were, creating hard lines that had not existed before. One Montana senator darkly put it: “Negative behavior and high-stakes partisanship has ‘metastasized’ in Montana. “

As writer David Yegari put it, “because there is so much hunger for red meat on the bases of each party, and people are looking for someone to throw them a piece, you get short-term benefit from going after the other side, with certain colorful viciousness.” And former member of Congress Mickey Edwards argued in *The Atlantic*:

Ours is a system focused not on collective problem-solving but on a struggle for power between two private organizations. Party activists control access to the ballot through closed party primaries and conventions; partisan leaders design congressional districts. Once elected to Congress, our representatives are divided into warring camps. Partisans decide what bills to take up, what witnesses to hear, what amendments to allow.

In 2012, 133 former members of Congress wrote an open letter to Congressional candidates:

Congress appears gripped by zero-sum game partisanship. The goal often seems to be more to devastate the other side (the enemy, no longer the honorable adversary) than to find common ground to solve problems, much less to have a spirited but civil debate about how to do so.

The divisive and mean-spirited way debate often occurs inside Congress is encouraged and repeated outside; on cable news shows, in blogs and in rallies. Members who far exceed the bounds of normal and respectful discourse are not viewed with shame but are lionized, treated as celebrities, rewarded with cable television appearances, and enlisted as magnets for campaign fund-raisers.

Meanwhile, lawmakers who try to address problems and find workable solutions across party lines find themselves denigrated by an angry fringe of partisans, people unhappy that their representatives would even deign to work with the enemy. When bipartisan ideas are advanced, they are met by partisan derision.

Though most legislatures are nowhere near as explosively partisan as Congress, nearly all the legislators we talked to felt that their states were slipping into hyper-partisanship. One former Louisiana legislator said: "I despise the parties. There is nothing that couldn't be

solved if it weren't for partisanship." He then went on to say that there is agreement between the public and legislators in their hatred for the parties, but the public also hates the government and elected officials, so it is difficult to make common cause and break the downward spiral of incivility and mistrust. One former Oregon legislator reflected on the irony that, while more citizens are opting out of party affiliation, the parties are more powerful than ever in governing. As he put it,

The current system of risk and reward puts inordinate risk on those who try to reach across a gap and rewards those who play up partisanship and even throwing a monkey wrench in the process. The risk/reward system is stronger than it has ever been.

A pair of former Minnesota legislators—one Republican, one Democrat—formed a strong friendship and working relationship when they served together. They both said their friendship was discouraged by the leaders of their own caucus, despite the fact that it provided opportunities for bi-partisan work. As one of those legislators put it, "We engendered a lot of criticism from our own parties when we worked across the aisle and reached for consensus. There was suspicion that we were up to no good."

There were several discussions about how party has become the defining screen for every issue, regardless of whether the issue is a philosophical one or not. Oregon legislators noted that there are actually fewer polarizing issues facing contemporary legislatures, yet the behavior is more polarized. In fact, a Colorado legislator estimated that 80-90% of bills are non-partisan or bipartisan issues. Yet, many of them are voted on along party lines.

Particularly in super-majority states, like Arizona and Florida, there was a strong sense of lack of respect for moderates and others who might be willing to work across the aisle. Legislators from states like Oregon, Washington, and Colorado, where majorities have often

changed over time, reported more willingness to work across the aisle and to entertain bills sponsored or co-sponsored by members of the minority party. In both supermajority states and those that are more closely divided, legislators who have a history of working across the aisle, mentioned that they might be called upon to broker last minute agreements on budgets and other end-of-session matters. They identified a kind of informal leadership network among collaborative legislators that can be—and often is—called upon when it is impossible to resolve issues using the levers of raw partisan power. As one legislator put it, “often the best leaders are *not* in leadership positions because they’re too bipartisan.”

The winner-takes-all method of organizing chambers was a discussion in several of the states. As those legislators noted, even in closely divided legislatures, the majority party has all the power (rather than proportional power), creating strong incentives to try to win the majority at all costs. As one Florida legislator put it, “There are not two sides to issues, there are 50 sides . . . and the process creates a winner-take-all situation.” A Colorado legislator said “party leadership really matters” for getting work done, particularly work that cuts across the aisle. In both Oregon and Washington, where each legislature recently had an evenly-divided chamber, legislators spoke of how well power-sharing had worked, in contrast to the winner-takes-all system that comes with even a very slim majority.

It is also worth noting that several states talked about the influence of the governor on legislatures. Many legislators believe the executive has disproportionate power and can heavily affect both the tone of governance and the substance of what is enacted. Legislatures are often part-time and many have lost their staff and resources over time, making the balance of power between the executive and the legislative branches even more imbalanced. Several legislators mentioned that increased executive power put more influence in the

hands of career civil servants as well as elected governors and lieutenant governors. The conversation in Louisiana, in particular, focused on the relationship between the governor and the legislative body. Because the governor controls resources in a very direct way, some Louisiana legislators believe they cannot disagree with the Governor or their constituents will be denied resources. Because of the historical conflict between the executive and the legislative branches, partisanship seemed less pronounced or at least markedly different in Louisiana than any other state we visited.


Finally, many people mentioned the brutality of the current primary system. In addition to the influence of interest groups, legislators mentioned highly-partisan reapportionment as part of the problem. That was true even in Montana, where there is an independent redistricting commission, though the problem seemed less pronounced.

A few legislators we spoke to represent more politically mixed districts—or purple districts as one Colorado legislator described it—and they argue that they have much more latitude to work collaboratively with members of the other party.


Disconnection from Ordinary Citizens and the Role of the Media

With the influence of interest groups and political parties, several legislators mentioned that there is increasing distance between public decision-making and ordinary citizens. Eric Liu, writing for the *Atlantic*, agreed:

The work of democratic life—solving shared problems, shaping plans, pushing for change, making grievances heard—has become ever more professionalized over the last generation. Money has gained outsize and self-compounding power in elections. A welter of lobbyists, regulators,



When self-government is dominated by professionals representing interests, a vicious cycle of citizen detachment ensues. Regular people come to treat civic problems as something outside themselves, something done *to* them, rather than something they had a hand in making and could have a hand in unmaking. They anticipate that engagement is futile, and their prediction fulfills itself.



consultants, bankrollers, wonks-for-hire, and “smart-ALECs” has crowded amateurs out of the daily work of self-government at every level. Bodies like the library board are the exception What we need today are more citizen *citizens*.

Liu argues that the professionalization of services around government (lobbying, staff, consultants) creates an impenetrable bubble that pushes the public even further from government decision-making. Liu describes the resulting course of citizen detachment and apathy:

This tendency operates in an accelerating feedback loop. When self-government is dominated by professionals representing interests, a vicious cycle of citizen detachment ensues. Regular people come to treat civic problems as something outside themselves, something done *to* them, rather than something they had a hand in making and could have a hand in unmaking. They anticipate that engagement is futile, and their prediction fulfills itself.

As Karl Kurtz, the former director of the Trust for Representative Democracy, has argued, the results of a profound disconnection between citizens and decision makers can be dire. As he put it, “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.”

In nearly every state, legislators described being barraged by members of the public through email and Facebook. As several legislators said, they often get several hundred—and sometimes several thousand—identical emails and letters advocating for a particular outcome. Not surprising, those widely duplicated emails had much less impact on legislators’ thinking and required a less detailed response. As one house member put it, “form letter in, form letter out. We need to create


other ways to take input and testimony." Most legislators did not believe that form emails, clearly proposed by an interest group or some other central source, had anywhere near the value of an email, call, or letter that was clearly initiated by the person on the other end.

Again, it is not new for citizens to rely heavily on interest groups to inform their opinions and then communicate them to elected officials. The 1995 Kettering report illustrated that many elected officials were frustrated with the options that they had for hearing from and speaking to citizens:


These officials know that traditional public involvement techniques are not sufficient to restore public trust in officeholders. But they are struggling to imagine how they might work in different ways with citizens.

Most officials with whom we talked seem unable to see the public as *citizens*. Rather they tend to see people as members of fragmented groups. This view of the public makes it almost impossible for many officials to even imagine how to create new kinds of citizen-officeholder relationships.

In the opinion of many legislators, the relationship with the public is complicated by both lack of civic education and a media with depleted resources. As one Washington legislator put it, "The public doesn't understand the legislative process or even the distinction between state and local government." In one study, for example, the public scored 3 out of 10 points for its knowledge of Congress. As Karl Kurtz posited, "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 . . . legislative institution and its membership. The quality of democratic politics diminishes if citizens are ignorant about legislatures."



Officeholders are frustrated with the public too. Many officials with whom we talked are not convinced that citizens really want a different relationship with officeholders. As evidence, officials cite the same frustrations we heard in our 1989 study and in other work with officeholders- *e.g.*, no one shows up at town meetings; people only care about themselves; people only want to complain; people are uninformed about issues and don't understand how the policy process works.



In 1995, the issues were not that dissimilar. The Kettering report from that year concluded:

Officeholders are frustrated with the public too. Many officials with whom we talked are not convinced that citizens really want a different relationship with officeholders. As evidence, officials cite the same frustrations we heard in our 1989 study and in other work with officeholders- *e.g.*, no one shows up at town meetings; people only care about themselves; people only want to complain; people are uninformed about issues and don't understand how the policy process works.

In all of the states we visited, there was a discussion of issues related to the media. Many legislators viewed media outlets with fewer regular reporters assigned to state legislatures as the central issue. The Pew report found that the number of newspaper reporters assigned full time to state capitols nationwide had declined 35% in the past 11 years. Others believed that the focus on conflict and outrageous behavior was the central problem with media coverage. One former legislator said: "Media loves to talk about a small minority, the ones that are loudest and have 'temper tantrums.'"

If only this were a new complaint. At least as far back as 1989, leaders were sounding the alarm about the media:


Leaders say that the news media is a—perhaps the—key link between themselves and the public. But, they believe it is a weak, or missing, link in the public information chain. Leaders express concern about how the media organizes itself, its priorities in reporting "policy news," and how it impinges on the public's ability to learn about and understand complex policy issues.

The Kettering report went on to point out four points that emerged from Kettering interviews about the media's role in the policy process. They are that


- The local media are the key source of information for the public on policy issues. Yet leaders believe that the media's coverage of such issues often is inaccurate and inadequate, thus misinforming the public and, in turn, making it difficult for the public to learn about issues and give an informed response.
- The local media's approach to policy issues is driven by deadlines, headlines, and the desire to sell newspapers or advertising—and not by the substance of what is at issue in a policy debate.
- The local media are made up of young, inexperienced reporters who do not understand policy issues.
- The local media's reporting of policy issues serves to undermine the public's confidence in the political process.

While there was near universal belief among the legislators we talked to that their relationship with the public would be better if there was more media coverage, there is some caution in that opinion. As mentioned above, the data actually shows that people who follow politics most closely are the most concerned about lack of civility and functionality in the legislative process. Therefore, it is not clear that more media coverage alone will improve trust and understanding between legislators and citizens.

There is also concern among legislators—and members of the public for that matter—about the content of the news. In several states, the legislators disagreed about whether the news media was creating a taste for “red meat news” or whether that type of coverage was in response to public desire. It is most likely a combination of the two. As the researchers in a report entitled “Civility and Democratic Engagement” concluded: “People demand, and the media supply, *amusement*. Discourse that matches civility ideals, or that seeks to create spaces of reason, fails to meet this insatiable



People are mostly getting their news from the internet, and institutions have changed under our feet. State government is the sandwich level – people only now trust their local government. You can know your local folks, Congress we’ve long ago given up on, and at the state level, you have trappings of being connected, but it doesn’t play out. That diminishment of trust in state level is a more recent phenomenon.



demand. Pursuing either end thus is just a fool’s (or romantic’s) errand.”

Many legislators concluded that the legislature and the legislature’s relationship with the public suffered because of the circus-like environment created by the media. As one former Oregon legislator put it.

People are mostly getting their news from the internet, and institutions have changed under our feet. State government is the sandwich level – people only now trust their local government. You can know your local folks, Congress we’ve long ago given up on, and at the state level, you have trappings of being connected, but it doesn’t play out. That diminishment of trust in state level is a more recent phenomenon.

A Colorado legislator put it more simply: “Media has poisoned the well.” As a result, many legislators in most of the states we visited were looking for alternative ways to reconnect the general public to their work. Depending on the size of the district, some legislators reported that they knocked on nearly every door during the first or subsequent campaigns. Others, though, expressed difficulty with getting citizens to participate in town halls or other deliberative events. Many expressed a desire to find other ways to engage with constituents outside the election cycle on issues that were important to both the district and the state.

Reforms Gone Wrong

In addition to cultural issues, partisanship, and the influence of special interest groups, many legislators raised the issue of well-meaning good governance reforms that have actually ended up undermining the ability of legislatures to function effectively.

Term limits

There are legislative term limits in effect in six of the nine states we studied (Arizona, Colorado, Florida, Louisiana, Montana, and Ohio). Oregon and Washington had term limits at one point, both of which were judicially struck

down. In the states where we conducted listening sessions, only Minnesota had no experience with term limits. In all of the states that currently have or have had term limits, the legislators and former legislators we talked with believe that term limits negatively affect their ability to constructively solve problems. One Florida legislator cut to the chase: “Term limits have turned out to be a disaster.”

The central complaint about term limits is that they undermine institutional knowledge and commitment and reward anti-institutional behavior. As one legislator put it, “newly elected legislators are in line to be speaker before they have ever cast a single vote.” Many legislators—from many states—described long-term legislators from before the days of term limits who guarded the decorum and reputation of the institution and instilled an ethos of public good before party. Once those legislators were term-limited out of office, both institutional knowledge and commitment to the long-term were also eliminated. As one Oregon former legislator put it, term limits were conceived by those who are opposed to government, and they continue to reward members who come in blazing with no incentive to protect the institution over time. Moreover, one Louisiana legislator noted that term limits shifted power to the permanent lobby and career civil servants because they *do* have institutional knowledge and longevity.

Initiative and Referendum

Only three of the states we visited do not have an active system of initiative and referendum (Florida, Louisiana and Minnesota). Though those types of direct democracy systems are not recent reforms, they do directly affect legislatures and their ability to govern. In several of the initiative states, legislatures described the feeling that they were disempowered and “left to clean up” after ill-considered and poorly written citizen ballot measures. Similarly, the option of a referendum makes legislators less likely to take bold stands or vote for bills he or she

believes will just be referred to the public anyway. As one former Oregon legislator described it, it is worth taking a political risk if you know that you are voting for something that can improve your state. But if you are taking the political risk *and* it's not likely to go into effect anyway because of a public referendum, it's not worth taking the chance. He said if he could do anything to improve governance in Oregon, it would be to eliminate the initiative and referendum system.

Financial Disclosure and Ethics Laws

Many legislators suggested that the requirements of sunshine and ethics laws—while well-intended—actually placed an undue burden on the legislative process. There were several unintended consequences mentioned by people we talked with: 1) While legislators recognize that measures like financial disclosure, sunshine laws, etc. have legitimate purposes, they are primarily used as tools by opponents and gotcha media; 2) Because financial disclosures for candidates and their families have become so detailed and invasive, good people are less likely to run for office, particularly when the compensation for legislators (and local government positions for that matter) is so low; and 3) Because some of the few events that used to be hosted by lobbyists and interest groups to bring legislators from both parties are not permitted by ethics laws, there is very little opportunity for legislators to socialize across the aisle.

Transparency and Open Meeting Laws

Although no legislators argued against public records or public meetings law, many legislators discussed the strain of constantly being “on the record.” Because there are few deliberative environments left where legislators can actually persuade one another, legislators mentioned that they are much less likely to change their mind and much more likely to take voting recommendations from a trusted source like a lobbyist or an interest group.

The “on the record” culture and the 24-hour news cycle provide an interesting contrast to the Constitutional

Convention, as discussed earlier. In addition to the informal friendships forged during that time, the convention proceedings were also largely outside the public eye. Because there were no records of individual votes and because the proceedings were not recorded in newspapers, delegates had an opportunity to listen, negotiate and change their mind.

James Madison described the Convention and the benefits of private deliberation:

Opinions were so various and at first so crude that it was necessary they should be long debated before any uniform system of opinion could be formed. Meantime, the minds of the members were changing and much was to be gained by a yielding and accommodating spirit. Had the members committed themselves publicly at first, they would have afterwards supposed consistency required them to retain their ground, whereas by secret discussion, no man felt himself obliged to retain his opinions any longer than he was satisfied of their propriety and truth and was open to argument.

Madison's recounting is not offered here to suggest that there should be secret votes in state legislatures but rather to recognize the potential consequences of every—or nearly every—major interaction being recorded for posterity or at least in the public eye. Transparency, at times, may leave less room for exploration and persuasion and may render interactions between legislators to be less genuine and perhaps even less productive.

Reflection of the Broader Culture

Many of the legislators we spoke with suggested that degradation of civility in the legislative process was merely a reflection of the broader culture. They argued that the whole country has become less civil and less able to work through disagreement, so it should not come as a

surprise that legislatures, as representative bodies, reflect those trends. As one legislator put it, “we get the legislature that we deserve.”

One Washington legislator pointed out that language across the culture has become disrespectful across the spectrum of human activity – political, personal, and civic. Several scholars have written on the influence of anger on the brain, and as a result, on our political processes. Here is how the study entitled “Civility and Democratic Engagement” describes it:

Although emotions of anger and disgust are useful things, they – like fear – can operate in ways that skew our ability to draw reasonable moral and political boundaries. Anger may be associated with resentment and is – like fear – a “sticky” emotion that can endure long past the incidents that initially gave rise to it. This lingering effect may cause irrational grudge-based barriers that can adversely affect civic engagement as far as civic engagement seeks to promote political knowledge and understanding.

Moreover, it is not just legislators pointing the finger at the public. Americans also believe that the entire culture is becoming coarser and less civil. The recent Allegheny report found that 94% of Americans surveyed consider the general tone and level of civility in the country today to be a problem, with approximately two-thirds believing it is a “major” problem. 70% of the respondents said the American public itself is uncivil.

Interestingly, in the Allegheny study, respondents laid the responsibility for improving on their own shoulders. When asked who is responsible for improving civility, 87% of Americans indicated that this responsibility falls with the general public itself, although they also pointed to other sources. For example, 83% of respondents felt that political leaders are responsible and 81% felt the media is responsible.

Yet, a September 2013 Pew study found:

The public is split over whether divisions in Washington reflect an increasingly divided society. About four-in-ten (44%) say growing political divisions are mostly among elected officials and not American society more broadly. A comparable percentage (41%) says these divisions among elected officials reflect a more divided American society.

Either way, there is turmoil in the society, and a healthy number of legislators and a substantial cross-section of the public believe that the society itself is coarser and less civil. With that in mind, it may be harder to argue that legislators should rise above that fray and behave differently in the face of strongly held beliefs and conflict. As one former Minnesota legislator summed it up: “We’re living in like-minded communities and we expect the rest of the world to be run like we want it.”

As a result of these cultural shifts, mistrust runs both ways. Yes, the public is deeply mistrustful of elected officials. But elected officials don’t trust the public either. As one former Florida legislator put it: “The more we treat public officials as untrustworthy, trust declines and everyone is in a downward spiral of mistrust and ‘gotcha.’”

And all of this placing of blame happens against a backdrop of extremely rapid change in technology and lifestyle. Both legislators and members of the public will say that time to think and deliberate is central to good public decision-making. But as the speed of life and technology overtakes us, many legislators identify a change in how citizens conceive of themselves and their role. A former legislator from Oregon said: “The democratization of everything plus technology is the greatest threat to the concept of a Republic. It can work only if there’s respect for leaders and everyone can make good on its commitments. . . . Now, citizenship requires no effort on the part of the citizen.”

That idea dovetails with the work of several scholars who write about the idea of the citizen as consumer or customer. Harry Boyte, who advocates for a




“We’re living in like-minded communities and we expect the rest of the world to be run like we want it.”




more robust concept of “public work” writes that “a particular paradigm of ‘the citizens’ undergirds such conceptions: The general population, no longer seen as civic producers, are reconceived as clients and consumers who are serviced by experts.” Boyte and others argue that the concept of citizen as consumer (or audience member as politics becomes increasingly more like entertainment) rather than actor or producer creates a service-based relationship between government and the citizenry that does not harness the energy and creativity of the public in governing. Rather, it limits the interactions between citizens and governments to complaints and grievances, creating even more distance between the public and legislators (and other public officials).

It is also worth noting that the tremendous forces at work in the culture have created upset among both citizens and decision-makers. The speed of technology, a major financial collapse, and changes in social and political values have created a tendency for members of the public to lash out at the institutions available to them. Citizens from across the political spectrum express frustration and fear at the size and scope of both government and corporations, and legislators find themselves faced with grievances that are much bigger and more fundamental than they can respond to. As one legislator asked: “Such rapid change has shaken people up. Can we work with them to help turn the frame to solutions we shape together? Can we work together to identify and call out the ‘real issues’?” Change has people shaken up – can we or people like us help turn the frame?”



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It is likely that a combination of factors has contributed to incivility amongst legislators and to increased mistrust between the public and their elected officials. Though the legislators we interviewed were near unanimous in their feelings that the conditions for governing have gotten worse, many of them offered ideas for interventions that they believed would help

improve civility, public trust, and—ultimately—the conditions for better governance.

Possible Solutions

Though there was nearly uniform dissatisfaction among the legislators and former legislators we talked to about the current state of legislating in the country, there were also tremendous signs of hope and creativity. Many legislators also told stories of bi-partisan decision-making, successful joint work with constituents, and successful, ground-breaking legislation. It is not that those things don't exist, it is more that legislators and the public need the opportunity to amplify them and increase their frequency.

The writers of “Civility and Democratic Engagement” tell a similar story:

In the midst of all this, more voices are rising in defense of a truce in order to carve out wider spaces for governance—for “ceasefire” rather than “crossfire.” A social norm cascade (not a law reform cascade) may be looming and it may point toward a restoration of at least some civility brakes in political discourse, at least in some contexts. Whether we are at the beginning of such a norm cascade—and we hope that we are—the movement for such thoughtful deliberation about civility certainly has arrived. We agree with Virginia Sapiro, who wrote: “Civility is itself something that needs to be sought, deliberated and negotiated . . . Achieving civility for better or worse, requires engaging in a political process of deliberation. Unfortunately in real life, there is no meta-language for politics. Civility is *of* politics, not above it.

Again it is worth looking at the Washington State University study of the Washington Legislature. When legislators were asked “what are the things that can

improve the public image of the legislature,” the top answers were as follows:

- Increase collaboration and cooperation
- Focus on working together for the good of the state and not personal or partisan agendas
- Increase civility/reduce partisanship
- Foster democratic statesmanship
- Improve citizen education of the legislative process
- Improve legislative communication and participation opportunities for citizens
- Get done on time

When retired legislators were asked the same question, they most frequently mentioned:

- Governor and leadership lead and encourage civility and bipartisanship
- Create opportunities for social functions and retreats which cross the aisle
- Free up schedule to provide time for legislators to meet together
- Change seating and office assignments so that the parties are not separated
- Work with the press to highlight positive relationships
- Promote understanding that the majority/minority roles over time can swap

Those lists had a lot of overlap with the solutions legislators suggested during the PCI listening sessions. The suggestions for improving civility, citizen relationships and good governance fell in several different categories: relationship-based solutions, parliamentary changes, election reforms, creating a political demand for better governance, and interventions to improve the relationship between the public and legislators. The most frequently mentioned solutions are detailed below along with a summary of some of the work being done by other organizations and some possible interventions that might be made by PCI.

Relationship-Based Solutions

Without exception, the legislators we spoke with wished for more opportunity to cultivate relationships with other legislators, particularly those of the opposite party. Americans see value in such relationship-building as well. A recent survey found that 85% of Americans believe politicians should work to cultivate friendships with the other party. As one Washington legislator put it: When working for the long-term, “relationships are more important than policy.”

Opportunities for Friendships

An article in the July 2012 edition of *NCSL Magazine* told the story of two Illinois senators—a Democrat and a Republican—Pamela Althoff and Toi Hutchinson, who are friends and collaborators and widely believed to facilitate the functioning of the legislative body. The article described their relationship:

The two have cosponsored legislation, often on issues related to local governments, where their government service careers began. They certainly don’t agree on everything. When they disagree, however, they do so with dignity and respect. They take the time to listen and to understand each other’s position, along with the positions of their Senate colleagues.”

In the article, Althoff described one interaction on the floor of the Senate: “There was a bill [sponsored by Hutchinson] that I stood up and said, ‘I love the sponsor so much. In fact, I hate the bill as much as I love the sponsor.’”

In contrast, *New York Times* columnist David Brooks wrote a column describing what he calls “the brutality cascade” in Congress, in which the force of a negative culture can make it almost impossible to buck the trend and maintain constructive behavior even if an individual wants to. According to Brooks, “Brutality cascades are very hard to get out of. You can declare war and simply try to crush the people you think are despoiling the



“There was a bill that I stood up and said, ‘I love the sponsor so much. In fact, I hate the bill as much as I love the sponsor.’”



competition.” But Brooks also described another response, one based on personal relationship and friendship:

Or you can try what might be called friendship circles. In this approach, you first establish the norms of legitimacy that should govern the competition. You create a Geneva Convention of domestic political conduct or global cyberespionage. Then you organize as broad a coalition as possible to agree to uphold these norms.

Finally, you isolate the remaining violators and deliver a message: If you join our friendship circle and abide by our norms, the benefits will be overwhelming, but if you stay outside, the costs will be devastating.

Several theorists have talked about why strong relationships lead to better governing. Also in the pages of the *New York Times*, Michael Lynch described why civility actually improves governance. As he describes it, civility is not just about politeness but about creating a space in which reason can prevail and solutions can emerge.” The ideal of civility requires us to find common currency with those with whom we must discuss practical matters. . . Democracies aren’t simply organizing a struggle for power between competing interests’ democratic politics isn’t war by other means. Democracies are, or should be, spaces of reason.”

To return to the Constitutional Convention for a moment, Derek Webb—in his article in the *South Carolina Law Review*—argued that the Convention’s culture of friendship was created by several factors: “The Constitutional Convention in Philadelphia was marked first by an unusual degree of civic friendship fostered through ground rules of parliamentary procedure that facilitated respect, listening and open-mindedness, initial gestures of respect and deference, and extensive social interaction among the delegates leading up to and during the convention.”

As Webb describes it, the delegates lived and ate in close quarters because boarding houses and taverns were in short supply. As a result, they developed a culture of explaining themselves to one another so that they understood the interests behind the positions they were taking on the floor of Convention. This, of course, is a core tool of both good negotiation and mediation, and it also provided a baseline of trust and camaraderie that carried them through some very difficult and contentious decisions. Here is how Webb described it: “By establishing a ‘correspondence of sentiments’ through roaring evenings at Benjamin Franklin’s house and cross-sectional dinner parties, the delegates placed themselves in the way of recognizing in their colleagues—as well as their intellectual, political or sectional rivals— lives—a common humanity that underlied their differences.”

Webb’s description is straight out of John Rawls and the principal of government legitimacy:

And since the exercise of political power itself must be legitimate, the ideal of citizenship imposes a moral...duty — the *duty of civility* — to be able to explain to one another on those fundamental questions how the principles and policies they advocate and vote for can be supported by the political values of public reason.

Most of the legislators and former legislators we spoke with agreed that closer relationships among legislators would improve civility, and ultimately, governance in their states.

To return to the Washington survey for a moment, here is the list of possibilities generated by the legislators in response to the question: “Based on your experience as a legislator, what do you think are two practical ways Washington State legislators of either party could get to know each other better?”

- ⊙ Have social functions which only include legislators
- ⊙ Eat meals with other legislators (house and senate lunch room)
- ⊙ Encourage bipartisanship and collaboration
- ⊙ Spend time with other legislators outside of session and visit other legislative districts
- ⊙ Work together on joint projects
- ⊙ Change seating and office assignments so that the parties are not separated

From our conversations with legislators, there were some additional and some related suggestions:

Create “Caucuses” That Cut Across Party Lines.

Several legislators mentioned that they were part of or wanted to be part of caucuses other than their party caucus. Those caucuses hold the potential to bring legislators together across party lines, creating more opportunities to form relationships and to work together on shared policy priorities. Several Washington legislators mentioned the “Under 40 Caucus,” which brings together younger legislators. They suggested that by allowing them to get to know one another and to connect around commonalities like young families, they had relationships they could turn to either to make common cause or to resolve disputes when decision-making got difficult.

Similarly, several states have women’s caucuses that cut across party lines. In Oregon, a storied women’s caucus launched in the 1970s brought together women across party lines to co-sponsor and work on legislation affecting women and children.

Although we did not visit Delaware this time, it is worth noting that the Delaware Legislature has long had a bi-partisan Kid’s Caucus that focuses on issues affecting young people in Delaware, including foster care, school bullying, and crimes against children.

Across the country, there are bipartisan caucuses that focus on rural issues, as well as legislative caucuses focused on racial and ethnic identities, mental health, and conservation issues.

The National Institute for Civil Discourse has also started an initiative led by PCI board member Ted Celeste that provides a training in states in which members of both parties are brought together to get to know one another and focus on collaborative problem-solving techniques. At the end of that training, several legislatures have taken steps to start “Civility Caucuses” in which they commit to support one another in promoting civil discourse and constructive decision-making.

Create Opportunities for Bipartisan Groups to Socialize

One of the famous bipartisan social groups is the Women of the United States Senate. Every few weeks, female senators gather in homes and restaurants and offices. As *Time* magazine described the group last year:

Cigars and poker are out. The women’s club offers some of the same benefits that came in the original men’s version, as well as some updates: mentor lunches and regular dinners, started decades ago by [Barbara] Mikulski, the longest-serving woman in the Senate, but also bridal and baby showers and playdates for children and grandchildren. An unspoken rule among what [Susan] Collins calls “the sisterhood” holds that the women refrain from publicly criticizing one another.

Once a year, “the sisterhood” hosts a dinner with the women of the Supreme Court.

Despite those loose associations and largely social objectives, the bonds formed by those occasions made the women of the Senate central to finding a solution to the

2013 government shutdown. Six women emerged from that group, led by Senator Susan Collins—who brought together a bipartisan group of Senators that ultimately created the compromise to end the government shutdown.

This type of informal problem-solving is a model that many of the legislators we spoke with yearned to replicate. Though legislators say that many of the formal opportunities to socialize have been eliminated because of several factors, including ethics laws barring lobbyists and interest groups from hosting events, busier schedules, and less interest on the part of caucus leaders, many legislators said they were—or would be—looking to create more opportunities for legislators to get together on an informal basis, including informal dinners and perhaps even bringing back legislator-only dining rooms.

The Minnesota listening session was hosted by the Minnesota Legislative Society (MLS), a statewide network of retired and former legislators. MLS members get together regularly, mostly to socialize, but occasionally to weigh in on important statewide matters. Many of the former legislators we spoke with believed that they could plan an important role in convening and supporting sitting legislators. They believed they could do things as diverse as: mentor current legislators in collaborative governance, host bi-partisan events for sitting legislators, advocate for and assist in providing civic education in schools, and draft and promote legislation or rules changes that might promote civility and bipartisan decision-making.

Develop Statewide Policy Agendas with Statewide Benefits

A couple of legislators expressed a desire to work with legislators from across the aisle to develop non-partisan policy agendas that benefit all citizens in their states. They mentioned examples such as Minnesota Futures

and the Oregon Business Plan as possible models where legislators work together on issues outside the legislature itself, developing personal and working relationships and opportunities to identify areas of common interest.

Other Organizations Working in the Field

As mentioned above, former Ohio State Representative Ted Celeste and the National Institute for Civil Discourse (NICD) are sponsoring workshops in many states for legislators who want to get to know each other and perhaps work together on an ongoing basis. PCI staff and board have been in conversation with both former Representative Celeste and NICD about assisting in follow-up as appropriate.

The national organization No Labels is doing similar work in Congress, where it is identifying and bringing together members of Congress who are champions for bipartisan decision-making. As they describe it: “For almost four years now, No Labels has been working to bring Democrats, Republicans and independents together in Congress and across the country around a new politics of problem solving. During that time, No Labels organized members of Congress into a problem solvers group that featured over 90 members from the House and Senate meeting regularly to build trust across the aisle.” No Labels has recently begun some work in state and local governments that might eventually have similar elements.

Parliamentary Reforms

Many of the legislators we spoke to mentioned parliamentary reforms or rule changes as possible interventions to improve governance in state legislatures. The suggestions were as radical as structuring committee leadership based on proportional representation or as modest as bipartisan seating and office assignments. In particular, many legislators mentioned how the “winner takes all” method of assigning leadership both shut out the minority party and encouraged interest groups to get

Making Congress Work

No Labels lists several recommendations to “make Congress work.” Among them are the following changes to parliamentary or governance policy.

No Budget, No Pay

Up or Down Vote on Presidential Appointments in 90 days

Filibuster Reform

Bipartisan Committee Can Override Decision to Keep Bill off Floor

Three Five-Day Work Weeks per Month

Bipartisan Seating

involved in races they would not otherwise have been interested in if the stakes were not so high. A couple of legislators also suggested that every bill should be required to come to a vote in order to break some of the stronghold of majority leadership.

As for changes in seating and office arrangements, several Montana legislators told the story of their 1972 Constitutional Convention. Although the delegates were elected on a partisan basis, they served on a non-partisan basis. They were seated alphabetically and were encouraged to find common ground. Many Montana legislators look at that Convention as a high water mark of bipartisan work.

No Labels also has a list of 12 recommendations to “make Congress work.” Many of those fall into the parliamentary or governance policy, including: 1) No budget, no pay; 2) An up or down vote on Presidential appointments within 90 days; 3) Filibuster reform; 4) A bipartisan leadership committee with the power to override leadership’s decision not to bring a bill to the floor; 5) A requirement that there be three five-day work weeks per month; and 6) Bipartisan seating.

Election-Based reforms

Not surprisingly, many of the legislators we talked to also suggested election reforms as a method to improve governance.

Repeal Term Limits

Among legislators and former legislators—term limits are seen as an unmitigated disaster for strong legislative institutions. Although the people we talked to know it was likely to be an uphill battle, the repeal of term limits was high on the list of priorities to improve both campaigns and governance. A map of the states with term limits (and those who have repealed them) is attached at the end of this report.

Non-Partisan Commissions for Reapportionment

As noted above, many legislators found legislative redistricting to be both highly partisan and damaging to governance. Several legislators mentioned a non-partisan commission as a possible solution to the highly partisan nature of legislative and Congressional redistricting.

Both Montana and Arizona have bi-partisan commissions, and in both states, legislators had concerns that the commissions were politically controlled. In the states with non-partisan commissions (Ohio and Colorado), no one mentioned redistricting as a major problem affecting governance. In fact, a few of the Colorado legislators talked about representing “purple” districts and how that positively affected their ability to work across the aisle. It is also worth noting that Oregon legislators reported that redistricting conducted in the traditional way had been highly successful in the last cycle.

Primary Reform

Because the threat of primary challenges was such a serious concern to many of the legislators we talked to, it is no surprise that many of them were attracted to primary reform as a possible solution. There were discussions of several different reforms, including the “open primary system” in which any registered voter can vote in any party's primary. On Election Day, voters choose which primary to vote in, and do not have to be a member of that party in order to vote. The only state we visited with a true open primary was Montana.

The other reform discussed was the “blanket primary” in which only one primary is held with candidates from all parties participating. The top two candidates (from any party) move on to the general election. Both Washington and Louisiana have a blanket primary system. Recent ballot measures in Oregon to

reform the state's primary system have failed to gain enough support from voters.

We did find, however, that while there is strong enthusiasm for primary reform in states with traditional primaries, the legislators who worked in states where the reforms had been adopted had mixed reviews about their effects on governing and were less certain about their positive effects.

Required Debates

There was a lot of enthusiasm for increasing the number of public debates, particularly in Oregon and Minnesota. The Minnesota legislators mentioned Debate Minnesota, which committed to sponsor 90 minute, substantive debates. They found that, across the state, incumbents didn't want to debate because campaign consultants believed it was not to their candidates advantage. They suggested that sponsoring debates would be a good role for statewide legislative alumni associations in partnership with other statewide and local organizations.

Campaign Finance Reform

Because of the concern about the effect of money in politics, there was discussion of campaign finance reform in each of the states we visited. It was widely agreed that the pressure to raise money compromised both legislators' time and their ability to be seen as fair and impartial.

That said, virtually no one was hopeful about meaningful campaign finance reform. Both because of the Supreme Court's position on campaign finance reform and the public's disinterest in the issue, the legislators did not express a lot of hope for campaign finance reform as a solution.

In fact, in Montana, the state with one of the strictest campaign finance systems, many of the legislators talked about the influence of what legislators there call "dark money" on campaigns. So, while there is tremendous

transparency and accountability on candidate contributions and expenditures, there are very active outside interest groups running ads and otherwise inserting themselves into campaigns.

It turns out that the legislators' instinct that there is not much appetite for a big effort, such as a constitutional amendment, to reform campaign finance laws is correct. According to Pew, after the most recent United States Supreme Court decision to strike down limits on overall campaign contributions, "just 13% of American adults say they followed the campaign finance story 'very closely. . .' Roughly half (49%) say they followed the story 'not at all closely,' which is the category in the survey that represents the lowest level of interest."

Create Political Demand for Collaboration & Civil Governance

Many of the legislators we interviewed expressed the desire for outside political pressure and support for increased civility and good governance reforms. Professors Amy Gutman and Dennis F. Thompson highlighted the challenge of electoral and governance reform, when the only source of the reforms is the legislators (in this case, members of Congress) themselves:

There is a catch-22: Institutional reforms themselves require a change in the mind-sets of our political leaders, and they will not happen without compromise. Either legislators adopt a compromising attitude, in which case the reforms are not essential, or they do not adopt it, in which case they will not be able to agree on the reforms. There is no deus ex machine that will save Congress from itself."

In his 2011 piece in the *New York Times*, Michael Lynch argued that it is important and appropriate for all of us to call for a different, more constructive means of governing:



Sharp-tongued political debates *ideally* are not just blood sport for easily bored television or radio audiences; rather, they should be part of the democratic process of seeking shared governance outcomes that may be lawfully enacted and peacefully imposed without unduly alienating political losers.



The ideal of civility thus is not just about the verbal means with which one attacks another's political ideas (though it is also about this), but the *substantive goals* of these attacks. Sharp-tongued political debates *ideally* are not just blood sport for easily bored television or radio audiences; rather, they should be part of the democratic process of seeking shared governance outcomes that may be lawfully enacted and peacefully imposed without unduly alienating political losers. Political parties *ideally* are not athletic teams, militia, or co-religious communities; rather, they should be part of a shared democratic process. Demagoguery *ideally* is not democratic discourse. Voters *ideally* are not herds (or mobs). Nor is it—nor should it be—illiberal to demand this “something more” of political speech, of politicians, of voters, of ourselves.

And, finally, Olympia Snowe in her open letter in the *Washington Post* following her resignation from the Senate, also argued that there must be a political constituency for change in governance:

I certainly don't have all the answers, and reversing the corrosive trend of winner-take-all politics will take time. But as I enter a new chapter in my life, I see a critical need to engender public support for the political center, for our democracy to flourish and to find solutions that unite rather than divide us.

I do not believe that, in the near term, the Senate can correct itself from within. It is by nature a political entity and, therefore, there must be a benefit to working across the aisle.

But whenever Americans have set our minds to tackling enormous problems, we have met with tremendous success. And I am convinced that, if the people of our nation raise their collective voices, we can effect a renewal of the art of legislating—and restore the luster of a Senate that still has the potential of achieving monumental solutions to our nation's

most urgent challenges. I look forward to helping the country raise those voices to support the Senate returning to its deserved status and stature—but from outside the institution.

Many of the legislators we met with expressed similar views about the importance of an outside constituency for better governance and decision-making. They felt that the support of outside groups would both help apply pressure and give “cover” when dealing with entrenched interests. This strategy is very similar to the one No Labels had undertaken with Congress.

There are several roles that outside groups could play, including:

1. **Create and support a “no pledge pledge.”**

In other words, nonpartisan groups could ask candidates to agree not to sign any pledges about how they might vote on particular issues. That is very similar to No Labels’ call to Congress to take “no pledge but the oath of office.” No Labels notes that between the “Taxpayer Protection Pledge” (promising to oppose all tax increases) and the “Social Security Protector’s Pledge” (committing to oppose all cuts to Social Security) “almost 80 percent of the House and more than half of the Senate have committed themselves to rigid positions—regardless of the facts that come to their attention. . . This approach destroys the ability of Congress to adapt to changing times and circumstances—and solve problems!” Because many legislators also identified pledges as a major problem in state legislatures, they expressed similar interest in an outside group advocating against pledges.

2. **Create a “seal of approval” for legislators who meet certain criteria**

In a similar vein, several legislators suggested that an outside organization could create a set of standards for both campaign and governance behavior. It would bear a strong resemblance to a kind of “collaborative report card,” except it would not reflect approval of any particular policies.

Several Minnesota legislators suggested that a Legislative Society made up of former legislators could create the standards and help organize an effort to recognize legislators who met the criteria.

3. Support candidates and campaign consultants whose campaigns are centered on collaborative decision-making.

Several legislators wondered out-loud if another model for campaigning could emerge. They wondered if perhaps an outside group could give either advice or resources or both to candidates who staked their candidacy on a more collaborative way of doing business.

Reconnecting Legislators and Citizens

In the December 1997 Report “Legislatures and Citizens: Public Participation and Confidence in the Legislature” by Karl T. Kurtz, Director of Trust for Representative Democracy, he argued: “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.”

And during our conversations, a Louisiana legislator stated, “Governance has lost its compass, and the people should be that compass.” Throughout this process it was evident that many legislators share some of the same

concerns as the public does about the legislative process and the breakdown of civil discourse and effective governance. In that, the public and legislators are natural allies. There is enough mistrust, however, to go around.

Re-Empowerment of the General Public


Across the board, legislators report that they are getting much more communication from their constituents than in years past. However, a good deal of that communication comes in the form of boilerplate email, notes, and letters that appear to have been prepared by advocacy groups. Many legislators we spoke with expressed their interest to bypass interest groups and directly reach large numbers of their constituents.

To that end, there were some legislators we met who are just naturally skilled at connecting with constituents and who are experimenting very effectively with deliberative forums, listening sessions, and civilly conducted town halls. Others, however, reported frustration that people tend not to attend scheduled meetings and that legislators often hear from “the usual suspects.”


Several legislators mentioned that we need to consider a new model for engaging the citizenry. One former Oregon legislator said, “We are using 19th century means of engaging 21st century citizens.” He suggested that we have a lot to learn from the “ground game” developed by the presidential campaigns and that combining deep community organizing with available technology could be a very empowering way to engage the citizenry in the work of governing. He noted that there is a tremendous amount of content available that could aid in deliberative conversations both between citizens and legislators and among citizens.

Harry Boyte, one of the leaders of the “Public Work” movement argues that elected officials and others should completely reconceive of how we think about citizens’ role in their communities. He argues that we should shift

our thinking from thinking about building a democratic *state* to building a democratic *society*. As he argues, that takes government out of the middle and makes it a co-creator of communities and society at large. As he puts it:



The shift can be conceived of as a move from seeing citizens as voters, volunteers, clients, or consumers to viewing citizens as problem solvers and co-creators of public goods....Overall, it entails a shift in the meaning of democracy, from elections to democratic society.



The shift can be conceived of as a move from seeing citizens as voters, volunteers, clients, or consumers to viewing citizens as problem solvers and co-creators of public goods. It involves a shift in the role of public professionals such as civil servants, nonprofit managers, and office holders from providers of services and solutions to partners, educators, and organizers of citizen action. Overall, it entails a shift in the meaning of democracy, from elections to democratic society. In the paradigm of democratic society, government is a crucial instrument of the citizenry, providing leadership, resources, tools, and rules. Yet officials are not the center of the civic universe, nor is government the only location for democracy's work.

Throughout the Kettering research, there was a persistent belief among elected officials that the roles of elected decision makers and the roles of citizens were entirely distinct. The 1990 Kettering report, *Citizens and Policymakers in Community Forums: Observations from the National Issues Forum*, observed that most elected officials see two clearly, mutually-exclusive choices—either the elected officials represent the public outright with the primary recourse being the ballot box, or the public has “direct and controlling influence over specific policy decisions through referenda and initiatives and other forms of ‘direct democracy.’” A map of states with either referenda or initiatives is included at the end of this report.

At that time, Kettering concluded that there must be a way to develop alternative means for elected officials and members of the public to communicate:

It is interesting, indeed vital, to note that in Kettering's initial research policymakers did not perceive the option of a middle ground—a more deliberative form of democracy—which is based on greater interaction between citizens and policymakers in the policy process. This *third* alternative suggests that policymakers and citizens engage in a continuous dialogue, where the public not only comes to understand policy issues better, but informs policymakers of their values on the policy directions important to them.

That same year, the Kettering report concluded that “many policymakers attend NIF Forums to provide information to citizens about issues, particularly those aspects of an issue to which they believe citizens might not have access; to show the pitfalls of the various policy approaches and solutions and to give the ‘perspective’ of a policymaker.”

Unlike in 1989 and 1990, when many leaders were expressing frustration with the methods by which they could reach the citizenry, there are now many tools available to help elected leaders connect directly with constituents and other interested citizens. In 1989, the Kettering Foundation concluded:

Leaders say they want public input, but they also express strong concerns about the public's desire and ability to participate in the policy process. Obstacles that leaders face include these: most citizens are not interested in public issues or willing to invest time to participate in the policy process, unless their interests are directly jeopardized. Obtaining input from the “public at large” is difficult because citizens' understanding of complex policy issues is limited (although leaders believe that citizens have the capacity to learn about those issues); and because leaders often hear only from those citizens who form organized groups and choose to be vocal on an issue. In addition, leaders believe that citizens are reluctant



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to give their input in the policy process because they do not trust the political system—they feel their input will not have any real effect.

Now, however, tools like Oregon's Kitchen Table, developed by PCI and its university partner, NPCC, can help connect elected officials and the public in joint projects at nearly any scale. Oregon's Kitchen Table is the co-creation of PCI and Portland State University's College of Urban and Public Affairs in partnership with a group of non-partisan, nonprofit community organizations and highly-regarded leaders. This group founded Oregon's Kitchen Table in order to create permanent civic infrastructure through which Oregonians can provide real-time feedback, opinions, and ideas to decision-makers. Oregon's Kitchen Table has been used at the state, local and regional levels to gather feedback from a wide variety of Oregonians on a range of topics, including state budgeting priorities, county budgeting, and regional economic development priorities.

There are also many other tools and processes available, making it much easier for citizens to participate and for elected leaders to seek meaningful input. In fact, through those tools, we have found that the technique of creating situations in which citizens can replicate the tradeoffs that policymakers are faced with creates a deeper understanding of the issues, more citizen appreciation for the difficulties inherent in policy tradeoffs, and more respect for the input from decision-makers. It creates a common understanding, improving the dialogue between the public and their elected officials.

Tools like Oregon's Kitchen Table can also help create a feedback loop between decision makers and citizens who have offered input or ideas. As far back as 1990, Kettering's National Issues Forum moderators expressed concern that citizens feel that, even if they do express

their opinion about public policy, there is no way to know whether the feedback is actually considered or not:

This view suggests that many citizens who participate in the policy process may think that their efforts are being ignored. For some, this leaves a feeling of impotence—a perception that they, as individuals and as members of their larger community, cannot have an effect on policy. Many citizens grow to believe, according to some NIF conveners, that their participation in the policy process is futile and so they stop participating altogether.

Processes that build report-backs and other forms of accountability into the course of ordinary business lift back the veil on the decision-making process and make more clear where citizen voices can—and do—have an impact.

Education of Citizens and Improvement of News Coverage

One of the persistent complaints that we heard during our conversations with legislators was about the public's lack of information about the legislature and the legislative process. As one Louisiana legislator said "The public is smart but often is ill-informed."

Legislators posited any number of reasons for public misinformation and disinterest in the process, including: 1) lack of civic education in schools; 2) the busyness of contemporary life; 3) manipulation by interest groups and partisan media; and 5) decreased attention to state government, including state legislators.

Though there were few concrete suggestions about how best to proceed to work with citizens to increase public understanding of state legislative work, there was strong agreement that it would help state governance if there was more reliable information available to citizens of all ages.

A couple of ideas did emerge. The Minnesota Legislative Society suggested that its members could make themselves available to schools, continuing education programs, and universities to develop curriculum and to provide information about state government.


It is also worth noting that two Oregon newspaper groups got together recently to jointly create the “Oregon Capital Insider bureau,” which will include three full-time reporters covering state government. More than 30 small newspapers will have access to the content. In the press release, the two media groups quoted public opinion researcher, Adam Davis:

By almost a four to one margin, Oregonians feel more negative than positive about state government compared to two years ago....Exacerbating the situation is low public awareness of how state government works and how it positively contributes to people’s quality of life. . . . The Oregon Capital Insider bureau represents an opportunity to start turning the tide of this negativity and low awareness with more coverage of the legislative, administrative, and judicial branches of our state government. This is so important considering Oregon is at a crossroads in so many ways and needs all three sectors of our economy—private, non-profit and public—working together with good information.


PCI’S NEXT STEPS

Based on the information reflected in this report and the strengths and skills of both its board and staff, the PCI Board voted in 2013 to pursue the following strategic directions: Civic engagement using new tools, and work with enthusiastic and able leaders.

Civic Engagement Using New Tools



The PCI board voted to pursue a civic engagement in Oregon in a way to empower citizens to participate in public work. In particular, PCI will support the Kitchen Table model, which is now being piloted by Oregon’s Kitchen Table.



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Starting in October 2010, PCI and its university partner, NPCC, worked with elected officials and civic, public, and private sector partners to create an ongoing way for Oregonians to learn about—and weigh in on—urgent public policy questions through online consultations. So far, we have conducted six consultations, which have included in-person deliberative forums and translated paper surveys for those who need them. Over 5,300 Oregonians have signed up to become members and that number continues to grow.

As we found in our research, Americans, including Oregonians, identify lack of government responsiveness to public will as one of the biggest factors driving mistrust in government. Oregon's Kitchen Table is flexibly designed to create many ways to participate in public work. In fact, we believe that citizens have much more to contribute to public work than they are being asked to give, including resources. To date, PCI has conducted two civic crowdfunding campaigns and have had very positive feedback. As a result, we are building a flexible platform that will accommodate civic crowdfunding and Oregonian to Oregonian micro-lending, as well as leaving space for new opportunities as they come along.

Through the board, the University Network for Collaborative Governance and networks of other collaborative decision-makers, PCI has a national reach to make the Kitchen Table model adaptable and available to other jurisdictions that might be interested in replication.



PCI decided to continue to build on its strengths and work with state legislators and local leaders who have an interest in pursuing collaborative work in their states and/or who are interested in building an external constituency to support legislators who are committed to

Work with Enthusiastic and Able Leaders

PCI decided to continue to build on its strengths and work with state legislators and local leaders who have an interest in pursuing collaborative work in their states and/or who are interested in building an external constituency to support legislators who are committed to improved governance in their states.

PCI has a number of ongoing partnerships that might help support this work, including the University Network for Collaborative Governance, the Kettering Foundation (particularly in regard to its recent work with state legislators), the National Conference of State Legislators, and the National Institute for Civil Discourse. PCI board members and staff have also had ongoing contact with the leadership of No Labels. Though no formal partnership has emerged, there are definitely possibilities for future collaboration.

Beverly Stein, a former Oregon state legislator and staff person at PCI/NPCC agreed to take the lead on this part of the project in collaboration with PCI board members who might want to pursue work in their own states.

In the time since the PCI board chose this strategic direction, we have not found many ready opportunities though there have been multiple conversations about how to proceed. In addition, PCI is in ongoing conversation with Kettering and NCSL to offer support to the work they are doing with state legislators.

Kettering Addendum

As reflected throughout the report, the work that Kettering has done over the past two and half decades documents the steady erosion in trust and confidence between citizens and their elected representatives. As far back as 1989, it is easy to see the seeds of mistrust, cynicism, and misunderstanding. And that is all true.

But there are signs of hope as well. In 1989, the first Kettering report concluded:

When the final word is sounded, most of the leaders we talked with tend to view the issue of public input in terms of a simple dichotomy. Either they can “lead” the public by making decisions to the best of their own abilities; or, they can put their thumbs up and test the direction of public opinion and follow it indiscriminately. . .As the introduction of this report points out, leaders opt for the former.

While there are undoubtedly such un-nuanced views of the relationship between elected leaders and the public still knocking around state capitols, we ran across very few of them. Yes, elected leaders are still lamenting the influence of interest groups, a distracted media, and a somewhat disengaged public. And citizens are most certainly angry and disappointed in their elected leadership, particularly at the federal level. Yet, almost to a person, the legislators we talked to believed it could be better. They believed that there are now promising tools and options that can help them fight through the haze of high-stakes campaigning and big moneyed interests.

While it is discouraging that things are not better—and by many accounts they are worse—than they were in 1989, it is encouraging that so many legislators from so many states *want* it to be better. They want a more direct relationship with the public. They want to lessen the influence of interest groups and money on both campaigning and governing. They want to find a way to gather meaningful input and to conduct meaningful dialogue with the public. Groups like No Labels and the National Institute for Civil Discourse are gaining traction in Congress and in state houses.

With those hopes and desires in mind, perhaps we can take solace in the hope that it has gotten as bad as it is going to get. Perhaps we can believe we have finally

hit the legendary “rock bottom” and that the newly expressed desire to improve the relationship with the public and the tools and processes that are available to improve the relationship between the public and the government will help forge a path forward.

Conclusion

As former Congressman Jim Leach reminds us:

The poet Walt Whitman once described America as an “athletic democracy.” What he meant was that the politics of his era was rugged and vigorous and spirited. Anti-immigrant, especially anti-Catholic, sentiment and toleration for human degradation implicit in slavery characterized more than a little of 19th-century American thought and many of our social structures. Indeed, violence was part of 19th-century political manners. In 1804, Vice President Aaron Burr shot dead our greatest Secretary of Treasury, Alexander Hamilton, for suggesting that Burr was “despicable” in a duel, which might be described as a brazen act of legalized incivility. Half a century later, Congressman Preston Brooks of South Carolina wandered over to the Senate floor and caned unconscious Senator Charles Sumner of Massachusetts who was holding forth on the immorality of the Kansas-Nebraska Act and its sanctioning of slavery in an expanding part of the union.

That said, PCI Board member Beverly Gard—who started this whole undertaking—was right. Things have changed in state legislatures. There is wide-spread belief that legislatures are less civil bodies than they once were and that hyper-partisanship and winner-takes-all approaches to governing compromise both the quality of decision-making and the public’s relationship to government and elected officials. That climate makes it much more challenging to promulgate collaborative models and to

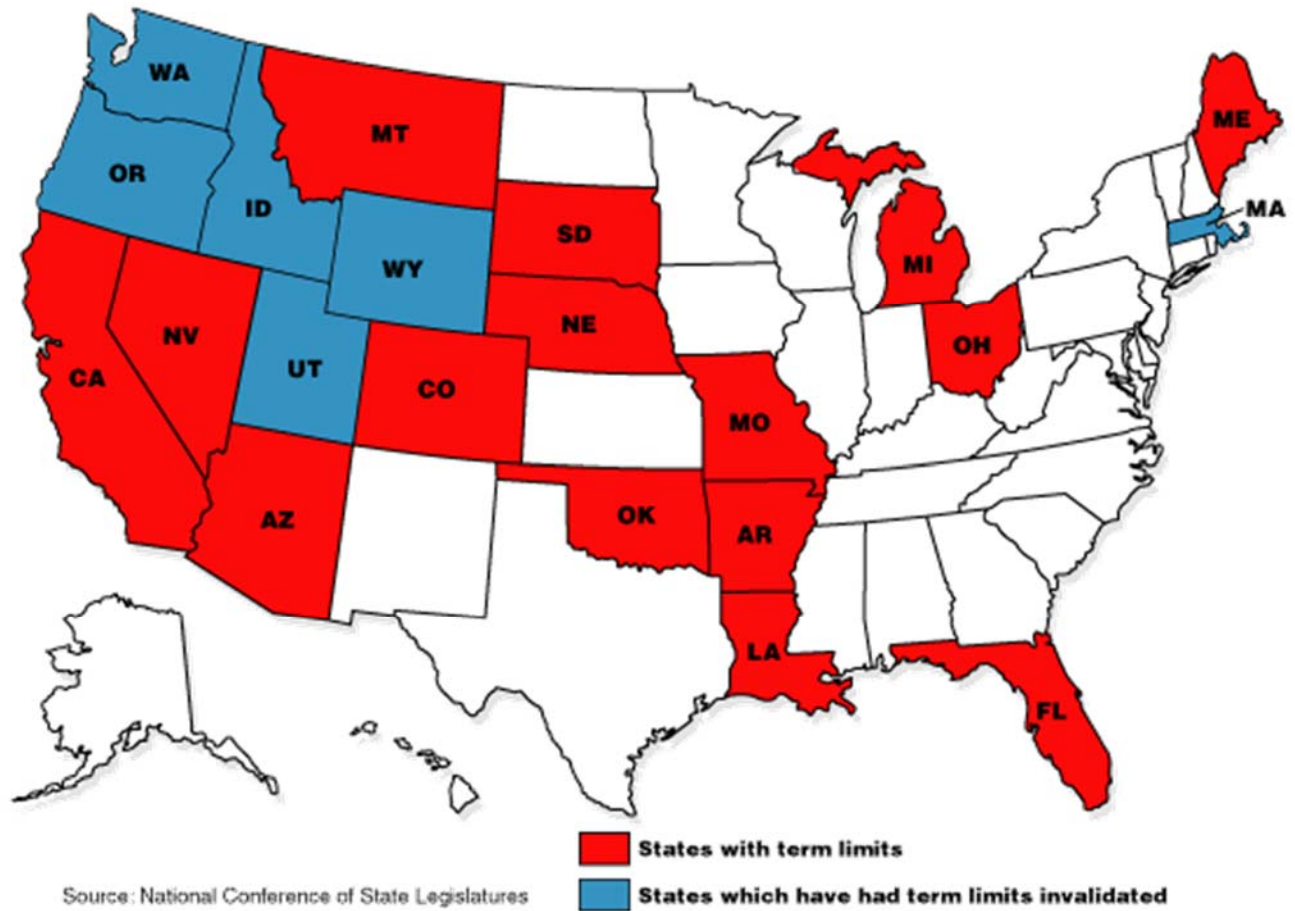
solve problems on behalf of the public. Old models of engagement no longer work. The media can't be relied on to be an honest broker between decision-makers and the public.

But despite all of those challenges, new ideas and models are emerging. The public believes it *is* possible for elected officials to work across party and ideological differences, and legislators have the will to reconnect with the public. PCI and its partner organizations have the opportunity to engage in new ways to support and promote collaborative and democratic practices and decision-making models.

And as one of the Colorado legislators reminded us: "Democracy is messy." And it is up to all of us to get our hands dirty.

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