

Public Talk

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American Institutions and Public Behavior

Government and Public Behavior

BILL BRADLEY

Former senator, NJ



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I really know I'm speaking to a very important group when I have a podium that goes up. So I want to tell you what a pleasure it is to be here today, and to have a chance to address you. A sportswriting prophet is probably one of the better descriptions of an oxymoron that I know. But I'm very pleased that you mentioned my recent book. It is still available.

And I'm pleased to be here today to be the presenter for this segment of today's deliberations. And this segment is supposed to deal with the question of what government can do to meliorate the increased polarization and intolerance characteristic of so many contemporary exchanges in the public realm, while supporting the development of a robust and diverse public discourse. I'm taking this to mean not simply government, but I'm taking it to mean politics as well as government. And that's what I've prepared my remarks to deal with.

During the years that I spent in the United States Senate, when young people visited Washington on a school trip and asked me what they should do in the time they were here, I usually encouraged them to go down to the Lincoln and the Jefferson memorials, particularly the Jefferson Memorial at night, taking enough time to read the inscriptions on the wall and to read and to really absorb them. And I made this pilgrimage myself, occasionally alone. I remember one night I took an out-of-town guest to the Jefferson Memorial and I was coming out and ran into Byron White, then a Supreme Court justice, who was taking his group of out-of-towners to visit the Jefferson Memorial at midnight.

From a new book on the Declaration of Independence by Pauline Maier, we now know how the words came to be what they are. In May of 1941, as the commission was meeting, they were talking about what the inscription was going to be on the walls of the Jefferson Memorial. And an excerpt from the Declaration of Independence was suggested, beginning with the second paragraph--'We hold these truths to be self-evident'--through the sentence in which Jefferson affirms that when government fails to meet its ends, quote, "it is the right of the people to alter or abolish it."



Now FDR looked at this suggestion from the commission and decided that's not what he wanted. So he jumped ahead to the end of the inscription with the words that end the entire Declaration of Independence, which are 'for the support of this declaration, with a firm reliance on the protection of Divine Providence, we mutually pledge our lives, our fortunes and our sacred honor.' Well, he was president, of course, and it was the phrase that he preferred from among all of the words that might have been chosen in the Declaration and so because he was the president, he got the words that he wanted on the walls of the Jefferson Memorial.

But I think that his decision highlights a long-standing tension about the place of trust in a democracy and in this democracy in particular. Do we treat government as a temporary expedient to be altered or abolished when it fails to work as expected or do we pledge ourselves to wish for divine protection and throw in our lives and our honor? It was a question taken up in the Federalist Papers. It was, of course, a big part of--a part, at least, of what the Civil War was about, and it arose in the Progressive Era. And I believe that it's a question that we should be thinking about more openly today.

In recent years, we seem to have forgotten the reality that our government is not as it was for Jefferson in 1776--some exploitive power on the other side of the ocean--but the government, our government, is simply ourselves. I've always believed that the message of America is that if you work hard you can get ahead economically. If you get involved, you can change things politically. And if you reason patiently enough, you can extend equality to all races and both genders.

Today many Americans doubt these basic American precepts: In the information economy, before computer workstations replaced 300 people in the credit department, no matter how hard they work. In our political dialogue, money drowns out the voices of the people too often. In our social interactions, few risk candor to try to create a deeper racial harmony.

On some levels our political process is at a standstill. Democrats and Republicans both march along the well-worn paths of symbolic politics, waving flags labeled 'welfare,' 'crime,' 'taxes,' to divide Americans and win elections. Re-



publicans cling to the illusion that government is the problem, even the enemy of freedom, and that less government and free markets will automatically relieve fears of working Americans. Democrats, on the other hand, cling to old programs like worker retraining, without ever stopping to ask whether those fragmented programs are actually working to change lives for the better or whether jobs are available for the workers that we're retraining. Underlying the paralysis of government, I think, is a collapse of trust and a rising polarization.

Politicians lob negative TV ads and campaigns that are richly financed by special interests and wealthier Americans, and a growing part of the American electorate becomes disinterested. Witness in 1996 less than half of those eligible even thought it was worth voting for the president of the United States of either party. So democracy is paralyzed and polarized not just because politicians are needlessly partisan. The process is broken at a deeper level and it won't be fixed by replacing one set of elected officials with another any more than it was fixed in 1992, 1994 or 1996. Citizens at a very gut level believe that politicians are controlled by special interests who give them money, by parties which crush their independence, by ambition for higher office that makes them hedge their positions rather than call it like they really see it, and by pollsters who convince them that only the focus group phrase can guarantee them victory. Thought is a risky endeavor.

Citizens affected by the choices we have to make about spending and regulation simply don't trust that the choice was made fairly or independently, or in some cases even democratically. They doubt that the facts will determine the result, much less the honest convictions of the politicians. Voters distrust government so deeply and so consistently that they are not willing to accept the results of virtually any decision made by this political process.

A little personal story: In 1990 I tried to tell the people of New Jersey that the Tax Reform Act of 1986, of which I was one of the architects, reduced their federal taxes by \$1 billion a year, because it did. Yet they didn't believe me because state and local tax increases offset the reduction. Well, by the time I left the Senate, constituents were routinely calling to ask how I voted on a par-



ticular bill, and when my office told them the vote hadn't even occurred yet, they didn't believe it, because some radio talk show host had said otherwise.

For nearly a decade, beginning roughly with the repeal of catastrophic health-care legislation in 1989, through the erosion of environmental laws, to the failure of health-care reform and the backlash against the budget in 1995, every major step government has taken has been jeopardized by this mistrust, by a deep and widespread conviction that politicians are acting in their own individual interests, rather than acting as honest representatives of the democratic will. And while there are plenty hard-working, honest politicians who strive to understand their time and then act on principle, the public impression of politicians is generally negative. In part, because we refuse to reform a system that produces little change in people's real-life circumstances.

It is possible, though unlikely, that the budget agreement of 1997 marks a change in this climate of mistrust. For the first time in years, Democrats and Republicans were able to find the points on which they agreed, and yet the agreement itself is of little consequence. Big issues were not decided and the political climate is no less polarized. Government estimators simply came in with new projections of economic growth that suddenly allowed both parties to claim victory and avoid the tough decisions. It seems unlikely that this will form a precedent for further action. And, indeed, there seems little else on which such common ground will be found in Congress. Witness the debacle this year on campaign finance reform.

Further, the budget agreement itself embodied all the forces that have caused the kind of mistrust that cripples democracy. From the role of money in politics--just take a look at the tax bill and the special favors in that tax bill--to the influence of a media that is more interested in personal intrigue and celebrity than in giving citizens the information they need to participate effectively. Well, does this kind of politics deserve our trust, I guess is the first question. Mistrust is a corrosive force in American democracy, but it is also appropriate in certain circumstances. The first circumstance is money, the first ground for mistrust.



To be in politics today, even for the noblest ends, means that a part of your processional life must be devoted to raising money. Fine public servants are stuck in a bad system. In fact, money drives politics in America in a way that it never has before, even in its darkest moments. We've reached a point where nothing but money seems to matter. Political parties have lost their original purpose, which was to bring people together with broadly similar views from the precinct level to the national level, and instead they become primarily conduits for cash--not cash, actually, but money.

National membership organizations measure their clout, not by how many members they have, but by how much money they can put into the political process, so-called political action committees, etc. Anyone interested in running for any office, on approaching party leaders or consultants, will be asked, 'How much can you raise?' Or better yet, 'How much do you have?' And, 'How much of that are you willing to spend?'

And those questions are asked before questions such as, 'Do you have the support of the community? Do you have experience that would help you serve in this office? What ideas do you have about the major problems that confront America?' Many good people can't run for office and those who do find themselves doing little other than raising money and spending more time with those who can finance their campaigns than with those they would represent.

For example, in 1994, I was visited in my office in the Senate by a Democrat who was running for the Senate in a particular state--he was running against a Republican, who I thought had had it cinched. But he wanted to talk, so I said, 'Please, come over.' And in the first couple of minutes, he said, 'You know I'm gonna win this campaign,' which is not the unusual opening comment of a challenger. And I said, 'Well, why do you think you've got a chance? He's a pretty tough, entrenched senator.' He said, 'Because I could raise money.' I said, 'What do you mean?' He said, 'Well, from January to August'-- and it was now August--'I have sat in a room with two great staff people for six hours a day and they would hand me the names of people I don't know with telephone numbers and I would call and ask them cold for money. I can do that and so far we've called over 3,422 people. I'm gonna



win.' Of course, he didn't win. But the point is that's how he was spending his time and that is how a lot of other politicians spend their time during election years.

It's not just that there is too much money in politics. Keep that in mind. All the campaigns for president, House and Senate, in 1996, put together, spent about \$17 for every American who voted. This amount could hardly be excessive if it provided useful information, if it was distributed fairly, and if it came without strings attached. Indeed, many citizens would gladly pay \$17 for useful, balanced information that would help them decide who should represent them. Just in your own experience, ask yourself, what have you paid \$17 for in the last month? Did you go to the movies with your family? Will you pay enough for information about who should be president of the United States as you would pay to take your family to the movies, is that basic question.

But look at the reality--and remember it's not just too much money, but look at the reality of what money in politics pays for, how it is distributed and the effect it has on elected officials. It is spent in roughly equal amounts on three things: raising more money; consultants and polls; and 30-second television advertisements. That's the triumvirate. Sometimes the ads are vicious wars that portray opposing candidates not just as undeserving of public office, but as unworthy to walk on the face of the Earth. There is some reason to think that negative ads may even be designed to turn voters off, to reduce turn-out, to the advantage of the candidate who might benefit from a lower turn-out.

Certainly, one way that government and politicians can reduce polarization in the public realm is for politicians to stop calling each other names, stop attacking each other's character, and, frankly, what it's gonna take in order for this to happen is for someone to win in a new way, to win by not doing that. Because now all the consultants tell you--and one critical moment when you as the candidate as the ultimate person in charge of your campaign must make the decision--`Well, you know, Senator, Congressman, Challenger X, Mr. Y, Mrs. Y, if you don't want to go ahead with this negative ad, go ahead and lose. Be stupid. It's your decision. Do you want to be a congressman, senator, governor, or not? I mean, we know. We've done this before.' What it'll



take is for someone to say, 'No, I don't want to do that. I want to do it this other way,' and win and then politics, not being the most original of all sciences, everybody will be imitating the new way.

In fact, this has reached a point, though, where it's kind of a macho world. 'Gun fight at media corral' I call it--to refuse the negative commercial is thought not only stupid, but a judgment on how tough you are. Well, I would say tough, if you're gonna go negative, is looking into the camera and calling your opponent an SOB, rather than having artful advertisers design the special ad mechanism and special effects that would allow you to do it and pay for it, but accept very little responsibility because your name wouldn't quite be attached to it.

So even when the advertisements are not negative, though, or designed to foster mistrust, 30 seconds is rarely enough time to provide useful information for voters or foster the sense of confidence and trust that one should have in a representative. The way political money is distributed is also guaranteed to make voters doubt a basic premise of democracy, which is that their vote matters. Money does not need to be equal for an election to be competitive, but candidates do need to have enough to get a message across about who they are and what they stand for. More than 40 percent of the members of the House of Representatives, however, outspent their opponents by more than ten to one and no candidate for the House who spent less than 20 percent of what his opponent spent, actually won. Money goes to incumbents, it goes to certain challengers opposing incumbents who've been targeted for defeat by special interests, and it goes to candidates who have a lot of money of their own or have a lot of wealthy friends.

If an election has only one candidate who meets one of these criteria, it's likely to be a competitive election. And in a sense, it won't be a competitive election and your vote won't matter. In a nation which prides itself on the principle of 'one person, one vote,' money gives some people much more clout than one vote.

Finally, money fosters mistrust through the political process because it comes with strings attached that either in perception or reality, and we never know



quite which, distort representatives' votes and their priorities. Campaign finance reformers often become obsessed with distinctions among different sources of money--political action committees, political party soft money, individual contributions, etc. They lose sight of the fact that some money, whatever channel it comes through, comes with strings attached. It's also clear that many contributors make contributions based not on their political conviction but on the influence they believe they will gain by contributing.

How else to explain the numerous companies that give soft money to both political parties. How else do we explain the shift in PAC contributions to Republicans after Republicans took control of Congress in '94, then back to Democrats after the Republican juggernaut collapsed, then back to Republicans after they regained control? What else explains contributors who give to one candidate in a race in May when the candidate is ahead, then to his opponent in September after the tide has shifted? Opponents of campaign finance reform, like the Supreme Court in its 1976 decision, *Buckley-Valeo*, tend to speak of political contributions as if they were the same as political speech and deserve the same protection. But the reality in patterns of giving suggests that they have far less to do with expressing political opinions than with investing in influence.

As a member of the Senate Finance Committee, I often noted obscure tax favors which just happened to appear in legislation before our committee. Occasionally I wondered whether there was a connection between these gifts and campaign contributions. When I identified a specific instance, usually my former colleague would protest, often convincingly, that in every case they vote and set priorities based on their conscience, the needs of their state and what they think is the interests of their constituents, and not money. And, personally, I think it's very rare, perhaps never, that a member of Congress consciously thinks 'I know the right vote on this amendment, but, no, it's probably no good for the folks in my district, but, you know, even though I know what's the right vote and it's probably no good for my district, I'm gonna go ahead and vote because the guy who's pushing it raised \$100,000 for me the last time. So I'll vote for it.'



So--and yet the unavoidable reality is that Congress is far more attentive to the corporation demanding relief from the alternative minimum tax than to the family looking for help to pay for escalating health costs. It is more responsive to investors seeking a reduction in the tax rate on capital gains than to working parents who would like a reduction in their own tax rate. It may be that these are not favors in return for contributions, but simply a side-effect of the amount of time spent raising money so that representatives only know one side of any story because they spend so much time with their contributors.

A company well-known for flying members of Congress around in its planes, for example, persuaded its friends to tie up the Senate for almost a week in 1996 fighting for an obscure change that would help the company keep labor unions out. What, were the senators returning a favor? Or was it just that they spent so many hours in planes with the company's executives that they came to think the company's problems were their own problems?

The problem is we'll never know which. We don't know whether politicians genuinely believe that the alternative minimum tax is an unreasonable burden or simply intend to repay contributors. We can't know whether money or conscience governs the priorities they set. If we could figure out exactly how money distorts the political process, it could be self-correcting. The conservative argument that the only campaign finance reform needed is enhanced disclosure would be correct in that voters could identify contributors, identify political favors, and vote against candidates who put contributors' interests above the constituents.

But they can't. It doesn't work that way. We can't figure out what's a favor and what isn't, and as a result the only reasonable response is mistrust. Campaign finance reform can potentially restore some of the trust that is needed for democracy to work, but only if the reform is clear and simple and complete enough that voters can really see how it would change the nature of politics. If reform means just one more set of complicated rules that the party fund-raising experts will find clever ways to evade, it will only deepen the sense that government can't even solve its own problems.



Nothing about the role of money in politics would anger people as much as it does, however, if government seemed to be able to respond to the economic circumstances of non-wealthy Americans. Through the recession of the early 1990s the government was unable to restructure unemployment benefits in a way that helped people survive stretches of a year or more without a job. After the recession ended and a period of corporate downsizing accelerated, government was once again unable even to acknowledge that the forces that would make us better off in the long run endangered many Americans in the short run.

Now that the economy's healthier and we're reaping some but not all the benefits of this corporate restructuring, the fact remains that when times are tough, government is no longer anywhere to be found. And when times are good, government seems eager to reduce taxes for investors more than to think about investing in the long-term economic security of families whose income will come from work and not from capital gains.

Even with a healthy economy, there are profound problems. Millions of Americans work part-time who want to work full-time, even more without health insurance, etc. Until government begins to show some ability to respond to the economic anxieties about both the present and the future that are on the minds of most American families, it's not unreasonable for them to mistrust that government.

To the extent that the news media is a part of a democratic system of government--in both Jefferson's theory and our reality--and it is--the press, too, has failed to provide the kind of confidence that Americans need to be constructive, participating citizens. As with money-driven political campaigns, television is the common denominator, the one media outlet that reaches the broad majority of citizens. Yet local television news is governed by the motto: If it bleeds, it leads; if it thinks, it stinks. And all but ignores the significance of local representatives and the deliberations that lead to legislation that affects human lives.

Every few months the media reports with disdain some polls showing that most Americans can't name their member of Congress, with no hint of self-



consciousness that the press itself takes an interest in those members only when they become embroiled in scandal, celebrity or personal intrigue. A few politicians, like House Speaker Newt Gingrich, have taken temporary advantage of the media's fascination with eccentric celebrity, personal conflict and Machiavellian intrigue, and discovered how painfully temporary it is. But the majority of members of Congress toil in obscurity, knowing that neither their accomplishments nor their shortcomings will attract the camera's eye.

Nor when it comes to elections does the media add the kind of information that voters need to counter the misinformation of paid television advertising. The press remains mesmerized by the horserace--who's ahead, who's behind, how vicious the conflict has become. An ordinary campaign between two or more people with distinguished careers of competent service, respect for one another, and differing but not extreme political views, is likely to receive so little coverage that voters cannot but doubt that such elections and such politicians exist. Indeed, the media even magnifies the effect of negative ads. Under the high-minded pretext of examining the tone of the campaign itself, they often rebroadcast a negative ad several times free. And don't think that political consultants don't know that. The more outrageous they get, the more they can use the free media to magnify their message.

To be fair to the media, theirs is a vast, diverse enterprise. Although concentration of ownership makes it smaller and less diverse every day, with more than a few bright spots of careful and relevant reporting amid the depressing sameness. Further, the media in recent years has developed a little bit of self-consciousness about its shortcomings and its responsibilities, leading to experiments much like the criticized public journalism initiative. One wonders, though, why the idea of systematically providing citizens with information that is most useful to them in doing the work of democracy should be considered an experiment as opposed to the normal course of activity.

Now what can big government do here? Well, government can highlight, carefully, in prepared hearings, where the media might be falling short. After all, they are licensed, if they're television stations, by the federal government. The media reviews politicians. Why can't politicians review the media in a careful and serious way? If you do negative ads, however, you're a little less



credible when you're the chairman of the committee. If you don't, you have a little more credibility. And the other thing politicians can do is themselves speak out civilly in moments of crisis to demonstrate what civil language can do in a moment where people are truly looking for advice, opinion and leadership.

Although the political system bears responsibility for much of the public's mistrust of it, it's fair to say that the mistrust is actually far out of proportion to the failings of the system itself. Mistrust has become a political commodity itself. The emergence of mistrust is a political commodity. It goes hand-in-glove with the increasing domination of political discourse by interest groups that are not only contributors to political candidates, but increasingly act like political parties themselves, dominating the information that flows between government and citizens, controlling perception, taking over the grassroots of politics through direct mail, talk radio, phone and fax networks.

You know, take the period '93-96. There had been a serious bipartisan effort to consolidate several hundred job-training programs funded by the federal government into a few simple programs, including one or two block grants to states. Everybody agreed on this in Congress and it was about to pass. Then phone calls started coming in, and they were really ginned up by something called Eagle Forum. It had put out the word through its network that Congress was about to consider legislation under which bureaucrats, Soviet-style, would tell each child what his or her occupation was to be. The charge was completely made up. It had nothing at all to do with anything that was in the legislation as several of the more conservative supporters of the job-training legislation have made clear. But the phone calls from outraged parents, determined to protect their children's American right to choose to make a living any way they saw fit, were enough to scare Congress away.

After the crime bill and the 1994 budget crisis, members knew that if it was their word against the interest groups--remember the call to my office saying, 'How'd you vote on the thing?' and the vote hadn't been taken?--they might as well be talking to their dog. Well, what was going on here? My hunch is the Eagle Forum had little interest in the job-training bill. They were simply using it as a way to generate members and contributions to the Eagle Forum.



Mistrust in this way can breed deeper mistrust and mistrust can even leave citizens more vulnerable to deception. Just as few politicians are steered too often by money, the citizens they're trying to represent are steered just as often by the clutter of interest groups making it all the more difficult for elected officials to see and to follow the path of the true public interest.

Each of us has a multitude of identities, opinions, interests and connections to others. But interest groups try to take our voices and turn them into single-minded protests on behalf of the most narrow identity--gun owner, senior, pro-choice, small-businessperson, environmentalist, smoker. Each of these groups and many others clamor to speak for us in Washington, Sacramento, Trenton, but for most of us no group can represent us in our fullness as citizens with all our interests and opinions. That we can only do for ourselves in a setting of lively and varied debate where we have plenty of opportunity to engage.

But as citizens withdraw from these varied and local forums, they have not withdrawn from participation altogether, but shifted their engagement into mass-mailing-driven organizations that can only operate in a certain way. They seek to convince us not that some of our interests and opinions are in conflict, nor that some of our ideals require compromise, but simply that we are not getting what we want from government because government itself is corrupt, dishonest, out of control, controlled by corporate interests or controlled by those dependent on the welfare state, dominated by liberals, or dominated by conservatives. They don't help us think of ourselves as citizens who are part of a democratic dialogue or think of government as something of which we're a part and have the power to change.

In the end, our democracy is losing its most essential ingredient, and that is the willingness of citizens to accept the results of the process itself, especially if they're not complete winners. Driven by groups whose professional survival depends on endless fight, citizens are discouraged from accepting that they might be in the minority on a particular question or that they need to compromise their positions with others whose interests are different. They're told again and again that corruption drives the process, that choices that appear to be made democratically are, in fact, authoritarian will of an outside



force called government. And the objective of the special interest groups is to win, at any cost. Interest groups are by definition intolerant. They polarize to win. They rarely if ever think of the whole. And that's OK unless the whole political debate then becomes nothing more than a cacophony of interest groups, many of which practice their meanness in ways that demean the political process.

Well, if things continue as they are, mistrust eats away at every pillar of democracy, at elections which are distorted by money and represent a democracy because citizens rightly perceive, on occasion, the influence of money that eats away at not only the larger idea of an open system of government that can make fair decisions for all of us, but even undermines the core notion of our democracy: That legitimacy rests with individuals who are citizens and it should be promoted to the best will of the people themselves. If things continue as they are, Americans' doubts about their own government will eventually leave that government completely marginal to just about every aspect of life.

Already government seems barely relevant to most of the issues that concern us. We have quite complacently given up the idea that government can protect us from the ravages of the economic cycle, or that it might systematically protect very poor mothers and their children from the extremes of poverty. The less we're capable of trusting government, the more we leave our most personal choices about family, education and community to the market. Because the market, unlike democracy, does not require trust to exist. It simply exists.

Well, what to do about this? Emerson once said that the new is the seat of the old. And I think that I would say the best way to deal with this is to think about the United States Senate as an institution and how it functions and then to draw from that a lesson. When a number of senators announced in 1996 they were not going to run for re-election, I being one of them, at countless public forums the question was asked: 'Well, how can you abandon--it's the moderate center that's leaving the Senate--how can you leave the Senate to the extremes?' And my answer was: 'The Senate does not reward the extremes.'



You assume somebody comes to the Senate to exercise power. That is exercised in the middle. So if people leave who are in the middle, others will fill the middle because without people in the middle, power can't be executed. It's only the power to stop. The power to make things happen is always in the middle. And, therefore, I'm not arguing that politicians should shy away from disagreeing, but that they should disagree civilly. In the Senate in its best moments, that is precisely how things work.

And I also would point out that there are other hopeful signs on the horizon. People across the country are waking up to the role of money in politics. The Common Cause has run a program now trying to get people involved in getting petitions--over 50,000 petitioners were carrying over a million signatures. The media is continuing its long self-examination, and meanwhile new channels of political communication and honest deliberation are emerging every day. The Internet is a very good example of that. And people across the country are also seeing that, ultimately, if they don't assert themselves, the process will further stagnate.

If the era of mistrust comes to an end, it will be because it is followed by an era of reform, comparable in its scope, daring in imagination to the Progressive Era. It will require rethinking of some of the basic premises of American democracy, such as: What is the role of political parties? What is the right balance between freedom of expression and the corruption and narrow choices of money-driven political campaigns? How should representative institutions be structured to give everyone a voice? How can technology give citizens access to unmediated, useful information and open deliberation about solutions? What are the obligations of the media, especially the broadcast media to democratic participation?

Questions like these, rather than the narrow questions about which political party bureaucrat skirted the campaign rules most aggressively, have the potential to help us finally understand why we mistrust government so deeply, to give the political process a way to earn back some of that trust that it has lost and to give citizens the means to put trust in government again. The purpose is not necessarily to restore activist government, but to restore the



sense that government is the creation of the people and not the creation of an outside force acting upon all of our lives.