

Partisanship in the New



MIKE FEELY



BOB GARTON



ROGER MOE



ART HAMILTON

Five former leaders reflect on what's changed in state legislatures since they were there.

State Legislatures: How has the legislature changed from when you were first elected?

Roger Moe: We've got free access, a lot more education, a lot more outreach. There's a lot more diversity at the table than there used to be. And now decision making isn't done behind closed doors. It's done out where everybody can see it. The irony is that nobody would ever go back to those old days, and yet the public opinion of the legislature is significantly less than it was back then.

JoAnn Davidson: Many of us enjoyed long-term relationships across the aisle and with our own caucus, but that is not as prevalent now as it was then. The world operates on relationships—and I think this absence makes it more difficult for the legislature. You've got a more diverse legislative body, which I think is good. But it makes it more difficult to get a group of people who will look at the big picture about what's necessary. And members are much more compartmentalized

about how they look at some issues. It's more difficult for leaders to be able to bring them together.

Mike Feeley: Term limits have had an overwhelming impact, particularly on leadership. The collegiality is gone. People are in and out; it's a revolving door.

Walter Freed: When there was more collegiality there were more get-togethers. You'd sit around and talk to people who you weren't in a committee with during the day. And you'd find out that regardless of partisan labels, you had some common interest or you would find some common ground to go to work on things together. Without those opportunities to bring members together in a social atmosphere, things have gotten more combative.

Art Hamilton: I don't think many families could survive if all their family discussions had to be done in open meetings. I also think 'discipline' is gone. I thought it was my job

to defend the institution and its prerogatives, and stand up and speak for it. And I did that with my Republican leaders shoulder to shoulder on many occasions when we thought the institution was in peril. But today the fate of the institution and its prerogatives come last for most folks.

Bob Garton: Significant areas of change are in space, staff and sophistication of equipment and access to equipment. Also noticeable is the change in the press—you don't have the experience you once had when columnists and writers had been with their papers for years and really understood the legislative process. I also see self-interest replacing public interest. You know, what can I do to promote myself?

Davidson: The pressure is now to draw districts that are safer for members. And safer districts change the dynamics of how you bring people together. They know they're going to get reelected no matter what they do.

Legislature



JOANN DAVIDSON

WALTER FREED

Members today are less willing to come to the table and look at the big picture than they were when districts were more competitive.

SL: What changes do you see in the way the public views legislatures?

Moe: For a generation we've been running against the legislative institution. Jimmy Carter started it, running against Washington. And now everyone does it. You run against the government, whether you're the incumbent or the challenger. Why wouldn't the people lose faith? We've told them it doesn't work. But by any measure, government is functioning quite well. Not perfect, but making progress. Somehow we have to get back to a kind of civics lesson approach to campaigning. We have to change the culture.

Garton: What's also happening to us is that there's a whole new media out there communicating with the constituents. There's the Internet and the blogs. And you may see that replacing radio, TV and newspapers particularly to those 18 to 24. That's where they get their news. And that gives us direct access to constituents that

we've never had before. We are now our own reporters. So we control the news.

Freed: Adding to that is the change in the news industry. They can't afford to hire reporters who have longevity of 20 or 30 years in government and politics who can watch the process and temper their remarks or what they write. So you get rookie reporters without any depth of knowledge.

SL: What do you see as the greatest strengths and weaknesses of the legislature today?

Davidson: The strength of the legislatures today is that we have changed. We are able to do better research. We're better able to communicate. We have better staff. But the weakness of the legislature is that people are less willing to come to the table and make the kinds of compromises that are necessary to deal with public policy. .

Moe: You don't need another rule. You don't need another law. You don't need to amend the Constitution. You need people of good will. My observation of the legislative

Mike Feeley was a Colorado senator for eight years. He was the minority leader for six and a half years. He retired in 2000.

Bob Garton was an Indiana legislator for 36 years. He was a caucus chair for four years and Senate president pro-tem for 26 years. He retired November 2006.

Roger Moe was a Minnesota senator for 32 years. He was a leader for 22 years. He retired in 2002.

Art Hamilton is a former NCSL president. He served in the Arizona House for 26 years and was Democratic leader and minority leader for 18 years. He retired in 1999.

Walter Freed served in the Vermont House for 12 years. He was minority leader for four years and speaker for four years. He retired January 2005.

JoAnn Davidson was speaker of the Ohio House for three terms. She also served as minority leader. She retired in 2000 after 20 years in the legislature.

branch in recent time has been lack of oversight. Oversight is the tool for equality with the executive branch when you're not in session. But what we're seeing is more 'gotcha' kinds of oversight.

Hamilton: There are things today that only a state legislature has the capacity to do. That's why health insurance for everyone came from Massachusetts and not Congress. Legislatures have the capacity—at least on occasions—to be bold enough to try some things and hope they work. If they don't work, at least you've given them a shot and you have an idea where you ought to go next.

Garton: Staff that serve the legislature have gotten more sophisticated. They are quality people. That's one of the real strengths of the legislature.

Feeley: You have to have people of good faith. Even if you disagree on everything that comes between you, if you spend a little bit of time, and you try and figure out where that individual's coming from, you'll find out that they are there because they want to make



things a little bit better.

SL: How did you handle relationships with the other party while you were there?

Garton: I really think the same way you handle relationships with your party. Mutual trust and respect. There's no substitute for that.

Feeley: I always thought that the minority leader's job was the most interesting job in the legislature because you had to exercise discipline in your caucus. And dealing with the majority party, you had to on occasion get in their face, take an opposing point of view, argue passionately, but you did so with civility.

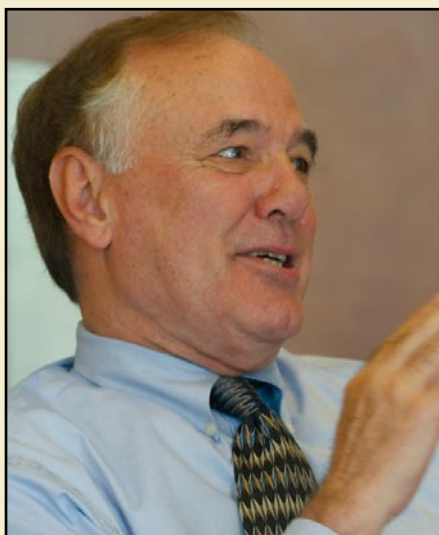
Freed: Those personal relationships across the aisle, even with the leadership, can change the whole tenor of the House. I made it a point to have breakfast once a week with the minority leader, even though we had different political viewpoints. We'd meet in the Capitol before the week's session started and go over the agenda for the week. We would talk about where we agreed, where we disagreed, where we expected floor fights.

Davidson: There's always a lot of pressure on the majority to be bipartisan. But it takes cooperation from who's in the minority, too. If you reach out and do some things for minority members—even just personal courtesies to them or their families, you build a stronger body.

Hamilton: The most difficult part about the job for me was helping my people understand that they were the loyal opposition. That they

are not the majority. They are not going to run the place. They don't get to do what committee chairs do. But they do have a responsible place in the process and their job is to do that.

Moe: I tried to be inclusive. When I felt something had the potential of really bogging us down in a partisan way, I would call the Republican leader and say, "Would you come over and bring your three people who are key on this topic?" And I'd get the three people who I trusted most in that particular area. And we'd sit down and talk it out. I did that time after time and avoided a lot



of divisive issues. I also made a point of no surprises. When we were going to do something, I always informed the other caucus. I got the same thing in return. Everything was spelled out.

SL: What external forces do you see affecting partisanship? The national parties? National themes?

Freed: In a small state you don't have to have a lot of money to affect the public's position. National organizations can come into a state and with a small lobbyist's presence change public perceptions.

Davidson: I think the parties view their responsibility much more on the whole election process: How do they build stronger state parties? How do they teach the new technologies? How do they strengthen their candidates from the top to the bottom on how to win elections? But you've got every kind of national organization out there on both politi-



cal sides that interact much more closely with legislative bodies than they used to.

Hamilton: Arizona has a fairly easy initiative process. So a lot of people who want to experiment to see if some things can be sold to voters find Arizona an interesting place to come and play. The parties have been much more involved in our state in party building.

SL: What do you see as the risks of increased partisanship?

Freed: Sometimes it's hard to pull back. The stakes are high. There is a role that partisanship plays in governments and politics. But that 'all or none' attitude instead of 'let's negotiate and find a middle ground' can get in the way of good public policy.

Davidson: Legislators have to understand that the image of the legislative body is driven a great deal by how people feel about whether or not lawmakers can come together and actually do something meaningful. I think it's going to be a challenge for leadership in the future much more than it's been in the past. Partisanship must give way to good, solid leadership that knows how to build consensus.

Feeley: I think that one of the dangers of increased partisanship from a policy perspective is the ability or opportunity to do things that are irreversible or virtually irreversible.

Moe: The reality is that you can't divorce this process from partisan politics. Strong political parties are good. That's healthy. But it's going to keep us from coming to

grips with some serious public policy issues that actually have an impact on us. I distinguish those from public policy issues that are designed to divide with no hope of ever trying to pull us together and that don't really have much of an impact on the average person's life. Today one of the biggest emerging issues facing state governments is public employee legacy costs. Some decisions will have to be made, but the parties are going to keep us from making solid, sound public policy decisions that have a long-term positive, influence. Some issues are just fundamentally designed to divide us. And that's what it's all about.

Hamilton: I can understand that partisan politics is part and parcel of our heritage—but it's become so divisive that there really is no ambition beyond succeeding in the next election. We have lost our ability as institutions to actually address and solve the problems that face the folks we serve. Because almost all decisions are ugly, they are difficult, and they cost somebody something.

SL: Is the legislature better or worse at policy making today?

Davidson: I don't think it's as good as it was a decade ago, but I still have confidence in the fact that, under the right set of circumstances, it can respond. All legislatures react at times of crisis or emergency when they don't have a way to avoid taking action. And quite frankly, I think leaders, every once in a while, have to step forward and put their members feet to the fire. They have to say, "It's time that we dealt with this issue."



Garton: The whole health care reform—it's coming from the states. Welfare reform came from the states. The telecom reform is coming from the states. School reform definitely came from the states.

Freed: Technology has made the legislative process much more efficient. The efficiency and productivity that's touched every bit of society, affects the legislative process too. So people expect more, and we also promise so much as legislators. But maybe if we go back, and we slow the process down so it is more deliberative, we can truly look at the underlying crises in our society and at the long-term impact of laws that we pass. We have to be careful what we promise whether it's free health care or retirement for life. But with term limits you do not have to be answerable to the public six years later when something doesn't work, let alone, 15 or 20 years later. We've created a bit of our own crisis.

SL: How do you balance stewardship of the institution with caucus loyalty?



Davidson: I do believe that during any challenge to the institution—particularly ethics issues—leaders have a responsibility to the institution over their caucus. The very first report that came out after we passed ethics legislation involved a member of my own caucus. It was the defining moment as to whether or not the ethics policies we'd put forward were going to stand or not. It was very difficult to tell the caucus that we needed to discipline one of our own members. As much as we don't want to punish our own, the respect to the insti-



tution hinges on whether or not we do it.

Feeley: Standing next to leadership on the other side of the aisle and defending the institution when the institution is under attack is absolutely essential and is one of the small prices of leadership. You may be antagonizing people who you are going to count on for the next leadership vote. But it's a cost of leadership and you have to be willing to pay it.

Moe: You're just a caretaker, for whatever time they give you. And try to do the best, and leave it a little bit better than when you found it.

SL: What's the hardest thing you ever did as a leader?

Freed: Having to say no to some of the people who helped elect me speaker. That's tough. It's hard to do and makes political enemies along the way. Sometimes it just has to be done.

Hamilton: Denying your members something they want, or asking them for something that they don't want to give, are just awfully tough things to do.

Davidson: I think you have to defend the independence of the body that you're leading. In doing that you didn't always make a lot of friends with the other two entities.

Moe: Somebody has to say no. We can't do it all. Maintaining the independence of your House is important.