

*Healthy
Democracy*

*Empowering a clear and informed
voice of the people*



Ned Crosby

You have read what is wrong with American politics (E.J. Dionne's *Why Americans Hate Politics*, David Broder's *Democracy Derailed*, William Greider's *Who Will Tell the People*. The list goes on). They reveal the failings of our democracy. In *Healthy Democracy*, Ned Crosby shows how ordinary Americans can reclaim our political system and be on equal footing with the powerful groups and individuals who now dominate politics for their own selfish gain.

The reforms suggested in this book are based upon the Citizens Jury[®] process, one of the most carefully designed and widely used participatory methods invented in the 20th Century. In a Citizens Jury, everyday citizens are empowered to understand issues and candidates. The method has been used numerous times in the United States and has spread to many other nations as well.

Comments about specific Citizens Jury projects:

"The Citizens Jury...is a paragon of representative democracy."

—William Raspberry, *Washington Post*

"It was a portrait of democracy the way democracy is supposed to be...the whole thing was put together by the Pennsylvania League of Women Voters and the Jefferson Center of Minneapolis, and a round of applause is in order for both organizations."

—Editorial, *Philadelphia Inquirer*

"We urge support for the Citizens Jury. It promises a new way for voters to become involved in a meaningful assessment of candidates for major office."

—Editorial, *Pittsburgh Post Gazette*

"The Citizens Jury process is a vital supplement to the American political process. I urge the League of Women Voters to adopt the Citizens Jury process nationwide."

—Tony Faltsek, randomly selected juror from St. Paul, Minn.

"I think the Citizens Jury experience has been a privilege and one I recommend. Every aspect of the process has been conducted in the highest, purest form of a democratic process."

—Karen Kling, randomly selected juror from Chehalis, Wash.

"I have been extremely thrilled and excited to have been chosen to be a part of this very important political education process. I can't imagine that it won't spread to every level of government, and produce "new" educated voters."

—Cindy Schlegel, randomly selected juror from Lebanon, Penn.



\$16.00

ISBN 1-931646-84-8



9 781931 646840

Healthy Democracy

Empowering a Clear and Informed Voice of the People

Ned Crosby

*To Lyn Carson,
You're a great ally to
have in the fight for
better democracy! Let's
hope we win.
Ned*

HEALTHY DEMOCRACY © copyright 2003 by Ned Crosby.
All rights reserved. No part of this book may be reproduced in any form whatsoever, by photography or xerography or by any other means, by broadcast or transmission, by translation into any kind of language, nor by recording electronically or otherwise, without permission in writing from the author, except by a reviewer, who may quote brief passages in critical articles or reviews.

ISBN 1-931646-84-8

Library of Congress Catalog Number: 2003106338

Book design and typesetting: Mori Studio
Cover design: Mori Studio

Printed in the United States of America

First Printing: May 2003

06 05 04 03 6 5 4 3 2 1



7104 Ohms Lane, Suite 216
Edina, MN 55439
(952) 829-8818
www.BeaversPondPress.com

to order, visit www.BookHouseFulfillment.com or call
1-800-901-3480. Reseller discounts available.

For P. E. B.
With love and gratitude

Contents

Introduction	1
Part 1: Creating a Trustworthy Voice	13
1 Public Dialogue and How it is Manipulated	15
2 Creating a Trustworthy Voice of the People	27
3 Why We Lack Effective Public Policies	46
Part 2: Empowering a Trustworthy Voice	69
4 The Citizens Initiative Review	71
5 The Citizens Election Forum	89
6 Other Approaches to Creating a Trustworthy Voice ...	109
Part 3: Healthy Democracy at the National Level	127
7 National Security	129
8 Global Environment and Population Challenges	143
9 Implementation at the National Level	163
10 Moving Toward Healthy Democracy	178
Appendix A: Designing Citizens Panels and Related Methods	193
Appendix B: A Brief History of Some Novel Participatory Methods	261
Acknowledgements	281
Name Index	287
Subject Index	289
About the Author	297

Introduction

This book is about rejuvenating American democracy. The proposal is simple: we must adopt methods that will allow Americans to speak with an informed and caring voice about the directions our nation should be going, and about which candidates are most likely to take us there.

Some will see this book as radical. It is. It proposes a new way for Americans to come together, talk through their differences in a setting where they have good information and respectful discussion is possible, and then issue clear findings about what they have decided. These findings will be empowered so that they play a major role in our political life.

Some will see this book as conservative. It is that too. The new methods suggested have been very carefully tested for more than two decades. These methods should be introduced slowly, so we can be sure that they work as intended. This book does not suggest the major surgery on democracy so typical of a radical approach; instead, it advocates a steady, responsible growth of new methods that will enlighten our discussions of public policy and engage citizens in their democracy.

Any book about politics should be about power as well. There is no sense in promoting respectful discussions among citizens unless these have enough political clout to make a difference. Part 2 lays out several ways in which the new methods can be empowered so that the wishes of everyday Americans become a major factor in the way our democracy is run. If these methods are as successful as I believe they will be, the game of politics in America will be made much healthier than it is now.

A great deal of this book is about how the involvement of everyday citizens in policy discussions can actually improve the quality of

our public policy. Because many view this as counter-intuitive, whole chapters are devoted to a review of how poorly constructed our current governmental policies are. I then lay out in detail how the involvement of a cross section of Americans, meeting in groups where they can learn from witnesses and reason with each other, can improve governmental decision making.

Because democracy is for everyone, this book is intended for a very wide audience. But this means that any specific audience may find things they do not like. For my political science colleagues, this book may seem like “politics lite”—too many stories, too few footnotes, and too much about how people need to become active. For activists, the book will drag—too many details, and not a strong enough call to action. For those who are fed up with American politics today, the proposals of this book will seem too slow, since it will take a decade or two before they have their full impact.

This book *says* what I think needs to be done about American politics, but these words count little without action. What really matters is that a relatively small group of people in some state take the first step to carry out one of the reforms proposed in this book. Unless implemented, this book is little more than a curiosity.

Why This Book?

American democracy is not in good health. Too much control rests in the hands of too few. Special interests, wealthy individuals and self-centered politicians have come together in various groupings to dominate American politics. Of course there are some special interests, wealthy people and politicians who work hard for the public good. But the common sense and caring of everyday Americans have been pushed out of the political arena by people and groups with too much power. This leads to government policies that do not represent the long-term best interests of our nation.

New democratic processes, invented and thoroughly tested over the last quarter century, provide the tools for making our democracy healthy again. If we can cast aside some of our cynicism and work to enact the reforms of this book, we can really make American democracy something that approaches Abraham Lincoln’s dream of a government of the people, by the people, and for the people.

The argument of this book is as follows:

- To regain control of our democracy, we need to introduce a trustworthy voice of the people into the public dialogue. This voice must be clear and strong enough so that it plays a significant role at election time and helps shape public policies that promote the common good.
- Proven methods exist for creating a trustworthy voice of the people. These methods bring together a microcosm of the public in a setting where those gathered can hear witnesses, reason among themselves and then report back to the public as a whole.
- This book proposes ways for such a trustworthy voice of the people to have a significant impact on elections.
- The best place to introduce these reforms is in those states (mainly in the western United States) that have initiative and referendum.
- This is not a utopian proposal. This book presents practical steps that can be taken to place the views and concerns of average Americans at the center of the political arena.

If you would like a more detailed outline of the book, read the introductions given to Parts 1, 2 and 3. These give brief summaries of each chapter in that part of the book.

Who Should Run the Show?

Imagine you and some of your friends want to talk about an important political issue or social problem. You go down to Café Politics, because that is where most such discussions take place.

You are seated at a table in a large room. It's a little like a sports bar in that there are large TV monitors everywhere. Right away you realize it's not going to be easy to talk. Although there are many tables with people like you seated at them, there also are special small tables seated with people who obviously think they are special. They are eating very fancy meals and talking in loud voices... so loud that you can hardly hear the people at your own table.

Not only that, but the “special people” are constantly giving large-denomination bills to the maitre d’. Soon after that, their faces appear on one or more of the monitors telling you about their political views. When that happens, you really can’t hear anyone at your table.

All of a sudden someone at a table like yours picks up a mike and starts talking. First a woman and then a man explain what the people at their table have been talking about. They found the right mike because they can be heard clearly over the TV monitors and the “special people.” They tell you about some ideas that the people at their table have come up with. As they speak with clarity and authority, you can see your friends start to smile. A short time later, the two sit down and the TV monitors drone on.

You and your friends decide to get out of there. The people with the mike said what you wanted to hear. You all agree that it was impossible to think in that place. And the service was lousy unless you had lots of money to toss around. But the things said by the people at the neighboring table had gotten you started in the right direction, so it was time to leave. If only we could get people like them to speak up more often!

Citizens Speaking with a Trustworthy Voice

The above analogy presents the major point of this book. In today’s political arena, the voices that dominate the discussion are the voices of powerful people and groups out to promote their own self-interest. Some reformers want to limit the power of these people and groups to dominate the discussion. But in a land of free speech, it is next to impossible to find limits that work yet do not violate the Constitution. Instead, the solution lies in the ability of average people to speak up. If we can’t find a way to take the mike and make our voices heard, then things are going to stay the way they are. We can’t wait for laws to dampen the voices that are too loud; we just have to find a way to speak up clearly and with authority, and to make our voices heard.

But the analogy works only if the people at the table near us had done a really good job of thinking through an issue. When the man and woman grabbed the mike and spoke up, they seemed worth listening to. Yet why should we trust people like them? How do we know

that they are not just like all sorts of other people who want to tell us what to do?

This gets to the heart of the reforms proposed in this book. Over the last couple of decades methods have been developed that can enable a microcosm of the public to speak with a clear and authoritative voice on public policy matters. The following example will give you an idea of these methods, which will be discussed in detail in Chapter 2.

If you had visited New Haven, Connecticut, in the spring of 1994, you could have visited a Citizen Jury put on by a group of Yale students as part of a political science class. The topic was what to do about the problem of at-risk children in the greater New Haven area. Seated around a U-shaped table were 12 people who had been randomly selected to be a microcosm of the population. Six people were from the suburbs and six from New Haven itself. The group also reflected the demographics of the area in terms of age, education, gender, and race.

The 12 jurors spent four days listening to experts, and then discussed the problem among themselves. A key event happened on the afternoon of the second day of hearings, when Professor Robert Dahl, a prominent political scientist, dropped by. The person moderating the hearings at that point was Fiona, a Yale senior, bright, savvy, and an aerobics instructor on the side. She decided to "take the temperature of the group" so that Professor Dahl could learn how things were going. She went around the table, calling on each juror to give his or her impressions. When she came to Victoria,¹ she got something she was not expecting.

Victoria, an imposing African-American, sat very erect at the table. When it was her turn to speak, she said, "How do I feel? I feel *really* insulted, if you want to know. I had to sit here this morning and listen to that witness from Hamden (a suburb of New Haven) tell us that the problems of Hamden were creeping in from New Haven. She meant that *my* people were creeping into *her* town and that's why they have problems. I don't know why I have to sit here and listen to stuff like that."

¹ The names of the jurors have been altered to respect their privacy. The quotes are based upon memory and notes made at the time, rather than from a transcript or a recording.

Fiona gulped and continued around the table. About three people down the line she came to Helen, a white nurse who worked in New Haven but lived in the suburbs. Helen said, "Victoria is not the only one who feels insulted. I had to listen to the black minister early this afternoon who talked about how no one from the suburbs cares about inner-city kids. I know that I care about inner-city kids and so do a lot of my friends. That minister should stop telling me and people like me how we feel about things."

Fiona plunged ahead, determined to make it all the way around the table. The third-from-last person to speak was Angee, an African-American woman in her early 20s. She spoke quietly. "What I don't understand is why the people from the suburbs who have talked to us think their kids have the same problems our kids do. Is there any way for us to hear from some of the kids themselves about this?"

Although the Citizen Jury organizers had not thought of it ahead of time, Angee's idea was an obvious way to get relevant and helpful information. Thanks to the diligence of one of the Yale students working on the project, three high school students from Hamden were invited to appear the next morning to answer questions about their lives. It was a very lively session. At the end, Angee spoke up. "I guess those witnesses from the suburbs were right," she said. "Their kids *do* have the same problems as ours. Not as broad and not as deep, but they are the same problems."

For the rest of their time together, the jurors spoke about "our children" and worked together to come up with ideas about what could be done for at-risk kids in the greater New Haven area.

Other dynamics of the group were more subtle. One common reservation people express when first hearing about the Citizens Jury process is that the session will be dominated by a few people. We point out that a trained facilitator makes sure everyone gets a chance to speak. Facilitators are taught to keep the most forceful voices in check. But people still wonder if quiet jurors will play an equal role. The answer is not always, but sometimes quiet people play a very significant role.

It happened at the New Haven Citizens Jury. Maria was 17 years old. She was shy and said little to other jurors as the process began. When the time came for the jurors to introduce themselves, the facilitator asked them to give their names and to tell the group if they had had any experiences with at-risk children.

When it was Maria's turn, she spoke in a voice so quiet that others leaned forward to hear. "I think I do know something about at-risk kids," she said. "In the last year, 11 kids that I know have been shot." There was a stunned silence. Jurors realized they weren't just there to talk about an abstract problem far from their lives. Maria remained quiet throughout the hearings, but her very presence and her shy dignity moved the group to want to do more to improve the conditions for people living in the poorest parts of New Haven.

Each person on the Citizens Jury brought her or his own gifts. A graduate student was very skilled at reviewing policy options. Others were eager to put together a plan that would be taken seriously by decision makers. Two of the men on the jury spent time during breaks calling the mayor's office in hopes of getting him to come and observe what the group was doing.

This Citizens Jury was smaller than most that have been conducted, and it was run largely by students rather than by professional staff. Nevertheless, it provided a forum in which people could explore an important issue and speak up about what they thought should be done.

Empowering a Voice of the People

The key proposal of this book for improving the health of American democracy is that a trustworthy voice of the people be empowered in the political arena. The best way to do this is to tie a voice of the people to the most powerful thing citizens do in a democracy: *vote*. This book proposes that the voice of the people should be expressed through citizens panels, the generic term for the Citizens Jury process, created by the Jefferson Center in Minneapolis.

Part 2 presents several ways in which citizens panels can study either candidates or issues and let voters know what they found. These methods are proposed to be run out of a special branch of government under a citizen board of commissioners. Then panelists' findings will be distributed to all voters through the voters guides found in most larger states that have the initiative process. Two major methods are proposed. The Citizens Initiative Review is a method for reviewing each statewide initiative that has been placed on the ballot for the voters' consideration. The Citizens Election Forum uses citizens panels to rate candidates on their stands on issues. The ratings, and reasons for

them, are then widely distributed at election time through voters guides, the Internet and other means.

These reforms are based upon Citizens Jury projects tested in the late 1980s and early 1990s by the Jefferson Center of Minneapolis, working in conjunction with the League of Women Voters. These projects were very successful in Minnesota and Pennsylvania and were highly praised in the media, but they were brought to a stop by the Internal Revenue Service, which made the odd claim that they inappropriately influenced the outcome of elections.² The Center fought the IRS on this for three years, but to no avail. The reforms proposed in this book are elaborations of these earlier tests, constructed so as to avoid any possibility of IRS intervention.

A major effort was undertaken in the last three years to get the Citizens Initiative Review adopted in the state of Washington. The proposal attracted considerable positive comment, but in the end did not succeed for lack of sufficient funds to gather signatures to place it on the ballot as an initiative. There is still a chance that funds may be found in Washington, but, if not, several smaller states are good prospects and are well within the budget available for the effort. This is discussed in Chapter 10.

Achieving Effective Governmental Policies

Think about any dream you have for America. Is it a first-class educational system? A strong military attuned to the needs of a rapidly evolving world? An environment we would be proud to leave to our children and grandchildren? A government sophisticated enough to help maintain a healthy business climate?

This book is premised on the idea that without a healthy democracy, we are unlikely to get any of these. We cannot expect our government to run complicated programs, from defense to education, when it is guided by a democratic system that is quite ill. It is not so sick that it is on its last legs, but the way it operates is a far cry from

² We knew very well that a nonprofit organization is not allowed to make expenditures in support of any candidate in an election. But the Washington, D.C., law firm we had hired assured us that, because we were very careful to let the jurors make up their own minds, these projects were educational and not political. When the IRS threatened to take away our tax-deductible status, we dropped those attorneys and hired a former commissioner of the IRS to handle our case.

the vision of democracy our Founding Fathers held in the late 18th century.

The reforms of this book are not proposed as part of a populist ideology that is prepared to accept poorly constructed governmental policies as the price of empowering a trustworthy voice of the people. Just the opposite. The aim of this book is to enhance the quality of public policy by engaging the public in intelligent and influential discussions of such policy. Chapter 3 uses the example of at-risk children to show why this is so important. If we leave things as they stand, with the public manipulated by expensive public relations campaigns and the legislators inundated with special-interest lobbyists, we should hardly be surprised that the resultant public policies are often poorly crafted.

Indeed, our government is now run in such a way that neither liberals nor conservatives, no matter how hard they try to make good public policy, are going to be happy with the outcomes over the long run. For the last couple of decades a joke has become common among legislators: There are two things you don't want to watch made—sausage and laws. It is high time that we take steps to make our democracy work well again, so that jokes like this disappear.

Most of the standard reforms attempted in recent years have failed to produce significant changes in how politics in America is conducted. The reforms may cut back a little on the power of big money in elections, or they may get rid of a few legislators who have been around too long, but they do not get to the heart of the matter. Reforming campaign finance rules is like trying to dam a very powerful river: when you get the dike high enough in one place, the water simply finds another route to go where it wants to go. And every time the powerful find a new way to exert their power, the public becomes more disillusioned with a reform that was very difficult to enact and that delivers less than promised.

The reforms proposed in this book can bring about deeper changes in the way politics operates in America. They will give voters trustworthy information that is powerful enough to get different kinds of candidates elected and that will enable average citizens to exercise a strong voice in the public discussion of issues, a voice they currently lack.

The level of cynicism is deep enough in America that many will be highly skeptical that this is possible. Skepticism is not bad, so long as it does not stifle inventiveness. The idea of term limits goes back to

the ancient Greeks. Major efforts to adopt campaign finance reforms have occurred in the middle 1920s, the 1970s and now again in the last decade, with little indication that the most recent efforts will be much more effective than the earlier ones. We dare not let the limited success of previous reform efforts hinder us from boldly pushing for new methods that hold a great deal of promise for breathing new life into our democracy.

What is the Ideology of This Book?

When I pick up a book about which I know very little, my first step is to try to smoke out where the author is coming from. I look at the acknowledgements and the index to see if I can learn how far to the left or the right the author is leaning, how academic the book is, etc.

Something Thomas Jefferson wrote in 1820 nicely summarizes my political stance:

I know of no safe depository of the ultimate powers of society but the people themselves; and if we think them not enlightened enough to exercise their control with a wholesome discretion, the remedy is not to take it from them, but to inform their discretion through education.

My notion of education is rather specific. My vision is not that some elite should inform the masses. Rather, I believe with Jefferson that people become quite enlightened when they are given the opportunity to become informed and to discuss an issue among themselves. The key to this is the creation of a respectful setting in which the participants can learn the facts and have an opportunity to empathize with those affected by the issue under discussion.

From 1974 through the present I spent a great deal of time working with randomly selected people who were given the opportunity to discuss public policy in small groups. This has given me great faith in the wisdom and kindness of the American people. Although categorizing people on a continuum from right to left often does an injustice to complex views they may hold, if I had to place myself on a such a continuum, I would fall somewhat on the left. But I dislike the views of ideologues of both the left and the right. And my faith in democ-

racy is such that I am prepared to set aside whatever left-wing tendencies I have in favor of the views of a cross section of a community that has had a chance to hold an authentic discussion of an issue and reach its own conclusions.

Moving Toward Healthy Democracy

There has always been a dedicated group of Americans who have worked to keep our democracy healthy. But the time is at hand to move beyond the standard reform efforts. Instead of concentrating on passing laws to limit the powers of the strongest members of our society, we should start thinking about what can be done to restore the health of our democracy by empowering the citizenry at large to perform its roles more effectively.

In a neighborhood where the quiet kids are being bullied by a few big kids, there are all kinds of rules that parents and teachers can adopt to restrain the big kids. But if the neighborhood is a free and open place, these rules are going to have limited success. Bullies are very inventive about how to get their way. Rules are nice, but unless the quiet kids band together to take care of themselves, there will be no major change in the dominance by the bullies.

This book proposes ways for the quiet people of America, the vast majority of the citizens, to make their voices heard over the loud voice that now dominate our political discourse. More importantly, the reforms are designed so that the trustworthy voices created will have a direct impact on the outcome of elections. This is more than just a pleasant hope for the future. Specific plans have been proposed and efforts are continuing to move ahead to get one of the reforms adopted in a western state in the near future.

My hope for this book is that it will stimulate people from all walks of life to join together to make American democracy something we can really be proud of again.

Part 1

Creating a Trustworthy Voice

The next three chapters lay the foundation for the reforms proposed in Part 2.

Chapter 1 starts with a discussion of how much more sophisticated the manipulation of the public dialogue has become over the last three decades. Scientific methods have enabled candidates for public office to fine-tune the techniques they use to manipulate public opinion. The irony is that as the level of education among the American people has increased, they still find themselves at a huge disadvantage when trying to learn what our candidates for public office really are like, and what they really think.

Chapter 2 presents a way for everyday people to learn enough so they can speak up with a voice that can be heard over the manipulative messages that invade our newspapers and airwaves. The method allows a microcosm of the public to become informed and to speak and listen to each other with respect. Carefully designed steps are taken to ensure that the process is conducted in a fair way. For this reason it is called a trustworthy, or an authentic, voice of the people. The method has been thoroughly tested and enthusiastically received by the people who have participated in it. But public officials have tended to ignore the process, since it does not provide them with votes or money at election time. This chapter deals only with the method for creating a deeper public understanding of issues; the tools for empowering this new public voice are laid out in Part 2.

Chapter 3 uses the example of at-risk children to show the importance of creating and then empowering a strong and clear voice of the people. In the Introduction, I made the point that neither liberals nor conservatives are able to get effective public policy adopted given the way the game of politics is played today. Chapter 3 shows how the viable programs that exist for helping at-risk children are unlikely to be adopted until we achieve informed public involvement.

Public Dialogue and How it is Manipulated

The American people, true enough are sheep. Worse, they are donkeys. Yet worse, to borrow from their own dialect, they are goats. They are thus constantly bamboozled and exploited by small minorities of their own number, by determined and ambitious individuals, and even by exterior groups. The business of victimizing them is a lucrative profession, an exact science, and a delicate and lofty art.

H. L. Menken

Notes on Democracy, 1926

In every election, American voters are manipulated in sophisticated ways. Manipulative politics is certainly not new; what Menken saw more than 75 years ago has only grown worse. Indeed, the “science of manipulation,” which Menken only imagined back then, has become a major element in modern politics. The tools of the social sciences have now been successfully applied to marketing, meaning that those with enough money can sell us candidates for public office in the same way we are sold any other product.

We have been mired in manipulative politics for so long that many of us ignore how bad it has become. Led by the media, we get more caught up in the sexual perversions of our elected officials than we do in the much more disturbing perversions of democracy itself. This chapter first will describe how manipulation has become a science and then will take a brief look at the kinds of people who are now driving our political system.

Scientific Manipulation

Here is what might well be done by any of a number of election consulting firms for a well-funded candidate.

First, surveys are used to identify likely swing voters. Scientific public opinion polling is really one of the major developments of social science. The mathematics of statistics enables pollsters to use a sample of only a thousand or so people to estimate within a few percentage points how the nation as a whole is likely to vote. There are limits to what surveys can show us about opinions on different issues, since people's views may not be clearly formed and the wording of questions can influence responses. But the weaknesses and misuses of scientific surveys should not hide the fact that they can be very useful in an election.

Focus groups are then used to learn what the swing voters care most about and what symbols can evoke these concerns. The goal is to find symbols or phrases (for example, "corporate greed," "tax-and-spend liberals," "pro-life," "pro-choice") with enough emotional loading so that they might actually change the way people vote. Can any positive symbols be attached to the candidate paying for the focus group or any negative symbols to the opposition candidate? Another approach is to learn what symbols are at the core of the swing voters' perception of their own identity. This can then be used to create an "us-versus-them" situation, linking "our" candidate to symbols that are positive for swing voters and defining the opposition candidate as part of "those people" the swing voters do not like.

The symbols and words gleaned from focus groups are used to create ads. The ads are market-tested, again using methods from the social sciences and scientific marketing. New focus groups composed of swing voters can be used, or the ads can be broadcast and then evaluated through follow-up interviews. Those ads that appear to be the most effective are then selected for the campaign. But focus groups can do to more than just shape ads. They can lead to the staging of public events at which a candidate can associate himself with one or more of the symbols that emerged from the focus groups. This is much less expensive than producing and airing a set of ads and sometimes just as effective.

The final aspect of planning a campaign is timing, which can be critical. Millions of dollars can be wasted if an ad campaign is run at a time when the swing voters may not be watching TV or when they are not yet ready to hear a certain message. A careful analysis of attitude shifts in past campaigns can indicate when the best time is to bring out

Focus Groups

The focus group is an invention of the 1970s. Social scientists developed methods to learn more about people's attitudes for academic purposes; these methods have been adapted so that the focus group has become a powerful marketing tool.

If you have a product you wish to sell to people, wouldn't it be nice to get into their shoes and know how they really *feel* about it? Focus groups allow you to do the next best thing. From eight to twelve people gather in a room where you can sit behind a one-way mirror and observe how they react to your product. These people have been carefully selected to represent the public to whom you wish to market your product.

A skillful moderator is able to get these people to relax and discuss openly what they think and feel. It is quite surprising how easily people come to feel at ease and openly discuss the matters put before them.

What focus groups do well is get people to say what they like and dislike about a product and to come up with symbols and words to express their feelings. It is this emotional aspect that is so valuable because it allows companies to build ads that tap into these words and symbols. For as Bruce Barton, the advertising pioneer, put it, you "sell the sizzle, not the steak."

Recently the term "focus group" has come into common usage and is used to describe almost any sort of meeting of a small group lasting an hour or two. But its original purpose was clear: to learn from a small group how best to market a product to a larger audience.

the ads. There has been a tremendous amount of market research done about how often ads need to be run to have the desired effect. Surveys aid greatly in determining how many ads of what variety should be run, where and when.

It would be wrong to imply that selling a candidate has become nothing more than the careful practice of scientific manipulation. There is still considerable art and bravado to it. Scientific means can be used to test the likely effects of an ad, but no amount of science can

remove the need for inventiveness. It will always be important to do the unexpected to outwit your opponent. But these caveats do not alter the fact that very sophisticated and successful methods of public manipulation have been introduced, thereby making the game of politics a very different one from what it was before the age of TV and modern marketing techniques.

In one sense the American public knows this very well. The sinking levels of trust in government since the 1970s and the ever-decreasing turnout for elections (in the November 2000 elections only 51 percent of the voting age population voted; in November 1998, an off-year for presidential elections, the turnout was 36 percent) show how few people feel that the act of voting can have a positive effect on their lives.

This lack of participation has led to an interesting reaction from some reformers. There are still many pleas to citizens to turn out and vote, as though this would somehow make politics better. Getting more people to vote, when voting is becoming less meaningful, is a classic case of trying to cure the symptom, not the disease. Usually those who are pulled into voting when they normally do not do so are the very people most open to manipulative tactics.

The Vicious Circle

Although scientific manipulation is always directed at specific election campaigns or specific issues, its cumulative effects on the political system are disastrous. Most candidates become very cynical about what they need to do to get elected. A vicious circle is set off which spreads through much of the system.

1. Scientific manipulations work so well in the short run that most candidates feel compelled to resort to these methods. They rationalize it by deciding that the good they do in office will outweigh any detrimental effects caused during campaigns. Besides, the opponent is surely planning to use these methods.
2. Increasing numbers of Americans know they are being manipulated, even if they cannot describe exactly how it is done. The result is increased cynicism about the electoral system and a tendency to spend less time trying to make informed choices among candidates.

3. Newspaper editors discover that their readers, whether because of cynicism or a TV mentality, tend to ignore in-depth reports on the candidates' abilities and issue positions. They cut back on such pieces and cover the "horse race."
4. The consulting firms that do the scientific manipulations defend their activities on the grounds that it does little good for a candidate to explore issues in depth, because issues never get covered in the media (at least those media that most swing voters pay attention to).
5. The candidates see the effectiveness of scientific manipulation and work hard to raise more money so they can afford it. In this way they become more beholden to special interests and discover when they are in office how difficult it is to undertake major initiatives without offending donors vital to their next campaign.
6. The voters feel government does little to address our major problems. Their cynicism increases and they become less likely to vote...
7. The more cynical the voters, the more likely candidates are to give up on any notion that a campaign is intended to inform the public and to work with them to discover the directions the nation should be taking. Therefore the candidates may as well invest in the most effective means to get themselves reelected...

And the circle continues.

This vicious circle takes on a momentum of its own which is very difficult to break out of. But to show how difficult it will be for the current players to give up on the game, it is useful to look at the stories of the two main consultants who managed the campaigns of the last two presidents in the 20th century. I have chosen not to comment on the people involved in the 2000 presidential election. Those events are so fresh in our memories that we tend to forget how bad things were getting even by the middle 1980s.

Bad Boy, Behind the Oval Office

Any mention of a "bad boy" connected with the Oval Office is likely to be seen as a reference to Bill Clinton. But political insiders remember that the term was first used to refer to Lee Atwater, the man behind

the election of President George H.W. Bush in 1988. Atwater delighted in spinning for himself an image of toughness and unconventionality. He cut a blues album (which actually received a Grammy nomination) that included the signature song, "Bad Boy." This is the title John Brady chose for his biography of Atwater.

Behind the Oval Office is the title of the book Dick Morris wrote to describe his role as consultant to President Clinton in the 1996 election. If we are serious about improving American politics, then we had best come up with a strategy powerful enough to mitigate the effects of a "bad boy, behind the Oval Office."

The contributions of these two men are usually ignored in serious discussions of electoral reform. Perhaps that's because we reformers don't like to think about what we really are up against.

John Brady's *Bad Boy* often paints a sympathetic picture of Atwater. Nevertheless, Brady points out that Atwater was seen by many as the "Babe Ruth of negative politics." The morning after Michael Dukakis accepted the Democratic nomination for president in 1988, Atwater told a group of top Bush staffers, "I'm going to scrape the bark off that little bastard." He coined the term "strategic misrepresentation" to describe the way he bent the truth to fit his ends.

When Dick Morris emerged as the key strategist for the 1996 Clinton campaign, he already had the reputation of being willing to switch sides depending on which way the wind was blowing and where the money was flowing. Over a two-year period, he moved from being a consultant mainly to Republicans to being the primary strategist behind Clinton's 1996 election campaign.

Why should these two men be taken seriously by political reformers? In 1989, after Atwater had become the head of the Republican National Committee, the *New York Times* commented that he was the person most responsible for the way the business of political consulting was conducted. Of Morris, the *Times* said, "with the president's close and sometimes solitary cooperation, Morris has overseen the virtual remaking of the Clinton presidency." It is clear that Atwater and Morris had skills that were essential to the victories of the candidates they served.

These two men understood how to play an electoral game in which their campaign skills pushed into the background any significant consideration of the candidates' abilities to govern the nation wisely. There is every reason to think that such campaign managers will be selected in the future. So let us take a closer look at what they did.

Lee Atwater had a rule of thumb that any candidate with negatives (a positive dislike by the public) over 35 percent was in deep trouble. A Gallup poll taken at the end of May 1988 showed that Bush had a negative rating of 40 percent and that Dukakis held a 16-point lead over him, 54 percent to 38 percent. But Atwater was not about to give up. He knew that focus groups held a month before showed a Dukakis weakness that might be exploited. The focus groups consisted of Democrats who had voted for Ronald Reagan in 1984, but were now inclined to vote for Dukakis.

In *Bad Boy*, Brady describes how the group responded to leading questions from the moderator:

What if Dukakis opposed capital punishment for murderers? What if he had vetoed legislation requiring teachers to lead school children in reciting the Pledge of Allegiance? What if he had permitted murderers to have weekend passes from prison? Quickly, the group turned on Dukakis. Majorities favoring him became majorities opposing him. Positive attributes were forgotten. He was a liberal, he was red meat, he was a goner.

From this kind of analysis, Atwater concluded that the only hope for Bush was to launch an all-out attack. Much of what followed was not so much scientific manipulation as just plain old attack politics. Atwater even assigned one man to be in charge of getting under the skin of Dukakis. A whole variety of events were staged, from getting the Boston police to endorse Bush, to having volunteers hold up Bush/Quayle signs every time Dukakis went to the airport, to stirring up rumors that required considerable time from Dukakis's staff to quash (Atwater denied any association with these).

Atwater discovered that Dukakis believed his lead was large enough that he could ignore the negative attacks and that the voters would reward him for not running a negative campaign. So Atwater made sure that the major themes were pursued relentlessly. Dukakis was portrayed as less than patriotic, as a "card-carrying member of the ACLU," and was tied to Willie Horton, who raped a woman in Massachusetts while on a weekend pass from prison. Bush was not a reluctant bystander to all of this. He threw himself vigorously into promoting the lines given him by Atwater and his staff.

The result was that by October Bush pulled ahead in the polls and won the election in November by a margin of 54 percent to 46 per-

cent (426 electoral votes to 112). Atwater, as a reward for his efforts, was appointed to head the Republican National Committee, which he hoped to change from simply a money-raising organization to one that would pursue his ideas about a "permanent campaign." He might well have succeeded in this, had it not been for his early and unexpected death in the spring of 1991.

Dick Morris was a smoother character than Atwater. He carried scientific manipulation to new heights. The Democratic loss of both the House and the Senate in the midterm elections of 1994 was the biggest loss suffered by Congressional Democrats since 1946. Clinton knew he had to do something different, and he chose Morris to help him do it.

Morris's approach was brilliant. Instead of waiting until the summer or fall of the electoral year to start running ads, Morris had Clinton start the ad campaign for the 1996 race a year and a half in advance. This cost a great deal of money, meaning that Clinton and Gore had to make extraordinary efforts at fund-raising. The lengths to which they went raised many questions, with the controversy lasting for much of Clinton's second term.

What Morris did appeared on the surface much better for democracy than what Atwater had done. Morris largely avoided attack politics and instead sought out issues on which to build a positive image for Clinton. This would seem to be just what the good government people were calling for. Morris used polling to find issues on which Clinton stood a chance of looking better to the public than the Republicans. Then he had TV ads prepared and ran them in a test market. When he could see that certain key voters were moving in Clinton's direction, the ads were given national distribution.

What was unusual was the speed and secrecy with which Morris carried this out. At key points, polls were conducted in an evening, and the results were faxed to Morris before sunrise the next day. Virtually all of these major ad campaigns were conducted away from New York, Washington, D.C., and Los Angeles. Morris correctly assumed that the major newspapers would not go looking around "the hinterlands" to see what TV ads were running, and that the Republicans would not catch on to what was being done.

The story Morris tells, and it has the ring of truth to it, is a good one. Clinton complained bitterly about how hard he had to work to

raise \$10 million in the last half of 1995. Morris quotes the president as saying, "You don't know, you don't have any remote idea . . . how hard I have to work, how hard Hillary has to work, how hard Al has to work to raise this much money . . . You want me to issue executive orders; I can't focus on a thing but the next fund-raiser. Hillary can't; Al can't—we're all getting sick and crazy because of it."

But the effort was made and Clinton began to gain support for the stand he took on the budget (this was the year the Republicans tried to force major tax and spending cuts on Clinton, to the point that the federal government was shut down). Morris made certain that ads were run to ensure that the public backed Clinton's view on this issue. When the shut-down occurred, a majority of the public backed Clinton and the President came out the winner of the confrontation.

During this whole time both Clinton and Morris worried about the Republican response. As the months went by, they could not believe that the Republicans did not counterattack. They were capable of spending two to three times as much as the Democrats. Morris says he is sure that they could have won the budget battle of '95 had they advertised to the degree they could have; had they succeeded on this in '95, he is sure they would have carried the presidency in '96.

So isn't this much more enlightened than the negative campaigning Atwater instigated in 1988? Not really. There is no indication that the ads stimulated any serious public discussion over this issue, nor was there any indication on Morris's part that this was a stand taken on principle either by him or Clinton. This is not to say that Clinton did not have strong beliefs about the position he was taking on the budget. But Morris was adopting a strategy based on where he thought he could make Clinton the winner. It was shaped by focus groups and ads whose effectiveness was constantly monitored through diligent and timely polling. One ad depicted the death of Medicare if the Republican proposals were adopted; another showed a baby while listing all the cuts the Republicans were planning in education. It would appear that the success of these ads was independent of the truth of their claims. Morris's fear about a Republican response was based not on the Republicans' getting out the truth or coming up with better arguments, but on the possibility that they might come out with ads of roughly the same "quality" that would be run with two or three times the frequency.

A Manipulated “Debate”

The manipulation of public discourse at election time can do more than just help one candidate beat another. It can pervert the whole public dialogue, influencing policy choices in profound ways no matter who gets elected. Such was the case with health care. Although this issue played an important role in the 1992 elections, the manipulations undertaken during the campaign may have had an even stronger effect on the health care debate for many years thereafter.

Health care was one of the major political issues of the 1990s, certainly the main topic under discussion from 1992 through 1994. In 1992 Clinton made it one of the major issues of his campaign. Not only was there strong pressure from the left to offer universal coverage to Americans, but there was strong pressure from those concerned about the economic health of the nation to slow down the rapid increase in health care costs. After his election, however, Clinton had no luck in getting his health care reform adopted. His inability to get his bill passed was widely seen as the greatest failure of his first term.

In reviewing the public discussion of a major issue, it is important to remember that there are actually a number of discussions going on. The discussion in Congress is elaborate and available to us all through the *Congressional Record*. The major newspapers and news magazines also provide extensive coverage. In the 1992–94 period, these sources provided a great deal of information for those who were curious and wanted to track what was going on.

The large majority of Americans, however, do not pay attention to this information. They get their information from TV news or advertising, or from bits and pieces of information they happen to notice on talk shows, or from friends who may pay more attention than they do to the issues of the day.

In theory, the discussions in Congress and of the well-informed citizens should shape the discussions of the rest of the public, which was not as engaged. But, more and more, public relations campaigns funded by wealthy interests dominate the political arena. In the case of health care, a major public relations campaign conducted in 1992 changed the debate. Players from the health care industry spent huge amounts of money to limit the options for reform that any new president might consider. The extent of this campaign is discussed in an October 1993

O'Dwyer's PR Services Report. *O'Dwyer's* reported that in 1992, the top 31 PR firms with accounts in health care received over \$140 million for public relations on health care issues. Although some of the money went to the promotion of individual products, *O'Dwyer's* reported that the debate over health care was a "bonanza" for health care PR firms.

The massive PR effort had its effects. At the beginning of 1992, three approaches to health care reform were under discussion. The reform favored by those on the left was the single-payer system. Like the approach taken in Canada, it would provide universal health care coverage to all Americans through a government-run (or government-monitored and -mandated) insurance system. It would not be socialized medicine because health care delivery would still remain in the hands of private physicians. Another approach, more appealing to moderates, was the pay-or-play reform. This would have required all corporations in the United States either to offer a minimum package of health benefits to their employees (they would "play" their role), or to pay a tax that would be used by the government to offer the same package to those Americans not covered at the work place (these corporations would "pay"). The reform that was least objectionable to the health care industry was managed care, in which Americans would be urged to sign up with health maintenance organizations.

On October 10, 1992, the *New York Times* declared in an editorial that "the debate over health care reform is over. Managed competition has won. The outcome is as wondrous as it is surprising." The declaration by the *Times* that the debate was "over" was most interesting. Certainly there were many people who still deeply believed in the other two options. But the *Times* was correct in terms of public policy options. Interestingly, this public relations effort was done so skillfully that most commentators ignored it. There was no discussion of it at the time by any of the national media. Even several years later, the effort seems to have gone largely unnoticed. For example, Haynes Johnson and David Broder in their book, *The System*,¹ started their analysis of the health care debate in 1993, thereby overlooking the very significant events of 1992.

Such a result as this casts a pall on the hope of reasoned discussion. Why should you or I spend any time becoming informed on an issue if

¹ Haynes Johnson and David S. Broder, *The System; the American Way of Politics at the Breaking Point* (Boston: Little, Brown and Company, 1996).

we must sift through so much false or misleading information in order to learn what is really going on? Even worse, why should I work to inform myself and possibly influence a few friends when hundreds of thousands, if not millions, are being swayed by powerful messages that have hardly any basis in reason or fact? Few things are as damaging to an empowered citizenry as the notion that powerful groups are conspiring to get their way and that there is little the average person can do about it.

In Sum

Modern manipulative techniques, backed by the scientific method and coupled with the electronic media, have done huge damage to the integrity of the way politics is conducted in America. The more cynical politicians become about what must be said and done to win elections, the more likely they are to turn to people like Lee Atwater and Dick Morris to get themselves elected. More and more politicians get to thinking: "If the other candidate is going to hire someone like that, don't I need to do it too?"

This chapter makes no claim that all reason and good information have been driven out of politics. There are still many good sources of information and many people of integrity who work to make these the key elements of political discussions. But much too often it is manipulated information, promoted by clever insiders, that wins the day.

This chapter also makes no claim that all public relations and focus group work is manipulative and up to no good. There are many honorable people in public relations, and focus groups very often are used for perfectly legitimate purposes. Also, it is not easy to draw the line between properly used focus groups and those which are inappropriately manipulative. The solution to the problems discussed in this chapter lies not in attempts to draw the line between "good" and "bad" PR, but in finding ways for trustworthy information to be presented in a form that is easily used and that has a strong impact.

The power of these manipulative tools as a whole, and the vicious circle thus created, means that it will be very difficult to change the way the game of politics is played by starting with those who are caught up in the game. That is why the next chapter presents a way for the people themselves to get a handle on what is going on and speak up about what they want.

Creating a Trustworthy Voice of the People

Citizens Juries involvement in the decision making process of government—what a novel idea. As we enter the 21st century this could take us back to the process developed by our founding fathers! The Citizens Jury concept of having 18 people meet for one week to focus on important issues is a refresher course in government and civics.

Newell Chester, Coon Rapids, Minn., 1999¹

The idea of educating the public to make democracy stronger is hardly novel. Thomas Jefferson wrote eloquently about it. Much of the justification for public education has been that it enables future citizens to carry out their civic duties more wisely. Organizations such as the League of Women Voters have dedicated themselves to bringing trustworthy information to voters.

The method presented in this chapter for enhancing the voice of the people, although novel, is based on a very old idea. If a large group finds it difficult to discuss a matter carefully, one obvious solution is to appoint a committee to study the matter and report back its findings. Of course committee members must be appointed in such a way that the people as a whole feel adequately represented. And its members

¹ Newell Chester wrote this comment on August 6, 1999, after having participated in a Citizens Jury project sponsored by the Minnesota Department of Revenue. He was one of the 18 randomly selected participants. The personal comments made by the participants in Citizens Jury projects are one aspect of the evaluation process, in which the jurors are told that anything they would like to write about the process will be placed in the final report, as long as they are willing to sign their name. These comments, almost all positive, are one of the most compelling endorsements for the main citizen participation method proposed in this book.

must do their work with integrity and diligence. But if this can be done, it can be a very powerful way for a large and unwieldy group to reach intelligent solutions to problems that are too complex for the group as a whole to discuss effectively.

Several methods for setting up such a committee of the people have been created and tested in the last 30 years. We are going to focus on the Citizens Jury process, which was invented in 1971 and which has been tested and refined by the Jefferson Center in Minneapolis, Minnesota, since 1974.² It has been used over 30 times in the United States and since the 1990s has spread to a number of other countries as well. In Britain it has been used over 200 times, although the quality of some of those projects is open to question.

The Citizens Jury process enables a randomly-selected group of up to two dozen people to come together for four to six days to dig deeply into a political issue, or to question and evaluate candidates in an election. Witnesses from different sides of the issue make presentations, and jurors are given ample time to question them and then discuss the issue among themselves.

On the final day the jurors present their conclusions. In the case of an issue-oriented Citizens Jury, jurors make recommendations to the sponsors of the project about what should be done on that issue. In the case of an election-oriented Citizens Jury, jurors rate candidates on their stances on key issues, or they can evaluate initiatives and report to the voters. In this way, randomly-selected citizens in the United States and other nations have made recommendations that observers have found to be informed and well-considered. Looked at as a whole, the Citizens Jury recommendations do not follow any standard party line or political ideology.

This book is not the place to engage in the discussion of whether the Citizens Jury process is the best new democratic process to enable citizens to engage in effective policy discussions. Those interested in other new democratic processes can look at Appendix B, where the

² The Citizens Jury, name has been trademarked by the Jefferson Center to prevent the its misuse by commercial ventures. For example, in 2002 the Center was able to prevent the use of "Citizens Jury" as the title of a movie starring Jerry Springer. The term "citizens panel" is the primary term used in later chapters of this book, because it is the generic term for methods like the Citizens Jury. The story of how I came to invent the Citizens Jury process is told in Appendix A, Section 6.

relative merits of some of the processes are briefly considered. The point in this chapter is to show that the Citizens Jury process is reliable and trustworthy enough to serve as the basis for the very significant political reforms proposed in Part 2. If some other method proves better, then it should be used instead.

What the Citizens Jury Process Delivers

Unless you actually see a Citizens Jury in operation, it is a bit hard to understand why some people think the method is so great. So let me start by trying to convey what it is that makes the participants come away so enthused about the time they have spent discussing public policy.

The Excitement of a Citizens Jury

One of the most surprising aspects of the Citizens Jury process is the excitement that jurors often feel. During the 1990s, the American media largely concluded that the average American was bored by public policy discussions. But if you had attended the party after the Citizens Jury on health care in Washington, D.C., in October 1993, you might have thought you were attending the victory celebration of a political candidate. You would probably have found it hard to believe that the excitement you were seeing arose because 24 people had just spent five very full days hearing witness after witness discuss whether there was a need for health care reform in America—and, if so, whether the Clinton proposal was the way to do it.

People were laughing and talking to each other with great animation. As we looked around the group, we noticed that even John seemed to be enjoying himself. We had been concerned about him during the hearings. He had been quite reserved, and his body language was often stiff. He obviously had paid close attention to what was said, but we feared he found the five days burdensome. So I went over to him and asked how he felt about the event. To my amazement, he told me—with tears in his eyes—that this was one of the most moving things he had ever done.

Another juror, an outgoing young man in his 20s, had breezed in on the first day and made it clear that he was looking forward to five days of easy living and fun. He had brought his tennis racquet along so that he would have something to do in Washington to offset the boredom he expected during the hearings. When I asked him how the

tennis had gone, he laughed and said he had never even tried to find a court. He said he had been fascinated by the witnesses and the discussions and had hung out in the evenings with the other jurors, discussing the events of the day and getting to know them better.

Certainly some of the excitement came from the well-known people involved. Roger Mudd, the television reporter, attended the hearings for a day. Ira Magaziner, head of the Clinton health care team, spent an hour testifying before the jurors. Three U.S. senators testified at the hearings: Sen. David Durenberger testified in favor of managed competition, Sen. Don Nickles in favor of the Consumers Choice plan, and Sen. Paul Wellstone in favor of the single-payer plan. Wellstone even dropped by the party with his wife, so that he could introduce her to these 24 Americans who cared so much about public policy.

But something more basic warmed the room, something we have seen in most of the Citizens Jury projects the Jefferson Center has run: 24 average Americans had been treated as though their life experiences and their considered judgments mattered. They rose to the occasion and issued a thoughtful, well-reasoned report on America's health care crisis.

The contrast between Citizens Juries and virtually all other public hearings in America is stark. In most public hearings, the experts or policymakers sit behind a big table and citizens offer their testimony almost as supplicants. But in a Citizens Jury, it is the people who sit behind the big table and the experts who appear before them. Witnesses know they have to tone down the jargon and acronyms. They have to make convincing arguments based not on expertise alone, but on what is best for the public.

Like America as a whole, the majority of the people on the health care Citizens Jury had no more than a high-school education. Yet they clearly understood the topic and the options for dealing with it. They were able to discuss the different approaches and problems in an intelligent way. Most important, they were able to come to a thoughtful and well-informed decision about what the nation should do.

Making Rational Decisions

One of the oldest disputes in political philosophy, going all the way back to Plato versus Aristotle, has been over the competence of average citizens. Those who think the public is capable of making good

Policy Maker Comments on the Citizens Jury Process

I have long advocated a return to greater citizen involvement in the process by which we decide who will represent society in policy-making positions, and the Citizens Jury process is an important step toward increasing interest and opportunities for such involvement . . . I applaud the League of Women Voters, the Jefferson Center and the participants in the Citizens Juries.

**Arne Carlson,
former governor of Minnesota (R)**

Many of you may not be familiar with the Citizens Jury. You should be. Not only is it a great method for Members to take the political temperature of their districts, the Citizens Jury empowers ordinary citizens and is a real-life model of how our democratic process was intended to work. The Citizens Jury performs a unique service that can be especially valuable to Members of Congress, letting us know how the American public really thinks.

**A "Dear Colleague" letter
to other Members of Congress
from former Representative
Tim Penny (D-MN)**

decisions tend to support democracy, while those who believe that common people are incompetent either oppose democracy or try to place limits on it so that all decisions are made by well-informed insiders. This dispute is so ancient, and people's ideas about it so solidified, that it is difficult to change anyone's mind.

The Jefferson Center comes down on the side of Aristotle. Again and again the staff of the Center have seen that when average

Editorial Page Comments

Somewhere between candidates' quick-hype television commercials and their often unread position papers lies the road to an informed and enthusiastic electorate. Campaign road signs in this state are getting clearer, thanks to a remarkable enterprise conducted by the Jefferson Center and the League of Women Voters of Minnesota.

Minneapolis Star Tribune
August 26, 1990

The process of deliberation, judgment and reporting of results distinguishes a Citizens Jury from an ordinary campaign debate.

New York Times
July 19, 1992

One of the two most interesting voter reform projects in the nation.

Washington Post
David Broder, December 27, 1990

These men and women were a microcosm of America, representing the whole range of class, age, and regional imperatives that make fair budgeting so difficult. But when they undertook a responsibility that went beyond their individual group interests . . . they managed a surprising degree of consensus. There are lessons in that—including the obvious one that this Citizens Jury has done what the Founding Fathers intended the Congress to do.

Washington Post
William Raspberry, January 23, 1993

The Citizens Jury . . . is a paragon of representative democracy.

Washington Post
William Raspberry, October 19, 1993

It was a portrait of democracy the way democracy is supposed to be . . . the whole thing was put together by the Pennsylvania League of Women Voters and the Jefferson Center of Minneapolis, and a round of applause is in order for both organizations.

Philadelphia Inquirer
September 30, 1992

Americans, chosen at random, serve on a Citizens Jury, they routinely make rational, well-considered decisions. This is difficult for many political insiders to believe. But the Citizens Jury process is set up so that the jurors concentrate on the important value questions while getting information from a variety of experts. And on most issues, the innate good sense of the American public leads the way, even on issues as complex as the federal budget.

(For an example of the quality work that a microcosm of the public can do, take a look at a report on a recent Citizens Jury from the Jefferson Center at www.jefferson-center.org)

Some of the best examples of the rationality of a Citizens Jury come from the way they deal with complicated budgetary questions. Take, for example, the 1990 Citizens Jury on the Minnesota governor's race. During that race the Republicans claimed that tax revenues in Minnesota were going to be \$1 billion short of what the Democrats had predicted. Governor Rudy Perpich, a Democrat, and the incumbent running for reelection, claimed that there would be no budget shortfall at all. (Perpich's highly respected commissioner of finance, who appeared as a witness before the jurors, said that there might be a shortfall of up to \$400 million, given the difficulties of estimating future tax revenues.) After hearing testimony from both sides, a majority of the jurors chose to believe that the Republicans were right. Three weeks after the election (won by Arne Carlson, the Republican candidate), the state economist announced that the newest data indicated that tax revenues were going to be \$1.1 billion less than Governor Perpich had predicted.

Someone might say that this was just luck. The jurors had pretty close to an even chance of being right. But the same ability to show common sense when faced with budgetary questions was shown in the 1993 Citizens Jury on the federal budget. There, the staff set up the agenda so that the jurors could make general comments about the budget without having to undertake the more difficult task of actually trying to create a balanced budget. To the surprise of the staff, the jurors moved steadily toward the creation of a balanced budget, ignoring the more general questions given them as too fuzzy and not helpful. Those who were impressed with the jurors' dealings ranged from our chief economics advisor, Tom Stinson (Minnesota State Economist and professor of economics at the University of Minnesota), to William Raspberry of the Washington Post (see quotes on page 32).

Mutual Respect and Empathy

One of the delights of the Citizens Jury process is that it shows that Americans actually like and respect each other. Driving to work at rush hour may make you doubt this. But randomly select a microcosm of commuters and put them in a room together where they can talk to each other in a relaxed setting, and their good natures come out.

A 1984 Citizens Jury on Minnesota agriculture and water quality illustrates the point. Of the project's 11 sponsors, two were farm organizations. Both organizations were reluctant to have the Jefferson Center conduct a Citizens Jury in the Twin Cities, because there would be no farmers among the jurors. Yet it turned out that of the five hearings we held around Minnesota, it was the jurors from the Twin Cities who were willing to see their taxes raised the most in order to help farmers with their problems.

This is contrary to the way our current democracy, dominated by interest groups, usually works. Under the present system, it is assumed that unless you have your group represented, your cause will suffer. But the jurors in the Twin Cities were able to empathize with the plight of farmers. They learned how hard farmers work and how difficult it is for farmers to take the necessary measures to protect water quality. In the end, the jurors were willing to reach into their own pockets to help out because they agreed it was important.

In Citizens Jury hearings, jurors often meet types of people they have never met before, both as witnesses and as fellow jurors. Meeting in small group settings, jurors are often able to empathize with people whom they otherwise might regard with suspicion. These contacts help the jurors make better judgments about which groups really need government help for a particular problem and which groups can deal with the problem on their own.

Jurors move beyond partisan points of view and speak with a more informed, authentic voice. There has been no typical position jurors take on issues. At times they have voted for tax increases—doing this in spite of conservative witnesses who told them it was a poor idea. At other times they have turned down programs proposed by liberals—like the Clinton health care program—because they felt the programs weren't needed or wouldn't work.

How A Citizens Jury Works

Selection of Jurors

Jurors are approached at random, using a list of randomly generated telephone numbers or randomly chosen addresses as the method for making the contact. Those who are willing to serve are put into a large pool of names, referred to as the jury pool, from which the final group of participants is anonymously chosen.

The jurors are chosen to be a microcosm of the state, community, or region where the project is taking place. The goal is to have a group of jurors that has the same balance of age, gender, race, educational background, and geography (such as urban, suburban, or rural residence) as the population as a whole.

The participants may also be chosen to reflect people's current attitudes on the issue (or set of candidates) to be considered. For example, suppose that polls show that 34 percent of the voters in your state oppose your governor's new taxation plan; 22 percent are in favor of it; and 44 percent are undecided. In setting up a Citizens Jury of 24 people to evaluate this new tax plan, organizers would deliberately select from the randomly chosen jury pool eight people who currently oppose the plan, five who like it, and 11 who aren't sure.

The number of jurors can vary between 12 and 24. Fewer than 12 is too small to create the proper mix of views; more than 24 can hinder good dialog. Many of the Jefferson Center's recent projects have had 18 jurors. A group of this size is large enough to create a diversity of views and small enough to encourage good dialog—yet significantly less expensive than a 24-person jury. Jurors are paid from \$100 to \$150 per day for their time, plus reasonable expenses for travel, food, and lodging, if required.

Jurors' Charge

Jurors are given a specific charge—a short list of brief, clear questions—at the beginning of their time together. The organizers of each project have a major responsibility for designing this charge, which guides the jurors' work and shapes the testimony of the witnesses (and/or candidates) throughout the hearings. This charge usually contains a clear statement of the question(s) to be examined, as well as brief follow-up questions to be answered by jurors during their deliberations.

The aim of the organizers in setting the charge should be to frame a question (or set of questions) that is fair to all parties affected by the issue, provides a framework within which jurors can make good judgments, and is satisfactory to the sponsors of the project.

Jurors are expected to consider, discuss, and respond to this charge, and, by the end of the final afternoon, they are expected to take a stand in relation to it. Because the process works better on value questions than on technical issues, charges rarely ask jurors to make up their own technical solutions.

Hearings

The main event of a Citizens Jury is a set of hearings during which jurors are introduced to the topic at hand and then hear from a variety

Some Sample Charges Given to Citizens Juries

- **U.S. Senate Race Between Lynn Yeakel and Arlen Specter** (Pennsylvania, 1992) On a scale of 1 to 10, with 10 being the highest possible score, how would you rate each candidate on the topics of jobs, health care, and education?
- **Health Care Reform** (National Citizens Jury, 1993)
 1. What are the generally accepted facts important to the health care debate?
 2. What are the criteria by which to evaluate health care reform proposals?
 3. Is there a need for health care reform in America?
 4. If so, is the Clinton plan the way to get it?
 5. Why or why not?
- **Welfare Reform** (Congressman Tim Penny, 1994)
 1. What are our top three objectives for reforming welfare programs in America?
 2. What specific provisions should be enacted as part of that reform?

of witnesses. Witnesses include experts, interest group representatives, and people who are significantly affected by the issue under discussion. These hearings typically last five days.

When a Citizens Jury reviews candidates in an election, jurors hear from both witnesses and candidates. Typically, this includes presentations from each candidate plus private question-and-answer sessions. In one sense, these hearings resemble a Senate hearing more than a trial, in that jurors are able to spend considerable time questioning the witnesses and strict rules of evidence are not applied to testimony. Unlike Senate hearings, however, a great deal of attention is paid to setting an agenda which is fair to all parties, while a neutral moderator facilitates all discussions except (in some cases) the jurors' final deliberations.

The hearings are carefully structured to present a balance of viewpoints among the witnesses. Also, care is taken to design hearings that are enlightening and not confusing to the jurors. Small group discussions are commonly used to give jurors time to reflect and discuss witness testimony they have heard.

Deliberations and Reports

Jurors are given adequate time to discuss and deliberate the issues (or candidates' positions) among themselves. Usually they have a full day for deliberations. This may be spread throughout the hearings, or it may take place only after all of the testimony has been given. Jurors usually have the option of holding their final deliberations in private.

At the end of their deliberations, jurors issue a report containing their conclusions, plus relevant background information on the project. In the case of an election campaign, jurors rate the candidates on their positions on three major issues and offer reasons for their ratings. They do not make any judgments about which candidate they like best. Jurors are always given the opportunity to review and approve the wording of their findings and recommendations.

Fairness and Trust

Since its inception in 1974, one of the operating principles of the Jefferson Center has been to minimize the influence of its staff on jurors and potential jurors. Eliminating bias completely is surely impossible. But 25 years of experience has shown that biases can be kept to a very low level.

At each project's conclusion, jurors are given the opportunity to evaluate the project. This evaluation includes at least one standardized question on the fairness of the proceedings, so that comparisons with other Citizens Jury projects are possible. Thus far, Citizens Juries have routinely received very high ratings for fairness and trustworthiness.

This is not just a matter of having an elaborate set of rules. Guidelines are important, but equally important is the careful training and nurturing of the people who organize and run the process. A healthy and honest working environment must be maintained by the staff if the process they administer is to be effective in improving the health of democracy.

A variety of steps can be taken to make the process more open to public scrutiny. When the agenda is set for the hearings, it is typically done in consultation with an advisory committee which represents a wide range of views. The conduct of the survey and the selection of the jurors can be made open to public examination. In a 1995 project on hog farming in Rice County, Minnesota, neither environmentalists nor the farming community were sure that they could trust the process. Their suspicions were largely overcome when they were able to spend two hours observing exactly how the jurors were selected from the jury pool. Further steps for making the process trustworthy are discussed in Chapter 4 and in Appendix A, Section 3.

Some History

The Jefferson Center was founded in 1974 with the goal of conducting research and development on novel democratic tools. The Jefferson Center experimented with the Citizens Jury process and with an "Extended Policy Discussion," the purpose of which was to clarify disagreements between experts on public policy matters, doing this in a way that would be useful for legislators.

The first decade of the Center's existence was devoted to experiments and reflections on democracy. The first Citizens Jury on an issue was held in 1974 and the first on an election in 1976. In 1984, a Citizens Jury was used for the first time with governmental sponsors. By the end of 1990, the question for the Center was no longer "Is the Citizens Jury an effective democratic method?" but rather, "How can we get Citizens Jury projects widely used?"

Table 1: Summary of Bias Ratings of Citizens Jury Projects

The following are the ratings given to projects in response to the question: "One of our aims is to have the staff and volunteers of the Jefferson Center conduct the project in an unbiased way. How satisfied are you with their performance in this regard?" (Slight variations in the question were used in some projects.) Five of the projects did not use the ratings: the first two projects, done in the 1970s, two conducted in Rochester, Minn., in the early 1990s, and a demonstration project on organ transplants in 1986.

	Very Satisfied	Satisfied	Neutral	Dis-satisfied	Very Dis-satisfied
1981, "Peacemaking"	33%	67%	-0-	-0-	-0-
1984, Agriculture / Water Quality	40%	60%	-0-	-0-	-0-
1987, School-based clinics	88%	12%	-0-	-0-	-0-
1990, Minnesota Governor's Race	94%	6%	-0-	-0-	-0-
1991, Hennepin County Budget (1)	55%	10%	30%	5%	-0-
1992 Pennsylvania Senate	82%	15%	3%	-0-	-0-
1993, Federal Budget (2)	92%	4%	-0-	-0-	-0-
1993, Clinton health care plan	83%	12%	-0-	4%	-0-
1994, At-risk children, Conn. (3)	75%	8%	8%	8%	-0-
1994, Welfare system, Rep. Penny	78%	22%	-0-	-0-	-0-
1995, Traffic Congestion,	46%	29%	12.5%	12.5%	-0-
1996, Minnesota state budget (4)	84%	4%	4%	-0-	-0-
1996 Comparing Envir. Risks	55%	45%	-0-	-0-	-0-
1997, Electricity futures, Minn.	81%	13%	6%	-0-	-0-
1997, Dakota County, planning (5)	71%	25%	4%	-0-	-0-
1998, School bond, Orono Minn.	88%	4%	4%	4%	-0-
1998, Assisted Suicide (St. Olaf)	67%	33%	-0-	-0-	-0-
1999, Property tax reform	22%	50%	11%	11%	-0-
1999, Chatfield School District (5)	61%	28%	11%	-0-	-0-
2001, Citizens Initiative Review	71%	25%	4%	-0-	-0-
2001, Metro Solid Waste	83%	17%	-0-	-0-	-0-
2002, Global Climate Change	89%	11%	-0-	-0-	-0-
1. Project not run by Jefferson Center.					
2. One juror did not vote.					
3. One juror did not vote because taken ill.					
4. Two jurors absent at end.					
5. One juror did not vote because of withdrawing from the project.					

Some Past Citizens Jury Sponsors

- League of Women Voters: Minnesota, Pennsylvania and Washington state
- Health and Human Services Committee, Minnesota Senate
- Department of Ethics, Politics and Economics, Yale University
- Minnesota Department of Revenue
- Izaak Walton League
- Center for Urban and Regional Affairs, University of Minnesota
- Humphrey Institute of Public Affairs, University of Minnesota
- Minnesota Department of Natural Resources
- U. S. Environmental Protection Agency

The 1990s brought both excitement and disappointment. The Citizens Jury project in 1990 on the Minnesota gubernatorial race was a great success. It was conducted in conjunction with the League of Women Voters of Minnesota with the goal of rating candidates on their stands on issues. A review of print media from June to November showed that half of the articles in the state written on issues were stimulated by the Center's project.

This was a seminal project for other reasons as well. It received the highest rating in terms of fairness of any of the Citizens Jury projects. All the jurors but one were "very satisfied" that the staff and volunteers had run the project in an unbiased way. The other juror was "satisfied." The personal comments of the jurors were almost too good to be true.

Personal Comments by Jurors in the 1990 Gubernatorial Project

- The Citizens Jury process is a vital supplement to the American political process. I urge the League of Women Voters to adopt the Citizens Jury process nationwide. (Tony Falteseck, St. Paul, Minn.)
- I am extremely proud to have a part in the Citizens Jury process. (Cheryl Dusek, Eagan, Minn.)
- Being a member of the Citizens Jury has been an exciting learning experience of great value for me. (Jean Bottke, Faribault, Minn.)
- I am very proud to have been a part of the Citizens Jury. Even though I read the newspaper thoroughly every day and attempt to keep well informed on the issues, I have been surprised to discover how little I really knew about each candidate and their position on various issues. I only wish that there were Citizens Juries working on other important races to provide me with information and guidance so that I could vote more responsibly. (Thomas Holden, St. Louis Park, Minn.)
- I believe the Citizens Jury idea is wonderful, but I think it's going to take time and experience to find the best unbiased way of getting the information to the public. (Dee Oberle, Lonsdale, Minn.)

This led the Center to search for other states interested in a trustworthy way for citizens to evaluate candidates. In 1992, the League of Women Voters of Pennsylvania teamed up with the Jefferson Center to conduct a Citizens Jury focused on the U.S. Senate race between Arlen Specter and Lynn Yeakel. This project was even more successful than the 1990 project, bringing high praise from editorials in the *Washington Post*, *Philadelphia Inquirer*, and *Pittsburgh Post Gazette*. Indeed, the *Philadelphia Inquirer*, which endorsed Yeakel, called the project "a portrait of democracy the way democracy is supposed to be," and printed verbatim excerpts from the jury sessions, taking up three full op-ed pages in a single week.

We at the Jefferson Center felt that at last we had found a significant use for the Citizens Jury process. In early 1993 the Jefferson Center was approached by the League of Women Voters of New Jersey to conduct a project on their gubernatorial race that year. At the same time, the Jefferson Center received a major grant to conduct the process in two mid-western states.

But, to the dismay of all who liked these Citizens Jury projects on elections, in May 1993, the Internal Revenue Service informed the Jefferson Center that it risked losing its tax-deductible status if it continued to run these projects. We objected strenuously and argued with the IRS for three years, but with no success. Finally, a settlement was reached in which the IRS agreed to take no action against the Center, but we had to agree that we would no longer conduct these highly praised projects.³

At the time it seemed as though the IRS intervention would not hinder the growing interest in Citizens Jury projects. In 1993 the Center conducted two projects on the national level. One was on the federal budget and the other on the Clinton health care plan. Again, there was national coverage, but not as much as we had hoped. *Nightline* had a film crew there for the whole five days, but on the final day the program covered a bombing in the Middle East and not our project. The crew produced a short video summarizing the project, but it was never aired, and we were not close enough to the crew to learn why. In 1994 the Jefferson Center conducted its first Citizens Jury project on a college campus at Yale University. It gave students a hands-on experience with a new democratic process. Several other campus projects have been conducted since then.

The Center continued to try new ways of using the Citizens Jury process. In 1994 the Center conducted a Citizens Jury on welfare reform for U.S. Representative Tim Penny. The next year we did our first project in conjunction with the Humphrey Institute at the University of Minnesota. In 1997 we did a project for Dakota County, Minnesota, which made it into the semifinals for the Innovations in

³ The Center was well aware of the seriousness of the IRS challenge and hired Sheldon Cohen, a former Commissioner of the IRS, to argue its case. The final ruling by the IRS was published largely in technical journals, but was carried in a small box on page 1 of the August 7, 1996, *Wall Street Journal*, with no reference to the Jefferson Center itself.

American Government award given by the Kennedy School at Harvard.

It slowly became clear, however, that the Center was not moving forward as we had hoped. The problem was that we were not getting return business. No one from the national level was calling for another Citizens Jury on any project, nor did any member of Congress contact us to follow up on the project done for Tim Penny. It turned out that the only kind of project that generated repeat business without the Center's having to subsidize it was the Citizens Jury on elections—the project we could no longer conduct.

As a result, the directors of the Jefferson Center decided in spring 2002 to close the office, let the staff go and reduce the board to three people. This is not the end of the Citizens Jury process and may not be the end of the Center. The Center is keeping its Web site and phone. If contacted, it will encourage others to use the Citizens Jury process and will refer them to people who are competent to help them out. It will try to protect the copyright on the Citizens Jury name to ensure that whenever the name is used, it will be associated with a quality project that serves the public interest.⁴

The Center sees the major part of its initial mission as having been accomplished. A new democratic process has been carefully developed and made available for future democratic reforms. The aspect of the initial mission not accomplished was undertaking large, comparative tests on key aspects of the Citizens Jury process or comparing different participatory methods with each other. Neither the Center, nor any similar group, has been able to find sufficient funding for this.

As the Center grew over the years, its mission evolved and became that of providing a broader range of participatory methods to decision makers, with the Citizens Jury process still being the lead service offered. In this, the Center clearly was not successful. A marketing study done in 2001 clearly showed that key decision makers were not especially interested in the Citizens Jury process. It was too expensive and did not yield the kind of citizen input decision makers were looking for. My interpretation of all this is the obvious: the Citizens Jury process puts too much power in the hands of the people for top governmental decision makers to be comfortable with it.

⁴ Those interested in learning what the Jefferson Center is doing in its reduced role can check its Web site at www.jefferson-center.org.

Where Next?

The one place where the Citizens Jury process clearly did have repeat business was in the projects that evaluated candidates' stands on issues. This is the direction I believe must be taken if the Citizens Jury process is to play a significant role in improving the health of American democracy.

A survey conducted at the end of the 1990 Citizens Jury on the gubernatorial race in Minnesota shows the potential power of such projects. In the random survey conducted to gather the jurors for the project, we found 450 people who were willing to give us their names and addresses. They were sent the jurors' ratings of the candidates on the issues and then surveyed again after the election was over. The results showed that a significant number of people had found this information useful in deciding how to vote (see accompanying table). Further questions showed that among those who said it helped them make up their minds, 59 percent voted for the candidate given the best evaluations by the jurors and only 26 percent voted for the other candidate (15 percent would not say how they voted). Among those who said the information did not help them make up their minds, the vote was split evenly between the two candidates.

This indicates that a project like this can be of considerable use to voters and that it may sway them fairly strongly in favor of the candidate with the best ratings.⁵ But that assumes that there is some way to get the results out to the voters. Sadly enough, the media coverage in the 1990s for Citizens Jury projects was spotty at best. If a project were to be pursued to evaluate candidates on their stands on issues, not only would the IRS problems have to be overcome, but it would be necessary to find a reliable way to ensure that the ratings done by the jurors would be made widely available to the public.

Even before it was clear that the Jefferson Center was not succeeding in getting return business for Citizens Jury projects on specific policy issues, I was sketching out plans on how to use citizens panels, the generic name for the Citizens Jury process, to help people do a

⁵ If you extrapolate these results to the voters as a whole, a race that otherwise would have come out 50–50 would be turned into a race where the favored candidate won 55% to 45%. More experimentation is needed to learn if results from a survey like this actually indicate what an electorate would do if given this kind of information.

wiser job of voting. My goal was to empower an authentic voice of the people, doing this by making the citizens panels' findings readily available to voters at election time. This task was never a part of the Jefferson Center's mission, given its tax-deductible status. But this was completely in line with the hopes of almost all the randomly selected citizens who had participated in the Citizens Jury projects over the years. Much of the rest of the book deals with how this can be accomplished.

Did the Citizens Jury reports help you in making up your mind on how to vote?

- 35% Helped decide how to vote
- 19% Did not help decide how to vote
- 4% Don't know
- 20% Paid no attention
- 22% No answer, refused, or not reached

Why We Lack Effective Public Policies

I think of people sitting in an ancient automobile by the side of the road. The tires are flat and the drive shaft is bent, but they're engaged in a great argument as to whether they should go to Phoenix or San Francisco. In my imagination, I am standing by the road saying, "You're not going anywhere till you fix the goddamn car."

John W. Gardner¹

The closing of the Jefferson Center after 28 years of experimentation with the Citizens Jury process could well be taken as proof that this method is not what is needed to make American democracy work better. Why, then, do I bother to suggest that it play an even larger role in politics in America than the Jefferson Center sought for it? Is this simply the bull-headedness of someone who can't shake his pet idea? I like to believe it is more than this.

One answer, of course, is idealism. If you agree with the *Philadelphia Inquirer* that a Citizens Jury can lead to "a portrait of democracy the way democracy is supposed to be," then you may want to persist even in the face of growing proof that the method is out of sync with the way politics is conducted in America.

There is, however, a solid pragmatic reason for wanting to expand the use of citizens panels in some way. This is based upon the great difficulty that exists in adopting high quality policies that serve the public interest, given the way the political game is played in America today. This is true at all levels of government. Any reform that can change this is worthy of serious consideration.

The position taken in this book is that we will not get high qual-

¹ This statement was originally cited in the *New Yorker* and quoted in the *New York Times* February 18, 2002, page B6.

ity public policy until we engage a cross section of the American public in informed policy discussions that can make a political difference. So long as a considerable portion of the public is left unengaged and open to manipulation, the long-term best interests of America will not be achieved.

Our current system delivers special interest politics and a manipulated vision of where America should be going. Whichever side wins will claim to be serving the public good, while concentrating on adopting policies to pay off their special interest base. Such policies may satisfy a few interests or a few ideologies, but they virtually never lead to systemic solutions to our major problems.²

“A systemic solution to our major problems” is a rather abstract notion. It is much easier for people, even sophisticated political leaders and analysts, to ignore this and pretend that the current game of politics can still take us where we need to go. *If only we could get a strong campaign finance reform passed! If only we Republicans could get enough power to put through really meaningful reforms! If only we liberal Democrats could get the Democratic party to take clear and strong liberal policy stands!* Read any serious political journal or newspaper and you will find it laced with such hopes.

But the reality is that no party is capable of delivering on these dreams. As soon as they come to power, they must pay off their special-interest backers in a major way. Those who have hopes for the current game of politics know that special interests must be paid off, but they still dream that, at least in a few areas, some really good public policy can be developed that will serve the long-term interests of America. The problem is that there is no meaningful political support for this. It is the public as a whole that wants good long-term public

² Systemic solutions need not be government run. Market solutions may be the best way to solve some of the major problems facing us. But markets will function properly only when there is a sophisticated set of regulations, designed with considerable government input, to keep the markets serving the public interest. Those who believed that complete deregulation of our markets will solve all our problems should have been disabused of this idea by the corporate and market scandals in the late 1990s. There are, of course, some true believers who think that *if only it had been done properly*, complete deregulation would have worked, just as there are those who believe that socialism and complete government control, *if only it had been done the right way*, would have made the Communist experiment successful.

policies, but Americans are so disengaged from politics that they find it very difficult to tell good policies from bad. Only a very small minority of voters know which officials deserve to be regarded at election time as those willing to work for sophisticated policies that support the common good. Scientific manipulation diverts the attention of Americans from the core issues and prevents them from seeing what policies stand a chance of working in the long run.

At-Risk Children

In this chapter I present a case study as an example of how difficult it is to get high quality programs adopted, given the way the game of politics is played today. The problems of at-risk children are of significant concern to most Americans, yet we are making little progress in dealing with the issue. There is hardly any group in America that does not believe the problems of at-risk children deserve solution, but there are widely differing views about what should be done.

The standard liberal view on helping at-risk children is that there are governmental programs that can do a great deal to alleviate the problems, and that much more money should be spent on these. The reason that this is not being done is that selfish people who want their taxes cut are unwilling to spend funds for governmental services unless they receive direct benefits from those services (roads, fire, police, etc.).

The standard conservative view is that social engineering does not work, but liberals think it does. All liberals want to do is to tax and spend, resulting in bigger government without solving the social problems for which the programs were created. If we are to help at-risk children, we must seek out nongovernmental approaches to find workable solutions.

What I have learned makes me believe liberals are right about the existence of workable programs that can be run by government, but they are wrong about the basic stinginess of conservatives. And conservatives are wrong when they say that social engineering never works, but right about the kinds of programs our current political system so often delivers.

Much of what I know about at-risk children and their families I learned outside of my Jefferson Center work. I spent considerable time in the 1990s learning about various solutions and heading a small lobbying effort to get the Minnesota legislature to adopt workable programs. In the eyes of some people, the positions I have taken will mean

that I am a partisan on this issue, not a neutral observer. Those conservatives who believe that government should never be involved in this issue may find my willingness to consider governmental programs as a reason to disqualify me from presenting reforms intended to serve the public as a whole and not some ideology. Similarly, those liberals who believe that something must be done even if the programs are poorly run or have no data proving they work may find my readiness to suspend such programs as indicative of an ideological bias.

It is clear that my views about what should be done for at-risk children are strong enough that I could not serve as staff on a citizens panel on this topic and claim to have no biases. On the other hand, we dare not let litmus tests for ideological purity shape our whole view of what policy options are appropriate. Those who believe in the need for high quality public programs that have been selected with the backing of an informed cross section of the American public must stand up strongly in favor of that approach and not be backed off by claims from dedicated liberals or dedicated conservatives that they are not pure enough to engage in this effort. Indeed, it is a rigid commitment to one ideology or another that contributes significantly to the problems our democracy faces.

An Effective Policy Discussion

Sadly enough, the U.S. Congress, state legislatures and county boards simply are not places to expect an informed and reasonable consideration of policy options to occur. This is so even though the people who serve as staff in our legislatures and governmental agencies, be they conservative, moderate or liberal, are quite capable of gathering and summarizing high quality information for the elected officials. But when candidates are elected on the basis of their abilities to raise money and maneuver in the political system, they are unlikely to make good use of the information they have.

One author who has commented on the nature of political debate is E.J. Dionne, Jr. He starts off his book, *Why Americans Hate Politics*, by noting the high quality of the Congressional debate that took place in early 1991 over the question of whether we should enter the Gulf War. But he then points out how rare such Congressional debates are, saying that generally our politics "are trivial and even stupid." The central argument of his book is that:

. . . liberalism and conservatism are framing political issues as a series of false choices. Wracked by contradiction and responsive mainly to the needs of their various constituencies, liberalism and conservatism *prevent* the nation from settling the questions that most trouble it. On issue after issue, there is a consensus on where the country should move or at least on what we should be arguing about; liberalism and conservatism make it impossible for that consensus to express itself.

A somewhat different perspective on why legislatures do not deal with issues properly comes from Roger Davidson, one of the major scholars of Congress in the 20th century. Commenting on the energy crisis of the early 1970s, he noted that while Congress was being castigated in the press for puttering around and not doing anything, in fact it was laboring mightily but ineffectually to overcome its own internal dispersion of responsibilities. But he then cited the well-known quote from the comic strip *Pogo*: "We have met the enemy, and it is us." The inability of Congress to get its act together reflects the schisms in society itself. Congress is so attuned to the wishes of a fragmented public that it is pulled in all sorts of directions and cannot make progress on significant solutions.

There is a definite truth to this, but I believe it is an instance of blaming the victim. We are caught up in a system that will move only in response to pressure from well-organized lobbying efforts. The only way for us to make our voice heard now is to join the lobbying efforts that are being organized to represent opinions like ours. Members of Congress are supposed to take this input, confer among themselves, and then come up with the best solution. But they, too, are caught up in this system and are no more able to agree on sound long-term policies than the public as a whole. And driving this whole system is the scientific manipulation done by our most powerful politicians and paid for by wealthy groups and individuals.

What is similar about the comments of these two observers some two decades apart is that both see the problems of legislatures as broader than some mere structural defects. The problem lies with how the public as a whole is dealing with issues. They agree on how dysfunctional our political system is because of a fragmented public, their difference being mainly that Dionne emphasizes the "cultural wars"

going on between liberals and conservatives, while Davidson simply comments on the fragmentation.

Let us turn therefore to the question of at-risk children to see if my claims about not getting high quality programs adopted are true. Are there any programs that might help alleviate the difficulties most of these children are going to face as adults? If so, is it possible to get such programs widely used?

A Program That Works³

Research over the last two decades has come up with solid proof that there are programs that can significantly help at-risk children to become productive members of society. The most compelling research surrounds the Perry Preschool program. This is a program intended for children ages 3 and 4 from low-income homes. The main research conducted on this program was undertaken in Ypsilanti, Michigan, in the 1960s and has been followed up ever since. In this program, children attend half-day sessions from October through May, and there were weekly 90-minute teacher home visits. There were two teachers to every class of 12 children, and the teachers had had special training in child development. The curriculum evolved over the five years of the program into one based upon the views of Jean Piaget.

Although this program has some similarities to Head Start, it is important to understand the differences. The teachers in the Perry Preschool program had masters degrees in educating children, while in Head Start there is just one teacher, usually without a B.A., and an assistant who is required to have only a high school diploma.⁴ Also, in the Perry program the class sizes were unusually low. In Head Start, it is not uncommon for class sizes to rise to 20 or more students. Finally,

³ The information in this section comes largely from Professor W. Steven Barnett, director of the Center for Early Education Research at Rutgers, and a widely recognized authority on the cost-effectiveness of programs for at-risk children. Barnett has a Ph.D. in economics, but has devoted his career to examining children's programs. I was lucky enough to spend a whole day at a small seminar where Barnett was the only speaker. He noted that some 30 or 40 studies support and expand upon what has been learned from the research on the Perry program.

⁴ Head Start teachers have not even been required to have a 2-year degree, although Congress has changed this, requiring that by 2003 half the teachers have at least an A.A. degree.

in the Perry program, there was a well-planned curriculum for the children, drawing upon the ability of the two teachers to give their students considerable one-on-one attention, whereas in Head Start the curricula vary widely from location to location.⁵

The research done on the Perry Preschool program was of high quality. Once children were identified as eligible (because of IQ scores below 85 and families of low socioeconomic status), they were randomly assigned either to the program or to a control group. The follow-up studies done with the program and control groups are among the longest ever conducted. At age 19 there was a significant difference in high school graduation rates: those students who had attended the program had a 67 percent graduation rate, while only 49 percent of those in the control group succeeded in graduating. But by age 27 something emerged that had not been evident at age 19. The economic return to society from the program was impressive. In constant dollars, the cost to society of the program was \$12,148 per child, while the savings to government was \$25,437 (according to a conservative estimate), and close to \$85,000 according to a more optimistic estimate⁶. These savings came about because those who went through the program had a much lower involvement in the criminal justice system and they contributed more to society through their jobs and the taxes they paid.

One reason for this large social benefit can be understood from research done in Kansas. There, tape recordings were made of conversations that took place in the homes of three-year-old children between the parents and children. This was done in the homes of both professional families and welfare families. The goal was to see what differences existed in the vocabularies of children from different backgrounds. To the surprise of the researchers, many of the 3-year-olds from the professional families used larger vocabularies than the parents in the welfare homes.

⁵ Professor Barnett noted that Head Start should not be viewed as a single program, given the many different ways it is run in different places. This means that research done on Head Start as a whole may not be particularly enlightening.

⁶ The low estimate comes from *Investing in Our Children*, an excellent study issued by RAND in 1998. The high estimate comes from calculations done by Barnett. The RAND study used a higher discount rate and for some reason decided not to include the benefits derived from a lower crime rate among those in the program. It was this lower crime rate that led to the majority of the benefits as calculated by Barnett.

It is not difficult to imagine the challenge faced by a child who enters kindergarten at age 5, if that child has the verbal skills of a 2- or 3-year-old. Even if they improve by a year-and-a-half in their skills, they will be entering first grade still a year or more behind the rest of the children. Given the resources available in most early grades, these children never catch up. Indeed, by the end of first grade most of them have settled into an acceptance of themselves as failures, something that haunts them for the rest of their school careers and probably their lives.

These are significant findings. Most teachers, even in high school, find that their biggest problem in teaching is dealing with dysfunctional students in their classes. If something can be done to reduce the number of at-risk children who end up being dysfunctional, then the whole school system will operate much better. This means that doing something to help at-risk children not only benefits those who receive direct help, but may be the most cost-effective way to improve our K–12 educational system as a whole.

The results of the research on the Perry Preschool program are especially significant because they broaden the potential support for programs for at-risk children, most of whom are poor. Typically, the appeals for such programs are based on the moral appeal that we owe this to the less fortunate members of society. But the research on the Perry program shows that such programs are also a good investment, saving society considerable money in the long run, which should give the programs a much broader appeal.

Some Small Group Studies by the Jefferson Center

The information about successful programs for at-risk children led the Jefferson Center to do a small project. There is a widely held view that the most effective programs for preschool children are not being implemented because they cost more than normal programs, and taxpayers simply are not willing to spend this money.⁷ This is often stated as a lack of political will to undertake programs such as the Perry model. Indeed, in Minnesota the assumption seems to be that it is the suburbanites living around the Twin Cities who are not prepared to

⁷ See, for example, a cover story in the *New York Times Magazine* of January 9, 2000, by James Traub.

see their taxes go up to pay for inner city programs. They are the ones who have the money, but not the will.

Convincing as this stereotype is, it did not fit with some things the Jefferson Center had learned over the years. The 1993 budget Citizens Jury ended up with people willing to raise federal taxes by \$70 billion a year to cover programs they felt were needed. And in 1991 a small-group experiment showed people more willing to have their taxes raised to help children than to address any other social issue.

In 2000, the Jefferson Center decided to do some research about the supposed lack of political will. A small advisory committee of three prominent people was put together: Judy Healey, probably the most experienced foundation consultant in Minnesota; Peter Hutchinson, former commissioner of finance in Minnesota and superintendent of Minneapolis schools; and Mike Weber, CEO of Volunteers of America in Minnesota, who had served as director of human services in Hennepin County for two decades. We wanted advice from them about how to present the program and hoped that their participation would help spur some action on the results, if the results seemed to warrant it. Funding for the project was provided by the Laura Jane Musser Fund and the General Mills Foundation.

The aim of the project was to ascertain the degree to which middle-class suburbanites are willing to see their taxes raised in order to fund programs for at-risk children and their families. The Center conducted four small-group sessions with residents of suburban Hennepin County. Each session involved a group of 10 to 12 citizens of various ages and backgrounds. Each group was told about the Perry Preschool program and its costs and benefits. They also heard how much their taxes would increase if such a program were undertaken in the county. After discussing the proposal and having the opportunity to modify it, they were asked to vote as to whether they would be willing to see their taxes raised to introduce such a program in Hennepin County.

In all four sessions, a majority voted in favor of raising their taxes to pay for the Perry Preschool program (or its equivalent). In the last session, the participants voted 9 to 2 (with 1 abstention) for a program for at-risk children in Hennepin County whose initial annual costs would be \$10 million, increasing to \$30 million per year. They did this after being told that it would increase taxes for the median family in the county by \$45 a year, and for the top 20 percent by \$178. For

further details, read the addendum to this chapter about how the project was designed and how the small-group meetings differed from each other.

These results show that once citizens understand the value of some particular program, there may be strong support for it, even if this might mean a tax increase. These small-group studies do fall short of indicating that this is what all Americans would like to see. More work needs to be done to find out more precisely what people want. Would the results be the same in 2002, with a considerably weaker economy than existed in the summer of 2000? Would people on citizens panels come to the same conclusions? Perhaps they would not favor the Perry model as strongly if they were to hear arguments against it, or arguments that it cannot be implemented as effectively on a broad scale as it was in the rather small test in which it proved so successful. Nevertheless, the results of the Jefferson Center investigations suggest there is a solution to a problem that many have seen as intractable.

Facing Reality in Minnesota

One might think that the success of the Perry model, along with indications that the public might be willing to pay for it, would provide an opportunity that policy makers would be eager to pursue. So let me tell you what happened when I tried to present this to some key people in Minnesota. This provides an example of how difficult it is to get high-quality programs adopted, given the way our political system operates now.

I started by asking Mike Weber, who had served on the advisory committee, to join with me in meeting with the current director of human services in Hennepin County, a position Weber had held for almost two decades. It was a most interesting meeting. The human services director could not conceive of how a citizens panel (or any expanded version of it to create a community dialogue) would ever change the minds of the county commissioners. He pointed out how the commissioners had been more oriented toward public participation a few years earlier and how they were now pulling back from that.

If one wanted to succeed with the commissioners, the approach was relatively simple. One should first talk with the staff of Hennepin County to be sure that they would sign off on the validity of the pro-

posal (he did not see much of a problem there) and then mobilize a large group of parents to approach the commissioners and demand a change of priorities. It never made sense to approach them for a tax increase. (When I had spoken about tax increases, he had given me a look as though I were naïve enough to think of asking the commissioners for aid to Saddam Hussein.) What you do is ask them for changes in budget priorities within the range of what is possible and do this for several years. If done with some skill, you succeed.

I pointed out to him that this was a wonderful tactic for the middle class. Such an approach had worked very well for getting support for the developmentally disabled, since many of them came from families who were upper and middle class, as well as poor. But one of the most obvious aspects of poverty (whence come most of the at-risk children) is that poor people have neither the skills nor the optimism to mobilize an effort that will last for several years.⁸ His response to that was that it was too bad, but these are the facts of how things get done in a county and we must live with them.

During the course of our fundraising for the small-group studies, we learned about another group that was interested in early childhood interventions. Called the Early Care and Education Finance Commission ("Finance Commission" for short), it was a nonpartisan commission that had developed strategies for financing early care and education programs in Minnesota. We met with some of the key members of the Finance Commission, who expressed interest in the Jefferson Center's work and shared information about their efforts to increase funding and support for early childhood initiatives.

The Finance Commission was led by Don Fraser, arguably one of the most honorable politicians in America in the last third of the 20th century. He served in the U.S. House of Representatives from the early 1960s through the mid-1970s and then as mayor of Minneapolis for another decade. The goal of the Finance Commission was to obtain close to \$500 million from the Minnesota Legislature in 2001 for a

⁸ Of course there are exceptions to this. Martin Luther King obviously made great progress for minorities and the poor. But in the daily workings of county governments, the intervention of people like King is rare. Also, groups like the Children's Defense Fund are skilled and successful, but their resources are limited and they concentrate on making sure a few major programs at the state level survive from year to year.

variety of programs aimed at helping at-risk children and their families. To the dismay of all those who supported the effort, the result was an appropriation of about \$10 million for early childhood programs. (This was at a time when there was a large budget surplus, which was returned to taxpayers rather than being invested in programs.)

This was a fine confirmation of the fact that the public as a whole is not sending signals that they want their taxes spent on social service programs. This is, of course, what fuels the stereotype of the selfish public. But when we asked around among insiders in human services programs, there was a widespread opinion that the programs advocated by the Finance Commission were of the traditional social-service variety that are beloved by their advocates, but are of questionable effectiveness. One of the points of view expressed many times was that Head Start in Minnesota (a key part of the Finance Commission proposal) was not being run effectively. We were not in a position to check this out in any depth, but clearly what we were learning was similar to what legislators would have learned, had they checked out programs in any depth.

One of the ironies of governmental programs in America is that there is a fair public tolerance for inefficient military expenditures as a necessary evil, whereas social programs have been cut for the last several decades in considerable degree because they are perceived to be inefficient or wasteful. One cannot sell human services programs to the public these days on the grounds that they are needed and that some waste and inefficiency are the price we pay for caring for our children.

I made two more visits to see what might be done to make use of what the Jefferson Center learned. First, I met with a county commissioner I have known for years. His response was that plans were already in the works to do something about at-risk children. He gave me a memo being developed by the Early Childhood Workgroup of the Youth Coordinating Board.

In this memo they stated that they originally had planned to make specific recommendations, but decided not to in light of the fact that the barriers to successful programs are "systemic, interconnected and ongoing." They noted that:

the current early childhood system in Minneapolis lacks an on-going mechanism for building leadership,

seeking systems change and increasing accountability for improving outcomes for Minneapolis children aged birth to five. The final recommendation of the Work Group seeks to create such a mechanism.

This document had the sad ring to it of earlier attempts to do something about at-risk children. Numerous planning documents from the past make statements like this. What almost always happens is that a group of staff people from relevant agencies make a set of proposals that are ignored by elected officials on the grounds that there is a lack of political will.

I then met with the head of one of the most powerful foundations in Minnesota, again a person I have known for a number of years. Here the response was very sympathetic. But the foundation was already supporting the Finance Commission, an effort they were likely to continue for a few years. Perhaps, he suggested, I could get the Finance Commission to modify its approach to include our new insights.

At this point, I gave up trying to do something in Hennepin County. Perhaps someone who has more influence, skill or patience than I do could have continued and been successful. But I felt that I was encountering a clear case of resistance to systems change. In the short term, the logical thing for anyone who operates in the current system to do is to continue to do one's best to move ahead within the system. From this point of view, attempting to build a dialogue among residents of Hennepin County that is powerful enough to change the way services for at-risk children are delivered risks not only the unsuccessful expenditure of much time and money, but also the alienation of other players in the system, whose help you may need again in the near future.

Sometimes when I review this, I feel I gave up too easily. Certainly I was skeptical about getting a positive response even at the beginning of the effort. Much of the reason for this skepticism comes from earlier work I had done on programs for children.

In the middle 1990s, I worked with a small group of donors to set up a lobbying organization for children, called "Children's Futures." We hired Sue Robertson, the former chief of staff for the speaker of the House in Minnesota, to lobby for us. Our goal was to

seek out cutting-edge reforms and see if we could get any adopted. After asking a number of practitioners in Minnesota what the best thing before the legislature was, we decided to support efforts to set up special collaborative centers for at-risk families. We were very pleased that we played a key role in getting the amount allocated in 1996 increased from \$3.5 million to \$14 million. In the following two years, we also made an impact by preventing the passage of legislation that would have significantly reduced the effectiveness of child protection workers.

Along the way we learned some interesting things. Major programs for children (for example, K–12 education, sliding scale support for child care) had considerable backing and were lobbied by well-organized groups such as the teachers unions and the Children's Defense Fund. But other lesser-known programs, many of them very beneficial, were not backed by such entities. And there was enough general confusion about public policy that it was difficult to get sophisticated new programs adopted, or even to fine tune the existing programs to make them more effective. It became clear to us that our successes were most likely to be keeping bad legislation from passing rather than getting good laws adopted. Then we learned that the collaborative centers that we had helped get funded turned out to be of very mixed quality. This, together with the fact that Sue Robertson was not able to continue working for us, led us to discontinue the effort.

In sum, the direct attempts I made to find interest in pursuing the Perry model were not successful, and my impression remains that governments at both the county and state levels are not structured to review novel proposals carefully and take action on the best.⁹

⁹ There was a further lesson for me, not directly related to the main point of this chapter. If one wants to adopt novel reforms for children, one must look closely at the best research and adhere to it carefully in the reforms being proposed. We made a mistake in promoting the collaborative centers without having done enough research on what made the original pilot projects work and whether this could easily be duplicated. Furthermore, it is important to have solid political will behind a novel reform. When the collaborative centers showed a mixed success, there was not a strong enough political will to keep what was good and forge ahead with a modified program. We had played the legislative game well when we helped get the additional funding for the collaborative centers, but there is a difference between playing the game well in the short term and building a solid program over the long term.

What About Other Places and Other Programs?

For the case made in this chapter to be really solid, it would be important to broaden the search for quality programs to other places and other programs. This chapter is not of great interest if all I am saying is that I could not get people in Minnesota interested in a program that seems to have merit. Is there really a nationwide reluctance to implement quality programs for at-risk children that in the long run could save us billions of dollars? To my regret, I could find no definitive answer to this broader question. But the information I did find supported what I learned in Minnesota.

It seems as though the Perry model has hardly been adopted at all, at least at the high level of quality with which it was originally conducted. I contacted both Professor Barnett at Rutgers and the High/Scope Educational Research Foundation. Neither was able to point out model programs that have been widely funded by any government that really carries forward the Perry model in the way it was originally done.

It is very important to implement programs so that they embody the key elements that existed in the programs that careful research has shown to be successful. One of the worst tendencies of legislatures and local governments is to water down programs when they get funded. In medicine, if a particular dose of some drug is shown to cure a disease, then that is the dose administered unless further careful testing shows that the dosage can be reduced. But in the social service areas, there is a strong temptation on the part of elected officials to water down programs to save money, with no evidence at all that they will continue to work as intended.

A good example of this occurred in New Jersey when the state Supreme Court mandated that the Perry Preschool model be implemented in about 30 school districts where the court found that the state's constitutional duty to educate children properly was not being met. The legislature fought to avoid doing this. One of the tactics they used was to take the budget needed for the 30 districts and spread it over several times as many districts. The advocates of the Perry model fought against this for years, going back to the Supreme Court to demand that the program be implemented properly. There is now some indication that the program will be implemented as intended,

but the final implementation remains to be done.¹⁰ Sadly enough, it appears that New Jersey is ahead of most other states in terms of adopting the Perry model in the way it is intended to be run.

I could not find a definitive article that focuses specifically on the degree to which the Perry model has been implemented in the United States. But several scholars are carefully assembling the available relevant data. I examined existing research to see how well some of the half-dozen best programs were doing around the country. Nowhere could I find that the quality of the original Perry model was even being approached. For example, Washington was the only state that appeared to have a student-teacher ratio comparable to what the Perry advocates find to be essential: that at best there should be 12 students in a classroom with two well-trained teachers, and certainly no more than 15 students. All of the states listed except for Washington had a student-teacher ratio of 10 to 1 or higher (Washington was at 6 to 1). But in terms of other characteristics, not even Washington met the Perry model basic requirements.¹¹

In sum, as best I could determine, programs of the quality of the Perry model have not been implemented by any state in a way that reflects the basic requirements of the program. This leaves open that possibility that some local programs might be doing this, but it is notable that some of the best informed experts, although they could cite places where good work was being done, did not lead me to find programs which met the conditions that apparently made the Perry Preschool program so successful, with the possible exception of what is now being started in New Jersey at the order of their Supreme Court.

Getting Our Act Together

There is a way out of this mess. The citizenry at large needs to insist on a method through which they have the information and the voice to play a strong and sophisticated role in American democracy. So long as the public can be easily manipulated and fragmented, no amount of tinkering with legislative reforms or campaign finance regulations is going

¹⁰ An editorial in the *New York Times* of February 9, 2002, praises government officials for at last taking action on these reforms.

¹¹ For further information on this, see Gilliam, et al., "A Critical Meta-analysis of All Evaluations of State-Funded programs from 1977 to 1998 . . ." in *Early Childhood Research Quarterly*, 15, No. 4 (2000): 441-73.

to get legislators to deliver workable policies that are in the public interest. This strengthening of the public needs to go beyond a simple enhancement of the power of groups and associations in society. The call for strengthening “civil society” will do little good if this simply results in stronger and clearer demands being made on already fragmented legislatures, county boards, etc. The people themselves must find a way of understanding key public policy choices, reaching broad agreements and getting action taken on these.

This is why reforms based on citizens panels hold the potential for making a large contribution to the health of democracy. They can elicit the latent agreements between liberals and conservatives that authors like Dionne see as a possibility, while at the same time providing trustworthy information to help voters elect officials who will act on the agreements that have been forged. The reforms presented in Part 2 are based on this critical role that citizens panels can perform. If enacted, the reforms will move citizens panels beyond being mere advisory tools for public officials into playing a key role in empowering average citizens to have a real say in the political system.

I want to be careful not to oversimplify the case I am making. Three questions are likely to be raised that need to be taken seriously:

1. Is the empowerment of a “trustworthy voice of the people” all that is needed to make American democracy healthy?

No. The standard reforms dealing with campaign finance and the role of the media will continue to be important. But these are not going to take us very far with a fragmented and demoralized public. Working on the standard reforms alone is like trying to make a car run better by working on the body, drive train, brakes, etc., while ignoring the engine.

2. Haven't you oversimplified the example of at-risk children to make your case? Is the implementation of the Perry model really as obvious a solution as you make it out to be?

There are indeed further complexities in dealing with the problems of at-risk children that have not been covered in this chapter. We do not know the effects of cutting back on the expenses of the Perry program, thereby reducing its quality to some degree. For example, if we assign 10 children per teacher rather than 6 or 7, as done in the original Perry experiments,

do we cut back on the long-term savings to society by 10 percent, 50 percent, or 90 percent? Also, much remains to be learned about which are the best management models for running the programs.¹²

These are important considerations, but they do not justify decades of inaction regarding the implementation of quality programs for at-risk children. Our lack of knowledge about all the effects of implementing such programs may well be a good reason not to undertake nationally funded programs involving billions of dollars. But attempts at the local level, similar to what suburbanites in the Jefferson Center's small groups proposed, are definitely worth trying. If local governments are not capable of seeing their way to do this, then we need to find new ways to make local governments responsive to the sophisticated desires of their citizens.

3. Are citizens panels the only way to empower the public to understand issues and vote for candidates who will work for reasoned solutions in the public interest?

No. Several other methods conceivably might be used. These are discussed in Appendix B. The essential requirements are that whatever method is used, it must bring together a cross section of citizens in a fair setting where they can engage in effective policy discussions, and it must be run in a trustworthy way. But it would unnecessarily complicate this book to constantly refer to these other methods. So long as one is willing to grant the main argument about the need to empower the public to play its proper role, then the discussion of whether this should be done through citizens panels or some other method becomes a technical argument. There are important differences among some of these methods, so the choice

¹² It would be a mistake to be too cautious here. Even though hard data does not exist to answer some of these questions, there is other information to indicate that the results of the Perry program were not just a fluke. Professor Barnett points out that the Chicago Child Parent Centers come the closest of any evaluated large-scale program to the Perry model. Their use of well-trained teachers, carefully planned curricula, and fairly small classes resulted in outcomes and economic benefits similar to the Perry programs. Yet, even with this proof, most of the Chicago public schools have not even adopted the CPC model.

is a significant one. But it is a decision to be made after we get started down the path of empowering a trustworthy voice of the people.

In Sum

- Dealing effectively with the problems of at-risk children is a very important task. There is a good chance that this is the most cost-effective way to improve the workings of K–12 education as a whole. In the eyes of many, this is also the moral thing to do.
- The Perry Preschool program has been proven to work well in dealing with this problem, even though there is some uncertainty about how well it will work when undertaken as very large programs. Other methods also show promise.
- These methods have been tried in only the most tepid way.
- There is good reason to believe that the failure to move ahead with these reforms lies less with the inability of the public to agree, than with government's inability to explore this possible consensus and take responsible action.
- In light of this, I submit that what we citizens should do is stop waiting for governments to reform themselves and instead get our own act together.
- Skeptics may claim that this chapter does not offer enough proof of the above. My answer is that the reforms proposed in Part 2 are not a rush to action, but propose corrective steps long overdue. The evidence of shoddy work by legislatures is widely available and largely accepted by the American people. What we need is not further study, but responsible action.

ADDENDUM

In Search of Political Will

The small-group research done by the Jefferson Center in 2000 had the aim of learning if it is true that suburbanites are not willing to see their taxes raised to fund programs for at-risk children, most of

whom live in the inner city. Of course we realized that whatever is discovered about political will in small group sessions is not definitive. The research was exploratory. Although many public programs are undertaken on the basis of evidence weaker than what the Jefferson Center assembled, the results of our project would require further careful study before one would want to generalize very much from them.

The initial method used is called a values review. Its purpose is to put people in a hypothetical situation to get them to reflect on their values. But in this case, the hypothesis about the stinginess of suburbanites was so strongly held that our goal was to learn if any group might be willing to see their taxes raised in order to fund the Perry programs for inner-city children. A values review would normally be structured to learn how generous people might be in some circumstances and how stingy they might be in others. But in this case our goal was simply to see to what degree generosity might be elicited.

On the other hand, the Center has always believed in research in which people find their own way in dealing with the information presented. We have always avoided any attempt to manipulate a group into taking a position. For this reason, I was assigned the role of children's advocate (which clearly I am) and the two Jefferson Center staff people played their normal facilitative roles. This led the staff to place limits on my presentations of the Perry program. After the first small group session, the staff felt I had had too much time and should not have been answering most of the questions from the group. By the third and fourth sessions, I was given about ten minutes at the beginning of the session and ten minutes at the end of the two-hour event. The staff even made me leave the room so that the participants could carry on their discussion free of my influence.

Each of the sessions was different. The first one was held on the presumption that if there were any willingness on the part of suburbanites to see taxes raised, it would be among church members. A church named "The Good Samaritan" was chosen and ten of its members participated. They were told they lived in a hypothetical city where there were at-risk children who would benefit from the Perry Preschool programs. What the participants did not know was that the data they were given about the number of such children and the costs of providing the program were all taken from Hennepin County. The participants voted strongly in favor of the program.

The second and third groups moved closer to reality. They were held in a focus group room, and the participants were selected at random by a local focus group company. In the second meeting, the participants were still told that they lived in a hypothetical city. When these participants voted 8 to 4 in favor of a tax increase for the median family of \$106-a-year, we decided the time had come to make the sessions more real.

Therefore, in the third session the 11 participants were told that this proposal was under consideration in Hennepin County and that if the participants voted in favor of a tax increase, it might actually have an effect on their taxes. At this point the small group was no longer engaged in a values review, but in a mini-planning exercise. The participants were shown the data on at-risk children in Hennepin County (according to our best estimates based on county data). We estimated the number of at-risk children to be 10,059, three-quarters of whom lived in Minneapolis. So, if the participants voted for the program, most of their tax dollars would be going for inner-city children and not for those living in the suburbs. After considerable discussion, the group voted 6 to 4, with one abstention, for the full program, costing \$70 million a year (the same \$106-a-year tax increase for the median family as voted in Group 2).

In Group 4, we took the further step of asking the focus group company to stratify the sample on Republicans and Democrats, just to be sure that in previous sessions we had not been choosing too many of the latter and thereby not testing the stereotype of the Republican suburbanite. These participants were also drawn, as were all groups, from the better-off suburbs. Another modification was made on the advice of Mike Weber of the advisory committee. No social service program as extensive as the one we were proposing could be implemented effectively all at once. It would have to be phased in over a period of several years. Therefore, we should present it in that way. Also, we should not present it as an all or nothing program. The participants should be given the option of how much they would like to spend.

These changes led to interesting results. The participants discussed at length the amount that should be spent and came up with an average of \$50 million annually, \$20 million less than the original proposal. They did agree strongly with the proposal for sound management of the programs and for a yearly citizen review of what was

being done. They then held a vote on the program they had put together. To our surprise the vote was five in favor, six opposed and one abstention. In the 10 to 15 minutes I was allocated at the end of the session, I questioned them about their vote and discovered that for a couple of people the amount their taxes would go up was too high. Another two or three felt that the proposal was unfair, given that it would serve only about three-fourths of the at-risk children.

In light of this, I made a final proposal to them: the funding would start at \$10 million a year and go up for two more years to a maximum of \$30 million. At the same time, criteria would be set up to identify those most at-risk and they would be served first. The criteria would also specify the yearly citizen review and the steps for sound administration of the earlier plans. This final plan was the one approved nine to two, with one abstention.¹³

If one had faith in the ability of the current system to react to the wishes of an informed microcosm of the public, then the logical follow-up to these small group studies would be a citizens panel. This would allow people to reflect much more deeply on the proposals and hear witnesses offering several points of view. There should be an opportunity for critics to speak against the Perry model or for advocates of other programs to present their cases. The views of a microcosm of the public in a citizens panel, conducted with appropriate neutrality, would be much more indicative of what people in Hennepin County would like to do for at-risk children than the small group studies of the Jefferson Center.

But the history of the Jefferson Center is that its Citizens Jury projects had relatively little impact on current public policy. That this would happen in the case of at-risk children was simply reinforced by how much the political dialogue in Minnesota is so locked into children's advocates on one side and anti-tax advocates on the other. It is for this reason that deeper reforms of the political system need to be undertaken.

¹³ The full report on the project, running to over 60 pages, is available upon request by contacting us through www.jefferson-center.org.

Part 2

Empowering a Trustworthy Voice

Part 1 has provided the basics: the challenge of overcoming manipulative politics honed through scientific means; the opportunity to create a trustworthy voice of the people through citizens panels; and the need to move beyond the current game of politics to a new approach in order to be able to adopt solid solutions to some of the major problems facing America.

Part 2 presents five different ways in which citizens can be empowered to play a much greater role in the political system. Three of these methods link the recommendations of citizens panels to voting. The other two posit that if a microcosm of the public can speak out clearly and at the right time, this too can have an influence, even though it is not directly tied to voting. All these approaches are based on the proposition that more progress can be achieved by making citizens stronger than by trying to limit the power of the major players in the current system.

Chapter 4 presents the Citizens Initiative Review, a method for presenting trustworthy information to voters on initiatives. This reform has limits, given that only 24 states use the initiative process. On the other hand, it has the virtue of timeliness, given the number of political observers calling for reform of the initiative process. It also will be easier to implement than most of the other proposals in Part 2. Finally, all of the detail work has been done to get this reform ready for adoption.

Chapter 5 presents the Citizens Election Forum, a way for citizens to evaluate candidates on their stands on issues and provide this information to voters in a simple, easy-to-use, format. This is a more sophisticated version of the Citizens Jury on elections projects conducted ten years ago (see the end of Chapter 2). In that sense, it is a proven method, but in this more elaborate version, skill will be required to implement it properly. It is proposed as a method for evaluating can-

didates in gubernatorial races, but can be expanded to other races if desired. Ultimately, some version of this should be used to evaluate candidates for president of the United States.

Chapter 6 presents three additional proposals for empowering an authentic voice of the people. Two of these proposals come from democratic reformers in Washington state. The third is my own proposal, dealing with the setting of a state's budget.

There is no single way to make democracy more healthy. Many ways must be tried. But if we fail in imagination or in the will to act, not only will we be unfaithful to the ideals our ancestors fought and died for, but we will consign our children and grandchildren to second-rate public policy in an era that cries out for the best of which we are capable. The reforms of Part 2 are solid proposals, based on decades of research and development, and should be a top priority on the reform agenda of America.

The Citizens Initiative Review

I think the Citizens Jury experience has been a privilege and one I recommend. Every aspect of the process has been conducted in the highest, purest form of a democratic process. The outcome, decisions, and jury recommendations represent the process. I am grateful to have participated and made contributions. My hope is to see the Citizens Initiative Review complete the process to become an initiative in the general election. Next my hope is to find the CIR's output in our Voters Pamphlet! It has great value and there is a definite need!

**Karen Kling
Chehalis, Wash., 2001¹**

One hundred years ago, the Progressive movement was busily at work trying to empower average citizens through the introduction of initiative, referendum and recall. Starting in South Dakota in 1898, by 1918 they had succeeded in introducing initiative and referendum into 21 states. (Currently 24 states have the initiative).

Today, many people are very upset with the workings of initiatives. David Broder, in *Democracy Derailed*,² and Peter Schrag, in *Paradise Lost*,³ have both written compellingly about the problems that initiatives have been causing. But large majorities of the public in states with the initiative process are very attached to it. In Washington state, for example, a survey of registered voters conducted in 2001 showed

¹ Karen Kling was one of 25 randomly selected participants in a Citizens Jury project held in May 2001 to evaluate the Citizens Initiative Review. This project is described briefly in this chapter and in more detail in Appendix A, Section 5.

² David Broder, *Democracy Derailed*. (New York: Harcourt, Inc., 2000)

³ Peter Schrag, *Paradise Lost*. (New York: The New Press, 1998)

86 percent of the sample agreeing with the statement, "Initiatives are a good way for people to have a say in what government does."⁴ A Rasmussen Research survey in California in 2000 showed similar results: 77 percent thought that the initiative and referendum process was good for California.⁵

Those who do not live in states with initiatives are often puzzled by this controversy, unaware of the importance that initiatives play in the politics of many states. Often people in non-initiative states don't differentiate between initiative and referendum. A referendum is something referred to the people by a legislature, so that they can vote it up or down in at election time. Initiatives give the citizens themselves the opportunity to propose and adopt laws, so long as they can get enough signatures on petitions to place the proposals on the ballot at election time.⁶

The Progressives of a century ago would surely be upset that thoughtful political observers such as Broder and Schrag have found serious fault with initiatives. According to Harry J. Carman and Harold C. Syrett, the Progressives

. . . wished to conserve the traditional American values, which they felt were being undermined by recent tendencies in business and government
Progressives were convinced that man was a rational

⁴ Moore Information Inc. of Portland, Ore., in an October 2001 survey commissioned by the proponents of the Citizens Initiative Review. The breakdown of results was: 56% agreed strongly, 30% agreed somewhat, 5% disagreed somewhat, 6% disagreed strongly, and 2% had no opinion. A different perspective is provided by this question: "Are you satisfied or dissatisfied with the way the initiative process in Washington state works today?" 20% were very satisfied, 46% somewhat satisfied, 14% somewhat dissatisfied, 12% very dissatisfied, 9% don't know.

⁵ In a survey reported March 14, 2000, the following statement was presented: "On the whole, the initiative and referendum process is good for California and California voters." The results: 31% strongly agree, 46% somewhat agree, 17% somewhat disagree, 3% strongly disagree, and 4% were not sure.

⁶ The number of signatures varies, of course, with the size of the state. In California, 670,816 signatures are required in 2002 to place a constitutional amendment on the ballot. This is 8% of those voting for governor in the previous election. In South Dakota, 13,010 signatures are required in 2002 to place an initiative on the ballot. Many states also allow for initiatives on the county or city level.

creature who knew his own best interests. If given all pertinent information concerning any problem, he was capable of weighing the facts, arriving at the correct conclusions and pursuing a course of action that would benefit not only himself but society.⁷

It is my firm belief that the Citizens Initiative Review, presented in this chapter, is the best way to restore the initiative process to what the Progressives intended it to be. In an age of cynicism and manipulated information, something needs to be done to help the public make wise choices regarding the initiatives placed before them. And in the spirit of Thomas Jefferson (see quote on page 10 of Introduction), if the people appear not to be able to use their powers wisely, the solution lies not in taking the power from them, but “informing their discretion.” The goal of the Citizens Initiative Review is just that: to provide trustworthy information to voters, laid out in a clear and simple way so that they can do a better job of voting their own best interests as well as the public interest.

Before describing the Citizens Initiative Review, however, it is worth looking in more detail at what is going on with initiatives.

California Proposition 226

In his book *Democracy Derailed*, David Broder presents an interesting analysis of an initiative that was on the ballot in California in 1998. Although my view of initiatives is not as dim as Broder’s, much of his analysis is on target.

If you had lived in California in 1998 you would have had the opportunity to try to figure out what was going on with Proposition 226, the “Paycheck Protection Act.” It would have required unions to obtain written permission from each member to use any of their contributions for political purposes. This permission would have to be granted by each member every year that a union sought to spend funds on any political matter.

Some people found it easy to decide how to vote on Proposition 226. Those who hated unions were sure to vote yes, in hopes that it would cut the power of unions. Those who loved unions found it

⁷ Harry J. Carman and Harold C. Syrett, *A History of the American People*. (New York: Knopf, 1952), 344.

equally easy to decide to vote no. Both of these core groups received lots of information from the major proponents and opponents of the initiative. But what if you were in between? What if you wanted to learn more about the pros and cons of the idea?

Broder starts his chapter on Proposition 226 with a quote from a Sacramento business lobbyist who summed up the discussion of the issue by saying, "What you have is a lotta little lies fighting one big lie." What he meant was that the people who introduced the initiative were claiming that it was designed to protect individual union members' rights (the big lie), but their real intention was to undercut the political power of the unions. The many "little lies" referred to all the claims made by the unions about the dire effects of the proposition were it to be passed.

If you don't really trust either side to give you the truth, what are you to do? There is no good place to go to figure out what is really going on. There are, of course, the voter guides, which present pro and con views on each initiative on the ballot. But these are all prepared by the advocates. If they are cleverly worded, it can be difficult to sort out the charges and counter-charges to come up with the truth.

In the end, Proposition 226 was defeated 53 percent to 47 percent, after more than \$29 million was spent on the campaign. The unions outspent their opponents by a nearly 4 to 1 margin. It was a question that engaged powerful forces from outside the state on both sides of the issue. Missing was a considered voice of the people of California. Average citizens were basically left out of a dialogue that should have been theirs.

How to Change the Game

If the Citizens Initiative Review had been in place in California in 1998, you would have seen the debate over the issue unfold in a different way. Twenty-four citizens from around the state would have been contacted at random and selected for a citizens panel set up to be a microcosm of California.

The panelists would have had the opportunity to hear from both sides and to question them in depth. There would also have been some neutral witnesses who would have started off the hearings on the first day by giving background information on the proposition. These neutral witnesses would be available to answer questions during discussions later in the week.

Lies do not go over well during citizens panel hearings. To the degree that the Sacramento lobbyist was correct about lies coming from both sides of the argument over Proposition 226, the jurors would have quickly noticed and started asking pointed questions of the witnesses. If both sides kept on shading the truth and not giving direct answers to the questions, the facilitators of the process, with the consent of the panelists, could have, for example, called back the neutral witnesses to get clearer answers to key questions.

Players in the political arena hate losing control of a debate. Each side of the Proposition 226 debate would realize that the more they shaded the truth, the more likely they would be forced to take a back seat while the neutral witnesses explained what was going on. Rather than risk having the discussion taken out of their hands, both sides probably would have toned down their claims and made an effort to be truthful. If one side saw the other exaggerating, they would know that their best tactic would be to fall back on the truth. The American people, given the time and the opportunity, are very good about seeing through lies and distortions.

At the end of the five days of hearings the panelists deliberate and then take a vote. They indicate how many of them favor the initiative, how many oppose and how many are undecided. Each of these groups list the main reasons for deciding as they did. (See the following page for an example of how this would have looked if it had been done on Proposition 226.) These results are then published in the voters guide that is sent out to every registered voter in the state.⁸ Usually, these official voters guides are widely read in the states that have initiatives. Again, using Washington state as an example, a 2001 survey showed 63 percent of the respondents found the voters guide useful in making up their minds about how to vote on initiatives.⁹

It is also likely that you would already have heard about the find-

⁸ In California, all voters who are registered to vote at least 60 days before the election are automatically sent one. Later registration may require that a person call to get one. Some 12 million are sent out, a really impressive exercise in voter education.

⁹ Moore Information Inc., October 2001. The statement presented was framed in the negative to avoid an artificially high response rate. It said: "Information about initiatives in the state Voters Pamphlet is not usually very helpful in my voting decision." 10% agreed strongly, 21% agreed somewhat, 33% disagreed somewhat, 29% disagreed strongly, and 6% had no opinion.

**SAMPLE REPORT FORM
REPORT ON PROPOSITION 226**

We, the participants in the citizens panel that reviewed Proposition 226, reached the following conclusions:

We agreed on the following points:

- 1. _____

- 2. _____

- 3. _____

Those of us who favor this initiative do so for the following reasons:

- 1. _____

- 2. _____

The group that gathered to write up the above reasons made up 64 percent of the participants. We urge those who want a further understanding of our position to visit our Web site, where the testimony of the three best witnesses we heard is summarized.

Those of us who oppose this initiative do so for the following reasons:

- 1. _____

- 2. _____

The group that gathered to write up the above reasons made up 28 percent of the participants. We urge those who want a further understanding of our position to visit our Web site, where the testimony of the three best witnesses we heard is summarized.

Those of us who are undecided on this initiative remain this way because:

- 1. _____

- 2. _____

The group that gathered to write up the above reasons made up 8 percent of the participants. We urge those who want a further understanding of our position to visit our Web site, where the testimony of the three best witnesses we heard is summarized.

ings of the citizens panel through the media. It is an easy event to report on and therefore likely that you would see the results mentioned both on TV news and in the newspapers. Indeed, it is possible that cable TV would carry some of the highlights of the event. Finally, in case you want more than just a brief summary, there will be extensive information available on the Web.

In the case of a particular initiative, such as Proposition 226, it is not possible to say whether a report from the Citizens Initiative Review would have changed the outcome of the vote. But if the study done on the Citizens Jury in Minnesota on the 1990 gubernatorial election is any indication (see Appendix A, Section 1), it is easy to see how anywhere from 5 to 15 percent of the voters might change their minds about how to vote on any given initiative. After all, the Minnesota Citizens Jury was something completely new to voters and it still seemed to have considerable influence on those aware of it. Once the Citizens Initiative Review is up and running in a state and becomes familiar to voters, its influence could be of considerable significance.

An Overview of the Citizens Initiative Review

The CIR is more than just a dream about fixing politics in California. I first considered the concept in 1979; people in Minnesota, Wisconsin and Washington state have worked on it from 1998 through early 2002. Over a dozen professionals have worked hundreds of hours during this three-year period to make sure that it is a technically sound proposal. The work of professionals has been carefully reviewed by everyday citizens: two focus groups and two citizens panels have reviewed the concepts in detail. All of this work is fully described in Appendix A. The details of the CIR presented in this chapter are those chosen by a Citizens Jury conducted under the auspices of the League of Women Voters of Washington in May 2001. That group voted 24 to 1 that they would like to see it implemented in their state.

How the CIR Will Be Run

The CIR will be conducted by an independent entity of state government, located within the Secretary of State's office. It will be overseen by an independent board of commissioners, the majority of whom have been selected from citizens panels. Their charge is to set

guidelines for the CIR and to hire and monitor the executive director of the staff. The CIR will be evaluated yearly by a special Evaluation Panel made up of former panelists who were selected by their peers.

The aspect of the CIR that initially raises the most doubts is the proposal that it be conducted by a governmental commission using government funds. Indeed, this was the facet of the CIR that was most debated by the May 2001 Citizens Jury. During the first two days of that project, equal time was given to the proponents and opponents of the CIR. The major argument made against the CIR was that it should not be a part of state government. The panelists rejected this view, voting 23 to 2 to accept the basic proposal and then examine it in greater depth, making changes if they wished.¹⁰

Why the CIR Will Be Trustworthy

The CIR has been carefully designed to be trustworthy. In dealing with this, we were attempting to provide a modern answer to Plato's question, "Who shall guard the guardians?" One reason it is possible to succeed where many others have not is that, in the government Plato was imagining, the guardians had much too much power. The staff running the CIR will have considerably less power and will operate in an open environment where citizens, originally selected at random and whose terms last only for 3 years, will have the opportunity to examine closely what is going on. Furthermore, there is the simple fact that people on citizens panels generally have a good idea of what is going on. If the citizens panels convened to evaluate initiatives are not being conducted properly, this will show up quickly in the panelists' evaluations regarding how fairly their citizens panel was run.

Of course, it is not enough that the CIR be conducted in a trustworthy way. The residents of the state in which it operates must also believe that it is trustworthy. A survey conducted in Washington state in October 2001 indicates that this should be possible. Early in the survey, the 500 people who were randomly selected from lists of

¹⁰ The full report on this project is available at www.cirwa.org or at www.lwvwa.org. Also, two videos have been made of this event. A ten-minute video summarizes some of the highlights, including the discussion of whether the CIR should be conducted as part of government. A one-hour video shows selected parts of the deliberations for those who want to take a close look at how the panelists did their work.

likely voters were presented with a brief summary of the CIR and asked whether they would vote for it if it were on the ballot. In this initial question, the answers were 52 percent yes, 29 percent no, and 18 percent undecided. Then a number of reasons were presented in favor of the CIR and opposed to it. The reasons in opposition were that the proposal would lead to more government bureaucracy and increased taxes. Then the summary of the CIR was presented again and the answers were 58 percent yes, 31 percent no and 10 percent undecided. In other words, although some people were disturbed about the CIR's being conducted out of government and paid for with taxes, the support for the proposal increased more than the opposition, once people knew more about it.

How the CIR Will Be Funded

The funding for the CIR is proposed to come from government funds. In the case of Washington state, the cost will be up to 25 cents a year per resident of the state, with these funds coming out of the interest on the general fund. This source of funding was carefully reviewed by the panelists on the 2001 Citizens Jury, who then unanimously approved of it. The panelists were informed that there is no way to guarantee this funding because the legislature can decide to cut it if they wish. On the other hand, if the CIR is itself adopted through an initiative, then the funding will be guaranteed for the first two years, and will be highly likely to last for many years thereafter. The Washington state legislature has been very reluctant to make any changes in laws adopted through the initiative process, even though they have the legal right to do this.

Sunset Provision

The CIR is set up with a sunset provision, meaning that after six years it will terminate unless people take steps to make sure that it continues. The reason for this is that there is a long history of political reforms that did not work out as intended. In spite of the careful planning that went into the CIR, those of us who worked on it know that unexpected things can happen to a new commission set up within government. One of the saddest histories is that of the independent regulatory commissions that have been established, only to be taken over by the very groups and industries they were supposed to regulate. Virtually

everyone we encountered in Washington liked the idea of having the CIR sunset. The panelists in the May 2001 Citizens Jury were split as to whether the sunset should occur after six or eight years. They finally left it up to the sponsors of the CIR, who decided to make it six years.

The Structure of the Citizens Initiative Review

If you do not like details, you can skip this section and go on to the next section, which deals with getting the CIR adopted. If you like details a lot, then you should read this section and perhaps Appendix A, which gives additional detail about how the CIR was designed and the reasons behind some of the choices that were made.

The structure for the CIR is intended to create a balance of power between the staff, who will run the organization on a daily basis, and those on the board of commissioners, who represent a balance between commissioners who originally are selected at random and commissioners who are appointed by the governor and the secretary of state. A chart on the following page presents an outline of how this is to work.

A primary operating principle of the CIR is to create an independent program, insulated from politics, within state government. The intent is to have the CIR free from the normal political influences that would undermine the credibility of the citizens panels or the resulting information. In this way the CIR should be able to meet its goal of providing clear, trustworthy and balanced information to voters about each statewide initiative on the ballot in a general election.

As designed for Washington state, the CIR will be located administratively within the secretary of state's office. The secretary of state is, among other things, the state's chief elections officer. This office and its operations have maintained a high degree of public credibility for a considerable time. In other states, the CIR may have to find a different administrative home if the office does not have the public credibility that it has in Washington.

*Board of Commissioners*¹¹

The CIR will be overseen by an eleven-member board. These

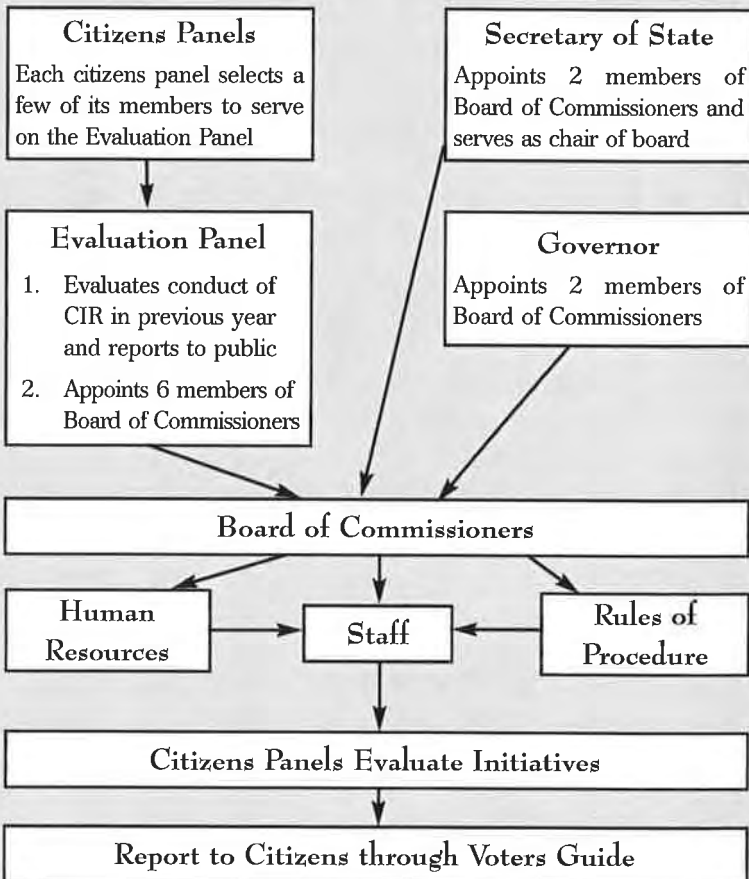
¹¹ The following details about the CIR have been taken almost verbatim from the final report of the May, 2001 Citizens Jury.

members will be appointed by the governor, based on the following recommendations: two members nominated by the secretary of state; two members selected by the governor; and six members nominated from those who served on previous citizens panels (two will be appointed each year). The board will be chaired by the secretary of state or the designee of the secretary of state.

Members nominated from citizens panels will serve staggered three-year terms. Members nominated by the governor and the secretary of state will serve staggered two-year terms. No member may serve successive terms.

The board will be responsible for establishing the policies and pro-

Structure of the Citizens Initiative Review



cedures for the CIR, including guidelines to ensure a consistently high quality service. It will hire the executive director. The board will monitor fiscal matters to ensure that the program is efficiently and effectively managed. The secretary of state will be responsible for fiscal and other support operations.

The board will be responsible for monitoring the program to ensure that it is meeting its goals, using a variety of evaluation tools. The board will also review the performance of the executive director and staff on at least an annual basis. The board will meet four times a year at various locations around the state.

Staff

Program staff will consist of permanent, full-time staff and temporary staff. They will also hire consultants for training purposes. The primary responsibility of the staff will be to see that the citizens panels used to evaluate initiatives are conducted properly. This includes all aspects of the citizens panels, from the selection of the participants, through the holding of the hearings, to the writing of the final reports so that the views of the participants are accurately portrayed.

The staff will also provide administrative support for the board, select temporary staff and provide for their training, and oversee the administration of the evaluation tools described below.

A key element in maintaining staff morale and keeping the staff serving the public will be training programs designed and implemented with the help of outside consultants. Training will be provided for the board as well. The staff, including the executive director, will evaluate each other's performance on at least a yearly basis. The executive director will use the information to ensure proper performance by the staff, and the board will use it to evaluate the performance of the executive director.

Evaluation

Several formal methods of evaluation will be used to ensure that the CIR is meeting its goals. These evaluations will be used by the executive director and the board to review the work of the staff. The evaluations will also be made available to the CIR Evaluation Panel and to the public.

1. The participants in each citizens panel will evaluate their experiences and rate the project and its staff on whether the proceedings were conducted in a fair and neutral way, with no staff bias. These evaluations will always be made public, along with the findings of the panelists. Also, all people who are called before the citizens panels as witnesses will be asked to fill out an evaluation form regarding their experiences during the event.
2. There will be a yearly survey taken of the state's voters to find out whether the information made available to them is something they find trustworthy and useful. This survey may also help staff to review and improve the charge questions given to citizens panels so that the information given to voters is as useful as possible.

The major review of the evaluation data will be done by the CIR Evaluation Panel. It will meet once a year to give citizens who have participated in a citizens panel the opportunity to review the performance of the CIR operation as a whole. At the end of the meetings, the participants will select from among themselves a few people to serve on the board of commissioners.

The CIR Evaluation Panel will consist of no fewer than eight nor more than 16 members. These will be selected by the participants in the previous year's citizens panels, choosing from among their own members a number sufficient to create a CIR Evaluation Panel of appropriate size. The Evaluation Panel will convene in the beginning of each year for two or three days in a facilitated session to review the same objective evaluations used by the board to monitor the CIR. Among the pieces of information they will receive is an independent survey noting how useful the information from the CIR was to voters and how it might be improved. The Evaluation Panel will issue a report commenting on what they have found and may make appropriate recommendations to the board.

The members of the CIR Evaluation Panel will also select two of their members to serve as board members. If no citizens panel was held in the previous year, the secretary of state shall appoint two board members, selecting these from among the panelists of the last citizens panels which were held. In case of a citizen vacancy, the board will

appoint citizen members from previous citizens panels. Vacancies in the governor and secretary of state's appointees will be appointed by their respective state officers. In the case of a vacancy lasting six months or less, the appointee may be reappointed to a full term.

Expenditures

The budget for the CIR must be set at an amount that will enable the board and staff to conduct their tasks properly. It is intended that existing governmental officials not have the power to cut the funding of the CIR. However, it also is intended that expenditures be monitored closely and that the board insure that the people's money is used wisely. The board must issue a report each year on the steps taken to meet these goals.

Current estimates for the annual costs of the CIR will be between \$400,000 and \$1.45 million, depending upon how many citizens panels are run. This, of course, is determined by how many initiatives are on the ballot. One way to look at these amounts is in terms of the cost per person per year for the people of Washington. Given that the official estimate for the population of Washington was 5,803,400 in 2000, this would amount to a range of between 12 cents and 25 cents per person per year.

Revenues

In seeking a suitable revenue source, a primary principle was to look for a source that would spread the cost broadly to all citizens of the state. The presumption is that the Citizens Initiative Review will benefit every citizen. After rejecting a number of options as either not legal, not fair, or politically impossible, it was decided that the best source of revenues for a CIR in Washington state would be the interest on the general fund. In fiscal year 2000, interest earned on the state's general fund totaled more than \$70 million.

It is proposed that the legislation establishing the CIR (probably an initiative) specify that the legislature allocate to the CIR an amount equal to 25 cents per resident of Washington state per year. In almost every year there will be funds left over in the CIR account, since in most years there will be fewer than eight initiatives on the ballot. Any unexpended funds at the end of the fiscal year should be returned to the general fund. (If the number of initiatives increases markedly, either

the legislature will have to allocate more funds or the staff will have to use some random method to decide which initiatives are to be reviewed and which not.)

Getting the Citizens Initiative Review Adopted

In light of the strong support given the CIR by the May 2001 Citizens Jury, the CIR proponents decided to try to get it adopted into law in Washington. They did consider trying to get the state legislature to pass a bill, but it did not take very many consultations with insiders to convince them that this would be difficult. The legislature was very likely to resist anything that would require more state money, much less pass anything this novel. One well-connected lobbyist said she thought it would take legislators a good three years just to figure out that we were not trying to run some game on them.

The other obvious route was to get the CIR adopted as an initiative. There were several reasons for doing this. First, the panelists in the May Citizens Jury liked this approach, believing it was the best way to gather wide public support for the CIR. It was more likely that the public would view the CIR as “our CIR” if they voted on it themselves, as opposed to having it adopted by the legislature.

Another reason for the initiative route was to ensure adequate funding for it. The Washington legislature has been very reluctant to change anything adopted through an initiative. On the other hand, were this adopted by the legislature, then, even if the original funding were sufficient, it would be easy enough for future legislatures to cut the budget with relatively little public outcry.

Finally, focus groups in November 2000 had shown strong support for the concept. At the beginning of the focus groups, when the concept was presented to them, 60 percent said they liked the idea, 23 percent were neutral, and 17 percent were opposed. At the end, when asked if they would vote for the CIR if it were on the ballot as an initiative, 83 percent said yes, 10 percent said no, and 7 percent were undecided. Focus groups are only intended to yield qualitative results, but these results from four different focus groups were encouraging to the proponents.

Regrettably, the May Citizens Jury received very poor media coverage, but continuing outreach did lead to some important recognition. In September 2001, when civic leaders met to discuss initiatives in

general, the well-respected former secretary of state Ralph Munro said the CIR looked like the best proposal on the table for improving the initiative process in Washington.

In the fall of 2001 I worked with the proponents of the CIR to get an initiative on the ballot. We worked with attorneys to write a carefully worded initiative, based upon the decisions of the jurors in May, while at the same time making sure it was consistent with the laws of Washington.¹² We also conducted surveys to discover how potential voters might react to the CIR. As noted above, when the summary of the initiative, the known as the “ballot title,” was presented to a random sample of likely voters at the beginning of the survey, the result was 52 percent in favor, 29 percent opposed. This was lower than we liked, so we rewrote the ballot title and tested it again three months later. This time the result was 56 percent to 25 percent, a slight improvement, although within the margin of error. That result was not as strong as we had hoped for, but was good enough for us to take the risk of trying to get the signatures needed to get the initiative on the ballot in 2002.

Gathering signatures for an initiative is an interesting venture. In Washington, 197,000 signatures are required to qualify an initiative for the ballot. Because many signatures are ruled invalid, the rule of thumb is that you need to aim at gathering at least 20 percent more than what is required. This means that we needed to gather around 240,000 signatures in the January-through-June time period required by state law. We spent a great deal of energy trying to figure out how to do this with volunteers, but finally had to go along with the advice we were receiving from a wide range of those experienced with initiatives: If you want to get an initiative on the ballot in Washington, you need to hire a company and have them pay people to go out and gather the signatures. The rate quoted was \$1.50 a signature. Only if there is strong support from a very committed organization can you succeed with volunteers, instead of using paid signature-gatherers. In the last few years, a teacher’s union and an animal rights group have succeeded in gathering signatures using volunteers, but most other groups failed unless they used paid signature-gathering.

¹² Those wishing to examine the language for the initiative drawn up for the state of Washington can find this at www.cirwa.org.

This meant that the campaign to gather the signatures was going to cost about \$450,000; \$360,000 would go for signatures and the rest for the staff who would have to be hired for the campaign itself. We had \$300,000 already committed to the campaign, meaning that we needed to raise at least \$150,000 to go ahead. We tried again with the business community, but a couple of key contacts convinced us that this would not succeed. This meant that our hopes came down to labor. We met with key labor officials, including the president of the Washington State labor council, and were very pleased to have the help of former Governor Mike Lowry, who attended some of the key meetings. But in January 2002 we received the final answer from labor: not this year. Maybe they would be able to help in 2003 (they did not).

The Future of the Citizens Initiative Review

Those of us closest to the CIR, although disappointed at not being able to go ahead in Washington in 2002, still believe the CIR can be adopted in some state in the next couple of years. The focus group results were really good and the survey results of the whole state were good, if not great. Of equal importance, we could see no likely organized opposition that was likely to hurt us.

We will soon be exploring the possibility of getting the CIR adopted in some other state where the required number of signatures to qualify for the ballot is smaller. This is discussed in greater detail in Chapter 10.

If we do go into a new state, we will have to do something to gain the legitimacy that we did gain in Washington with the contacts we made from 1999 through 2001.

One of the things we learned in Washington is that a volunteer signature drive often costs as much or more than hiring a firm to do it. A volunteer drive requires a great deal of training and the contacting of hundreds of people through phone banks to have any hope of success. But if an effort is mounted in a new state, the best way to gain legitimacy in that state may be through a volunteer signature-gathering drive.

There is also the chance that some opportunity will open in Washington state. We would still prefer to get the CIR adopted there, given the commitment we made to the panelists in the May Citizens Jury as well as the support we have received from a wide range of peo-

ple in the state. With some luck, we may be able to raise the additional funds needed to go ahead there with the initiative, which is already drafted and waiting. If we go to another state, we will have to start over by drafting a new initiative and holding surveys and focus groups to determine the level of support for the CIR.

So, in spite of the work that remains to be done, the CIR still appears to have very good prospects for empowering a trustworthy voice of the people by tying the recommendations of a citizens panel to the vote. Accomplishing this in a single state would open up a significant new approach for improving the health of American democracy.

The Citizens Election Forum

I have been extremely thrilled and excited to have been chose to be a part of this very important political education process. I can't imagine that it won't spread to every level of government, and produce "new" educated voters.

**Cindy Schlegel,
Lebanon, Pa., 1992¹**

If the Citizens Initiative Review becomes widely used, it will make a significant improvement in the health of democracy in many states. More, however, will be needed for Americans to reclaim democracy from the powerful groups that now dominate it. Even if the Citizens Initiative Review becomes widely adopted, the control of the political agenda—which issues are dealt with and how they are approached—will still be in the hands of small, well-organized or well-funded groups.

What is needed is for us to be able to make representative democracy work properly. That is what the Citizens Election Forum (CEF) is intended to do. It is the major reform proposed in this book. In outline form, here is what it will do:

- The goal of the CEF is to help citizens do a wiser job of voting for the governor of a state.
- It is based upon the most successful Citizens Jury® projects conducted by the Jefferson Center. The League of Women

¹ Cindy Schlegel was one of 36 randomly selected participants in the Citizens Jury project in 1992 in Pennsylvania to evaluate the two main candidates for U.S. Senate on their stands on three major issues. There were two Citizens Jury projects of 18 participants each, one for the eastern and one for the western part of the state.

Voters played a key role in these projects, which were run from 1989 through 1994.

- Like those Citizens Jury projects, it enables average citizens to evaluate candidates on their stands on three or four critical issues facing the state.
- Unlike those Citizens Jury projects, the CEF proposes discussions of issues that are more in-depth and take place every year, rather than being linked only to specific statewide elections.

If the Citizens Election Forum works as intended, it will give the voters in a state a much greater say over who gets elected governor than they now have. Everyday citizens will be given considerable power over which issues get discussed during a campaign, as opposed to issues being selected by the media, with its concerns about increasing its audience, or by candidates, with their desire to win. Skeptics will say that this method has not been tested enough to be sure it will work. The answer to that is simple: This method, at the time of its first implementation, will have been tested *at least* as much as other significant reforms, such as initiative/referendum, campaign finance reform or term limits, were tested at their inception. The person who thinks the Citizens Election Forum is too risky would also surely have advised the Founding Fathers to avoid a new constitution and stick with the Articles of Confederation.²

The Citizens Election Forum, like the Citizens Initiative Review, should be introduced carefully, in such a way that it is likely to succeed. You don't take a fine 14-year-old athlete with great prospects and introduce him or her directly into the major leagues to see what happens. Even when a reform has great prospects, it must be introduced into as friendly an environment as possible, and in a somewhat modest way. Therefore, the CEF is proposed to be tried at first only at the state level, and only on the race for governor. Once that works out well, then the reform can be expanded to the national level, or to deal with other offices at the state level.

² This statement is not intended to imply that anyone opposed to the CEF is unpatriotic. It was very possible for someone in the summer of 1787 to love democracy and still have doubts about what the Founding Fathers were doing when they met in closed session in Philadelphia. But if democracy is to advance, some risks must be taken.

The Basics of the Citizens Election Forum

Yearly Issue Dialogues

Every year discussions of a half-dozen key issues will be held under the auspices of the CEF. (The way these issues are chosen will be discussed in the next section.) The discussions will start with citizens panels, but steps will be taken to expand the dialogue to a broader public. A separate citizens panel will be used for each issue. Each citizens panel will report its initial conclusions to the jury pool from which it was selected, similar to the way in which a legislative committee reports back to the whole legislature. The reporting to the jury pool will be broadcast over TV, so everyone in the state can watch. Once those in the jury pool give their reactions, then the citizens panel will take these into consideration and reach its final conclusions.

Rating Candidates

Every fourth year, when the gubernatorial election takes place, the main gubernatorial candidates will be rated on their stands on three or four key issues. A separate citizens panel will be used on each issue. This will be done in a way similar to the way Citizens Jury on Elections projects were done by the Jefferson Center and the League of Women Voters in the late 1980s and early 1990s. The main difference is that with each citizens panel looking at only one issue, the candidates will be evaluated in much greater depth.

Distributing the Ratings

The ratings of the candidates on their stands on issues will be distributed to the public through a voters guide sent to every household in the state. More information will be available through the Internet. Also, an effort will be made to get coverage in the mainstream media. The voters guide is important enough so that if the CEF is adopted by some state without a voters guide, it should contain provisions for the voters guide to be adopted as well.

Effective Citizens Control

Methods similar those used by the Citizens Initiative Review will be used to ensure effective citizen control over the process. It is

assumed that the CEF will be attempted after the Citizens Initiative Review has been adopted in some state. The exact details of the design of the CEF will be based on the experience of the Citizens Initiative Review.

Adopted by Initiative

The CEF will most likely be adopted through an initiative. After it has been used successfully in a few states, it may be possible to get it adopted in other states through normal legislative channels. This obviously will be difficult, but once the CEF becomes popular, it may be difficult for legislators to ignore.

Details

Details of the CEF are sketched out in the following sections. As in Chapter 4, those who do not like details may choose to skip the next few sections. These sections, however, are not as detailed as those for the CIR, given that the intense planning for a specific state has not yet been done. The next three sections, therefore, concentrate more on the reasons for doing something in a particular way. Those who do want to skip details should go directly to "What the CEF Will Give the Public."

Yearly Issue Dialogues

The most obvious difference between the CEF and the Citizens Jury projects on candidates of the late 1980s and early 1990s lies in the discussions held each year on issues alone. This is intended to make up for what I felt was a limitation of the projects conducted by the Jefferson Center. Although the four projects conducted to evaluate candidates were very successful, they were forced to cover a great deal of material in a short time. The experience of the Citizens Jury process on policy issues has shown the importance of conducting a project for five days. If one agrees on the importance of having a citizens panel spend five days on health care or the federal budget or welfare, then how could a single citizens panel study three issues in three days and then know enough to review the stands of the candidates on the issues? As positive as the reactions were to the Citizens Jury projects on elections, I still felt that these could be designed in a much sounder way.

Therefore, the CEF is designed to start a more solid discussion of issues than now takes place in any state. This involves holding issue

discussions every year, along with taking steps to broaden the discussion beyond citizens panels to include the general public. Specifically, the Citizens Election Forum will have six separate citizens panels study six different issues and will do this on a yearly basis. The issues will be chosen by a citizens panel that reviews issues in light of appeals by political party leaders and a survey of all state residents about what issues they think are most important. Some of the most important issues will likely be discussed every year, while others may be discussed only one year and then replaced by some other issue that deserves attention.

The reason for holding these discussions each year is to provide background for the citizens panels held only once every four years to evaluate the gubernatorial candidates on their stands on issues. If a citizens panel is faced with a candidate who is very charismatic and well-informed on a particular issue, it would be unfortunate if that candidate espoused an odd position on that issue. The panelists would of course be told by the other candidates during the hearings that this charismatic candidate had an odd proposal. But what should the panelists do? It may be an odd position, but how can they decide if it is a bad policy stand, as opposed to being simply an unusual, but sound, position? In the situation where this issue has been discussed on a yearly basis by other citizens panels, panelists can look at what their peers have decided earlier to help them decide now what is best for their state.

In order to broaden these discussions beyond the citizens panels, the jury pool of about 400 people will be brought into the discussion. Each citizens panel will report its conclusions to the people around the state who constituted the jury pool from which the panelists were chosen. These 400 or so people will then be surveyed immediately so that the panelists are able to learn what people around the state think before the panelists make their final recommendations.

This consultation with the jury pool will necessitate the gathering of a somewhat larger than normal jury pool. They will be told that if they participate for a few hours in the discussion of the issue, they will be paid something like \$50 or \$100. They will be sent background materials on the issue and then will be asked to watch a televised presentation on the evening of Day 4 of the citizens panel. During this show the panelists will present their tentative conclusions. Members of the jury pool will then have an opportunity to call in questions and

comments to the panelists. Immediately after the show is over, a survey will be conducted of those in the jury pool. The results of the survey will be made available to the panelists the next morning, giving the panelists a chance to revise their recommendations in light of what a representative sample of the citizens of the state want.³

The TV show on which the panelists present their tentative conclusions to the jury pool will, of course, be available for anyone to watch. Although the audience for such shows is typically not very large, it still will give those people who care strongly about issues the rare opportunity to see a high-quality discussion carried on by their peers and not just by experts.

The 1993 Citizens Jury on the federal budget provides a good example of why this consultation with the jury pool is important. This was one of two national projects conducted by the Jefferson Center, and was highly praised by both jurors and commentators. One of the jurors' most interesting decisions was their 17 to 7 vote in favor of an annual \$70 billion tax increase. The project staff knew that this recommendation was so at odds with public opinion that it risked discrediting the whole process both in the eyes of elected officials and the public in general. No official then, as now, would dare to run for election and openly support an increase in taxes.

Suppose, however, that there had been a consultation with the jury pool in such a situation. Some 400 people from around the United States would have watched a TV program on the evening of Day 4 of the event. They would have been surveyed immediately afterwards, so that their views on what the panelists were proposing would have been available the next morning as the panelists started their final deliberations.

Suppose further that only a quarter of the jury pool indicated willingness to support a \$70 billion tax increase, but half supported a \$50 billion tax increase, and two-thirds supported an increase of \$30 billion. The panelists would then have been much better informed about what their fellow citizens would be willing to accept or support, and they would have had the opportunity to decide if they wanted to modify their tentative proposal of the previous evening. Panelists could

³ This dialogue between a citizens panel and its jury pool stems from the idea of linking together a Citizens Jury and a Televote. The latter method is described in Appendix B.

stick with their original proposal if they were sure that they were on the right track, or they could suggest a smaller tax increase, one more likely to be supported by the general public.

The aim of using the jury pool is to establish a bridge between the citizens panel and the public. It would be quite possible to use multiple citizens panels to allow 400 or even 600 people to go through the same five-day exercise that is now proposed only for a single panel of 24 people.⁴ But this would defeat the purpose of allowing the panelists to see how their views are received by the public as a whole. The way this is set up, the panelists get a chance to present their views to the public and hear back from them. It is very likely that people in the jury pool are going to be more sympathetic than the general public to the views of a citizens panel. In light of this, if the panelists cannot convince even the jury pool to accept their recommendations, then certainly the larger public will be opposed.

If the issue is of sufficient importance, then it will be one of the six issues discussed in the following year as well. This will provide an interesting check on the work of the previous year. In our example, would the panelists still propose a tax increase in the \$70 billion range, knowing that in the previous year the jury pool had been opposed? If they do propose it, they will surely do it only because they feel it is essential, and they certainly will try to make their best case to persuade the jury pool of its importance. In such a case, the jury pool may be more open to a larger increase, given that the panelists are proposing it a second time even though they know it is not popular.

This exercise, carried on for several years, is important whether or not the panelists and the jury pool come to some general agreement. If a strong majority of both jury pool and panelists agree on the issue for several years, it shows clearly what the people of the state want on that issue. If this does not happen at all, it shows the people are finding it difficult to come to grips with this issue. It is also possible that the citizens panels and jury pools will agree, but their agreement does not reflect the views of the public as revealed in public opinion polls. If this were to happen frequently on most issues, then it would be a

⁴ The largest use of multiple citizens panels has been in Germany, where Peter Dienel has undertaken projects using about two dozen citizens panels around the nation. The Deliberative Poll, discussed in Appendix B, also involves large numbers of people for several days in the examination of an issue.

strong indication that the whole process did not have credibility with the public. (Another option would be that it was victim of very large, negative PR campaigns.) In any case, a long-term dissonance between the CEF findings and public opinion would likely lead to the process lapsing when the sunset clause came into effect. But if such a dissonance were to happen only on occasion, then it would show that some particular issue was a tough one for the public to deal with. The significance of these different results will be discussed later in dealing with the citizens panels that rate the candidates.

There is one more point to cover here. What happens if some very powerful interest mounts a large public relations campaign in order to sway the public away from an emerging agreement between the citizens panels and the jury pools? Isn't it likely that a major PR campaign would influence the public more than the discussions taking place between a citizens panel and its jury pool?

Certainly this might swing the public against what the citizens panels and jury pools were deciding. But it would have to be a public relations campaign done with considerable integrity. The normal tricks used in PR campaigns would present a significant risk of backfiring. For example, if the special interest group waited until the year of the gubernatorial race to run the campaign, they would open themselves to being seen as opportunists who refused to join the public in an ongoing dialogue, waiting until the end to try to manipulate things. This would not sit well with the citizens panels called in to make the final evaluation of the candidates on their stands on issues.

Another typical tactic is to base a PR campaign upon half-truths and questionable claims. Mightn't this undercut the force of what the citizens panel and jury pool had agreed on? In a situation like this, it is almost certain that the proponents of the position attacked by the special interest would spend considerable time reviewing the PR campaign for accuracy. In the following year's citizens panel, those whose position had been attacked would certainly point out to the new panelists the tactics that had been used to smear them. Unless the special interest could convince the panelists that the PR campaign had indeed been based on fair and accurate information, the result would likely be a great swing against the position the special interest supported. The second citizens panel might well end up taking a stronger stand on the issue than had the citizens panel of the previous year.

I am not claiming that the issue discussions of the Citizens Election Forum will eliminate all manipulative techniques. Surely these will continue to be used in a variety of forms, with more or less success. But the CEF should reduce the power of PR campaigns, especially those based upon lies and questionable information. The more the public learns to like the Citizens Election Forum and the discussions thus engendered, the more the special interests will be drawn into a reasoned discussion of issues, with their arguments laid out before citizens panels.

One thing the board of commissioners that oversees the CEF must consider is what should be done to publicize the process. This will entail risks, since the more one tries to attract the attention of the media, the greater the danger the project may become warped. If any trade-off between publicity and integrity comes up, the latter must always win. The same holds for methods that can be used to involve many people around the state, either through watching parts of the discussion on TV, by participating on-line, or by joining in face-to-face discussions. There is a wealth of experience here with a number of interesting methods,⁵ but these must be used with care to be sure that special interests do not take advantage of them.

Rating Gubernatorial Candidates

The second part of the Citizens Election Forum, and really the heart of what will empower it, is the rating of gubernatorial candidates on their stands on issues. It would be possible to rate all statewide candidates on their stands on issues, or all candidates for the state legislature too. But this would raise the cost and complexity of the reform

⁵ There is considerable experience to draw upon here. Interesting public involvement efforts on a variety of issues have been carried out for at least two decades. For example, the Public Agenda Foundation mounted a broad discussion of health care in Iowa in the 1980s. A whole series of discussions on health care in the early 1990s led to interesting legislation on health care in Oregon. The Study Circle Resource Center has done much work to stimulate public discussions. Recent projects, such as the Deliberative Poll project in Connecticut and the large group meeting hosted by America Speaks to discuss plans for rebuilding the World Trade Center in New York, also provide interesting models. But all of these methods (other than the Deliberative Poll) use volunteer participants and run the risk that highly interested parties will be able to stack the meetings in their favor.

a great deal. It will be much wiser to start with the gubernatorial candidates and then add other offices later, than to start off with a process that is more complicated than a new staff may be prepared to run and more complex than the public can easily absorb.

Therefore, the proposal for the CEF is that early in the year of a gubernatorial election a special citizens panel will be held to choose which issues are most important in the governor's race. The participants will hear from a range of witnesses, including representatives of the likely gubernatorial candidates. Then the participants will choose three or four issues to form the basis for the evaluation of the candidates in the late summer or early fall. A citizens panel will be held on each of these issues, and the candidates will be invited to come and express their views on the issues. Panelists will have ample time to question the candidates about where they stand and why. At the end of each citizens panel, the panelists will rate the candidates on how they stand on the issue under consideration.

The goal of rating candidates on their stands on issues is not to tell the voters how to vote. Instead, the goal is to give trustworthy information to all voters, based on the opportunity a microcosm of the public has had to evaluate the candidates' stands on three or four issues.

There is a great deal of evidence that, in any election, Americans vote more for the person than for the issues. Why, then, rely only on issues for the evaluation? First, in the 1990 Citizens Jury on the gubernatorial race in Minnesota, it became clear that the participants in the Citizens Jury projects preferred evaluating candidates on issues. They were given the option of expanding their review to personality characteristics and chose not to, on the grounds that personality was already playing too large a role in election campaigns and they wanted to do something more solid.

The second reason is that personal characteristics play a significant role in the evaluation of candidates on their positions on issues. The candidates' integrity, leadership ability and experience were all taken into consideration in the ratings jurors gave to the candidates in the four Citizens Jury projects on elections in the late 1980s and early 1990s. But concentrating on three specific issues produced better grounds for making judgments about these aspects of the candidates than did a general discussion of the candidates' character.

Conducting the issue dialogues on a yearly basis will give the peo-

ple a long time to consider issues and determine what agreement they can reach over them. Which issues are finally chosen for rating the candidates may not depend on the level of agreement reached by the citizens panels, jury pools and the public. Conceivably, an issue where there is very high agreement may lead to the candidates' taking nearly identical stands. Issues with low public agreement may lead to differences between candidates, but the lack of public agreement may make the evaluation of the candidates difficult. The issues most likely to be chosen are those about which there is enough agreement to indicate some public consensus, but not so much agreement that the candidates are taking nearly identical stands.

If the Citizens Jury projects that evaluated candidates in the 1990s are any indication, the issues chosen will be the standard ones such as jobs, education, health care, environment, government spending, social security, etc. But in those Citizens Jury projects, the issues had to be chosen without knowing if the panelists would be able to agree, or whether the candidates themselves were already in agreement.

The fact that the CEF will use three or four separate citizens panels, one on each issue, to evaluate gubernatorial candidates will lead to an examination of the candidates' stands on issues in a depth that rarely, if ever, occurs in the current system. It is likely that these reviews will change the nature of the campaign and eventually the kind of candidates who choose to run. The best candidate in the current system is one who is media friendly and knows how to make different promises to different interest groups. Currently, it is not uncommon to hear pundits discount the ability of a candidate if that candidate gives answers that are too substantive and not snappy.

But the typical media-friendly candidate will encounter considerable difficulty coming off well in the detailed discussion of issues that will occur in the Citizens Election Forum. One of the more interesting anecdotes from the 1990 Citizens Jury on the Minnesota gubernatorial race happened in the middle of the hearings for the general election. Gov. Rudy Perpich had participated in the hearings around the state before the primaries, but had decided not to participate in the hearings for the general election (he had not done well during the primary hearings). He did, however, allow some of his top aides to participate. He was represented in the hearings on finances and budget by Commissioner of Finance Peter Hutchinson, and a promi-

ment Democratic Senator John Brandl (who was also a professor at the Humphrey Institute of Public Affairs).

Bob Meek, the skilled political consultant who advised us on the project, leaned over and whispered to me that it was fun to watch how much the panelists liked the two men, noting that "They are eating up everything the two of them are saying." This led me to ask whether one or the other might not consider running for governor. Meek gave me a surprised look and said: "They're much too substantive and lack sparkle; they would never survive a normal campaign." The more that the CEF is able to swing votes, the more we should get better informed candidates who can speak clearly to the people on issues, as opposed to the candidates who look good on TV and are skilled in raising funds.

What is important here is not simply that candidates are driven to taking clear stands on issues. When candidates appear before the citizens panels that evaluate them on their stands on issues, they will have to have a firm grasp of key issues and be able to talk about them intelligently if they expect to get good ratings. They may even have to indicate in advance who their cabinet officers will be in these areas, since they may have to bring such people along to the hearings in order to look credible to the participants.

Most candidates would do almost anything possible to avoid attending hearings like these. Indeed, even a decade after the 1990 gubernatorial Citizens Jury, former Gov. Arne Carlson of Minnesota jokes with people from the Jefferson Center about how demanding our 1990 project was and how much he disliked having to bone up on the issues. And he was better on the issues than most of the other candidates. He did so well in the ratings that his ads listed the results of the Citizens Jury evaluations as one of ten reasons to vote for him.

This is one of the reasons for putting the CEF into place through an initiative or a referendum. If the CEF has been set up in a state because a majority of the voters want it, then it will be very difficult for any serious candidate to avoid attending the hearings. The negative public reaction toward any candidate who declined to attend would be very strong. A candidate's failure to attend surely would be made a major campaign issue by his or her opponents.

Although the design of the Citizens Election Forum is somewhat complex, the recommendations that come out of it can be summarized

An Important Technical Concern

Setting the agendas for both the issue hearings and the hearings to evaluate candidates will be a challenge. With the issue hearings, is it a good idea to ask the panelists to choose between alternative plans that have been built to emphasize different values, or is it better to ask the panelists to deal directly with the basic values involved in the issue and try to decide how to deal with those circumstances where one value may have to be sacrificed for others? These are the kinds of questions the Jefferson Center staff often faced. The Center never found a set of guidelines so clear that it made these questions easy to answer.

The ideal way to set an agenda for a complex public policy matter is to test out several ways of doing it by actually conducting several full citizens panel projects with different agendas. After these have been completed, the staff who conducted the citizens panels should meet with a few of the panelists from each of the citizens panels and determine which approach was the best one for setting the agenda. The Jefferson Center experience is that meetings like this are a challenge not only for the former panelists, but also for staff. Coaching from someone skilled in organizational development can help a staff deal with agenda-setting questions in a relaxed, open-minded and productive way.

A solid method must be set up for the staff to consult with a microcosm of the public about setting the agendas. If this is not done, there is the risk that political considerations may intrude on the process. It is essential that staff avoid even a hint of political bias in deciding which agenda to select for the citizens panels used to evaluate gubernatorial candidates. An example can show why this is so important.

Imagine that Democrats in the state have discovered through focus groups and other studies that people in citizens panels like the "single-payer" approach as a way of providing universal health care coverage to people in the state. The Democrats, in light of this, strongly support the single-payer approach. The Republicans, with similar focus groups and other studies, discover that their approach to managed care fares best if a citizens panel is presented with value trade-offs in which they become aware of the high cost of modern medicine and the need for keeping costs down. In such a case, if the agenda is chosen in a way that can be influenced by lobbying, and it appears to favor one side, the evaluation of the gubernatorial candidates will come under serious criticism. Only an agenda-setting method that is clearly above politics, and perceived as such by the public, will be able to maintain public trust in the Citizens Election Forum.

on a single page in the voters guide. Whether it is wise to do this is another matter, given that this may make voters jump to conclusions without studying the evaluations at all. It may be better to summarize each issue separately on a single summary page, which would look something like the chart that follows. As with the evaluation of initiatives, the information would be presented so that the person in a hurry could quickly learn enough to vote with the majority. And if someone wanted to look in depth at how the participants voted and what they considered to be most important, that information would be available.

All of this information will be made available in the same ways that were used with the evaluation of initiatives. The result should be that a great deal of substance is introduced into the campaign for governor. This is likely to have a strong influence on voters. As noted in Chapter 4, research by the Jefferson Center on its 1990 Citizens Jury on the Minnesota gubernatorial election indicated that the jurors' recommendations changed the votes of 10 percent of the sample population studied. The CEF will engage the public in a much more extensive way and therefore should have the potential for changing the votes of even more than 10 percent of the electorate.

Effective Citizen Control

As with the Citizens Initiative Review, it is vital that the CEF be set up to ensure that the whole project is conducted in a trustworthy way. Those who run it must have a dedication to fairness and must be sure that subtle biases do not slip into its operation. The staff who will run the citizens panels will surely become a close group, as do any professionals who work closely together. Therefore, special steps must be taken to ensure that this close working relationship does not lead them to favor one ideology or point of view over another. This will require some sophisticated training, as well as oversight from a group of citizens, to keep them as unbiased as possible. It is impossible to eliminate all biases and be completely fair, but it is possible to minimize biases to the degree that the whole process remains trusted by the public.

The basic structure of the board of commissioners that will oversee the CEF should be the same as that proposed for the Citizens Initiative Review. But the agenda-setting problems reviewed above show how the need to avoid staff biases becomes considerably more difficult when the staff must set agendas to review multifaceted issues

Candidate Ratings on the Environment

The following are the ratings we gave the major candidates in the race for governor on their stands on the environment and their capability of dealing with the issue:

Our overall ratings, on a scale of 1 to 10 (with 10 being the best), are as follows

Candidate A:	8.5
Candidate B	7.3
Candidate C	6.7
Candidate D	6.4

Before voting on the above, we first rated the candidates on several other characteristics relevant to their ability to deal with the environment, as follows:

Integrity:

Candidate A:	9.1
Candidate B	7.8
Candidate C	9.2
Candidate D	5.1

Knowledge:

Candidate A:	6.4
Candidate B	8.3
Candidate C	5.4
Candidate D	9.3

Ability to form a good team on this issue and provide leadership:

Candidate A:	9.2
Candidate B	6.3
Candidate C	7.0
Candidate D	5.3

More material on the candidates' stands on the environment can be found on Page X. This includes our reasons for voting the way we did. We urge voters to explore this or go to the Web site if they wish to learn more about where the different candidates stood on the environment.

for the evaluation of candidates, as opposed to the two-sided situation when reviewing initiatives.

This is the major technical reason why it is better to have the CIR up and running in one or two states before the CEF is tried. If this happens, there will be experience with the kind of board outlined in Chapter 4, with six commissioners selected from among the evaluation committees, and two each appointed by the governor and the secretary of state, with the latter serving as chair. If this has worked well, then it would be a logical starting point for designing the CEF board. But it would be very important to have the CEF designers interview CIR board members to see if the same model should be applied to the CEF. Would it be wiser to have fewer appointees from the governor and the secretary of state? Those appointed by public officials may find it difficult not to take a partisan position regarding agendas.

Another thing that should be helpful in designing the CEF board and staff is that, with any luck, foundations will have funded conferences for CIR board members and staff to attend. The discussions at these conferences should be very helpful in crafting the CEF. Will additional safeguards have to be set up to limit lobbying of the board, staff, and evaluation committee members? Such safeguards might include limits placed on lobbyists, or additional training and meetings among staff, board, and evaluation committee members to help them develop mutual support strategies to preclude having to deal with unwelcome pressures. These kinds of technical questions are important, but will be much easier to answer once the CIR has been adopted in a few states and some solid research has been done.⁶

Added to the problems of agenda-setting will be the political pressures that are sure to arise if the CEF succeeds in its goal of helping voters do a wiser job of voting. Candidates and interests who see themselves disadvantaged by the CEF will surely seek ways to subvert it. This opposition is likely to use focus groups and polls to locate the weak points of the CEF and identify ways of discrediting it. For this reason, the CEF should only be introduced in a state that appears likely to give it strong support. This might be a state that has already had the CIR for

⁶ It is also likely that a citizens panel would be conducted on how to craft the CEF for a particular state, just as was done with the Citizens Jury on the CIR held in Washington state in 2001.

several years, or it might be a state in which focus groups and polls show that the CEF is likely to receive wide support. Certainly the CEF should be introduced through an initiative or referendum so that it is put into place by the people themselves. But an initiative should be undertaken only if polling shows that a relatively wide margin of victory is likely.

The path toward healthy democracy is unlikely to be smooth. It would be surprising if the Citizens Election Forum were to succeed in every state in which it is tried. But so long as it succeeds in a few states and the methods are refined, it will serve as a powerful stimulus to improve the health of American democracy.

What the CEF Will Give the Public

The CEF has an advantage over the Citizens Initiative Review in that its goal is to make representative democracy healthier, rather than relying on direct democracy. Although a considerable amount can be done to promote healthy democracy by making the initiative process work well, in the end we must have effective representative democracy if our governments are to be well run. Budgets, for example, are best set by representatives. This is not to say that citizens in a citizens panel project cannot do a good job with budgets. Two Citizens Jury projects on budgets in the 1990s showed that citizens can do an excellent job of recommending overall budget priorities. But in the end there must be someone who takes responsibility for making the overall decisions, and doing so in the detail needed to run a government properly.

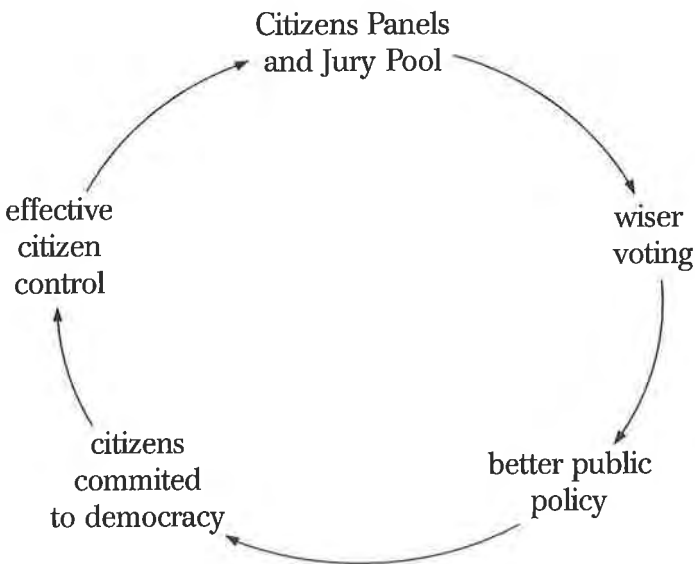
The healthiest democracy will be the one in which a relationship of mutual trust exists between the citizens and the elected officials. It is very difficult for elected representatives to trust the views of the public as things now stand, with the public the victim of so much manipulation. But with citizens panels to help people shape their views, elected officials should have a great deal to respect as they make public policy. If too much reliance is placed upon the Citizens Initiative Review, the public may be tempted to rely more and more on initiatives to get what they want while leaving the rest of public policy to a legislature and governor's office they do not trust. This has little chance of leading to a healthy democracy.

On the other hand, the evaluation of gubernatorial candidates on their stands on issues will be a reform more difficult to get rolling. It

is likely that there will be four years between the adoption of the reform and the evaluation of the first set of gubernatorial candidates. During that time, it is not clear what the public reaction to the issue dialogues will be. Indeed, in those initial years it is possible that a group of special interests would mount an all-out attack on the process and the media would go along. In that case, the reform might be dead in the water before the first round of gubernatorial evaluations even took place. This is another reason that a state should not undertake the Citizens Election Forum until a strong majority of the voting public has a basic understanding of what the reform will deliver and realizes that patience will be needed for it to work properly.

But, assuming the Citizens Election Forum runs smoothly for several years, it would not be surprising to see it expanded to the evaluation of legislative, as well as gubernatorial, candidates. This would certainly cost more, at least doubling the cost of the project. But if people like it well enough, this would certainly be a modest price to pay

The Circle of Citizen Empowerment



for achieving a way to elect both a governor and a legislature committed to carrying out a set of programs that will serve the long-term interests of the public.

Once the Citizens Election Forum gets rolling, it could help create a "circle of citizen empowerment," as sketched out in the chart on the following page. This will happen when the evaluations of the citizens panels become widely enough trusted by the public that their recommendations have a significant impact on elections. When this happens, elected officials will start doing what the public wants rather than what the most powerful interests want. This, in turn, will make citizens more committed to maintaining a healthy democracy in their state. This commitment is essential if effective citizen control is to be maintained over a long period of time. With effective citizen control, citizens panels will be run in a trustworthy way and the whole project will continue to improve the health of democracy in states where they are run.

This may seem to be a very grand idea, something almost utopian. Clearly, it is possible that the Citizens Election Forum may not achieve this much influence, and the circle of citizen empowerment will be only of modest importance. But it is not at all bad to have a vision of democratic health toward which we strive. Even if it takes a long time and we never quite meet the dream, the reform should still do a great deal of good. The Founding Fathers had a dream that inspired them and continues to inspire us. Dreaming about healthy democracy can be a constructive thing to do, especially when there are very concrete steps one can take to move in that direction.

Just imagine what it would be like to have a governor and representatives in the state capitol who are seen by a majority of the public as "our representatives," people who are there to serve our long-term best interests.⁷ The perversion of the representative role has gone so

⁷ This should not be interpreted as the promotion of "big government." If the American public, upon reflection, sees its interest as lying in a smaller government that plays very limited roles, then this is the kind of government that will emerge when the representatives are really in tune with an informed public. The real difference such a government will make is that the representatives will rise above simplistic ideologies, such as opposition to all "big government" or trying to cure all problems through government programs. They will fund those programs that government indeed can perform well, while not indulging in the funding of special interests, as is now the case.

far in the last half of the 20th century that it is not easy to imagine that people could actually see the top government officials in this way. Yet this is how the best elected officials have always hoped to be seen. If we can restore even a modest amount of this faith in government, the result will be well worth whatever effort it takes to get it adopted. And the Citizens Election Forum, building upon the Citizens Initiative Review, is a way to accomplish this.

Other Approaches to Creating a Trustworthy Voice

The project was quite stimulating and offered a terrific way of educating the people and politicians on views that govern the world. If I had to do all this myself, I would do it exactly the same way. Choosing the average American for this type of project was the appropriate way of doing this, since so much depends on the lives of average citizens. Once again, thanks for the opportunity. It will always be a very important and rewarding part of my life.

Juanita Graham
Brooklyn, N.Y., 1993¹

The Citizens Initiative Review and the Citizens Election Forum are by no means the only way to empower citizens panels to play a significant role in our political system. If you reflect upon the different methods that aim to create an authentic voice of the people and then mix these with different approaches to empowering them, there surely are a large number of possibilities. In this chapter I shall review three of these, two proposed by other democratic innovators and one based upon my own work.

The Citizens Budget Review

Few things at the level of state government are as important as budgeting and appropriations. This is also one of the most arcane aspects of government, something followed closely by only a tiny portion of the public. Budget setting and appropriations are, by their very

¹ Juanita Graham was one of 24 people selected at random in 1993 from the nation as a whole to participate in the Citizens Jury on the federal budget described in this chapter.

nature, complex. Added to this is the desire of many legislators and lobbyists to hide what they do, as various legislators enhance their power through the deals they make and many special interests get a larger piece of the pie than an aware public would want them to have.

The Citizens Budget Review is based upon the Jefferson Center's success in using the Citizens Jury process to review state and federal budgets. This is not a proposal that ties the recommendations of a citizens panel to a vote. The idea is to have a yearly (or possibly biennial) review of a state budget by a citizens panel and its jury pool. This review would not be advisory to the people at election time, but would be advisory to legislators as they go about preparing the budget for state government.

The Citizens Budget Review is proposed as a reform that would be mandated to be part of the budgeting process for the House of Representatives in some state. It will use citizens panels, along with jury pool consultation, to review the state budget and give its recommendations directly to a committee of the House. It will be introduced as a part of state law, almost certainly through an initiative, since a legislature is even less likely to want this than the CIR or the CEF. The reform presented here could also be put in place to deal with the budgeting process undertaken by the governor's office. But this example will focus on legislatures, so as to make it different from the Citizens Election Forum, which deals with the governor.

Background

One of the biggest surprises for me during the 1990s was how well the Citizens Jury projects on budgets worked. The Jefferson Center conducted two of these, one on the U.S. federal budget in 1993 and another on the Minnesota state budget in 1996. Both of these projects were done as demonstration projects with the hope of gaining the attention of the media and of policy wonks show what citizens can do on such a complex topic. In neither case was an attempt made to work with government officials to get their cooperation in running the projects, nor to get any promises from them to pay attention to the recommendations.

In the 1993 project I thought it unlikely that the 24 jurors could do a good job of designing their own suggestions for a federal budget. Therefore the charge to the jurors contained a number of questions that were relevant to budgeting, but did not include the request that

they come up with their own budget. (For example, What are the most significant tough choices we face if America is to be strong and healthy in the 21st century? What potential sacrifices do we face?)

The Center had worked hard to bring in first-rate witnesses. Vin Weber, a former congressman from Minnesota, was in charge of bringing in witnesses from a conservative point of view. Robert Kutner, editor of the magazine *American Prospect*, brought in liberal witnesses. The framework for the budget discussion was set by Tom Stinson, who is a professor of agricultural economics at the University of Minnesota, as well as the state economist in Minnesota. (He has served under four different governors from three different parties). This framework required that the witnesses all work off of the same budgetary baselines so that their suggested expenditures and taxes would be easy to compare. Because of this, the jurors found it easier to gain an overview of the federal budget than is possible for most citizens. During the last two days they discovered that it was going to be possible for them to propose their own budget, as opposed to simply making comments on tough choices and possible sacrifices.

Granted, this was a very broad picture and not very detailed. But the jurors did make recommendations for spending in six major areas: defense, social infrastructure, social security, health care, physical infrastructure, and "other government." Their report listed their proposals in comparison to the budget suggested by President Clinton and by the conservative and liberal witnesses. They suggested spending cuts of \$26 billion compared to the Congressional Budget Office's (CBO) projected budget, but were quite disturbed by the projected deficit. They decided that they wanted a projected deficit that was \$96 billion lower than CBO projections. This required a \$70 billion tax increase, which they included as one of their suggestions, indicating clearly how these funds should be raised.

This was the first national project that the Center had conducted, and it was one of the most successful in terms of the satisfaction expressed by observers and by the jurors themselves. In the bias ratings, 22 jurors voted that they were "very satisfied," one was "satisfied" and one did not vote. This was also the project about which William Raspberry of the *Washington Post* wrote:

These men and women were a microcosm of America, representing the whole range of class, age and regional

imperatives that make fair budgeting so difficult. But when they undertook a responsibility that went beyond their individual group interests—when they took the time to inform themselves and try to deal rationally with the national interest—they managed a surprising degree of consensus This Citizens Jury has done what the Founding Fathers intended Congress to do.²

Raspberry ended his op-ed piece with the statement: “The politicians can’t do what has to be done. The people can’t afford not to.”

In 1996 we used the same format to consider the state budget of Minnesota. Again, we had the good fortune of having Tom Stinson set up the framework for the budget analysis. This project went equally well, with a high percentage of the jurors again saying they were “very satisfied” with the fairness of the project.³ The drawback to the project was that virtually no attention was paid to it by state officials other than Prof. Stinson. This was in line with the one reservation William Raspberry had expressed in 1993: The process did not appear to attract any interest from the legislators and public officials who set the budget.

This is typical of state officials’ response to the Citizens Jury process. Although some officials in the administration like it, from the point of view of most legislators, the introduction of a trustworthy voice of the people into their workings is at best a waste of their time and at worst a major disturbance of the way they conduct their business. But now, as the public patience with legislatures is growing very thin in many states, the time has come to introduce citizens panels into their workings. However, this must be done in such a way that legislators will find it difficult to ignore.

The Proposal

The Citizens Budget Review really is a fairly flexible concept that

² *Washington Post*, January 23, 1993.

³ All jurors reported themselves “very satisfied,” except for one who voted “satisfied,” one who voted “neutral,” and two who did not vote (one of them went into labor on the last day of the project and the other accompanied her to the hospital). Of all the Citizens Jury projects conducted, this was the largest number of jurors who failed to complete the process.

could be set up in a number of different ways. It would certainly make sense to set it up to try to influence the budgetary planning that takes place in the governor's office and the department of finance. It could even be set up on a yearly basis with the goal of reporting to the public about the status of the state budget, without an attempt to tie it either to the legislature or the administration. Exactly how it is set up will depend upon the desires of those who promote it in a state where it is established. But for the purposes of this chapter, let me simply propose this as something that would be tied to the legislative budgeting process.

1. The Citizens Budget Review must be planned so that it fits well with the way a given state legislature goes about its budgeting. In Minnesota, for example, the House Ways and Means Committee sets the "aggregate biennial spending and state budget for the House." Different states will take different approaches to budgeting, so some care should be taken to find the committee that takes a broad look at the budget. The Citizens Budget Review should try to avoid getting bogged down in too detailed a review of what should be spent on which projects. In some states, it might be more appropriate for the citizens panels to deal with the appropriations committee, but I am concerned that this is so close to the hardcore political bargaining that goes on in a state that it will be difficult for the citizens panel to present the big picture of how the state budget should look.
2. The aim of the Citizens Budget Review is to introduce an authentic voice of the people into the state budgeting process. It is likely that this review would be done every two years to correspond with the biennial budgeting process which most states use (in some states there might be a reason for doing this annually). To conduct the Citizens Budget Review properly will require at least two citizens panel/jury pool events. The first would review the budget for the state as it comes from the governor's office to the legislature, making comments and suggesting any changes that the panelists would like to see. This citizens panel would be run very much along the lines of what was done in 1993, except that there would be a report to the jury pool on the evening of the fourth day so that the panelists

could learn how their views fit with those of the broader public.⁴

The second citizens panel would meet when the budgeting committee it is dealing with (eg: Ways and Means) is about to make its final decisions. The law establishing the Citizens Budget Review will require this committee to work appropriately with the second citizens panel. This means the committee must make clear when it will be making the key decisions about the budget. The citizens panel will be convened that week and will be briefed by the Ways and Means staff about where the committee stands. The panelists will then review what the first citizens panel concluded and discuss what they think about what the Ways and Means committee is doing. On the fourth day of their meetings, the panelists will have a chance to discuss the budget with some representatives from the Ways and Means committee. The panel will then draw up their tentative conclusions and consult that evening with the jury pool. On the last day of the citizens panel hearings, the panelists will review survey data from the jury pool and then make their final recommendations to the committee. The law setting up the Citizens Budget Review will contain no stipulation that the committee must follow any recommendations from the citizens panel or jury pool.⁵

3. The recommendations of the citizens panel and jury pool would be made available to the public through a press conference and a report on a Web site. Reports could also be sent to every legislator in the House and Senate. It would even be possible to include the findings of the Citizens Budget Review in the voters guide, which in many states is mailed to every voter. This could include not only the findings of the citizens panel/jury pool, but also the decisions of the Ways and Means Committee, how the House as a whole voted, and what was finally signed into law.

It is likely that members of the House of Representatives will be

⁴ For a fuller description of how the consultation with the jury pool is done, see the section “Yearly Issue Dialogues” in Chapter 5.

unhappy about this. Thus, it is likely that an initiative will have to be used to get this adopted into law. Those involved in designing the Citizens Budget Review for a particular state would be well advised to study the Massachusetts legislature's negative reaction to the introduction of the "clean money" campaign finance reform through an initiative. The Citizens Budget Review should be introduced in the way described here only if there is a strong likelihood that the relevant legislative committees will work in good faith with the citizens panels.

But even when this happens, the Citizens Budget Review is likely to have a strong impact only if political consequences are attached to how the Ways and Means Committee reacts to the process. This means that those who had the skills and power to get the Citizens Budget Review adopted through an initiative must be prepared to do follow-up at election time in key districts. For example, if the chair of the committee, or any prominent member, were to deviate widely from what the citizens recommended, then those who believe in the Citizens Budget Review could mount an electoral effort to see that member defeated at the next election. The political activities need not always be negative. If certain members of the committee were brave enough to side with the citizens panel against the legislative leaders in the House, then supporters of the Citizens Budget Review could work to ensure that those members are reelected.

This proposal may seem out of tune with politics in America today. Why would citizens ever get excited enough about the budgeting process to want to adopt something like this? The answer is that those who care about healthy democracy and are prepared to propose an initiative for this reason may find the Citizens Budget Review a good middle ground between the Citizens Initiative Review and the Citizens

⁵ All of the uses of citizens panels proposed in this book are advisory. This need not be the case. It would probably be possible to amend the constitution of some state so that an initiative process would be established in which citizens panels could make laws directly, as opposed to advising the public, as done with the CIR. My view is that this would be a big mistake. The process would have too much power. As a result, the staff would be much too likely to give in to political pressures or to end up promoting their own ideology. In the case of the Citizens Budget Review, one of the most important powers given to American legislators is to set budgets and appropriate funds. It would raise all sorts of constitutional issues were attempts made to take some of these powers taken away from elected officials and give them to citizens in citizens panels.

Election Forum. The Citizens Initiative Review is easiest to adopt and get running, but is merely reactive. The Citizens Election Forum is proactive, but quite a bit more complex. The Citizens Budget Review falls in between: It is proactive with regard to a key element of public policy making, but not nearly as complicated to run as the Citizens Election Forum. Also, the Citizens Budget Review will cost about the same, or perhaps even a bit less, than the Citizens Initiative Review, while the Citizens Election Forum costs at least twice as much. People in a state considering what kind of healthy democracy reform they want to propose as an initiative may choose the budget review for these reasons.

An additional reason to consider the Citizens Budget Review is that it would be relatively easy to test in a pilot project. A large foundation would be able to support a pilot project for between \$500,000 and \$1 million (depending on the cost of the TV time to allow the citizens panel to report to the jury pool). This would cover two citizens panel/ jury pool events. If no legislators were willing to interact with the panelists in such a pilot project, the foundation should have no trouble putting together an advisory committee with whom the citizens panel could consult and to whom they could make their final report.

As with the CIR and the CEF, the Citizens Budget Review should be designed to run as an independent entity of state government. It probably should be set up as a completely independent commission. State planning departments are usually too much under the direct control of the governor for it to work well there. Some careful thought will have to be given as to how this should be done. Finally, it should be proposed with a sunset provision just in case it does not work as intended.

Informing the Public Via the Ballot

John Gastil, a political communication scholar at the University of Washington, has made a number of interesting proposals in his recent book, *By Popular Demand*. He and I have had many discussions about citizens panels⁶ and have influenced each other's work. In his book, he proposes five ways in which citizens panels can be used to empower

⁶ Gastil makes a strong case that the term should be written "citizen panel," not "citizens panel" as used in this book. We joke that this really should not be decided by academics, but by a microcosm of the public, meeting for several days to resolve the question. But since we cannot agree on what to call such a meeting, we can see no way of holding it.

citizens and voters. Two of his proposals are similar enough to the CIR and the CEF that they will not be discussed here. But three of his proposals are quite different from my proposals and are interesting options for empowering voters at election time.

Gastil prefaces his proposals with a succinct statement of why he has reservations about the reforms most commonly discussed today:

Public financing and term limits might make elections more competitive, but they would not improve voters' candidate evaluations. Regulations on the messages candidates send to voters are either unenforceable or unconstitutional, and efforts to provide voters with neutral guides have not gone far enough to change fundamentally how citizens vote. (137)

His basic recommendation is that "voters should have access to the results of representative citizen deliberation on the candidates and issues that appear on their ballots" (139). Two of the three proposals we will cover here have this feature. Let us start with his basic proposal, which does not report its conclusions on the ballot, and then move on to the other two.

Priority panels are citizens panels that identify the ten most important pieces of legislation introduced to Congress or a state legislature over the past two years. Furthermore, they would use a governmental body to gather the actual votes of legislators on those ten pieces of legislation, as well as the "unofficial vote" of candidates who had not voted on these bills. These votes on the ten most important issues would be made widely available through voters guides and Web sites. Gastil sees this as an aid to voters, but it is the "tamest" of his suggestions.

Legislative panels would build upon the priority panels. They are citizens panels (similar to, but not identical with, the descriptions in this book) that would review the ten issues selected by the priority panels, with the goal of having citizens say how they would have voted on these bills. The task of each citizens panel would be to reach agreement (two-thirds majority or greater) on the bill before them. This vote would then be published along with the votes of the candidates, with brief explanations given by the candidates and the citizens panels for their positions. The legislative panels meet in an election year only after all candidates have been asked to turn in their votes on the issues selected

by the priority panels. This means that challengers in an election would have to take an official stand on key pieces of legislation just as office holders already have done by casting their vote on the bill.⁷

What makes legislative panels especially powerful is that a summary of all of this information will be placed on the ballot. A rating would indicate what percent of each candidates' votes agree with votes of the citizens panels. Currently, each candidate on a ballot (except for nonpartisan local elections) is identified by political party. The rating of the legislative panels would be placed next to the name of the candidate as an additional cue to voters. More extensive information would appear on this in the official voters guide (assuming the state has such a guide, as many do) so that voters could decide in advance if they want to pay any attention to the single score when they vote. Gastil notes that "the cue is not flawless, but it provides uninformed, confused, or undecided voters with one simple fact to consider before marking their ballots."

Gastil's legislative panels and the Citizens Election Forum are variations on the same theme, so some aspects of one could easily be added to the other. If the legislative panels' recommendations were included only in the voters guide and not on the ballot, then they would be more like the CEF. Conversely, one could take the results of the CEF deliberations and place them on the ballot in a single summary score. Smaller details could also be exchanged.

Taking the two proposals as they stand, however, Gastil's legislative panels have two potential advantages over the CEF. The most obvious is that the conclusions are summarized right on the ballot, where all voters will see them, not just the voters who happen to read the voters guide. The second aspect of the legislative panels, which some may like, is that they are based on actual pieces of legislation that have been considered during the previous term of those legislators up for election. Also there are ten issues considered, rather than only the three suggested for the CEF. It ties the legislative panels more directly to the work of the legislature than does the CEF.

⁷ When Gastil refers to a bill, he is also referring to possible amendments. Often the most important votes in a legislature are not on the bill as a whole, but on key amendments. Gastil makes it clear that when this happens, the priority panels may select the amendment, rather than the bill as a whole, to place on their "top ten" list.

The two strengths of the CEF over the legislative panels are their depth and the fact that they do not attempt to influence voters so directly. The citizens panels of the CEF take place every year, enabling the public to take more time to consider an issue and where they might stand on it. This means that when the candidates are evaluated on their stands on issues, they are asked to respond to issues as the issues have evolved over several years of public discussions, rather than to explain their stands on bills that found their way into prominence through the legislative process. Another aspect of the CEF that some may see as an advantage is that the evaluations of the citizens panels go into a voters guide and are not summarized as a single score placed on the ballot.

Should citizens panel evaluations be placed on the ballot? Although the idea may initially sound strange, Gastil points out that we think it quite normal that party affiliation appears on the ballot. If it is important to know which party a candidate is affiliated with, then why is it not equally important to know where a candidate stands in relation to what the public thinks about key votes in the legislature? The argument against placing the summary of the legislative panels' votes on the ballot would be that it gives too much weight to a single piece of information. Although voters can indeed look up the detailed summaries of the scores on all ten issues, many will probably not do this and may be tempted simply to vote on the single score alone.

When the panelists in Washington state in May 2001 were considering how to release the views of the CIR panelists on initiatives, they decided they did not want the main summary to start off with the number of votes for and against the initiative. Instead, they wanted the panelists' reasons to be listed first, and the percentage of votes to follow the reasons. I believe that the specific details of democratic reforms should be strongly influenced by the decisions of citizens panels that review these reforms before they are put into place. Future citizens panels may well consider what aspects of legislative panels and the CEF might be put together as the reform most appropriate for their state.

Another obvious difference between the CEF and a legislative panel is that the former is designed to evaluate gubernatorial candidates, while the latter concentrates on legislators. The governor of a state is supposed to look at the big picture and act accordingly, while legislators deal with details and propose the final bills that end up on

the governor's desk for signature. In light of this, it may well be appropriate to use the CEF, with its more general and longer approach to issues, to evaluate gubernatorial candidates, and to use legislative panels and their review of past bills as the most appropriate method for dealing with legislators. Conceivably a state might want both reforms, in the form now proposed, in order to cover both legislative and gubernatorial candidates.

Finally, Gastil proposes *advisory panels*. These would work best at a local level of government. A large panel would be convened to review various proposals coming before the local government. Those proposals deemed important enough would be examined in greater depth by a citizens panel, which would vote after it had heard witnesses and had a chance to deliberate. If two-thirds of the panelists reached an agreement for or against the bill, then this vote would be forwarded to the local governmental body (city council, county board, etc.). This advisory council has the great advantage of speaking out on proposals before the elected officials have taken action. The priority panels and legislative panels vote only after the fact.

The advisory panels could have electoral impact if the voters in the next election examine how the local officials voted and how often they sided with the recommendations of the citizens panels. Gastil proposes that the same kind of rating system be used with this as with the legislative panel, that is, the percentage of the time the official voted in agreement with the citizens panels would be placed on the ballot. But he notes that it would be easy for candidates who are opposing incumbents to score 100% simply by claiming that they had agreed with the advisory panels in every instance. I consider this problem significant enough that I would rather not see the advisory panels tied to elections through a simple summary score.

Gastil's proposals broaden the range of options available for linking a trustworthy voice of the people to the vote. He and I agree that it is probably best to introduce reforms such as these by starting with initiatives.⁸ The challenge of using citizens panels to give trustworthy information to voters lies in finding the resources to mount a success-

⁸ In his *By Popular Demand*, Gastil suggests a reform similar to the Citizens Initiative Review, but I feel that it is close enough to the CIR that it did not warrant discussion here.

ful initiative campaign to get them adopted. The proposals are ready and there is much experience to back them up.

The Citizens Amendment to the U.S. Constitution

There is another proposal for empowering a voice of the people that deserves consideration because it shows how an approach that shares many of the methods and aims of the CIR, CEF and Citizens Budget Review still can be very different in a number of significant ways.

Jim Rough, a facilitator and consultant who lives in Washington state, proposes that a form of citizens panel be used to set the vision and overall direction that America should be taking.⁹ His proposal is aimed at the really big picture. He thinks of it as being adopted by Constitutional Amendment and sees its authority as being stronger than mere advice given to voters at election time.

Rough summarizes the amendment he would like to see added to the Constitution as follows:

Each year twenty-four registered voters will be randomly selected in a lottery to form a Citizens Wisdom Council. This Wisdom Council will be a symbol of the people of the United States. It will meet for one week to choose issues, talk about them, and determine consensus statements. To ensure creative conversation and unanimous conclusions, the meetings are aided by a facilitator. At the end of the week, the Wisdom Council will present the statements to the nation in a new ceremony, from "We the People" to the people. The Citizens Wisdom Council will then disband permanently and the next year a new Wisdom Council will be randomly selected.

Rough invented the Wisdom Council based upon his extensive experience with a facilitation method that can help groups of people gain new insights into problems. Rough proposes that it be conducted using randomly selected people who meet with a facilitator for about a week. Because of this, it can be included under the generic heading

⁹ *Society's Breakthrough!* by Jim Rough, 2002. It may be ordered through www.1stbooks.com

of citizens panel, but it is different from the Citizens Jury process in a number of important ways.

Although the participants in a Wisdom Council are selected at random, Rough does not suggest that they be a stratified microcosm of the community as is done with a Citizens Jury. Rough feels that the stratification process is not really needed, given that the Wisdom Council always operates by consensus. Although the makeup of the Councils will surely vary over the years, Rough believes this will be an unimportant factor in light of the process they go through and the need for consensus.

The Wisdom Council is conducted quite differently from a Citizens Jury. As was explained in Chapter 2 and elaborated on in several other chapters, the agenda for a Citizens Jury is set by staff who work on the project for two or three months before it takes place. Staff members work with a broad-based advisory council to decide how the topic at hand is to be laid out and what witnesses will be most appropriate to present the information. The panelists may suggest modest changes in the charge and the agenda, but the staff decides whether their suggestions will be acted on. Citizen control over this process is exercised by a citizen board, which reviews the projects on an on-going basis to ensure that agendas are set fairly and that staff bias is kept to a minimum.

The Wisdom Council gives much more power to the panelists to shape their own agenda. They have the freedom to choose which topics they will discuss. Witnesses are not called by staff, although the panelists could call their own witnesses if they would like. The panelists need not call witnesses if they feel they are doing well on their own. What Rough seeks is a situation in which the panelists can find their own way to a vision of the direction we should be going in America. He has perfected a method of facilitation that he calls "dynamic facilitation." The use of this method allows the panelists to achieve "breakthroughs," new insights about how to solve a problem and move ahead with unanimity. Those who participate in his week-long workshops (as I have) are very impressed with his facilitative talents and the excitement participants share as they build novel solutions to problems or see a new vision for how we should live together. As compared to the Citizens Jury process, the Wisdom Council is built to elicit the creativity of the group involved while playing down information provided from outside sources.

Rough's vision for the Wisdom Council is grand. Although he agrees that it could be tested on the state level, he is so convinced of the virtues of the method that he wants to see it adopted as soon as possible by an amendment to the U.S. Constitution. He notes that America's problems are large, time is short, and there are years of experience with the facilitation methods upon which the Wisdom Council is based. He is further convinced that the power of this exercise will be so great that it will galvanize the public and elected officials alike to move America in new and exciting directions. Certainly he has a point about the power of a Constitutional Amendment. Although his proposal faces formidable barriers to being adopted, given the amount of work and public support needed to amend the Constitution, if the amendment ever were adopted, it would have very broad public support and therefore considerable influence.

Those who believe in the power of ideas find Rough's suggestion powerful. Those who like to know exactly what influence the Wisdom Council will have on government and specifically how its powers will be exercised are less enthusiastic. They side with Gastil and me in thinking that a direct link between the output of a citizens panel and an election is needed.

There is a boldness to Rough's vision that is refreshing. He wants to sweep aside much of what is petty in American politics. He rejects approaches to reform that are overly circumspect. America desperately needs a vision based upon the best instincts of our citizens. Rough offers a way to do this.

Before his approach is adopted, however, it needs some careful testing. What methods, such as those suggested for the CIR, should be used to ensure that the Wisdom Council is conducted without bias and under effective citizen control? These should be tested out at the state and local levels before the Wisdom Council is taken to the national level. Is it true that the best vision for America can be obtained through a single event a year in which not much emphasis is placed on witnesses? Might it be better to run several events a year, perhaps using several other methods as well as the Wisdom Council? And if there is reason to believe it will be an uphill battle to get something as modest as the CIR adopted, then what change in the way politics is conducted in America will be needed to get the Citizens Wisdom Council adopted through a Constitutional Amendment?

The main point, however, is that there are different routes to empowering a trustworthy and authentic voice of the people and different methods available to create it. Those who care about healthy democracy must keep an open mind about options and engage in experimentation to see what will work. Rough's suggestions are an interesting way for creating a vision, Gastil's proposal deserves careful consideration, while the CIR is particularly well-designed for dealing with initiatives. Only careful examination of how these methods work in practice at the state and local levels will tell us for sure which methods are best and for which purposes.

Summary

In this chapter three proposals have been reviewed, each of which aims at empowering a trustworthy voice of the people.

- The Citizens Budget Review is proposed as a way of getting the voice of the people heard in setting a state budget. Although this deals with something more technical and limited than other reforms discussed in this book, it still may provide an interesting option for those who feel that the voice of the people is not heard nearly enough at the time the state budget is set.
- John Gastil's legislative panels provide a powerful way for citizens panels to bring information directly to voters. The interesting consideration here is whether placing a single score on the ballot is so powerful that it will lead people to base their vote on it alone, without paying wider attention to the campaign.
- Jim Rough's Citizens Constitutional Amendment provides a visionary approach to getting the voice of the people heard. It is not tied in any way to elections, but is posited on the belief that if an innovative voice of the people can be expressed in a prominent enough way, it will greatly influence the direction of American politics.

All of the above deserve to be tried. In spite of my attachment to the Citizens Initiative Review as the reform to be tried first, and the Citizens Election Forum as the most powerful way to have an impact on state elections, I feel strongly that healthy democracy is best served through experimentation with many methods and an open mind as to

what will work best. Whatever is tried must fit well with the state where it is proposed. Every state is unique, and care must be exercised that the proposed reform really is something the people of the state will like. At least initially, it is also important to choose states where the proposed reform will not be resisted too strenuously by the state's political establishment.

Excellent ideas are available for making American democracy healthier. The basic elements of the proposals are well tested. What is needed now is the hard work to arouse the public and get the reforms adopted in a number of different states. Trying out the reforms at the state level (or perhaps in large metropolitan areas) will allow us to see which should be taken to the national level and how best to do this.

Part 3

Healthy Democracy at the National Level

The 21st century will be a pivotal time in human history. We face huge challenges, but we have at our disposal marvelous tools that can help us overcome them. Never before has humankind faced so clearly the odd dilemma of standing on the verge of an enlightened era of reduced want, while at the same time facing the possible destruction of our species. Those who will determine the path to get through this century may be viewed in heroic terms by future historians, or they may be seen as dismal failures if there are any survivors left to reflect on it.

The reforms of Part 2, proposed for the state level, obviously must be taken to the national level if we are to do something significant to improve the health of American democracy. There is a huge need for us to improve the national dialogue on such issues as national security (discussed in Chapter 7) and global climate change (Chapter 8). The discussion of both these issues is intended to reinforce the claim that we are not going to get sound policies on major issues so long as we go about it the way we do now.

Especially with regard to foreign and military policy issues we need to find some way to engage the public and our elected officials in a profound discussion of what should be done. This will not be easy. But if we are to adopt enlightened policies that affect the future of humankind, we are going to have to learn how to do this. A critical role that foundations could play in accomplishing this is discussed in Chapter 9.

Finally, how are we going to move from democratic experiments at the state level to similar experiments at the federal level? Since I suggest the initiative process as the best way to implement the reforms in the states, how can this be done nationally, where we have no ini-

tiative, but do have a Congress that surely will be at least as resistant to these reforms as any state legislature? Suggestions for how to deal with this are also found in Chapter 9.

Daunting as it will be to undertake the steps to bring healthy democracy to the national level, the only real question is when it will be done, not if. I find it impossible to imagine America surviving the whole of the 21st century as a major power (or indeed at all) while running our government on an 18th century model, while those who are manipulating the public are using 20th and 21st century tools to do so. Healthy democracy is not just a pleasant improvement; it is fast becoming a necessity. The longer we wait to move toward significant reforms, the more we tempt fate to inflict dreadful consequences. In spite of America's vast power, we are in many ways a vulnerable society, as the tragic events of September 11, 2001 showed. We must act to make our government the best it can be. Either we must give up on democracy, or we must enable the public to play an informed and engaged role in dealing with the complex problems we face.

National Security

La guerre! C'est une chose trop grave pour la confier a des militaires.¹

Clemenceau said that war is much too serious a matter to be entrusted to the military. To this it must added that war is too important to be left to an uninformed public and an unreflective political leadership.

Few areas of public policy are as arcane as the foreign and military policy matters that lie at the heart of our national security. How many Americans have ever bothered to wonder what is in the SIOP, the Single Integrated Operating Plan, which details how we would use our nuclear weapons were a major attack made on the United States? This plan has existed for decades, yet is virtually unknown. Few things have been as vital for our safety and few as difficult to learn about and understand.

On the other hand, public emotions play an essential role in the conduct of our foreign and military policy, and these emotions are often fickle. Most Americans pay little attention to the details of foreign policy, but they can be roused to care deeply about the big picture of what is going on. This creates a dangerous situation. Historians are fond of pointing out how leaders who are in trouble domestically will raise the specter of foreign threats to take the public's mind off of internal problems. Conversely, a public too eager for peace and averse to placing its own young men and women at risk can persuade leaders not to take military actions that in retrospect seem warranted. It seems clear now that the French should have taken action against Hitler in 1936 when German troops reoccupied the Rhineland.

¹ Georges Clemenceau, 1886

Over the last century we have developed hugely sophisticated weapons. We also face novel dangers. The use of these weapons and the response to the dangers we face will have to be equally sophisticated. The point of this chapter is that we face grave risks if we march into the 21st century with a public that is reacting with an uneasy mixture of fear, patriotism, and ignorance. We dare not face the future with a public unwilling to support military actions that are needed, or too ready to support military actions promoted by leaders who want to take the public eye off domestic problems.

Vietnam

To see the difficulty the public has in understanding foreign and military policy, let us take a look at the Vietnam war. This provides a classic case of how a public can be confronted with a foreign policy problem for over a decade and still learn relatively little. Here was a war that dominated headlines for the better part of a decade. If ever Americans were to become educated on matters of war and peace, this would seem to have been the time for them to do so. Let us examine, then, what the public did learn.

Certainly there were large shifts in public opinion during the course of the war, but the lessons learned by a majority of the public did not reflect a very deep understanding of what the war was about or how we should get out. The lessons learned also were not what either the hawks or the doves were hoping for.² The major lesson I take from the war in Vietnam is that if an event of this magnitude did not lead to a very deep public understanding of what was going on, then some new way of engaging the public must be found, or we must simply trust our leaders to do what is best.

Over the period 1965 to 1975 there never was a majority of the public who agreed with either the sophisticated reasons for being in favor of the war or the sophisticated reasons for opposing it. Those who felt strongly that we should take a stand in Vietnam would often cite the "Munich analogy." This was a theory, based upon French and English capitulation to Hitler in Munich in 1938, that an imperialist

² The terms "hawk" and "dove" are convenient, so long as one remembers that these attitudes are spread along a continuum. Later in this chapter a scale is discussed for placing people with "pro-force" and "anti-force" attitudes on such a continuum.

power should be confronted whenever it tries to expand, rather than avoiding confrontation and then ending up having to fight a large war a few years later. During the Vietnam war, this was often referred to as the “domino theory.”

Those who made up the vocal anti-war movement took their positions largely on moral grounds. They believed that it was not a case of the communist North attempting to take over the democratic regime of South Vietnam, but a broad movement within Vietnam to throw off outside domination, having suffered under centuries of Chinese and French rule. The protestors felt we had no business getting involved in this.

From the point of view of most hawks, what the public learned was a disaster. Most Americans learned not to trust our military leaders. In 1966, 62 percent of the public expressed “a great deal of confidence” in the military; by 1977 that had dropped to 27 percent.³ Also they were very skeptical about seeing U.S. troops used abroad, something that came to be referred to as “the Vietnam syndrome.”

But things were not much better for the doves in terms of what was learned. There is good reason to believe that the shift against the war in 1968 was based on pragmatic grounds, namely on our visible lack of success in winning the war. As Howard Schuman said, “More and more Americans now think our intervention was a military mistake, and want to forget the whole thing . . . This explains why the Tet offensive had such a disastrous effect on public opinion, while the My Lai massacre caused hardly a ripple in the polls.”⁴ Thus it was that in March 1969 the most frequent response to the question of what should be done next in Vietnam was “escalate war, go all-out,” with 32 percent of the respondents feeling this way. The fact that 34 percent of Americans in 1976 still agreed with the statement, “we should have used more military force in order to win the war,” shows how small a shift occurred among a significant portion of the public.⁵

What this meant was that the war was fought with both the sophisticated hawks and the sophisticated doves being frustrated, if not outraged, by the lack of public understanding of their positions. Hawks

³ The Harris Poll. See *Current Opinion* 5, no. 4(1977): 37.

⁴ “Two Sources of Antiwar Sentiment in America,” in *American Journal of Sociology* 78, no. 3(1972): 519

⁵ William Watts and Lloyd A. Free, “Nationalism, not Isolationism” in *Foreign Policy* 24(1976): 8

could see that men were dying for their country and the cause of freedom, while the public, not having the backbone it had in World War II, simply wanted out. Doves could see that the public was much too tolerant of an immoral war and did not appreciate the risks the anti-war movement was taking in opposing it.

In 1970, at the time of the U.S. invasion of Cambodia, students across the country organized massive protests. At Kent State University in Ohio the national guard fired on the demonstrators, killing four and wounding 15. But while the students were outraged and the anti-war movement gathered strength, a Gallup poll found in the following weeks that 82 percent of the public disagreed with "the strikes" as a means of protest. Indeed, Americans were so opposed to the protests that, for the first time in several years, "student strikes and protests" were seen as the biggest problem facing the country, not the Vietnam war or international relations.⁶

Beyond this, a close examination of public opinion during that time shows how the public was willing to be led by whomever was president, given their lack of a deeper understanding of events. In May 1966, a Harris poll found those Americans with opinions on the bombing of Hanoi and Haiphong to be split 50-50 over whether it should be done. In July 1966, after the bombing had begun, it was supported by 85 percent and opposed by 15 percent.⁷

The same sort of thing happened when President Richard Nixon ordered troops into Cambodia in May 1970. Just before the troops were sent in, a Harris poll showed only 7 percent favoring such action and 59 percent opposing it. Yet just a few days after troops had been sent in, Harris found 50 percent agreeing with the decision and 43 percent having doubts. These views existed despite the fact that a majority of Americans were skeptical that U.S. troops could accomplish the aims Nixon listed in explaining why the invasion had been undertaken.⁸

One might assume that by the end of the war, the public might have become more skeptical about presidential initiatives. Sadly enough, the Mayaguez incident indicates this was not so. On May 13,

⁶ Milton J. Rosenberg, Sidney Verba, and Philip E. Converse, *Vietnam and the Silent Majority* (New York: Har/Row Books, Harper and Row, 1970), 44, 45.

⁷ John E. Mueller, "Trends in Popular Support for the Wars in Korea and Vietnam," *American Political Science Review* 65(1971): 369.

⁸ Rosenberg, Verba, and Converse, *Vietnam*, 26-27.

1975, two weeks after the American embassy in Saigon was evacuated, the container ship *Mayaguez* was seized by Cambodian gunboats. Two days later, unable to achieve satisfaction through diplomatic channels, President Gerald Ford used marines and air strikes to free the ship and the crew. The result was that the crew of 39 were rescued, but at a cost of 38 dead, 3 missing and 50 wounded.

A Harris poll done ten days later showed that 84 percent of the public approved of this action and only 10 percent disapproved. This also led to the largest jump in Ford's popularity during his term as president (from a 40 percent approval rating in early May to 51 percent in late May). This shows how deeply emotional the public is about military strikes. Apparently lashing out at a renegade group of Cambodians was very satisfying, coming as it did just two weeks after the ignominious retreat of Americans from Saigon. This was the case even though more men were lost than were saved. And the feeling was so strong that it gave a significant boost to the president's popularity.

How is the nation's leadership to conduct a rational foreign policy in a democracy when these kinds of reactions prevail? Instead of war being a tool to express the needs of a people for self-defense or the maintenance of a stable and civil world order, it seems to be more a tool to enhance the popularity of the president, at least when "properly" used. The cynicism of the movie *Wag the Dog* seems not to be far off target.

A Different Approach

At this point the reader will not be surprised to learn that I believe that citizens panels can do a great deal to improve the public's understanding of national security issues. One of the early Citizens Jury projects was conducted on national security questions. Although done early in the Jefferson Center's existence, it still holds considerable relevance for today.

In 1981 the Center had the opportunity to conduct a Citizens Jury on "peacemaking" for the Presbytery of the Twin Cities Area. The Presbyterian Church nationally had suggested that churches and presbyteries (the regional organization of the Presbyterian Church) engage in studies of "peacemaking." The task of the Jefferson Center was to conduct a project for the Presbytery that would belie the view of many conservatives in the church that this was a program with a strong liberal bias.

The Center randomly selected a group of people from the membership of churches belonging to the Presbytery, stratifying them in such a way that there was the same balance of “pro-force,” “anti-force” and “neutrals” (hawks, doves and moderates) on the Citizens Jury as in the Presbytery as a whole. We used a set of six questions drawn from surveys conducted by national polling organizations to construct a scale running from plus 6 (strong hawk) through zero to minus 6 (strong dove). This turned out to be a wise tactic, since we had to approach twice as many pro-force Presbyterians as anti-force in order to construct a Citizens Jury that was a microcosm of the Presbytery. In other words, without the stratification, we would have selected a group that was more dovelike than the membership as a whole.

We convened the group weekly for 10 evening meetings. During the first five weeks the meetings dealt with the problems of peace-making in the Third World; in the last five weeks, the topic was nuclear weapons and deterrence. In both the first and second halves, we used a device called a “values review” to get the participants to take a fresh look at their values on these topics. The most successful values review was an exercise called *The Game to End All Games*. In it, my associate played the role of Secretary of the Soviet Union and I played the President of the United States. We told the jurors that they were the National Security Council and should advise the president on what to do about international problems that might arise, some of which might involve the use of nuclear weapons.

Since our goal was to get the participants to rethink their values, we had two scenarios. In one, we posited a crisis in a Third World country whose leaders appealed for American help to prevent a communist takeover. Peace activists, however, claimed that this was a civil war in which an oppressed group was trying to overthrow a corrupt and brutal regime. This scenario was set up to challenge the assumptions of hawks. If the group pretending they were the National Security Council urged American intervention to prevent a communist takeover, the situation would get worse and worse, with the risks to American troops increasing to the point that threatening the use of nuclear weapons was the only way to extricate ourselves. It was set up so that it became ever clearer that the United States had made a mistake by backing such a corrupt regime.

The other scenario was set up to challenge the assumptions of

doves. It posited a situation in which the Soviet Union took aggressive steps to dominate Eastern Bloc nations more fully. If they succeeded in that, then they moved into West Berlin. They would keep on taking aggressive actions until they controlled the whole of Western Europe unless the United States took a clear stand and threatened to use nuclear weapons if the Russians, using one excuse or another, kept on advancing.

The game took two to three hours. My assistant and I would act out our roles as Secretary of the Soviet Union and President of the United States in such a way as to lead to consequences opposite to what those playing the National Security Council wanted. If the participants were hawkish, they would find themselves getting into deeper and deeper trouble in the Third World nation. If they were dovish, they would find themselves getting into ever deeper trouble in Europe. The game was a great success. It led a number of hawks to end up taking a dovish position during the game and many doves to do the reverse.

Our goal here was not to show either hawks or doves that they were wrong. Instead, we wanted to put people into a situation realistic enough that they would become emotionally involved, as happens in good theater. When done properly, this could lead them to an understanding of a perspective that is very different from how they normally react in situations involving war and peace. This is the kind of realization that almost never occurs in an everyday discussion of politics. People are able to argue for hours and never back down from their favorite positions.

The half of the Citizens Jury that dealt with the Third World did not work quite as well. The jurors picked El Salvador as the example of a conflict they would like to examine. Given that this was early in the work of the Center, my assistant and I presented most of the information, bringing in only two witnesses from outside (from the Heritage Foundation and a liberal church), who testified by phone. Afterwards the jurors agreed that we had done a good job of presenting different points of view in a convincing way, but they felt this was not nearly as good as hearing real witnesses. They also felt they did not have enough time to learn what they wanted.

Even so, we found a surprising shift in one of the jurors. He scored toward the "non-force" end of the continuum on which we measured attitudes, but it turned out that he was strongly anti-communist. In the

interview at the end of the project, we learned that the discussions of El Salvador had had a profound effect on him. During the interview he was so moved that we could barely hear what he was saying. He said he had told hardly anyone that his father-in-law had died in a communist prison camp. Yet when he heard about what was going on in El Salvador, he had deep reservations about what we were doing to support the government against the communist insurgents.

This experiment taught us three important lessons:

1. Randomly selected participants could learn a considerable amount about complicated matters in a relatively short time.
2. Even though they were chosen to represent a wide range of views, the participants were able to discuss things in a respectful way. There were times in small-group sessions when they got irritated with each other, but relations remained respectful through the end of the process.
3. Major attitude shifts could come about if the hearings were structured properly. The kinds of divisions between hawks and doves that only grew worse during the decade of the Vietnam war can be reduced far enough so that people can hold meaningful discussions about what to do if and when military conflict arises.

A Profound Public Dialogue

Can citizens panels be used in a prominent enough way so that the good things that happen in the very special setting of the panels are made relevant to the public as a whole? I have the beginnings of an answer to this question, but a solid answer will depend upon the kinds of research discussed in Chapter 9.

In Chapter 5, on the Citizens Election Forum, I suggested that citizens panels be used in conjunction with their jury pools. On the evening of the fourth day of the hearings, the panelists go on TV to present their tentative conclusions to the jury pool. Then the 400 or so people in the pool are polled immediately and the results given to the panelists the next morning so they can be taken into account during the final day of deliberations. I also pointed out in Chapter 5 that the use of this method does present some interesting challenges on agenda-setting; it will not be easy to use this approach on an ad hoc

basis to discuss specific policy issues and still conduct the project in a fair and neutral way.

In spite of these caveats, the times seem to cry out for a better way of holding discussions about foreign and military policy. Just imagine a president who is prepared to pay serious attention to the views of everyday Americans who have had a chance to learn about a national security issue in a citizens panel. If you are willing to grant me this somewhat unlikely circumstance, then it is possible to imagine a really good discussion of major foreign and military policy issues. The president could kick off the event by attending and wishing the panelists well. On the final day, the president could attend to question the panelists on national television about what they had learned and what they were suggesting. This could be repeated at two- or three-month intervals until there was a rather stable public point of view on the matter under discussion.

Some will object that the president and the National Security Council know things about foreign threats that cannot be disclosed to the public because they are classified. The more the United States is engaged in planning for a specific battle or threat, the more true this is. But much military strategy can be discussed effectively without relying on classified information. Issues such as when to use troops versus when to resort to bombs, or how much to invest in "nation building" to prevent terrorism, can be fully and appropriately discussed without the need to rely upon classified information.

Of course, it is difficult to imagine a president doing this. The president might have to fire most of the political advisors in the White House (or they might all quit) before this could take place. Anyone who becomes president today has trained for quite some time in the trenches of manipulative politics. It would be as difficult for a person like this to engage the public in a non-manipulative way as it would be for a highly aggressive lawyer who specializes in litigation to become the successful director of a Zen counseling center.

But the difficulties of setting up a profound dialogue on foreign and military policy matters should not hinder us from exploring what the benefits might be.

Engaging the Public on Foreign and Military Policy

Given the usual way public opinion on national security issues is approached by the presidency, as compared to using citizens panels as the key for stimulating broader public debate, which approach should be used? By its very nature, the latter is more enlightened, but is it at all realistic to think it might ever be used?

Many liberals were dismayed by President George W. Bush's state of the union address in 2002 when he spoke of three nations as being part of an "axis of evil." But if the president has a clear foreign policy objective, aren't such statements necessary? Americans have always had a penchant for believing in the evil "out there." This was seen in the popularity of Ronald Reagan's stands against the "Evil Empire" and in the deep distrust most Americans felt about communism.⁹ Such rhetoric certainly can produce strong backing for the "peace through strength" position (more commonly known as the hawk position). Is there any good reason to believe that a dovish president, fearing that public sentiments might push for an inappropriate foreign venture, would not resort to equally simplistic rhetoric of the opposite variety? President Lyndon Johnson certainly had great success against Barry Goldwater with the famous TV ad connecting Goldwater with the possibility of nuclear war.

But why would those who believe in peace through strength ever want to try dialogues based on citizens panels? Since they generally seem to have the upper hand in the rhetorical games played with the public, why should a hawk want to do things differently?

My answer is that *informed public support for the conduct of foreign affairs is almost always preferable to support based on fear, or on pragmatism coupled with a low level of public understanding.* If a president enters a serious foreign confrontation backed by public opinion that has been formed in the standard way, a number of options are likely to be closed off. The public still suffers to a fair degree from the "Vietnam syndrome." This means our military options are limited. There may be times when the commitment of a large number of ground troops is the best way of dealing with a military situation. Our

⁹ Norman J. Ornstein, *The People, the Press, & Politics: the Times Mirror study of the American electorate.* (Reading, Mass.: Addison-Wesley, 1988.)

military capabilities are significantly limited if the public will not support such a use of troops.

This does not mean that a president, facing an immediate crisis in Bosnia or Kuwait, should rush to hold a set of dialogues on this specific question. Instead, some organization of high integrity should find a way to start holding significant public discussions on military questions, such as when American troops should be used, how, and what level of loss of life is acceptable. These discussions would ideally take place when no conflict is near at hand. This should help to define the range of options the public is willing to accept and give many more options to a president eager to serve America's national security needs in the best way possible.

The use of American troops abroad is not the only question that would deserve a close look. Interestingly enough, it may well be that significant questions of military preparedness should be examined by the public. Military planners must look a decade or more into the future to develop the weapons we need to fight emerging wars. What kinds of weapons should we be building to support the military forces we guess will be needed in ten or twenty years?

Bill Keller has written a fascinating article on this question.¹⁰ In it, he discusses a disparate group of "revolutionaries" within the defense and foreign policy establishment. These are not doves, but committed military planners. They think that we may be in a "transforming moment" when the nature of warfare takes a major shift. New weapons, new force structures, and new strategies will be needed to win the conflicts of the future. And history shows that the losers in a war are much better at coming up with significant innovations than the winners. It was the Germans, losers in World War I, who came up with the "Blitzkrieg," based on liberating their tank units from the slow-moving infantry.

What this means, according to Keller, is that "the military we have . . . is the enemy of the military we need." The revolutionaries "lament the way admirals and generals become devoted to tank divisions and aircraft carrier flotillas because that is what they know." The revolutionaries "deplore the iron phalanx of contractors and congressmen who fend off competition and innovation as a threat to the featherbedded status quo."

¹⁰ "The Fighting Next Time," *New York Times*, March 10, 2002.

In the current situation it is quite understandable that a president who came into office with fewer popular votes than his opponent would seek not to rock the boat. If you believe you need to take a very strong stand with regard to Iraq, Iran and North Korea, then why not pull the public along with rhetoric and leave Congress and their friendly military contractors pretty much to their old games, changing things only at the margin?¹¹

The answer is that if a president is moving toward a major military action, it is much better to be doing this in partnership with a sophisticated public than to be doing it with a public dragged along with slogans. With such support, a president would have many more options at hand. We face very clever enemies. Even Saddam Hussein's strongest critics did not claim he was stupid. A president limited in the ways war can be fought because of the nature of American public opinion is a president hindered in serving the American public, and indeed the world, as it deserves. A more sophisticated public support would also lead to bolder soldiers, prepared to give their lives for causes they know the public supports. And if military planning has been done to suit future needs rather than to benefit the currently most powerful arms suppliers, our troops will be using weapons designed for the new situations they face.

All of these arguments, of course, also hold for situations in which diplomacy is chosen over the use of military force. Many respected foreign policy analysts feel that there is a deep need to remove the seeds of terrorism by making sure that Third World nations do not fall into the kinds of chaos that breed terrorism. They also make the case that our reliance on foreign oil means, among other things, that America must support a regime in Saudi Arabia that finds it convenient to allow religious schools to promote hate for America. A \$1 tax per gallon on imported oil might do more in the war against terrorism than many more obvious steps we could take.¹² But Americans don't like expen-

¹¹ See "So Much for the Plan To Scrap Old Weapons," *New York Times*, December 22, 2002, Sec. 3, p. 1.

¹² It should not be assumed that a citizens panel would support this idea. If they did not, then the reasons they present for their position would serve to dampen criticism from those who support such a tax, but who now can say that it is not being adopted because of the power of "big oil" or the selfishness of those who drive large vehicles.

sive gas. Any elected official who promotes this risks losing the next election. On the other hand, if Americans in a thorough and intelligent discussion of the situation see the need for such a tax, they may be much more willing to go along with it. This is especially likely if the added tax were proposed in conjunction with a discussion of the trade-offs in terms of the need for military action and the possible loss of life that would result.

If carefully constructed dialogues based on citizens panels were held, and were respected by the president, then a much more rational allocation of resources to national security would be possible. Instead of investing huge amounts in weapons that turn out to be outmoded, we might be investing in more effective weapons, better training of our soldiers, or a foreign policy that ensures that Third World destitution was not going to be the breeding ground for future terrorists. Indeed, the profound dialogue might lead the public to want to invest more on all fronts, and pay the taxes to do so. They might choose to support both the new and old weapons systems, as well as "nation building," and marshals for our airplanes and other high-risk public places.

Surely there are many experts, both hawks and doves, who will never agree that the public, speaking up through methods that lead to an authentic voice of the people, should be involved in the solutions to these challenges. Such experts will claim that the public simply does not and cannot understand the options well enough to make wise decisions. And since the survival of America, if not humankind, depends on making the right choices, this is a place where public involvement should give way to expert opinion. To this, I simply repeat that a loose cannon on the home front is often as dangerous as the foreign enemies we face.

Experience with the Citizens Jury process over the years has shown that once randomly selected citizens understand what the problem is, they are quite prepared to listen to expert advice about the best way to do something. The panelists have never wanted to "fly the plane" or "build the nuclear reactor." But they *do* want to know the risks of flying through certain kinds of storms to arrive someplace on time. And they do want to know the costs and benefits of nuclear power before they see any more reactors built. They are respectful of experts, but at the same time they are very suspicious of those few experts who want to cut them out of the discussion on the grounds that the public does not understand things well enough. They are rather convinced that

such experts simply want to have their own way and will use all kinds of excuses to insert themselves into positions of power.

Concluding Comments

There is ample evidence, from the time of the Vietnam war to the present, showing how important the issues of foreign and military policy are to everyday Americans, and how feelings about these issues can influence the popularity of the president. But the information most people hold to back up these views is thin and often unstable.

Work by the Jefferson Center in the early 1980s demonstrated how well people can deal with these issues when given the proper chance. Although these experiments were limited in scope, there appear to be some interesting ways to expand on them to create robust public discussions of key issues.

This chapter was written from the perspective of those who have the power to decide if and when they might want to seek out new ways to involve the public in discussions of foreign and military policy. Whether America's leaders will ever call for any of the approaches discussed in this chapter remains to be seen. But when one looks at this from the perspective of the public, it seems very likely that most people would want these new methods adopted. Given the choice between adopting new methods that enable them to work sensibly with their leaders as new challenges are faced, or sticking with the standard methods in which presidents and the Congress use cajolery and charisma to move the public in one way or another, it seems clear enough which option the public would favor.

Global Environment and Population Challenges

The race is now on between the technoscientific forces that are destroying the living environment and those that can be harnessed to save it. We are inside a bottleneck of overpopulation and wasteful consumption. If the race is won, humanity can emerge in a far better condition than when it entered, and with most of the diversity of life still intact. The situation is desperate—but there are encouraging signs that the race can be won.

Edward O. Wilson¹

The aim of this chapter is to point out that a healthy democracy is critical to making the right choices about the future of planet Earth. This is also a reminder that the reforms presented in Part 2 are not just interesting exercises in democracy at the state level. They are essential experiments to help us discover what democratic innovations will be sophisticated enough and strong enough to enable us to deal effectively with some of the greatest challenges humankind has ever faced.

The Problem

We have all heard about the dangers that environmentalists see facing us. Global warming will cause the oceans to rise and force major changes in food production and living patterns for large segments of humanity. Population growth, even if it is not occurring at the fearsome rates projected in the 1960s and 1970s, still is going to place major demands on water supplies and food production. Urbanization and industrialization are polluting our air and causing social unrest as

¹ Edward O. Wilson, *The Future of Life* (New York: Alfred A. Knopf, 2002).

the gap between rich and poor widens. Species are dying out at an alarming rate.

We also hear from critics who say this list of problems is exaggerated and misleading. Some scientists point out that about 12,000 years ago during the Younger Dryas cold period at the end of the Ice Age, the average world temperature dropped over 10 degrees in some parts of the world and stayed that way for more than 1,000 years, yet the eco-sphere survived just fine. Why should we get upset about the one-degree rise that occurred in the 20th century?

Or we encounter arguments such as those of Bjorn Lomborg, a Dane who has mounted a major challenge to the standard list of environmental problems. He claims that the environmentalists have exaggerated their case.

There is only one problem: this litany is not supported by the evidence. Energy and other natural resources have become more abundant, not less so. More food is now produced per capita than at any time in the world's history. Fewer people are starving. Species are, it is true, becoming extinct. But only about 0.7 percent of them are expected to disappear in the next 50 years, not the 20 percent to 50 percent that some have predicted. Most forms of environmental pollution look as though they have either been exaggerated or are transient—associated with the early phases of industrialization.²

Sophisticated environmentalists admit the difficulty of determining exactly how serious the situation is now, let alone predicting future consequences, yet they still advocate strong action. Bill McKibben, for

² *New York Times*, August 26, 2002, Op-ed p. 19. Some readers may think I should get into this debate, for example by citing the critiques by Colin Woodard found on www.TomPaine.com. The most recent of these, published on January 14, 2003, includes commentary on the critique of Lomborg in *Scientific American*, January 2002. In spite of this critique, and one by the Danish Research Agency, Lomborg continues to receive support from various respected sources such as *The Economist*. But the aim of this chapter is not to lay out the argument in its various details. My goal is to show the seriousness of the claims and the complexity of what is being discussed. Web sites supporting the view that the environmentalists are overstating their case include www.cei.org and www.heartland.org.

example, has pointed out how often the dire predictions have turned out to be wrong: "Each new generation of Malthusians has made new predictions that the end was near, and has been proved wrong."³ Having granted that, however, he then presents a strong argument that the next doubling of world population, even though this may be the last such increase, will put huge stresses on our environment, much greater than any seen before. He concludes:

The bottom-line argument goes like this: The next fifty years are a special time. They will decide how strong and healthy the planet will be for centuries to come So it's the task of those of us alive right now to deal with this special phase, to squeeze us through these next fifty years. That's not fair It's just reality. We need in these fifty years to be working simultaneously on all parts of the equation—on our ways of life, on our technologies, and on our population.

What this means is that we in the United States face major choices over the coming years, with the possibility of making mistakes that will have huge consequences. If environmentalists are right, yet we do not take strong action to cut back on greenhouse gas emissions and curtail population growth, planet Earth may suffer major damage that will cause great suffering for future generations. If they are wrong, yet we follow their recommendations, we may suffer unnecessary harm to our economy and standards of living, while also hindering the betterment of life for the world's poor.

It is not just the environmentalists whose case depends on making rational and fair decisions. When Lomborg states his case against the Kyoto Protocol on climate change, his alternative is that we should be investing in economic development.⁴ According to him, the cost of meeting the Kyoto accords would be somewhere in the \$150 to \$350 billion range annually, compared to the \$50 billion currently invested in annual global development aid. Lomborg claims that by reducing poverty through the promotion of development, we will move toward a healthy future much more effectively than by limiting growth. This

³ Bill McKibben, "A Special Moment in History," *The Atlantic Monthly* (May 1998): 55–78.

⁴ Lomborg, *New York Times*, August 26, 2002.

certainly is an interesting case, but it implies that there is a rational strategy for the pursuit of development. Yet the policies that will be effective in reducing Third World poverty are almost as complex and difficult to implement as those the environmentalists are hoping to see adopted.

What Should We Do?

Let us approach these problems from the point of view of “we the people.” What should we Americans do about claims that the fate of the world as we know it depends upon our taking action on a complex set of problems involving poverty, population, the environment and resource depletion? (For the sake of this discussion, I shall refer only to global warming, asking the reader to assume that the other problems will be woven into the deliberations when the discussions actually take place.)

Whom can we trust to help us decide what should be done? We know that we cannot involve the entire citizenry in addressing the issues. It is impossible to get all Americans together to discuss this in a meaningful and intelligent way.⁵ So we must delegate to some group, or set of groups, the task of dealing with this important set of issues. What should we require of those to whom we delegate this task?

1. *They need to be honest in getting at the facts, and intelligent enough to come fairly close to the truth.* How likely is it that global warming is occurring? Is it caused by human activities? If so, what will happen if we do nothing to change the direction we are going?
2. *They need to be respectful and patient in helping us resolve our value differences.* How can we reach some agreement about what value we place on the likely consequences of continued warming and the steps we might take to deal with

⁵ Of course there will be some who are so taken with technology that they will dream of using some new communications technology to unite us all in one big meeting. At some point that may be possible, but it ignores critical factors of group dynamics. Who gets to speak (or e-mail) and when? How will we know whom to trust to run the meeting? Will we really be able to inform ourselves well enough so that we can make an intelligent decision? There are no good answers to these questions for a group of millions.

them? For example, if species are dying out because of global warming, how much of a sacrifice are we willing to make in terms of economic well-being to slow this down or stop it? Do we care about micro-plankton as much as the spotted owl or the tiger? Even if we can agree on some level of economic sacrifice in order to save certain species, how should this sacrifice be distributed between Americans and the rest of the world?

3. *They need to be able to select and implement sophisticated policies that will promote the public good.* What methods exist to deal with a possible global warming that do not pose major risks in other areas? If we decide to do something to cut back on activities we think are creating global warming, what negative side effects on the economy is it likely to have? And if we decide to do little or nothing to address global warming (we think increases in global temperature will be small or the effects of warming will be minor), how grave are the consequences if we have underestimated the severity of the problem? Must we choose between the environment and economic development, or is there some way to achieve success in both areas?
4. *We need to play our proper role to maintain trust in those to whom we delegate power.* It is never wise to delegate some task completely to some other person or group and then just assume they will do it properly. Those who are experienced in dealing with lawyers, brokers, or real estate agents learn that there are ways to delegate tasks while keeping some involvement in the problem to be solved. There are some value choices that only we, the client, can make and we must know enough about the work of those professionals helping us to maintain trust in them.

It sounds almost utopian to expect a political system to meet the criteria listed above. But if meeting these criteria in the political realm seems formidable, it should be remembered that these tasks are easily within our technological capabilities. A culture that was able to travel to the moon, unravel the secrets of genetics down to the level of the

genome, and probe the origins of the universe back to its very beginnings should find the question of global warming a relatively easy intellectual challenge. Furthermore, there are a number of methods now available for people to discuss their values and seek out areas of agreement, or even consensus. The Citizens Jury process presented in Chapter 2, and the Wisdom Council discussed in Chapter 6, are only two of many. Several others are discussed in Appendix B.

Before turning to the question of how well our current political system takes advantage of our technical capabilities, let us look at the nature of the policy options available to deal with global warming. How difficult is it going to be to find appropriate policies to deal with whatever level of global warming we judge to exist? How complicated are the solutions we must consider?

One of the interesting developments in the past decade or so is the idea that market-based policies should be used to protect the environment. Although this idea has apparently been discussed for decades among academics, it is now being much more actively considered in the United States. In *Tax Waste, Not Work*, the authors advocate replacing our current command-and-control system of environmental protection with one based on the price mechanism, and then using the revenue generated from that approach as a partial replacement for other sources of revenue.⁶ Economists are fond of saying that we use less of whatever we tax. So we should reduce taxes on the creation of wealth through labor and investment and increase taxes on the depletion of wealth through pollution and environmental degradation.

One example of a tax designed to “tax waste” is a carbon tax, which the authors describe as follows:

A carbon tax is a levy on the carbon content of fossil fuels. Since the burning of fossil fuels for energy is the source of over 98 percent of U.S. carbon emissions (measured in terms of global warming potential), a broad-based carbon tax is the most direct—and most efficient—means of combating global climate change.

It appears that the carbon tax has fallen out of favor politically in America, but that another approach, the so-called “cap and trade” or “emissions trading” approach is more in favor. Under this approach,

⁶ M. Jeff Hammond, et al. *Tax Waste, Not Work*, Redefining Progress, 1997.

the quantity of the emissions is fixed (in other words, a cap is placed upon it) and then the right to produce the emissions is made a tradable commodity. Permits are issued to those producing the emissions to be controlled, either by auction, sale or free allocation. These permits then become tradable, allowing market forces to determine the least costly way to keep emissions within the cap that has been set.⁷

These two approaches are not necessarily mutually exclusive. There are several advantages and disadvantages of each approach, but these need not concern us here. The point is that there is a range of policy options available, that they are market based, and that all of them are fairly complicated in their details.

Also, there is a wide range of policy options available within each of the approaches. The “clear skies” proposal made by the Bush Administration in the summer of 2002 to deal with carbon emissions is a cap-and-trade approach. It was strongly criticized by many environmental groups, some of them doing so on the grounds that any cap-and-trade approach is flawed. This ignores the success of the U.S. effort to reduce sulfur emissions in the 1990s. A plan was put in place to use tradable permits to cut sulfur emissions in half during the decade. It worked so well that by 1995 the goal for the whole decade had been met. The major problem with cap-and-trade is that it does not work effectively with the transportation and service sectors of the economy, where 30 percent to 50 percent of the emissions leading to global warming occur. But the effectiveness of a particular proposal in dealing with emissions depends at least as much on the level at which emissions are capped or taxed as on the details regarding the trading of permits or the application of taxes.

Besides these two approaches, there is a strong call from many environmentalists to reduce greatly governmental subsidies to individual industries, which usually do not benefit the public as a whole and often do considerable harm to the environment. Edward Wilson, citing a study by some British scholars,⁸ lists worldwide subsidies for agri-

⁷ A clear summary of the differences between carbon taxing and emissions trading is found in a paper by Kevin Baumert at www.globalpolicy.org/socecon/glotax/carbon/ct_et.htm. This paper also discusses the pros and cons of the two approaches.

⁸ Wilson, *The Future of Life*, 184. The study cited is by Norman Myers and Jennifer Kent of Oxford University.

culture at \$390 to \$520 billion, for fossil fuels and nuclear energy at \$110 billion, and for water at \$220 billion. He goes on to say:

All these and other subsidies combined exceed \$2 trillion, much of which is harmful to both our economies and our governments. The average American pays \$2,000 a year in subsidies, giving the lie to the belief that the American economy runs in a truly free competitive market. An additional heavy price, difficult to measure but nevertheless substantial, is levied on the natural environment, which carries the burden of extraction and consumption.

In other words, environmentalists are seeing great potential in using fiscal policy and market forces to protect the environment while doing relatively little economic damage. But how difficult will it be for a government to adopt such policies? Certainly the area as a whole is very complex. The prominent environmentalist, Lester Brown, in *Eco-Economy*,⁹ notes the complexity of the two fields, economics and ecology, by saying in the preface of his book:

No one I know is qualified to write a book of this scope. Certainly I am not, but someone has to give it a try. Every chapter could have been a book in its own right. Indeed, individual sections of chapters have been the subject of books. Beyond the range of issues covered, an analysis that integrates across fields of knowledge is not easy, particularly when it embraces ecology and economics—two disciplines that start with contrasting premises.

Let us now review how our current political system is structured to deal with this complexity.

Making a Sound Decision

The section above lists four requirements for the proper delegation of decisions about global warming. In a healthy democracy, we would need to look no further than to our government to find the place where

⁹ Lester Brown, *Eco-Economy* (New York, W.W. Norton & Co., 2001), xvii.

these requirements would be met. The elected representatives should have set up a system of decision making that would meet the first three criteria, and we should have a fairly clear idea about what role we, the citizens, should be playing in order to maintain our trust. The elected officials should be able to sift through the facts and make the appropriate compromises in an intelligent, respectful, and honest way, and then adopt a set of policies to meet the long-term interests of the American people, taking into consideration the well-being of the peoples of other nations as well. At the next election, we, the American people, would have the opportunity to vote for or against the officials who created this policy, thus giving us the ultimate control over policy that should exist in any well-functioning democracy.

Let us now review how well our federal government, as currently structured, is likely to do in meeting the four requirements.

1. *They need to be honest in getting at the facts, and intelligent enough to come fairly close to the truth.* Our elected officials at the federal level certainly oversee a system that can apply sufficient intelligence to the question to answer it properly. The problem lies with honesty. Members of Congress and high officials in the administration, including the president, have long been notorious for warping the truth to fit their agendas. Should any agency give high visibility to facts that are contrary to a position held by a prominent member of Congress or the president, that agency runs some risk of having its budget cut. On a more technical level, we can expect honest work done, such as the report issued by the Congressional Budget Office evaluating different approaches to cap-and-trade programs for reducing carbon emissions.¹⁰ But when there is some significant factual matter that needs to be investigated at the highest level, neither Congressional committee hearings nor administration-appointed special panels can be trusted to come up with the truth on a regular basis.
2. *They need to be respectful and patient in helping us to resolve our value differences.* Here, the current political system does just the opposite of what is needed. Value differences between

¹⁰ *An Evaluation of Cap-and-Trade Programs for Reducing U.S. Carbon Emissions*, Congressional Budget Office, June 2001. Available at www.cbo.gov

Americans are played upon by different political factions for their own advantage. Although most political leaders adopt the pose of wanting to help Americans work through their differences, in fact these leaders are too beholden to the demands of special interests to take effective action to help us to resolve our differences.

3. *They need to be able to select and implement sophisticated policies that will promote the public good.* Our current political system is not oriented toward designing sophisticated solutions to complex problems. We are stuck with a system that is supremely well attuned to providing short-term benefits for specific interests. This is why the subsidies that plague our economy are going to be so difficult to get rid of. The subsidies are not benefiting just one group, there are many subsidies, large and small, sprinkled throughout the system for all sorts of interests.

Those who hope that market mechanisms will be used to strike the proper balance between environmental protection and economic development face an enormous challenge. The many special interests that benefit from the current political system present an overwhelming obstacle to adopting system-wide, market-based reforms. The goal of the environmentalists is to rationalize our tax system to benefit both environment and economy. But it is the very rationalization of any system for more than a short time that is so difficult to achieve in the current political climate.

It is not enough just to implement a set of tax reforms (or adopt a program of cap-and-trade) and assume the job is done. To be effective, either approach must fine-tune a variety of provisions to ensure that they all work together properly as a whole. For example, most environmentalists suggest that a new tax on energy should be constructed so as to be revenue neutral, meaning that it does not increase taxes overall, but shifts them from one area to another. This should reduce public opposition to the new tax. But such a shift must be attempted in a committee structure in Congress that is headed not by environmentalists, but by those seeking to control how governmental funds are allocated in America. What reason is

there to hope that they will suddenly change the way they function and start caring about the rationalization of the whole tax structure?

Daniel Moynihan, in his book, *Maximum Feasible Misunderstanding*,¹¹ described what congressional opponents of President Johnson's War on Poverty did to the bill that created the Office of Economic Opportunity, the agency to oversee the new efforts to aid the poor. The opponents were very clever and sided with some idealistic supporters of the bill to put in language that required such a high level of participation by the poor "clients" in designing specific programs that many of the programs ended up not working properly. It seems very reasonable to assume that if some kind of tax on carbon fuels is combined with an attempt to cut back on subsidies, then those who support those subsidies will do all within their power to find clever ways to make the new tax unworkable.

4. *We need to play our proper role to maintain trust in those to whom we delegate power.* If the complexities of environmental policy are likely to be handled as poorly as I believe they will be, then the need for citizens to work with, and oversee, our elected officials is great. Yet this is so difficult to do that about half of voting-age Americans have given up entirely. The comments of Thomas Patterson in *The Vanishing Voter*¹² are instructive:

Americans are tired of the contradiction between their civic sensibilities and the insensibilities of modern campaigning. Spin, poll-driven issues, and attack politics have worn them down . . . Political leaders do not bear full responsibility for the public's disenchantment with election politics, but they are part of the problem and must be part of the solution. Unlike the citizen politicians of earlier times, who had a life outside of politics, most of

¹¹ Daniel P. Moynihan, *Maximum Feasible Misunderstanding* (New York: Free Press, 1969).

¹² Thomas E. Patterson, *The Vanishing Voter* (New York: Alfred A. Knopf, 2002), 183–4.

today's politicians are professionals whose identity and livelihood are almost inseparable from the office they hold. Their well-being has come at public expense, a fact most clearly seen in congressional elections . . . With nearly three-fourths of the contests (in the House of Representatives) now being decided by margins of 60% or more, there is precious little reason for citizens in most of the 435 House districts to get involved.

Even those who do bother to vote pay relatively little attention to issues. If a politician appears to be right on the values, many voters are inclined to support him or her, even when they do not agree with some of the politician's issue stands.¹³ This means that the American public is in no position to monitor whether or not a particular market-based policy to cut back on greenhouse gasses has been well designed. Of course, no democratic theorists have ever assumed such a high level of discernment by voters on specific issues. But if a political system works in such a way that it rarely produces sophisticated policies in the public interest, then this lack of attention by the public makes it even clearer that a different approach to policy making is needed.

Are Improvements Possible?

The reforms of democracy discussed in Part 2 lay out the basic methods our democracy can use to do a much better job with global warming than our current political system is able to do.

Citizens panels can enable a cross section of the public to look closely at the issue of global warming to see if there is any merit to the environmentalists' claims. Indeed, such a project was conducted in

¹³ Bill Keller makes an interesting comment on this: "While many voters found Reagan's specific positions too conservative, they voted for him anyway because he seemed to care about the kind of things they cared about, and they generally trusted him to do the right thing." Or, as E.J. Dionne noted about the 2000 election, "The exit polls made abundantly clear that a large and critical portion of Bush's support came from voters who are closer to Gore on the issues." ("Scrap the System" *Washington Post Weekly*, November 13, 2002, p. 27.)

2002 under the auspices of the U.S. Environmental Protection Agency. The results of that project are discussed at the end of this chapter. It is unlikely that a single citizens panel can resolve such a complicated question to the satisfaction of a majority of the American public. But if several citizens panels, run in different places and with different witnesses reach similar conclusions, that should be rather compelling to a majority of the public that the conclusions have merit.

In cases where technical matters predominate over value choices, it may be necessary to augment citizens panels with panels of experts who report to the citizens panels. The National Institute of Health uses a method called a "consensus conference" to deal with technical and scientific issues (discussed in more detail in Appendix B). If citizens panels have difficulty dealing with the complexities of the global warming issue, they can call on such expert panels to clarify technical and scientific disagreements.

This assumes, of course, that the citizens panels would be conducted in a fair and unbiased way. Such an assumption would be warranted if methods like the Citizens Initiative Review or the Citizens Election Forum are set up in a few states and the citizen oversight methods proposed for them work properly. If the public feels that they can trust the commissions that oversee these methods, then these commissions can also be expected to conduct consensus conferences in a trustworthy way.

A method such as the Citizens Election Forum will do a great deal to enable our government to meet the other three criteria for good decision making on global warming and related issues. The citizens panel itself is a proven method for helping Americans reach agreements over key value questions in a respectful way. Of course, it is not enough just to get small groups of Americans to achieve such agreements. But the proposed yearly issue discussions that will take place between citizens panels and their jury pools will open the possibility of helping the American people reach agreement not only on their values, but on some of the sophisticated fiscal measures that might be taken to mitigate the effects of global warming, as needed, while doing as little harm to economic growth as possible.

Then, when the time comes to vote, there will be the citizens panels to evaluate candidates on their stands on issues. Note that these evaluations are more than just a comment upon *which* stand a candi-

date is taking on an issue. They go further by examining how well informed the candidate is on the issue and whether the candidate has the integrity to stick by the professed stand and the savvy to carry through on it. More people are likely to take the time to vote in elections if they believe they have some trustworthy guide not only about where the candidates really stand, but how well the candidates are likely to do in carrying out the stands.

The point, however, is not that everyone must agree with me about how to make our democracy more healthy. The point is that something must be done to change the way our system is working now. If you do not think that the proposals of Part 2 stand much of a chance of improving the workings of our political system, then what other approach would you propose? Responsible people are saying that we face critical decisions about the future of humankind. We dare not stick with a political system that is incapable of making these decisions properly or implementing them effectively.

Edward Wilson argues that in the end it will be the ethics and the desires of the people that determine whether the government or non-governmental organizations mobilize to act to save the environment.¹⁴ This will require that extremists on both sides stop promulgating the highly negative portraits of each other that they craft for public consumption. But these portraits are important elements of the way the current game of politics is played. When each side must rely on scientific manipulation in order to gain the votes needed to be reelected, then negative stereotypes are going to be a fixture of the political scene. Only if a trusted voice of the people can be empowered are we likely to see a strong influence from the kind of ethical thinking Wilson seems to have in mind.

But as our democracy now functions, there is no way to have the kind of public discussions that will yield public backing for sophisticated fiscal policy to benefit the environment. Instead, we are stuck with rhetoric about “tax-and-spend” liberals versus the “heartless, rich” conservatives. We have no way to hold reasonable *and influential* discussions of who will bear the burdens of a new carbon tax and whether that is fair. Environmentalists like Bill McKibben say that the difficulty of adopting something like a carbon tax is a lack of political

¹⁴ Wilson, *The Future of Life*, 151, 187, 189.

will. Americans do not want to take the steps needed to cut fuel use.¹⁵ But it is really a deeper problem than that. It is a whole political system that is not able to make reasonable choices for our nation involving long-term policies that require an informed and trusting public.

It should be noted that my case for implementing a healthy democracy is *not* based on the assumption that this will help the environmentalists get their way. It will help whichever side has the best case to get *its* way. Of equal importance, the new approach can do an effective job of helping to balance environmental and economic needs. With compromises and understanding, both the agenda of those who want to promote or maintain economic growth and the agenda of the environmentalists can be met to a fair degree.

Some readers may think this chapter is belaboring an obvious point. After all, who would not want healthy democracy? Almost by definition, in a healthy democracy the proper balance will be struck between economic growth and environmental sustainability, and policies will be implemented with sophistication. The question about healthy democracy is not whether we want it, but how we get it, if it can be had at all. As Lester Brown says, "The central question is whether the accelerating change that is an integral part of the modern landscape is beginning to exceed the capacity of our social institutions to cope with change."¹⁶

Thus, we cannot put off serious experimentation with new democratic processes until some future time. Those who care about the problems discussed in this chapter may be tempted to throw all of their energy into dealing with them directly. But we dare not allow democratic experimentation to become a secondary priority. It would be tragic if we invested huge resources in stopping global warming, only to discover that Bjorn Lomborg is right. It would be even more tragic if environmentalists are right; they work for years to gain sufficient support to start adopting some of their policies, and then come up against a government incapable of designing and implementing the policies that are needed. If one is worried about these problems, then a top priority must be placed upon achieving a healthy democracy that is equal to the challenges posed by the economic and environmental problems

¹⁵ *New York Times*, op-ed, January 5, 2001.

¹⁶ Lester Brown, *Eco-Economy*, 20.

of the 21st century. And one of the best places to conduct tests of these new democratic methods is at the state level.

Of course, any new system, be it the one proposed in this book or some other approach to healthy democracy, is going to require considerable research and development to make it work properly. Although the citizens panel methodology and several other democratic methods have been well tested, they have yet to be tested under circumstances where their recommendations make a significant difference in the design of public policies and the outcome of elections. It would not be surprising if such testing were to take a decade or more at the state and local level. During the 20th century, it became common to work on weapons systems requiring at least a decade or more of R&D before the weapon could be added to our defense arsenal. My appeal is that we Americans demand extensive R&D on democracy at the state level which can lead to governments equal to the challenges we are now beginning to face and will be facing with ever greater urgency as the century advances. A reliable and thoroughly tested democracy is every bit as important as reliable weapons.

Citizens Jury[®] on Global Climate Change

In March 2002, 18 citizens met to consider various claims regarding global climate change and what should be done about it. They came from within a 35-mile radius of Baltimore, Maryland, and were chosen from a randomly selected jury pool to be a microcosm of the residents of the area. Most of the targets for stratification were met rather closely. For example, the target was for fourteen “white only” and four nonwhite or multiracial jurors, but the actual numbers serving were thirteen and five. The one target that was not well met was for education: instead of nine jurors with a high school education or less, there were only six; and instead of five college graduates, there were seven.¹⁷

The jurors spent three days listening to witnesses and advocates and then devoted two days to deliberations. The whole of Day 3 was spent with the advocates, who are listed on the next page. Each of these presented a climate change scenario that he/she supports, as

¹⁷ The full report on the project can be found on the Jefferson Center Web site, www.jefferson-center.org

Advocates

Each of the following witnesses presented a “holistic vision” (a scenario, plus actions needed, if any) to the jurors.

Pat Atkins, Alcoa

Ken Colburn, New Hampshire Department of
Environmental Services

Roger Duncan, Austin Energy, Austin, Texas

Myron Ebell, Cooler Heads Coalition

J. Drake Hamilton, Minnesotans for an Energy Efficient
Future

Eric Holdsworth, Edison Electric Institute

well as a set of strategies and action steps (if any) to address their specific scenario. Then the six advocates participated in a panel discussion with the jurors. All five days of the hearings were professionally moderated by two moderators trained by Jefferson Center staff. There were also two experienced Jefferson Center staff people monitoring the hearings.

The jurors spent considerable time making up their answers to the charge. For example, to answer the question about the positive and negative impacts of climate change, the jurors spent over half a day discussing what they had learned from the witnesses, making a long list of positive and negative impacts, and then ranking the statements in order of importance. Their answers to this question and the other questions of the charge are listed in a chart on the following page.

What did we learn from this Citizens Jury project? The most interesting aspect was that it felt and looked like most well-conducted Citizens Jury projects. The jurors were respectful of each other even when they disagreed, their interest level remained high, and on the last two days, laughter was common, always a good sign. This meant that they felt equal to the task. Another indication of this was the high level of satisfaction shown in their final evaluations (13 were very satisfied with the project, 4 satisfied and 1 neutral; with regard to the project

Jurors' Answers to the Charge

Assuming a "business as usual" scenario, do you think that the global climate is changing or will change in the next 100 years?

Very likely or very probable	12
Likely or probable	2
Possible	4
Unlikely or some chance	0
Little chance or very unlikely	0

How much of the global climate change is due to human activities?

Most of the change	10
Part of the change	7
Very little of the change	1

Assuming a "business as usual" scenario, what *level of impacts* will global climate change have on human and/or natural systems over the next 100 years?

Very serious	11
Somewhat serious	5
Not very serious	2
Not at all serious	0
None	0

What potential impacts of global climate change (positive or negative) are most notable or of most concern?

(The following lists all impacts that received 9 or more votes. Jurors were allowed to cast more than one vote for an impact.)

	Total votes
Positive:	
New jobs and new technology	13
Negative:	
Increased costs for food and clean water	10
Negative changes in air quality; increase in air, water, and land pollutants	20
Loss of habitat for animals and plants	12
More episodes of extreme weather	9
Health effects of decreased air quality and increased air, water, and land pollutants	21

having been conducted in an unbiased way, 16 were very satisfied). It was clear from comments the EPA staff made at the end of the project that they were impressed with the quality of the jurors' work.

There were two aspects of the project that I felt did not work well. First, the panel's recommendations about what should be done were scattered among more than six dozen suggested actions. This made it difficult to know what the jurors really thought was most important, or to know if they realized that some actions might conflict with others. There are several possible reasons for this scattering of recommendations. One is simply that the agenda was not set properly to come up with more definitive statements about what should be done. Or perhaps the question of global climate change is just too large for jurors to handle in a single five-day event. Also, there is some reason to believe that the EPA staff who sponsored the project were concerned that clear and targeted suggestions might get the entire agency into trouble with the White House. This relates to the second problem. Because of the sensitivity of the issue, the EPA decided that there should be no publicity for the event. Unlike most Citizens Jury projects, there was no press conference at the end of the event.

On the whole, this first attempt to use citizens panels on global climate change went well. Nevertheless, further experimentation is warranted to learn just how well citizens panels can function on such a complex topic. Are the results stable from one project to the next? Can the panelists come up with clearer recommendations in a single five-day event, or are several citizens panels needed? How much of the complexity of these interlocking issues can citizens panels deal with effectively?

Conclusions

Those who think long-term about the 21st century can no longer afford to leave healthy democracy out of their calculations. Engineers learned a long time ago that a machine, be it an automobile or a new electronic device, is only as good as its weakest component. Furthermore, they learned that they could not leave the human factor out of their calculations. Whether you are designing an airplane cockpit or a cell phone, it must be engineered so that person flying the plane or making a call can work the controls effectively.

Why do we think that a form of government designed in the 18th

century is going to be what we need to get through the 21st century safely and efficiently? Whether environmentalists are right on target or terribly wrong, we are going to need sophisticated decision making from those in charge of taking the wishes of the people and turning them into good public policy. The way democracy works now in the United States is outdated and no longer responds properly to the wishes of the people. We need something new.

Those who care about our future must start taking steps now to ensure the healthy democracy and effective government that will be needed to make the United States equal to the challenges of our times.

Implementation at the National Level

One of the imperative needs of democratic countries is to improve citizens' capacities to engage intelligently in political life. . . . (I)n the years to come (our) older institutions will need to be enhanced by new means for civic education, political participation, information and deliberation that draw creatively on the array of techniques and technologies available in the twenty-first century. We have barely begun to think seriously about these possibilities, much less to test them out in small-scale experiments.

Will democratic countries, whether old, new, or in transition, rise to these challenges and to others they will surely confront? If they fail to do so, the gap between democratic ideals and democratic realities, already large, will grow even greater and an era of democratic triumph will be followed by an era of democratic deterioration and decline.

Robert A. Dahl¹

The greatest need for healthy democracy is at the federal level. It is there that the largest problems facing us must be solved and there that a healthy democracy can make the greatest contribution to a just and humane future for Americans and the world as a whole. There is no doubt that the move to healthy democracy on the national level will be much more challenging than attempts on the state level, but still there are ways of accomplishing this.

In considering healthy democracy at the national level, clearly the most important factor is what happened with the reforms that were tested at the state level. The more successful and widespread those

¹ Robert A. Dahl, *On Democracy* (New Haven, Conn.: Yale University Press, 1998)

reforms, the sooner that they should be brought to bear on national politics. Given that there is no national initiative and referendum, the major method for adopting healthy democracy reforms at the state level is not available for national reforms. Nevertheless, there are significant steps that can be taken to prepare for the use of novel democratic methods at the national level. This chapter explores a few of these.

Selecting a Member of Congress

The most direct way to get any of the reforms suggested in Part 2 used on the national level is to use the Citizens Election Forum to evaluate members of Congress. In a state where the CEF has been working well, it would not be difficult to adapt it for the election of the U.S. senators. Using it for U.S. representatives would also be possible, but more complicated. The major change needed for the CEF to be used on the election of U.S. senators would be to add national issues to the yearly discussions of issues already being held in the state. The Citizens Jury project on the U.S. senate race in Pennsylvania has already shown the usefulness of this approach for evaluating senatorial candidates.

Because every state has two senators who are elected for staggered six-year terms, there is one four-year period and one two-year period between the senatorial races. The time to introduce the CEF would be during the four-year period. This would allow time for the expansion of the CEF staff and their training. The staff needed for a CEF on the gubernatorial race would have to be doubled to handle the national issues and the citizens panels' reviews of the senatorial candidates. After a couple of years of warming up with the examination of national issues, the CEF on the U.S. senate races would be conducted the same way as the CEF on gubernatorial candidates.

This reform should probably be introduced through an initiative, unless the CEF for gubernatorial elections was so popular that there was no doubt at all that the public wanted this expansion. There would be no requirement that any candidate participate. But, as with the CEF on gubernatorial elections, the failure of a candidate to attend would surely count heavily against that candidate.

It is quite possible that there would be legal challenges regarding the extension of the process from state races to federal races. My legal council believes that there is no legal challenge that would have merit,

but federal election law is complex, and resistance to this will likely be great enough that someone will bring forward a challenge. Such legal action might actually help advance the CEF, since it would bring national publicity and hopefully make residents of other states want it too. If the legal challenges became too involved and held up the introduction of the CEF for years, this would certainly slow down the adoption of the CEF for federal offices. Were the U.S. Supreme Court to rule that the CEF is unconstitutional for federal offices (the U.S. Supreme Court did rule that term limits imposed by states on members of Congress are unconstitutional), this could really spur the effort to amend the U.S. Constitution to allow this process. If such an amendment were considered, it might also include provisions for holding the CEF for the U.S. presidential elections as well.

Selecting a President

Surely the strongest step that can be taken to introduce healthy democracy in America is to establish the Citizens Election Forum as a method for reviewing presidential candidates. This assumes, of course, that the CEF has worked well at the state level. The difficulty of this task can be seen in the fact that it took 17 years to pass the rather modest campaign finance reforms that finally were adopted in March 2002. Without a national initiative process, the only effective way to establish the CEF at the federal level would be through the passage of a constitutional amendment. It would be possible to establish the CEF through an act of Congress, but the likelihood that Congress would pass such legislation is very low. Even if Congress were to pass a bill to establish the CEF, the history of congressional efforts on electoral reform is a history of bills so ineffectively drawn that the reforms seldom work as intended.

There is, however, an informal way in which the CEF could be introduced for the nomination of the vice president. A popular president, when running for a second term, could decide to use the methods of the CEF to select a vice-presidential candidate.² Although a president could do this at any time (George W. Bush could do it when

² I am indebted to my cousin, Belton Copp, for introducing me to this idea. He is not sure where he first heard it, but believes he became aware of it in the early 1990s from people associated with John Anderson, Ross Perot, or Lowell Weiker.

running for his second term in 2004), in fact it is likely to be done only after the CEF has shown itself to be a popular reform in several states. Surely the president would commission polls and focus groups to discover whether this would give an advantage in the race for the second term. And the president would have to be idealistic enough to do this in the face of strong interest-group opposition. Also the president's popularity would have to be high enough to allow risking the loss of a significant amount of funding from those interests who would view this method as threatening.

Once the president decided to use the CEF, the venture might unfold in the following way:

Announce the process. A major press conference should be held at which the president announces to the American people the new way in which the vice presidential candidate for the ticket will be selected. Here the president would explain the importance of this approach to selecting candidates and cite the success of the CEF in a number of states. The process itself would then be explained, noting that the vice president will be selected by the president, as is tradition, but that the president will be heavily influenced by the recommendations of citizens panels that evaluate the candidates for vice president on three major issues. Finally, the president could indicate that if this process works well, then it would become a routine way for his/her party to select its vice presidential candidate.

Choose the issues. The three issues on which the vice presidential candidates will be evaluated should be chosen through a national survey. It should be conducted by a highly respected survey research organization that is widely seen as nonpartisan (to the degree this is possible). The survey should offer a brief explanation of what the president is intending to do and then ask what issue or issues would be the best ones to consider in selecting the vice president. Some pretesting may be needed to find the best way to phrase this question. The president may also choose to approach this somewhat differently than the Citizens Election Forum. Since this exercise would involve only one citizens panel on an issue, rather than the yearly discussions held under the CEF, the president may prefer to have one of the citizens panels deal with experience and integrity, rather than a complex issue where the conclusions of a single citizens panel might not be representative of what would emerge from a longer dialogue.

Select the nominees for vice president. There are surely a number of ways this could be done. One approach would be for the president to choose the three to five people who will be reviewed by the citizens panels. This would be very similar to what a presidential candidate does in making a short list of finalists for the role of vice president. One criterion for selecting these would be that they are willing to appear before three separate citizens panels to be reviewed on their stands on issues. A different approach would be to use the survey that determines the issues to also allow the public to indicate which three to five people they would like to see as the vice presidential candidates.

Design and conduct the hearings. This will be perhaps the most controversial part of the process. The president must choose the group that will conduct the citizens panel hearings and structure the agenda. Were the president to choose a group like the Jefferson Center, then the jury pool and the panelists would be chosen using the Center's standard methods. Also, the agenda for each of the three citizens panels would be set to include a fairly broad range of views. But party activists will complain that this might well produce a vice presidential candidate who does not hold to their party's values. They would surely be more comfortable with a group that leans in their direction, which might be convinced to choose panelists who adhere to the basic views of the party and who would then participate in citizens panels using witnesses who share the views of a majority of the party. Given these options, the president will have to choose between an approach that risks alienating the party faithful and one that risks having little appeal to the public as a whole.

The president's decision. No president would want to make a flat promise of nominating for vice president the person rated highest by the citizens panels. Granted, if all three citizens panels clearly prefer one of the candidates by large margins, it would be difficult for the president to back away from these recommendations. But if the three citizens panels are not in agreement, or if they agree but the ratings are very close, then the president would be able to exercise some discretion. Given this, would the president want to keep a distance from the citizens panels, or would the president want to appear at each citizens panel and dialogue with the panelists to learn why they came up with the decisions they reached? The opportunity for good media coverage would strongly incline the president to

want to talk with the panelists. But the president would have to beware of appearing to influence the panelists' decision, since that might undercut the public's trust in the whole exercise.

Many political observers will find it difficult to imagine that even the Citizens Election Forum can be introduced successfully at the state level. Why then do I propose something at the national level which is so far-fetched? The answer is simple enough. If the CEF does not succeed at the state level, then the above scenario is no more than utopian imagining. But if the CEF can be introduced successfully in several states, then it is not difficult to imagine that one of the governors selected under the CEF system might run for president. If that person succeeds, and has a successful first term, then the selection of the vice president for the second term using the methods of the CEF is a distinct possibility.

Research and Development

Even before the Citizens Election Forum is used for selecting members of Congress, experimentation should be done on creating a trustworthy voice of the American people as a whole. This is certainly not a novel idea. The Citizens Jury projects in 1993 on health care and the federal budget were attempts to do this. More recently, America Speaks conducted extensive conversations on social security in a project that engaged some 40,000 people around the country, with a budget of about \$12 million. Although the two Citizens Jury projects showed that the process could deal effectively with national issues, they had little influence on policy makers. It is unclear what effects the study of social security has had.

It is important that attempts at projects such as the above strike a proper balance between having influence and being done in the spirit of research and development. This will not be easy. I remember well a conversation I had in the middle 1980s with Roger Molander, president of the Roosevelt Center for Public Policy Analysis. This was a group set up in Washington, D.C., that was much better funded and better connected than the Jefferson Center. He asked me what the time-horizon of the Jefferson Center was. I said it was five to ten years. His response: "Don't you know that the time-horizon of almost all foundations is two to three years? How do you expect to raise any money?" My answer: "With great difficulty." Molander's response to

me was a knowing smile. The Roosevelt Center spent \$17 million in seven years and then went out of business when its major donor lost interest.

It will be very difficult for foundations to avoid the temptation to gain national attention rapidly to show the importance of what they are doing. But to get national media attention, you need to convince the media that you are up to something important, something that actually will have an effect in the political games of today. This, in turn, will surely require that the groups conducting the dialogues seek close ties with key policy makers. Unfortunately, the more successful this approach is, the more difficult it will be to set agendas in the way that everyday citizens want. It will also be difficult to stick to top standards of trustworthiness.

Of course, the problems of agenda-setting and trustworthiness will be encountered in any of the reforms proposed in Part 2. But those reforms are proposed at the state level and are done in a setting in which the commission overseeing the operation has been very carefully designed to deal with such problems. The Citizens Initiative Review is proposed as the first reform to be attempted just because it is the easiest to conduct in a trustworthy way. It is intended to be set up with a mandate from the people of the state to conduct the process in a very careful and responsible way.

If foundations were to undertake the R&D on the long-term needs of a healthy democracy with as much diligence as the Defense Department pursues long-term R&D on effective weapons systems, the results would be of great benefit to the future of America. This would create an excellent climate for the expansion of democratic reforms from the state to the federal level. The results of such experimentation could help indicate which proposals of this book are sound and should be moved rapidly to the national level, and which have weaknesses that must be corrected before the reforms are widely used. With this in mind, let us explore some research that could be done in the areas of global climate change and national security.

Exploring Dialogues On Global Warming

Those concerned with finding the proper balance between economic growth and consumption on one hand and global warming on the other should have a large interest in seeing if citizens panels can indeed

play a significant role in helping America to move toward an optimal solution. There are a number of steps that should be taken beyond the single citizens panel conducted under the auspices of the EPA.

Trustworthy Process

Is there some way to set up a commission of independent citizens to oversee projects so that there will be broad agreement that the projects have been conducted in a trustworthy way? It is important that the citizens panels be designed in such a way that no one point of view is favored over another. This is not as easy as it may seem. One way to ensure that all points of view are heard is to have witnesses appear from as many different points of view as possible. This was done in the 1995 Citizens Jury project on hog farming in Rice County, Minnesota. No point of view was left out, but with over 20 witnesses presenting different perspectives, it was not easy for the jurors to make up their minds about what should be done. The 1997 Citizens Jury on Minnesota's energy futures presented four main points of view. This made it easier for the jurors to see the big picture, but did lead to some controversy about whether four positions were enough to cover the important points of view and whether the positions were properly balanced.

One way for those conducting these projects to deal with witness selection is to conduct several citizens panels using different approaches and then bring together the staff and representative panelists from the projects to discuss what they have done and how best to proceed in the future. Complete agreement on trustworthiness is virtually impossible. Any side that sees itself as having lost the argument is bound to say that the projects were biased against them. But if some kind of commission is established along the lines of that proposed for the Citizens Initiative Review, it should go a long way to ensuring that projects are conducted in as trustworthy a manner as possible.

Reliability

Once the proper steps have been taken to ensure trustworthiness, then steps must be taken to ensure that citizens panels on climate change are reliable (stable) over time. It would be very distressing to discover that a consensus has arisen over the most trustworthy way to conduct the citizens panels, but then to find that when several panels

are conducted with the same pool of participants and within the same time frame, the recommendations come out differently. If this happens and there is no obvious way to make the citizens panels reliable, then the method must be dropped as a way of dealing with the issue.

There are, however, several things that can be tried before deciding that citizens panels are not reliable enough to be useful on complex environmental questions. Several of the more recent projects conducted by the Jefferson Center used a two-step method. First, the jurors are introduced to a problem and asked to prioritize a set of criteria for deciding on what should be done. Then the jurors are asked to apply the criteria to several possible solutions and choose one of them. This was done in the 1997 project on electricity futures and the 1999 project on property tax reform. This two-step approach has worked well, although it has not given the jurors as much time as they would have liked to apply the criteria to solutions and choose the one they like the best. It may turn out that two citizens panels would work better here, one to establish the criteria and another to apply the criteria to the proposed solutions. In this case, we may discover that the first citizens panel, when repeated, comes up with the same general ranking of criteria. The second citizens panel may also turn out to be reliable if repeated, given that the panelists have more time. If the second set of citizens panels turns out to be unreliable, the first ones still would be useful.

Dealing with Complex Factual Claims.

Obviously there are a number of factual claims in this area, both environmental and economic, which are in dispute even by experts. How are lay people in citizens panels to deal with this? When the Jefferson Center was developing the Citizens Jury process, we always made the claim that our goal was to help citizens deal with difficult social or political issues where the main points of contention were value disputes. The process does help citizens learn about some rather complicated matters, but if disputes over facts are at the heart of the policy debate, then the Citizens Jury process was not the tool of choice. Of course we realized that one of the tactics used by groups wanting to get their way was to make the claim that the facts were so complicated that lay people could not understand them. We discovered, however, that in virtually none of the Citizens Jury projects we conducted were the fac-

tual disputes so central that the jurors could not reach conclusions that they (and we, the staff) felt were sound.

If, however, some disputed factual claims become central to the policy discussion, then an attempt to clarify the claims should be made. Methods exist for doing this. For example, since 1977 the National Institute of Health has been using a method called the Consensus Development Program.³ This is a method for determining whether a neutral panel of scientists can reach a consensus over some controversial issue in medicine. If such a group of experts were used in conjunction with a citizens panel, then the experts' findings could be made available to the panelists. This would help the panelists in making their decisions whether or not a consensus among experts was possible. If no consensus were possible, then the panelists would know that they would have to put off a decision or make suggestions about whether the risks of taking action were greater than the risks of inaction. If a consensus were possible, then it would be easier for the panelists to decide which policies to recommend.

Note that complex disagreements over facts may lead to citizens panel findings that are stable or unstable. The most obvious case exists where the disputes over technical matters lead to unreliable citizens panel findings, as the panels make different assumptions about the facts and arrive at different conclusions. But it is also possible with technical disputes that the panelists become frightened by the risks on one side of the matter and always come out the same way, even though experts in risk management believe that the panelists' conclusions are unwarranted. In a situation where this occurs, calling upon a Consensus Development Program could well be the way to help the panelists to a conclusion that seems more reasonable.

Multiple Citizens Panels

When holding citizens panels on national issues, it may well be advisable to hold several panels on the same topic. The two largest projects conducted by the Jefferson Center, both done in the 1980s, were two-tiered projects in which several initial Citizens Juries were conducted in different regions of the state, and then representatives of

³ This program is discussed briefly in Appendix B under the heading Consensus Conference.

each jury came together at the end to make the final recommendations. Almost all of the large projects in Germany involved multiple citizens panels (see discussion in Appendix B). The advantage of holding a number of regional meetings is that the process is closer to the people than if there were a single (or even a set of) hearings held in a single location. But there is a disadvantage. If panelists at the regional hearings come to different conclusions, then the representatives coming to the final hearing may be set in their positions and reluctant to change lest they let down those who selected them to attend the statewide (or national) meeting. If the German approach is used, then the staff summarizes the different points of view. When there are strong regional disagreements, this has the disadvantage that the panelists themselves did not get the chance to see if they could arrive at a consensus.

One approach that ought to be tried is to hold regional meetings around the nation, but each time bring in panelists from all over the nation. In this case the meetings do not really represent the region, but they do give people in the different regions of the country a more direct look at how a microcosm of the nation as a whole views the problem under discussion. There are a number of different approaches that can be tried to learn what combination of citizens panel hearings delivers the most satisfactory results.

A Dialogue About Using American Troops

The research discussed above regarding citizens panels on climate change is also relevant to discussions about national security issues. The issues of trustworthiness, reliability, factual complexity and multiple panels arise just as much with hearings on foreign and military policy as with the environment and the economy. But to show what can be done with an issue, let me present what a dialogue in this area might look like after research and development had shown that the citizens panel process is equal to the task at hand.

Imagine a profound dialogue on when and how American troops should be used to protect America's interests, preserve democracy and serve humanity. Suppose the dialogue is repeated twice a year, in the same format, over a period of years, or perhaps even decades. This resembles what some pollsters, such as Gallup, have done over the years, posing the same question to the public a couple of times a year

to track how views evolve. But the dialogue would allow the public to play a proactive role, rather than simply a passive one.⁴

Each discussion would start with a citizens panel discussing a general topic (for example, When should we use our troops to support “nation building”?) or a specific historical incident (for example, What should we have done in 1994 when 800,000 people were killed in Rwanda?). The citizens panel would report to its jury pool via television, and then would issue its final recommendations. This would be followed by attempts to stimulate discussions around the country in churches, civic clubs, etc. Finally, the public as a whole would be surveyed to see if the discussion had any impact at all on them. Would people be inclined to listen to the recommendations of the citizens panel even if they had not heard of the recommendations until they were informed by those doing the survey?

These discussions would be conducted twice a year, costing between \$500,000 and \$1.5 million each time (depending on the cost of TV and how much is done to promote discussions among civic organizations before the final survey is taken). One of the aims of these dialogues would be to learn in what areas public opinion was stable on the issue and where there was instability. A major famine that required the use of U.S. troops to protect the workers delivering food might change the views of the public on when and how our troops should be used for humanitarian purposes. The results of previous discussions would be made available to each new project so that the panelists would be building on the findings of previous groups, not just striking out in new directions.

Although this kind of dialogue should not be undertaken as a widely publicized effort until the basic trustworthiness of the methods has been established, experiments may still be done. Is it better to call

⁴ The suggestions I make here are in line with a project now being undertaken through *By the People: America in the World*, a project of MacNeill/Lehrer Productions. Its goal is to “energize and enhance the national conversation on America’s role in the world through a series of national and local broadcasts and events that demonstrate the relevance of foreign policy issues to local concerns.” This admirable effort deserves to be watched closely. Its challenges will be in reaching a broader audience and in showing that the on-line discussions that take place are as sound a methodology as efforts that use face-to-face methods, such as citizens panels or the Deliberative Poll, as normally conducted. See www.by-the-people.org.

upon a different organization to staff each dialogue, to avoid the creation of an entrenched organization that may become set in its ways? Or is it better to devise a sophisticated training program to ensure the minimization of staff biases and the development of deep commitment to fairness in one organization that staffs all the dialogues?

Setting an agenda is always to some degree an act of political will. Although there are a number of rules of thumb in light of which the fairness of an agenda can be judged, there is no final set of standards that can tell us exactly which questions should be examined and which witnesses called. For this reason, it would be important to have a citizens review of the topics chosen and witnesses called. This would probably be similar to the methods suggested for the Citizens Initiative Review and the Citizens Election Forum that enable former participants to spend a couple of years evaluating the projects and making recommendations about how they should be conducted.

If a group of foundations and nonprofit organizations could set up an on-going set of dialogues like these, it should be very beneficial in providing informed and caring citizen input on a crucial question regarding our national security. This is not to say that it is bound to be a success. It might fail. But it is the kind of experiment that should be carefully considered. It would be worthwhile even if, after five or ten years, it influenced the views of only 10 percent to 20 percent of the public.

Compare this to the situation faced in the fall of 2002 as Americans tried to decide whether the United States should invade Iraq. There was a tremendous amount of information, but no place to turn to see what careful reflection on this topic had yielded over the years. The voices of Henry Kissinger and Brent Scowcroft emerged like ghosts from the past. But were they to be trusted more than other voices? Some of the public was surely locked into their own sources that they trust, but this may not be very functional for an informed discussion.

I received an example of such a point of view when an acquaintance of mine forwarded an e-mail that said in part:

I will not forget the liberal media who abused freedom of the press to kick our country when it was vulnerable and hurting. . . . I will not be influenced by so called, "antiwar demonstrators" who exploit the right of state-

ment to chant anti-American obscenities. I will not forget the moral victory handed the North Vietnamese by American war protesters who reviled and spat upon the returning soldiers, airmen, sailors and Marines. I will not be softened by the wishful thinking of pacifists who chose reassurance over reality.

It is not just conservatives who take such strong positions. As I was trying to figure out what President Bush may have meant when he was quoted in the *New York Times* as having said, "I hit the trifecta," I came across the Web site of the *Baltimore Chronicle and Sentinel* for August 2002. There it was claimed that when Bush made this statement, he meant that after the recession and the events of September 11, 2001, he had hit upon three excuses for raiding Social Security. Although their explanation of this was obscure, the article then declared in bold print:

It is sickening to contemplate an administration intentionally looking the other way while terrorists scheme so that whatever havoc they wreak can provide cover for the president to raid Social Security.

At times of crisis, it is common for advocates on each side of a debate to accuse the other side of acting in a way that borders on treason. It happened during the administration of John Adams, during debate on whether or not to go to war with France. But this does not mean that such accusations, which attempt to whip up scorn, if not hate, for the other side, are helpful in making wise choices. In former times there was the hope that the voice of reason would reside in some foreign policy establishment that was informed on international affairs and would try to cool the hot heads on each side of the debate. But history has not been especially kind in reviewing the wisdom of such groups. Certainly in this age of TV and the Internet it is not going to be a model to which we are likely to return.

Therefore, it seems worth the effort to see what can be done to establish an informed voice of the public itself. If some method can evolve over a period of years into a trusted voice of reason, it can be a vital touchstone for helping the nation make the right choices about use of our military force. That voice can be a source to which the public can turn for help in forming views on important matters, and from

which a President can receive guidance about the ways in which the public is likely to back our use of force over the long run.

Conclusions

There are a number of research projects that can be undertaken to help us understand how best to involve the public in a broad and deep way in discussions of national policy issues. If this research is done properly, it can lead to projects that may have considerable impact on some policies.

At the same time, we must be alert to having some of the reforms discussed in Part 2 used on the national level. Ways exist in which the Citizens Election Forum can be used to help the public do a wiser job of choosing candidates for the U.S. Senate. Also, with the help of a public-spirited president, it might be possible to use the methods of the CEF to nominate vice presidential candidates. Since vice presidents are in a good position to become president, this is a potential route to using the CEF to select the president, without having to wait the many years it takes to get a constitutional amendment passed.

Each of these approaches can support the other. The more that Americans see how citizens panels can be used to stimulate effective policy dialogues on national issues, the more interest should be stimulated in getting citizens panels used to help voters do a better job of selecting members of Congress and the president. Conversely, the larger the number of senators elected in states using the CEF in senatorial races, the more likely it is that Senators will start calling for more profound public discussion of national issues.

Chapter 10

Moving Toward Healthy Democracy

Everyone involved in the Citizens Jury project is to be commended. It is a tremendous advancement in the voting process and is certainly a step toward combating voter apathy. As each jury is convened for whatever election, there will be necessary refinements and changes made. It is up to us, the public, the media, and the candidates themselves to take this idea and run with it. It is critical that we learn from previous juries—and with what we have learned, I believe we can work towards and obtain an outstanding voting process.

**Elizabeth A. Hawk,
Bethlehem, Pa., 1992¹**

The case made in this book is now almost complete. Part 1 laid out the basics of how citizens panels can be used to enable people to come together in a respectful setting, learn about issues, have an opportunity to care about the real needs of their fellow citizens, and then speak out clearly about what needs to be done. The reason it is important to empower an authentic voice of the people is that the ways to manipulate our government and our national dialogues are stronger than ever before.

We Americans are a people who have in our hands all the democratic rights we need to control our destiny. We have the freedom to vote for our leaders and the freedoms of speech and the press. Yet we

¹ Elizabeth Hawk was one of 36 randomly selected participants in the Citizens Jury project in 1992 in Pennsylvania to evaluate the two main candidates for U.S. Senate on their stands on three major issues. There were two Citizens Jury projects of 18 participants each, one for the eastern and the other for the western part of the state.

are a people whose civic spirit has been severely dampened. The damage done to our civic dialogue, combined with how hard we all work and how much of our spare time is dominated by TV, mean that we have little energy to come together and take back the political process from those forces and candidates that now dominate it. If this situation is not changed, we will find ourselves sliding into increasingly severe problems, with apparently no way to stop it.

Part 2 laid out several ways in which we can start to reclaim our civic dialogue and move toward a healthier democracy. Three different ways were proposed for linking the recommendations of citizens panels to elections so that voters can do a better job selecting candidates or voting on initiatives. Two other uses of citizens panels were also discussed, one to create a vision for a state (or for the whole nation), the other to bring a strong citizen voice to the budgeting process in a state. Part 3 discussed how these methods can be taken to the national level.

Two things must happen if America is to move toward healthy democracy as presented in this book. One is quite specific; the other is a very broad effort.

- An initial, concrete step must be taken to empower a trustworthy voice of the people in some state. The best opportunity for taking this step seems to lie in the frustration of many people with the initiative process in their state. This is where the Citizens Initiative Review can make a significant contribution. A second opportunity may lie in the frustration people have regarding the way taxes and government funds are allocated in their state. The Citizens Budget Review is a way to bring the voice of everyday citizens back into the budgeting process.
- Americans in general must start to think about healthy democracy and what they can do to promote it. This is somewhat tricky, since the concept of healthy democracy is abstract compared to most political goals. But we must find ways to move ahead on this to get people excited about the long-range task of moving away from a democracy that is suffering to one that is healthy.

Taking the First Step

There is a good chance that the Citizens Initiative Review can be implemented through an initiative in some state, hopefully within the next two or three years. The Citizens Budget Review would also be interesting, but initial polling indicates that it does not receive as strong support as the CIR. There are four things needed to get the CIR up and running.

1. A state must be identified that is not too large and where there appears to be considerable dissatisfaction with the initiative process.
2. Polling must show that the CIR stands a good chance of passing if it is placed upon the ballot as an initiative.
3. Enough money needs to be available to do the initial organizing and then get the signatures required to qualify the proposal as an initiative for the next election.
4. There needs to be enough enthusiasm among potential activists in the state that a genuine movement is formed, indigenous to the state, to engage in an effective campaign to get the ballot proposal adopted.

There is reason to believe that these requirements can be met. In the scale of democratic undertakings, the needs are modest compared to the advantages to be gained by testing healthy democracy alternatives at the state level. Many people are expressing dismay with the role initiatives are playing in their state. The amount of money needed to undertake the effort is relatively low: a few hundred-thousand dollars would be enough to fund a basic campaign (some campaigns certainly could be much more expensive). This is a considerable sum for a novel enterprise, but really very little when compared to other amounts being spent on politics. The main thing that must be found is the enthusiasm of people in some state for the support of a novel and significant reform effort.

When we tried to get the CIR on the ballot in Washington state in 2002 (see Chapter 4), we picked a state that was too large. As can be seen from the chart below, 197,000 signatures are required to get a proposed initiative on the ballot in Washington. This required more money than we could raise for the effort. Sadly enough, the days of

citizen activism, where volunteers gather the signatures for an initiative, are largely passed. Only long-standing groups appear able to use volunteers to gather enough signatures, and even many of these fail. But there are several other states where the required number of signatures is smaller and where reform efforts might be welcomed. The chart below lists a few of these.

Signatures Needed to Qualify a Proposed Initiative

The list below shows the required number of signatures for getting an initiative on the ballot in a few selected states. The target number indicates how many signatures will have to be gathered to ensure that the minimum requirement is achieved, since typically 15% to 25% of signatures are found to be invalid.

	Currently required	Target number
Colorado	80,571	105,000
Oregon	75,630	110,000
South Dakota	13,010	17,000
Washington	197,000	240,000

Each state has its advantages and disadvantages. There is no need to go through all of these here, but a few points are worthy of mention.

- South Dakota was the first state in America to adopt the initiative process, doing so in 1896. There may be a number of people there who would be proud if their state were the first to adopt a reform that would enhance the role a voice of the people can play in the political process. The major barrier to getting the CIR adopted there is that the secretary of state's office does not distribute their voters guide widely, as is done in many states. This means that to get the CIR adopted, it would be necessary to convince the voters that they need a voters guide as well as the CIR.
- Oregon, too, has a reputation for innovation. Also, a poll in

2002 showed support for the CIR at 61 percent in favor, 12 percent opposed and 26 percent undecided.² This is better than the 58 percent to 25 percent margin found in Washington in January 2002. The major challenge in Oregon is the economic crisis they face. In January 2003 a referendum for a tax increase failed, meaning that deep cuts in government spending are needed. This makes it more difficult to get any proposal adopted that requires additional state spending. A survey conducted in February 2003 showed that support for the CIR had slipped to 51 percent in favor and 27 percent opposed.³

- Colorado requires a larger number of signatures to get an initiative on the ballot. But these very difficulties mean that if we could do it in Colorado, it would probably be easier to get things rolling in other states than if the first success were in Oregon or South Dakota. A survey showed that 63 percent of voters in Colorado favored the CIR, 25 percent opposed and 12 percent were undecided.⁴

The small team that I work with is gearing up to see what we can do in one of these states. We are optimistic, given that we have the funds needed to start an initiative campaign and the situation in several states is ripe for an effort like ours. The main barrier we see is that many people are now discouraged, if not angry, about government and politics and are pessimistic about the likelihood for success of any reform effort. When we press people whom we contact, some of them our friends, on exactly how and why they think a major reform effort will fail, given the polling data and other assets we have, their reply is often a general feeling that “the people don’t care” or that “big money” will sink our efforts. This leads us to remember Franklin D. Roosevelt’s famous comment that

² The survey was conducted in August 2002 by Moore Information, Portland Ore. They also conducted the survey in Washington. The question used in Oregon was identical to that in Washington (except, of course, for changing the name of the state).

³ The survey was conducted in Oregon by Moore Information in mid-February, 2003, with a sample of 500 people.

⁴ The survey was conducted by the Tarrance Group in September 2002. For a fuller discussion of the survey results in Colorado and Oregon, see Appendix A, Section 2.

“the only thing we have to fear is fear itself.” We are determined to find a way to get people to set aside their skepticism and join the effort.

We are confident that within two to three years enough enthusiasm will emerge in some western state⁵ for a successful signature campaign to be conducted to place a healthy democracy reform on the ballot. This belief rests in part on the funds available and in part on the likelihood that enthusiasm will spread once an effort is started.⁶

Once the signatures are gathered, there will remain the challenge of mounting a successful campaign to promote the initiative during the last four months before election day. If the polling results are good in the state we pick, a major campaign may not be needed to convince a majority to vote for it. Of course, any campaign involves risk. Something can always come up to make an initiative with good prospects go sour. But as things stand now, the prospects look good.

Our hope is that if we can get the CIR adopted in one state, and it works as well as we believe it will, then leaders in other states will come forward with the support needed to get it adopted in their states. Once things get started with either of these reforms, then steps must be taken to get other reforms, especially the Citizens Election Forum, up and running. Again, our assumption is that there will be many who will join efforts to promote the CEF once the CIR has been running for a few years in a few states. Indeed, it is possible that some group in some state will want to move to the CEF quite rapidly. If there were a widespread desire for something like this in a state that had shown

⁵ We have considered Massachusetts, but decided it is too large, and Maine, but decided against it because it lacks a voters guide.

⁶ For example, many people assured us that we would not find any students interested in working on a procedural reform like the CIR. But in the fall of 2001 I visited a university in Washington where I spoke to five different social science classes about democratic reforms. After the classes 42 students sign up to help promote democratic changes. Even if only a quarter of these people turned out to help gather signatures, this means that with about 10 hours of my work there was the potential of getting 10 students to spend 3 hours apiece gathering signatures. These 30 person-hours of volunteer time should yield about 500 signatures gathered, assuming it is done with the guidance of a paid team that is good at training and placing signature gatherers. The infrastructure needed for a good volunteer effort is expensive, so in one sense the term “volunteer” is misleading. But if we are able to repeat this kind of experience with roughly 200 groups of people, we would have all the volunteers needed in either Colorado or Oregon, no less a smaller state.

itself to conduct politics in a relatively honest way, then it would be tempting to take the risk and go ahead. But the group promoting the CEF would have to be quite savvy and there would have to be good reasons to believe that it indeed could be set up in a solid way in a state that had not even tried the CIR.⁷

In sum, we believe we stand a good chance of taking the first specific step to move in the direction of a more healthy democracy. Let us turn now to the second broad effort needed for healthy democracy. Americans must start thinking about it and see it as something worth doing. There are a number of things that can be done to promote this.

A Role for Students and Professors

Professors of political science or related fields could help promote healthy democracy by getting their students to consider what constitutes healthy democracy and what can be done to promote it. At a modest level, professors might spend a few classes getting their students to consider how American democracy currently works and whether they think this is a healthy situation. It should also be interesting for a class to discuss their own vision of healthy democracy.

But if professors really wanted to do something to promote healthy democracy, they could offer a whole class that would consider the topic, and try to coordinate the courses between college campuses across the nation, so that students in a class could see what their fellow students at other schools are thinking. There are a number of ways it could be done.

For example, a class could review several theories of democracy and then apply these to the way American democracy works. Several weeks could be spent on this, with a wrap-up discussion among the students about what they think healthy democracy is and how close our system comes to it. Then a number of solutions could be reviewed and the students could end the class with a discussion (perhaps a paper) on which solution they think most likely to improve the health of American democracy.

A second approach would be to teach a class that might be called "American Democracy and Our Future." This class would have the

⁷ See the discussion under "Effective Citizen Control" in Chapter 5 for reasons why the CIR should be introduced before the CEF.

goal of helping students to answer three questions: How well is our democracy prepared to meet the challenges America is likely to face in the 21st century? If it is not very well prepared, then what must be done? Finally, what can I do to participate in the effort to promote healthy democracy?

The class could be broken up into four parts:

1. A review of some of the significant challenges predicted for the 21st century.
 - How severe are they?
 - What needs to be done to fix them?
2. Is our current democratic structure equal to the challenge?
 - What inadequacies are claimed for the current system?
 - What do supporters of the current system have to say about this?
3. What efforts to improve democracy are under consideration?
 - Campaign finance reform, both state and national.
 - Novel proposals (for example, Citizens Initiative Review, the National Initiative)
 - Term limits
4. What, if anything, would the students be willing to do to help promote any of these proposals? This question should be posed both for near and long term.

The above outline is intended to be broad and flexible enough so that it does not promote any particular democratic reform, and is not biased in favor of the need for reform. The intention is to allow students to consider the challenges facing America, consider whether our current democratic system is equal to these challenges, and then examine how they themselves could fit into the picture. It would be as appropriate for a student to decide that no action is needed, or to work to oppose reforms on the grounds that none are needed, as for a student to decide that one of the reforms under consideration is worth supporting.⁸

⁸ Some professors will surely want to structure the course so as to directly encourage students to work on democratic reforms. That is certainly their right. But if a movement were started to do this in colleges and universities across the nation, it might well lead to a backlash as the powerful interests that now benefit so much from the current system would do all they could to discredit the effort.

If this course could be taught on a number of campuses, then a Web site could be set up to report on what students are concluding about the challenges, the proposed reforms, and what they could see themselves doing to help democracy be equal to the challenges.

Players in the Current Political System

It would be a mistake to assume that everyone with power in the current political system will be opposed to the CIR and uninterested in healthy democracy. My assumption is that many people with power in the current system would like healthy democracy, but they find it too difficult to shift gears and start promoting something very different from the game they have become so good at playing.

I have met too many enlightened businesspeople, labor leaders, and wealthy individuals to rule out the active participation of some of them in the promotion of healthy democracy. Most Americans are proud of their patriotism, and many stand ready to act on it. What could be more patriotic than to do something for healthy democracy? Just as Henry Ford paid his workers more than he needed to because he knew it would be good for business in the long run, so there must be many business and labor leaders who see that over the next 50 to 100 years their businesses and unions are more likely to thrive under a healthy democracy than a sick one.

Certainly in Washington state the majority of business and labor leaders we encountered said they liked the CIR. We also know how difficult it is to move from a few leaders who have a generally positive reaction to actually getting financial support from their organizations. But once we are working in a state where there is enthusiasm for the CIR, then the support of the business, labor, and civic communities would be very helpful and might well be forthcoming.

A single wealthy person could put up enough money to get the CIR on the ballot in most states. According to a report in the *New York Times*, about 205,000 taxpayers had a yearly income of \$1 million or more in 1999, up from fewer than 87,000 in 1995. Among those 205,000 people, the average income was \$3.2 million. Even assuming our economy has slipped back to 1995 levels, this still leaves a lot of wealthy people. If only one percent of these wealthy individuals were to care about healthy democracy and decide to tithe for it, a flowering of democratic reform could occur.

Such people are not easy to approach. A consultant in Washington state pointed out to us that most of the large “dot-com” millionaires who blossomed there in the 1990s have hired someone to screen out charitable requests. He then went on to note that the CIR is a “new system” approach and that the people who are hired “to guard the castle walls” of the newly wealthy are almost always “old system” people. Nevertheless, it is still possible that money for the CIR could be found in unexpected places.⁹

Opportunities for Patriotic Americans

There are a number of things individuals can do to promote healthy democracy. Many of the reforms called for in this book require actions by large groups. But the task of those leading these groups will be a great deal easier if there is a reservoir of volunteers or potential donors ready to help out. So here are a number of ways in which individuals might decide to help promote healthy democracy. Any one of the suggestions listed could be undertaken by going to the Web site of some group involved in healthy democracy experiments.

Give Democracy a Birthday Present

Pick out your democratic hero and decide that on the day of his/her birthday you will contribute your earnings for that day to some cause furthering healthy democracy. Your hero might be Thomas Jefferson, Alexander Hamilton, Mother Jones, Martin Luther King, or Barry Goldwater. But whoever it is, try to figure out what they would like to see done to make American democracy work better. Don't just try to figure out what they were doing when they died. Try to imagine what they might do now if they were alive and at the height of their creative careers.

Are You a Hands-on Person?

I know a lot of good people who dedicate themselves to good

⁹ An article in the *Denver Post* from August 18, 2002, points out that of the five initiatives on the November 5, 2002, ballot, four were promoted by wealthy donors. These were not initiatives intended to benefit the rich. The goals of the four were to expand voting by mail, require candidates to petition for placement on the primary ballot, allow voter registration on election day, and end bilingual education.

causes. It might be volunteering for their church or Habitat for Humanity or working with a youth group or in a nursing home. For many of these people, "politics" is something they shun, and doing something for healthy democracy falls in that category. They vote, but that seems to be enough.

If you are one of these people (in which case I wonder how you have plowed through this book), talk to some of your friends who work in the area where you volunteer. There is virtually no area of volunteer work that is untouched by government. Talk with them about what government does to help or hinder the work you all are doing. And then think about something that could be done to make a fundamental improvement in how our democracy works. Don't you think that in a healthy democracy the volunteer work you are doing would be more effective than what is going on now?

Are You a Strategic Thinker?

Perhaps you are the kind of person who enjoys investing. You like to arrange a portfolio so that you have some good solid investments, but also put something like five percent to ten percent in riskier ventures in the hope of some big gains. Or maybe you are the kind of person who wants to have traveled to some faroff place before age 40. You pledge to yourself that you will not let time get away from you, that you will make that trip. Or perhaps that you will take six months off and just play around the house. Or that, once your children are grown, you are really going to take the time to become a painter or sculptor.

If so, then why not pledge some time for democracy as well? Are you really going to feel satisfied at having reaped the benefits of democracy for your whole life without having done anything to make it work better? You may well vote because you see it as your civic duty, but is that really going to make democracy healthier?

What you give to democracy need not be a great deal. Perhaps you think that a day or two a year is enough. Or maybe a five-day working week once every ten years. If you think that is a good idea, then you can decide how to fill that pledge. You can do the birthday gift of a day's wages. You could decide that at some time in your life you will give a month to an initiative campaign in your state and that will be enough for your whole life.

An Internship while Young

Internships for young adults are a popular idea. In recent years, many idealistic young people have given a year or two of their lives to work at low wages for a good cause, such as in the Peace Corps or the VISTA program. Others take internships with organizations out of a mixture of idealism and hopes for a career in the area. Law students do this, probably more for career advancement than idealism. Young people intern for nonprofit organizations in Washington, D.C., or in state capitals around the country, probably more out of idealism than hopes for a career.

Therefore, why not put in a year as an intern for democracy? Certainly healthy democracy is as sorely needed as the other areas in which young people work as interns. One reason this is not done currently is that those people and groups working to promote healthy democracy do not have their programs organized to create effective internships. It is much easier to set up a nonprofit organization and raise funds for environmental preservation or hunger or peace than it is for democracy. But the more that young people show an interest in working for healthy democracy, the easier it will be for organizations to set themselves up properly to offer meaningful internships.

Keep the Need for Healthy Democracy in Mind

This may seem awfully vague. Just as the bumper sticker "Visualize World Peace!" became satirized as "Visualize Whirled Peas!" so the notion that one should keep healthy democracy in mind may seem like fuzzy-mindedness. Healthy democracy will not happen just because people think about it. But it is unlikely to happen at all if very few think about it. It is vital to keep in mind that practical things can be done to promote experimentation at the state level. And this experimentation may well be the foundation for the healthy democracy enjoyed by our children and grandchildren.

So long as you keep in mind that practical steps can be taken now, then you are likely to find yourself doing one or another of the things mentioned in this chapter, even if it is nothing more than just making a pledge to yourself. But you are unlikely to do anything to keep democracy alive and well in America if you put this out of your mind, or allow yourself to think that steps to promote healthy democracy

involve unpleasant activities, great sacrifices, or doing something that turns out to be a waste of time.

It's The Vote, Stupid

During the presidential campaign in 1992, the Clinton headquarters had a big sign posted in their offices saying, "IT'S THE ECONOMY, STUPID." Although there are a number of things that can be done to make democracy work better, we must remember that the real improvements will come only if those who care about healthy democracy can find ways to have an impact on the electoral system and the way people vote.

Deliberative democracy will do little good unless it changes the way people vote. Participatory democracy will do little good unless that participation leads to a change in the ways in which citizens vote for our elected representatives. Important as the initiative process is, direct democracy alone will not deliver healthy democracy. The same manipulative tools that now exert such a strong influence on the election of candidates are also used to influence the way people vote on initiatives. The CIR will bring a significant improvement to this situation. But the wide adoption of the Citizens Initiative Review or the Citizens Budget Review will not be enough. We must move on to methods that help voters do a better job of selecting candidates, such as the Citizens Election Forum or the suggestions of John Gastil for placing candidate ratings on the ballot.

In Conclusion

Individual citizenship has been stripped of its power, not only by big money but by the complexity of our society and the civic lethargy into which most Americans have slipped. The media only reinforces this attitude. Through the media, we Americans are able to unite to mourn the deaths of seven brave people who died on the space shuttle Columbia, but nothing is done to help us unite as a people to reclaim our democracy.

But relatively minor efforts can release powerful forces. Democracy is a powerful idea, and the vote is a powerful political tool. The initiative process found in half our states means that only a modest effort will be required to introduce some very significant reforms.

The Citizens Initiative Review, the Citizens Budget Review, and the Citizens Election Forum are solid ideas that have the potential for creating a much healthier democracy than we have now. Other methods are also available and should be tested as well.

All that is needed is for a few people to see the potential for significant improvements in our democratic system and commit themselves to getting these enacted. In a century that will prove one of the most exciting eras of humankind, the American public must decide not to slide through it in a passive way, but rather demand a clear and authentic voice in the key choices that must be made. We must rise to the occasion and rejuvenate the wonderful creation of the founders of our Republic.

Appendix A

Designing Citizens Panels and Related Methods

In the body of this book, I have tried to concentrate on ways to promote healthy democracy while giving only passing attention to how the ideas were developed and what tests were done on some of the key parts along the way. This appendix contains both some of the history of how the ideas were developed and some of the key tests of the process done in the late 1990s through 2001.

Contents:

Section 1:

Do Voters Respond to Citizens Jury Evaluations? 194

Section 2:

Will the Public Like the CIR and CEF? 197

Section 3:

Making the CIR Trustworthy 208

Section 4:

The Citizens Panel on Electoral Reforms, River Falls, Wisc. . . . 224

Section 5:

Designing the Citizens Initiative Review. 229

Section 6:

Inventing the Citizens Jury Process (a personal history) 247

Section 1

Do Voters Respond to Citizens Jury Evaluations?

One of the key assumptions of this book is that voters will pay attention to citizens panel findings that are relevant to an upcoming election. This attention need not be universal, by any means. So long as five or ten percent of the voters are prepared to switch their votes on the basis of what they learn from a citizens panel, that is sufficient to make the method a significant factor in elections. The problem with most democratic reforms is that they lack political power. So what reason is there to believe that a political reform based upon citizens panels will have any power?

The only direct test of this was in 1990 when the Jefferson Center did a study to see what the reactions of the broader public might be to the conclusions of a Citizens Jury that evaluated candidates on their stands on issues. This was the Citizens Jury on the 1990 Minnesota gubernatorial elections, done in conjunction with the League of Women Voters of Minnesota. Because the project had involved such a large number of people from around the state, we had a very large jury pool from which the jurors had been chosen. Out of the original randomly selected group of over 700 people, 522 had been willing to give us their names and addresses. After choosing 72 to serve as jurors (there were six regional hearings of 12 people each), we had 450 people remaining to use as a test group to learn about public reactions to the project.

We decided to mail out to them the results of each of the regional Citizens Jury projects that had been held around the state during the primary. Then, we sent a second mailing with the findings of the statewide hearings. Finally, after the election was over, we conducted a survey to discover what they thought of the jurors' findings. The results were as follows:

What do you think of the Citizens Jury as an electoral reform?

- 47% A very good idea
- 10% A so-so idea
- 1% A poor or very poor idea
- 20% Paid no attention
- 22% No answer, refused, or not reached

Did the Citizens Jury reports help you in making up your mind on how to vote?

- 35% Helped decide how to vote
- 19% Did not help decide how to vote
- 4% Don't know
- 20% Paid no attention
- 22% No answer, refused, or not reached

We then compared the votes of the 35 percent who said the reports helped them decide how to vote with the 19 percent who said it did not. The results are shown below. Since the statewide Citizens Jury came out strongly in favor of Carlson, it is clear that this was a strong influence on how people voted. Those who said the report did not help them in their decision voted almost like the state as a whole (which voted 49 percent for Carlson, 46 percent for Perpich). We analyzed these results by party to be sure that it was not a simple case of Republicans paying attention to the Citizens Jury findings while the Democrats ignored it. We found that Democrats and Republicans were distributed equally between the two groups of respondents.

	Helped decide vote (35%)	Did Not Help Decide Vote (19%)
Carlson	59%	39%
Perpich	26%	39%
Would not say how voted	15%	22%

If the reports had been sent to the whole state and all voters had responded in the same way, then, assuming that those who would not say how they voted split equally between the candidates, Carlson would have received 56 percent of the vote and Perpich 42 percent. These results can be played around with quite a bit. If, for example, we had

checked the sample to see how many normally voted and then applied the results only to voters, then those paying attention would surely have been more than 35 percent, since it is likely that voters would pay more attention than nonvoters. Another way to say this is that the 42 percent of the 1990 sample who did not answer or paid no attention surely had more nonvoters among them than voters. So it is reasonable to assume that if this information had been sent only to voters, the percent who were helped to decide how to vote would have been higher than 35 percent. How much higher is anyone's guess.

But if results like these were found in a voters guide sent out to all households in the state (as is done in a number of western states), then the number paying attention might well go over 50 percent and the effect on an election could be considerably greater than the one discussed here. (As noted in footnote 9 of Chapter 4, 62 percent of Washington state voters find the voters guide useful in making up their minds on how to vote.) In other words, this study shows that the project potentially could have a very strong effect on the outcome of an election.

Equally interesting was that only a small percent of the sample would have preferred it if the jurors had made a recommendation about which candidate to vote for, instead of simply evaluating candidates on their stands on issues. If you remove from the survey the 42 percent who paid no attention to the reports, then among those remaining were 8 percent who would have liked recommendations on how to vote, 87 percent who did not want recommendations, and 5 percent who did not know. Clearly the people preferred getting information that could help them make up their own minds, rather than getting a direct suggestion.

Section 2

Will the Public Like the Citizens Initiative Review and the Citizens Election Forum?

*I*t is fine to discover that citizens panels could have a strong effect on an election. But would the citizens of a state ever want to adopt a campaign reform like this? Any reform that aims at empowering a trustworthy voice of the people must rise to the challenge of keeping the effort free from the influences of political interests. Could the people of any state ever be sold on the idea of adopting such a reform? After all, campaign finance reform is very difficult to get adopted, and that idea has been around for close to a century.

To answer this question, we commissioned two focus groups and three surveys between 1997 and 2002.

In 1996, when the IRS ruling came through and prevented the Jefferson Center from running further projects that rated candidates on their stands on issues, I decided to continue working outside the Jefferson Center to find some way to implement a project in which citizens panels would report to voters. I hired Doug Nethercut, a man with 20 years experience in the nonprofit world, and he and I set out to see what we could learn. We determined to do our checking in a state having the initiative process, because anything we designed was more likely to be adopted through the initiative process than through a legislature, assuming support could be found for it in the state.

Doug and I decided that Washington state looked like a good testing site. So in 1997 we hired the firm of MacWilliams, Cosgrove, Smith and Robinson to conduct four focus groups, two in Yakima and two in Seattle.¹ We wanted to see if any rhetoric existed that could successfully promote the idea in an initiative campaign. If there were any

¹ It is well-known that political views in Washington differ considerably between the Seattle area and the area east of the Cascade Mountains. This is why two of the focus groups were conducted in Yakima.

quick slogan that might work, would it hold up under an hour or so of closer examination? We named our reform the Citizens Election Forum and set out to see what would happen.

Almost all of those who commission focus groups have a product or service they want to sell. This makes it tempting to set up the meetings to do the best job of presenting the product or service. But stacking a meeting in favor of your proposal only leads you to fool yourself. So the focus group sessions were carefully designed not to sway people to favor the need for electoral reform or the Citizens Election Forum. We started with a free-flowing discussion of elections and politics to let the participants express themselves and to see that, indeed, we wanted to hear what they had to say without influencing them one way or another.

After about 20 minutes, the moderator said that we wanted to learn their views on two different approaches to reforming the electoral process. The following two reform proposals were presented to the participants:

- A. Reduce the power of big money in elections. Place limits on campaign contributions and offer public financing of campaigns in order to reduce the influence of big money in elections in Washington state.
- B. Put elections back into the hands of the people. Give average citizens the opportunity to: 1) learn about the issues facing the state of Washington and recommend what should be done; 2) interview candidates to find out how they would handle these issues; 3) rate the candidates. This will all be carried live on TV, reported on the radio and in the newspapers, and the results will be mailed out to all voters.

The moderator then handed out three envelopes to the participants, labeled "A," "B," and "me." In the "me" envelope were five one-dollar bills. Participants were asked to consider what they might like to give to electoral reform. They could give funds to A or B, or keep the money by leaving it in the "me" envelope. They could also divide the funds among the envelopes. The totals for all four focus groups were: "A," \$55; "B," \$98; and "me," \$32. At the end of the evening when participants were asked to reallocate funds after learning in detail about the Citizens Election Forum, the amount allocated to it ("A") dropped to \$96.

We were naïve enough to think that a result like this would sell the Citizens Election Forum to anyone who came across it. We even invited the leader of an electoral reform effort to attend the two focus groups in Seattle. She was completely unimpressed and paid no attention to our efforts. Other attempts to generate interest in Washington also failed. We simply did not have a good plan in place for making contacts and getting our ideas across.

We then spent several frustrating months trying to use our contacts in Pennsylvania to get something going there. When that did not pan out, we decided to step back and work more on the basic concept.

It was not until 2002, after the creation of the CIR (see Section 5 below), that we were far enough along with our plans to commission another set of focus groups. Although the focus groups in 1997 showed that people liked the idea of rating candidates on their stands on issues, this might not carry over to having citizens panels evaluate initiatives. Also, it was important to know how people would feel about an idea that could be proposed in their state, as opposed to the hypothetical introduction of the CEF considered in 1997. If the proposal seemed likely to be introduced, would they really want to pay for it and see it as part of government?

This time we worked with two groups of consultants: Pyramid Communications in Seattle, who in turn recommended that the focus groups be conducted by the firm of Davis & Hibbits, Inc., a marketing and communications research firm located in Oregon. We decided to hold focus groups in Bellevue (a suburb of Seattle), Spokane, Yakima, and Vancouver. The goals we listed for the focus groups were as follows:

1. Discover what initiatives mean to the people of Washington, concentrating on what they have to say in their own words.
2. Discover what they think of Initiative Juries and the Initiative Jury Project. (*This was what we were calling the CIR at the time. One of the important things we learned from this focus group was that the participants did not like the name "jury." As a result of questions about naming, we came up with the name Citizens Initiative Review.*) Do they like the idea? Would they vote for the proposal if it came before them as an initiative?
3. What suggestions do they have for naming our main concepts?

With regard to the first question, most participants said, when asked directly, that they like the initiative process. But they also have many misgivings about the method, especially with regard to getting sufficient information (60 percent of the participants said they did not get sufficient information on initiatives) and finding unbiased information.

Questions about the CIR took up a major portion of the focus group discussions. The participants were asked about the concept in general, and about specific aspects of it. The following table shows a comparison of the totals for all four groups for the five different descriptions presented to them.

Group Totals for Dislike/Like for Different Project Ideas					
	General Description	Group Selection	Information Distribution	Organization & Funding	Evaluation & Sunset
I dislike this idea a lot	3	2	—	2	1
I dislike this idea	4	5	3	7	6
I'm neutral about it	9	11	6	9	11
I like this idea	18	16	25	17	16
I like this idea a lot	6	6	6	4	6
No response	—	—	—	1	—

Source: Davis & Hibbitts, Inc.; December 2000

The description of information distribution got the highest “like” marks from the participants. Otherwise, the number liking and disliking the different ideas remained constant throughout the discussion. A number of participants said their overall support for and level of comfort with the concept increased the more they learned. On the other hand, some participants indicated they liked the concept less the more they learned.

At the end of the focus groups, the participants were asked a couple of final questions, now that they understood the concept better.

If it actually came to a time when the Initiative Jury Project was proposed as a ballot initiative, would you vote for it?

- No 4
- Perhaps 1
- Yes 33
- No response 2

Would you sign a petition to get the idea on the ballot?

No	5
Yes	34
No response	1

As with any focus group, we were interested in the qualitative data gathered, that is, the specific responses given by people as reason for their answers. Although this was a rich source of commentary, it did not lead us to redesign the concept as a whole. We did discover that some participants who were a little hesitant about the concept as a whole were persuaded to support it because of the sunset provision.

The main change coming out of the focus groups was the changing of the name from the Initiative Jury Project to the Citizens Initiative Review. It was clear that many of the participants did not like the idea of calling it a jury.

The results of both focus group projects made us feel confident that the CIR could succeed in the state of Washington. But we felt that it was important to get a mandate from the people before going ahead. This was why we asked the League of Women Voters of Washington to host a Citizens Jury project on the proposal. Not only did we want the overall approval of a microcosm of people, but we felt that some key parts of the proposal, such as the level of funding, should not be decided by us, but rather by the people of Washington.

After the Citizens Jury was held in May of 2001, we saw the need for commissioning a survey to find out in detail how people in Washington would react if the CIR were placed on the ballot. At this point we were working with Sue Tupper and Kelly Evans, two consultants very experienced with initiative projects in Washington. They recommended two survey companies, one in Oregon and one in Massachusetts. We chose Moore Information of Portland, Oregon. Only later did we discover that the company does polling largely for Republicans. Although we always want to be sure that we are not identified with any political party, we were assured that their work was widely respected, so we continued to use them.

The interviews were conducted October 13–16, 2001, among a representative sample of 500 likely voters chosen from a list of likely voters. Potential sampling error is plus or minus 4 percent at the 95 percent confidence interval. Those surveyed consisted of 34 percent

who had voted in all four of the last elections, 39 percent who had voted in three of the last four, and 27 percent who had voted in only two of the last four. The overview presented by Moore Information started off as follows:

Generally speaking, Washington voters are positive about the state's initiative process. Most voters (84 percent) vote on all or most ballot measures, and a wide majority (66 percent) are satisfied with the current initiative process. The most endearing quality of the initiative process is that it provides a voice for the people. At the same time, complaints about the system are most likely to point to perceived flaws in the measures themselves and resulting court battles which often end up overturning a measure's passage. Importantly, a lack of information about ballot measures is not a leading concern or complaint about the state's initiative process.

The most important result was the test of the "ballot title." In Washington, there is a set format required for stating the nature of the initiative to be voted on. The number of words is limited and there is a specific format to be followed. This is the "title" that is placed on the ballot and, for some voters, is the only thing they will know about the initiative should they choose to vote on it. The wording of the title is therefore very important. A rule of thumb is that the ballot title should get at least 60 percent support before those proposing it risk gathering the signatures to have it put on the ballot.

We discovered that this rule of thumb has been around for a long time. When we asked Moore Information about the data to support it, they gave us information on eleven initiatives that had been on the ballot in Washington from 1996 through 2000 where they were aware of initial polling results on the title. The data, as shown below, is not especially supportive of the rule of thumb. Although support of over 60 percent certainly is desirable, clearly the majority of those initiatives with less than this (at least in the sample we were given) still passed. It seemed to us that if the opposition was not too strong, it would be possible to go ahead with less than 60 percent support.

Initial survey results	number of initiatives	number passing	number failed
Support over 60%	3	3	0
Support 50% to 59%	5	3	2
Support under 50%	3	2	1

The question about the CIR was stated as follows:

Here is a proposed initiative for the November 2002 ballot.

The measure concerns citizen review of statewide elections. This measure would establish citizens panels of randomly selected Washington residents to review initiatives. An independent commission would oversee the citizens panels, distribute their reports, and provide for evaluation and audits.

If a vote on this proposed initiative were taken today, would you vote "yes" to support it or "no" to oppose it?
WAIT AND ASK Do you feel strongly about that?

	Initial responses	Final responses
Strongly Yes	26%	29%
Yes	26%	29%
(DON'T READ) Don't Know	18%	10%
No	9%	9%
Strongly No	20%	23%

The initial responses were given early in the survey, which consisted of 58 questions, plus demographic questions. Then, after a variety of pro and con statements had been read, the question was repeated. From the point of view of pollsters, it is the initial response that is critical in assessing the likely reactions of voters to an initiative. We were not pleased with these results, given that only 52 percent of the initial responses were favorable. But the poll also showed that the pro statements received considerably more support than the con statements. This, plus the increased support in the final responses, and our

assessment that a major campaign against the CIR was not likely to be mounted, led us to decide we had enough support to go ahead with the attempt to gather signatures to get the CIR on the Washington ballot in 2002.

It was also clear to us that a better ballot title would bring more support to our cause. For this reason, we went over the survey and the focus group results carefully and constructed a new ballot title. This was tested by Moore Information on January 15–16, 2002, in a sample of 500 likely voters in Washington. We used a “split sample” methodology to test out two different titles. Here is the main part of the report we received:

Title One: The measure concerns voter information on statewide initiatives by citizens panels. This measure would establish an independent citizens panel to review each initiative, and report findings in the Voters Pamphlet. The citizens hear testimony, deliberate, and report their reasons for and against the initiative.

Title Two: The measure concerns citizen review of statewide initiatives. This measure would establish independent panels of Washington citizens to review and provide voters with information about initiatives. The Secretary of State would publish the citizen's reports in the Voters Pamphlet.

The results are shown in the table on the following page. As can be seen, Title Two came out slightly ahead of Title One, although this difference is within the statistical margin of error. Oddly enough, the two titles received an equal level of support when read first, so that whatever advantage Title Two might have come on its second hearing. Importantly, both titles received majority support among all demographic subgroups and in every region of the state. Although the results are not statistically significant, we still decided that we should use Title Two in proposing the initiative.

Results of Survey of January 2002			
Title One	First reading	Second reading	Totals
Support	56%	54%	55%
Don't Know	18%	15%	17%
Oppose	26%	31%	28%
Title Two			
Support	56%	60%	58%
Don't Know	20%	13%	17%
Oppose	24%	27%	25%

We found these results encouraging, but still not as high as we had hoped. But at least we were able to get the support up to 56 percent on the first reading. This survey was done just at the time that we learned we were not going to be able to go ahead with the CIR project in the state of Washington for lack of funds. We let Moore Information know, and thought that was the end of our professional relationship, at least for a year or more. Therefore, we were surprised when we received a message from Moore Information in August stating that they had, on their own initiative, decided to see what voters in Oregon think of the CIR. They posed the following question to a sample of 340 Oregon voters on July 29–August 1, 2002 (giving a potential sampling error of plus or minus 6 percent at the 95 percent confidence level):

Here is another proposed initiative for the November 2002 ballot. The measure concerns citizen review of statewide initiatives. This measure would establish independent panels of Oregon citizens to review and provide voters with information about initiatives. The Secretary of State would publish the citizen's reports in the Voters Pamphlet. If a vote on this proposed initiative were taken today, would you vote "yes" to support it or "no" to oppose it?

The results were that 62 percent supported it, 12 percent opposed it, and 26 percent were unsure. We, of course, were very pleased with this. Not only was the support level over 60 percent, but the opposition was less than half of what we found in Washington. Beyond this,

we were delighted that Moore Information had done this on their own. They did not charge us for asking the question. Bob Moore, the principal, said that he found himself interested in the CIR and was curious about how it might fare in his home state. We were very pleased with his interest in a novel proposal to make democracy work better in Oregon.

This greatly encouraged us about the possibility of trying the CIR in some other state. In light of this, we asked Moore Information if they could tag a question on to a survey that they might be doing in Colorado. Moore did not have a survey going in Colorado, but recommended we contact The Tarrance Group, which does polling there. They were willing to tag our proposed ballot title onto a survey done in September. They posed the ballot title (slightly revised) to a sample of 500 likely voters on September 22–25, 2002. Here is the question and the results they obtained:

Now, thinking about potential initiatives that may or may not appear on the ballot this November. There is one proposal concerning citizen review of statewide initiatives. This measure would establish independent panels of Colorado citizens to review and provide voters with information about initiatives. The citizens' findings would be included in the blue book which is sent to all residents of Colorado.

If the election were held today, would you vote —
(ROTATE)

— Yes, to support it, *or* — No, to oppose it?

- Sixty-three percent (63%) of Colorado voters indicate that they would vote “yes, to support” the initiative, while twenty-five percent (25%) would vote “no, to oppose it.” There are twelve percent (12%) of Colorado voters who are undecided on this proposal.
- Support for this proposal is quite strong throughout the state, standing at better than 60 percent in every media market in the state. Support for the proposal stands sixty-two percent

(62%) among men, and sixty-four percent (64%) among women voters. There is very little difference in support based on age, with over 60 percent of voters of all ages indicating that they would vote in favor of the proposal.

It will be noticed that we had to change the question for Colorado. It was asked late enough in the year that all of the initiatives had been qualified for the ballot. If we had retained the original lead-in sentence, this might have been confusing or misleading to well-informed voters. Also the voters guide in Colorado is not issued by the secretary of state, as in Oregon and Washington. Instead, it is put out by a commission of the state legislature, and commonly referred to as the "blue book." This means that we do not have exact comparability between Colorado and the other two states. Nevertheless, the results are encouraging here, too, even though the opposition is at the level found in Washington, rather than the low level found in Oregon.

Section 3

Making the CIR Trustworthy (Designing the Infrastructure for the CIR)

*T*he key to the success of any of the reforms proposed in Part 2 is that the process established to deliver an authentic voice of the people be trustworthy. This means not only that the public must learn to trust the process, but that it is designed and run so that over the long run it operates in a way that deserves trust. As noted in Chapter 4, this problem of keeping those in power trustworthy is a very old one that has never been solved well. One need only look at the American presidency over the last three or four decades to see that the problem of trust has been central to the problems of American democracy.

Why, then, do I believe it is possible to create a trustworthy organization involved with politics? One answer is simply that things have gotten so far out of hand with the behavior of political elites that the time is ripe to try something new. In bad economic times, those dealing with the stock market always look for the bottom of the market as the time to buy. I believe we are close to the bottom of the trustworthiness of our political leaders and there is a great deal of room to create something that will work better.

The main thing I have done in trying to build a trustworthy institution is to start in a new place. The last thing one should do to build a new significant practice is to try to fix the worst problem first. Yet the problems with the presidency are so great that this is where many are tempted to start. Instead, we must start modestly and give more power to the trusted structure only as we see that the methods we are developing are successful.

The development of a trustworthy structure is something I have been thinking about since the early 1970s. At the time I invented the Citizens Jury process in 1971 (see Section 6 below) I was serving on

two nonprofit boards: the African-American Institute in New York City and the Minneapolis Legal Aid Society. The former was my opportunity to be part of a group of powerful people and watch how they conducted their affairs on the board. The chair of the board was the president of the Rockefeller Brothers Fund. Others on the board included Nicholas Katzenbach, attorney general after Robert Kennedy; Arthur Goldberg, former Supreme Court justice; Vernon Jordan, at that time head of the Urban League, and a number of prominent businessmen. I resigned after five years because of the games that were being played. Powerful people appeared to be using the organization for inappropriate purposes and these problems were being ignored. The Legal Aid Society was not nearly as high profile an organization, but still it did win a \$200 million case against the U.S. Department of Agriculture at the time I was serving as president of the board. Although the organization conducted its affairs in an honorable way, I was aware that the staff basically ran the show and that we on the board were to a fair degree a rubber stamp for what was being done.

In other words, as I started dreaming about creating an authentic voice of the people that would be empowered, I was not just a graduate student sitting in the library and reading about how to make politics trustworthy. The experiences I had on these two boards, plus others I have served on since, have made me very alert to who is running the show and what is really going on. I approach any organization with considerable skepticism; indeed many feel that my level of skepticism is too high. One staff member of the Jefferson Center said I was the most cynical optimist she had ever encountered. Many who worked at the Jefferson Center felt that I overemphasized the need to operate in an unbiased way. It took me years to learn (with the help of a very skilled consultant from the field of organization development) that the avoidance of staff bias could not be achieved simply by the zeal of the person heading the organization. Instead, it has to be designed into the operations of the organization and then honed through careful training of the staff, so that they all buy into the needed behaviors.

This means that the structure proposed to keep the CIR operating in a trustworthy way is the culmination of about 25 years of experimentation and reflection. The length of time spent, of course, says nothing about the success of the effort. But it is important for the reader to know that the structure proposed for the CIR is not some-

thing slapped together in a short time to meet an immediate need. As late as 1996 I was still making significant mistakes in how conduct myself at the Jefferson Center so that each Citizens Jury project was conducted with minimal staff bias. I learned that it is not enough to have a clear set of rules about how things are done. It is not even enough to require that the staff be committed to these rules. It is a matter of getting the staff to work together to understand one another's approach to designing projects and to be able to take time off from projects to review performance in a reflective and nonthreatening way. Often a skilled organizational development consultant is needed to help the staff meet its goals properly.

In other words, the production of a trustworthy and authentic voice of the people is more than the intellectual task of putting the proper framework in place. There is the basic human dilemma of getting an organization to be dedicated to serving others while still maintaining staff morale. Clearly too much selfishness in an organization can make it a nasty place to work. But striving for too much virtue can make people dishonest about their feelings and lead to some staff being judgmental about those who appear not virtuous enough. An unusual level of honesty, both with oneself and others, is required to minimize biases while maintaining morale. There is something almost saintly about this task, and that should alert us to the difficulties. The history of religion provides a long lesson on how poorly saints fit into organizational structures and how often the organizations deviate from the high goals the religion professes.

This section deals more with the problem of avoiding biases introduced by the staff than the problem of maintaining morale. This is not a proper balance. The efforts any organization takes to avoid staff bias must be offset by comparable efforts to nurture the staff so they feel supported in the difficult tasks they must perform. The more stressful the tasks, the more support is needed. Conversely, the more a staff pulls together to support each other, the more likely that an "agency point of view" can develop, resulting in biases in carrying out normal functions. The art we were striving for at the Jefferson Center was that of providing sufficient nurturance so the staff was motivated to provide quality service, while at the same time exercising sufficient attention to bias so that we could build an institution citizens will trust.

It is no mean task to create an institution that will function in a

trustworthy way in the political arena. The classic study by Robert Michels² of the tendencies toward oligarchy of the European socialist parties is just one of the many works indicating that it should not be surprising if an institution engaged in the push and pull of politics falls short of meeting the idealistic goals it proclaims.

But for the CIR or CEF to succeed, the staff must come relatively close to meeting such idealistic standards. Since it is so rare for the staff of any organization not to impose its own values on the product they deliver, it will take exceptional work on the part of the staff and the board of the organization to maintain relatively high standards of fairness and convince the public that they do so. This is one of the reasons why the goal for the staff is to minimize staff biases, rather than pretend that biases can be eliminated completely. Perfection is not required, merely a good enough effort so that the views of the randomly selected citizens are the predominant factor in determining the final recommendations.

An Instructive Failure

Those involved in building new democratic processes should be engaged in work novel enough that some of the things they try do not work. One of the experiments I undertook at the Jefferson Center was the "Oversight Committee." The purpose of this committee was to empower former jurors to review the Citizens Jury process itself. Starting in 1993, we brought together former jurors from four different Citizens Jury projects and charged them with reviewing the quality of the future projects conducted by the Center. The Oversight Committee lasted barely three years before it was disbanded as a failed experiment. Nevertheless, this experience provided valuable information for the design the commissions proposed to oversee the Citizens Initiative Review, Citizens Budget Review and Citizens Election Forum.

The main problem was that I was too eager to empower former jurors to do whatever they wanted. I made the mistake of not making clear what their role would be with regard to the board of directors. Were the jurors merely advisory to the board, or were there some sug-

² Robert Michels, *Political Parties; a sociological study of the oligarchical tendencies of modern democracy* (Collier Books, 1962. originally published in French in 1914).

gestions they could expect to recommend directly to staff? Also, who had the say over how the jurors organized their work? Could they organize it as they wished, or could the staff or board tell them how to go about their tasks?

The jurors decided to engage in direct evaluations of each Citizens Jury project that the Center conducted. This seemed a fine idea, but it turned out not to work especially well. Most of the jurors had had no training in such a task, and they selected their criteria on an ad hoc basis. In retrospect, I see how foolish it was to expect people with no special training to spend five days observing and evaluating a complex set of hearings. Also, in the late 1990s, I discovered that industry had learned it is more effective to design quality into a the way a product is made or a service delivered, rather than try to achieve quality by an inspection process done after the fact.

What worked least well was the way the jurors conducted their own affairs. They liked what they were doing and extended their terms of office so that they could continue to work at it. Also, the jurors' discussions were not moderated by trained facilitators, as is the case with Citizens Jury projects. One of the most powerful members of the group started exercising his influence in meetings held outside the hearings. He rarely spoke in the hearings, but would glance at others to indicate that he expected them to vote the way they had agreed in discussions the previous evening.

It would be wrong to imply, however, that staff was without fault in this situation. Much of the maneuvering that some members of the Oversight Committee engaged in arose because they thought that the staff of the 1993 Citizens Jury project on the budget had used inappropriate methods in selecting the four members of the Oversight Committee from that project. The argument surrounded the question of whether the staff of that project (largely female) had inappropriately rigged the election to ensure that two women and two men were selected to serve on the Oversight Committee.

We had no good way to deal with this. The staff members who had allegedly miscounted the votes were no longer at the Center. The conclusion of the board of directors of the Jefferson Center, and that of a majority of the Oversight Committee, was that nothing could be done about this past behavior and that the best that could be done would be to take steps to correct this kind of problem in the future.

This was done: Whenever votes were taken on a paper ballot, a spokesperson from the jurors was always present to help staff count the votes. But a strong minority of the Oversight Committee continued to feel that the staff was not honest with them and could not let go of the incident.

This was a case of taking people out of a situation in which they performed well and placing them in a poorly designed situation where neither they nor the staff performed well. Each one of the former jurors had performed very well in the setting of a Citizens Jury, but that experience did not translate into playing an effective role on a board with some power to say how things should be run. Under these circumstances, the Oversight Committee members fell back on the way they operated in their everyday lives, rather than the way they had acted for the five days of a Citizens Jury. The most telling critique by Jefferson Center staff of the Oversight Committee was that committee members conducted their affairs like a typical political caucus rather than like a Citizens Jury. But the staff also fell back into a typically defensive mode of operating, saying that it really was not any of the business of the Oversight Committee to try to put any of the staff "on trial."

This experience made clear that it was not a good idea to have a group of former jurors operating separately from the board of directors. If former jurors are to be empowered to review the operations of a citizens panel, then they should be full participants on a board of directors working together with others, rather than being a group off to the side whose powers vis-à-vis the board were not at all clear.

Guidelines for Creating a Trustworthy Structure

Reflecting on experience, a few key guidelines have emerged regarding what ought to be done if one wants to create an organization that is able to minimize its own biases when conducting panels, while at the same time operating in a healthy way. I have not written a single formal paper laying out these guidelines, but they have been woven through the 1,200 essays that I have written since 1976 as my personal reflections on how to create a trustworthy voice of the people that also has sufficient power to make a difference in the political system of a state or nation.

Do not give too much power to the entity to be trusted.

In 1976 I designed a new democratic system in which citizens panels would make policy, much as a legislative committee might do. But this would give citizens panels much too much power, and the likelihood of continuing to run them in a trustworthy way would be low. Within a year I gave up on the idea. The best thing to do with citizens panels is use them to recommend a policy option or a set of candidates to those who do have the power to make the decision. For years the Jefferson Center tried to do this with policy makers, with relatively little success. But the attempts made by the Center to provide information to voters met with much more success. Nevertheless, the CIR still places the citizens panels in an advisory role. It also is a modest one. The CIR does not make recommendations to the public on how to vote; it merely reports what the participants concluded after taking a close look at an initiative. The public can then do with this what it wants at election time.

The recommendations in this book that the CIR be set up before the CEF reflect this caution about giving too much power to the entity to be trusted. Although I am convinced that the CEF can be set up properly, it still is wise to start off with the easier task and make sure it is working properly before going on to something more challenging. The CEF will give the public more power over our government, but it also requires that the staff make many more judgment calls than are likely to be required of the staff of the CIR (see the comment in Chapter 5 on “An Important Technical Concern”). Power indeed corrupts, and the steps for giving greater political influence to citizens panels must be taken very carefully if trustworthiness is to be maintained.

Create a balance of power

Clearly one of the best aspects of the U.S. Constitution is the balance of powers it contains. There are several balance-of-powers elements worked into the way the CIR is supposed to operate. The staff is overseen by an executive director, who will have considerable authority to see that the affairs of the organization are conducted properly. Some of the aspects that will keep the organization healthy are built into its structure, such as the dedication of funds for retreats and training. But the executive director will be overseen by a board, made up in such a way that there is a balance of power between those who are

political insiders and those who have been chosen first through random selection and then by their peers on the Evaluation Panel. The terms of the board members are limited, so that membership does not become entrenched. Finally, by having a sunset clause, the whole entity will cease to operate unless the public really wants it to continue.

Give everyday citizens the ability to observe directly what is going on and give them the power to change things.

This is a key aspect of the board structure. As the CIR is proposed, six board members will be selected from the Evaluation Panels and only four board members appointed by the governor and secretary of state, with the secretary of state (or a designee) chairing the board.

The presence of everyday citizens is essential. Currently there are too many layers of power between the public and those who run our governments. One of the major strengths of a market system running properly is that the consumer has considerable power over the ultimate products delivered. But in a democracy you can't shop around for a different government unless you move out of the state or the nation in which you live. Therefore, ways should be sought to give citizens a direct say in maintaining the quality of the democracy in which they live. The CIR, CEF and CBR all give people drawn directly from the general public the opportunity to do this. Panelists are also rotated so that a constant supply of fresh viewpoints is brought to bear on the operations of these democratic methods.

As noted in Chapter 4, and discussed more fully in Section 5 below, the jurors of the 2001 Citizens Jury spent quite a bit of time trying to decide what the correct balance should be between everyday citizens and political insiders on the board. It remains to be seen whether they set things up to achieve the proper balance. But their goal was clear: have enough everyday citizens so that effective citizen control is exercised over the commission, while still giving enough power to political insiders so that they feel an investment in the CIR.

Let me now turn to the specific steps that were taken to design the infrastructure for the CIR and the CEF. The basic structure discussed in this book and embodied in the initiative proposal found at www.cirwa.org was actually designed before we even thought of the CIR. As noted in Section 2 above, the 1997 focus groups in Washington were run to test public reaction to the CEF. The two

efforts at designing the infrastructure in its final stages were done through an interesting juxtaposition of work by professional planners and review by a randomly selected group of citizens.

Public Strategies and the River Falls Citizens Jury

By the end of 1997, it was clear that we were going to get a chance to conduct a citizens panel through a class at the University of Wisconsin–River Falls. The task of this citizens panel was to review several methods of electoral reform, one of which was the CEF, and say which they liked best (see Section 4 below). This motivated me to get a professional review of the board structure I had in mind for the CEF. After reviewing several potential groups, I decided to engage the services of Public Strategies, Inc., a national consulting firm located in St. Paul, Minnesota. The best known partner in this group is Peter Hutchinson, who has had a long career in public service, including serving as the head of the Dayton-Hudson (now Target) Foundation, the commissioner of finance in Minnesota, and the superintendent of the Minneapolis public schools.

One of the tools the firm uses is called a “design lab.” When faced with a novel problem, they bring together experts in the area for one or two days and let them go at the problem, first by brainstorming, and then by attempting to build a solid proposal. Although the firm makes no guarantee that this can be done in a day or two, they do promise that it will help one understand the problem better and learn how difficult it is likely to be to overcome it. They brought in five people very skilled in the workings of government, including two former commissioners (department heads) in Minnesota government. We spent a day going over the question of whether there was any way to run the Citizens Election Forum out of government without having it become a victim of political pressures.

By the end of the day, working with some of my suggestions and bringing in a number of their own, they built a proposal for how the Citizens Election Forum could be run properly as a governmental entity. They proposed that the CEF be set up as a public corporation, an entity used in Minnesota for things like the state zoo. It would have an independent board, but receive government funding. There would be extensive citizen evaluation of the project each year and some of the

citizens involved in the evaluation would be involved in selecting the board. Their suggestion was that the nominations for the board come from former governors and supreme court justices. Finally, they suggested that the funding for the project come from a check-off on the state income tax.

The design worked up by Public Strategies was presented at the citizens panel hearings in River Falls. Panelists liked the idea of funding through an income tax check-off, but they agreed that this should be delayed for eight years until the public was familiar with the project. For the first eight years funding should come out of general revenues. But there were strong objections to having all the board members nominated by former governors and supreme court justices. It did not take much discussion with the panelists to come up with the alternative suggestion that the nominations for the board should come both from members of the state legislature and from the citizens panels themselves. These nominations, in turn, would be reviewed by participants in a special citizens panel, with two board members selected annually to serve three-year terms.

To me, this result is one of the most exciting things to come out of the River Falls project. There is a widespread view that Americans have little to no interest in governmental structure and, if they did, all that would happen is that they would mess it up. Here is an instance where a group of randomly selected people listened carefully to a proposal for a new governmental entity, picked out an aspect of it they did not like, and then suggested how it could work better. This is certainly not the first time that a citizens panel and a group of experts worked together to come up with a solid proposal. Indeed, it worked so well in Wisconsin that we incorporated something like this directly into a Citizens Jury project run in 2001 in the state of Washington.

Planning Prior to May 2001 Citizens Jury

Once it was clear that the League of Women Voters of Washington was prepared to host a Citizens Jury in May 2001, we needed to create a specific design for how the CIR would be set up in Washington. Although Public Strategies, Inc. had helped us design the basics in 1998, and the group in Washington that met in July 1999 had indicated this would probably work (see Section 5), now was the time to

review what had been done and to adapt it so that it would function properly as an entity of state government in Washington.

Over the next three months six people worked collaboratively to produce a sound structure. The team who worked on this besides me were:

- Marc Greenough, an attorney for Foster Pepper Scheffelman, a respected Washington law firm. One of Marc's specialties was writing initiatives. He did the background work to ensure there would be no legal problems in setting up the CIR as an entity of state government.
- Jerri Fosdick, a well-known organization development consultant in Minnesota. Her clients range from Target Corporation to a foundation in Britain. She has consulted with the Jefferson Center since the late '80s and knows well the kinds of challenges faced by a small staff attempting to remain neutral as they set agendas and facilitate the Citizens Jury hearings.
- Pat Benn, a former teacher and consultant on novel methods of decision making in Minnesota's schools. She served as president of her local teachers' union, one of the leaders in the state in democratic innovations. As my wife, she has consulted on many of the Citizens Jury projects and served as staff in a couple of them.
- Doug Nethercut, executive director of the Jefferson Center, 1998 to 2002. Doug was very familiar with the challenges that must be faced in running Citizens Jury projects in a trustworthy, yet cost-effective way.
- Michael J. McCormick, former assistant director, Washington State Department of Community Development, and a leading consultant on planning and growth management.

Pat, Doug, Jerri and I started the work by reviewing the existing structure as it emerged from the hearings at River Falls. We realized that we needed a considerably more sophisticated proposal than that one, since we had to go beyond the general outlines of a plan to something that could actually be put into a bill or an initiative, and that would be detailed enough to lead to a well-run agency, without being so detailed that it would break down in practice. After several meet-

ings and memos, we finally constructed a document to send Mike McCormick so that he could do his work in Washington.³

A few aspects of the proposal are worth some comments here. One of the challenges for Mike was to come up with some way of allocating state funds to the CIR. It is well-known that a favorite tactic for undercutting a political reform is to underfund it. Therefore, we wanted to be very explicit about the cost of the CIR and where funding should come from. The estimates of cost were worked out by Doug and Mike, the former borrowing on years of experience from the Jefferson Center regarding the costs of a small office that conducts citizens panels, and the latter checking with friends in state government to ensure that these expenditures seemed reasonable from the Washington point of view. Mike produced a detailed budget showing the minimum and maximum yearly expenditures.

The reason for the maximum and minimum was that we wanted to give the jurors a choice about levels of expenditures. We felt that this was one of the key choices that should be theirs. But we also wanted to be sure that the lowest cost could still fund an agency that would do quality work. The difference between the low figure of \$700,000 and the high of \$1.4 million was basically the difference between what it would cost to evaluate two initiatives a year and a maximum of eight. There are some basic costs (office, board of commissioners, core staff, training of staff, etc.) that are needed no matter how few initiatives are evaluated. That is why the evaluation of eight initiatives is so much cheaper per initiative than the evaluation of two.

After a number of inquiries, Mike decided that the best source of funds was interest on the general fund. The state always invests its rev-

³ There is considerable documentation on what we were thinking as we designed a specific infrastructure for the CIR in Washington. The key documents are:

- A. Building the Structure of the Citizens Initiative Review. This document reflects the suggestions of Jerri Fosdick and Doug Nethercut.
- B. Memo from Ned Crosby to Mike McCormick. This is the memo that described the things we wanted Mike to consider as he was doing his work to fit our ideas in with the current operations of state government.
- C. Draft of April 12, 2001, by Mike McCormick. This was Mike's proposal after he had completed interviews with some dozen state employees, current and retired, and had completed considerable research. This was not the final version presented to the jurors in the May Citizens Jury. That document had some further revisions, also the footnotes were removed or incorporated into the text for ease of reading.

venues as soon as they come in, meaning that every year something like \$70 million in interest is generated. This is the one source of revenue in the state that could be said to “belong” to everyone in the state, and therefore would be a good source to pay for the CIR. Thus, we proposed to the jurors that the legislature should be directed to use these funds for the CIR, with the amount something that the jurors themselves should decide.

Another key task that Mike undertook was to review various laws and regulations to ensure that the CIR would comply with them. He also pursued the question of where in government the CIR would function best. We had always hoped that it could fall under the jurisdiction of secretary of state. Mike confirmed that this made sense from the legal point of view (this office being charged with overseeing elections) and also from the point of view of the office staff. He visited with the current secretary of state, Sam Reed, as did Pat and I in a separate meeting. Although Reed was somewhat guarded in his comments about the CIR, he clearly had no major problems with its being located in his office. He even pointed out that there was a precedent for having an independent board located within his agency.

The other major point that Mike reviewed was the makeup of the board of the independent commission. Since 1998 we had wanted a board of commissioners that would consist of people appointed by members of previous citizens panels and people appointed by elected officials. Our first suggestion was that there be a six-person commission; three from previous citizens panels, one appointed by the secretary of state, one by the majority leaders in the legislature, and one by the minority leaders.

Mike went along with these suggestions for awhile, but then began to raise questions. He felt there should be a larger board of commissioners. We agreed. After further discussion, we all began to feel that it probably was not a good idea to have appointments from legislative leaders, as these appointments were likely to be too political. He also pointed out that if the secretary of state did not have sufficient appointment powers, then s/he might not feel enough investment in the CIR to give it strong support. We agreed that this was a good idea in Washington, where the secretary of state's office has a long-standing reputation of putting the fairness of the electoral system above political concerns. Mike also felt that the governor should have a role in the

appointments. In the end, we came up with the idea of having a ten-person board, with the secretary of state (or designee) serving as the chair. The chair would not vote, except to break a tie.

This brings us to the evaluation panel. This is a key part of the infrastructure. The idea is that each citizens panel that evaluates an initiative should choose a few of its members to serve on an evaluation panel, which would meet at the beginning of the following year. The evaluation panel should be made up of 8 to 16 members. This means that if there were only one citizens panel conducted in a year, the panelists would select eight of their members for the evaluation panel. If there were five citizens panels, then the panelists would each select three of their members; if there were eight citizens panels, they would each select two of their members.

There are three tasks for the evaluation panel to perform:

1. Review the conduct of the citizens panels and the CIR staff in general during the previous year.
2. Make recommendations to the board regarding any changes in procedure they would like to see.
3. Select two of their members to serve on the board of commissioners for three-year terms.

The first task, although it may seem quite straightforward, raises some interesting questions about effective citizen control of entities that are supposed to serve them. The powers of the evaluation panel are consciously limited. The Jefferson Center experience with the oversight committee in the 1990s was in our minds when Doug, Jerri, and I sat down to design the evaluation panel. How could we design an appropriate role for them? Jerri and Doug agreed that it was a good idea to have the panel select two of their members for the board of commissioners. Introducing two of them to a board situation where others were used to serving on boards would allow the panelists to learn how to function in a role that would be new to most of them. It would also mean that, clearly, the power lay with the board. Randomly selected citizens are going to be empowered, but not so much by the role they play on the evaluation panel as in the role they play on the board.

What then should be their role in evaluations? It was here that Jerri spoke up strongly. She felt it was important that panelists not be placed in the role of gathering information, but be given the task of

reviewing objective data that already had been gathered through carefully designed means. Therefore, she suggested that the staff of the CIR be mandated to gather information. This already is a standard element of the Citizens Jury process with regard to gathering evaluations by the jurors of the citizens panel on which they have served. But the information should be expanded. There should be evaluation forms given to each witness, which they would fill out as soon as they had completed their testimony. A survey should be done after the elections are over in November to learn how useful voters found the evaluations of the citizens panels, and whether voters would like any changes in the information provided. There should also be a review of fiscal accountability (either an audit or some other kind of clear and objective review by an outside party) and evaluations of the training that is done for the staff and board.

The expectation is that panelists will be able to use these staff-generated evaluations, together with their own experiences, to come to solid conclusions about how well the CIR was conducted in the previous year. This review should take a couple of days, at the end of which the panelists would know each other well enough so that they could do a sound job of picking two of their members to serve on the board. Evaluation panel meetings would be facilitated by a trained moderator, just as the citizens panels are. Note that this moderator must be very sensitive to serving panelists and not directing them. Those people on the evaluation panel will be among the most sophisticated of the panelists, and they will be alert to any attempt by the moderator to steer the discussions in a way that avoids the problems that the staff and board may be having. The first thing the members of the evaluation panel should do upon meeting is to work out an agenda that will allow them to cover the important matters to their satisfaction.

One thing which must be scheduled into their hearings is a time for the executive director to appear as a witness before the evaluation panel. If need be, the panel can also request an appearance by the secretary of state. The evaluation panel should be sure to review the report from the previous year's evaluation panel before hearing from the executive director so that they can ask questions about any recommendations that have been made.

By the end of their meetings, the members of the evaluation panel will have completed their report to the board and selected two of their

members to serve on the board. Clearly, if they state in their report that some changes in operations are needed, the two people they have selected for the board will be sure to want these changes to be considered carefully and carried out by the board, if appropriate. Although any one board can refuse to act on the suggestions of an evaluation panel, should the board do this for three years in a row, they are likely to find themselves with a majority of commissioners who are irritated by this failure to take action. It would be quite likely at this point that the executive director would be fired and a new one hired to carry out the suggestions. In other words, the evaluation panel has real power, but there is also a check against their being able to take rash action in any one year.

Such was our thinking as we finished the design of the evaluation panel. What the jurors thought of it is discussed further in Section 5.

Section 4

The Citizens Panel on Electoral Reforms, River Falls, Wisconsin

Section 3 discusses how the infrastructure of the Citizens Election Forum was designed. As mentioned there, a chance to explore the concept of the CEF as a whole arose when we stumbled across the opportunity to conduct a citizens panel in April 1998 in Wisconsin on different approaches to electoral reforms. The idea of involving students in a citizens panel on electoral reform was met with enthusiasm by both the political science department and the chancellor at the University of Wisconsin–River Falls. This would be run like a Citizens Jury, but conducted outside the Jefferson Center so as to avoid IRS problems.

The River Falls faculty and administration turned out to be very cooperative. An agreement was set up whereby 18 people would be randomly selected from the two counties in which River Falls was located: Pierce and St. Croix counties. The panelists were stratified on age, education, gender, race, geographic location and political affiliations and attitudes. People familiar with the Citizens Jury process would be hired as consultants to help with the selection process and setting up the hearings. The hearings would be conducted by experienced facilitators. The students and political science faculty would help somewhat in this, but their main function would be to monitor the fairness of the project. This was especially important because I provided the funding for the project through a grant to the University of Wisconsin–River Falls. The jurors were made aware of this and were urged, along with the students, to be alert to any biases. The hearings would take place using the standard five-day model used by the Jefferson Center.

We were pleased to learn that there were four electoral reform efforts being discussed in Wisconsin and that these mirrored reforms under discussion at the national level. Wisconsin already had some relatively tight laws on campaign contributions, but there were a number

of ways to get around these. A fair amount of discussion was underway to figure out what, if anything, should be done to tighten or change the campaign finance laws. The project decided to pay the four main reform efforts \$2,000 apiece to ensure that senior people would present the proposals to the panelists. Because the four organizations were not able to have a senior person present all five days, I hired a recent college graduate as my assistant, so that he could make some of the presentations along with me. This ensured that the Citizens Election Forum was not given an edge in terms of having a more senior person making the presentations.

Three of the four proposals were similar in that they took the existing system in Wisconsin and modified it to some degree. These proposals were as follows:

- **The Handrick Proposal.** This was presented by Rep. Joe Handrick, chair of the Committee on Campaign Finance Reform in the Wisconsin State Assembly. He presented a plan that reflected the work being done on that committee, but chose to identify it with his name, since the proposal had not been formally adopted. It represented a moderate Republican approach.
- **Wisconsin Democracy Campaign Proposal.** This proposal was presented by Gail Shea, director of the campaign, and Hans Detweiler, an associate. Theirs was basically a moderate Democratic proposal.
- **Wisconsin Citizen Action Proposal.** This was presented by Roger Bybee, the leading person working on this for Citizen Action in Wisconsin. They called their effort the Clean Money Campaign Reform. It was similar to reforms already adopted in Maine and Vermont.

Each one of these proposals had a clear statement of goals, along with a number of specific details about how the proposal would work. But these details get rather confusing and are not really needed to understand the basic thrust of what was being suggested. Perhaps the best way to indicate the differences between these three is to examine what they proposed to do for races for the Wisconsin Senate.

Comparing Three Proposals for the State Senate			
<i>Proposal</i>	<i>Spending limit per candidate</i>	<i>Public funding available</i>	<i>Source of the public funds</i>
Handrick	\$100,000	Min: \$25,000 Max: \$45,000	Increase check-off on income tax to \$3. Use funds from general revenues if needed to meet \$25,000
Democracy Campaign	\$100,000	\$50,000	Increase check-off to \$5. Use general funds if needed to meet \$50,000
Clean Money	\$60,000	\$60,000	General revenues after initial \$2,500 raised in small amts.

All three of these proposals were voluntary. A candidate could decide to take public money or not. A novel feature of the Clean Money proposal was an “equalizing” feature. This provided that if the opponent of someone who accepted public funds were to raise more than the \$60,000 limit proposed for the Senate, then the candidate accepting public money would get more in order to equal what the opponent had raised. This would go up to three times the limit for the Senate, or \$180,000. This was done in order to discourage candidates from rejecting public funding in hopes of being able to outspend the candidate on public funds.

The fourth proposal was from the Wisconsin Christian Coalition, presented by its Chair, Brent Pickens. This took a libertarian approach. It would do away with spending limits for all statewide offices and with public funding as well. In place of the spending limits and the public funding, there would be an extensive and efficient reporting method so the public could easily learn who was contributing to a campaign and how much. It also recommended measures to make voting more convenient for citizens, including uniform polling place hours, a uniform state voting system and a requirement that employers provide time off for voting.

Finally, I presented the Citizens Election Forum, as described in Chapter 5. The major difference between the description of Chapter 5 and what was presented in River Falls had to do with the makeup of the board of commissioners (see the end of Section 3 for a discussion

of how the River Falls citizens panel dealt with this) and some technical details regarding the workings of the evaluation panel.

The five days of hearings at River Falls went very well. All of the key presenters of the five electoral reforms showed up and made good presentations. When you are asking significant people in the political arena to spend several days in a rural part of the state quite a distance from the capitol talking with randomly selected citizens, this is no small accomplishment. The agenda was typical of those used by the Jefferson Center: a half-day was devoted to each team's proposal, with the time divided equally between pro and con views and time for questions by the panelists. There were panel discussions by the witnesses, the panelists deliberated, and then issued their findings and recommendations.

In order to track the panelists' views, they were surveyed twice on their response to the five electoral reforms. The first time was right after each half-day's discussion of a proposal had concluded. They were asked to rate the proposed reform on a five-point scale: "I like it a lot," "I like it," "I feel neutral (or have mixed feelings)," "I don't like it," or "I don't like it at all." Then, ten days after the project was completed, the same survey was sent out to the panelists to see what their views were after they had been away from the project for awhile. To summarize the results, a score of 5 was given to the highest rating and a score of 1 was given to the lowest. The ratings turned out as follows:

Reactions of Panelists to the Five Electoral Reform Proposals

	<u>Initial Ratings</u>	<u>Final Ratings*</u>
	Mean	Mean
Wisconsin Citizen Action	3.1	2.8
Handrick Proposal	3.6	4.3
Christian Coalition	3.8	3.4
Wisconsin Democracy Project	3.9	3.5
Citizens Election Forum	4.8	5.0

*Only 13 of the 18 panelists returned the forms sent to them in the mail.

These results were very encouraging to us. One thing that still is not easy to assess is whether the fact of my paying for the project had

any influence on the views of the panelists. Those working on the project felt that this bias in favor of the Citizens Election Forum might well be counteracted by the perception that I was "one of those Minnesotans from the Cities" who wants to push his ideas on the rural people of Wisconsin who live near the Twin Cities. Such a bias would have inclined them to give the Citizens Election Forum a lower rating than the Wisconsin proposals. But the panelists did not sense any biases in the way the project was conducted. On the standard question about bias, 16 were "very satisfied" that the project had been conducted in an unbiased way and two were "satisfied." This is quite a bit better than the average score received by Citizens Jury projects over the years. With regard to their feelings about the project as a whole, 17 were "very satisfied" and one was "satisfied."

One of the interesting sidelights of this project was the low rating given to the Clean Money proposal of Wisconsin Citizen Action. This is the proposal that has been introduced into Arizona, Maine and Massachusetts through initiatives and adopted by legislative action in Vermont. What made a proposal that was so successful in such a diverse group of states do so poorly here? It should not be the rural makeup of the panelists, since Maine and Vermont are largely rural states. Perhaps the low rating resulted from the determination of Roger Bybee to convince the panelists of how much corporations were ripping off the people of Wisconsin, something that may have led the panelists to discount his ideas as too left wing. Although I took no pleasure in the poor showing of the Clean Money proposal, it did give me hope that the Citizens Election Forum could find broad acceptance in America if it could come out so much better than a reform already adopted.

Section 5

Designing the Citizens Initiative Review

The CIR emerged from the thinking of a number of people. My original thinking about using citizens panels to evaluate initiatives goes back to an unpublished manuscript, *Towards a New Democracy*, which I completed in 1980. That book, the major part of which proposed a whole new form of democratic government, was so far ahead of its time (or odd, depending on your point of view) that it stood no chance of being published. As the Jefferson Center moved ahead to conduct Citizens Jury projects for policy makers in the current system, I gave little thought to the book. It was therefore a surprise to me when someone said, "Why not use citizens panels to evaluate initiatives?"

The background leading up to the CIR has been spelled out above. Section 2 discusses the focus groups conducted in Washington state in 1997, Section 3 reviews the building of the infrastructure, and Section 4 describes the citizens panel on the Citizens Election Forum conducted in 1998. It was in the fall of 1998 that Pat Benn and I decided to work as partners in the effort to find a state with leaders interested in empowering citizens panels to provide trustworthy information to voters. We reviewed states with the initiative process and chose four as the most likely to be interested in our proposals: Colorado, Maine, Oregon and Washington. We went to Maine in early 1999 where we were received with polite interest by a number of officials but with no great enthusiasm.

In May 1999, we went to Washington to visit our daughter and her family who live there. We also met with Mike Lowry, a Democrat, and governor of Washington from 1992 to 1996. When we presented the CEF to him, he was quite enthusiastic and said he would run it by Ralph Munro, a widely admired moderate Republican then in his last term as secretary of state. A week or so later, Lowry called us to tell us

that Munro generally liked the Citizens Election Forum, but felt it was a mistake to run it as part of government. Lowry said he had similar concerns himself.

Our response was to ask him if he would help us do in Washington what we had done in Minnesota. We then related what had happened when Public Strategies, Inc. had held their day-long design lab on the questions surrounding the CEF as a governmental entity. Would he be willing to host a day-long event with a few key civil and political activists that included both Republicans and Democrats to review the Citizens Election Forum? The topic for the day would be: Should it be a governmental entity and, if so, how could this be designed to work properly in Washington? Lowry agreed to try to set it up. The interest shown by two prominent officials and the willingness of Lowry to help set up a meeting of key people led us to put off visiting Colorado and Oregon. The presence of our family in Washington made working there even more appealing.

That summer a day-long meeting was held with ten people, all deeply involved in Washington politics—a group of moderate Republicans, Democrats and Independents. Included were the president of the League of Women Voters of Washington and the director of elections of the office of secretary of state. We engaged a skilled moderator to keep us all on task. Pat and I spent a great deal of time preparing for the meeting, focusing our presentation on reasons why the CEF should be run out of government. It therefore surprised us when the questions dealt with the basics of the proposal, such as what a citizens panel is and how the panelists are selected. We realized that we are so used to citizens panels that we had forgotten how novel they seem to some people when it is suggested that everyday citizens play a major role in the political system.

As we neared the break for lunch, Mike Lowry asked whether this method could be used on initiatives. Would we be willing to consider using citizens panels to evaluate each statewide initiative that qualifies for the ballot? After all, he said, what is really driving the politics in Washington is not the governor as much as the initiatives that are being passed. When the discussion continued after lunch, it took only about an hour for everyone to agree that it was a good idea. They also, however, suggested strongly that we do a pilot project to show what a citizens panel on an initiative would look like. Did we think we could

find a way to conduct a citizens panel on a specific initiative to introduce the concept in the state? We said we would try.

We made a few attempts on our own to find ways of getting a pilot project going, but these did not work. Therefore, at the end of 1999 we engaged the firm of Gogerty Stark Marriott to help us sell the pilot project. A respected and successful public affairs firm, they counted Boeing and Weyerhaeuser among their clients. Don Stark, the senior partner who took on our project, thought there was a good chance we could find the funds. He pointed out that recent events were on our side. In November 1999, an initiative had passed that cut the fees on license plates to an even \$30 for all vehicles. This led to a significant drop in taxes. It was opposed by business, labor and "good government" groups. Even though the groups opposing it allegedly spent over \$2 million, while proponents spent a great deal less, the measure passed by 56 to 44 percent. He thought that business and labor might be ready to consider something that would give the voters trustworthy information on initiatives, and that might help voters understand better what the impact of their vote would be.

Don Stark introduced us to a number of well-connected individuals, including meetings with key representatives of Weyerhaeuser and Boeing and other business leaders. We met with some 30 leaders from various groups that spring and addressed another 30 or so in carefully designed presentations. Almost everyone with whom we spoke said they liked the idea. We also had an excellent meeting with labor. Rick Bender, president of the Washington State Labor Council, invited us to make a presentation to the executive board of the labor council. Mike Lowry came along to introduce us to the more than two dozen people who were there, and that contributed to what we felt was a very favorable reception.

As the spring passed, we learned that labor was more supportive than business, but they were reluctant to contribute to a pilot project to demonstrate the Citizens Initiative Review unless it was supported by business as well. We agreed that support from both business and labor was important for the credibility of the project. By May, with no support evident from business and no major individual donors on the horizon, we had to admit that we were unable to raise the funds for the pilot.

As we neared the end of our unsuccessful effort, we asked Don Stark

why business and labor were not prepared to spend \$200,000 to test out a method that might make it less likely they would need to spend another \$2 million. He had a story for us. In the early days of Stark's career, they had as a client a local business owned by a firm on the East Coast. The local firm was rather inept in public relations and frequently needed the help of Gogerty Stark Marriott to get them out of trouble. Finally, Gogerty Stark Marriot went to the East Coast office with a plan for them to be put on retainer to prevent the troubles from arising, rather than having to perform rescue operations all the time. They pointed out that the proposal would save the firm quite a bit of money.

The east coast office turned down the offer. Why? Because there was nothing in the budget of the firm for something like this. The contact person in the firm on the East Coast found it easy enough to explain to his superiors that fires needed to be put out. It would not be easy to explain why a new budget item for long-term consulting should be added. So the offer was turned down, even though a solid argument could be made that it would save money.

Refining the Proposal

One thing that happened along the way was that we changed our basic presentation. We discovered that it was relatively easy to describe the Citizens Initiative Review to people whom we met, without having to resort to the broader concept of healthy democracy. We even had had cards made up with Healthy Democracy on them. But once you begin to concentrate on a specific political reform, then bringing up the broader concept of healthy democracy seemed to complicate things, rather than making the ideas easier to present. So we stopped using the cards and no longer mentioned healthy democracy. In retrospect, it might have been wiser for us to start with the broader approach and then move on to the CIR.

The design of the CIR also evolved as we met with people. Originally, we had kept the idea of consultation with the jury pool, a key element of the Citizens Election Forum. But as we met with more people, I finally saw that this was not a good idea. In retrospect, we should have dropped the consultation with the jury pool as soon as we switched from evaluating candidates to evaluating initiatives. But I was so taken with the possibilities of expanding the dialogue of the citizens panel that I could not bring myself to part with it, in spite of the chal-

lenges Pat and our advisors put to me. We did learn that it was the most difficult part of the Citizens Initiative Review to describe to people. This made me prepared to drop the idea for the pilot project, but still include it in the proposal itself.

Then I began to see that it was not just complexity that made the CIR difficult to explain; it was that consulting with the jury pool did not really make sense. After all, it was the citizens panel that would hear the testimony on an initiative and reach conclusions. It was not necessary to build a consensus around a new idea where dialogue with the public was in order. It was a matter of an informed group of citizens reporting directly to voters about what they had learned about an initiative. Keeping the consultation with the jury pool simply added an unnecessary layer to the project.

Here was an instance where the work we did with a public affairs firm to promote an idea actually helped me gain insights into my ideas and improve them. (Pat saw the inappropriateness of this without the consultation.)

As we met with various political, business and labor leaders in Washington, we had an interesting discussion of whether the CIR should be set up as a private, nonprofit organization or as an entity within government. At first blush, it would seem obvious that it should not be set up as part of government. There is a long history of regulatory commissions set up to regulate some industry or some activity of public concern where the commission gets taken over by the very people it is supposed to regulate. Given this sorry experience, why would we even consider setting it up as some sort of governmental entity, no matter how independent one hoped it might be?

The main answer lies in finding the best way to provide a reliable source of funds. The CIR will cost somewhere between \$700,000 and \$1.4 million a year to run, depending on how many initiatives are on the ballot.⁴ Where would this money come from in a way that would not prejudice the operation of the CIR? Many people think that foundation funding would be a reliable source and would not bias opera-

⁴ In Washington state in recent times the number of initiatives has ranged from two to six. In Oregon in 2000, there were 21 statewide initiatives and one referendum on the ballot. In 2003, as we were testing the waters in Oregon during difficult economic times, we reduced the budget to \$400,000 a year, but this would have allowed for only two initiatives to be evaluated every biennium.

tions, but this is not possible, since foundations are not allowed to fund political activities of this sort. It could be done legally by churches, but surely this would raise problems of church and state, which everyone would rather avoid.

This leaves businesses and private donors as the likely source of funds. But our experience, and the experience of organizations like Common Cause, showed that raising money for a procedural reform from a large number of small donors is virtually impossible. It might be possible to raise the needed money if business or labor or wealthy individuals could be convinced to contribute, but in this unlikely circumstance, we would run into problems of credibility with the public. Also, discussions with business and labor leaders in the state showed us that even those people who liked the CIR were skeptical about our finding money for the CIR from their organizations.

A key meeting for us was with Jeanette Hayner, majority leader in the Washington Senate in the 1980s. She was one of the few Republicans leaders who had managed to keep the respect of both Democrats and the right wing of the Republican party. After we had presented the CIR to her, she said she liked it as a whole, but felt that it was a mistake to make it part of government. This presented a challenge to us. Ms. Hayner was the kind of person whom we wanted as a supporter of the CIR. Did we really have to make it part of government? We decided to do our best to take a fresh look at our proposal.

Out of this came an idea. Why not propose that the Citizens Initiative Review be set up as an independent commission within government, but with a "sunset provision?" This would mean that after something like five to eight years the commission would terminate and would need to be enacted into law again if people really liked it. This would have two advantages. If the CIR did not work well, then it would go out of business and not hang on as a useless expenditure of public funds. And if it did work well, then the public would understand it well enough so that the funds could possibly be raised from many donors to run it as a nonprofit, should that seem the best way to continue it.

Once it became clear that we were not going to be able to conduct the pilot project, we were faced with what to do next. It was tempting to give up in Washington and move on to some other state. If we could not raise funds for a pilot, how would we ever raise an even larger

amount for an initiative campaign to get the Citizens Initiative Review adopted into law? On the other hand, we realized that most people with whom we spoke liked the basic proposal. Also, we felt an attachment to Washington and many of the people whom we had met who liked the proposal. Wasn't there some other way besides a pilot project to show that the CIR was appropriate for Washington?

So Pat and I took the obvious step for us. Since we believe that a Citizens Jury is the best way to start building an authentic voice of the people, we decided that we would try to find a neutral host to conduct a Citizens Jury on the question of whether the CIR was a good idea for the state of Washington. And the obvious candidate for the neutral host was the League of Women Voters of Washington. Using the help of Lucy Steers, a savvy public affairs consultant who was a long-time League member, we approached the League and asked whether they would consider this.

Approaching the League

Our decision to ask the League to conduct a Citizens Jury project on the CIR raised an interesting problem of integrity. How can such a project claim to be fair when the major proposal to be reviewed is the pet project of those paying for the event? At the Jefferson Center in the 1980s the staff had discussed what to do if an advocacy group approached us and offered to pay for a Citizens Jury to review its own proposal for the solution to some problem. Was there any way to do this without the Center selling out to the advocacy group?

Since we wanted to run projects for which someone was willing to pay, we wanted to find a way to do this while maintaining our integrity. We decided that we would undertake such a project under the following circumstances:

1. The advocacy group and the Center would agree on an advisory council that would oversee the project to ensure its fairness.
2. The agenda and the charge to the Citizens Jury would be worked out in advance to the mutual satisfaction of both the Center and the advocacy group. It was important to ensure that the advocacy group would be able to learn what they wanted, and the Center had to ensure that the jurors would be able to deal with the important questions. Our favorite exam-

ple of a biased charge was one that we could imagine a transportation department proposing: "Would you like to see the new freeway between Portland and Seattle be built in Corridor A, B or C?" The problem with this question was that it presupposed the need for a new freeway. Now if a broad-based advisory council were unanimous that a new freeway was needed, such a charge would be acceptable. But if the need for a freeway were itself a major point of contention, then such a charge would be completely inappropriate.

3. The advocacy group would place all of the money for the project in escrow before the project began (or would make a direct payment of the total amount to the Center).
4. The advocacy group would pledge not to make claims about the results that went beyond what the jurors had decided. If the freeway question had been put before a Citizens Jury and the jurors had chosen Corridor B as the best route, the advocacy group could make no claims about the jurors wanting a new freeway in general, unless there had been an opportunity for the jurors to discuss that broader question after hearing pro and con witnesses.

Pat and I decided these were good guidelines for us to use in approaching the Washington League. After several meetings with various League representatives, the board of the League appointed a committee to meet with us at the end of January 2001 to see if a contract could be signed between the League on one hand, and Pat and me as the advocacy group on the other.

It turned out that there was a major difference between the League and us. They wanted an agenda that concentrated on the question of what was the best way to solve the problem of initiatives. We wanted an agenda that asked the question: "Do you think the CIR is a good idea? If so, then please modify it to suit the needs of Washington and then take a final vote on whether you want it in the state."

Our reason for not wanting to deal with their question was one of time and money. We wanted very much for the jurors to have the time to modify the CIR to their liking. And we felt they would need three days to do this. But the League's proposed agenda would require at least four days to decide between various proposals to deal with ini-

tiatives. We did not have the money for two Citizens Jury projects, and experience has shown that you cannot bring in people for a seven- or eight-day project without cutting down markedly on the willingness of people to participate. We did not want a Citizens Jury composed of students and retired people.

Beyond that, we did not want to have the CIR be labeled “the best way to deal with the problem of initiatives.” Given the broad public support for initiatives, this would make it look as though we somehow were opposed to them. Furthermore, this would bring up one of the problems of using the League as a sponsor. Although we thought they were professional enough to serve as neutral host, the League had gone on record as opposing some of the initiatives sponsored by Tim Eyman, a well-known sponsor of anti-tax initiatives. An agenda that asked what to do about the problem of initiatives would raise questions about the neutrality of the League in a way that a simple concentration on the CIR would not.

After some debate, the League finally agreed to host a Citizens Jury with the agenda we preferred, so long as we would pledge not to make the claim that the jurors had decided that the CIR was the best reform available for making initiatives work better. Our insistence on having the jurors spend three days on the details of the CIR stemmed in large part from our belief that there were some parts of it that should be decided only by a legitimate group of Washingtonians. Most especially, we felt it was not appropriate for a small group of people who advocate the CIR to decide how much should be spent on it. That really was a question for a broader group of Washingtonians to decide. The same was true for the makeup of the commission that would oversee the operations of the CIR.

The contact we signed with the League stated that the first two days of the Citizens Jury would be devoted to the question of whether the CIR in general was a good idea—something the jurors would like to see in Washington. The jurors would vote at the end of the second day. If a majority voted yes, then the project would continue for another three days to fine-tune the process. If not, then the jurors would go home after two days. Pat and I would select a few people to appear with us as proponents of the CIR. The League’s task was to find witnesses who opposed the CIR or who favored other proposals for bringing trustworthy information to voters on initiatives. Both sides

would be given equal time. The League would set up an advisory council to guide them and we would pay for the whole project upon the signing of the contract so that there was no way after that time that we could influence the course of the project by threatening a withdrawal of funds.

We all agreed that the project would require close monitoring if bias in favor of the CIR were to be avoided. Part of the problem is that we know all of the people who know how to run Citizens Jury projects. The League was willing to undertake a novel project like this only if they got help in running it. And it could not be called a Citizens Jury without the involvement of the Jefferson Center. It was finally decided that both the Center and a team of consultants from Pennsylvania would work on the project to help out the League. The team from Pennsylvania consisted of two women, Susan Ruether and Tam St. Claire, who had played a key role in the running of the Citizens Jury projects conducted in Pennsylvania and Washington, D.C., in the early 1990s. They were very professional, but also friends of ours because of past work together.

I won't go into every detail of how the project was planned out. But a whole series of questions had to be dealt with. Should the jurors be told that Pat and I were paying for the project out of our own resources? If they were told, it might bias the project in our favor because it would make us look generous. But if they were not told, then they would not be aware of a potential source of bias in the project that they should be watching out for.

One decision the League made, about which Pat and I were uneasy, related to paying the jurors if the project were stopped after two days. The League decided that if a majority voted at the end of Day 2 that they did not like the CIR well enough to continue working on it, then the jurors should be paid for a full five days even though they would only work two days. We felt this might incline a few jurors in favor of voting against the CIR at the end of two days. If there were strong support for the CIR, this would make little difference, but if the vote were close, this might cause the CIR to lose. The League agreed that this would create a challenge for us, but felt that this was one way to show that the agenda was not biased in our favor.

The May 2001 Citizens Jury on the CIR

This Citizens Jury project was certainly one of the most interesting and exciting that has been conducted. Experienced staff who were present had the feeling that the jurors were as fully engaged as in any project they had witnessed. A good bit of this feeling surely came from the fact that the jurors were given the chance to have a significant say in building a method intended to make democracy work better, and that it actually stood a chance of being enacted into law. Many proposed laws and regulations go through public hearings, but the people attending those usually care a great deal about the subject at hand and they rarely are given more than a day for their comments. Seldom does a crosssection of the public get the chance to review a proposed law for five days and make changes in it if they wish.

This section will not go through all of the decisions made by the jurors during the five-day event. A copy of the report on the project is available at www.cirwa.org. This report contains not only the full recommendations of the jurors, but also details on the project such as who the jurors were, what the agenda was, the full evaluation of the project and who the witnesses were. Two videos of the event have been made: a ten-minute overview, and a video lasting for almost two hours showing in more detail how the jurors went about making their decisions. These may be purchased by contacting us through the same Web site.

One interesting aspect of the project was that Pat and I, as the activists promoting the CIR, made it clear that we were not turning the whole CIR planning process over to the jurors. One obvious thing we did was to ask them to work off of the plan for the CIR that we had spent the previous four months designing. Furthermore, we informed the jurors that they and we each retained certain powers. If they had voted against the CIR at the end of Day 2, that would have been the end of our efforts in Washington. Furthermore, we would not go ahead with the CIR after they had had a chance to shape it unless their final vote was a strong majority in favor of it. We did not define exactly what that meant, but we had in mind that we needed at least 16 votes in favor in order to launch a campaign to get the CIR enacted into law.

But we pointed out to the jurors that if they were to make changes in the CIR that we, as professional democratic planners, could not

accept, then we would not feel bound to work for something we did not believe in. For example, if they were to cut costs by suggesting that the citizens panels that reviewed the initiatives be run only for one or two days, then, given our experiences with the method, we could not in good conscience support that.

This was a delicate matter. Some of the League staff asked us how we could commission a project like this and then tell the jurors at the end that we were not going to carry out their plan. If the jurors knew that we held a veto over the final design, wouldn't that undercut the validity of the whole project? They would be forced to do whatever we wanted to get us to act on their proposal. Finally, it was decided that the jurors should be told that their primary task was to come up with a plan they liked, without any restrictions from us. We would not comment if the jurors did something we did not like until the very end, after they had taken their final vote on the whole package. At that point, we could indicate what part of the recommendations, if any, we would not act on. They would then take a final vote on our modification of their proposal. If a large enough majority approved it, we would go ahead with that. If not, we would not promote the CIR in Washington, although some other group was welcome to do so.

As it turned out, we liked all of the jurors' proposals, so this whole discussion was moot. But it is important for those interested in this exercise to realize the degree to which we involved Washington's citizens while also placing limits on the degree to which we were willing to accept their recommendations. This is similar to the way in which the Citizens Jury process was conducted by the Jefferson Center and how citizens juries have been run in Britain. There is no case in which the officials for whom the project is conducted have committed in advance to following every recommendation made by the jurors.

This leaves an important question. Did the jurors really get an opportunity to express themselves freely? The best way to answer this is by looking at evaluations of the project. The single most important evaluation of a Citizens Jury project is the one in which the jurors state, in answer to a standard question, how satisfied they are with the fairness and lack of the bias of the project. We felt that as long as two-thirds of the jurors were very satisfied with the job, then the project was run in such a way that the jurors really did get a good opportunity to express their views without being manipulated. In this project,

it turned out that 71 percent of the jurors were “very satisfied,” 25 percent were “satisfied,” and only one person (4 percent) felt “neutral.” No juror was dissatisfied. Also the personal comments of the jurors, listed in the final report, were all very positive.

As explained in Chapter 4, the first two days of the Citizens Jury project were devoted to a pro and con discussion about the CIR as a whole. If a majority of the jurors had voted against the CIR at the end of Day 2, then the project would have come to an end. If a majority voted to continue (as they did), then the jurors would spend the next three days going over key aspects of the CIR, indicating whether they wanted to make any changes in the way the CIR was being proposed.

The “Suggested Topics . . .” on the following page is the sheet given to the jurors to help them think about key questions regarding the CIR. It was part of a 23-page briefing book the jurors were given at the beginning of Day 3. They were given the opportunity to add to the list if they wanted, but no one did so.

One of the topics on which they spent the most time was the make-up of the board of commissioners. When the jurors voted 23 to 2 at the end of Day 2 to continue working on the CIR, it indicated that they rejected the major argument of opponents that the CIR should not be run as a part of government. But the structure of the board of commissioners gave the jurors an opportunity to decide how much to insulate the board from those close to the political scene.

The structure of the board is described in Chapter 4. Briefly, six members on the board of commissioners are selected from among people who have served on previous citizens panels, two are appointed by the secretary of state and two by the governor. The secretary of state (or a designee) serves as chair. The way this structure evolved is described in Section 3 of this appendix. But the jurors in the May Citizens Jury had the opportunity to change this if they wanted.

The major change considered was suggested by one of the jurors. He proposed that the secretary of state and the governor each appoint only one member to the board. This would create a balance on the board of six commissioners who had served on citizens panels and three who were political insiders. The argument in favor of this was that having the secretary of state (or designee) serve as chair already gave the insiders a lot of power. The six commissioners coming from the citizens panels would need time to figure out what was going on.

Suggested Topics for Discussion during Phase 2

This list of questions was prepared by project staff. Participants should feel free to add or subtract their own suggestions, and set priorities for the discussion. Their suggestions will be followed as closely as possible, depending on what witnesses have been scheduled to appear on which days. The times when these topics have been tentatively scheduled is shown in italics.

Topic 1: Location and structure of the CIR *(Tuesday morning, May 22)*

- A. Location: Should the CIR be within the Secretary of State's Office, or an independent commission?
- B. Board composition: How should members be nominated and who should chair the board?
- C. Office structure: What staff are required and what tasks will they handle?
- D. Funding process: How should the budget be set and to whom should the board be fiscally responsible?
- E. Sunset: Should there be a sunset provision? If so, when should it kick in?

Topic 2: Financial issues *(Tuesday afternoon, May 22)*

- A. Budget: How much is needed for the CIR?
- B. Source of money: Where shall it come from?
- C. Reporting: Who should audit the CIR?
- D. Unexpended funds: Should these carry over to the next year?

Topic 3: Citizens panel options *(Wednesday morning, May 23)*

- A. Name: Is "Citizen Panel" the best name for these groups?
- B. Size: Should the panels consist of 18 or 24 people?
- C. Selection: Should participants be selected at random from the population at large or only from registered voters?
- D. Assignment: What should the citizen panels be asked to do?
- E. Scope: Should all initiatives be covered? If not, how will the decision be made?
- F. Privacy: Should citizens panels be allowed to deliberate in private if they so choose?

Topic 4: Experts *(Wednesday afternoon, May 23)*

- A. Experts: How should it be determined who will speak for and against the initiative? Should both advocates and neutral resource experts be invited to speak?
- B. Constitutionality: Should opinions on this issue be required to be part of the CIR?
- C. Fiscal impact: Should opinions on this issue be required to be part of the CIR?

They would be outmaneuvered if there were five commissioners who were political insiders, even though the citizen panelists had a slight majority in numbers.

The argument made against this was that the secretary of state (or designee) would vote only to break a tie. This would mean that the majority of everyday commissioners over political insiders would be six to four. That should be enough to prevent any domination by the insiders, given that the people selected from the citizens panels to serve would be those viewed by their peers as the most capable of protecting the process and making sure it serves the public interest. If the majority is six to two (or three if you include the chair), this will not give the insiders enough representation. It is important to have enough experienced people on the board so that there is a commitment by the secretary of state and the governor's office to the CIR process. The commitment of these key officials to the CIR process is crucial.

The discussion over the makeup of the board went on for about an hour. Most of the jurors spoke up on one side of the question or the other. When the vote was finally taken, it was unanimous in favor of the six-four-and-one makeup of the board.

In another discussion, the jurors came up with a novel solution to the question of how many initiatives should be reviewed during the CIR's first year of operation. Pat and I suggested that the staff limit themselves to reviewing only two initiatives in their first year of operations. The jurors had some reservations about this, feeling that it would be difficult to explain to the public why only two initiatives were examined when there were more on the ballot. (For example, in 2000 there were six initiatives on the ballot.)

Here the jurors were playing an interesting role. They could understand the need for the new staff to warm up, given that they themselves were experiencing the complexities of a citizens panel and they trusted us that a new staff should not be overburdened. But the jurors also were looking at this with fresh eyes and could imagine that the public as a whole would find it difficult to understand why only two initiatives were evaluated. Were we really sure that only two could be done? We had to answer that this was our best judgment, but that it was possible, if the staff were appointed promptly, that they could do three.

During this discussion, Marc Greenough, the attorney we were relying on for legal advice, was present. He pointed out something that

we did not realize: it would probably be seen as illegal (unconstitutional) if some initiatives were subject to a review process and others were not. A very good argument would have to be made for leaving some out and considering others. The solution Pat and I had made up for this was to run a first citizens panel to consider which initiatives should be reviewed, should there be more than two initiatives on the ballot that year. But the jurors thought that was cumbersome and would be difficult for the public to understand.

Finally one of the jurors, Chris Johnson, a heavy equipment operator from Sedro Woolley, Washington, suggested that if there were more initiatives on the ballot the first year than the staff could handle, why not select those to be reviewed at random? Greenough agreed that this would meet the legal requirements and the other jurors liked the idea. So our original suggestion was modified so that their report reads:

The Citizens Jury recommends that all initiatives be examined. As the CIR process is gearing up in the first year, there may be more initiatives than the newly trained staff can cover. It is suggested that as many initiatives be covered as can be done in a high quality way. The Citizens jury voted 23–2 that if there are more initiatives than can be handled, random selection will be used to identify the initiatives to be reviewed that year.

Although the jurors did not suggest any topics that were not on the list presented to them, they did interpret at least one of the questions differently than we had expected. On Day 2, one of the witnesses had proposed that all initiatives be reviewed for constitutionality by a panel of judges. This is important because quite a few initiatives are ruled unconstitutional after they have been passed, much to the irritation of those who proposed them and those who voted for them. The staff thought that perhaps the 25 jurors would want to add something like this to the CIR. As it turned out, there was a strong feeling on the part of some jurors that the citizens panels should *not* be allowed to make any comments on constitutionality.

This led to one of the most animated discussions held by the jurors. Those who believed that the jurors should not be allowed to

consider questions of constitutionality made two main points. First, the panelists are not competent to make judgments about constitutionality. This is something requiring a professional judgment and it would be wrong for the panelists to comment on matters where even lawyers and judges disagree. Their second point was that they feared that panelists could be misled into opposing initiatives that would be found constitutional if voted into law. (In Washington, the state Supreme Court rules on initiatives only after they are passed.) The jurors who felt this way were those who really liked the powers given to the people of Washington by the initiative process; they did not want these powers curtailed in any way.

This discussion took place during a time when neither Marc Greenough nor Mike McCormick, the two expert witnesses present during the last three days, were present. Thus, the discussion was carried on almost entirely among the panelists with no witness commentary. Those jurors who felt that the panelists should be allowed to comment on constitutionality did so mainly on the grounds that both witnesses and panelists would see it as their right to discuss this. How could anyone tell a group of panelists that they were not allowed to say something? Furthermore, would a provision be written into the CIR proposal saying that no witnesses could raise the issue of constitutionality? This would make the whole process look absurd, a limitation on freedom of speech during hearings where advocates are expected to make their best arguments. And, if witnesses were allowed to discuss constitutionality, then how could you tell panelists that they could not comment on this?

One example given was by a juror who was clearly opposed to gun control. He felt that initiatives might be proposed to further gun control and that the major argument by those wishing to keep the freedom to bear arms was that a limitation on freedom was unconstitutional. He therefore made a strong pitch that it would be inappropriate to adopt a guideline that might prevent the opponents of gun control (and any other group in a similar position) from making their best argument.

The discussion of this question was often heated and went on for almost an hour. It was the last major discussion the jurors had before they went on to fine-tune the wording of the CIR for the final report. What they finally decided regarding constitutionality was stated in their report as follows:

. . . the jurors felt strongly that the panel should not attempt to determine constitutionality. If jurors want to refer to any arguments concerning constitutionality, they must do so in terms of the reasons behind the arguments. If constitutional issues arise, the citizens panel report will include a statement making it clear that the CIR does not make any final judgment concerning constitutionality.

A Citizens Jury to design any kind of program in some detail, as was done in the last three days of these hearings, is one of the trickiest Citizens Jury projects to conduct. We felt that the jurors were very pleased that Mike McCormick and Marc Greenough had been available during the last two days to advise them on technical matters that virtually none of the jurors had dealt with before. But it is never easy for someone to be a neutral witness. The long video has a 25-minute section showing how Greenough worked with the jurors as they discussed cost of CIR and where the revenues should come from. Should there be a new tax, or should it come from interest on the general fund? Both jurors and staff felt that Marc did an excellent job of serving as neutral staff to the jurors, but it would be reasonable for someone to be skeptical until having watched the video. It is in this kind of session, as much as any place, that biases can slip into the Citizens Jury process. The citizens panels being proposed under the CIR to review initiatives will be much easier to run without bias, given that the panelists are not required to make any proposals, but merely to evaluate an existing proposal after hearing pro and con witnesses.

Section 6

Inventing the Citizens Jury Process

I created the Citizens Jury process as part of my Ph.D. thesis in political science. I was not trying to create a practical political tool so much as to find a way of solving a problem in social ethics. In the middle 1960s I was very academically oriented. I read extensively in four fields besides political science: the validity of psychological tests, epistemology, social psychology, and moral philosophy. All of these, through no intention of mine, turned out to be critical in the invention of the Citizens Jury process.

I began my academic journey in the fall of 1954 as an undergraduate at Yale where I set off to major in philosophy. I did not do well. My major accomplishment was to be among the 100 or so who tested out of freshman English. But I was not happy at Yale, got poor grades, and quit in the middle of my junior year. I left with the beginnings of a grounding in philosophy and an abiding dislike of elitism. After two years in the army, I did some reading in the history of psychology with help from a professor at the University of Hamburg, and returned to the U. S., where I finished up my B.A. at the University of Minnesota, majoring in psychology.

My horizons were not very broad at that time. I decided to go to graduate school at the University of Minnesota, but since I disliked behaviorism, I chose political science, which I mistakenly thought was going to be more historically oriented. But I wanted to find out what was going on with the social science approach to studying humankind, so I concentrated in empirical theory and behavior. As I should have expected, I found that I was as dismayed with the approach political science took to understanding humankind as I had been with psychology and philosophy. I cut back on my courses and tried to figure out what was wrong.

Luckily, as an undergraduate at Minnesota, I had taken two classes

from Professor Herbert Feigl. He had started his career as one of the younger members of the Vienna Circle of logical positivists, escaped to the U.S. at the end of the 1930s, and settled in Minnesota. I had not intended to take any philosophy when I arrived at the U. of M., but my advisor insisted that Feigl was both an eminent philosopher and a fine teacher, so I took his classes in epistemology and the philosophy of science. Although I had some doubts that logical empiricism, as Feigl then called his views, was really the way I wanted to see the world, he was a wonderful mixture of clarity, curiosity and humility. The grounding I received in his classes gave me a perspective from which to try to challenge what I found lacking in political science and the social sciences in general.

A turning point for me came in 1963 when I decided to express my doubts to a professor of political science who was a firm believer in “behavioralism” as it was then called in political science. I spent a month preparing a set of challenges for him regarding what I thought was superficial about attitude tests. We spent an hour discussing these ideas and I went away very disappointed because he seemed not even to understand me. I was quite sure that this was my problem—that I had failed to be clear. But I decided to speak with a professor of psychology who had taught me a course on attitude measurement when I was an undergraduate. After a five to ten minute presentation, I stopped and asked if he could understand what I was saying—was I at all clear? He said, “Of course you are clear. I think you are wrong, but you obviously have read the literature.” I asked him what literature he meant, because I had been thinking up the points on my own. His answer was that I seemed to be referring to the literature of humanistic psychology. It was the first time I had heard the term.

When I started to explore the foundations of psychology, it was apparent that psychology was a decade or two ahead of political science in terms of the sophistication of its measurement tools and the sophistication of how psychology went about grounding its terms and theories. I took a guided readings course from a psychology professor who was kind enough to help, and from him learned about the key role that the concept of validity played in psychology. I realized that the problem I was having with attitude tests was that they did not seem valid. Two of the most important criteria for a psychological test are that it be reliable (the same test, under the same circumstances,

yields the same results) and valid (the test measures what it is supposed to measure). But now my curiosity went beyond attitude tests, and I began to read and reflect about the concept of validity itself.

I was not a model of efficiency as a scholar. I spent a great deal of time on my own just trying to think things through. In the process I read most of the literature I could find on how to validate psychological tests. There are four accepted ways to validate a test. The one that tries to avoid a narrow behavioral approach to psychology is called "construct validity."⁵ But I felt that even this did not do justice to human nature. It ignored reasoning and the internal feelings and consciousness that make humans alive and worth caring about. I set out to write a paper on how even construct validity ignored "mental data."

I was very lucky that one of the two originators of construct validity, Paul Meehl, was a professor at the University of Minnesota.⁶ He was close to Herbert Feigl and had created his notion of validity based upon Feigl's logical empiricism. I convinced Meehl to help me with my paper and ended up writing what was essentially a masters thesis on the validity of psychological tests.

The two years I spent reading about the validity of psychological tests, and the philosophical assumptions behind the different

⁵ The term was created to enable psychologists to remain true to their scientific goals while moving beyond a narrow behaviorism. Behaviorists were fond of "operational definitions." For example, many psychologists would define intelligence as "that which is measured by the Stanford-Binet intelligence test." Absurd as this seems to me in 2003, many psychologists indeed took this approach to defining terms. But if you wanted to move beyond this while maintaining your scientific stance by avoiding any sort of reliance on intuition or introspection, what could you do? The term "construct validity" was introduced by the American Psychological Association in a set of technical recommendations (*Psychological Bulletin*, Supplement 51[1954]:1-38 to deal with this. The standard interpretation of these recommendations was an article by Lee Cronbach and Paul Meehl, which came out in the *Psychological Bulletin* in 1955. "Construct validation is involved whenever a test is to be interpreted as a measure of some attribute or quality which is not 'operationally defined'." What one does with internal constructs is to use a number of methods of observation and testing that correlate with each other and where there is a set of psychological laws to explain these correlations, something that Cronbach and Meehl referred to as a "nomological network."

⁶ Meehl was a very well-known psychologist. He held four professorships at Minnesota: psychology, philosophy, psychiatry, and law. He has written on a variety of topics, especially schizophrenia and psychometrics.

approaches, were interesting years for me. At the beginning of this work, when my frustration with political science was high, I had thought of writing a paper entitled "Up from Empiricism." But by the end of this work, I managed to retain a respect for the tools of the social sciences based upon logical empiricism. Paul Meehl showed me that these were not as shallow as I had originally thought. Nevertheless, I still felt a strong need to go beyond these tools to deal with matters that logical empiricism could not handle in an adequate way. Meehl was fond of telling his classes that some of the most important things he had to say he could not verify. This helped me to maintain an interest in the social sciences while not feeling limited by them.

But as I was gaining a growing appreciation for some of the tools of psychology, I began to have increasing doubts about the usefulness of seeking ultimate intellectual foundations for our knowledge. The arguments over the nature of the construct validity of psychological tests were based upon two competing schools of philosophy of science.⁷ As I pursued the literature, this recourse to philosophy seemed to raise further problems rather than providing answers to the questions faced by the psychologist or political scientist who wanted to know the best way to use attitude tests. I spent several months trying to figure out the logical differences surrounding the definition of concepts, trying to make sense of them. Some of this involved delving into symbolic logic. But as I continued to read about the various methods for validating tests, it began to dawn on me that virtually no psychologists actually working with psychological tests seemed concerned about these logical matters. Their reference to these matters seemed more a rationalization for the kind of work they did, than reference to a foundation that was alive in their work.

It was during my early years in graduate school that a graduate student in philosophy, Jean Andre Cadieux, kept telling me that it was important to learn about the work of Ludwig Wittgenstein on ordinary language philosophy. I had had long discussions with Andre about Wittgenstein versus logical empiricism and finally decided I should

⁷ The main advocates in favor of construct validation adopted an epistemology in line with philosophers of science like Herbert Feigl and Carl Hempel. The main advocates opposed to construct validation based their views mainly on the philosophy of May Brodbeck and Gustav Bergmann, who held more closely to a logical positivism which supported a strongly behaviorist approach to psychology.

read Wittgenstein's *Philosophical Investigations*. The more doubts I had about the philosophical foundations of the social sciences, the more I tried to understand what Wittgenstein and some of his adherents were saying about epistemology and its relevance to the social sciences. This provided a serious challenge to the logical empiricism of Feigl⁸ and, by extension, Meehl. I was particularly struck by Michael Scriven's critiques of the logical empiricist approach, and by some of the views of Clarence Irving Lewis.

What interested me especially was that Wittgenstein, while working in the same milieu as that which led to the Vienna Circle, had attempted to lay the foundations of knowledge in a work called *Tractatus Logico-Philosophicus*. But a decade later he gave this up as a mistaken enterprise and undertook to write the *Philosophical Investigations*, which he was unable to finish in his lifetime. This became the origin of what came to be called "ordinary language philosophy." Wittgenstein produced a number of aphorisms that became widely quoted. "Philosophers create problems for themselves when they take words out of their original context and use them in highly specialized ways. This leads to the creation of problems that we cannot solve unless we go back to the original context to learn what the word was intended to mean." This is not an accurate quote of Wittgenstein, but it was the kind of thing that I was hearing graduate students, who were fed up with the obscurity of much philosophy, saying to each other in the late 1960s.

Wittgenstein posited that our knowledge is secure if the doubts we normally have are satisfied. Michael Scriven added to this by saying that there is no sense in which we can ever provide a complete justification of an explanation out of context; for a justification is a defense against some specific doubt or complaint, and there is an infinite number of possible doubts. This approach to knowledge led me to break from the view common among political scientists that we always need an explicitly stated theory to organize our knowledge. In reality, Wittgenstein's approach was to a large degree a resort to common sense in areas that had been over-intellectualized. On the other hand,

⁸ Feigl had known Wittgenstein. He was one of a select few chosen by Moritz Schlick to join the meetings the Vienna Circle held with Wittgenstein in 1927, which were part of what led to the latter's picking up his philosophical work again after having set it aside for several years.

Wittgenstein's statement that the task of a philosopher is to gather tools for the problem at hand led me to conclude that empirical tests were worth using if the circumstances warranted and if the tests really seemed to advance our knowledge.

Nevertheless, it seemed to me that the foundations of psychology were just as knotted and fragile as the foundations of knowledge as Wittgenstein saw them. Indeed, I thought up another sarcastic title for an article, "In Search of Sufficient Obscurity." If you could find something obscure enough to base your arguments on, such as reference to the importance of "material implication" to justify approaches to the validity of psychological tests, you might well be viewed as profound and be able to write a number of articles without encountering many people in your own field willing to take the time to contradict you.

Luckily, however, Paul Meehl was too compelling an intellect for me to simply revolt against all of what I had been learning about psychological measurement and the need for careful scientific work.⁹ Also Meehl was quite unwilling to be limited by methodology when he believed he had important insights. He believed in intuition and allegedly had won quite a bit of money from his colleagues by being able to identify female psychopaths in the general ward of a psychiatric hospital by watching how they walk. He also told his students that if he had only one hour to do a psychological assessment of a person, the tool he would use is an interview. Given more time, he would use other tests, including the Minnesota Multiphasic Personality Inventory. Meehl never was able to make me very fond of the MMPI, the test with 600 true and false questions, but I admitted it probably was a useful tool to have in one's repertoire.

It was also from Meehl that I learned the importance of using one's intellect to find the truth rather than just to win an argument. He told me a story about Feigl at a major philosophical conference held one

⁹ For example, the article by Donald T. Campbell and D.W. Fiske, "Convergent and Discriminant Validation by the Multitrait-Multimethod Matrix" (*Psychological Bulletin* 56[1959]:81-105, seemed a reasonable way to pursue the validation of psychological tests and the building of sensible concepts. It provides a standard of careful examination of claims that is useful in checking out some aspects of how citizens panels should be run. I plan to write more about this in the paper on the theory and methods of the Citizens Jury process.

summer by the group involved with the Minnesota Studies in the Philosophy of Science. On the second day of the conference, a Tuesday, Feigl made a major presentation of his views. On Thursday, as he was elaborating on his Tuesday presentation, Paul Feyerabend pointed out an inconsistency between what Feigl said on Tuesday and Thursday. How does the professor explain this?

As Meehl told the story, Feigl thought for a bit and then said, "Well one of those was my Tuesday position, and the other is my Thursday position." After the laughter had subsided, Feyerabend began to discuss the differences between these two positions. They rapidly were named "the Tuesday position" and "the Thursday position," and the assembled philosophers devoted considerable time to working through the significance of the differences between the two. Meehl noted that Feigl's willingness to admit his mistakes publicly was rare in academia and was a much needed trait.

This difficulty in holding reasonable discussions was reinforced for me several times. I learned that Wittgenstein urged many of his best students to get out of academia. One interesting tidbit I noticed was that there seemed to be a steady flow of articles and Ph.D. theses that used the F-Scale of the Authoritarian Personality test. Yet that particular scale was a paradigm case of an invalid test. In spite of the wide agreement regarding the importance of validity, it seemed as though it was possible to ignore the need for validity if a particular test dealt with a topic that was popular.

It was in this way that I ended up with a strong interest in humanistic psychology, and with an interest in studying the reasons that people offered for their policy stands, yet with a respect for empirical tests and psychometrics, when properly applied. But it also seemed clear that most academics were not able to get grants large enough to undertake empirical tests sophisticated enough to really tell us much. It seemed to me that the majority of papers written, based upon the application of some psychological test, were sufficiently well done to add to the author's list of publications, but not profound enough to enlighten us much about human nature.

It was after this work on validity that I began to think it would be interesting to write my Ph.D. thesis on decision making or on how people held their political values. Over the next couple of years I read widely in social psychology. Again, I was struck by how little atten-

tion was devoted to the reasoning process behind the complex way in which people hold their political values.¹⁰ I actually started devising tests to try to get at this but was still bothered by the general approach. I began to want to know whether the views people held were right or wrong. In other words, I was feeling increasingly dissatisfied standing on the sidelines observing how people held their values, as opposed to jumping in and discussing with them whether their views were right or wrong.

By 1968 I moved away from a study of values and decided write my thesis on social ethics. I was upset with most of the political science faculty at the University of Minnesota because they regarded normative questions as little more than matters of taste. I thought there was more to it than that and set off to find out if there were ways to demonstrate this. It was also about this time that some people close to me, especially an uncle who taught history of art at Yale, worried that I had become a permanent graduate student.

I read much of the recent moral philosophy recommended by the University of Minnesota Philosophy Department for a concentration in moral philosophy. I was taken with the “reason in ethics school” of philosophers. These were scholars heavily influenced by the later Wittgenstein’s ordinary language philosophy. Given my penchant for learning about foundations, I then read extensively on meta-ethics, finding the work of H. B. Acton, C. D. Broad, Richard Brandt, William Frankena, R. M. Hare, H. L. A. Hart, Alastair MacIntyre, J. J. C. Smart, Steven Toulmin, and G. H. von Wright to be of particular interest. In spite of my skepticism about the foundations of knowledge, I could not resist trying to learn whether it was possible to justify a moral theory or set of moral statements in such a way that there would be wide agreement that what was said was morally correct.

I became taken with the notion of “negative utilitarianism.” In the 19th century, utilitarian philosophers such as John Stuart Mill held that the social good was the greatest happiness of the greatest number. Negative utilitarianism holds that we should help first those who hurt

¹⁰ When looking up “rationality” in *Psychological Abstracts*, the premier reference source for psychologists in that era, which contained brief summaries of articles, I was amazed to find page after page with the heading “rat” at the top (not an abbreviation for rationality, but a direct reference to the animal), yet not even a full page devoted to rationality.

the most. Because of my work on the validity of psychological tests, I thought I could propose more sophisticated measures of well-being than had been proposed by utilitarians up to that point. If I could then tie these measures to a novel distributive formula, I would be able to create an interesting proposal for a social ethics. It took a year or two of writing and reflection before I finally had to admit that I could do little better in measuring well-being than had John Stuart Mill.

At the same time I was learning this, I was becoming convinced that it made no sense to search for intellectual foundations for morality. Looking back now, I can see that I was hoping in spite of all I had learned that I still could find intellectual foundations. But much as I believed in the importance of reason in moral discourse, I could not see that the reason-in-ethics school of moral philosophers came any closer to providing intellectual *foundations* for morality than the emotive theory of ethics or naturalism or intuitionism. I could find no moral philosophers where it was not possible to pick at the reasons they offered for their meta-ethical positions. The only way I could see some consensus arising was if there were an initial agreement on some basic aims or emotions, such as caring about others.

But in trying to prove a statement like "the foundations of ethics lie in shared aims instead of reasons," I found myself advancing further into the swamp of meta-ethics. Not only is the distinction between aims and reasons hard to draw, but those with critical minds always seem able to raise further doubts about the reasons one offers to lay the foundations of ethics. On the other hand, those who share my aims do not seem to be disturbed by my failure to offer a clear set of foundation-type reasons. Instead, they try to help me select the best reasons for acting on the aims we share.

In 1971 I finally decided that the best we could do to raise our views about social ethics above the level of mere taste or subjective statements was to gather a group of people and let them say what they thought was the social good. How should these people be gathered? Why not at random? And how should they address questions of social ethics? Why not try to get them to follow the guidelines of the reason-in-ethics school of moral philosophers, adding to it the emphasis that R. M. Hare and H. B. Acton placed on empathy or sympathy? In this way the Citizens Jury process was born.

I called it, in my notes, the R.R.C.L. decision. This stood for repre-

representative, rational, concerned and legitimate. I thought the best way to make it representative was to use random selection. Rationality and concern for others (or empathy, or even love, a word many academics hesitate to use) seemed obvious to me and were not open to further justification. You either think these reasons are important, or you do not.¹¹ The need for legitimacy arose from my realization that if one actually put people into small groups to make such a decision, there might be a number of different proposals coming out of different groups studying the same problem. So, if we want to come up with a set of recommendations to help a community or a nation agree about how to resolve some problem, we need to designate one of the groups, or some setting for holding the group discussions, as the legitimate group whose decisions we agree in advance will speak for us.

At the time I thought this up in the summer of 1971, I had given no thought to its being like a jury. (It was not until the later 1980s that we adopted the Citizens Jury name.) My creation of this idea was an odd achievement. A few months after I had thought it up, I explained it to a fellow graduate student. He said, "Congratulations. You just invented the jury system." I was mortified at having spent several years inventing something, when it was a common device in use since about the 12th century. It was only when I could not find anyone else proposing use of the jury system to make decisions about social or political matters that I felt better.¹²

Also, my decision to use random assignment to deal with moral questions was not novel. There was considerable discussion of this by moral philosophers because of the writings of John Rawls.¹³ He proposed a specific definition of fairness based on an imagined situation where

¹¹ As with so many statements in moral philosophy, this statement requires qualification. I could imagine a discussion with someone who sincerely does not see the need for empathy in morality, in which I would offer reasons for my belief. But I would not be trying to make a general case. Instead, I would be trying to learn from him why he had doubts and then I would see what I could say to answer them. I believe that for such a discussion to be fruitful, it should be conducted with as much clarity as possible and with respect. But I do not see this as leading to any sort of intellectual foundations which would necessarily be interesting to others.

¹² I am not sure when I learned that Robert Dahl and Marcus Raskin, both in the 1970s, had given thought to using juries in the political arena, but certainly it was not until after I had conducted the first Citizens Jury. And, as described in Appendix B, Peter Dienel actually conducted the process before I did.

people would construct moral norms from behind a “veil of ignorance,” telling them that afterwards they would be randomly assigned places in society. He was doing this as a hypothetical exercise to generate moral norms, but I saw no reason one could not actually select people at random and ask them to reflect upon a situation and generate their own solutions to it.

Indeed, this appealed to me much more than Rawls’s hypothetical approach. He, after all, was using this device to construct intellectual foundations for his views on morality. I was sure that he did not get around the “foundations” problems any better than anyone else. I felt that Rawls did not offer any better reasons for why I should accept his views on morality than would be offered by a randomly selected group of people who met in a real setting to discuss what should be done about a particular problem. Instead of hypothetical social contracts, these randomly selected people could be viewed as creating real social contracts, albeit of limited nature.

The Citizens Jury process became the heart of my Ph.D. thesis, *“Concern for All.”*¹⁴ I received my Ph.D. from the University of Minnesota in 1973 and was a little dismayed that my thesis committee thought that I was simply writing a theoretical work.¹⁵ But when I now look at what I wrote then, I am struck by how terribly academic it was. The thesis argues in favor of an attempt to justify a whole system of norms. I still could not resist the tug of thinking that a large enough

¹³ Rawls was seen by many as the leading American moral philosopher of the 20th century. His views on justice as fairness were widely circulated in the late 1950s on mimeographed copies of his articles. His “A Theory of Justice,” (Harvard University Press) came out in 1971 and “Justice as Fairness: A Restatement” came out in 2001 (also from Harvard Press).

¹⁴ This turned out to be Draft 26 of my thesis. In retrospect, I am very pleased that I did not stop at Draft 23, completed in 1969. I wrote Draft 23 while I still thought that quality empirical measures of well-being could be at the heart of a social ethics. Herbert Feigl read it and liked it well enough to offer me help in getting a position at a think tank at Stanford University. Had I turned in Draft 23 as my thesis and followed through on his generous offer, I surely never would have invented the Citizens Jury process.

¹⁵ I am forever grateful to Professor Mulford Sibley for his willingness to become my thesis advisor. He was tolerant of all the time I was spending thinking about things that did not seem to be going anywhere, and he allowed me to write a thesis based upon views very different from his own (he had little interest either in empiricism or in analytic philosophy).

intellectual structure would provide us with the reasons we needed to conduct our social affairs properly.

Finally my practical side won out. Within a year of getting my Ph.D., I decided to try to conduct a Citizens Jury to see if it might work in practice. As a result, I set up the Center for New Democratic Processes in 1974 to check out the potential usefulness of the Citizens Jury process. (The name Jefferson Center was adopted in 1987.) Would randomly selected people be willing to participate? Could they understand the policy choices presented to them? How should these small group meetings be conducted? Was there any way to avoid the influences of staff bias? My readings in ordinary language philosophy and moral philosophy made me feel that discussing the reasons behind a policy were very important. This differed from the approach of attitude testing, where the reasons were viewed as almost superfluous. But my readings in social psychology made me aware of the oddities of group dynamics and the need to prevent strong personalities from dominating the discussions. I was also aware that the tools of psychometrics and the standards of construct validity were difficult to use in evaluating the quality of what was going on.

When I started the Jefferson Center, it was hardly an organization at all. I spent half of the time from 1974 to 1984 working alone, hiring staff only for conducting specific projects and then letting them go after the projects were over. But even the first Citizens Jury was a compelling experience because of the enthusiasm of the randomly selected participants. The other two Citizens Jury projects run in that time were also successful from the point of view of the participants, even though they were run more as experiments than as attempts to produce solutions for use in the real world of politics.

Looking back at that time, I can see that it was a bit foolish for an academic who had spent most of his life working alone in a library to think he could actually run a center. I spent more time thinking about what was going on than was really productive. Nevertheless, I gained enough experience with the process that Joe Stinchfield, a friend who worked for the Minnesota Department of Natural Resources, was able to convince me to run a Citizens Jury that actually would try to solve a real problem. This led to the first project with public sponsors, a Citizens Jury that examined agriculture and its impact on water quality in 1984. From that time on, there was increasing recognition that the Citizens Jury process had signif-

icant potential for solving problems that our current political system was not able to deal with effectively.

Over the years as I have reflected on what I went through to invent the Citizens Jury process, I wonder what might have happened if I had stumbled on a shortcut to inventing it. For much of my time in graduate school, I was a member of the Citizens League of Minneapolis. Their major function was to bring together diverse groups of people to spend 20 to 40 hours over a period of several months to study an issue and release a report on it. I could have saved myself a huge amount of work by simply deciding to take what the League did and substitute random selection for the way they chose their participants. Given my desire to let the people speak for themselves, couldn't I have seen my way to this by the mid 1960s rather than wandering through academia for a whole decade?

In moments of self-doubt, I think I was foolish not to have seen this. But if I had, I might have missed the importance of ordinary language and the respect one should accord to the thinking of everyday people. Without understanding the insights of Wittgenstein, I might have thought I had invented something a bit trivial and that surely those academics who really understood policy making and moral philosophy would be able to see better ways for decisions to be made. Certainly if I had gotten into discussions with academics, I would have been very defensive, meaning I probably would have rejected their advice and thereby failed to learn from them. So I believe the route I took to the invention of the representative, rational, concerned, legitimate decision did have benefits, even though I now realize that shortcuts would have been possible.

Appendix B

A Brief History of Some Novel Participatory Methods

This is a brief history of citizen participation methods invented in the last three decades of the twentieth century, written from a personal perspective. So far as I know, no one has written a thorough history of these experiments. Because I have been so close to this, I make no claim that this is a dispassionate review of the processes, although I have done my best to write as accurately as possible.

The methods reviewed in this appendix were selected because I am personally familiar with them, or because they are widely used methods that need to be acknowledged. Surely there are a number of methods of some importance that are not included here.¹

¹ The difficulty of making sense of the types of democratic practices available can be seen by examining three Web sites: the Civic Practices Network, www.cpn.org; the Teledemocracy Action News + Network, www.frontpage.auburn.edu/tann; and Innovations in Democracy, www.democracyinnovations.org. Each of these Web sites lists over 100 practices and methods. One of the differences between the Civic Practices Network and the other two is the number of projects listed in the CPN Web site that have received funding from major sources such as the Kettering, Surdna, and Pew foundations. Neither of the creators of the last two Web sites has received major grants for their work, and they seem to list more projects that have been created without major funding. But it would be a mistake to try to judge the nature of the projects listed simply by the source of their funds. Someone needs to take the time to look at all of the listings carefully, provide a full summary of what each does, and then start categorizing the projects and methods listed. Web sites as large as these are difficult to keep up to date. In the short look I took at them I came across interesting omissions and outdated material in several places. As of February 2003, the Democracy Design Workshop was working to build an "interactive information repository on democratic initiatives." This was being done with the support of the Council of Europe and AmericaSpeaks.

The Citizens Jury® Process and the *Planungszelle*

These two very similar methods were created by Peter Dienel in Wuppertal, Germany, in about 1969 and by me in Minneapolis, Minnesota in 1971. He conducted the first *Planungszelle* in 1972 and I conducted the first Citizens Jury in 1974. We did not learn about each other and our work until 1985.

I came up with the idea of citizens juries in the course of writing my Ph.D. thesis in political science.² It was at the time of the Vietnam war and I was upset with many of the political science faculty for taking the view that questions of morality were quite similar to those of personal taste. One professor actually told me that views on the Vietnam war were rather like chocolate versus vanilla ice cream: even if you cared deeply about the discussion, there was no way to prove one view better than the other. I felt that there must be some way to elevate discussions of war and peace above mere subjective preference, and sought to prove it in a thesis. Much of the work, *Concern for All*, is terribly academic and obscure, but it seemed to me that it would be worth trying out the idea of bringing randomly selected people together in a respectful setting where they could learn about the facts of a political issue and then discuss what should be done. So in 1974 I set up the Center for New Democratic Processes to try this out. (In 1987 we changed the name to Jefferson Center for new democratic processes.)

Before setting up the Jefferson Center, I had visited the Center for the Study of Democratic Institutions in California. It was interesting, but clearly was a think tank and little inclined to test its ideas with real people in political settings. My clearest memory of the place was its elegance (it sat on a hill in Santa Barbara with a wonderful view of the Pacific), the graciousness of several of the senior fellows, and the way the rapid footsteps of the junior staff rang on the marble floors as the senior fellows took their naps after lunch.

The Jefferson Center began on the second floor of a very small house loaned to us by Augsburg College, not quite up to the standards of the California center. The view was a parking lot, and the only rapid footsteps were those of mice scurrying around in the false ceiling. But

² The invention of the Citizens Jury process is described more fully in Appendix A, Section 6.

I felt I had plenty of time and enough resources to start testing some interesting ideas.

That first summer, we tested the idea of the Citizens Jury process. I hired two graduate students, and in ten weeks we designed and conducted the first Citizens Jury. We gathered at random a jury of some 12 people and gave them the task of making up a national health care plan. There was no intention of doing anything with the plan; my aim was simply to see if people would be willing to attend a series of meetings if they were paid to do so, and to learn if they would like the experience.

The answer to both was yes. We were so concerned that people would not come that we started by conducting the once-a-week meetings whenever it was convenient for the participants. Most people came for one of two evening sessions, but there were two people who came every Thursday morning and had a wonderful time. We never knew that average citizens would take so much pleasure in dealing with national health policy questions, but soon it dawned on us that they really felt empowered as citizens in a democracy. They could come and have two staff people, much better informed on the issue than they, answer their questions, treat them politely, and take their opinions very seriously. We at last realized that we could schedule the meetings at our convenience and that people would still be willing to come.

There was one person who did not attend until the very last session. Eighty-three years old, she had a bad foot and never went out unless absolutely necessary. We visited her in her house and presented her the same information given the other jurors. She came to enjoy it as much as the rest, once her initial suspicions were allayed. After three weeks (and a visit by us with her pastor) she admitted that she had worried we were Communists, because it seemed suspicious that anyone would really be kind enough to come and talk with her about health care and pay her \$10 each time we did so. She thought we must have some sinister motive, and the most obvious political people she could think of with sinister motives were Communists. But her pastor said we were OK.

After that was behind us, she really got interested in the information we presented. She finally said she would like to meet with the other jurors at the last meeting. She attended, said nothing throughout the first hour while chain-smoking, and then joined the discussion for the last hour. She concurred with a nurse who was one of the jurors: "It's like popcorn: the more you eat, the more you want."

The *Planungszelle* was invented by the German sociologist Peter Dienel in 1969 or 1970 and first used in 1972. Dienel is a German sociologist who wrote his Ph.D. thesis in the area of the sociology of religion. He worked at a conference center for a decade before getting a position as professor at the University of Wuppertal. I am sure that the discussions at the conference center allowed him to see how fruitful discussions between citizens could be. I regret to say that I do not know exactly what went into his thinking as he came up with ideas startlingly similar to mine. At the university he set up the Research Station for Citizen Participation and Planning Methods. His staff consisted of a secretary and graduate students. Using these somewhat meager resources, in 1972 he was able to conduct the world's first set of hearings using randomly selected participants who stayed together for a period of days to discuss a social issue.

In the spring of 1985 I was surprised to receive a letter from a Professor Dienel of Wuppertal, Germany, a man I had never heard of. He introduced himself, saying that he had learned of me from an American who had visited Germany. He thought we might be doing similar work. Since Pat and I already had a trip planned to Europe, we were able to visit Dienel for a couple of days. It amazed me that he and I had come up with such similar ideas more than a decade earlier. On the second day of our visit, he started to answer my questions about why he had decided on a particular detail of the process by saying simply: "For the same reason that you do it that way."

This was so odd that I felt compelled to say something absurd. So I interrupted the conversation by suddenly saying, "Your mother is named Elisabeth, isn't she."

Dienel: "Yes, but why do you ask?"

Crosby: "And your daughter, she is Elisabeth too, isn't she!"

Dienel: "Yes, but why do you ask?"

Crosby: "Because mine are too."

It turned out that my Elisabeth was born on June 30, 1963, and his Elisabeth was born on July 7, 1963.

Planungszellen have been used more extensively for actual planning projects by local governments than we have been able to do with Citizens Jury projects in the U.S. Also, the German projects have often used many groups of 24 people on the same project (in the early 1980s, a project on energy futures used about two dozen

Planungszellen around Germany). The Jefferson Center has spent more time working on staff development and on methods for reducing staff biases than has the *Planungszelle*. There are not enough differences between the two methods to make it worthwhile substituting one for the other, although a review of the two methods might result in improving the quality of one or the other.³

The *Planungszelle* continues to be used in Germany and has spread from there to Spain. The latter projects have been conducted by Hans Harms (a Google search on his name turns up over 600 hits). One of the more interesting recent projects in Germany was a major project on city development done for the city of Regensburg, conducted in 2001 (those who read German can get a copy of the 176 page report by going to www.die-planungszelle.de). This project involved 227 citizens in nine separate hearings. One of the most successful uses of the *Planungszelle* was a project on transportation done for the city of Hanover in the middle 1990s.

Televote

Televote is a term coined by Vincent Campbell in 1974. Since then, Ted Becker and Christa Slaton, both now professors of political science at Auburn University, have done the most work on the process and written most extensively about it. At its most basic, a Televote is a way to use telecommunications technology to provide a large group of people with unbiased information on an issue or candidate, and then to poll them. A number of variations on this theme have been used successfully.

Campbell's initial 1974 project—with the San Jose, California school district—was criticized for using a group of participants who were not representative of the public as a whole. This led Becker and Slaton to introduce random selection. In subsequent projects, 400 to 500 people per project were selected to participate through random digit dialing. Since then, the process has been used successfully a number of times, in both the United States and New Zealand.

³ The only comparative analysis of the two methods of which I am aware is *Citizens Jury oder Planungszelle* by Sacha Pohl, done as part of his graduate work at the University of Hamburg (available only in German). Pohl is the only person I know besides myself who has actually observed both processes. In the late 1980s Dienel was kind enough to let me help facilitate a *Planungszelle* held in Wetzlar (I speak fluent, albeit flawed, German.)

One of the most successful early uses of the Televote was in Hawaii in 1985. The state was facing the problem of what to do about budget constraints at public health clinics. Should the state eliminate services, reduce them, find alternative means for delivering them, or do something else entirely? Any of these options, it seemed, would create difficulties for a number of poor communities.

Becker and Slaton had already conducted 11 successful Televote projects in Hawaii, including two for the Hawaii Department of Health. With that in mind, state officials decided to use a Televote to help decide how best to respond to the budget constraints in the community of Waimanalo.

A random survey of 500 people was conducted in this low-income town of about 2,500 households. To everyone's surprise, the acceptance rate for participation was nearly 75 percent. The health clinic was clearly important to the people of this community, and their willingness to participate belied the predictions of those who assumed that poor people would not participate very heavily in a public discussion of an issue. The demographic mix was excellent, except that participants were 64 percent women and only 36 percent men.

The results were also surprising. After reviewing the information they were sent and watching a cable TV talk show on the issue, participants indicated that they wanted the same general services to be provided to the community. However, they were also willing to institute a modest fee for certain services to be paid by those who could afford it. This view seemed reasonable to the Health Department, which successfully instituted a program based upon Televoters' ideas.

Becker and Slaton summarized their experiences in this way:

1. A highly representative group of people participated.
2. Many of the respondents took the time to read, think about, and/or discuss at least some of the materials and issues.
3. Televoters not only understood these complex issues, but many were able to transcend their own personal situations and vote for alternatives that were, in the opinion of the researchers, more in the public interest than their own.

The Televote is an integral part of the Citizens Election Forum and the other ways of creating in-depth public dialogues discussed in Part

3. The first use of citizens panels and the Televote together was in Australia in 2000 on the issue of container deposit legislation.⁴

Deliberative Poll

The Deliberative Poll is a method of citizen participation championed by Professor James Fishkin of the University of Texas. Like the Citizens Jury process, it brings randomly selected people together in face-to-face hearings where they listen to witnesses and dialogue with each other. But the Deliberative Poll involves some 400 people in a single event. Although the *Planungszelle* may involve as many people, it only does so in groups no larger than 25 people. Dienel and I felt it important to limit the groups to this size for the purposes of good dialogue. Fishkin felt it important to bring people together at the same event, although most of the discussions take place in groups of two dozen or fewer.

One interesting facet of the Deliberative Poll is that it is based upon one of the few methods besides the Citizens Jury that has been used on elections. In the early 1970s, Granada TV in Britain began to experiment with what they called the "Granada 500." They, too, used random selection, but in this case used it to assemble a group of people to participate in campaign debates. Their idea was to assemble a group of people whose minds would be open to the stands politicians were taking in their campaign speeches and let this group listen carefully to what was being said. To accomplish this, Granada TV chose a parliamentary district that was a swing district, having voted for the winning party in national elections for quite some time. Five hundred residents were chosen at random and invited to attend weekly debates between cabinet ministers and their counterparts in the "Shadow Cabinet." For the final meeting, all 500 boarded a train and went to London to hear a debate between the prime minister and the challenger. Margaret Thatcher participated twice.

The experiments of Granada 500 have died out. Even when Margaret Thatcher appeared, the projects did not have the power that I

⁴ See Lyn Carson, et. al. "Community Consultation in Environmental Policy Making" in *The Drawing Board: An Australian Review of Public Affairs* 3, no. 1 (July 2002). Good as this pioneering study was, considerably more research is needed to explore the two processes and the benefits that can arise from linking them.

believe the Citizens Election Forum will have because there was neither a dialogue among the participants nor a summary by them of their findings. But the Deliberative Poll has grown since Fishkin began promoting the idea in the U.S., starting with an article in the *Atlantic Monthly* in August 1988. A major project was conducted in 1996 in which presidential candidates were reviewed by some 400 people. The event was called the National Issues Convention. Projects have also been conducted in Britain and Australia. More can be learned about the process by visiting the Web site, www.la.utexas.edu/research/delpol/.

More recent Deliberative Polls have cut down on the number of participants. A project in the late 1990s done for the Central Power & Light in Texas used 265 citizens to get public input on an "integrated resource plan." Participants were brought together for an intensive weekend of deliberation on the topic and were surveyed before and after the event. In 2002 a Deliberative Poll was conducted in New Haven by Yale's Institute for Social and Policy Studies and the state's League of Women Voters. More than 1,000 people were polled initially. Roughly 350 people were invited to deliberate, and 136 completed the event. These events were similar in size to the Regensburg project mentioned above, which had 217 participants.

Also the Deliberative Poll is now being introduced in an electronic form. As noted in Chapter 9, a new project is now being undertaken through *By the People: America in the World*, a project of MacNeill/Lehrer Productions. Its goal is to "energize and enhance the national conversation on America's role in the world through a series of national and local broadcasts and events that demonstrate the relevance of foreign policy issues to local concerns." Fishkin has always believed in the importance of making deliberative methods available to the public through the electronic media and this is a significant step in that direction. See www.by-the-people.org.

One interesting difference between Deliberative Polls, Citizens Jury projects and *Planungszellen* lies in the way the panelists' final report is constructed. In a Citizens Jury project, the panelists are always given the opportunity to review the draft of their recommendations, as typed up by staff, to be sure that it says what they want. When there are several panels, as is often the case with *Planungszellen*, the separate reports must be edited into a single document by staff, leaving the panelists with no say in the process unless

they are reconvened to review the combined document. In a Deliberative Poll with so many people present at one time, it is difficult to ask participants to make up a report in their own words. My impression is that their views are generally expressed through attitude surveys conducted throughout the event, instead of a report in their own words.

There is little doubt that the media and public officials are more likely to pay attention to a large event than a small one. This can be seen in the fact that the city of Regensburg was willing to pay for nine *Planungszellen* to be conducted, when a smaller number would have been less expensive and would almost certainly have come up with virtually the same results. The Deliberative Poll conducted in New Haven in 2001 received a great deal more media attention than the Citizens Jury conducted there in 1994.

This raises the question of how many people should participate in a hearing involving randomly selected people. My position has always been that there should be between 12 and 24 people in a hearing, that being the size that can engage in effective dialogues. If more people are needed to make the sponsors of the event feel more comfortable, then this should be accomplished by conducting several projects, as typically is done in Germany. What makes a Citizens Jury a valid event is that it has been conducted in such a way as to deserve the trust of the public.

Fishkin has tended to justify the Deliberative Poll by saying that the results are what the public as a whole would think if they had the chance to go through the same process. If one has used several hundred people in the project, then one can use the methods of statistical inference associated with modern scientific random samples to extrapolate the conclusions of the Deliberative Poll to the public as a whole. But this raises problems, since a properly conducted survey goes to some lengths to not change the sample in any way from the public as a whole. If one puts the sample through several days of hearings, then the participants are no longer like the general public and one runs risks if one attempts to use statistical inference to say this is what the public as a whole would want. There was an extended discussion about this in the December/January 1996 issue of *Public Perspective* (Vol. 7, no.1).

Consensus Conference

The term consensus conference is used to refer to at least two methods. One is a method achieving consensus among experts on controversial medical issues. This method has been used by the National Institute of Health since 1977.⁵ The other use of the term consensus conference refers to a method first introduced in Denmark in the middle 1980s. The Danish Parliament became interested in the Office of Technology Assessment, which then existed to advise the U.S. Congress on technical matters. But the Danes have a long tradition of rational discussion among their citizens, and it was decided to change the American model and have small groups of citizens do the analysis. The citizens who participate are volunteers who respond to ads placed in the media. They convene on an issue to be examined, work with staff to set the precise agenda, and then come back a few weeks later to hear witnesses, dialogue and then issue their conclusions in a report to the Parliament.⁶

This use of the consensus conference by the Danish Parliament is the only instance I know of where an elected body has adopted a formal method of citizen input. The method appears to have been successful.⁷ The Web site seems to indicate that the method is not being used as frequently now as in the early 1990s, but evaluations done on

⁵ The method, officially named a Consensus Development Program, involves convening a panel of some 12 to 16 experts who have published scientific papers, but not directly in the field where the controversy exists. These scientists are briefed on the method and then spend three days hearing testimony from people directly involved in the controversy and coming up with their conclusions. The audience for the hearings is often in the hundreds, at times growing to over 1,000 in size. The methods used are based upon the "Science Court," a method championed in the 1970s by Prof. Kantrowitz (see "The science court experiment; an interim report," *Science* 193[1976]). Those wanting more information about the Consensus Development Program should see the guidelines at <http://consensus.nih.gov/about/about.htm>. Also the book *Public Participation in Science; the role of consensus conferences in Europe*, Simon Joss and John Durant (British Science Museum, ed. 1995) contains several interesting discussions of both types of consensus conferences discussed here.

⁶ The consensus conference method along the lines of the Danish model has been used in the U.S. at least once, in a project put together by Richard Sclove, founder of the Loka Institute. In this project, conducted in Massachusetts in the middle 1990s, the Jefferson Center served as a consultant to help select the panelists using the random selection techniques developed by the Center.

⁷ See Joss and Durant, *Public Participation in Science*, cited above

the process have been positive. This use of a formal method of citizen participation by a legislative body is a valuable exercise and it is to be hoped that it will be continued and replicated elsewhere.

The use of panels of citizens to advise legislatures has had mixed success. The major *Planungszelle* project in the early 1980s on energy futures in Germany was set up when the Social Democrats (SPD) were in charge of the Bundestag, but was not completed until after a change in government, when the Christian Democrats took over. From what I could learn, it appears that the new government paid little attention to the results of the project. The largest set of Citizens Juries ever conducted by the Jefferson Center (eight 12-person juries around the state) was done at the request of the Health and Human Services Committee of the Minnesota Senate. The results were largely ignored.

This lack of influence, however, is quite clearly a political failure and not a weakness in the citizen participation methods used. It would still be possible for a legislative committee to use any one of the participation methods discussed in this section when seeking advice. There would be a number of things a committee (or the leadership of Congress or a state legislature) could do to get publicity for the event and show that they are prepared to rely upon advice thus gathered from the public, as opposed to relying upon lobbyists. In the late 1990s the Jefferson Center set up a small committee to approach the leadership of the Minnesota legislature to ask them to consider using the Citizens Jury process on the question of physician-assisted suicide. Although the committee included a former Republican governor and former Democratic Speaker of the House, they did not succeed in making their case. The leadership was so embroiled in partisan maneuvering that the time was never ripe to approach them and ask that they consider this radical idea, even though both Republicans and Democrats in the advisory group thought this was a way to prevent the topic from becoming a political hot potato.

Future Search Conference

According to Marvin Weisbord, author of *Discovering Common Ground*,⁸ the future search conference is the outcome of practices that

⁸ Marvin R. Weisbord, *Discovering Common Ground* (San Francisco: Berrett-Koehler Publishers, 1992).

have evolved over a number of years. Writing in 1992, Weissbord presented the following summary of the process:

Typically, 30 to 65 or so people meet for up to two-and-a-half days. We do five tasks of about three hours each. We explore in turn the past, present, and future—of the world, ourselves, our institution. Everybody puts in information, discusses it, and decides what to do. The “technique” is a series of semi-structured dialogues. They take place in mixed, voluntary, and/or “stakeholder” groups, usually of eight people. Small groups report their conclusions to the whole. They post everything on flip charts in plain sight.

We explore and validate differences, but we don’t “work” them. Should people open old wounds, fight old battles, or jump to problem-solving, we seek to have them acknowledge each other’s reality and remind them that the task is finding common ground and future aspirations. As we discover them, that is where we plant our action flags. When we work on common ground and common futures, we tap deep wells of creativity and commitment.

Weissbord notes three aspects of the future search conference that differentiate it from the practices from which it emerged. The number of stakeholders is broader than usual, the process is to a large degree self-managed, and the management of conflict is done by getting the participants to acknowledge differences but then take steps to move beyond these.

This process makes no pretense of involving a cross section of everyday people. It is based upon gathering “stakeholders,” people who are highly involved in the topic under discussion and who represent different positions on that topic. Imagine, for example, that people who live around a lake are confronted with a deterioration of the water quality due to increased nutrients as more and more houses are being built around the lake. A Future Search Conference would do more than simply involve a group of developers on one side and environmentalists on the other. An attempt would be made to include res-

idents, fishers, county planners, boat builders and a variety of others as well. The goal would be to find an innovative way to deal with the situation that would overcome current animosities and move toward a solution representing common ground.

In such a situation, this method is more compatible with the way government works than a Citizens Jury. The larger group, made up of people from the area who are used to being active in social and political affairs, would stand a much greater chance of influencing decision makers than would a group of randomly selected people, few of whom would be well-known around the lake. Conversely, the future search conference methodology would not work nearly as well as a citizens panel for something like the Citizens Initiative Review. Citizens panels work very well when set up to function basically as a committee of the general public in order to report back to voters at election time. In the case of reviewing an initiative, it is much more appropriate to bring in a cross section of the public who will hear witnesses than to try to figure out who the stakeholders are and then bring them in only for two or three days, with very few, if any, witnesses called.

America Speaks

America Speaks is an organization set up in the middle 1990s by Carolyn Lukensmeyer, a person skilled in organizational development, who also served as chief of staff to the governor of Ohio in the late 1980s and worked as a consultant to the White House during Clinton's first term. The mission of America Speaks is to hold town meetings to discuss a political issue or topic of public concern, using modern communications techniques to enable large groups to work together effectively. Groups of people (typically 300 to 500) are brought together for a day to discuss a topic. Although not selected randomly, the participants are often selected to be representative of the community from which they are drawn. They are sent materials in advance so they can be prepared to discuss the topic at hand. In some projects the number of participants is in the thousands.

People are seated around tables in groups of eight to ten; at each table is a networked computer via which the ideas of the group can be sent to "idea sifters" who sort out the suggestions and place them into reports that are used throughout the meeting. Each person is given a wireless voting pad on which to answer questions posed to all

participants during the day. But every town meeting is customized to meet the needs of the sponsor, bringing in various techniques that best meet their goals.⁹

The largest project conducted was a discussion of Social Security reform funded at the level of \$12.5 million by the Pew Charitable Trust. In this, some 45,000 people around America were engaged in a discussions that included Internet forums, interactive teleconferences and other methods. The project also included print and paid radio advertising and grassroots organizing to sustain citizen involvement in the issue over time.

In July 2002, America Speaks conducted a major project called "Listening to the City," on rebuilding the area of Lower Manhattan destroyed on September 11, 2001. The project received front-page coverage in the *New York Times*. According to the *Times*, the participants called for "bolder, more innovative designs" and indicated that the designs should include more nonoffice uses. Not all of their comments were negative. The officials charged with the rebuilding of Lower Manhattan indicated they would consider new options for the site. Judging from the news reports, the project was very successful, adding a strong citizen voice to objections that had already been voiced by architects, planners and politicians.

Study Circles

The study circle method was introduced at the end of the 19th century in Scandinavia where it was used extensively by unions to educate their members on social and political matters. This method has been promoted in the U.S. by the Study Circle Resource Center.¹⁰ They have

⁹ Some of the methods of the town meetings are based on earlier work of people like Kathleen Dannemiller, who experimented with large group meetings. Also, America Speaks was influenced by the future search conference. In the planning stages of the organization, Lukensmeyer called upon Marvin Weisbord to facilitate a group of people to help design a program. More information on the organization can be found at www.americaspeaks.org.

¹⁰ The study circle method also has a predecessor in the U.S. The Kettering Foundation, starting in 1976, set up the National Issues Forum to promote small discussion groups around the country on selected topics. They would seek out volunteers in many communities, often reaching out to students and faculty at colleges and universities, to join in a discussion of the chosen topic. Materials would be prepared in advance and sent out to a trained facilitator who would moderate the meeting.

taken the method and expanded it beyond just one group of people. Their goal is to include all walks of life in a community. On their Web site (www.studyircles.org) they describe their activities as follows:

The Study Circles Resource Center is dedicated to finding ways for all kinds of people to engage in dialogue and problem solving on critical social and political issues. SCRC helps communities by giving them the tools to organize productive dialogue, recruit diverse participants, find solutions, and work for action and change.

The Topsfield Foundation created the Study Circles Resource Center in 1989. Since then, SCRC has worked with many kinds of communities, on many different issues, to develop a process for bringing people together for creative community change.

Hundreds of communities across the country have organized study circle programs. SCRC works directly with these communities, to refine and improve the process for organizing large-scale community dialogue that leads to action and change.

From neighborhoods to large cities, broad coalitions of community groups are bringing together hundreds (and sometimes thousands) of people from all walks of life to deal with (a variety of) important issues.

Discussion

Although this appendix covers only a small number of the methods available for involving citizens more directly in discussing and influencing public policy, it does cover a range of approaches that might be used. My guess is that most of the other participatory methods that exist have strong similarities to one or more of the methods discussed above. For example, the Wisdom Council, not included in this appendix because it is discussed in Chapter 6, can be seen as using the size and random selection methods of a Citizens Jury, but taking the approach of a future search conference in terms of seeking out new solutions to problems, while dealing with conflict in a

unique way and playing down the need for witnesses. This is not to imply that the Wisdom Council is merely a derivative method. It is a method that stands on its own merits. But there are a few basic ways of running participatory methods, and most of the hundreds of methods that exist are variants on these basic approaches.

So which of these methods is best? I think it is wise to start with the assumption that every method has some virtues and is well-suited to at least some approaches for gathering citizen input on public policy matters. Proceeding on this assumption is important if only to avoid the competitiveness among advocates of different methods, who sometimes do not listen to each other carefully. If careful and objective study shows some methods are, in fact, better than others, that is fine. But too little careful and objective study has been done of various democratic practices.¹¹

One caveat should be offered regarding this plea for respect. Some consulting firms are prepared to help a governmental body do public outreach mainly to help the officials get support for projects they have already decided to do, rather than to give citizens a valid opportunity to express their views to officials.¹² This is the clearest abuse of partic-

¹¹ Why is there little careful analysis and comparison of methods? One reason may be that the methods are simply not powerful enough to warrant expensive evaluations. But another reason may lie with the power of the large foundations that fund the major projects. My guess is that few people, inside or outside of academia, are prepared to undertake a completely fair and honest evaluation of major projects and methods. I have known a number of responsible people who have been closely involved both with major foundations and with major participatory projects, who have observed activities that were less than professional and fell quite short of the standards of openness and reasonableness that one would hope for in organizations dedicated to democracy. But no one wants to speak out publicly about these problems, myself included. The concern is that offending one or more major foundations could do considerable harm to one's career or to the funding of the nonprofit organization where one works. Certainly a consortium of foundations or universities could put together a credible project to do evaluations. Otherwise, we must rely on some brave journalist or academic to do the job.

¹² I am indebted to Lucy Moore for pointing this out. She made a major presentation at a conference in 1995 put on by IAP3 (International Association of Public Participation Professionals). There she discussed "the dark side" of public participation consulting. She pointed out that some consulting firms are willing to sell out to public officials by putting on sham participatory events, even though the public officials have clearly made up their minds about what they want.

ipatory methods, and obviously does not deserve respect. Note, however, that this is an orientation or set of motives rather than a specific method. Every application of a public participation method deserves close scrutiny to be sure that it is not falling into this abuse. Sometimes the consulting firm may have good motives, but not ask enough detailed questions at the beginning of the project to ensure that the public input gathered through the project will be used properly by the officials calling for it.

A final question one might reasonably ask concerns how widely used these methods are. Again, I have little direct information to go on. For example, the number of Citizens Jury projects conducted by the Jefferson Center is known (31), but my estimate of 200 projects conducted in Britain was based on the estimate of 150 to 200 made in October 2000 by Anna Coote and Clare Delap, two of the people most directly involved in getting citizens juries used in the U.K. They told me that after about 100 citizens juries had been conducted in the U.K., they stopped trying to keep a full list. My assumption is that the count on other widely used participatory methods is just as likely to be a rough estimate.

One can also take a look at how much discussion of different methods takes place on the Internet. There are so many oddities about such a search that its main use is to show the breadth of interest in a variety of participatory methods. It is likely to be unreliable in comparing the frequency of use of one method to another. Many of the hits had nothing to do with democratic process. For example, with *America Speaks*, only six of the first 30 hits had to do with the organization and method discussed in this appendix. With "citizens juries," all of the first 30 hits dealt with the democratic process started at the Jefferson Center, although the majority of the hits were on Web sites in the U.K. Most of the hits for "consensus conference" were about the scientific use of the method, especially in the medical field, and not about the consensus conference as crafted by the Danes to get citizen input useful for democratic decision making. If one searches in German, the number of hits for *Planungszelle* is a great deal higher.

Criteria for Selecting Participatory Methods

The following is a checklist that can be reviewed in deciding which participatory method to use. In the theory and methods paper I intend to write, I shall discuss the problems in deciding which criteria are important and why. But the following checklist is a good enough start for reviewing participatory methods and selecting between them.

What are the overall goals of the project?

- What are the motives of the sponsors and those conducting the project?
- Are decision makers likely to pay attention to the recommendations?
- Is the goal to produce a vision or select a solid program?

How many participants should there be?

- The range may be from 12 to thousands.

How should the participants be selected?

- Typical methods: random, stakeholder, volunteer

How should the agenda be set?

- Who has the final say?
- What reason is there to think that the agenda will be fair to the parties concerned?

How long should the hearings last?

- The range typically is from a two-hour meeting, such as a focus group, to five days of hearings, such as a citizens panel.

How many witnesses will there be, and who selects them?

- In cases of visioning, witnesses may be less important than in projects designed to select specific programs.
- If witnesses are not used, how is information presented in a fair way?

How will meetings be facilitated? Who has say over the flow of the hearings?

- Caution should be taken not to have facilitation too rigid or too loose.
- Can the citizen participants have a say in the agenda of the hearings?

What steps will be taken to ensure the integrity of the hearings?

- Will the participants rate the hearings? Will the ratings be made public?
- What track record of integrity do those running the project have?
- What specific steps will be taken to maintain project integrity?

Nature of the findings and report

- Will participants make a statement or only be surveyed on attitudes?
- Will participants get a chance to write their own report and edit it before it is issued?

Methods should be selected to suit the purpose at hand. In the summer of 2002, America Speaks conducted a project where some 5,000 people met for a day to review the plans for rebuilding that part of Lower Manhattan destroyed on September 11, 2001. Their approach surely was a more appropriate method than a citizens panel. A Deliberative Poll would also have worked well for that project. But in a setting such as the Citizens Initiative Review, I would submit that citizens panels, properly conducted, are the best method.

Google Search on Participatory Methods September 25, 2002

"America Speaks"	2,620
"citizens jury"	2,170
"citizens juries"	3,250
"Planungszelle"	6
"consensus conference"	26,300
"deliberative democracy"	8,290
"Deliberative Poll"	873
"scientific deliberative polling"	76
"Future Search Conference"	1,900
"search conference"	10,900
"national issues forum"	2,400
"study circle"	16,700
"teledemocracy"	4,450
"Televote"	953

Acknowledgements

This book is the culmination of a life's work. Accordingly, the acknowledgements cover much ground. Those who hear me talk about the importance of empowering a trustworthy voice of the people sometimes ask what lies behind this. What are my core beliefs? The answer is reason and love.

Thus I want to thank those who taught me about love at an early age: Russell Batdorf, Gladys Greer, Mary Thoren and my mother, Elizabeth Lane Crosby. Their gifts of love, and the lessons they taught about the importance of respecting others, provided an essential foundation for this book. Many others have given me important additional lessons throughout my life, too many to list. But I would like to thank especially Sherman Nelson, Mulford Sibley, and my daughters, Caroline Barry and Lisa Crosby. Also, I thank my father and the Crosby family as a whole for all the gifts they have given me.

Those who taught me about reason make up a very long list, including teachers, some well remembered, others whose names I have forgotten, but whose lessons were nevertheless important. Special thanks go to Herbert Feigl, Paul Meehl, Jean Andre Cadieux, and Norman Holmes Pearson.

The Citizens Jury process that lies at the heart of this book is the work of many people. The first to thank are all of the jurors who participated in these projects since 1974, some 700 randomly selected people, mostly from Minnesota, but others spread around the United States. Their enthusiastic participation was one of the main elements that kept me working on the process even when those in power seemed not very interested in it. Participants' comments over the years have done a great deal to enhance the quality of the process. Special thanks go to Pierre Baston, Steve Niznik, Tony Faltesek and Clair Parsh for the work they did on the Oversight Committee, an experiment that did not work out as I had hoped, but from which I learned a great deal.

The staff of the Jefferson Center over the years did a great deal to hone the Citizens Jury process and test it in novel ways. The main person to thank is Paul Schaefer, anthropologist and social activist, whose hard work and insights on how to engage people from all walks of life were of great help in the critical years of the middle 1980s as the Citizens Jury was being turned into a useful public tool. Lynette Uetz provided loyal and insightful help during some difficult years in the middle 1990s. Martha Ward served as bookkeeper for two decades, but contributed much more than just accurate books through the kindness and common sense she brought with her. Doug Nethercut served with skill, dignity and common sense as executive director of the Center in its final years. Among those who deserve thanks are Jen Augusten, Kim Boyce, Kathy Davis, Judy Carpenter Fisher, Karen Heegaard, Nancy Hopf, Karen Husby, Mary Kearney, Bruce Manning, Sandra Matisone, Bob Meek, Bruce Miller, Janet Kelly Moen, Karen Seay, Laura Sether, Virginia Sweeny, and Keiko Veasey.

Several people made major contributions to the Citizens Jury process although not staff of the Center. Joe Stinchfield, dedicated public servant in Minnesota at the state and local levels, read several drafts of various books I have written and was the person primarily responsible for the 1984 Citizens Jury project, the first done with public sponsorship. Jerri Fosdick Hirsch used her skills in organization development to train me and many others at the Center about what it takes to work effectively together on Citizens Jury projects. Several people in Britain were especially helpful: Prof. John Stewart of the University of Birmingham was the main person who stimulated the initial interest in the Citizens Jury process. Peter Stansbie, formerly with the National Health Service, visited me in the United States and promoted the Citizens Jury process in a number of ways. Anna Coote and Clare Delap, both formerly at the Institute for Public Policy Research, led the effort to get the process widely used in Great Britain.

Many thanks go also to the League of Women Voters for the help they provided in five Citizens Jury projects from 1989 through 2001. Among all the League members who worked with us, special thanks go to Harriette Burkhalter, Judy Hedden, Beverly McKinnell, Susan Ruether, Sally Sawyer, and Tam St. Claire for the skill and diligence they brought to the design and conduct of the projects in which they were involved.

Many have served on the board of the Jefferson Center since 1974, too many to list here, although all of them deserve thanks for their contributions. But I would like to single out Jim Lynskey and Steve Swartz, the first two directors besides myself, whose advice and friendship over the years has been of great benefit. As the Center was in its final years, the board of Harriette Burkhalter, Nate Garvis, Edward Garvey, Tom Horner, Susan Lederman, Clair Parsh, and Jon Schroeder provided strong support and worked hard to ensure that the last projects we conducted were for highly respected sponsors, such as the Minnesota commissioner of finance and the U.S. Environmental Protection Agency.

Over the years many people gave generously to the Jefferson Center. Those deserving of special thanks are Sally Anson, Jock and Lois Bishop, Avery Brooke, Bill and Penny George, Cynthia and Leo Harris, Perrin Lilly, Louise McCannell, Alida Messinger, Stan and Martha Platt, and Phil and Kate Villers.

Many people, more than I can possibly thank here, have discussed the Citizens Jury process with me over the years and given much needed advice. Peter Diemel, the German inventor of the Citizens Jury process, has held many discussions with me regarding the philosophy and details of the method. He generously invited me to help moderate a project in Germany in the middle 1980s. Ted Becker at Auburn University, inventor with Christa Slayton of the Televote, has provided cheerful counsel over the years. Lyn Carson, Southern Cross University, has shared many of her experiences in Australia with citizens juries and other deliberative methods. John Gastil was most helpful with our work in Washington state and has spent hours discussing how to empower deliberative methods and how to understand the interactions of people in small groups. Since 1998, Tom Eckstein, Arundel Street Consulting, has helped my wife and me work together as an effective team and has given invaluable advice about how to develop and promote the democratic processes we believe in.

I would like to thank all of those people in Washington state who helped in the development of the Citizens Initiative Review. No one deserves more credit than Mike Lowry, who immediately saw the potential for empowering a trustworthy voice of the people and helped us in numerous ways to advance the cause. The idea was created in July 1999 at a meeting attended by Paul Becker, Don Brazier, Don Hopps,

Paul Kraabel, Janet Looney, Mike Lowry, Gary MacIntosh, Liz Perinni, Hugh Spitzer, Joan Thomas, and Marilyn Ward, with support from Karen Brewer. As we worked to promote the idea, we received help and insightful advice from a variety of people: Lisa Andrews, Lucy Copas, Kelly Evans, Dee Frankforth, Lou Gellos, Marc Greenough, Esther Holmes, Mike James, Don Stark, Lucy Steers, Shiela Stickel, Sue Tupper, and David Yeaworth. We spoke with several hundred people around the state over a period of two years, too many to thank individually. Doug Cochran deserves thanks for the time he took to speak on behalf of the Citizens Initiative Review. Jeanette and Dutch Hayner received us graciously in Walla Walla and helped us see the importance of including a sunset provision in the CIR proposal. The support given in Seattle by Anne Kundert, Bill Becker, and Trice and Bill Booth was much appreciated. Kevin Michael provided excellent staff support, doing everything from Web design to helping put together a video. Jeff Peters, Dorothy Newton, Patricia Shetley, Bruce Gregory, spokespeople for the Citizens Jury that evaluated the CIR in May 2001, worked hard with us to find ways of getting the CIR adopted into law. Virginia Bogert produced two fine videos of the 2001 Citizens Jury. Adam Davis and Bob Moore helped us gain insights into how the people of Washington would react to the CIR.

Many thanks also go to those who helped with the writing of this book. My first stab at writing it was in 1998, when I was helped by Dan Pasch and Julie Zaloudek. In 1999–2000 I worked long and hard to produce a more popular version of this book with the editorial help and mentoring of Scott Edelstein. In 2001 Cindy Simmons served as the editor for a major revision of that work. The book in its present form was edited with skill and patience by Doug Benson.

Several of my friends and colleagues were kind enough to read earlier drafts of this book and make helpful comments: Chuck Adelman, Tom Atlee, Peter Bachman, Steve Barnett, Paul Becker, Tim Carlson, Belton Copp, Lisa Crosby, Chris Crosby, Robert A. Dahl, Dale and Melissa Doerr, Conrad Dumke, Ed Fissinger, Walter Gilliam, Bill Goodfellow, Jan Mathieu, Mike Noble, Sue Robertson, Jim Rough, Karen Seay, and Steve Swartz. Their comments have helped turn this into a better book than it would otherwise have been.

My deepest thanks go to my wife, Patricia Benn. It is standard practice to place thanks to one's wife and family at the end of the acknowl-

edgements. Her role in this book is much deeper than any standard thanks can say. She has been my constant consultant and advisor through all of the Citizens Jury projects with which I have been associated since 1975. Were it not for her, this book would not have been written. Starting in the late 1980s, she has been patiently (and sometimes impatiently) reminding me how important it is to write a book on the Citizens Jury process and the need to empower some version of it. Starting in 1998, when she gave up her work as a teacher and consultant, she and I became partners in the attempt to empower a trustworthy voice of the people. She was also, along with Doug Benson, the editor of this book. It was she who helped give this book its overall shape. Most important, her love and support have been invaluable.

Name Index

- Atkins, Pat, 159
Atwater, Lee, 19–22
- Barnett, W. Steven, 51n3, 60
Becker, Ted, 265–266
Benn, Pat, 218, 220, 233, 236, 238,
243, 244
Bottke, Jean, 41
Brady, John, 20, 21
Brandl, John, 100
Broder, David, 25, 32, 71, 73
Brown, Lester, 150, 157
Bush, George H. W., 20, 21–22
Bush, George W., 138, 149, 176
Bybee, Roger, 225
- Campbell, Donald T., 252n9
Campbell, Vincent, 265
Carlson, Arne, 31, 100, 195
Carman, Harry J., 72–73
Chester, Newell, 27
Clemenceau, Georges, 129
Clinton, Bill, 20, 22–23, 24
Colburn, Ken, 159
Coote, Anna, 277
- Dahl, Robert A., 163
Dannemiller, Kathleen, 274n9
Davidson, Roger, 50
Delap, Clare, 277
Detweiler, Hans, 225
Dienel, Peter, 95n4, 264–265
Dionne, E. J., 49–50, 154n13
Dukakis, Michael, 20, 21
Duncan, Roger, 159
Durenberger, David, 30
- Dusek, Cheryl, 41
- Ebell, Myron, 159
Evans, Kelly, 201
- Faltese, Tony, 41
Feigl, Herbert, 248
Feyerabend, Paul, 253
Fishkin, James, 267–269
Fiske, D. W., 252n9
Ford, Gerald, 133
Fosdick, Jerri, 218, 221–222
Fraser, Don, 56
- Gardner, John W., 46
Gastil, John, 116–120, 123, 124
Graham, Juanita, 109
Greenough, Marc, 218, 243–244,
245, 246
- Hamilton, J. Drake, 159
Harms, Hans, 265
Hawk, Elizabeth A., 178
Healey, Judy, 54
Holden, Thomas, 41
Holdsworth, Eric, 159
Hutchinson, Peter, 54, 99–100, 216
- Jefferson, Thomas, 10
Johnson, Chris, 244
Johnson, Haynes, 25
Johnson, Lyndon, 138, 153
- Keller, Bill, 139, 154n13
Kling, Karen, 71
Kutner, Robert, 111

- Lomborg, Bjorn, 144, 145
 Lukensmeyer, Carolyn, 273
- Magaziner, Ira, 30
 McCormick, Michael J., 218–220
 McKibben, Bill, 144–145, 156–157
 Meehl, Paul, 249, 250, 252
 Meek, Bob, 100
 Menken, H. L., 15
 Michels, Robert, 211
 Molander, Roger, 168
 Moore, Lucy, 276ⁿ¹²
 Morris, Dick, 20, 22–23
 Moynihan, Daniel, 153
 Mudd, Roger, 30
 Munro, Ralph, 86
- Nethercut, Doug, 197, 218, 221
 Nickles, Don, 30
 Nixon, Richard, 132
- Oberle, Dee, 41
- Patterson, Thomas, 153–154
 Penny, Tim, 31, 36, 39, 42
 Perpich, Rudy, 33, 99, 195
 Pickens, Brent, 226
 Pohl, Sacha, 265ⁿ³
 Raspberry, William, 32, 111–112
- Rawls, John, 256–257
 Reagan, Ronald, 138
 Robertson, Sue, 58, 59
 Rough, Jim, 121–124
 Ruether, Susan, 238
- Schlegel, Cindy, 89
 Schrag, Peter, 71
 Schuman, Howard, 131
 Sclove, Richard, 270ⁿ⁶
 Scriven, Michael, 251
 Shea, Gail, 225
 Sibley, Mulford, 257ⁿ¹⁵
 Slaton, Christa, 265–266
 St. Claire, Tam, 238
 Stinchfield, Joe, 258
 Stinson, Tom, 111, 112
 Syrett, Harold C., 72–73
- Tupper, Sue, 201
- Weber, Mike, 54, 55
 Weber, Vin, 111
 Weisbord, Marvin, 271–272
 Wellstone, Paul, 30
 Wilson, Edward O., 143, 149–150,
 156
 Wittgenstein, Ludwig, 250–252, 253
 Woodard, Colin, 144ⁿ²

Subject Index

- advertising, of election campaigns, 16–18, 21–23
- advisory panels, 120
- agendas, setting of, 101, 175
- Agriculture/Water Quality Citizens Jury Project, 34, 39, 258
- America Speaks, 168, 273–274, 277, 279
- appropriations. *See* budgets and budgeting
- at-risk children. *See* children, at-risk
- Bad Boy* (Brady), 20, 21
- balance of power, 214–215
- ballots
 - citizens panel evaluations placed on, 118–119
 - title importance, 202, 204
 - Washington Citizens Initiative Review, 86
- Baltimore Chronicle and Sentinel*, 176
- Behind the Oval Office* (Morris), 20
- bias
 - avoidance of, 37–38, 102, 209–211
 - Citizens Jury process ratings, 37, 39
- boards of commissioners
 - Citizens Election Forum, 102, 104
 - Citizens Initiative Review, 80–82, 83, 214–215, 220, 222–223, 241, 243
- budgets and budgeting
 - Citizens Budget Review, 109–116
 - Citizens Initiative Review, 84
 - Citizens Juries, 33
 - Federal Budget Citizens Jury Project, 33, 39, 42, 54, 94, 110–112
 - By Popular Demand* (Gastil), 116–117
 - By the People: America in the World*, 174n4, 268
- campaign finance reforms, 10, 62, 224–228
- campaigns, 15–26, 47–48
 - See also* issues, campaign
- candidates
 - Citizens Election Forum ratings, 91, 97–102, 103, 106, 119–120, 155–156
 - Citizens Jury review process, 37, 44
 - manipulative tactics of, 15–26, 47–48
 - See also* Citizens Election Forum (CEF)
- CBR (Citizens Budget Review), 109–116, 124
- CEF (Citizens Election Forum). *See* Citizens Election Forum (CEF)
- Central Power & Light, 268
- children, at-risk
 - citizen involvement methods, 61–64
 - Citizens Jury Project, 5–7, 39, 42
 - conservative vs. liberal views, 48–49
 - Minnesota programs, 55–59
 - research findings, 51–53, 64–67
 - state program comparison, 60–61
 - taxpayer support of, 53–55

- churches, 65, 133–134
- CIR (Citizens Initiative Review). *See* Citizens Initiative Review
- citizen empowerment, circle of, 106–107
- citizen participation methods
- abuse of, 276–277
 - analysis of, 275–276
 - criteria for selection of, 278
 - Internet searches on, 277, 279
 - requirements for, 190
 - types of, 262–275
 - Web site lists, 261*n*1
- Citizens Budget Review (CBR), 109–116, 124
- Citizens Election Forum (CEF)
- candidate ratings, 91, 97–102, 103
 - for Congressional elections, 164–165
 - environmental issues, 155
 - goal of, 89
 - issues dialogues, 91, 92–97
 - overview of, 89–92
 - president/vice-president selection method, 165–168
 - pros and cons of, 116
 - research of, 197–199
 - results of, 105–108
 - River Falls Citizens Panel, 216–217, 224–228
 - state adoption of, 92, 100
 - structure of, 102, 104–105, 216–217
 - Televote component, 266
 - timing of, 214
 - vs. legislative panel process, 118–120
- Citizens Initiative Review (CIR)
- background of, 229–232
 - and Citizens Election Forum, 104
 - Colorado's potential support of, 206–207
 - evaluation, 82–84, 221–223, 240–241
 - funding of, 79, 84–85, 186–187, 219–220
 - goal of, 73, 80
 - implementation requirements, 180–184
 - process of, 74–77
 - pros and cons of, 116
 - research of, 199–207
 - scope of, 243–246
 - state adoption process, 85–88, 180–181
 - structure of, 77–82, 213–223, 232–235, 241–243
 - timing of, 214
 - trustworthiness of, 208–211
- Citizens Initiative Review Jury Project (Washington)
- jurors' ratings of, 39
 - League of Women Voters involvement, 235–238
 - planning of, 217–223
 - recognition of, 85–86
 - results of, 77, 78, 79–80, 119, 239–246
- Citizens Jury process
- background information, 247–255
 - bias avoidance, 37–38, 39
 - creation of, 28, 255–258, 262–263
 - deliberations, 37
 - hearings, 34, 36–37, 136, 269
 - influence over voting, 44–45, 194–196
 - Internet searches of, 277, 279
 - jurors' charge, 35–36, 160
 - juror selection, 35, 38, 158
 - juror's opinions of, 71, 178, 263
 - Oversight Committee experiment, 211–213
 - overview of, 27–28
 - and rating of candidates on issues, 37, 44
 - reports, 37
 - research issues, 43
 - results of, 29–34
 - vs. Deliberative Polls, 268
 - vs. Wisdom Council, 122
 - See also* citizens panels

- Citizens Jury projects
 Agriculture/Water Quality, 34, 258
 Citizens Initiative Review
 (Washington), 77, 78, 79–80,
 85–86, 119, 217–223,
 235–246, 239–246
 Dakota County, Minnesota Planning,
 42–43
 Electricity Futures (Minnesota), 170
 Federal Budget, 33, 42, 54, 94,
 110–112
 Global Climate Change, 158–161
 Health Care, 29–30, 36, 42
 history of, 38–43
 Hog Farming, 38, 170
 jurors' ratings of, 39
 list of, 39
 Minnesota Governor's Race, 33,
 40–41, 44, 77, 98, 99–100,
 194–196
 Minnesota State Budget, 112
 Peacemaking, 133–136
 Pennsylvania Senate Citizens, 36, 41
 Welfare System, 36, 42
 Yale University (At-Risk Children),
 5–7, 42
- Citizens League of Minneapolis, 259
 citizens panels (generic name for
 Citizens Jury process)
 Citizens Budget Review, 110,
 113–114
 Citizens Election Forum, 93–94, 95,
 98, 99
 Citizens Initiative Review process,
 74–77, 81, 83–84
 electoral reforms, 216–217,
 224–228
 environmental issues, 154–156,
 169–170
 evaluations placed on ballot,
 118–119
 Gastil's proposals, 116–120, 124
 influence on voting, 44–45
 "multiple," 172–173
 for public policy development,
 61–63, 67
 reasons for, 46
 research issues, 169–177
 vice president selection, 166–168
- Civic Practices Network, 261 *n*1
 Clean Money Campaign Reform, 225,
 226, 227, 228
 climate change, global
 Citizens Jury Project on, 39,
 158–161
 citizens panels on, 154–156
 delegation of decision making,
 146–147, 150–154
 policy options, 148–150, 152–153
 problem of, 143
 research considerations, 169–173
 Congress, 49–51, 164–165
Congressional Record, 24
 consensus conference (Consensus
 Development Program), 155, 172,
 270–271, 277, 279
 conservatives, 48–50
 Constitutional Amendments,
 121–123, 124, 165
 constitutionality, of Citizens Initiative
 Review, 244–246
 construct validity, 249
 consultants, in election campaigns,
 19–23
- Dakota County, Minnesota Planning
 Citizens Jury Project, 39, 42–43
 Davis & Hibbits, Inc., 199
 decision-making process, 29–33,
 146–147, 150–154
 delegation, of decision making
 process, 146–147, 150–154
 deliberative democracy, 190, 279
 Deliberative Poll project, 97 *n*5,
 267–269, 279
 democracy
 Citizen Election Forum's contribu-
 tions, 105–108
 Citizens Juries as embodiment of,
 32, 46
 citizens panels' contributions, 62
 current problems of, 2, 34, 49,
 156–157
 and education of public, 27

- implementation of healthy, 178–190
- new challenges of, 163
- new methods of, 157–158
- state reforms, 124–125
- voting, importance of, 190
- See also* citizen participation methods
- Democracy Derailed* (Broder), 71, 73
- Denver Post*, 187
- Discovering Common Ground* (Weisbord), 271–272
- DNR (Minnesota Department of Natural Resources), 40
- domino theory, 130–131
- dynamic facilitation, 122

- Eco-Economy* (Brown), 150
- economic development, 145–146
- Electoral Reforms Citizens Panel (River Falls, Wisconsin), 216–217, 224–228
- empowerment, citizen's circle of, 106–107
- environmental issues
 - Citizens Jury Project on Global Climate Change, 39, 158–161
 - citizens panels on, 154–156
 - delegation of decision-making process, 146–147, 150–154
 - policy options, 147, 148–150, 152–153
 - research considerations, 169–173
 - types of, 143–146
- Environmental Protection Agency (EPA), 40, 155, 161
- evaluations
 - of candidates, 37, 44, 91, 97–102, 103, 106, 119–120, 155–156
 - of Citizens Initiative Review process, 82–84, 221–223, 240–241
- expert witnesses, 37, 111, 170, 246

- facilitation methods, 17, 122
- fact-finding process, environmental issues, 146, 151, 171–172
- fairness, of citizens panels, 37–38, 102, 209–211

- Federal Budget Citizens Jury Project
 - jurors' decision-making ability, 33, 110–112
 - jurors' ratings of, 39
 - media coverage of, 42
 - tax increase recommendation, 54, 94, 111
- focus groups
 - Atwater's use of, 21
 - Citizens Election Forum, 198–199
 - Citizens Initiative Review, 85, 199–201
 - description of, 17
 - use of, 16, 26
- foreign policy. *See* national security issues
- foundations, 168–169, 175, 276n11
- future search conference, 271–273, 279

- Game to End All Games, 134–135
- global warming. *See* climate change, global
- government, size of, 107n7
- governmental subsidies, 149–150, 152
- governors, candidate evaluation methods, 119–120
- See also* Citizens Election Forum (CEF)
- Granada 500, 267–268
- Great Britain, 28, 277

- health care reform, 24–26
- hearings
 - Citizens Election Forum, 101
 - Citizens Jury process, 34, 36–37, 136, 269
 - number of participants, 269
 - vice president selection, 167
- Hennepin County, Minnesota, at-risk children support programs, 55–59
- humanistic psychology, 248

- independent regulatory commissions, Citizens Initiative Reviews set-up as, 77–78, 80

- initiatives
 - in California, 73–75
 - in Colorado, 181, 182, 187*n*8, 206–207
 - Citizens Budget Review, 110, 115
 - Citizens Election Forum, 92, 100
 - funding of, 187*n*8
 - history of, 71–73
 - signature requirements by state, 180–182
 - vs. referendum, 72
 - See also* Citizens Initiative Review (CIR)
- Innovations in Democracy, 261*n*1
- Internal Revenue Service (IRS), 8, 42
- Internet searches, of participatory methods, 261*n*1, 277–279
- internships, 189
- Investing in Our Children* (RAND), 52*n*6
- issues, campaign
 - Citizens Election Forum ratings, 91, 92–102, 97–102, 103, 106, 119–120, 155–156
 - Citizens Juries' role, 37, 44
 - legislative panel recommendations, 117–120
 - manipulation of, 24–26
 - media's coverage of, 19
 - vice president selection process, 166
 - voters' indifference, 154
- Izaak Walton League, 40
- Jefferson Center, 28, 37, 38–43, 258
 - See also* Citizens Jury process
- jurors
 - budgeting ability, 111
 - charge of, 35–36, 160
 - decision-making ability, 29–33
 - excitement of, 29–30
 - mutual respect and empathy of, 34
 - opinions of Citizens Jury process, 71, 112, 178, 263
 - oversight responsibilities, 211–213
 - payment of, 35, 93, 238
 - selection of, 35, 38, 158
 - See also* Citizens Jury process
- labor unions, 186–187
- League of Women Voters
 - as Citizens Jury projects sponsor, 40
 - Connecticut Deliberative Poll, 268
 - New Jersey, 42
 - Pennsylvania Senate Citizens Jury Project, 41
 - Washington Citizens Initiative Review, 77, 235–238
- legal challenges, of reform projects, 8, 42, 164–165, 220, 244–246
- legislative issues, 49–51, 79–80, 115, 116, 118
- legislative panels, 117–120, 124
- legislators, candidate evaluation methods, 119–120
- liberals, 48–50
- lobbying, 50, 104
- local governments, advisory panel method, 120
- MacNeill/Lehrer Productions, 174*n*4, 268
- MacWilliams, Cosgrove, Smith and Robinson, 197
- Maine, Citizens Initiative Review potential, 183*n*5
- managed care, 25
- manipulative politics, 15–26, 47–48
- market-based policies, 148–150, 152
- marketing, of candidates, 15–26, 47–48
- Massachusetts, Citizens Initiative Review potential, 183*n*5
- Maximum Feasible Misunderstanding* (Moynihan), 153
- media
 - Citizens Election Forum issues dialogues, 93–94
 - Citizens Jury projects coverage, 44
 - election campaign coverage, 16–18, 19
 - opinions of Citizens Jury process, 32
 - strong positions on issues, 176
 - tradeoffs of using, 169
- military expenditures, 57
 - See also* national security issues

- Minneapolis Star Tribune*, 32
 Minnesota Department of Natural Resources (DNR), 40
 Minnesota Department of Revenue, 40
 Minnesota Governor's Race Citizens Jury Project
 influence on voting, 44, 77, 194–196
 issues evaluation, 98, 99–100
 jurors' ratings of, 39
 jurors' rational decision-making ability, 33
 success of, 40–41
 Minnesota Health and Human Services Committee, 40
 Moore Information Inc., 72n4, 75n9, 182n2, 201–206
 moral philosophy, 254
 multiple citizens panels, 172–173
 Munich analogy, 130–131
- National Institute of Health, 155, 172
 National Issues Forum, 274n10, 279
 national security issues
 citizen involvement in, 136–142
 Citizens Jury project, 133–136
 importance of, 129–130
 research considerations, 173–177
 Vietnam War example, 130–133
 negative utilitarianism, 254–255
New York Times, 20, 25, 32, 186, 274
 9/11/01, 274
 nonprofit organizations, 175
- O'Dwyer's PR Services Report*, 25
 oil, America's reliance on foreign supply, 140–141
 Oregon, Citizens Initiative Review
 potential, 181–182, 205–206
 Oversight Committee, 211–213
- panelists. *See* citizens panels
Paradise Lost (Schrag), 71
 participatory methods. *See* citizen participation methods
 pay-or-play health care reform, 25
 Perry Preschool program, 51–55, 60–61, 62, 64
Philadelphia Inquirer, 32, 46
 pilot projects, 116
 Planungszelle, 264–265, 268–269, 271, 279
 political parties, 47
 population growth, 143, 145–146
 Presbyterian Church, 133–134
 President of the United States, 133, 137, 140, 165–168
 priority panels, 117
 Progressive movement, 71–73
 psychological testing, 248–250
 Public Agenda Foundation, 97n5
 public opinion polling
 description of, 16
 Presidential elections, 21, 22
 Vietnam War, 131, 132, 133
 public policy, 24–26, 46–51, 61–64
 See also children, at-risk; environmental issues; national security issues
 public relations campaigns, 24–26, 96–97, 183
 Public Strategies, Inc., 216, 217
 Pyramid Communications, 199
- RAND, 52n6
 random selection, 35, 158, 265, 267
 Rasmussen Research, 72
 referendum, vs. initiatives, 72
 regulatory commissions, Citizens Initiative Reviews set-up as, 77–78, 80
 reliability, of citizens panels, 170–171
 research issues
 at-risk children support programs, 51–53, 64–67
 Citizens Election Forum, 197–199
 Citizens Initiative Review, 199–207
 Citizens Jury process, 43, 194–196
 foundations, 168–169
 global climate change, 169–173
 national security, 173–177
 new democratic methods, 158

- River Falls Electoral Reforms Citizens Panel, 216–217, 224–228
- Roosevelt Center for Public Policy Analysis, 168–169
- scientific methods, of public manipulation, 15–26, 47–48
- September 11, 2001, 274
- signature-gathering requirements, for Citizens Initiative Review, 86–87, 180–181
- single-payer health care system, 25
- social ethics, 254–255
- social security, 168, 176, 274
- South Dakota, initiatives, 72*n*6, 181
- special interest groups
 - campaign financing, 19
 - and Citizens Election Forum process, 96–97
 - health care reform, 24–26
 - and public policy development, 47, 50
- staff
 - bias avoidance, 209–211
 - Citizens Election Forum, 101, 102, 104
 - Citizens Initiative Review programs, 80–82, 209–211
- Study Circle Resource Center, 97*n*5, 274–275
- study circles, 274–275, 279
- subsidies, 149–150, 152
- sunset provisions, 79–80, 116
- surveys
 - Citizens Initiative Review, 201–207, 222
 - election campaign use, 16
 - of jurors, 44–45
 - River Falls Citizens Panelists, 227–228

See also public opinion polling

The System (Johnson and Broder), 25
- Tarrance Group, 182*n*4, 206
- taxation
 - at-risk children support program funding, 53–55, 56, 57, 64–67
 - as environmental policy, 148–149, 152–153
- Federal Budget Citizens Jury Project, 54, 94, 111
- Minnesota Governor's Race Citizens Jury Project, 33
- Property Tax Reform Citizens Jury Project, 39
- Teledemocracy Action News + Network, 261*n*1
- Televote, 265–267, 279
- terrorism, 140–141
- town meetings, 273
- trust, American public's
 - in government, 18
 - as healthy democracy requirement, 105
 - of those in power, 147, 153–154
- trustworthiness
 - of Citizens Initiative Review, 78–79, 208–211, 213–217
 - of Citizens Jury process, 37–38
- TV, use of, 16–18, 93–94
- United Kingdom, 28, 277
- universal health care coverage, 25
- University of Minnesota, 40
- value differences, resolution of, 146–147, 151–152
- values review, 65, 134
- The Vanishing Voter* (Patterson), 153–154
- Vice President of the United States, 165–168
- vicious circle, of election process, 18–19
- Vietnam Syndrome, 131, 138
- Vietnam War, 130–133
- volunteerism, 86, 87, 187–188
- voter initiatives. *See* initiatives
- voters, indifference and cynicism of, 18, 19, 153–154
- voters guides
 - Citizens Budget Review recommendations, 114
 - Citizens Election Forum ratings, 102

- Citizens Initiative Review requirement, 181
- legislative panel recommendations, 118
- priority panel recommendations, 117
- use of, 75
- voter turnout, 18
- voting
 - ballots, 86, 118–119, 202, 204
 - citizens panels' influence over, 7–8, 44–45, 102, 194–196
 - importance of, 190
 - voter turnout, 18
- War on Poverty, 153
- Washington Post*, 32, 111–112
- Washington state
 - at-risk children support programs, 61
 - Citizens Election Forum research, 197–198
 - initiatives, 71–72, 86–87, 180–181
 - voters guides, 75
- See also* Citizens Initiative Review Jury Project (Washington)
- web sites, Citizens Budget Review reports on, 114
- Welfare System Citizens Jury Project, 36, 39, 42
- Why Americans Hate Politics* (Dionne), 49–50
- Wisconsin Christian Coalition, 226, 227
- Wisconsin Citizen Action (Clean Money) Proposal, 225, 226, 227, 228
- Wisconsin Democracy Campaign Proposal, 225, 226, 227
- Wisdom Council, 121–123, 276–277
- witnesses, 37, 111, 170, 246
- Yale Institute for Social and Policy Studies, 268
- Yale University, Department of Ethics, Politics and Economics, 40

About the Author

Ned Crosby has devoted his career to inventing, testing and implementing democratic reforms, and secondarily to lobbying on public interest matters.

He received his Ph.D. in political science from the University of Minnesota in 1973. In 1974 he set up the Jefferson Center, one of the world's oldest democratic think tanks outside of academia that avoids taking policy stands on issues. Crosby is the inventor of the Citizens Jury® process, one of the most widely used methods of deliberative democracy in the English-speaking world.

Crosby's lobbying efforts have been low profile. In the 1970s he worked with people in Washington, D.C., to oppose racist governments in Africa. In the 1980s he worked extensively to get the U.S. Congress to oppose terrorism and promote peace in Central America. In the 1990s he headed a small group, Children's Futures, which worked in Minnesota to ensure quality programs for at-risk children and families.

He resides in Minneapolis with his wife, Pat Benn, who is his partner in democratic reform efforts, and one of the two editors of this book.

