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“Legislatures are adversarial forums where strong disagreements flourish. The trick is to disagree without being disagreeable.”

—Nevada State Sen. Carl Dodge, 1981

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# Mind Your Manners

*Can legislative civility survive polarized voters and contentious politics?*

By Mary Lou Cooper

**I**t's really no surprise that elected officials hold sharply divergent views. So do their constituents.

That was the message from Shawnta Watson Walcott, director of communications for polling firm Zogby International, when she spoke at the combined 2004 CSG-WEST and CSG State Trends and Leadership Forum last September.

But does dissent have to mean disrespect? State officials and academics discussed that question during a forum on legislative civility convened by CSG-WEST's Western Legislative Futures Forum. Alaska Rep. Lesil McGuire, chair of the committee, asked participants: Can legislative civility survive polarized voters and contentious politics?



*Rep. Harry Moberly addresses his colleagues in the Kentucky House of Representatives. Photo courtesy of the Kentucky Legislative Research Commission, Public Information.*

## Why Are People So Cranky?

Political and personal civility are hot topics for the 21st century, McGuire said, and she pointed to a growing number of popular magazine articles with titles like “The Rude Age” and “Why is Everyone So Cranky?”

In the 2004 presidential election, voters were bombarded by political commentators who talked endlessly about conservative-leaning “red states” and liberal-leaning “blue states.” According to Walcott, not only are voters polarized on the big issues of Iraq, gay marriage, gun control, the environment and abortion, we are a nation divided on the small stuff too.

When Zogby pollsters looked at undecided voters (about 10 percent of all voters), they found disagreement over preferences in ice cream, soft drinks, TV stations, coffee, movies and more. Undecided voters in “red” states, for example, preferred Haagen-Dazs to Ben & Jerry’s ice cream and liked to get their news from Fox TV. Undecided voters in blue states drank Starbucks’ coffee and got their news from CNN.

These political, social and cultural divisions seem to be increasingly accompanied by a lack of tolerance in the legislative process. But political incivility isn’t new, McGuire noted. When Thomas Jefferson ran for president, John Adams’ supporters called him an atheist, an anarchist, a demagogue, a coward and a trickster. Andrew Jackson was accused of adultery, gambling, cockfighting, bigamy, drunkenness, theft, lying and murder.



House Majority Floor Leader Rocky Adkins and Rep. Hubert Collins confer during a special session of the Kentucky Legislature in October 2004. Photo courtesy of the Kentucky Legislative Research Commission, Public Information.

Elected officials need to be concerned about civility or lack of it, said McGuire, because “all of us who run for office must eventually turn to governing.”

## Why Can't Lawmakers Be More Civil?

University of Maryland professor and national political civility expert Eric Uslaner shared his insights with forum participants. Uslaner is the author of *The Decline of Comity in Congress*. When he first began looking at the subject of civility, Uslaner said, people attacked each other across party lines and within party lines. He recalled that in 1985, Newt Gingrich called Sen. Bob Dole, then Republican Senate leader, the tax collector for the welfare state and that by today's standards that would almost be a compliment.

More recently, attacks have become far more partisan and far more personal—in both Congress and in state legislatures. Uslaner noted that in Wisconsin, a state with a long tradition of civility, lawmakers started calling each other Nazis on the floor. One member banged a microphone into a desk, breaking the desk.

So what brought about all this incivility? Uslaner disagreed with those who think that structural reforms that took power away from central leaders are to blame. Incivility exists not just in the “reformed” U.S. House of Representatives, but also in the U.S. Senate that never reformed itself, in many state legislatures, on the U.S. Supreme Court and in “every little city council you can imagine.”

Neither does Uslaner attribute incivility to divided government where one party controls the legislature and another controls the executive branch. He pointed out that Dwight Eisenhower actually preferred to deal with Democratic leaders of Congress. Uslaner also disagrees that “the media did it.”

Despite the outlandish mike grabbers like former Democratic Congressman Jim Traficant, viewers get their impressions of Congress from leaders, who still get the bulk of face time on TV. Uslaner also disputed the idea that incivility is the fault of newcomers, such as those in term-limited states. Even lawmakers who stick around a long time primarily talk to colleagues with whom they agree.

More important than all these things, said Uslaner, is our polarized party system. “The reason why our legislatures are so polarized is that our citizens are so polarized.” In the past, conservative Democrats and moderate Republicans bridged some of the gaps created by partisan differences. Now there's no such thing as a loyal opposition. Instead of seeing someone who disagrees with us as someone who just has a different world view, it's now an “I'm right and you're morally defective” world.

Uslaner said that this distrust between people who think differently is not just a political phenomenon, but also a social and cultural phenomenon. He pointed to research from 1960 that found 58 percent of Americans agreed that most people can be trusted. By 2002 and 2003, only 33 percent felt this way.

Long-time legislative observer and political author Alan Rosenthal with the Eagleton Institute of Politics at Rutgers University agreed that the most important cause of legislative incivility is partisan competition. And that competition doesn't stop after the election is over.

Rosenthal suggested that the legislative session is part of the campaign, and that more than ever before, campaigning and governing are totally intermixed. “When you're targeting members of the other party in a chamber, it's difficult to maintain friendships or civility. It's not only that you campaign in a guy's district, but you're killing him in the legislative process as well.”

In addition to partisanship, Rosenthal said that outside interest group advocacy, particularly on ideological and social issues, contributes heavily to legislative incivility. “They do believe the other side is the enemy and is evil.”

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Ironically, said Rosenthal, tougher ethics laws also contribute to incivility in legislative chambers. “The lobbyists used to bring members together across parties,” he reported. But that doesn’t happen as much now, and the legislature is probably better in some ways for it. However, when lawmakers never get together socially, it’s tougher to build consensus across the aisle.

Are there consequences to incivility? Yes, says Rosenthal: the legislature as an institution suffers when there is no recognition that the other side has a legitimate point of view. The lack of civility feeds the public’s negative perception of legislatures, according to the scholar.

Legislators themselves had a few things to say about the consequences of incivility. They mentioned gridlock in getting the work done, lack of respect for the institution, and lack of trust in the process. Incivility, some said, leads to an atmosphere of retaliation and gamesmanship. Good public policy and constituent service suffer, and the public’s confidence in the legislature goes down.

## Is There a Cure?

Can anything be done to reverse this apparent growing incivility in many state legislatures? Forum participants offered a wide variety of solutions. Uslaner asked lawmakers to declare their own unilateral cease fire—to call off their dogs first. Stop legislative procedures that obstruct what the majority does or run roughshod over the minority. He also asked legislative leaders to quit leading campaigns against incumbents of another party. If you fail to defeat these incumbents, it’s not easy to work together. Campaign instead for open seats, he advised.

Uslaner suggested that interfaith summits are one way to build bridges in a society where the biggest conflicts are religious and cultural. Further, leaders from across the political spectrum need to have a national discourse so we remember that despite our differences, we have a shared faith in our country. “I’m asking more people to be like Bob Dole who is truly a man of the Senate and ... could work with people on both sides,” Uslaner said. You have to accept the legitimacy of all or at least 97 percent of your colleagues, he told the audience.

Rosenthal offered his own remedies for incivility. Retreats that encourage members and families to get to know each other

*University of Maryland government professor Eric Uslaner engages state legislators in a discussion on legislative civility. Uslaner is the author of *The Decline of Comity in Congress* and speaks nationally and internationally on trust and civic engagement.*



*Alaska Rep. Lesil McGuire chairs the CSG-WEST Legislative Futures Committee.*

as human beings make it more difficult for legislators to be uncivil. Including all members in orientation and other training sessions would give people an opportunity to get together. He mentioned that in Maryland new members and some senior members take a bus trip around the state. The speaker sponsors the trip, which allows members to see other parts of the state beyond their district and to talk to each other.

Rosenthal implored legislators, especially incumbents, not to bash or run against their own institutions. He also argued that it is the legislature’s job to explain to citizens—and to school kids in particular—about representative democracy and the legislature’s role in it.

Legislators offered each other practical advice on reducing incivility, including the following suggestions:

- Senior lawmakers should mentor newer lawmakers.
- Set clear standards for what behavior is acceptable and what is not.
- Leadership must set a tone of civility from the beginning.
- Hold retreats and outside activities like basketball games or bowling tournaments where members of both parties can get to know one another.
- Have regular lunches with members of the opposite party to promote bipartisanship.
- Consider shared committee leadership by both parties to promote comity.
- Attack ideas; don’t attack people.
- Encourage training and professional development activities to build trust and benefit the legislature as a whole.

After more than 30 years as a student of state legislatures, Rosenthal cut to the heart of why legislative civility matters. “Members will become more civil when they learn to appreciate the overriding importance, not only of their bills, not only of their parties, not only of their agendas, not only of their careers, not even of their constituencies, but of the legislature, which is the engine of democracy.”

*—Mary Lou Cooper manages the Western Legislative Academy and other professional development programs for The Council of State Governments-WEST.*

