



**Program of Support and Orientation for the National Assembly**  
**Програма за подпомагане и ориентация към Народното събрание**

**MEMBERS OF PARLIAMENT CONFERENCE**

**EFFECTIVE  
REPRESENTATION,  
LAWMAKING AND  
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*February 15 – 17, 2002*  
*Sandanski Hotel - Sandanski, Bulgaria*

*Sponsored by* United States Agency for International Development  
*Organized by* State University of New York/  
International Development Group



Embassy of the Kingdom  
of the Netherlands



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United Nations Development Programme

**AGENDA:**

**Friday, February 15<sup>th</sup> 2002**

- 16:00 **Arrival and Registration**
- 18:30 **Opening Ceremony**



Embassy of the Federal Republic of  
Germany

**Welcome:** *Mr. Ognian Gerdgikov*  
 Chairman of the XXXIX National Assembly of  
 the Republic of Bulgaria  
*Ms. Debra D. McFarland*  
 USAID Mission Director



British Embassy in Sofia

**Keynote address:** *Robert D. Kaplan*

Currently the most influential US journalist and author of best-selling books on international affairs

Correspondent for *The Atlantic Monthly*, reported on assignments from 80 countries in Europe, Africa, the Middle East, Asia, Latin America, and the United States

His books include "Eastward to Tartary: Travels in the Balkans, the Middle East, and the Caucasus" (2000), "The Coming Anarchy: Shattering the Dreams of the Post Cold War" (2000); and the "Balkan Ghosts: A Journey Through History" (1993), has become a guide for making sense of the complex context of the 1990's wars in the Balkans, a compulsory text in any university course focusing on Southeastern Europe



Embassy of the Kingdom  
of the Netherlands

- 20:00 **Reception Dinner**

**Saturday, February 16<sup>th</sup> 2002**

7:30-9:30 **Breakfast**

(Choose one)

10:00-12:30 **Dealing Successfully with the Media**

*(Concurrent Session) Room 1*

**Dr Louis Fortis**, Publisher and former Legislator,  
Wisconsin State Legislature

**Lili Marinkova**, Host of *Nedelia 150*, Bulgarian National  
Radio

or

**Ethics Laws Governing MPs Conduct in Parliament & Society**

*(Concurrent Session) Room 2*

**Dr Alan Rosenthal**, Professor of Public Policy and  
Political Science at the *Eagleton Institute of Politics*,  
*Rutgers University*; Preeminent scholar on Legislatures  
**Antony Todorov**, Associate Professor and Deputy Head  
of the Department of Political Science at the *New  
Bulgarian University*; Director of the *Institute for Social  
Values and Structures*

11:00-11:20 **Coffee break**

11:30-12:30 Continuation of above workshops

**Dealing Successfully with the Media**

**Ethics Laws Governing MPs Conduct in Parliament & Society**

12:45-14:15 **Lunch**

(Choose one)

14:30-17:00 **Mastering Constituency Relations**

*(Concurrent Session) Room 1*

**Dr Sue Senecah**, Associate Professor of Public Policy,  
*State University of New York*; Scholar and expert on  
participation in the public policy decision-making process  
**Borislav Vilarov**, Assistant Professor of Political Theory,  
*Sofia University*; Executive Director, *Bulgarian  
Association of Political Marketing and Communications*

or

**Lobbying, Goals and Principles**

*(Concurrent Session) Room 2*

**Stephen Lakis**, President, *State Legislative Leaders  
Foundation*

**Raina Timcheva**, Program Director, *Foundation  
Resource Center*

15:30-15:50 **Coffee break**

16:00-17:00 Continuation of above workshops

**Mastering Constituency Relations**

**Lobbying, Goals and Principles**

19:00 **Dinner**

*Sunday, February 17<sup>th</sup> 2002*

7:30-9:30     **Breakfast**

(Choose one)

10:00-12:30   **Public Hearings**

*(Concurrent Session) Room 1*

*Helen Desfosses, President, Albany City Council;  
Associate Dean of the Rockefeller College of Public  
Policy, State University of New York  
Emilia Drumeva, Head of Legal Department, Bulgarian  
National Assembly*

*or*

**Bridging the Perception-Reality Gap in a Representative Democracy**

*(Concurrent Session) Room 2*

*Dr Alan Rosenthal, Professor of Public Policy and  
Political Science at the Eagleton Institute of Politics,  
Rutgers University; Preeminent scholar on Legislatures  
Tatiana Dronzina, Associated Professor of Public  
Relations and Conflict Resolution, Sofia University;  
Editor-in-chief of Bulgarian Public Relations Journal*

11:00-11:20   **Coffee break**

11:30-12:30   Continuation of the above workshops

**Public Hearings**

**Bridging the Perception-Reality Gap in a Representative Democracy**

13:00         **Closing Ceremony**

13:30         **Lunch**



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**Robert D. Kaplan**, a correspondent for *The Atlantic Monthly*, is the best-selling author of nine books on international affairs translated into over 15 languages. Kaplan has reported on assignments for the magazine from over 80 countries from Europe, Africa, the Middle East, Asia, Latin America, and the United States. In the 1980s he was the first American writer to warn in print about a future war in the Balkans. Former Pres. Clinton and Pres. George W. Bush are both readers of Kaplan's books, and Kaplan has briefed former Pres. George Bush in the White House.

Robert Kaplan is a prolific writer: his books include *Eastward to Tartary: Travels in the Balkans, the Middle East, and the Caucasus* (2000), *The Coming Anarchy: Shattering the Dreams of the Post Cold War* (2000), and *Balkan Ghosts: A Journey Through History* (1993). *Balkan Ghosts* has become a guide for making sense of the complex context of the 1990's wars in the Balkans, a compulsory text in any university course focusing on Southeastern Europe. The book was chosen by *The New York Times Book Review* as one of the "best books" of 1993, and by *Amazon.com* as one of the best travel books of all time.

Kaplan is also a provocative essayist: his article "The Coming Anarchy" in the February, 1994 *Atlantic Monthly*, about how population rises, urbanization, and resource depletion is undermining governments, was hotly debated in foreign-language translations globally. So was his December, 1997 *Atlantic* cover story, "Was Democracy Just a Moment?" According to *U.S. News & World Report*, "President Clinton was so impressed with Kaplan, he ordered an interagency study of these issues, and it agreed with Kaplan's conclusions."

*New York Times* columnist Thomas Friedman calls Kaplan among the four "most widely read" authors defining the post-Cold War (along with Francis Fukuyama, Harvard Prof. Samuel Huntington, and Yale Prof. Paul Kennedy). His essays have appeared in *Forbes* and the editorial pages of *The New York Times*, *The Wall Street Journal*, *The Washington Post*, and *The Boston Globe*. He has been a Fellow of the World Economic Forum in Davos, Switzerland, and is currently a senior fellow at the New American Foundation in Washington. Robert Kaplan lectures at the U.S. Department of State, CIA, the FBI, as well as universities and business forums around the world.

## **Dealing Successfully with the Media**

**Louis Fortis**, Ph.D. Economics, has taught Economics and Economic Development Policy both at the undergraduate and graduate level. He served on the Wisconsin State Legislature for three terms and chaired the Financial Institutions and Insurance Committee, as well as the Health Care Financing Committee. He also ran a statewide development corporation and a small venture capital company in Wisconsin. Currently Louis Fortis is the publisher and Editor-in-chief of Metro Milwaukee's weekly newspaper with over 225,000 readers. He has extensive international experience working with parliaments in diverse countries, such as Romania, Uganda, the Indonesian part of Borneo, as well as the West Bank and Gaza Strip.

**Lili Marinkova**, MA Journalism from Sofia University "St. Kliment Ohridski", is currently host of the weekly political digest on the Bulgarian National Radio – *Nedelia 150 (Sunday 150 [min])*, by far the most popular political show currently on air. Her outstanding career is marked by controversies and provocative statements that often times are hard for the respective people in government to digest. Lili Marinkova has worked as host of the National Radio shows *Horizon Before Everybody Else*, *Conversation With You*, and *Sunday 150*. She has also hosted political analysis rubrics at the Bulgarian National Television, and the *Studio BG* of Radio Free Europe.

## **Ethics Laws Governing MPs Conduct in Parliament & Society**

**Dr Alan Rosenthal**, Ph.D. Political Science from Princeton University, is Professor of Public Policy and Political Science at the Eagleton Institute of Politics, Rutgers University and served as its Director in 1974-1994. He has consulted and supervised comprehensive studies of legislative organization and procedures in over 30 states. Currently he is working with the National Conference of State Legislatures, the American Political Science Association (APSA), and the Center for Civic Education on the development and communication throughout the states of a new public perspective on representative democracy. In New Jersey he chaired the Ad Hoc Commission on Legislative Ethics and Campaign Finance, appointed in 1990 by the Speaker of the Assembly and President of the Senate. In 1992 Dr Rosenthal received the APSA's Charles E. Merriam Award, which honors a person whose published work and career represent a significant contribution to the art of government. He served also as a Fellow in Harvard's Program on Ethics and the Professions and as a Research Fellow at the Institute of Politics at the John F. Kennedy School of Government, Harvard University. He has published extensively in the areas of state legislatures and state politics.

**Antony Todorov**, Ph.D. Contemporary History at the Institute for Social History in Sofia, is currently Associate Professor of Political Science/International Relations at the New Bulgarian University and Deputy Head of the Department of Political Science. He serves as Director of the Institute for Social Values and Structures in Sofia. His research assignments have been undertaken within projects of the Council of Europe, the North Atlantic Assembly, East-West Studies Institute in Prague, as well as a number of research institutions in France. Antony Todorov has also served as Senior Adviser at the Research Department of the Bulgarian National Assembly in 1995-1997.

## **Mastering Constituency Relations**

**Dr Sue Senecah**, Ph.D. Communications from University of Minnesota, is an Associate Professor of Public Policy at the State University of New York College of Environmental Science and Forestry. Her research and teaching focuses on the design, practice and evaluation of participatory processes for public policy decision-making, concerning a wide range of policy issues, among which environment, regional planning and hazardous waste. She also serves as the Coordinator of the undergraduate and graduate programs in Communication and Participatory Processes. In addition, she is the Associate Director for Environmental Conflicts and Public Participation in the *Program on the Analyses and Resolution of Conflicts* at Syracuse University. Dr Senecah has served for nine years in the New York State Legislature, as Special Assistant for Policy for NY State Senator George Maziarz, and coordinated public outreach on the staff of Senators John DeFrancisco and John Sheffer. She has an international reputation as a mediator, facilitator, trainer, and process design consultant for public policy decision-making, and has published extensively on public participation in the policymaking process.

**Borislav Vilarov**, Ph.D. Social and Political Communication from Sofia University, currently teaches Political Marketing and Communications at Sofia University. He also serves as Executive Director of the Bulgarian Association of Political Marketing, and Secretary of the Board of the Institute for National Policy "*ProImage*". Borislav Vilarov has been involved with numerous research, analysis and consulting assignments for election campaigns during the last ten years.

## **Lobbying, Goals and Principles**

**Stephen Lakis** holds Political Science degrees from Bridgeport University and the American University in Washington, D.C. Currently he serves as President of the State Legislative Leaders Foundation (SLLF), which he transformed during the past two decades into the preeminent leadership organization in the United States. Under his leadership the Foundation's scope of activities expanded globally as well as nationally into a vigorous, multi-faceted organization funded by 65 major corporations. Stephen Lakis owns a publishing company responsible for the most widely read political reference text on Massachusetts state government, *The Massachusetts Political Almanac*. During the past decade he has organized issues programs across Europe for European parliamentary and business leaders. In 1998 he created a new international branch of SLLF in Europe, based in Berlin and spanning the continent with parliamentary leaders from 25 nations represented on the Foundation's board.

**Raina Timcheva** has served as Program Director of Training and Consultation Program at the Resource Center Foundation since it was established in 1999. She coordinated the most successful public lobbying campaign in Bulgaria – Campaign "FOR", for a new Law on Nongovernmental Organizations from 1999 until it was passed in 2000. Her campaigning experience includes also the campaign "Platform 120" of Women's Alliance for Development during the 2001 Elections for more women in politics. Raina Timcheva managed the projects "Women in Politics – Local Elections '99", financed by the Westminster Foundation for Democracy, UK, and "Women in Business", financed by Global fund for Women, USA.

## **Public Hearings**

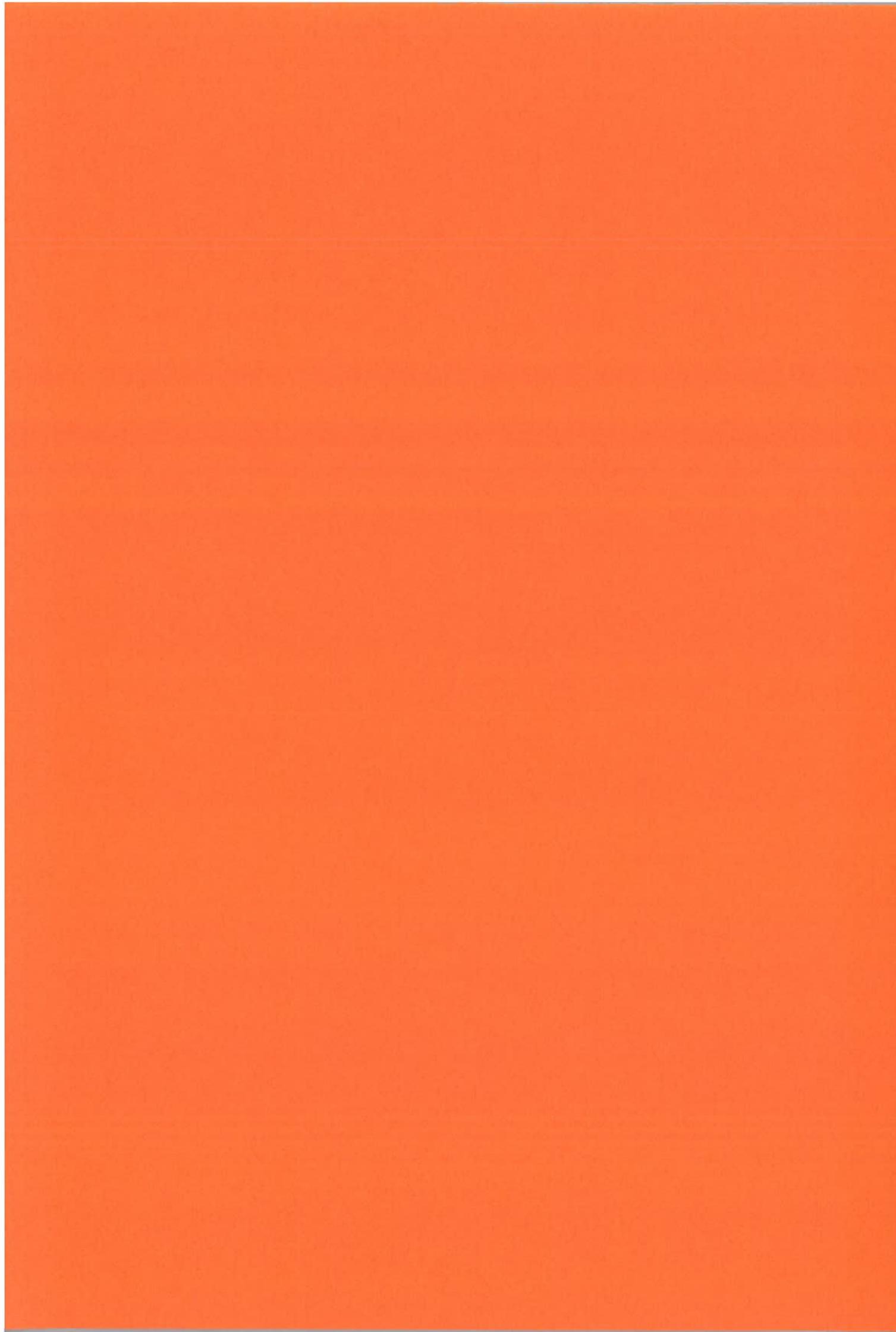
**Helen Desfosses**, MA Harvard University and Ph.D. Political Science from Boston University, currently serves as Associate Dean of the Rockefeller College of Public Affairs and Policy, State University of New York (SUNY) at Albany, and as Associate Professor at the Departments of Public Administration and Policy and of Africana Studies, SUNY at Albany. Prof. Desfosses also serves as the President of City of Albany Common Council. She has published extensively in the areas of her major academic interests: women's issues, socialist and post-socialist societies, African and East European issues. She has been a member of the Center for Women in Government Board of Directors since 1979; since 1997 she has provided consulting services within USAID projects for strengthening legislatures and consolidation of democracy in the countries in transition.

**Emilia Drumeva**, LL.D. Sofia University "St. Kliment Ohridski", has served as Head of the Legal Department at the Bulgarian National Assembly since 1990, i.e. throughout the entire transition period. She is also serving her second mandate as member of the Committee for the Prevention of Torture, Council of Europe. Emilia Drumeva is a Professor of Constitutional Law at the Law Faculty of Plovdiv University; she has specialized on a Konrad Adenauer Fellowship at Max Planck Institute, Heidelberg, and published extensively in the area of public law.

## **Bridging the Perception-Reality Gap in a Representative Democracy**

**Dr Alan Rosenthal**, Ph.D. Political Science from Princeton University, is Professor of Public Policy and Political Science at the Eagleton Institute of Politics, Rutgers University and served as its Director in 1974-1994. He has consulted and supervised comprehensive studies of legislative organization and procedures in over 30 states. Currently he is working with the National Conference of State Legislatures, the American Political Science Association (APSA), and the Center for Civic Education on the development and communication throughout the states of a new public perspective on representative democracy. In New Jersey he chaired the Ad Hoc Commission on Legislative Ethics and Campaign Finance, appointed in 1990 by the Speaker of the Assembly and President of the Senate. In 1992 Dr Rosenthal received the APSA's Charles E. Merriam Award, which honors a person whose published work and career represent a significant contribution to the art of government. He served also as a Fellow in Harvard's Program on Ethics and the Professions and as a Research Fellow at the Institute of Politics at the John F. Kennedy School of Government, Harvard University. He has published extensively in the areas of state legislatures and state politics.

**Tatiana Dronzina**, Ph.D. Political Science from Sofia University, is currently serving as Associated Professor of Public Relations and Conflict Resolution at Sofia University. Her professional experience includes Editor-in-chief of *Bulgarian Public Relations Journal*, Editor of *Euronews* bulletin and expert in public communication of the Euro Info Correspondence Center in Bulgaria. Tatiana Dronzina has published extensively and taught at both the graduate and undergraduate level in the areas of public relations, public communication and conflict resolution in Bulgaria, as well as in France, Spain, UK, and Austria.



## **Dealing Successfully with the Media**

*Louis Fortis*

- I) Media and Your Public Image
- II) Working with the Media
- III) A Case Study: Mr. Thomas Clinton Gets Elected
- IV) The Perspective of the Media: What the Media Considers Newsworthy
- V) Tools for Communicating with the Media
- VI) *Do's* and *Don't's* for Relating to the Media
- VII) What to Do When Things Begin to Go Wrong

# Strengthening Public Involvement: Building Long-Term Relationships with Constituents

by

Susan L. Senecah, Ph.D.  
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In order for public participation to function well into the future, the government of Bulgaria should promote:

- \*openness and transparency in the state and local administration;
- \*rules regulating the relations between the authorities and the public;
- \*sanctions for those who do not respect the rules; and
- \*education about the rights and duties in a democratic society.

## PERCEPTIONS

*How do the sectors perceive one another in Bulgaria? In your district? For each relationship below, write your opinion of how each sector perceives the role, mission and effectiveness of itself and of other sectors in society.*

*How similar are your perceptions of yourself to others' perceptions of you? -  
How similar or accurate are the sectors' perceptions of one another?*

<b>GOVERNMENT</b>	<b>BUSINESS</b>	<b>NGOs</b>
<p><b>Government perception</b> perception of itself</p>	<p>Government perception of Business</p>	<p>Government of NGOs</p>
<p>Business perception of Government</p>	<p><b>Business perception</b> of itself</p>	<p>Business perception of NGOs</p>
<p>NGOs' perception of Government</p>	<p>NGOs' perception of Business</p>	<p><b>NGOs' perception</b> of themselves</p>

Decision makers, as they move through the various phases, should answer the six questions in the Constituent Involvement Strategy (CIS) (below) and determine what their objectives are for involving the public in each phase. Policy makers then build their own strategy by selecting the approaches that best suit their needs.

Depending on your objectives, each strategy for involving the public during each phase will be unique. In all applications, however, the strategy reflects the ongoing nature of constituent involvement, and the importance of dialogue and feedback throughout out the entire process. The strategy also becomes an integral part of the overall planning process rather than a procedure parallel to or outside that process.

**1. What should our relationship be with the public, our constituents (internal and external)?**

- Who are they?
- What are our objectives for involving them?
- What do they want from us?
- Do we want an ongoing relationship?

**2. Is the public in agreement with our constituent Involvement Strategy (CIS)?**

- Are people prepared to participate at the level we desire? If not, what are things we can do to ensure or encourage participation?

**3. Which methods best meet the CIS strategy identified above in #2?**

- What involvement techniques best accomplish the objectives?

**4. How can we best accept and use what we learned from our constituents?**

- Which tools best record and document?
- How can the information be used to aid the decision maker?

**5. What is the best way to respond to our constituents?**

- What is the best way to let people know their input was heard and considered?

**6. How can we measure the effectiveness of our CIS strategy?**

- What tools will help determine if our public involvement efforts were successful?
- Did we meet our objectives?

**1. WHAT SHOULD OUR RELATIONSHIP BE WITH THE PUBLIC?  
(INTERNAL AND EXTERNAL)**

**An Ongoing Relationship:**

- Invitation to share information with their group or network
- Alerting one another to new issues/areas of concern
- Sharing of concerns or opportunities on ongoing basis
- Understanding of the legislative mission
- Understanding of what certain programs can and cannot do
- Assistance in understanding their "mission" e.g., as individual, group, agency, government
- Shared understanding of the socio-economic situation
- Shared understanding of the problem at hand, or need to change
- Understanding of complexity of a problem
- Assistance in "getting the word out" to other people
- Assistance in planning efforts
- Assistance in ongoing monitoring and evaluation

- Enhanced Parliament credibility
- Ongoing, two-way communication
- Ongoing relationship
- Trust

### **To Be Informed:**

- Awareness of process, how they can be involved and kept informed
- Awareness from a larger public (beyond targeted groups) of process, how they can be involved, and kept informed
- Understanding of the difference between this process and the traditional processes
- Understanding of the decision process, decision space
- Understanding of the monitoring and evaluation results and process
- Understanding of their roles in the planning process
- Understanding of public involvement process and strategy, "Here's what we are hoping to do now, and here is what we need from you."
- Understanding of what types of comments and information are useful to us
- Understanding of all issues, concerns and opportunities, not just their own
- Understanding of what needs to be changed and why
- Understanding of the Parliament's mission
- Assistance in understanding their "mission" as constituents
- Review of reports, plans
- Enhanced Parliament credibility
- Informed consent

### **To Be Involved:**

- Agreement on course of action in each phase (internal "check the course") from responsible officials/managers
- Agreement with public CIS and objectives (external "check the course") from interested and affected public
- Involvement of non-traditional public (those not typically involved)
- Validation of issues (make clear this is collection, not resolution, of issues)
- Validation of the proposed action/s, concurrence that change should occur
- Identification and sharing of data
- Identification and sharing of emerging issues (make clear this is collection, not resolution of issues)
- Identification of opportunities/choices (make clear these may or may not become proposed actions)
- Assistance in developing "choices" to build new or revised/amended plan
- Assistance in defining desire conditions
- Assistance in evaluating effects of choices, e.g., economic impacts assessment, cultural resource evaluation
- Assistance in developing alternatives to the proposed action
- Assistance in implementation
- Further involvement in other efforts, e.g., projects, monitoring
- Informed consent
- Respect for the decision
- Respect for the decision makers

### **To Assist In Problem-Solving**

- Understanding of laws, regulations, policies
- Shared understanding of the problem, or need to change
- Evaluations public involvement process and strategy as part of citizens' group (focus is on process)
- Identification and sharing of data on conditions
- Identification and sharing of emerging issues
- Identification of opportunities/choices
- Assistance in developing "choices" to build new or revise/amend plan
- Assistance in defining desired conditions
- Assistance in evaluation effects of choices
- Assistance in developing alternatives to the proposed action
- Assistance in implementation
- Further involvement in other efforts
- Informed consent
- Collaboration
- Diminishing of polarization between interests
- Building or improving relations
- Consensus
- Ownership in formatting choices to address issues, e.g., social values, resource issues
- Ownership in the program based on their contributions
- Pride in contributions made to a process or an outcome
- Respect for the decision
- Champions for the proposal or project

### **2. IS THE PUBLIC IN AGREEMENT WITH OUR CONSTITUENT INVOLVEMENT STRATEGY (CIS)?**

**Are there shared expectations regarding the strategy and process?**

- Do they understand the strategy and the objectives?
- Are they prepared to participate at the level we desire?
- If not, are there things we can do to ensure participation?

### **3. WHICH METHODS BEST MEET THE CIS STRATEGY IDENTIFIED ABOVE IN #2?**

- Given the objectives of the strategy, which methods should be used? Please see Matrix.

### **METHODS for Including Constituents**

Strategically consider the following processes to Build Relationships, Inform, Involve, Problem Solve, Build Consensus, Build Support with allies, Identify Solutions, Identify Problems, Depolarize, or Evaluate

#### **I. Meetings**

- Working meeting - small groups to focus on agenda of work without resolving problems.
- "Open" meeting - like a working meeting but with an audience observing.

- Forum - informal sessions to air certain issues, hear different points of view, and shed light on a subject.
- Public meeting - open meeting to inform the public about a subject or to solicit comments.
- Public hearing - formal hearing for people to present statements for a formal record.
- Open house - informal meeting utilizing information stations for explaining a topic and for informed discussion with the public.
- Brainstorming session - session for gathering many comments and ideas without any value judgments.
- Sunshine meeting - administrators do everything in their power to have the public understand their work as they do it e.g., updates, progress reports.
- Internal family meeting - meeting with employees for information sharing.
- Internal family meeting - for building ownership and support.

## 2. Group Interactions

- Sounding boards - groups of people (citizens, employees, etc.) for testing ideas.
- Interest group coalitions - work out action plans to accomplish specific activities.
- Consensus-building - facilitate diverse groups getting together to develop mutual solutions.

## 3. Information Dissemination

- Producing materials (written, video, etc.) for internal communication.
- Producing materials for release to media.
- Producing briefing papers for interest groups and public officials.
- Producing materials (written, video, newsletters) to keep organizations, interest groups informed.
- Paid ads, legal notices.

## 4. Developing Full Range of Choices for Working with Diverse Interest Groups

## 5. Tapping into Existing Networks, Organizations and Institutions

- Employees.
- Clubs, service groups, other organizations.
- Tribal governments.
- School systems.

Commissioners.

- State agencies.
- Using other planning efforts to develop common messages and disseminate information, and to provide input to others' efforts.

## 6. Roving Ambassador (making contact with visitors at events),

## 7. Employing an Advocate or Intervenor (one who advocates on behalf of an interest group)

## 8. Running Trap-Lines (establishing regular schedule to touch base with interest groups, elected officials, agency officials, and opinion leaders)

## 9. Identifying Opinion Leaders (those who are listened to and whose counsel you trust; meet with and/or visit by phone as often as possible)

## 10. District Information Stations for Information Dissemination

## 11. Reviewing and Monitoring Media (to learn about values, priorities, issues and concerns of interest groups)

## 12. Partnership Building (using local citizens/organizations for projects meeting mutual objectives)

## 13. Issues Identification (identifying emerging issues)

14. Conflict Mediation (mediating conflicting interests to reach resolution)
15. Sensing/Surveys
  - Conducting public opinion poll/survey
  - Validity model for public involvement
  - Demographic/ psychographic surveys
  - Public perception analysis (surveying public on perception of legislative activities).
  - Collaborative social assessment projects
16. Identifying and Developing a Community of Interest
17. Identifying and Segmenting Public and Groups (identifying potentially affected interests)
18. Citizen Oversight Group (key interests to review and focus on process and related concerns)
19. Seminars
20. Brown Bag Lunch Sessions
21. Field Trips/Show-Me Trips
22. Using Audio-Visual Materials (video, displays, etc.)
23. Communication
  - Active listening, recording, and documentation.
  - Accessible language (lay terminology, Braille, TTY, bilingual)

#### **4. HOW CAN WE BEST ACCEPT AND USE WHAT WE LEARNED FROM OUR CONSTITUENTS?**

**Given the objectives and methods chosen to involve the public, how can we best capture and use their input in the analysis and decision making process? What methods are most appropriate?**

##### **Methods to Accept Comments:**

- Flip chart notes
- Written testimony
- Letters
- Note cards, postcards
- Telephone comment forms
- Meeting notes
- Newspaper articles
- Appeal issue summaries
- Issue summaries produced by agencies
- Personal contact forms

##### **Methods to Use Comments:**

- Analyse and code information received
- Conduct content analysis on comments
- Distribute summary of comments by category to specialists
- Distribute summary of comments by category to decision makers
- Distribute comment summaries project teams
- Summarize newspaper articles
- Share personal and telephone contact form information
- Which tools best record and document?

## **5. WHAT IS THE BEST WAY TO RESPOND TO OUR CONSTITUENTS?**

What is the best way mechanism to letting the public know we received and considered their input and how we handled/used it?

### **Questions to Answer:**

- Personal letter or phone call
- Share status report on the process
- Response to comments
- Response to questions
- Newsletter
- Newspaper article
- Newspaper insert
- Open house
- Working group session
- Share meeting notes
- Organize field trips
- Attend meetings
- Use existing networks
- Family meetings
- "Brown bag" meeting
- Display
- Video/slide/tape program
- Public meeting
- Touch base with key contacts

## **6. HOW CAN WE MEASURE THE EFFECTIVENESS OF OUR CIS STRATEGY?**

What tools will help determine if our public involvement efforts were successful?

Did we meet our objectives? Do people feel they were understood/involved and their participation was validated?

### **Questions to Answer:**

- Are we making satisfactory progress toward our objectives?
- Is our plan still valid?
- Did we accomplish the objectives of the strategy?
- Do people feel the public involvement process was fair and unbiased?
- Do people feel their issues and concerns were identified, considered, and addressed in the process?  
(addressed does not mean resolved in their favor necessarily, but that they understood how issues were handled)
- Was the content analysis and summary information presented to other decision makers?
- Was the data presented to appropriate agencies?
- Did we respond to constituents on how their comments were used?

# METHODS MATRIX



	Relationship building	Inform	Involve	Problem Solve	Consensus	See project as they do	Identify solutions	Identify problems	Depolarize	Evaluate
<b>1. Meetings</b>										
- Working meeting - small groups to focus on agenda of work without resolving problems.	●	●	●	●			●	●	●	
- "Open" meeting - like a working meeting but with an audience observing.		●				●		●		
- Forum - informal sessions to air certain issues, hear different points of view, and shed light on a subject.	●	●				●		●		
- Public meeting - open meeting to inform the public about a subject or to solicit comments.		●						●		
- Public hearing - formal hearing for people to present statements for a formal record.						●	●	●		
- Open house - informal meeting utilizing information stations for explaining a topic and for informed discussion with the public.	●	●	●	●		●	●	●		
- Brainstorming session - session for gathering many comments and ideas without any value judgments.						●	●	●		
- Sunshine meeting - administrators do everything in their power to have the public understand their work as they do it e.g., updates, progress reports.	●	●						●		
- Internal family meeting - meeting with employees for information sharing.	●	●								
- Internal family meeting - for building ownership and support.	●	●	●	●			●	●	●	
<b>2. Group Interactions</b>										
- Sounding boards - groups of people (citizens, employees, etc.) for testing ideas.	●		●			●	●	●		
- Interest group coalitions - work out action plans to accomplish specific activities.	●	●	●	●				●		
- Consensus-building - facilitate diverse groups getting together to develop mutual solutions.	●			●	●		●		●	
<b>3. Information Dissemination</b>										
- Producing materials (written, video, etc.) for internal communication.		●								
- Producing materials for release to media.		●								
- Producing briefing papers for interest groups and public officials.		●								
- Producing materials (written, video, newsletters) to keep organizations, interest groups informed.		●								
- Paid ads, legal notices.			●							
<b>4. Developing Full Range of Choices for Working with Diverse Interest Groups</b>	●				●	●	●		●	
<b>5. Tapping into Existing Networks, Organizations and Institutions</b>										
- Employees.	●	●	●			●				
- Clubs, service groups, other organizations.	●	●	●			●				
- Tribal governments.	●	●	●			●				
- School systems.	●	●	●			●				
- County Commissioners.	●	●	●			●				

	Relationship building	Inform	Involve	Problem Solve	Consensus	See project as they do	Identify solutions	Identify problems	Depolarize	Evaluate
- State agencies.	●	●	●			●				
- Using other planning efforts to develop common messages and disseminate information, and to provide input to others' efforts.	●	●	●	●			●	●		
6. Roving Ambassador (making contact with forest visitors at campgrounds, trailheads, field information stations, etc.)	●	●				●				
7. Employing an Advocate or Intervenor (one who advocates on behalf of an interest group)	●					●			●	
8. Running Trap-Lines (establishing regular schedule to touch base with interest groups, elected officials, agency officials, and opinion leaders)	●	●				●	●	●		
9. Identifying Opinion Leaders (those who are listened to and whose counsel you trust; meet with and/or visit by phone as often as possible)	●	●				●	●	●		
10. Field Information Stations for Information Dissemination		●								
11. Reviewing and Monitoring Media (to learn about values, priorities, issues and concerns of interest groups)						●		●		
12. Partnership Building (using local citizens/organizations for projects meeting mutual objectives)	●			●	●	●	●		●	
13. Issues Identification (identifying emerging issues)						●	●	●		
14. Conflict Mediation (mediating conflicting interests to reach resolution)	●				●				●	
15. Sensing/Surveys										
- Conducting public opinion poll/survey						●				●
- Validity model for public involvement						●				●
- Demographic/psychographic surveys						●				●
- Public perception analysis (surveying public on perception of agency activities).						●				●
- Collaborative social assessment projects						●				●
16. Identifying and Developing a Community of Interest	●		●	●	●	●	●	●	●	
17. Identifying and Segmenting Public and Groups (identifying potentially affected interests)						●				
18. Citizen Oversight Group (key interests to review and focus on process and related concerns)	●	●		●		●	●	●		●
19. Seminars		●								
20. Brown Bag Lunch Sessions		●								
21. Field Trips/Show-Me Trips	●	●								
22. Using Audio-Visual Materials (video, displays, etc.)		●								
23. Communication										
- Active listening, recording, and documentation.	●	●	●	●	●	●	●	●	●	
- Accessible language (lay terminology, Braille, TTY, bilingual)	●	●	●	●	●	●	●	●	●	
Additional methods are described in the Forest Service Public Participation Handbooks and in the Citizen Participation Handbook (see reference section in back).										

## Constituency Relations

*Borislav Vilarov*

1. The substance of the MPs functioning: representing the interests of the constituents, as well as the people as a whole; exercising the legislative power; overseeing the executive; making the crucial political decisions
2. Organizing the activities of the MP:
  - At the national level – Parliament; political organization; state and religious institutions; business; NGOs; media and opinion leaders
  - Local and regional level – constituency relations; political organization and party activities; local and district government; state and religious institutions; NGOs, media and opinion leaders
  - Personal contacts – with friends, influential people, representatives of institutions
  - The staff of the MP – division of labor (secretary, parliamentary, media and regional assistant)
3. Constituency relations:
  - The MP serving the people (“servant and voice of the people”) – what are the constituents’ expectations? Private and public (national, regional and local) interests of the constituents
  - Schedule and personal agenda of the MP – holidays (national, international, local; occasions concerning close and influential people in politics, culture and business)
  - Organizing the surgeries of the MP – times, meeting and listening to people; filing and responding to requests and concerns from the citizens, electronic office -- e-mail and web page
  - Collecting information concerning the constituency and the problems of the constituents (data bases) – official institutions, media, public opinion polls, meeting with diverse socio-demographical groups and individual MPs; taking notes and minutes
  - Arranging meetings – “diving” into the constituency (pre-arranged and spontaneous) – personal contact, formal meetings, parliamentary and governmental “raids”
  - Identifying the constituents and the sympathizers
  - Working with the media – formal (press conferences, press releases, declarations, interviews, participation in radio and TV shows, as well on-line discussions) and informal contacts; media training; how to make things newsworthy; information vacuum and overabundance of information; political rumors

- Program of the MP for the plenary session and reporting to the constituents
4. Behavior in front of large audience: “In order to be able to lead the people, you need to pose their hearts”
- Audience – heterogeneous community with stable common interests; segmentation of the public by social-demographic groups (age, gender, education, profession, religion, ethnic group, etc.) – target groups
  - Attracting and sustaining the attention – communication formula AIDA (attention – information – making decisions – action); two-step communication (communicator – opinion leaders – constituents) selective attention (perception of desired information); feedback; conformism and pessimism (40-70 per cent); 70 per cent of the received information comes about via non-verbal communication; 55 per cent – appearance; 38 per cent – voice; 7 per cent – initial observation;
  - Types of attention – spontaneous (unstable, reinforced though feelings); hypnotizing (contemplation and blocking the mechanisms of rationalization – automat behavior); desire (active – observing and listening, and passive – seeing and hearing)
  - Factors that influence the attention – psycho-physiological (form, color, movement, rhythm) and psychological (novelty, curiosity)
  - Needs – physiological (hunger, thirst, sleep, attraction, etc.); safety (confidence, security, order); human contacts and love; vocation, evaluation, respect and self-respect; self-assertiveness
  - Modes of persuasion – popular (attracting attention and exerting influence); actualizing one’s beliefs (one makes decisions by himself based on personal experience and social status, as well as the place that his/her idea occupies in his perceptive hierarchy); model of the attitudes (the constituent decides based on specific ideas and people); image model (the constituent constructs a specific image of each candidate and idea); psychoanalytical (at any given moment the constituents re dominated by a single – getting satisfaction); motivational (the hierarchy of motives, which governs human behavior; discovering the domination motif)
  - Argumentation in front of an audience with a positive and a negative disposition – single-sided and two-sided disposition
5. Political image – “In our factories we are producing make up. In our shops we are selling hope”
- Passing the threshold of “perceptibility” – through promoting and enhancing the level of information – (personal information – getting closer to the people – past experiences, family, health, sport, pets, hobby)
  - Creating the image – defining the wishes of the audience; positive and negative characteristics according to the constituents wishes and specificities of the audience; expressing the characteristics of the image (political messages, visuals, complex of symbols and events); performance

# **THE OPERATION AND REGULATION OF LOBBYING IN THE DEMOCRATIC PROCESS**

by

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Lobbying is a very important aspect of a developed democratic legislative process. It is also the most maligned and misunderstood aspect of that process.

As the world's longest continuing democracy--and one in which the legislative branch plays a major role in the making of public policy--lobbying activities have probably achieved their highest level of sophistication in the United States. So, this is the most logical starting point for an examination of how lobbying operates in a developed legislature or parliament and, more importantly, how it can be expected to operate in the National Assembly of Bulgaria as the Bulgarian democracy stabilizes and develops.

The perception that many Americans (as well as many people throughout the world) have of lobbying is of representatives of big corporations spending money lavishly to corrupt elected officials and get them to enact laws that will benefit their client corporations while doing harm to the vast majority of citizens. This is far from the truth, far from reality, and far from how the vast majority of lobbyists operate or of how most lobbying activity is conducted in a developed democratic process.

## **Exercising The Right Of Free Speech In A Democracy**

Simply put, a lobbyist can be defined as someone who tries to influence legislation. In most, but not all, instances a lobbyist is compensated for his or her efforts.\* In the United States, the right to engage in lobbying is a protected right under the United States Constitution. The US Constitution guarantees every American the right of free speech and the right to petition their government. What we Americans call our first amendment right of free speech is probably our most fiercely protected constitutional right--strongly supported and defended by those who call themselves conservative as much as by those who call themselves liberal. It assures any citizen or any group or organization--no matter how unpopular their position and no matter how little support that position may enjoy among

\* The word lobbyist was coined many years ago in the United States because of the tendency of individuals working for or against the passage of legislation to congregate in the lobby outside of the legislative meeting chamber. the people--the right to state and explain their views without interference or hindrance from governmental authority.

Within the American legislative process, organizations or groups of individuals who have similar objectives utilize their constitutional right of free speech and petition to retain lobbyists to represent them and their views in the halls of the legislature. In some cases, a lobbyist will be hired under a contract and compensated for focusing on specific issues or bills in which the group or organization has an interest. Or a lobbyist may be a full-time employee of the group or organization whose specific job assignment is to be its lobbyist. Regardless of the employment conditions under which a lobbyist operates, any successful lobbyist will be thoroughly familiar with the details and specifics of all issues or bills for which he or she is responsible, and will also have a thorough understanding of the processes and procedures of the legislature or parliament in which he or she is working..

### **The Popular Misperception Of Lobbyists And Lobbying**

Contrary to popular perception in the United States and throughout the democratic world, lobbyists in the Congress and in the fifty American state legislatures (which have authority and responsibility over many areas that, in other countries, are assigned to their national governments) do not primarily represent large corporations and big business. For sure, the business community is well represented by many well-paid and highly competent lobbyists. But large numbers of lobbyists also represent activities in which almost every American citizen has an interest.

A survey taken in the late 1990s showed that eight of every ten Americans are members of an organized group with a policy agenda, and four of ten Americans are members of more than one such group (as reported in *The Case For Representative Democracy*, see Bibliography). Any organization or organized group of individuals that has a policy agenda will want to actively pursue enactment of that agenda. And this active pursuit will involve efforts to educate and persuade policy makers (legislators) about what they feel is the rightness of their cause. This is the essence of lobbying. Where the popular perception is incorrect is in its failure to realize that, somewhere in the halls of the United States Congress and of each American state legislature, there will be lobbyists representing and advocating policies and interests that have the support of, and that will benefit, virtually every citizen. The truth is that few, if any, major issues in any American legislative body do not involve compensated lobbyists working on both sides of the issue

Viewed in this perspective--and this is how the role of lobbying in a developed democracy should be viewed--lobbying provides a vital communication link between the people and their elected representatives. As such, the activity of lobbying constitutes an important linchpin of representative democracy. This does not mean that lobbying activity can or should be permitted to proceed without control and regulation by the Parliament. The regulation of lobbying activity is an essential component of the process and must be addressed by the Parliament. But to fully understand how lobbying should be regulated, it is first necessary to look at how lobbyists operate and the specific types of activities in which they engage.

### **How Do Lobbyists Lobby?**

There are two basic ways by which lobbyists attempt to influence legislation. The first, which might be termed *direct lobbying*, involves an effort to persuade sitting legislators and parliamentarians to cast votes that will produce a result--passage or defeat of a bill or bills--favored by the client that the lobbyist represents. The second, which might be called *indirect lobbying*, involves working through the election process to elect members to the parliament or legislature who will represent viewpoints that coincide with those of the lobbyist's client.

#### **Direct Lobbying**

The focus of a lobbyist's attention in direct lobbying are those individuals who are considered to be the decision-makers on public policy. In the United States, with its tradition of an independent legislative branch and relatively weak party organization, the focus is often on individual legislators who run generally independent campaigns for office and, more often than not, will be at least as concerned about the reaction of their constituents to the votes they cast as they will to the reaction of their party leaders. In parliamentary systems, particularly those close in style to the British Westminster Model, a lobbyist's may focus more on party leaders and the heads of government ministries than on backbencher parliamentarians.

As has already been shown, lobbyists represent legitimate social and economic concerns of both citizens and of corporations and businesses that pay taxes and provide jobs for people who themselves pay taxes. Their goal, and their responsibility, is to try to persuade policy-making officials of the merits and benefits of their position to the country, state, or province. There is no mistaking the fact that many lobbyists represent interests that are seeking special consideration, and possibly advantage. But regardless of the issue, a lobbyist's basic argument to a public official is pretty straightforward--that support for the position advocated by the lobbyist will be in the best interest of the country and its people.

How exactly does a lobbyist go about trying to persuade parliamentarians and legislators that his client's cause is in the public interest? In his book *The Third House*, Professor Alan Rosenthal of Rutgers University's Eagleton Institute of Politics lists the following six operating principles that are observed by most successful lobbyists in the United States: 1) Be present in the legislative building as often as possible to be assured of staying on top of all pertinent developments that may impact on the legislation of concern; 2) Be persistent in pushing the issue, but be careful also not to become viewed by legislators as a pest; 3) Be respectful of legislators' time and try to be as brief and succinct as possible when presenting them with information, whether written or oral; 4) Take nothing for granted and carefully follow and stay

on top of the issue of concern until it has been completely resolved by the legislature; 5) Be prepared to set priorities concerning which of several issues of concern are most important, because the reality is that lobbyists almost never get everything that they want on an agenda of multiple matters; and, 6) Be prepared to lose with grace and dignity because no one wins one hundred percent of the time in the democratic process, and a lobbyist can ill afford to antagonize legislators whose support will be sought on future issues.

Within the framework of these principles--which are ignored at a lobbyist's peril--lobbyists present their cases to legislators and public officials in a variety of ways. The first, and usually the most effective, is to provide legislators or other policy-makers with information that demonstrates to them why the legislation of concern to the lobbyist's client should or should not be enacted.\* This may involve direct one-on-one discussion between the lobbyist and the legislator or official, or it may involve providing written material explaining the merits of the client's position and also countering arguments offered by those on the opposite side of the issue. Astute lobbyists know that, just as brevity is important in making points in one-on-one conversations, written materials should be confined to no more than one or two typewritten or printed pages if they want them to be read by the legislator. Anything longer runs a much greater risk of never being read.

Another way by which lobbyists convey information, particularly in the United States where legislative committees are strong and often determine the fate of legislation, is through presentation of oral or written testimony to a committee. In the Congress, oral testimony is presented only by invitation of the committee. But in the fifty state legislatures, this is done at public hearings at which any lobbyists or citizens are permitted to address the committee members to present their views.

Still another means of direct lobbying is to try to make the job of sympathetic legislators (or other policy makers) as easy as possible by providing them with a fully drafted bill or amendment. One advantage of this approach is that, if the lobbyist can get the bill or proposed amendment introduced (and, hopefully, passed) as drafted by the lobbyist, the language will be exactly as the lobbyist wants it.

All of the various means of direct lobbying involve providing individuals who make public policy with facts and information on issues that are under their consideration. All lobbyists understand that, if they are to be effective and successful in their work, legislators, parliamentarians and other policy-making officials to whom they provide information must feel confident that the information is true and accurate. It is common for American legislators to say that they will find time to talk to any lobbyist because they see them as a valuable source of information on legislation under consideration in their body. But these legislators also say that they make sure that each lobbyist they talk to understands that the first time the legislator finds that the lobbyist has lying to them or providing them with untrue or inaccurate information will be the last time that they will ever speak to that lobbyist.

As a lobbyist becomes more familiar to and legislators, develops a reputation as a provider of accurate information, and thereby gains their trust, they often are able to engage in

more sophisticated lobbying techniques that can heighten the likelihood of achieving success on behalf of their clients. These include trying to build coalitions of legislators to actively support their clients

\* In fact, lobbying activity more often involves an effort to defeat rather than to enact a piece of legislation. In a democratic parliament or legislature, it is always easier to get a bill defeated because, if a parliament or legislature has any doubt about the legislation, it will most often deem it advisable to delay enactment pending further review of the issues about which it may have doubt. But lobbying also often involves efforts to convince policy-makers that a piece of legislation under consideration should be modified through amendment to make it more compatible with the interests of the lobbyist's client. cause and even actively participating in negotiations that lead to compromise and resolution of the legislation with which they are concerned.

In the United States where, perhaps more than in any other country, legislators are responsible for their own reelection campaigns, lobbyists are more and more engaging in what is often called grassroots lobbying. This involves using citizens not directly associated with the lobbyist to actively support the client's cause. This may involve an effort to have the legislator's constituents write letters to the legislator in support of the legislation in which the lobbyist has a concern. A letter-writing campaign can be undertaken without a great deal of effort on a lobbyist's part when the lobbyist's client employs a significant number of individuals who live in the legislator's district. Under such circumstances, the client should be more than pleased to help its lobbyist in this effort by encouraging its employees to write letters, pointing out to them that passage or defeat of the legislation is in the best interest of the company and therefore also in the best personal interests of its employees. The American electoral system, with its emphasis on legislator responsiveness to constituents, serves to make such letter writing efforts a very effective lobbying tool.

A related mechanism sometimes attempted by well-established and sophisticated lobbyists is to try to use the media to make their client's case. This involves, first, identifying a sympathetic journalist and then providing that journalist with information in support of their client's position. The hope, and intent, is that this information will find its way into favorable newspaper, television, and radio reports that may influence legislators' views (and ultimately their final decision) on matters of concern to the lobbyist's client.

### **Indirect Lobbying**

The public cynicism concerning lobbyists and the criticism that the public often directs at them and their activities most often concerns the feeling that they utilize large sums of money placed at their disposal by their clients to corrupt the system, thwart representative democracy, and produce public policy that runs contrary to the interests of the majority of the people. In the United States, where lobbying activity is conducted at its most sophisticated level, restrictions and even prohibitions enacted in recent years on lobbyists' expenditure of money to directly entertain public officials (this will be discussed in the next section) means that the greatest focus of this public cynicism and criticism concerns indirect lobbying.

Indirect lobbying primarily involves money. As has been previously pointed out, the political system of the United States places most of the responsibility and burden on individual candidates-- with some limited support from their political parties--to raise most of the funds to support their campaigns for election or reelection. The costs of American political campaigns are constantly increasing and the money to pay for them has to come from somewhere.

Only a very few American political candidates have sufficient personal wealth to fund their own campaigns. Government funding is not an option because public monies are not used to fund election campaigns in the United States (except for presidential campaigns in which taxpayers may voluntarily designate that one dollar of their federal income tax payments be assigned to a fund to help fund the presidential campaigns). Some funding support comes from individual citizens who favor a particular candidate or are actively involved in the candidate's political party. But the bulk of campaign funding support comes from what are commonly referred to in the United States as special interests with large amounts of money at their disposal. These special interests include labor unions, corporations and businesses, and professional groups and organizations, all of whom employ lobbyists to represent their interests before the elected officials whose campaigns they help to finance. While these campaign funds are given by these groups, they are funneled through their lobbyists on whose knowledge and judgment the organizations depend to determine which candidates and which political parties should receive money and how much they should be given.

In the United States, most lobbyist financial contributions are made either through what are called political fund raising affairs or by direct contribution to a candidate for elective office. Fund raising affairs are receptions sponsored by political parties, party leaders, or individual elected officials, and individual candidates. Lobbyist support for these affairs usually comes through the purchase of a ticket or of multiple tickets to the reception. If the fund raiser is held by a political party or by political leaders, the funds raised from it are either used to support the party operation or are selectively dispersed to candidates whose campaigns it is felt will benefit most from them.

The primary organ that lobbyists utilize to contribute directly to an individual political campaign is a political action committee (or PAC, as they are commonly called). PACs are organizations that collect voluntary contributions from particular groups or classes of individuals for the purpose of trying to help influence the outcome of elections. It is reasoned that, by combining and consolidating contributions from a large number of contributors with similar interests, the benefits of the monies can be maximized.

While making contributions to support political campaigns is a purely voluntary activity, lobbyists and the interests they represent know that they run a risk if they fail to do so, particularly if their competitors on the opposite sides of issues of concern to them do actively provide such support. The reality is that lobbyists and their clients do not provide money to support political parties and candidates for the purpose of influencing legislation as much as they do to avoid losing influence. In effect, it becomes a game of one lobbyist and organization trying to keep pace with another.

The rationale for making political contributions is not all negative. There are five specifically positive benefits that lobbyists believe they derive from political contributions.\* First, attendance at political fund raising affairs provide lobbyists with an opportunity to meet and socialize with legislators and other elected officials. Increasingly restrictive prohibitions on money that a lobbyist can spend on entertaining elected officials (at dinners or sporting events, to cite two examples) are making fund raising affairs one of the surest means by which lobbyists in the United States can gain legal access to elected officials in an informal non-official setting.

Second, lobbyists obviously want to help re-elect or elect legislators and other officials whose views coincide with the interests of their clients.

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\* see, Alan Rosenthal, *The Third House* (second edition), CQ Press: Washington, DC, 2001.

Third, by contributing to a campaign, a lobbyist hopes to enhance or increase the degree of support, or in some instances to minimize the degree of opposition, that their clients interests will receive from the candidate, official or party to whom the contribution is made.

Fourth, for policy-making officials who may sometimes support and sometimes oppose the interests of a lobbyist s client or clients, it is hoped that a contribution might cause that individual to be somewhat more sympathetic and supportive in the future.

And, fifth, particularly when the outcome of an election campaign is very uncertain, lobbyists may contribute on behalf of their clients to both candidates or both parties to assure that, whoever emerges victorious, they will be on record as having supported that winner.

In truth, the influence that campaign contributions have on the outcome of campaigns is almost certainly heavily overstated because any lobbyist with a client who has substantial funds and an agenda that it wants to use its money to support will almost always be opposed by an equally well-funded and equally motivated client and lobbyist on the other side of the issue. Far more often than not, their financial contributions will neutralize or cancel each other out.

Just as importantly, the impact of campaign contributions on the ultimate determination of public policy is considerably less than popularly assumed because legislators directly elected from a single-member (or multi-member) district know that support from their constituents will quickly dry up and eventually disappear if they are perceived as voting against the district s interests and in support of a lobbyist who made a large contribution to the legislator s election campaign.

## **The Regulation Of Lobbying**

In a democratic society, the regulation of lobbying activity in the parliament or legislature is essential, first, to assure that it will be conducted in an ethical manner and climate and, second, to provide an assurance to the people that lobbyists are not distorting or thwarting the public will

in the decision-making process. With regard to the first, it has been shown that lobbying plays an meaningful role as a valuable source of information for legislators in the legislative process. The more developed the democracy, and the greater the role of the parliament or legislature in the policy-making process, the more sophisticated the lobbying activity will be--and the more potential it will have to influence the outcomes of the process. With regard to the second, nothing poses a greater threat to the stability of representative democracy than a lack of public confidence in the integrity and fairness of the system and its key players. Because there are so many skilled lobbyists representing so many organizations and interests with large amounts of money at their disposal, the perceived, and real, potential for abuse must be recognized and addressed through regulation of lobbying activity.

In the United States, with its highly developed style of lobbying, there has been a trend over the past quarter century to increase and tighten the regulation of lobbyists and the activities in which they engage. This trend has been, in large part, a response by American lawmakers to public demands for tighter controls. These demands have been an outgrowth of a decline in public confidence, and a corresponding increase in cynicism, about politics and the representative democratic process that began with the now famous Watergate scandal in the early 1970s.

With its lobbying activity still in the early stage of development, the Bulgarian National Assembly is presented with a special opportunity to seize the initiative and act in anticipation--rather to wait and have to respond as the United States has done--and put regulatory machinery in place to protect Bulgarian democracy and provide assurance to the Bulgarian people that, as lobbying activity inevitably increases in their parliament, it will serve to strengthen their democracy and contribute in a constructive and positive manner to the development of sound public policy. If the 39th National Assembly will seize this opportunity and enact a lobbying regulation law, it will be doing a great service to the future of Bulgarian democracy.

Just as there are distinct differences in the nature of direct and indirect lobbying, there are significant differences in how both types of lobbying activity should be regulated.

### **Regulation of Direct Lobbying**

Direct lobbying activity can be most effectively regulated through a two-part process that involves official registration of individual lobbyists and their reporting of all monies they expend in the entertainment of parliamentarians or legislators and other public officials.

A good registration process will require each individual who receives compensation to lobby for or against legislation to formally register with a designated parliamentary or government agency. The lobbyist should be required to indicate the names of all clients from whom compensation is being received and the subject matters of legislation on which lobbying activity will take place. The roster of registered lobbyists should be a public record available to the media and any citizen for inspection.

Consideration should also be given to requiring a lobbyist to wear a badge identifying himself or herself as a registered lobbyist when engaging in lobbying activity in either of the parliamentary office buildings.

An effective expenditure reporting requirement will require a lobbyist to report all expenditures made to entertain MPs or other public officials who are responsible for making policy decisions on the content of legislation. Such expenditures might include payment for meals, tickets to entertainment events, or personal gifts. But a simple reporting requirement is not sufficient. The parliament should also establish a limit on the amount of money that a lobbyist can spend on entertaining any individual official in any given year. One of the principal characteristics of the more restrictive lobbying regulations that have been adopted in the United States in recent years has been the establishment of lobbyist spending limits or a reduction in existing spending limits. Some American state legislatures have even taken the ultimate step--one that has met with strong popular support--of establishing a complete prohibition on a lobbyist spending any money in the entertainment of the legislators.

With its penchant for focusing on matters that tend to create suspicion about public officials, the media will almost always be interested in reporting lobbyists' official reports on monies that they spend on the entertainment of public officials. This, in turn, contributes to a sort of *de facto* self regulation by both legislators and lobbyists because no legislator wants to be publicly labeled as among the top recipients of lobbyist entertainment expenditures and no lobbyist (and no client of a lobbyist) wants to get a reputation for freely spending large amounts of money on the entertainment of public officials.

### **Regulation of Indirect Lobbying**

As important as it is in a democracy that lobbyists be required to disclose how much of their clients' money they spend on entertaining lawmakers who make public policy decisions, it is equally important to the long-term stability of the system that the public know how much money lobbyists contribute to political parties or to their candidates in an effort to get them elected to lawmaking or other policy-making positions.

As has been shown, the focus of indirect lobbying involves the contribution of money to support election campaigns with the intent of electing individuals to public office whose personal views will be sympathetic to those of a lobbyist's clients. Short of complete public funding of election campaigns and a prohibition on any separate private contributions, the interest of the people and, as importantly, their confidence in the integrity of the democratic election process, is best served through a requirement that all monies contributed to a political party or to individual candidates be fully reported and publicly disclosed. In the United States where campaigns are almost completely funded by private contributions, the burden and responsibility for reporting usually rests with both the political action committees (PACs) who make the contributions and on the parties or candidates who receive them.

### **The Importance Of Effective Enforcement**

Any law that regulates lobbying activity will have little or no value if it does not include an effective enforcement procedure that provides for adequate sanctions and penalties for violation or abuse of regulatory guidelines. Penalties must be of sufficient severity to have a deterrent effect and should normally include fines, suspensions from future lobbying activity and, for the most severe violations, jail or prison. To have a lobbying law that lacks effective enforcement procedures and appropriate penalties for violation may be worse than to have no

law at all because an ineffective law will contribute to an erosion of public confidence and increased cynicism about the democratic process.

To be truly effective--both as a protection of the integrity of the democratic process and as a contributing factor in building public confidence in the system of politics and government--enforcement power and the authority to levy penalties for violations must rest with an entity that is independent from and outside the jurisdiction of the Parliament and all other policy-making officials and political parties who are the focus of lobbyists' attention.

In the United States, enforcement responsibility is most often assigned to independent boards or commissions comprised of private citizens of high integrity and impeccable reputations. Usually, the members of these boards or commissions are appointed by elected officials who are recipients of lobbyist attention. But, once appointed, these board members are vested with full authority to serve and act without interference for the duration of their appointed terms.

### **The Future Of Lobbying In The Bulgarian National Assembly**

It is not uncommon for members of developing parliaments, particularly in countries like Bulgaria that are emerging from a long period under a totalitarian system of rule, to say that there is not yet any lobbying activity in their parliament. This is not true. Parliamentarians, even in legislative bodies in the earliest stages of their development, are subjected to lobbying. Every time any group of individuals--unionists, human rights activists, students--holds a demonstration outside of the parliament building, they are lobbying the members of the Parliament to pursue a desired course of action. In Bulgaria, as the National Assembly takes steps that it hopes will result in the country's early admission into the European Union, its members are regularly subjected to significant amounts of lobbying--by representatives of the EU and by those individuals and their representatives (some of whom are surely compensated) who hope to influence the course of the country's privatization process.

Whatever the current level of lobbying activity in the National Assembly, it will, in the years to come, significantly and noticeably increase, both in volume and in sophistication, as Bulgarian democracy takes hold and the National Assembly develops into a modern parliament. Four suggestions are offered to help ease this evolutionary process and build valuable safeguards into the foundation of Bulgarian democracy.

1. ***Enact Legislation To Regulate Lobbyists And Lobbying Activity.*** The National Assembly should act now to adopt a lobbying law that will put the necessary regulatory and enforcement machinery in place. Do not wait and be forced to act in response to a scandal. Scandals are always destructive of public confidence in any democracy. But in a developing democracy just emerging from a half century under a centralized totalitarian system, it can make the difficult, often wrenching, short-term decisions that MPs must make concerning privatization and the creation of opportunities for economic advancement even more difficult.

**2. Establish Sanctions And Penalties For Violation Of Lobbying Regulations That Will Provide For Sufficient Punishment Of Violators.** Only with adequate penalties will lobbying regulations have teeth and be seen by the public as protecting the integrity of the democratic process.

**3. Establish An Independent Commission Or Agency To Oversee The Regulation Of Lobbying Activities.** The commission or agency should be comprised of citizens of high integrity who, once appointed to the body, will have full power and authority for the duration of their respective terms to enforce the regulation laws and assess penalties without any interference from those who appointed them, or from anyone else.

**4. Include As A Component Of Any Lobbyist Regulation Program A Code Of Ethics For Members Of The National Assembly.** The burden for ethical action can not and should not rest exclusively on lobbyists. A representative assembly holds a public trust as the people's guarantor of their democracy. Parliamentarians are expected to act ethically and the people they represent and serve should expect nothing less from them. A Code of Ethics for the National Assembly will provide MPs with standards and guidelines to help them determine acceptable and unacceptable behavior and will provide their constituents with increased assurance that the integrity of the political and governmental system is protected. The specific components of a parliamentary Code of Ethics is a matter outside the purview of this paper and requires a separate and comprehensive examination.

## Summary

Lobbying is an important and valuable part of the democratic parliamentary and legislative process. The more developed and more established a democratic system is, the more sophisticated its lobbying activity will be.

It is important to recognize that the clients and organizations that lobbyists represent also represent a vast array of interests that, taken together, represent the concerns and interests of virtually every citizen. Lobbyists therefore constitute a form of communication link between legislators and the people--their constituents. They also provide a valuable source of information to elected officials on the details of complex issues under their consideration.

Clearly, lobbying activity does not provide each individual and each interest with equal representation before a parliament or legislature. But, just as clearly, in a developed democratic legislative or parliamentary body where lobbying is an integral part of the process, lobbying operates in such a way that no one should be shut out of the process. When lobbying becomes fully integrated into a legislature's or a parliament's process, virtually no legislation of consequence will come under consideration by that body that will not include lobbyists representing both sides of the issue.

The regulation of lobbyists and lobbying activity, including provision for independent enforcement and appropriate penalties, is essential--both as a protection against abuse and as

an assurance to the public that abuses that do occur can and will be uncovered and appropriately punished.

As useful and helpful a role as lobbyists and lobbying activity can play in the parliamentary/legislative process, ultimate responsibility for the success of a country's democracy rests squarely on the shoulders of its MPs and legislators. They are the individuals charged with responsibility to carefully and thoroughly examine each issue that comes before their body and then to render a final decision on that issue that they believe to be in the best interest of their constituents and their country.

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Helen R. Desfosses  
February 17, 2002

Remarks to the USAID Members of Parliament Conference  
on  
Effective Representation, Lawmaking and Oversight

Sandanski, Bulgaria

**I Honored to be here**

**II Relevant Aspects of My Background**

- A. years of travel in, and academic study of, former Soviet Union and Eastern Europe
- B. legislative consulting in Middle East, Africa and Latin America
- C. my own learning curve as President of the Albany (NY) City Council
  - 1. difference between theory and practice
  - 2. my first public hearings as an official—fluoride and parking
  - 3. my first public hearing as someone giving testimony
  - 4. learning to deal with fellow legislators and with members of the public as the presiding officer: similarities, differences and cross-pressures
  - 5. quick thumbnail lessons

**III Public Hearings and Democracy**

- A. Public Hearings as the Essence of Democracy—hearings are important because the normal democratic process in the United States is “one in which there is a high probability that an active and

legitimate group in the population can make itself heard in some crucial stage in the process of decision.” (Robert Dahl, A Preface to Democratic Theory.) Public hearings are an important arena for citizen groups to be heard.

- B. Help people recognize their roles and responsibilities as citizens within the larger community
- C. Belief that increased citizen participation contributes to the development of the individual and the quality of their lives
- D. Individual learns to be a public as well as a private citizen
- E. Help representative government by increasing accountability of Legislators—by linking opinions, responsiveness and policy
- F. Theory and Practice—trends and issues in world’s democracies
  - 1. citizen participants are often not typical citizens
  - 2. citizen influence can be hampered if there are many clashing voices on an issue—can either be drowned out by ‘experts’ or when citizen groups fail to convey a clear message, legislators may feel free to ignore them.
  - 3. even the public doesn’t have all the answers
  - 4. But—concept of the “New Public Service”—“the primary role of the public servant is to help citizens articulate and meet their shared interests rather than to attempt to control or steer society.” (Public Administration Review, Nov/Dec 2000)
  - 5. Recent case study of public hearings around the Genetic Engineering Act of 1990 (Germany) revealed widespread frustration, confirmation of preexisting prejudices, an administration reaction that they were expensive and time-consuming, and a concern that scrutiny of the administration was impeded by the highly technical nature of the information revealed. (See Alfons Bora, “Legal Procedure and Participation

by the Public: Germany's 1990 Genetic Engineering Act," Law and Policy, January 1998, pp. 124-127.)

- G. Legislators' enthusiasm, legislators' anxieties
- H. Role of experts
- I. Role of the public—testifying as individuals or as citizen groups
  - 1. testifying helps to legitimize a group
  - 2. testifying helps validate a group's participation in the legislative process
  - 3. validates position of the organization's leaders, who typically deliver the testimony
  - 4. Inserts their perspective and information into the legislative process
  - 5. Want to become known as sources of reliable information
- J. ENRON as a case study in today's United States

#### **IV Rationale for Public Hearings**

- A. Legal and constitutional requirements
- B. Practical utility
- C. Political advantages
  - 1. representative government and popular participation
  - 2. gives citizens knowledge regarding other citizens' needs and views
  - 3. building support
  - 4. finding out problems and pitfalls

5. constituent relations
6. promotes awareness of individual legislators, the Parliament as a whole, and the issue itself
7. allows committee chairs and members to develop their reputations as “subject-matter experts.” The Committee system introduces specialization into the Parliament, and the seniority system places at the head of the Committee those persons longest exposed to the subject matter.
8. Public hearings provide timely information for the authorities, allow it to be presented in oral, not necessarily, written form, provide information for the public, additional scrutiny of government proposals, legal protection for those potentially affected by the decision, and at an early stage in the proceedings, representation of interests, legitimization or acceptance of the administration’s actions. (see Law and Policy, January 1998, pp. 117-118.)

#### D. Political challenges and anxieties

1. “Don’t ask the question, if you’re not prepared to deal with the answer.”
2. Damaging information comes up
3. Can’t control the free press—but can give out press release in Advance
4. Gives **all** groups a forum
5. Grandstanding
6. Dominance by experts and interest groups

## V Process and Procedures

- A. Observe the legal requirements
- B. Giving adequate public notice of the hearing—time and publicity
- C. Convenient scheduling and location
- D. Setting up the ground rules
  - 1. Master the rules, carry them with you or know experts in parliamentary procedure
  - 1. Must be scrupulously and evenhandedly applied
  - 2. examples of how different rules produce different atmospheres, processes and outcomes
  - 3. important to get agreement in advance from committee members
  - 4. choices are to follow precedent, divert from precedent, or compromise
    - a. how long can people speak?
    - b. can they be questioned?
    - c. will there be time limits for individuals and for the event as a whole—pros and cons
    - d. how to keep to the time limits?
    - e. who will be timekeeper?

### 3. Making the arrangements

- i. important to anticipate every detail
- ii. need legislative-staff cooperation before and during the hearing
- iii. details include size of crowd, level of anger and potential conflict (and therefore, security needs), finding a convenient time, accommodating—and handling—the media, room arrangements—seating for committee and speakers, water, room temperature, microphones, fail-safe recording equipment, signs directing people to the room, sign-in sheets and staff at table, arrangements for transcripts

### 4. Setting the tone, creating a welcoming atmosphere

- i. legislature as the “people’s house”
- ii. handout sheet for citizens on how to testify (GROUP EXERCISE)
- iii. making the public feel welcome and not intimidated—through their attitudes and words, legislators and staff can either encourage or discourage persons who are hesitant about their involvement.
- iv. dealing with other legislators—limiting opening statements and interruptions by legislators
- iv. who is this really for? Can’t allow experts or legislators to crowd out members of the public

## 5. dealing with hostile speakers—some techniques

- i. Be non-judgmental: “thank you for sharing your thoughts with us.”
- ii. 2<sup>nd</sup> try—respond to the person’s point calmly—if you fight with them, audience will sympathize with ‘the underdog’
- iii. 3<sup>rd</sup> try—“why don’t you come up later, and we’ll continue this conversation?”
- iv. call security
- v. call a recess

## E. Informal rules

1. Critical to start and end on time
2. Don’t deal in personalities or personalize conflict
3. Don’t seek as much publicity as possible
4. Don’t become known as the captive of some special interest group
5. Do your homework before the hearing, so that you are as informed as possible
6. Make the speakers feel listened to.
7. Don’t hog the microphone
8. Use the hearings to help find solutions and points of agreement, not to intensify conflict

## K. Ending the event—importance of time limits, crisp ending, closing statement about what happens next

**VI Results and Impact of the Public Hearing—full spectrum of possibilities**

- A. Remember—it's always part of the public record!
- B. Another volume on the shelf?
- C. Helps to pass the party's legislative agenda
- D. First step in a long process of public education and legislative deliberation
- E. Actively informs judgment of legislators
- F. Results in significant revisions
- G. Provides ideas for amendments or for future legislation
- H. Increases contacts and expertise for legislators and citizens
- I. Makes citizens feel better or worse, more or less engaged, with their legislature

## **Performance vs. Appearance: A Challenge to Parliamentary Democracy**

The experience of contemporary American state legislatures suggests that however positively legislative systems perform, the public perceives them quite negatively. This paper will explore the performance-appearance paradox, whereby legislatures look bad while doing good and seem worse while becoming better. As outlined below, it will address the actual quality of state legislative performance; how legislators and legislatures appear to the public; why appearance is out of line with performance; and what can be done to bring appearance and performance into line.

### **A. What is the actual quality of American state legislative performance?**

1. The contemporary performance of three major legislative functions.
  - a. First, representing constituencies.
  - b. Second, making laws.
  - c. Third, balancing the power of the executive.
2. The contemporary performance in other respects.
  - a. Integrity of members.
  - b. Accountability of members and political parties.
3. How has state legislative performance improved during the past 35 years?

### **B. How do legislators and legislatures appear to the public?**

1. September 11 and rally-round-the-flag does not dispel cynicism of American.
2. People think that legislators are corrupt.

3. People think that legislators do not care about or respond to the concerns of their constituents.
4. People think that only special interest groups count in politics.

**C. Why is appearance so out of line with performance?**

1. There are problems in the political system as well as corrupt politicians.
  - a. People generalize from the problematic and the relatively few who are corrupt to the entire system.
  - b. People like their own legislators (and usually reelect them), but they do not generalize from them to the rest.
2. For the media, particularly since Watergate, news is what is negative. The more salacious, scandalous, and sensational, the larger the audience. Legislators are fair game, big game.
3. Political campaigns emphasize the negative, because it is believed (probably correctly) that voters pay more attention to attacks. Candidates tend to undermine the legislature and the political system.
4. Issue campaigns, conducted by political interest groups, attack their opponents and the system itself, in order to mobilize and activate their grass-roots membership.
5. Legislators themselves blame the legislature (the majority party, the leadership) for what they fail to get enacted into law. Often the promises they make their constituencies cannot be met.
6. Americans like democracy in theory, but not the nitry-gritty of democratic practice.
  - a. They do not see the reason for conflict and don't like it.

- b. They feel that compromise is selling out.
- c. Analyses of public opinion polls shows that congressional and legislative job performance ratings are highest when Congress and state legislatures do not have to deal with tough, divisive issues.
- d. The legislative process, moreover, is complicated, messy, and human--almost impossible for people to understand.

**D. What can be done to bring appearance and performance into line?**

- a. Two possibilities.
  - a. Change legislatures.
  - b. Change people.
- b. The need for ongoing civic education.
- c. Who has responsibility?
  - a. The school system and social studies teachers.
  - b. Colleges and universities.
  - c. Legislatures.
- d. Civic education on representative democracy.
  - a. Part of the representational job of legislatures.
  - b. Need to formulate and deliver a message about representative democracy--to counter negative messages in the environment.
- e. Elements of the message.
  - a. Differences in values, interests, and opinions among Americans.
  - b. Representation of different values, interests, and opinions through:

(1) Elected representatives

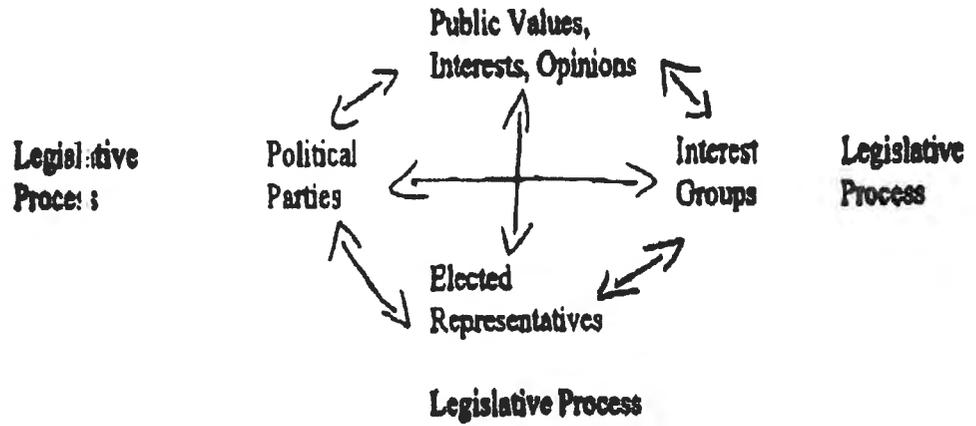
(2) Political parties

(3) Interest groups

c. Legislative process-marked by deliberation, negotiation, compromise, and conflict-method of reaching settlements (very few of which are permanent).

d. Accountability through electoral processes.

e. A picture of the process.



6. The means of delivery.

a. National Conference of State Legislatures (NCSL) "Trust for Representative Democracy."

b. State legislatures' involvement.

c. Targeting social studies teachers and high school students.

(1) Curriculum development.

(2) "America's Legislators Back to School" project.

7. Congressional support.

**E. Conclusion.**

1. Democracy may work well, but it is not likely to look good.
2. Legislatures cannot leave civic education to other institutions.
3. Civic education is a critical responsibility of parliaments in democratic nations.
4. Although difficult, the job can be done. But it will take commitment, resources, and

**persistence.**

