

The background of the entire page is a stylized, wavy American flag. The top portion features a dark blue field with numerous white, five-pointed stars of varying sizes and orientations. Below this, the flag's stripes are depicted in a flowing, undulating manner, showing the white and red horizontal bands. The overall effect is that of a flag waving in the wind.

FUNDAMENTALS OF REPRESENTATIVE DEMOCRACY

Lesson Plans for High School Civics,
Government and U.S. History Classes

Fundamentals of Representative Democracy

Lesson Plans for High School Civics, Government and U.S. History Classes

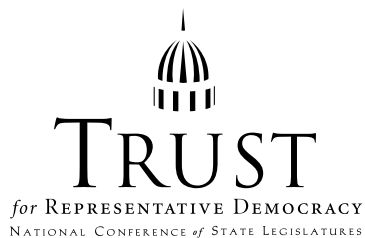
By Alan Rosenthal

These lessons about the fundamentals of representative democracy are designed mainly for civics and American government courses taught at the high-school level. They also can be used in American history courses. The lessons relate to core themes that lie at the very center of American government and politics, and practically every lesson needs to be built on it. They are adapted to state standards for civics and government.



Funded by the U.S. Department of Education under the Educating for Democracy Act approved by the U.S. Congress

July 2009



CENTER FOR CIVIC EDUCATION



National Conference of State Legislatures
7700 East First Place
Denver, Colorado 80230
(303) 364-7700
www.ncsl.org/trust

Printed on recycled paper.

© 2009 by the National Conference of State Legislatures.
Permission granted to reproduce materials needed for classroom use of the lesson plans.

ISBN 1-978-58024-559-3

Contents

Acknowledgments	iv
Introduction.....	1
Appreciating Democracy	3
How Lawmakers Decide.....	25
What Makes Lawmakers Tick?	49



Acknowledgments



This publication is product of the Alliance for Representative Democracy, a partnership of the National Conference of State Legislatures' Trust for Representative Democracy, the Center for Civic Education and the Center on Congress at Indiana University. Appreciation is given to Greer Burroughs, adjunct professor of education at Seton Hall University, for her contributions to the Appreciating Democracy lessons, and to the Dirksen Congressional Center in Illinois for cosponsoring the first lesson.

Alan Rosenthal, who designed these lessons, is professor of public policy and political science at Rutgers University. He is a long-time student of state legislatures and state politics. His most recent books are *Heavy Lifting: The Job of the American Legislature* (2004) and *Engines of Democracy: Politics and Policymaking in State Legislatures* (2009).

The lessons reflect the research and writing of four political scientists who are students of Congress, state legislatures and public opinion. The work of John Hibbing, University of Nebraska; Burdett Loomis, University of Kansas; Karl Kurtz, National Conference of State Legislatures; and Alan Rosenthal is contained in a book designed mainly for introduction American government courses at the college level: *Republic on Trial: The Case for Representative Democracy* (Washington, D.C.: CQ Press, 2003).

Introduction

Three separate lessons are included in this volume on Fundamentals of Representative Democracy. These lessons were developed in 2004-2007 and have been used by teachers in many states but, in particular, in Nebraska, New Jersey, Washington and Wyoming.

The first lesson is designed to encourage an appreciation of democracy by students. Elements stressed here are: disagreement among people, and among members of Congress and state legislators, and deliberation, negotiation, compromise and decision by those elected to represent their constituents. Three classroom simulations provide the basis for teaching the democracy appreciation lesson.

The second lesson is designed to give students an idea of just how members of Congress and state legislators reach decisions on matters of public policy. Five separate scenarios explore the merits of the case and

the roles played by interest groups, political parties, constituents, and a lawmaker's convictions and record in deciding how to vote on different types of issues.

The third lesson is designed to give students a better idea of what makes members of Congress and state legislators tick. What motivates them, why do they run, what attributes and skills do they possess, and what is the nature of their jobs? This lesson relies upon a lawmaker being invited and coming to class to answer student questions about legislative life. Students cannot generalize from one case to the 535 members of Congress and 7,382 members of state legislatures who represent their constituents in Washington, D.C. and the 50 state capitols. As a result of this exercise, however, students will begin to get a sense of the people who represent us in our representative democracy.

Appreciating Democracy



Summary

This lesson is designed to teach students to appreciate the most basic practices of democracy in the United States: first, that people have different values, interests and opinions; and second, that these differences are often settled in legislative bodies by means of deliberation and negotiation, with compromise and a majority vote as key elements.

The lesson can be taught in three or four 45-minute class periods. At the heart of the lesson are three easy-to-teach activities (or simulations).

The materials in this package are designed for teachers of high school civics, government or U.S. history and include a table of contents; an overview of the lesson; lesson plans for activities 1, 2 and 3, with student handouts; and a lesson plan for a wrap-up session.

Appreciating Democracy: An Overview of the Lesson

Background, objectives and methods for teachers (Item A)

Activity 1

“Differences and Settlements in Ordinary Life” *Lesson plan for teachers* (Item B1)

Activity 1: “Where To Eat?” Description and instructions for the activity, to be used by teachers and handed out to the students (Item B2)

Observer Worksheet for Activity 1 *For monitoring of students by teachers* (Item B3)

Restaurant Ballot to be handed out to students (Item B4)

Activity 2

Differences and Settlement in Framing The U.S. Constitution
Lesson plan for teachers (Item C1)

Activity 2: Big vs. Little Description and instructions for the activity, to be used by teachers and handed out to the students (Item C2)

Observer Worksheet For Activity 2 *For monitoring of students by teachers* (Item C3)

Activity 3

Differences and Settlement in the Legislative Budget Process
Lesson plan for teacher (Item D1)

Activity 3: Dividing Up The Pot Description and instructions for the activity, to be used by teachers and handed out to the students (Item D2)

Wrap-Up Session

The Fundamentals of American Democracy
Plan for concluding discussion led by teacher (Item E)

A Background, Objectives and Methods for Teachers

Rationale

Democracy is not easy to appreciate, nor should it be. It is filled with conflict, it is extremely human, and it is very messy. That is the way it ought to be.

Although it is essentially as it should be (notwithstanding that democratic institutions and processes are not perfect and are always in need of improvement), democracy gets a bad rap, especially as it is practiced in Congress and state legislatures. The environment in America today is not a friendly one for the actual practices and political institutions that work at democracy.

The electronic and print media are critical of political institutions and practices. They report what is bad, or appears bad, or what is scandalous, or might appear scandalous. The media's business is to stay in business by attracting an audience. People respond more to the negative than to the positive. Hence, if it's bad, it's news and the worse it is, the better it is as news.

The negative is central to political campaigns, where competition is intense.

Candidates nowadays not only compare their opponent's record with their own, they also look for anything negative about an opponent's character, associations and even personal life. Candidates employ negative campaigns because they appear to work.

Advocates for one issue or another criticize the congressional and legislative systems because they are not able to enact the policies or get the funding they believe their agendas merit. No one is ever entirely happy with what a legislature produces; a number of people and groups are unhappy, however, because they believe that they deserve considerably more than they get.

Winston Churchill's comment about democracy is most appropriate: "It has been said that democracy is the worst form of government except all those other forms that have been tried from time to time." Given the number of legislators in the 50 states (7,382) and

members of Congress (535), the more than 200,000 bills introduced in a two-year period, and the millions of transactions that take place in Congress and the 50 state legislatures, there are bound to be people who do wrong and things that go wrong. When discovered, these are the cases reported extensively by the media, as they should be. Americans, however, generalize from the relatively few instances to all or most instances. They continue to like and reelect their own congressperson or state legislator but, as public opinion polls show, they don't like the rest—and they do not like the Congress or the legislature or the "system."

The environment is a rough one, but a most important obstacle democracy faces is that Americans simply do not appreciate what democracy means in practice. In theory, we all revere democracy and support certain principles that underlie it. But we are uncomfortable with the nitty-gritty workings of democracy. It is unappealing to the average eye.

First, many Americans do not see why there is so much conflict in politics. Research by political scientists has shown that many Americans think that most people agree on basic issues of public policy. So why is there so much fighting in Congress and state legislatures? To some extent people are correct. At a very general level, Americans are in agreement. They want better schools, better health care, and better highways. But there is disagreement over how to achieve these general goals, how to prioritize expenditures, and whether to raise taxes to pay for them. The more specific the issue becomes, the greater the disagreement. It is said that the devil is in the details, and lawmaking is a detailed business. It is easy to believe that most people agree because we live in relatively homogeneous political communities or deal with people who tend to be politically alike. In the nation at large, however, there is sharp disagreement on issues such as abortion, guns, the death penalty, and gay rights, to name only a few. Still there may be substantial agreement in different communities. For example, a poll in *USA TODAY* showed that in Montclair, N.J., about 75 percent of residents agreed on a

number of major issues and in Franklin, Tenn., about the same proportion agreed. But the residents of Montclair and Franklin agreed in opposite directions. If nothing else, close and sharp division between Republicans and Democrats at the national level and in many of the states attests to the division in the ranks of Americans.

Second, because they do not see the existence of differences in the public, many Americans do not see the need for conflict in Congress and state legislatures. “We all know what’s right, so why don’t they just do it,” is a dominant attitude. Survey research and focus group studies have demonstrated that people want action and not deliberation, which they regard as “bickering.” They find stalemate unsatisfactory when the two sides cannot get together, yet they regard compromise as “selling out.” Americans, in short, are not in sympathy with the way in which issues are settled in democratic politics.

Objectives

Since democracy appreciation does not come naturally, it has to be taught—just as music and art appreciation have to be taught. This is offered as a first, and a fundamental, lesson in appreciating democracy. It has three principal objectives:

1. To develop in students an understanding of the differences in values, interests, priorities and opinions that exist in a diverse society such as ours. The differences that exist are normal in a democracy and should be respected, not regretted.
2. To develop in students familiarity with different methods used in settling conflicts among values, interests, priorities and opinions in our democracy. The methods that are of concern are deliberation, negotiation (including compromise) and decision by voting.
3. To develop in students an awareness that differences among people and deliberation, compromise and voting exist not only in contemporary political life. They exist in one’s personal, family, school and work life as well. They also exist in historical events, such as the framing of the U.S. Constitution. There is nothing arcane or mystical about the processes that are the focus of this lesson. Yet, many Americans don’t get it.

Concepts

A number of concepts are central to the current exploration. They are briefly defined below.

1. **Agreement or consensus.** What degree of agreement is necessary? When does a consensus exist? Although a majority rules, a 51-49 split indicates sharp division, not agreement. We should consider agreement or consensus on an issue to be something like a 65-35 division, or more likely a 50-25 division with another 25 percent without an opinion or position. There is no absolute rule as to what constitutes agreement or consensus, but it is a topic that the class should explore. Even when there is a consensus, some people will still have contrary views.
2. **Deliberation** is a process in which each side tries to convince the other of its own position and ideas, and each side is open to being convinced by the other. This does not mean that everybody on one side is open to persuasion, but, rather, that a healthy number of people are. In deliberation, arguments are made on the merits of the case and how each proposal will advance the public interest in some way. Most of the discussion that takes place in Congress and state legislatures is of a deliberative nature. It revolves around the merits, as seen by various participants in the process.
3. **Negotiation** supplements deliberation as a tool for reaching a settlement. In negotiating, it no longer is a question of persuading the other side on the basis of a substantive argument. Each side is firm in its beliefs, but may be willing to give in to reach a settlement. There are many possibilities in negotiating, but the main ingredient is a compromise of one sort or another. In a compromise, each side gives up some of what it wants in order to get something. For example, Participant A is willing to delete a provision from a bill to which Participant B objects, but only if B is willing to delete a provision to which A objects. That is a compromise. A budgetary example is probably the easiest to understand. If the bill passed by the senate has an appropriation of \$50 million for an automobile inspection system, but the bill passed by the house appropriates only \$30 million for that purpose, the natural compromise position would

be \$40 million. In the legislative process individuals compromise, legislative parties compromise, the senate and the house compromise, and the legislature and the executive compromise.

4. A **decision** must be reached for a settlement to be achieved. In our system of representative democracy, majority rule is an overarching principle. Although majorities rule, another overarching principle is that minorities' rights must be protected. The tension between majority rule and minority rights is evident in legislative bodies. Here, decisions as to a settlement are decided by a majority vote, but a minority has a say in the process. A majority of those voting, or those authorized to vote, must concur for a bill to be passed. In some instances an extraordinary majority is required. That is the case in the U.S. Senate, where a three-fifths vote is necessary to bring debate to an end or to stop a filibuster. An override of a president's or governor's veto also requires more than a simple majority. In less formal circumstances, a consensus can be reached at without an actual vote being taken. Often, however, a settlement cannot be worked out. Proponents and opponents will not compromise. One side may win because it has the votes or a stalemate may be the outcome.

Methods

To develop an understanding of differences and settlements in political life, three simple activities are proposed. Each of the three can be completed with 10 to 30 students in a 45-minute class period. A fourth 45-minute period also is recommended to reinforce and broaden the lessons learned in the first three periods. A teacher can choose to use two—or conceivably only one—of the activities instead of all three. The three-plus-one together are the best package, however.

Activity 1, Period 1 — Differences and settlements in ordinary life.

Students as a group must decide on where to have dinner. They can choose from among a number of restaurants, for each of which there is a brief restau-

rant review. If—and only if—the students agree on a single restaurant, will the school principal foot the bill for dinner. Do students have different preferences? How do they go about reaching a settlement so that they can be treated to a meal?

Activity 2, Period 2 — Differences and settlement in framing the U.S. Constitution.

Students are assigned roles as delegates representing one of the 12 states at the Constitutional Convention in Philadelphia. They must decide what is in their state's interest, as far as representation in a new governmental structure is concerned. The choice, just as it existed in the eighteenth century, is whether each state should have equal representation or whether representation should be based on the size of a state's population. If nine states do not come into agreement, a new constitution and new nation may not come into being. How do students determine their state's interests? How do the delegations go about trying to reach agreement on representation in the legislative branch of the new government?

Activity 3, Period 3 — Differences and settlement in the legislative budget process.

Students are assigned to one of four subcommittees of an appropriations committee of a state legislature. Each subcommittee—education, health, welfare, and homeland security—is responsible for important new programs proposed by the governor. The state constitution requires that the budget be balanced, but current projections are for a revenue shortfall of \$500 million. Either the budget must be cut by \$500 million, the sales tax must be raised to produce the revenue needed, or a budget cut and tax increase can be combined. State public opinion polls show that people favor the proposed programs, but do not want to pay a higher sales tax. What do students on the four subcommittees and full committee do to balance the budget?

Student Assignments Students will be asked to reach a settlement—agreeing on a restaurant, adopting a plan for representation at the Constitutional Convention, and balancing the state budget.

Teacher Observations The teacher will monitor each activity noting on an observer worksheet: a) How and why students differed in their initial positions; b) How deliberation and negotiation (and particularly compromise) were employed in efforts to reach a settlement; and c) How a decision was finally effected—by majority vote, two-thirds vote, unanimity, informal consensus. Or perhaps no decision could be reached.

Debriefing After the activity, the teacher will debrief the students about what happened and how students felt about it. The teacher's contribution to the debriefing will depend largely on his/her observations of the activity itself. The debriefing should focus on: a) How and why did students differ in their initial positions? b) How were deliberation and negotiation (and particularly compromise) employed by students in an effort to reach a settlement? c) How was a decision finally made—by a majority vote, two-thirds vote, or wasn't an agreement arrived at? d) How did students feel about the experience—was the process fair, was the settlement fair?

Wrap-Up, Period 4 - The wrap-up session will reinforce and expand on what students have already learned. These questions should be addressed in the wrap-up:

1. What do students know or appreciate now that they didn't know or appreciate before the class undertook these activities and discussions? In short, what do students think they have learned from this lesson?
2. What are the differences between the processes of disagreeing and settling in personal (family, friends, workplace) life and disagreeing and settling in political life—that is—in a legislative body?
3. Instead of requiring students to agree on the restaurant, would it have been better for the principal to decide on his/her own? What kind of political system would that type of decision-making fit? What are the advantages and disadvantages of an autocratic political system?
4. Instead of having nine states reach agreement, what might have happened if only seven states had agreed on the issue of representation? Might the effort to draft a new constitution have failed?

Are there times when an extraordinary majority is needed? What actually happened at the Constitutional Convention and how specifically was the representation issue settled? What do students think of the actual settlement?

5. Why shouldn't states submit the budget question to a vote of eligible voters? Let the people decide. This would be a manifestation of direct democracy, rather than representative democracy, whereby people elect legislators whose job it is to represent the interests of their constituents and constituencies. What would be the benefits of direct democracy, with referendums on the budget as well as issues? What would be the disadvantages?

Optional Assignments

The teacher can choose to assign students written work to be done at home, either before, between periods, or at the conclusion of the lesson. Possible assignments follow:

1. Describe instances of disagreements within your family and how they were settled, making use of the concepts being studied here (deliberation, negotiation, compromise and decision).
2. Should representative democracy be practiced more in this school? What are the arguments for greater democracy and what are the arguments against it?
3. Discuss making decisions within some group or organization to which you belong. How democratically is it run?
4. Describe how the framers of the U.S. Constitution handled and finally settled the issue of representation in the new Congress.
5. Discuss how budgets are formulated, reviewed and enacted in your state, paying particular attention to differences and disagreements.
6. Choose the issue of abortion, gay rights or guns and explore how the public divides on these issues. How are such issues dealt with by your legislature?

Assessment

Students should be expected to learn a number of things about American politics and representative democracy, most of which can be assessed by a written test. As a result of this lesson, and mainly the activities and debriefings, students ought to understand:

- The existence of differences in values, interests, priorities and opinions among Americans;
- Settlements of these differences by means of deliberation, negotiation, compromise and voting; and
- That the process of working through conflict is often difficult.

The following questions are illustrative of ones that can be used on a test:

- What is the major reason for conflict in Congress and state legislatures?
 - Representatives are jockeying for position to be reelected.
 - Legislative leaders take extreme positions and other legislators follow them.
 - People who are represented don't agree on important issues.
 - The processes by which Congress and state legislatures operate are designed to promote conflict.
- Generally speaking, how are disagreements over policy issues resolved in Congress and state legislatures? Describe three processes or ways in which settlements are reached?
- Many people believe it is not necessary for Congress and state legislatures to spend a lot of time debating issues; they should just take action and get things done. Do you agree or disagree with this point of view? Explain why.
- Which of the following best defines "deliberation" as it takes place in a legislative body?
 - Legislators engage in trading votes to build consensus on a measure.
 - Each party rallies its members to stand together firmly in support or opposition to a measure.
 - Legislators poll their constituents to find out what people in their districts think and want.
 - Proponents and opponents of a measure argue the merits of their case and legislators on each side are open to persuasion.
- Which of the following constitutes a "compromise" in trying to reach a settlement in a legislature?
 - "My way or the highway."
 - "You give on this point, I'll give on that one."
 - "Just put it to a vote, and we'll see who wins."
 - "This is what has to be done in the public interest."
- Many Americans believe that compromise is selling out. Do you agree or disagree with this belief? Explain.
- What is the principal decision rule in a legislative body?
 - Any legislator can pass a bill if he/she works hard enough.
 - Public opinion polls determine whether a measure is enacted into law.
 - A majority is necessary to pass a bill.
 - Everyone has to agree if a bill is to be enacted.
- What definition best applies to "representative democracy" as it operates in the United States?
 - A system in which people elect representatives who act on their behalf.
 - A system in which people instruct their elected representative as to how to vote on issues.
 - A system in which the executive initiates policy and the legislature accepts or rejects it.
 - A system in which the membership of a legislative body mirrors the population of the state in terms of characteristics such as gender, race, etc

9. Which of the following are strong arguments against direct democracy? Check as many as apply.
- Issues are too complex for people to decide.
 - The legislature often is at a stalemate, with neither side willing to budge.
 - Voters have not studied the issue nor deliberated on it, as have legislators.
 - It is not possible to compromise if an issue is on a ballot for a vote.
 - Voters cannot be held accountable for their actions as legislators are held accountable.

10. What settlement was reached on the issue of representation of states by the framers of the U.S. Constitution?

- States are represented in the Senate, population is represented in the House.
- Population is the basis for representation in both the Senate and the House.
- Each state has two seats in the Senate and eight seats in the House.
- A settlement could not be reached until the Eleventh Amendment was adopted.

11. Generally speaking, did this lesson affect your ideas about the workings of democracy in the United States? Which of the following do you believe after this lesson?

- There is more disagreement in America than people realize.
- We should not expect people to agree on what ought to be enacted into law.
- It may be necessary for two sides to compromise in order to reach a settlement.
- In the final analysis, there's no better way to decide things than by majority vote.
- It is not easy to reach a settlement when people start off with different values or different interests.

- It is understandable that the legislative process moves as slowly as it does.

Advantages of the Lesson

- It is the core lesson for understanding American government and politics.
- The lesson is geared to state standards.
- The lesson focuses on a few important points, rather than trying to do everything.
- Although it is designed to communicate knowledge, it also shapes democratic dispositions and fashions democratic skills.
- Simulations engage the student and bring home the points that are being conveyed.
- Debriefings ensure that the lesson is learned, even internalized.
- A combination of personal, historical and legislative simulations demonstrate the pervasiveness of disagreement, deliberation, negotiation and votes, and serve to demystify legislative politics.
- The value of "fairness" is given emphasis throughout the lesson.
- Comparisons are made to alternative political systems—autocracy and direct democracy.
- The point is made that some issues may not be settled because majorities cannot be put together.
- The lesson, including simulations, debriefings and wrap-up, are relatively easy for the teacher to administer.

B-1 Activity 1. “Differences and Settlements in Ordinary Life” Lesson Plan

Lesson Goal

The purpose of the first activity is to demonstrate that differences and their settlement in personal life are not unlike differences and their settlement in political life. In both spheres differences are normal, and in both spheres a settlement is reached by trying to persuade one another on the merits, by negotiation and compromise and by majority agreement.

Objectives

1. To understand and appreciate a few of the basic practices of democracy:
 - People have different values, interests and opinions.
 - These differences often are settled by means of deliberation and negotiation, with compromise and a majority vote as key elements.
2. To appreciate that the processes used in reaching a settlement are similar in both personal situations and the political sphere.

Concepts

Deliberation A conversation by two or more sides on an issue in which each side tries to persuade the other of the merits of its position, and each side is generally open to persuasion.

Negotiation This practice does not involve the substantive merits of the issue, or one side convincing the other that it is right. Rather, negotiation is an activity in which two sides with different positions try to resolve their differences by using a variety of techniques such as compromise.

Decision Whether deliberations and/or negotiations are used to reach a settlement, it is necessary to know when that settlement has been reached. In democratic politics that normally means voting.

Materials

Where to Eat? - A description of the activity, directions for the teacher and a student handout. (Item B2)

Observer worksheet for teachers (Item B3)

Restaurant ballot (Item B4)

Activity

1. Review the activity description with the students. Allow students time to silently read the *Local Restaurant Guide*. (5 minutes)
2. Pass out the restaurant ballot form to all students and instruct them to mark their initial selection. Do not reveal to the class the results of this poll. (2 minutes)
3. Instruct members of class that they will have 15 to 20 minutes to discuss their options and reach an agreement. Remind the students that the principal will pay for dinner only if agreement can be reached.
4. Allow the students to deliberate and negotiate. Observe this process and take notes using the *Observer Form*. These notes will be important in the debriefing.
5. Stop the period of deliberation and negotiation either when an agreement has been reached or the time has expired. (20 minutes)
6. Use the questions for debriefing (below) to discuss the activity with the students. (15 to 20 minutes)

Debriefing Questions

1. What were the initial restaurant choices of the students? How many different choices? Was there a majority, a plurality at the outset?

2. Did students take a straw vote to find who favored what?
3. Were there efforts, then, to persuade one another to agree on certain restaurants? Were these arguments made on the merits, such that a particular restaurant had better food, better service, etc.?
4. Did negotiations take place among proponents of one restaurant or another? Were any compromises struck? Was it possible to compromise in this activity?
5. How was the decision as to where to eat made? By a series of votes? One vote? A majority vote? Otherwise?
6. Why did the minority agree to go along with the majority?
7. How did students feel about the process and settlement? Was the process fair? Was the settlement fair?
8. Ask the students to suggest other instances from their own experience where differences had to be worked out by democratic means. What were the differences? Why did they have to be settled? What roles did deliberation and negotiation play? Were any compromises reached?

Activity 1. “Where to Eat?” Student Handout



Tradition holds that each year the senior class at your school has an end-of-the-year celebratory dinner. The school principal has offered to pay for this event and invited the senior class to select a local restaurant. The

only requirement is that the class must reach agreement on the restaurant where they will eat. If an agreement cannot be reached, then the principal will not pay for the dinner.

In this activity you will play the role of a member of the senior class. You must discuss with the other members of your class where to have this year’s dinner. To help reach this decision, you have been provided with a restaurant review of local restaurants. In addition to the descriptions, each restaurant has received a rating. Four stars is the highest rating a restaurant can receive.

Local Restaurant Review

Hunan Wok ***

Authentic food from the Hunan Province is served in this delightful environment. Chinese art, gardens and fountains help diners feel they have been transported to the Far East as they enjoy the delicious daily specials prepared by Chef Wong. Each evening a few lucky diners receive fun surprises in their fortune cookies, such as free tickets to local movies and amusement parks or coupons for a free dinner on their next trip to the Hunan Wok. Dinners range from \$8.99 to \$14.99

Il Villagio **

Pasta offered 17 different ways along with all-you-can-eat specials are the popular draws at Il Villagio. The sauces are creative and many quite good, but are sometimes served over pasta that has been cooked too long. The daily specials feature favorite Italian dishes such as chicken piccata, lasagna with a bolognese sauce or a veal parmigiana. The causal atmosphere and all-you-can-eat pasta, starting as low as \$5.99, make this an ideal family restaurant. Entrees range from \$9.95 to \$13.95

The Ranch House ***

Beef, beef and more beef is the motto of The Ranch House. Whether it is a prime rib, rib eye steak or a cut of filet mignon, all are cooked to perfection. Steaks are complemented with a choice of potatoes—fried, mashed or baked. The extensive salad bar offers a nice beginning to your meal. For the non-meat eater chicken, broiled or grilled, also is served. The rustic decor and western-style outfits worn by the wait staff add to the dinner experience. Dinners range from \$17.95 to \$28.95

The Aztec Hut ***

If you like Mexican, the Aztec Hut will not disappoint. All the favorites—nachos, fajitas, and burritos—are served, along with specials such as chicken mole and blackened fish tacos. Portions are generous and often require a doggie bag. Live music offered each evening is a mix of blues, soft rock and traditional Mexican. Dinners range from \$8.99 to \$14.99

The Pier ***

A seafood lover’s haven! The Pier is best known for its shrimp and oyster bar, but also offers an extensive menu of delicious seafood entrees. The landlubber can enjoy a selection of prime rib or filet mignon, best coupled with a shrimp scampi or lobster tail on the surf and turf menu. All entrees are served with pasta, rice or a potato. Diners are serenaded by a piano player in this elegant atmosphere. Proper attire and reservations are required. Entrees range from \$18.95 to \$34.95

Joe’s Burger Joint ***

Joe provides a casual and friendly atmosphere to gather with friends and family. Although Joe’s Build-Your-Own-Burgers are popular, patrons can choose from a variety of dishes, such as BBQ ribs, grilled chicken and pasta. A wide range of appetizers and desserts is also offered. All portions are generous and reasonably priced. What Joe’s may lack in ambience is made up for in down-to-earth, good food. Prices range from \$6.99 to \$11.95.

B-3

Activity 1. Where to Eat? Observer Worksheet

1. How and why did students differ in their initial positions?
2. How was deliberation employed, and how important was it in the settlement process?
3. To what extent did students negotiate, and what type of negotiations took place?
4. Were compromises made, how were they made, and what were they?
5. How was a decision finally made—by a vote or otherwise?

B-4

Activity 1. Restaurant Ballot

Choose your first and second choice by marking the appropriate space.

Restaurant	First Choice	Second Choice
Hunan Wok		
Il Villagio		
The Ranch House		
The Aztec Hut		
The Pier		
Joe's Burger Joint		

Activity 2. Differences and Settlement in Framing the U.S. Constitution Lesson Plan

Lesson Goal

By studying an important historic event, students can see that the basic principles of democracy have been part of the American experience from the beginning. Students can also gain an appreciation for the enduring nature of these concepts when they compare past practices in government to present practices.

Objectives

- To understand and appreciate a few of the basic practices of democracy:
 - People have different values, interests and opinions.
 - These differences often are settled by means of deliberation and negotiation, with compromise and a majority vote as key elements.
- To explore differences among the states and settlements worked out by delegates to the Constitutional Convention.

Concepts

Deliberation A conversation by two or more sides on an issue in which each side tries to persuade the other of the merits of its position, and each side generally is open to persuasion.

Negotiation This practice does not involve the substantive merits of the issue, or one side convincing the other that it is right. Rather, negotiation is an activity in which two sides with different positions try to resolve their differences by a variety of techniques such as compromise.

Decision Whether deliberations and/or negotiations are used to reach a settlement, it is necessary to know when that settlement has been reached. In democratic politics that normally means voting.

Materials

“Big vs. Little” — A description of the activity, directions for the teacher and handout for the students. (Item C2)

Observer worksheet for teachers. (Item C3)

Preparation

The day of the activity, structure the classroom so that movement among students is possible (e.g., move desks to clusters of small groups with space to walk around).

Activity

- Allow student time to read the student handout and answer clarifying questions. (10 minutes)
- Review the directions for the activity with the students.
- Assign student roles. (directions and roles - 2 minutes)
- Allow students to deliberate and negotiate. (15 to 20 minutes)
- Observe the deliberation and negotiations process and make notes using the Observer Worksheet.
- Debrief the activity using the debriefing questions below. Allow time for students to reflect on their experiences. Share your observations with students and help to clarify the processes in which the students engaged. (15 to 20 minutes)
- Conclude by telling students how the framers did, in fact, resolve this conflict.

Debriefing Questions

- What were the disagreements among you and why?
- How did you try to work through the disagreements and reach a settlement?
- How do you feel about the process? Was it effective? Was it fair?
- What did you learn from this experience?

Activity 2. Big vs. Little Student Handout



As the tensions between the American colonies and Great Britain intensified, delegates gathered in 1775 at the Second Continental Congress to discuss how best to proceed. By the late spring of 1776, independence from Great Britain seemed imminent. The next serious issue the delegates faced was how to govern the new nation. On July 2, 1776, a plan was submitted to the Congress that called for a confederation of states to be formed around a weak central government. This system was adopted and became known as the Articles of Confederation. Under the Articles of Confederation, the young nation successfully fought a war against Great Britain and secured its independence. However, the structure of the new government led to many problems for the country.

Under the Articles of Confederation the states retained more power than the national government. Although this was done intentionally to avoid a central government that could become too powerful and tyrannical, the result was chaos that threatened the very existence of the new nation. Some of the problems were the national government's inability to enforce any laws or treaties that it passed or to collect taxes from the states. It was left to the states to enforce the laws and to contribute financially to the central government through the levying of state taxes. Due to this system, the central government was unable to repay war debts and raise sufficient funds to successfully operate. In addition, many treaties negotiated with foreign nations were not enforced by the states, thus jeopardizing the nation's credibility in the international arena. There was also a general lack of cooperation among states, particularly concerning trade. Once again, the national government was powerless to take any action because each state maintained individual sovereignty.

By 1787, the future of the new nation was so threatened that the Congress called for a meeting of delegates from each state to discuss amendments to the Articles of Confederation. Fifty-five delegates from 12 of the 13 states attended this meeting in Philadelphia. (Rhode Island did not send delegates to the convention.) This gathering became known as the Con-

stitutional Convention because, once assembled, most delegates agreed that an entirely new structure for was needed for the national government. They proceeded to draft the U.S. Constitution. Although most of the delegates agreed on the need for a new system of national government, they disagreed on many issues. At times, the disagreements were so serious that the success of the convention was threatened.

In the following activity, it will be your job to resolve an issue on which delegates from the states disagreed because the interests of the states they represented were different. The disagreement related to the structure of the new government's legislature.

One side supported what was called the Virginia Plan. The other side supported what was called the New Jersey Plan. The principal difference between the two plans had to do with the structure of the legislative branch and found the larger states at odds with the smaller states.

The Virginia Plan provided that the legislature would have two houses. Members of the House of Representatives would be elected directly by the people of each state, while members of the Senate would be selected by the House of Representatives from lists of people provided by each state. In both the House and the Senate, the number of representatives for each state would be based on that state's population. The New Jersey Plan provided that the legislature should be comprised of only one house and that each state would be equally represented in that house.

Your assignment is to act as a delegate from one of the states present at the convention, the interests of which you are pledged to represent. You have been provided population statistics for each state based upon 1790 census figures. Consider these figures when determining the interests and position of your state.

Assignment

1. Determine if it is in the interest of your state for your delegation to support the Virginia Plan or the New Jersey Plan. Why have you decided the way that you have?
2. Reach an agreement, if you can, with the delegates from the other states. Nine of the 13 states will have to approve the new constitution in order for it to go into effect. Therefore, to reach an agreement, assume that you need at least nine votes. If you fail to reach an agreement, there will be no new constitution, and the future of the American nation may be in jeopardy.

Population Figures from 1790 Census	
State	Population
Connecticut	237,946
Delaware	59,096
Georgia	82,548
Maryland	319,728
Massachusetts	378,787
New Hampshire	141,885
New Jersey	184,139
New York	340,120
North Carolina	393,751
Pennsylvania	434,373
South Carolina	249,073
Virginia	691,737

Activity 2. Big vs. Little Observer Worksheet

1. Did students determine that the difference between the large and the small states was over representation in the new Congress? It was in the interest of the larger states to have the number of seats based on population. It was in the interest of the smaller states to have each state represented equally. How did students decide on their state's interests and a position? Did students divide into two blocs—a Virginia bloc and a New Jersey bloc?

2. In deliberating, what arguments were made on the merits by the larger and smaller states?
Was anyone persuaded?

3. Did the students try to negotiate, and were any compromises suggested and/or adopted?

4. What votes were taken, and for what purposes?

Activity 3. Differences and Settlement in the Legislative Budget Process Lesson Plan

Lesson Goal

Differences over an issue or policy, such as abortion, guns, capital punishment or environmental regulation often are, of course, not important in a legislative body. What is also important are priorities or choices among items that nearly everyone favors. Differences among priorities, among goods (that is, items that legislators are positive about) are common in the legislature's appropriations process, by which a budget for the state is adopted. The most important questions involve whether to spend more on health programs, more on correctional programs, or more on whatever other programs may be worthy of additional funds. This activity is designed to help students see these differences for themselves and better understand the deliberations, negotiations and settlements that occur in the legislative process.

Objectives

1. To understand and appreciate a few of the basic practices of democracy:
 - That people have different values, interests and opinions.
 - These differences are often settled by means of deliberation and negotiation, with compromise and a majority vote as key elements.
2. To explore differences often confronted by state legislatures when enacting a state budget.

Concepts

Deliberation A conversation by two or more sides on an issue in which each side tries to persuade the other of the merits of its position, and each side is generally open to persuasion.

Negotiation This practice does not involve the substantive merits of the issue, or one side convincing the other that it is right. Rather, negotiation is an activity in which two sides with different positions try

to resolve their differences by a variety of techniques such as compromise.

Decision Whether deliberations and/or negotiations are used to reach a settlement, it is necessary to know when that settlement has been reached. In democratic politics that normally means voting.

Materials

“Dividing up the Pot” — A description of the activity, directions for teachers and handout for students. (Item D2)

Preparation

Arrange the classroom in a roundtable or similar fashion. Allow subcommittee members to sit near one another. You will want to position yourself at a key point, since you will be presiding over the full committee meeting and will be facilitating the budget discussion.

Activity

1. Allow students time to read over the student handout and address any questions. (10 minutes)
2. Review the directions and assign student roles. (2 minutes)
3. You might want to provide students with a couple of minutes to clarify their position on the subcommittee they have been assigned. (5 minutes)
4. Call the budget meeting to order and facilitate the discussion. (20 minutes)
5. If more time is necessary, allow students to continue to deliberate after class and into the next class period. This will not only provide you with the extra time needed, but will allow the students to experience many of the informal discussions that are part of the negotiations process.

6. As you will be facilitating the discussion, it would be difficult to take notes with an observer worksheet form. Observe the process, making mental notes of deliberation, negotiation and settlement.
7. Debrief the activity using the questions for debriefing (below).

Debriefing Questions

The main questions to be addressed in this activity's debriefing are:

1. Did the subcommittees try to reach consensus on what their positions would be before the full committee undertook its discussions?
2. If so, what did each subcommittee initially decide to advocate?
3. Or did the full committee first decide whether to increase the sales tax or cut the budget or do both? How was that decision reached? What part did deliberation, negotiation, and compromise play? Were votes taken? What were they?
4. If cuts were required, how did the appropriations committee decide which areas to cut and how much to cut from each? What part did deliberation negotiation, and compromise play here? Were votes taken? What were they?
5. What, then, was the final settlement?
6. How did the students feel about the process? Was it fair? Was the settlement fair?

Activity 3. Dividing up the Pot Student Handout



In your state legislature, the appropriations committees must decide on the state budget for the following year, and then make a recommendation to the house and senate. You will adopt the role of a member of the appropriations committee and serve on one of the committee's four subcommittees—health, education, welfare and homeland security that together, comprise the full committee. Each subcommittee has control over the budget in its designated area.

These four subcommittees have requests from the governor for expenditure increases of \$1 billion over the previous year's budget, mainly because of important new programs that are being undertaken in each area. Below are descriptions of the expenditure requests for each subcommittees.

Health Subcommittee

\$300 million in new funds for two programs—prescription drugs for senior citizens and prenatal care for young mothers. The public supports both initiatives.

Education Subcommittee

\$300 million increase for preschool programs throughout the state, but with priority given to special needs schools in cities and communities where children have not performed well in school. Research has demonstrated that early intervention has positive results. Polls show public support for these programs.

Welfare Subcommittee

\$200 million more after a number of scandals involving the abuse of children under the overall management of the state division of youth and family services and after its programs have been found to be failing. A study conducted by a special commission recommends a reorganization of the division, additional caseworkers, closer monitoring, and a system of sum-

mer camps. These recommendations, polls show, have substantial public support.

Homeland Security Subcommittee

\$200 million additional funding is required to begin increasing security in the state. According to a study completed by a blue-ribbon commission, federal aid and federal programs are insufficient for the potential threats facing the state. Bridges, tunnels and highways need substantial security improvements. A plan has been adopted; now it is necessary to implement the plan. Support is widespread.

The problem, however, is that the budget—which, according to the state constitution, must be in balance—is facing a shortfall because of the economic recession. Tax revenues are down and either budget expenditures will have to be cut or taxes increased, or some combination of the two. The appropriations committee has to cut or raise \$500 million. Cuts can be distributed among one, two, three or all four of the subcommittees. Increasing the sales tax by two pennies on the dollar will raise the \$500 million necessary to balance the budget. Increasing the sales tax by one penny on the dollar will raise \$250 million, or half of what is needed to balance the budget. It should be noted, however, that a recent statewide public opinion poll showed a clear majority against any tax increase. A sales tax increase fared best. Still, 60 percent opposed it, only 25 percent supported it, and the remaining 15 percent were undecided. The only taxing option to be considered in this activity is an increase in the sales tax.

Your teacher will act as chair of the appropriations committee during the discussion of how to balance the budget. During the committee meeting, the chair can permit the subcommittee members to explain and decide on subcommittee positions. During the meeting, committee members can speak or make motions only when they are recognized by the chair. Remember, each of the four subcommittees must defend its programs, but the full committee must reach a settlement that results in a balanced budget.

The alternatives are:

1. Raise the sales tax by two pennies, so no cuts are necessary;
2. Raise the sales tax by one penny, so \$250 million has to be cut.
3. Do not raise the sales tax, so \$500 million has to be cut.

Under option 2 or option 3, a decision must be made about how much to cut from each subcommittee's expenditures for the specified new programs.

Although the teacher will chair the full committee, students can engage in the discussion, introduce motions, or request a recess to try to negotiate an agreement.

The Fundamentals of American Democracy Lesson Plan

Lesson Goal

This 45-minute session provides for clarification and reinforcement of the concepts the students have learned from engaging in the three (or two activities). It also provides an opportunity to extend the lesson.

Lesson Objectives

1. To understand and appreciate a few of the basic practices of democracy:
 - People have different values, interests and opinions.
 - These differences often are settled by means of deliberation and negotiation, with compromise and a majority vote as key elements.
2. To consider alternative forms of government and assess the pros and cons of several forms of government.

Discussion Guide

The wrap-up session is a teacher-led discussion focusing on two main ideas: What have students learned from the preceding activities and what are the alternatives to democracy? Use the following points and questions as a guide in leading the discussion.

What have students learned?

Ask students what they have learned from the activities and discussion. Here are some of the more important things we would expect them to learn. If they are not mentioned, you should bring them up and see how students respond.

1. In a diverse nation people have different values, interest, priorities and opinions.
2. It is not easy to settle differences, even on simple issues in one's personal life.
3. It is even more difficult to settle differences in public life, and in Congress or the state legislature, where conflict among ideas and proposals is

normal and desirable. Moreover, in Congress and state legislatures, members are not only deciding for themselves, they also are attempting to represent constituents, which further complicates matters.

4. Legislatures work at settling conflict, mainly by means of deliberation on the substantive merits of different positions, but also by negotiation and compromise. It is more difficult to negotiate and reach a compromise on some differences than on others.
5. Decisions usually are reached by votes, with a majority prevailing. On a single measure on its way to enactment in a legislature, votes can be taken on the bill itself and on amendments to the bill—in subcommittee, in full committee, and on the floor in both the senate and house.
6. All this helps explain why the legislative process is contentious and slow-moving. Building majorities can be a tough and lengthy process.

What are the alternatives?

One way to explore whether representative democracy—with all its disagreements and deliberation and negotiation and compromise and vote after vote—works is to look at alternative ways of reaching settlements.

We start with the fact that in this diverse nation (as well as in diverse states and diverse communities) people have different values, interests, priorities and opinions.

These differences cannot be controlled. In *The Federalist No. 10*, James Madison recognized the danger of factions in America. By factions, he meant a number of citizens whose interests were adverse to the “permanent and aggregate interests of the community.” What we are suggesting here, however, is that Americans do not agree on what the permanent and aggregate interests of the community are, except at the most general level. In any case, Madison ac-

knowledges that there is no way to cure what he refers to as the “mischiefs of faction.” To remove its causes would require either destroying liberty or giving “every citizen the same opinions, the same passions, and the same interests.” The first remedy is worse than the disease; the second remedy is impracticable, according to Madison.

Assuming, then, that different values, interests and opinions are natural, the question is what kind of political system would work best at handling such differences. The following questions can help guide a discussion of the alternative forms of government based on the students’ experience in the activities.

1. Instead of requiring students to agree on a choice of restaurant, would it have been better for the principal to have decided on his/her own? In what kind of political system would that type of making decisions fit? What are the advantages and disadvantages of an autocratic political system?
2. Instead of having nine states come into agreement, what might have happened if only seven states had agreed on the issue of representation? Or six? Might the effort to draft a new constitution have failed? Are there times when an extraordinary majority is needed? What actually happened at the Constitutional Convention and how specifically was the representation issue settled? What do students think of the actual settlement?
3. Why should states not submit the budget questions to a vote of eligible voters? Let the people decide. This would be a manifestation of direct democracy, rather than representative democracy whereby people elect legislators whose job it is to represent the interests of their constituents and constituencies. What would be the benefits of direct democracy, with referendums on the budget and on other issues? What would be the disadvantages?
4. Finally, what system, if any, would students prefer to that of representative democracy, whereby the Congress and state legislatures serve as a mechanism by which disagreements are talked out, worked out or fought out (with the majority prevailing through its votes)?

How Lawmakers Decide



Summary

This lesson on appreciating representation is designed mainly for civics, American government and history courses taught at the high school level. It follows upon an earlier lesson, “Appreciating Democracy,” that deals with: 1) the fact that people have different values, interests and priorities; 2) that legislative bodies try to settle these differences by means of deliberation and negotiation, with compromises and majority votes as key elements; and 3) that dealing with differences can be very difficult, indeed. Now the focus is on how, to what degree, and on what issues people’s values, interests and priorities are represented in the legislative process.

How Lawmakers Decide: An Overview of the Lesson

Background, objectives and methods for teachers

How Lawmakers Decide: An Overview

Student Handout

How Lawmakers Decide: Instructions for Scenario Exercises

Student Handout B

How Lawmakers Decide: Voting Tally Sheet

Student Handout B

How Lawmakers Decide: Student Handout B

Scenario 1. Deciding how to vote on an increase in the sales tax

Scenario 2. Deciding how to vote on abolishing the death penalty

Scenario 3. Deciding how to vote on an increased cigarette tax

Scenario 4. Deciding how to vote on allowing optometrists to use diagnostic drugs

Scenario 5. Deciding how to vote on a reduction in the voting age

How Lawmakers Decide: Student Handout C

How Most Legislators Would Have Decided

An Overview of the Lesson

Background, Objectives, and Methods for Teachers

Rationale

Our system of government at both the national and state levels, is based on the principle of representation. People do not themselves govern, nor do they ordinarily vote to adopt laws and public policy. Rather, they govern indirectly by electing legislators who represent them.

For the framers of the U.S. Constitution, the legitimacy of the government came from the consent of the governed. The House of Representatives, with its members elected by constituencies throughout the nation, was designed to reflect the views of the people. The Senate, with its members originally selected by state legislatures, was designed to reflect the sovereignty of the states. The will of the people would find its way through legislative chambers by means of lawmakers who would assess their constituencies' preferences and interests and take them into account in deciding matters of public policy. Legislators would lead, interpret and reflect public opinion as they assembled in Congress.

Today, members of both the U.S. House and U.S. Senate and the houses and senates of the 50 states (except Nebraska, which is unicameral and has a senate, but not a house) are elected by the people and are considered to be representatives of the people.

At the state level, for example, legislators represent their constituents in a number of ways. They help constituents in their district who may have problems with governmental regulation or the service provision, such as welfare benefits, unemployment compensation, driver's licenses, insurance costs, taxes—almost anything under the sun. They try to secure funds for projects—such as construction of a court house or funding for travel by a high school band—for their districts. They also are constantly looking for as many state dollars as possible to be channeled to their districts as school, county and municipal aid. Insofar as

possible, legislators also attempt to give voice to the policy views of their district and its residents. It is not always easy for legislators to determine the policy views of their constituents; thus, it is far more difficult for them to express constituency views than to help individual constituents with problems they have or fight for projects and state aid for their districts.

Legislators themselves have little doubt about the quality of the jobs their institutions do with regard to representation. When asked in a recent survey about their legislature's performance representing constituencies, almost nine of 10 members responding characterized the job as "excellent" or "good" (rather than "only fair" or "poor"). Fewer thought their legislatures did as well making laws or balancing the power of the executive.

Overall, Americans approve of the job their own representative is doing. Public opinion polls offer evidence of this, as do election results that show incumbents winning 80 percent to 90 percent of the time in both Congress and state legislatures. Yet, people do not feel the same way about representatives other than their own or about the system in general. As surveys conducted by the University of Michigan show, confidence that government officials listen to "people like me" has declined during the past 50 years. A 2009 survey sponsored by the National Conference of State Legislatures found that half the people think that elected officials do not care what plain people think and more than half think that elected officials work to serve their personal interests rather than the public interest.

Americans are not only represented in legislative chambers by members whom they elect. They also are represented by political parties and interest groups to which they belong or with which they share values, interests or priorities.

Party matters to people, even though most are critical of the two major political parties and think they have too much power in the political system. Fifty years ago, party mattered even more. Then, roughly three of four Americans identified themselves as either Republicans or Democrats, while the rest identified as independents. Since then, the proportion of independent identifiers has increased, but about two out of three people still consider themselves to be either Republicans or Democrats. The remaining one-third are independents; even among them, however, a number lean Republican or Democratic.

Americans not only identify with the parties, but they also normally vote for their party's candidates. It is no accident that, in the 2004 presidential elections, about 85 percent of Republicans voted for George W. Bush, and almost as high a percentage of Democrats voted for John Kerry. In the 2008 presidential election, about nine of 10 Democrats voted for Barack Obama, while nine of 10 Republicans voted for John McCain. If party preferences play such a vital role in the voting decisions of high-visibility elections such as that for the presidency, they provide even more important cues to voters in less visible contests, such as those for the state legislature. Finally, the political parties take different positions on issues—not all issues, by any means, but several significant issues, such as the role of government, abortion, and the distribution of tax cuts.

Interest groups also provide a channel for representation, although few people recognize this. Indeed, most Americans think that interest groups (or “special interests” as they are pejoratively termed) have too much power and do more harm than good.

If, as the public believes, interest groups are the enemy, then, in the words of the comic-strip character Pogo, “We have met the enemy and he is us.” That is because seven of 10 Americans belong to one interest group or another, and four of 10 belong to more than one group. Of course, the political and policy opinions and interests of all citizens are represented by groups to which we do not belong but with whom we share values or interests. It may well be that (as the case of their attitude toward their own representative in comparison with their attitude toward everyone else's representative) people think the group to which

they belong is pursuing, not a “special” interest, but rather the public interest, while groups whose interest they do not share are self-serving.

The concerns of the constituency, political parties and interest groups come to bear on the lawmaking process. So also do other factors, the most important of which are the merits of the particular case, that is, the substantive arguments for and against a particular bill, what individual representatives themselves believe, and their past records.

Most of the discussion that takes place in the legislative process—whether in committee or on the floor or by lobbyists for various groups—relates to the merits of proposed legislation. Arguments, supported by evidence, are made in favor of a proposal, while other arguments, also supported by evidence, are made against a proposal. These opposing arguments are critical grist for the legislative mill. In the deliberation that takes place, arguments on one side or the other often are the decisive elements in how many legislators vote; and, if not decisive, they still play an influential role. Legislators, of course, have their own convictions, values and beliefs—ones that they have acquired over time. Many, for example, feel strongly one way or the other about gun control; many feel just as strongly about issues relating to gay rights. During their service in public office, they have supported certain issues. They may, for instance, have consistently supported increased expenditures for state aid to education. If they change course, they will appear inconsistent and in their next election campaign, they can be taken to task for switching positions. So, in the legislative process, as elsewhere, the past helps to shape the present.

Additional information about the factors that influence legislative decision making is included in Student Handout A (the section headed “Factors Influencing Legislative Decision Making”) and Student Handout C (entire handout).

Objectives

An appreciation of representation does not come easily. It must be taught, just as music and art appreciation and the appreciation of democracy in practice are. This teaching lesson on how lawmakers decide has the following objectives:

1. To show students the channels by which people's values, interests and priorities are expressed in the legislative process. The principal channels of representation considered here are: first, those elected to legislative office; second, the two major political parties; and third, the interest groups that advocate and lobby for (and against) a particular policy.
2. To bring to the attention of students the major factors that affect how legislators reach their decisions on matters of public policy. These factors are a) the merits of the case; b) the views of constituents; c) the role of interest groups; d) the position of the political party; and e) the conviction and record of the individual legislator.
3. To give students an idea of how legislators make up their minds on issues of public policy and the variation in decision making, depending upon the specific issue being examined.
4. To illustrate, albeit in a simplified way, the multiple considerations that operate in lawmaking in the states.

This lesson is designed to promote learning in high school government, civics or history courses that is in accord with standards that are in effect in virtually every state. It also is designed to:

1. Increase a student's knowledge about channels of representation; the roles of constituency, political parties and interest groups; the kinds of issues that arise; and legislator decision making in representative democracy.
2. Develop a student's skills in reasoning through the decision-making process of legislators, who are being influenced by a number of major factors.
3. Affect a student's disposition toward representative democracy by countering the prevailing cynicism and suggesting that factors such as the merits of the issue, the legislator's conviction and record, and constituency views are critical elements in decision making. It also can promote an appreciation of a political system in which people

seldom decide directly on issues, but instead elect those individuals who decide on their behalf.

Methods

Students will develop knowledge about and an appreciation of the representational system if they examine different types of issues upon which legislators must decide. By doing so, they can see some of the most important factors that legislators must consider when deciding how to vote. Students will be able to see that the factors that are most influential are not always the same; they vary, depending on the specific issue being decided.

To accomplish our objectives, five brief, simple scenarios have been developed that present hypothetical situations:

1. Deciding how to vote on an increase in the state sales tax;
2. Deciding how to vote on abolishing the death penalty;
3. Deciding how to vote on an increased cigarette tax;
4. Deciding how to vote on allowing optometrists to use diagnostic drugs; and
5. Deciding how to vote on a reduction in the voting age.

For each of the above-listed scenarios:

1. The issue is posed;
2. The merits for and against passage of a bill are stated;
3. Where constituents stand is indicated;
4. The positions of interest groups that are involved are specified;
5. The political party position of the legislator is identified; and

6. The legislator's own conviction and record are noted.

Students must determine how most legislators would decide and why, given the considerations specified in each scenario. It is critical that students consider only the given set of factors and no others. Enough information is provided so that students can decide how most legislators would vote. It is not important here what students themselves think, but what students think influences legislators and legislatures. So, students should not consider their own views and positions but, instead, should examine the factors specified to figure out how most legislators would decide.

This lesson consists of five scenarios and a debriefing discussion. The time allotted to the entire lesson is three 45-minute periods.

Before the first period, Student Handout A should be distributed. It includes the same text that is presented earlier in the "Rationale" section of this lesson for teachers and briefly discusses the principal factors that ordinarily influence legislative decision making. The handout should be studied at home before students respond to the first set of scenarios.

The first period should take up three scenarios in which students determine how most legislators would have voted and why. Student Handout B consists of brief instructions to the students and the five issues legislators have to decide. Student Handout B also contains a tally sheet that can be used to record students' votes on how they think most legislators would decide on each issue. The second period should deal with the remaining two scenarios.

Scenarios 1, 2 and 3; period 1.

Students should be given the instructions, along with the first three scenarios and the tally sheet.

1. Deciding on an Increase in the Sales Tax;
2. Deciding on Abolishing the Death Penalty; and
3. Deciding on an Increased Cigarette Tax.

The students can discuss the issues as a class, but it is preferable that they be organized into discussion groups of six to eight. The assignment is for them to read each of the three scenarios and discuss in their groups the questions:

- How do you think most legislators would probably vote on this issue, given the specified factors?
- Why do you think they would vote this way?

It should be emphasized that the purpose of group discussion is not to arrive at agreement, so there is no need for students to persuade one another of their view on how most legislators would vote. The purpose is to allow students to exchange views with and learn from one another. Each student should decide how legislators would vote on the basis of the factors specified in the scenarios, not on the basis of dominant opinion in the discussion group.

After about 30 minutes of discussion in their groups, students will be asked to indicate how they think most legislators would vote on each of the three issues.

Scenarios 4 and 5; period 2.

Students should be given the remaining two scenarios and the tally sheet, along with a repeat of the instructions:

4. Deciding on Allowing Optometrists to Use Diagnostic Drugs; and
5. Deciding on a Reduction in the Voting Age.

Preferably, students should be organized into different discussion groups of six or eight. The assignment is the same as that in the first period—to read each of the scenarios and discuss in their group the questions:

- How do you think most legislators would probably vote on this issue, given the specified factors?
- Why do you think they would vote this way?

Again, the purpose of the group discussion is not to arrive at agreement but, rather, to allow students

to exchange views with one another. Each student should decide how most legislators would vote on the basis of the factors specified in the scenarios, not on the basis of dominant opinion in the discussion group.

After 20 minutes of discussion in their groups, students will be asked to indicate how they think most legislators would vote on each of the two issues.

Debriefing; period 3.

At the conclusion of the vote during the second period, students should hand in the tally sheets, and the teacher should distribute Student Handout C, which analyzes legislative decision making. This analysis is based largely on research that political scientists have conducted. It explains how legislators would have voted on each of the five issues, given the specified factors. This handout should be read in class during period 2, if there is time, or at home, and before period 3. Along with Handout A, it will provide the basis for class discussion in period 3.

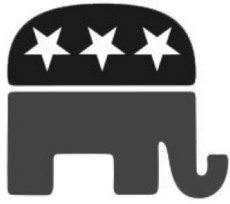
The conventional pattern of pedagogy at the high school or collegiate level has a reading assignment preceding discussion. In this lesson, by contrast, some background reading precedes discussion and further reading follows discussion. The intent is to engage students in the subject, by having them determine how legislators would decide. If students become

engaged as a result of these exercises, the expectation is that they will attend to the reading more thoughtfully than otherwise. This is one way engagement can facilitate learning (as learning facilitates engagement).

The debriefing session—after the students have read an analysis of the subject and decision making on the five issues—should provide an informed discussion of some of the basic elements of representative democracy.

The major questions to be addressed in this debriefing session are:

1. What did the students identify as the factor(s) that played the most important role on each issue, as far as the decisions of legislators were concerned?
2. What were the principal differences, issue by issue, of factors that influenced legislators?
3. Did the discussions and reading of handouts A and C change the way students think about how legislators make decisions? How?
4. In our political system are people represented on the issues? Do interest groups exercise control? Are political parties in charge? Do conscience and conviction matter? What role is played by the merits of the issue and deliberation on the merits?



How Lawmakers Decide An Overview Student Handout



Our governmental system at both the national and state levels is based on the principle of representation. People do not themselves govern, nor do they ordinarily vote to adopt laws and public policy. Rather, they govern indirectly by electing legislators to represent them.

For the framers of the U.S. Constitution, the legitimacy of the government came from the consent of the governed. The House of Representatives, with its members elected by specific geographical areas throughout the nation, was designed to reflect the views of the people. The Senate, with its members originally selected by state legislatures, was designed to reflect the sovereignty of the states. The will of the people would find its way through legislative chambers by means of lawmakers who would assess the preferences and interests of the people they represent and take them into account in deciding on matters of public policy. Legislators would lead, interpret and reflect public opinion as they assembled in Congress.

Today, members of both the U.S. House and U.S. Senate and the houses and senates of the 50 states (except Nebraska, which is unicameral and has a senate, but not a house) are elected by the people and are considered to be representatives of the people.

At the state level, for example, legislators represent their constituents in a number of ways. They help people in their district who may have problems with governmental regulations or service provision such as welfare benefits, unemployment compensation, driver's licenses, insurance costs, taxes—almost anything under the sun. They try to secure funds for projects—such as the construction of a court house or funding for travel by a high school band—for their districts. They also are constantly looking for as many state dollars as possible to be channeled to their districts as school, county and municipal aid. Insofar as possible, legislators also attempt to give voice to the policy views of their district and its residents. It is not always easy for legislators to determine the policy views of their constituents because they probably vary. It is

easier, however, to help individual constituents with problems they have or fight for projects and state aid for their districts.

Legislators themselves have little doubt about the quality of the jobs their institutions do with regard to representation. When asked in a recent survey about their legislature's performance representing constituencies, almost nine out of 10 members responding characterized the job as "excellent" or "good" (rather than "only fair" or "poor"). Fewer thought their legislatures did as well making laws or balancing the power of the executive.

Overall, Americans approve of the job their own representative is doing. Public opinion polls offer evidence of this, as do election results that show incumbents winning 80 percent to 90 percent of the time in both Congress and state legislatures. Yet, people don't feel the same way about representatives other than their own or about the system in general. As surveys conducted by the University of Michigan show, confidence that government officials listen to "people like me" has declined during the past 50 years. A 2009 survey sponsored by the National Conference of State Legislatures found that half the people think that elected officials do not care what plain people think, and more than half think that elected officials work to serve their personal interests rather than the public interest.

Americans are not only represented in legislative chambers by members whom they elect. They also are represented by political parties and interest groups to which they belong or with which they share values, interests or priorities.

Party matters to people, even though most are critical of the two major political parties and think they have too much power in the political system. Fifty years ago, party mattered even more. Then, roughly three of four Americans identified themselves as either Republicans or Democrats, while the rest identified as independents. Since then, the proportion of in-

dependent identifiers has increased, but about two of three people still consider themselves to be either Republicans or Democrats. The remaining one-third are independents; even among them, however, a number lean Republican or Democratic.

Americans not only identify with the parties, but they also normally vote for their party's candidates. It is no accident that, in the 2004 presidential elections, about 85 percent of Republicans voted for George W. Bush, and almost as high a percentage of Democrats voted for John Kerry. In the 2008 presidential election, about nine of 10 Democrats voted for Barack Obama, while about nine of 10 Republicans voted for John McCain. If party preferences play such a vital role in the voting decisions of high-visibility elections such as that for the presidency, they provide even more important cues to voters in less visible contests, such as those for the state legislature. Finally, the political parties take different positions on issues—not all issues, by any means, but several significant issues, such as the role of government, abortion, and the distribution of tax cuts.

Interest groups also provide a channel for representation, although few people recognize this. Indeed, most Americans think that interest groups (or “special interests” as they are pejoratively termed) have too much power and do more harm than good.

If, as the public believes, interest groups are the enemy, then, in the words of the comic-strip character Pogo, “We have met the enemy and he is us.” That is because seven of 10 Americans belong to one interest group or another, and four of 10 belong to more than one group. Of course, the political and policy opinions and interests of all citizens are represented by groups to which we do not belong but with whom we share values or interests. It may well be that (as the case of their attitude toward their own representative in comparison with their attitude toward everyone else's representative) people think the group to which they belong is pursuing, not a “special” interest, but rather the public interest, while groups whose interest they do not share are self-serving.

The concerns of the constituency, political parties and interest groups come to bear on the lawmaking process. So also do other factors, the most important of which are the merits of the particular case, that is,

the substantive arguments for and against a particular bill, what individual representatives themselves believe, and their past records.

Most of the discussion that takes place in the legislative process—whether in committee or on the floor or by lobbyists for various groups—relates to the merits of proposed legislation. Arguments, supported by evidence, are made in favor of a proposal, while other arguments, also supported by evidence, are made against a proposal. These opposing arguments are critical grist for the legislative mill. In the deliberation that takes place, arguments on one side or the other often are the decisive elements in how many legislators vote; and, if not decisive, they still play an influential role. Legislators, of course, have their own convictions, values and beliefs that they have acquired over time. Many, for example, feel strongly one way or the other about gun control; many feel just as strongly about issues relating to gay rights. During their service in public office, they have supported certain issues. They may, for instance, have consistently supported increased expenditures for state aid to education. If they change course, they will appear inconsistent and in their next election campaign, they can be taken to task for switching positions. So, in the legislative process, as elsewhere, the past helps to shape the present.

Factors Influencing Legislative Decision Making

Hundreds or even thousands of bills are introduced in a state legislature each year. The numbers range from about 15,000 introductions in New York to about 8,000 in Massachusetts and about 500 in Wyoming. These bills run the gamut in terms of the problems that are addressed and the issues that are raised, and the variation in terms of scope and importance is tremendous. Most of the bills are noncontroversial and pass easily. Many bills are contested, however, some address major matters of wide public importance, such as the budget bill, tax bills and legislation on issues such as capital punishment, gay rights and abortion. In all these cases, legislators must decide where they stand and how they will vote. Many factors can affect their decisions, depending on the nature of the issue.

Various factors are among the most significant affecting how members of a legislature decide. Some factors, such as the views of one's colleagues and the recommendations of the legislative committee that held hearings on and studied a particular bill, count. However, those that usually count most heavily include 1) the merits of the case, 2) constituents' views, 3) special interests, 4) political party position, and 5) the conviction and/or record of the individual legislator. It is worth briefly examining each of these factors.

Merits of the Case

Although negotiation and bargaining are important parts of the legislative process, probably the most important and pervasive part is deliberation on the merits of the case. Sponsors and advocates of almost every bill the legislature considers will argue the merits of their proposal. "It will help the economy," "improve health," or "attract business to the state" are typical claims based on the merits. Those who oppose the bill will argue the merits of their case against the proposal. "It will create a burden for citizens," "costs too much money," or "simply cannot be implemented" also are typical claims on the negative side. In their efforts to win a majority of members (or keep proponents from obtaining a majority) both sides ordinarily offer a rationale and data to justify their position. Deliberation then takes place in which each side attempts to convince the other—but especially the uncommitted legislators—of the merits of its own position and ideas. This does not mean everyone is open to persuasion. Most issues a legislature considers are not new; they have been around in similar form for a while. Thus, some legislators already have positions and even a voting record. Other legislators may have decided on other grounds. A healthy number of people are open to persuasion, however.

Most of the discussion that takes place in Congress and state legislatures is of a deliberative nature, revolving around the merits as seen by various participants in the process.

Constituents

Our system of government at both the national and state levels, is based on the principle of representation. People do not themselves govern, nor do they ordinarily

vote to adopt laws and public policy. Rather, they govern indirectly by electing legislators who represent them in Washington, D.C., and the capitals of the states.

Members of both the U.S. Senate and U.S. House and the senates and houses of the 50 states are elected by and serve as representatives of the people. At the federal level, two senators are elected from each state, while each member of the house is elected by voters in districts or constituencies of 645,632 people. The population of state senate and house districts varies, but each member of the senate and each member of the house is elected by voters in a particular district or constituency.

Representation by legislators entails both serving the interests and expressing the views of constituents. Legislators perform their representational tasks in a number of ways. They help people in their districts who have problems with government, such as not receiving welfare benefits, signing up for unemployment compensation, renewing a driver's license, or disputes over the amount of income tax they are expected to pay. Legislators try to secure funding for projects—such as the construction of a court house or funding for travel by a high school band—for their district. They also are constantly looking for as many state dollars as possible to be channeled to their district as school, county and municipal aid.

Insofar as possible, legislators attempt to express the dominant policy views of their district and the people in it. However, with respect to most issues upon which legislators must vote, the overwhelming majority of constituents have no views. On some issues, constituents have views, but their views may be split, with roughly half for and half against a particular measure. On few issues do constituents' views generally concur. Only then does a dominant constituency position, sometimes referred to as a "constituency mandate," exist.

Interest Groups

The so-called "special interests," more neutrally known as "interest groups," are people who organize and engage in political actions to promote values, interests and views they have in common and feel

strongly about. Thousands of interest groups exist at the national level, and hundreds exist in each of the 50 states. There are groups promoting a cleaner environment, animal rights and the mentally ill, for example, as well as trade associations, industrial associations, businesses, labor unions and student associations. There are groups that favor abortion rights, and others that oppose abortion. Some groups favor the death penalty, others oppose it. And so on. Virtually every political interest or point of view is organized to some degree. Each is entitled by the U.S. Constitution to advance and defend its common interest through the lawmaking process in Congress and state legislatures.

Interest groups provide a channel of representation for people who share values, interests, views and such. Whether they are politically active or not, practically all Americans have some values or interests that concern them. Whether or not people belong, some group (or groups) represents values and interests they hold. If, for example, you personally favor the decriminalization of marijuana, you would be represented by several organizations that are attempting to promote that objective legislatively. Just about everyone, therefore, has one or several “special interests” they want to see advanced.

Interest groups organize to maximize their political chances of success. A group in a state that represents thousands of members or hundreds of businesses has advantages over individuals who represent only themselves. Some groups have many members, others are economically important; some are zealous in pursuit of their objectives, others rely on political skills and forming coalitions or alliances with like-minded groups. Teacher associations, for instance, are very influential in practically every state in the nation. Their influence derives from the following: they have a relatively large membership; members are dispersed throughout all the legislative districts of the state; members can be mobilized for political action; membership dues provide substantial financial resources; association lobbyists are skillful; and teachers lay claim to advocating for education, which is highly valued by people in the state.

Political Parties

In both the nation and states, a two-party system prevails (except in Nebraska where elections to the legislature are nonpartisan), with Democrats and Republicans contesting control of both the executive and legislative branches of government. The parties perform several functions: they represent people; they compete in elections to place their members in executive and legislative offices; they offer policy choices to the electorate; and the party that wins a majority of seats organizes and runs government and attempts to enact its policy agenda.

At the state legislative level, the political party has become both a significant electoral and governing force. The senate and house Democrats and the senate and house Republicans take major responsibility for getting their incumbents reelected and replacing incumbents of the opposing party with challengers of their own. In their campaigns, the legislative parties, led by legislative party leaders, help recruit candidates, raise funds that are allocated to targeted (that is, competitive) races, provide polling and other information, and even suggest strategies for their members. If a party wins control of the state senate or state house by electing a majority of the total membership, it takes the lead in organizing the body. Its members will preside over the chamber and chair all or most of the committees that serve as the major work groups in the legislature. Moreover, the majority party sets the agenda for the important policy issues to be considered.

Convictions/Record

Like anyone else, people who serve in public office have core convictions that affect the decisions they make. Many legislators, for example, are opposed to abortion on moral or religious grounds. Others are almost as equally zealous in defending a woman’s right to choose. Given their convictions, these legislators are not likely to be moved by reasoned argument, persuasion or almost anything else. Some legislators staunchly support the environment, others feel strongly about civil liberties, and for still others civil rights are a matter of principle. On many issues, legislators have no commitment.

Related to conviction is the record that a person in public office develops over time. Given the fact that state legislators cast as many as 1,000 or more votes overall in a two-year legislative session, perfect consistency in one policy domain or another cannot be expected. Generally, however, legislators vote in accord with their record, rather than otherwise. It should be noted, however, that on many issues legislators do not have a record that in any way limits how they decide to vote.

How Lawmakers Decide Instructions for Scenario Exercises Student Handout B

Five scenarios are presented. Each scenario is on a different issue upon which legislators must vote:

1. an increase in the sales tax;
2. abolishing the death penalty;
3. an increased cigarette tax;
4. allowing optometrists to use diagnostic drugs; and
5. a reduction in the voting age.

Each scenario specifies some of the most important factors that influence how legislators vote. These factors are: 1) the merits for and against passage of a bill; 2) where one's constituents stand; 3) the positions of the interest groups that are involved; 4) a legislator's political party position; and 5) the legislator's own convictions and record on the issue.

Students must determine how most legislators would decide to vote and why, given the considerations specified in each scenario.

It is critical that students take into consideration only the given set of factors and no others. Students should not express or make use of their own views and positions but, instead, should simply try to reason how most legislators would decide. Enough information is provided so that students should be able to determine legislators' decisions.

React to each scenario, discuss it in your group for about 10 minutes, and then indicate how you think most legislators would vote—yes or no. These votes should be recorded on the Voting Tally Sheet.

How Lawmakers Decide Voting Tally Sheet Student Handout B

Fill out tally for members of discussion group and return to teacher

Issue	How students think most legislators would vote	
	Yes	No
1. Increasing the sales tax		
2. Abolishing the death penalty		
3. Increasing the cigarette tax		
4. Allowing optometrists to use diagnostic drugs		
5. Reducing the voting age		

How Lawmakers Decide

Student Handout B

Scenario 2. Deciding how to vote on abolishing the death penalty

Issue: You must make up your mind about whether to support a bill abolishing the death penalty (which currently exists) in your state.

Merits of the case: The case against the death penalty is based largely on the belief that innocent people might be executed in error. In some cases with new DNA evidence, convictions of individuals sentenced for capital crimes have later been reversed. The case for the death penalty is that, given the nature of crimes such as premeditated murder, retribution is deserved and necessary.

Interest groups: Many groups advocate for and against the death penalty. Those against the death penalty are public defenders in the state and state affiliates of the National Coalition to Abolish the Death Penalty and Amnesty International. Those for

the death penalty are state prosecutors and members of Justice for All.

Political parties: Neither the Democratic nor the Republican party in the legislature has a position on the issue. Some Democrats are for capital punishment, some are against it; some Republicans are for capital punishment, some are against it.

Constituents: Most of your constituents—and certainly most of those who voted for you—appear to support the death penalty. Those who want it abolished have done more to organize themselves, contact you, and express their views forcefully, however.

Convictions/record: You have been consistent in your belief that the death penalty is good public policy. In the past, you have voted in the legislature against its abolition.

- How do you think most legislators would vote—yes or no—given the factors specified?

- Why do you think they would vote this way?

How Lawmakers Decide

Student Handout B

Scenario 3. Deciding how to vote on an increased cigarette tax

Issue: You must decide whether to support a bill to increase the tax on a package of cigarettes by 25 cents.

Merits of the case: The main arguments for increasing the tax are as follow. First, the state is facing a budget deficit, and without additional revenues cuts will have to be made in a number of programs. Second, an increased price will discourage some people—and especially teenagers—from smoking. The main arguments for opposing a tax increase are as follows. First, cigarettes are now taxed at \$2.00 per pack. Second, an additional tax is an unfair burden for those who choose to smoke. Third, higher cigarette prices will further encourage smuggling and the illegal sale of cheaper, untaxed cigarettes.

Interest groups: The Tobacco Institute, supported by a number of tobacco companies, oppose the tax. The institute contributed \$500 to your last campaign. The state chapter of the American Heart Association

and the American Lung Association, as well as several other health groups, favor of the tax. They do not make campaign contributions.

Political parties: Members of your party in the legislature have not yet taken a position on the issue.

Constituents: Only about one of four of your constituents smoke. They are not organized, but a number have written to your office objecting to the tax increase. Your non-smoking constituents have not taken any position; the issue is less important for them than it is for smokers.

Convictions/record: In the past, you generally have favored increased taxes on tobacco products and have voted to restrict cigarette smoking in the workplace. You know that tobacco is harmful to one's health, but believe that if people want to smoke they should be allowed to do so.

- How do you think most legislators would vote—yes or no—given the factors specified?

- Why do you think they would vote this way?

How Lawmakers Decide

Student Handout B

Scenario 4. Deciding how to vote on allowing optometrists to use diagnostic drugs

Issue: You must choose between supporting a bill to allow optometrists in your state to use drugs to diagnose eye ailments or opposing the bill, thus restricting them to their current practice of simple eye examinations and eyeglass prescriptions.

Merits of the case: Optometrists argue that it would be cheaper for members of the public to use their services for routine examinations for eye ailments than to have to go to ophthalmologists. The ophthalmologists maintain that optometrists are not qualified, as are ophthalmologists by virtue of having attended medical school and been licensed as physicians; therefore, a procedure done by optometrists would not be as safe.

Interest groups: Two interest groups are in direct competition here—the state association of optometrists on the one hand and the state association of

ophthalmologists on the other. Members of both groups are actively lobbying the legislature on the issue. The optometrists have regularly made \$500 contributions to your reelection campaign.

Political parties: The two political parties are taking no position on the issue. Democrats and Republicans are on both sides.

Constituents: Outside of the relatively few optometrists and ophthalmologists in your district, no one seems to care one way or another about the issue.

Convictions/record: You don't have strong feelings on the issue, and you appreciate the merits of each side's argument. In the past, you have not had to cast a vote on a bill where the two groups came into conflict.

- How do you think most legislators would vote—yes or no—given the factors specified?

- Why do you think they would vote this way?

How Lawmakers Decide

Student Handout B

Scenario 5: Deciding how to vote on a reduction in the voting age

Issue: You must determine your position on a bill to amend the state constitution to reduce the voting age for state and local elections from age 18 to age 16.

Merits of the case: The major reason advanced for the 16-year-old vote is that it would increase the likelihood that young people would “learn” to vote and get in the habit of voting. If their first eligible vote occurred when they were sophomores or juniors in high school, they could be taught more about voting in civics or government courses they took in the tenth grade. The opposition is based on the belief that 16-year-olds are not mature or responsible enough to be entrusted with this important right.

Interest groups: The National Student Association supports the proposal, but no significant groups have come out in opposition.

Political parties: Neither the Democratic nor the Republican party in the legislature has taken a position on this issue.

Constituents: Relatively few constituents have contacted you on the issue. Most of those who have gotten in touch oppose voting by 16-year-olds. The overwhelming majority of your constituents are not at all concerned about the issue. On the other hand, several high school classes have sent you petitions favoring the proposal.

Convictions/record: Essentially, you have no record in this particular area, nor do you feel strongly about the issue. You would like more youngsters to be interested in and engaged in politics, but you’re not sure about allowing them to vote before they reach

- How do you think most legislators would vote—yes or no—given the factors specified?

- Why do you think they would vote this way?

How Lawmakers Decide Student Handout C

How Most Legislators Would Have Decided, Given the Specified Factors

The five scenarios have been scripted with particular lessons on representation in mind. These scenarios are examined, from the point of view of political science research, to show the kinds of issues legislators face and some of the key factors that influence their decisions. Certainly not every legislator, if faced with these issues and considerations, would decide in the same way and with a similar weighting to the factors involved. Our contention is that most legislators would behave as suggested below. This analysis draws on data reported in Alan Rosenthal's *Heavy Lifting: The Job of the American Legislature* (2004).

age 18.

Scenario 1. Deciding on an Increase in the Sales Tax

This would be a relatively easy decision for most legislators. Given the facts stipulated in the scenario, most legislators would probably oppose legislation increasing the sales tax, even by 2 cents.

The merits of the case for an increase are simply not strong enough, even for those who are advocates for public education in the state. Despite increased funding for education in the past, local property taxes have been rising. Many legislators would not be confident in the ability or will of local elected officials to hold down expenditures.

Most of the **organized group activity** supports the sales tax increase. The so-called “special interests” are mainly on one side. The teachers’ association is an especially important group because it has a relatively large membership statewide and teachers live and work in the district of every legislator in the state. Despite the strong organization, skillful lobbyists and the grassroots advocacy of its members, the teachers’ association is not likely to prevail on an issue such as this one.

The dominating factor here are the **constituents**, who are against having their taxes raised—at least the income, sales, or local property taxes. There are very few issues about which people in a legislator’s district are concerned. According to a recent survey of legislators in five states (Maryland, Minnesota,

Ohio, Vermont and Washington), their constituents had an opinion on about 5 percent of the hundreds of bills on which legislators had to vote in a session. Moreover, during the course of a two-year legislative session, the number of bills on which the constituency had a clear position—with a substantial majority for or against—did not normally exceed 10 and usually was five or fewer. The overwhelming number of issues with which legislators deal, therefore, do not register with constituents. Many issues are too narrow or too technical, and only a handful affect the interests of a sizeable number of people in the district. So, when an issue does register, legislators pay careful attention.

Few constituency mandates, “directing” the legislator to act in one manner or another, exist. One that currently does, however—at least in most places—is “Don’t raise my taxes.” This mandate applies to both income and sales taxes, but not necessarily to business taxes or taxes on alcohol and tobacco.

Few legislators want to contradict a large number of their constituents. It is not “good politics” and, if the issue is important enough (as are taxes) to their constituents, to vote for higher taxes is to risk defeat at the next election. On the issue of taxes, for instance, about nine of 10 legislators in the five-state survey reported that their own views and dominant constituency views were basically the same. Only 7 percent reported that their own views on taxes were basically different from their constituents’ views. They would be more inclined to raise taxes than their constituents. In those few cases where their views and their

constituents' views clashed, about two of five of the legislators said they would follow their constituents' views and almost half said they would follow their own view.

In the scenario presented here, as in most actual instances, there is no clash. The legislator's **own convictions and record** are opposed to raising both the income and sales tax. Moreover, the legislator's **political party**, in response to the electorate, stands in general opposition to tax increases.

Given these factors, it doesn't matter that most organized interests support the 2 cent increase, while only a few organized interests oppose it. A "constituency mandate," or something resembling it, trumps everything else.

Scenario 2. Deciding on Abolishing the Death Penalty

Here, too, the decision is relatively easy, as easy as the decision on raising the sales tax. Given the factors specified in the scenario, the large majority of legislators would come out against the abolition of the death penalty.

If **constituency** and **conviction** did not exercise such strong influence, the argument against the death penalty might have had more impact on legislators. But in arriving at the conviction they hold, legislators earlier rejected the argument that mistakes that are made cannot be corrected if people are put to death. As to the **merits of the case**, they believe on some ground that the death penalty is deserved and necessary.

On an issue such as this one, the balance of advocates for and against doesn't matter that much for most members. They cannot be budged. Although **interest groups** may try, they make exceedingly few conversions. On an issue such as this one, a so-called "conscience issue," the legislative **parties** are not likely to take a party position as such, in the expectation that their members will be on both sides and will want to vote their conscience. What counts most heavily on this issue of capital punishment are the same factors that would count most heavily on abortion, gun control, and gay rights issues. These factors

are what their constituency believes and their own personal conviction.

The scenario stipulates that most of the legislator's constituents appear to favor the death penalty, even though those who want to abolish it are better organized and more active. Of those constituents who are supporters of the legislator (that is, members of the legislator's party and of the legislator's voting base), most oppose abolishing the death penalty. Among their constituents, legislators look especially at their supporters (that is, members of their own party) to figure out where their constituency stands on an issue. Indeed, legislators in the five-state survey cited political supporters in their districts as the most important among eight sources of information on the views held by constituents. Friends and associates, positions taken by organized groups, political leaders, public opinion polls, lobbyists, local media and legislative staff ranked below political supporters.

Scenario 3. Deciding on an Increased Cigarette Tax

Here, the tax issue is not at all as clear cut as in the case of the increase in the sales tax.

The **merits of the case** cut both ways, as they nearly always do. There are good grounds to support legislation to bring about a higher cigarette tax: It will provide funds for state services and will discourage some people from smoking. But there also are good grounds against raising the tax that already is high: It is unfair to some people and it may result in illegal sales. Legislators could take either side on the basis of what they believe to be the merits.

The pressure, however, is coming mainly from the opposition to raising the tax on cigarettes—tobacco companies, represented by their organization, the Tobacco Institute, and a number of individual constituents who smoke. Neither smoking nor non-smoking constituents are very organized on the issue. However, a few national health organizations have taken positions in support of a measure that might discourage smoking.

At this point, neither **party** has taken a stand for or against. However, if most of its members take one

side or the other, members of the majority party will probably take a position when they meet together.

What appears decisive are the legislator's **convictions and record** on the issue. This particular legislator has an anti-tobacco record, although he/she would not go so far as to try to outlaw cigarettes. The campaign contribution from the Tobacco Institute makes little difference when it runs counter to a legislator's beliefs, as it does in this case. Conscience nearly always outweighs contribution.

Most legislators would support this increase in the tax on tobacco, if the facts line up as they do in this scenario.

If, however, half the legislator's constituency and a majority of the legislator's supporters were strongly opposed to the tax, then the legislator's conviction would be challenged by the constituency. Under these circumstances, the decision could go either way. In the example presented here, that is not the case.

Scenario 4. Deciding on Allowing Optometrists to Use Diagnostic Drugs

This is one of the many "special interest" issues that legislatures must handle. On issues such as these, one (or several) groups is trying to gain an advantage through the enactment of law, while competitor groups are opposed. In these cases the legislature is asked to decide between competing interests, either of which is difficult to equate with the public interest.

The most significant and longest running battles in recent years—that have been fought in more than half the states—are those over tort reform, insurance, product liability and workers' compensation, with businesses, insurance groups and doctors disagreeing with and opposing trial lawyers.

Another face-off finds orthopedic surgeons on one side and podiatrists on the other when it comes to ankle injuries—should treating ankles be the preserve of orthopedic surgeons or opened to podiatrists. Critical to both practices is the definition, established by law, of where the foot stops and the ankle begins.

The issue in the scenario presented here reflects the classic battle, dubbed "Eye Wars," which was fought throughout the nation. It began when optometrists, who had been limited to giving eye examinations and prescribing glasses, tried to obtain authority to use diagnostic drugs for their examinations. They were opposed by ophthalmologists, eye doctors who had attended medical school, and had the legal monopoly on such treatment. The groups involved in issues such as these are attempting to pass or defeat legislation to promote or defend the interests of their members. Nevertheless, each group will argue the merits of its case, maintaining that what benefits them also is good public policy. The optometrists justified their position in terms of economy, lowering costs for the patients. Ophthalmologists justified their position in terms of safety, arguing that they were more qualified to conduct the procedure than were optometrists. Each side had a reasonable argument—economy, which would affect broadly, or safety, which might be more important but would affect only a few people.

An issue such as this is of limited concern to the public. **Constituents** don't care, except for those who are ophthalmologists or optometrists. Nor do the **political parties** take a position. The overwhelming majority of legislators are not committed by **conviction or record**. They have many other items on their agendas. On this particular issue, and others that are similar, legislators can go either way. They have to decide, but no strong influence is pushing them one way or the other.

With everything else about equal, the only difference may be in the special interest support for the legislator. Although members of both groups at the state level are actively lobbying the legislature, the optometrists in this case have regularly made \$500 contributions to the legislator's reelection campaigns. They are among the legislator's supporters.

What probably happens in a case like this is that the legislator pays more attention to the merits of the position held by his or her supporters, and decides that authorizing the procedure for optometrists poses little or no danger to public health but offers significant cost savings for patients. The merits of the case line up with the position of the legislator's supporters.

Other things being equal, campaign support counts, but only if a meritorious argument accompanies it.

Scenario 5. Deciding on a Reduction of the Voting Age

As specified in the scenario, this would be a difficult issue for legislators to decide. Legislators are inclined to ask, explicitly or implicitly, with regard to just about every contested issue: “How would its enactment affect my **constituency**?” and “How would my support of its enactment affect me with my constituency?” The answer in this case would appear to be not much, although a few constituents have informed the legislators of their opposition and a few school classes (of non-voters) have petitioned the legislator in its favor. How would the constituency respond, however, if the measure permitting all 16-year-olds to vote actually were enacted? Maybe there would be no reaction, but it is difficult to predict.

Neither **interest groups** nor **political parties** have a role, although a national association of students has taken a position but is not likely to play any role in the state’s legislative elections. Thus, there is no real influence on the legislator from parties or interest groups as organizations.

As with so many other issues with which legislatures deal, this one is not a central concern to the legislator under scrutiny. This legislator has no strong feeling and no record, one way or the other, on the voting age requirement. He/she wants to encourage youngsters but is unsure about the merits of allowing them to vote before they reach age 18. Moreover, the legislator is unconvinced by the merits of the case argument that youngsters would be taught about voting in high school civics or government courses. There is no guarantee of that. Reducing the voting age would be a major change in state policy, but neither the public support nor policy justification is strong for such change. Until the situation changes or other factors come into play, it is likely that this individual would vote no.

Observations

On the basis of these five scenarios and the assigned reading, students should have become more familiar with some basic features of representative democracy.

1. Citizens are represented by individual legislators whom they elect, the political parties with whom they identify, and the interest groups with whom they are affiliated or with whom they share views.
2. Most bills introduced in and enacted by legislatures are non-controversial, but a number divide people, parties and/or interest groups.
3. During the course of a legislative session, a legislator must deal with hundreds of issues on which he/she must choose sides and vote yes or no.
4. Many factors influence a legislator's decision on each issue. Among the most important are the merits of the case, interest groups, political parties, constituents, and the legislator's own convictions and record.
5. Arguments on the merits of an issue are a substantial part of the legislative process.
6. If a bill is minor and if there is no organized opposition and no cost in public money, it is likely to pass.
7. When opposition exists on issues that affect and arouse the public, the major factors shaping decisions are constituency views and a legislator's own convictions. Relatively few of the hundreds of issues a legislature considers each year are of this nature.
8. Usually (not always), predominant constituency views and the representative's own convictions are aligned.
9. Interest groups exercise influence across the board, but they exercise their greatest influence on issues where essentially no other major factors are in play. Constituents don't care about the issue, political parties have no position, and the convictions of legislators are not involved. There are good arguments on both sides of the question. On issues such as these, interest-group support for the legislator during his/her election campaign may be a factor.
10. Legislators keep their constituents in mind on almost every issue, not only on major issues.
11. Most legislators tend to agree with their party's positions, because these are the positions most legislative party members want. Some legislative party members, however, because of constituency or conviction, will oppose a party position.

What Makes Lawmakers Tick?



Summary

This lesson brings a lawmaker into the classroom to explore why people run for office, how they get to where they are, what their jobs are like, and whether they like their careers as elected public officials.

What Makes Lawmakers Tick? An Overview of the Lesson

Background, objectives and methods for teachers

What Makes Lawmakers Tick?

Student Handout

An Overview of the Lesson

Background, Objectives and Methods for Teachers

Objectives

The purpose of this lesson is to give students a sense of what lawmakers are really like. What makes them tick as elected public officials? What motivates them? How did they get where they are? What do they like and dislike about their jobs? What do students think of them? How would it be to follow in their footsteps?

Rationale

The U.S. Congress and the legislatures of the 50 states are central institutions of representative democracy. They have functioned for more than 200 years, which is testimony to their durability. Nonetheless, Congress and state legislatures are not popular institutions. There are a number of reasons why Americans have become cynical.¹

One important reason is that Americans distrust the people who are elected to political office. They do not believe that members of Congress and state legislatures are motivated mainly to serve the public's interest but, rather, to serve their own personal interests. They think that many politicians—perhaps even most of them—are crooked. Even if those elected are essentially honest when they start out, a majority of Americans believe that it is almost impossible for individuals to remain honest after they go into politics. In fact, fewer than one of five people rate congressmen or state officeholders as “very high” or “high” on honesty and ethical standards.

At the state level, for example, New Jersey residents were asked how many politicians they thought were corrupt. Half the respondents replied that from 50 percent to 100 percent were corrupt. In most states, public assessments of elected political officials would not differ much from the assessment in New Jersey. In low population states such as North Dakota, Wyoming and Vermont, people tend to be more positive. Just about everywhere else, however, the distrust of elected public officials is widespread. When people are asked in public opinion surveys about their own

congressman or state legislator (that is, the person who represents the district in which they live), on average seven of 10 people respond positively. They trust their own representative; they just have little trust in the rest. The obvious question is, why don't they generalize from their own representative to others?

One reason they don't is that the dice are loaded against a positive generalization. It is almost impossible to regard legislators as a species in any affirmative way. The image that members of Congress and state legislators have today derives in part from the unethical or illegal behavior of some members. It is undeniable that there are lawmakers who behave unethically or are corrupt. Some members of Congress have been convicted of bribery, extortion and other felonies. Some members have resigned under fire. During the past 30 years, state legislators have been tried and convicted as a result of sting operations in Arizona, California, Kentucky, South Carolina and Tennessee. In other states also legislators have stepped over the ethical line. It should be noted, however, that the same public officials were elected by a plurality or majority of voters in their state or district.

In any barrel of apples, you can expect that a few will be bad. Bad lawmakers exist, but they are a very small proportion of the 7,382 legislative and 535 congressional apples in the barrel. Unfortunately, the public mainly hears about these few. They provide the basis for the public's generalizing from the few to the many.

It is curious that people have a much better idea of the few bad apples than they have of their own legislator. This is because, although most people have only a vague impression of their own representatives in Congress and the state legislature, their impression of lawmakers in general is more concrete, as illogical as this may seem. The picture people have of lawmaking is largely a product of what they see and hear about in the media and in political campaigns.

The media's imperative is to accentuate the negative and underplay the positive. The media are the principal storytellers about political institutions, political processes and political people. Although no single story in print or on television shapes people's orientation, the accumulation of negatives has an effect over time. Political scientist Joseph Cooper describes media coverage of Congress as follows:

Politics and politicians are covered in ways that highlight conflict and controversy, on the one hand, and personal ambition and ethical lapses, on the other....The defining impression created is of Congress as a bunch of politicians squabbling over the distribution of benefits to special interests and jockeying for personal power while the needs of the country are ignored.

The same can be said of the coverage of state legislatures. The cliché, "No news is good news," has a corollary: "Good news, by and large, is no news." In the idiom of journalism, "If it bleeds, it leads." Thus, for the media, the more negative the better, and the scandalous is best. The media are not solely to blame. They respond to public tastes, and in doing so create the picture of politicians that people carry in their heads.

Political campaigns work along the same lines. Today, the competition between the Democratic and Republican parties in the nation and most of the states is ferocious. The two parties represent different constituencies and promote different agendas. The stakes for each are high. Both parties and their candidates want to win, and they do what they can to accomplish their objectives. One of the things they do is attack the other side. This is because voters pay more attention to the negative in campaigning than to the positive. Part of the attack often includes a challenge to the integrity of the opposing candidate or the opposing party. Democrats accuse Republicans of fostering a "culture of corruption" in Washington, D.C. Republicans accuse Democrats of fostering a "culture of corruption" in Illinois. And so it goes.

Charge and counter-charge have become a normal part of politics today. These charges not only appear on radio or television in paid political advertisements,

but they also are reported in the media. "He says, she says"—and the public response is that, since they both are saying it, it's probably true for both sides. Over time, the public's impression is that no politician can be trusted.

Problem

With the help of the media and political campaigns, people generalize about lawmakers from what they see and hear, most of which is negative. Is it any wonder that their impression of lawmakers is the way it is? The fundamental question, however, is whether such a generalization makes sense. Self-serving, unethical and corrupt lawmakers—are they the rule or the exception to the rule?

The civic education of high school students ought to address such questions. The lesson presented here has that objective in mind, which it tries to accomplish by giving the "good guys" equal time, so that students have a more balanced picture. The idea is for students to get a bit nearer political people—who they are, what motivates them, and what they do—by inviting them for a question-and-answer session in class. Familiarity, we believe, will breed understanding, not contempt.

The National Conference of State Legislatures currently sponsors a program that encourages state legislators to visit classrooms in elementary, middle and high schools. Each year more than 1,500 legislators from around the country participate and reach about 300,000 students. This lesson fits into that endeavor. It focuses on a member of Congress or the state legislature as a person who has chosen to run for public office, who has adapted to the jobs of representing and lawmaking, and who has to balance public and private responsibilities.

Procedure

Invite a member of Congress or a state legislator to class to discuss with students his or her life as a lawmaker.

If you want to invite a lawmaker who represents the district in which your school is located, it is easy to obtain his or her name and contact information. Go

to the Project Vote Smart website, www.votesmart.org. On the left side of the page, enter the nine-digit zip code for your school. The server will show the name of the state's two U.S. senators, the U.S. representatives, and the senate and house members of the state legislature. When you click on any of their names, you will find personal and contact information.

In preparation for the lawmaker's visit, the teacher should give the class the lesson handout (attached) to read in advance at home. This handout provides information about:

1. The number of lawmakers by state;
2. Their general backgrounds;
3. The reasons they run for public office;
4. How they get elected;
5. What their jobs are like; and
6. What they get out of legislative service.

This handout serves as a basis for the questions students ask the lawmaker in class. In class, after reading the handout and before the visit, students can frame the questions they will ask the lawmakers. During the session itself, follow-up questions can be asked, depending upon what the lawmaker guest says. It is important that the class session focus on the topics suggested in the handout so students will get a good sense of what makes at least one lawmaker tick. They might consider generalizing to others.

The following questions are worth asking the lawmaker guest:

1. Why did you run? What did you hope to achieve in public office?
2. How hard was it to get elected? What did you have to do? What qualities did you need to be a good candidate?
3. Now that you're in office, how much time do you spend on the job? What part of the job do you like best? What part least? What personal qualities do you possess that help you do your job? Just what does it take?
4. How does being a lawmaker fit in with your private life? Do you have an outside job as well? How does your job as lawmaker affect your family?

After the lawmaker's visit, it would be useful to assign students a brief essay, responding to the question, "What did I learn?" Whether or not they are assigned the essay, students should be debriefed in class on what they learned; whether and how their view of lawmakers changed; and whether (and why or why not) they would consider undertaking careers in politics and public service.

What Makes Lawmakers Tick?*

Student Handout



What are people in elective public office like? Are they different from you and me? Why do they run? Why do they serve?

Do they care about the people they represent, their state and the public interest or are they just out for themselves? Let's take a brief look at what makes members of the U.S. Congress and state legislatures tick.

Who They Are

First of all, there are relatively few of them. In a nation of more than 280 million people, only 7,917 serve as members of the U.S. Congress and members of the legislatures in the 50 states.

The accompanying table on page 57 shows the number of members in the U.S. Senate, the U.S. House of Representatives, the state senate, and the state house for each state in the nation. In Congress, each state is represented in the Senate by two senators, no matter how large (California and Texas, for example) or how small (Wyoming and Vermont, for example) the population. For representation in the U.S. House, however, the size of the state population matters. The larger the population, the more representatives the state has. At the state legislative level, the number of members varies greatly. State senates are smaller than state houses, ranging in size from the 67-member senate in Minnesota to the 20-member senate in Alaska. State houses range from New Hampshire's 400 members to Alaska's 40. You can look up your own state and see how many members of the U.S. House and the state legislature it elects.

Like students in practically any high school, legislators differ from one another. Each one is unique. In general, however, there are fewer women than men in legislative office, but more than previously. The numbers of African Americans, Latinos and Asians in of-

fice also have increased. The majority of congressmen and state legislators are white males, however. Most lawmakers have graduated from college and a good number have advanced degrees. A range of professions and occupations are represented—law, business, education and agriculture are among the principal ones.

Serving in Congress is a full-time job, so members are not allowed to earn outside income. Being a state legislator, on the other hand, is considered a part-time job in most states, and most members also have other jobs. Just how much time state legislators spend as lawmakers varies from state to state. In New York, for example, about 85 percent of the members spend at least 70 percent of their time on the job. In South Dakota, by contrast, only 5 percent spend that much time.

Despite the differences among them, congressmen and state legislators have one characteristic in common. They are elected by voters in their states and districts.

Why Do They Run?

Lee Hamilton, who served for many years in the U.S. House, then co-chaired the 9/11 Commission, and now directs the Center on Congress at Indiana University, writes that: "...most people come into Congress with a sense of idealism. They have a commitment to public service and they want to do good—to help their constituency, their state, and their country as each of them sees it." The same can be said for lawmakers in the states. They, too, are committed to public service. They, too, want to do good. Their goal is to improve education, welfare policy, or whatever; help out people who have problems with government; or do a better job than the person presently in the office they hope to win. They also want to do well. That is, they want gratification from their jobs. Wouldn't anyone? Hamilton writes about the appeal of "...putting your imprint on policies that affect millions of people in this country and abroad, steering money to medical research or weapons systems or other causes you hold dear, or getting a highway built

* This essay is based on Alan Rosenthal, *Engines of Diversity* (Washington, D.C.: CQ Press, 2009), Chapter 2, and Lee Hamilton, *The Rewards of Public Service*, The Center on Congress at Indiana University.

at home or a new bridge, or a hospital wing.” Many people who run for and are elected to office became interested in politics at a young age. Some come from families whose members had experienced politics or public office. We can all think of the leading political families in the nation, such as the Kennedy and Bush clans. Other families may not be as prominent, but they also pass the love of politics from one generation to the next. Fred Risser, who in 2007 was serving his 50th year in the Wisconsin Legislature, was the fourth generation of his family to serve in the Legislature. Those who don’t come to politics directly from political families become interested in other ways. Many are bitten by the political bug in high school or college, when they intern in Washington, D.C., the state capital, or a district office or when they work on a political campaign. Others develop an interest later in life.

How Do They Get There?

Those who run for election—and risk rejection by the voters—must be motivated to do so. They also must have the wherewithal to wage a campaign.

First, of course, they must be legally qualified to serve in Congress or a state legislature. This entails American citizenship (in half the states), being the required age (between 18 and 30, depending on the office and state), and residency in the state and usually the district.

Second, they have to be in sync with their districts, if they hope to win. A Democrat has a much better chance in a district where most voters are Democrats; a Republican has a much better chance in a district where most voters are Republicans.

Third, it helps candidates if they have good reputations and experience in their local community. Most have lived in their communities for a while. Their base is strengthened by having held local office before running for the state legislature or Congress. In fact, anywhere from one-third to two-thirds of those elected to the legislature have been mayors, members of municipal councils, county commissioners or served on school boards. Many also have been involved in social and political organizations locally. Half the members of the U.S. House had prior service in the state legislature. People in public office tend to rise through the ranks.

Fourth, it is important for those who want to be elected to have certain resources. It helps candidates to want to win badly. They must be willing to commit the time and energy demanded by a campaign and by the legislative job itself. Good health is important, as is the ability to raise money for the campaign. In most states and most districts, the money required for a campaign is not terribly much. But in the competitive districts of large states it can run to more than \$2 million per candidate for the U.S. House or even a state legislative seat.

What Is the Job Like?

It takes a lot of time. Members of Congress spend 50 hours or more each week at the Capitol in Washington, D.C., working on legislation or at home in their states and districts serving their constituents. The amount of time state legislators spend varies from person to person and state to state, but for most it is a lot. In a recent survey, state legislators from across the country were asked, “What proportion of a full-time job is your legislative work, averaged over an entire year?” It was under half a full-time job for a total of 26 percent and it was more than half a full-time job for a total of 74 percent (among whom it was just about full-time for 22 percent).

Members of Congress receive annual salaries of \$165,200, out of which most of them must pay for homes in Washington, D.C., and in their home states. State legislators earn much less. Except for California, which pays \$110,880 a year, Michigan \$79,650, New York, \$79,500, Pennsylvania \$69,647, Ohio \$56,260 and Massachusetts \$55,569, states do not pay their legislators much at all. New Mexico pays nothing except daily expenses when they are in the capital. New Hampshire pays the grand sum of \$100 per year.

Three of five of the nation’s state legislators still have a paying job outside the legislature. They juggle their careers and suffer a loss of income to serve in legislative office. Working at two jobs at the same time makes life especially tense. Some legislators decide not to run again because they must return full-time to private life to earn enough to support their families and send their children to college.

What's really difficult for people in Congress and state legislatures are the sacrifices that must be made with regard to family life. Some members of Congress bring their families with them to Washington, D.C.; others leave their families at home and get together with them on weekends. Either way, this frequent absence can be harmful to a spouse and children. State legislators ordinarily spend a lot of time at the Capitol or at functions in the district and may not get home until late in the evening—not only during the week but sometimes even on weekends. It is not easy for lawmakers to be available for their children's baseball, soccer or hockey games or their school plays and concerts.

Lawmakers also relinquish their privacy. Almost everything they do is, or can be made, public. Their workload is heavy. Hundreds, or even thousands, of bills are introduced in a legislature each session. Members cannot read every bill, but they must vote on these bills. The issues are complex, and no lawmaker can be an expert on all of them. Furthermore, people in a legislature have different ideas about what ought to be done to solve problems and what ought to be enacted into law. Their constituents—whom they represent—have different interests and different ideas about political issues. Lawmakers are pulled in many directions—by presidents and governors, legislative leaders, colleagues, constituents, lobbyists, friends, family and others. The pressures are unrelenting, and the legislature is a frustrating place. It is not possible for lawmakers to achieve all their objec-

tives, nor is it possible to win on every vote or have every one of their bills enacted into law. Drawing on his experience in Congress, Hamilton sums up: "The truth is, the governing process is inclusive and messy, and progress is usually made inch by inch." That's the way it has to be and the way it ought to be in a democracy such as ours.

Is It Worth It?

Relatively few lawmakers discover that legislative life is not for them and leave voluntarily after a term or two. Some stay longer but leave for personal or family reasons. Still others are beaten in an election. Nearly all of those who serve like the job of lawmaking, despite its drawbacks. They are like Sandy Rosenberg, a member of the Maryland House of Delegates, who at the start of the 2007 legislative session wrote a friend: "I don't recall ever being as excited for the start of a legislative session as I am for this one. So many interesting issues that I am working on."

People who are elected to Congress and state legislatures usually get what they are looking for—attention for their ideas, being in the thick of policymaking, responding to challenge after challenge, helping people with their problems, and engaging in the excitement of the legislative and electoral processes. In Lee Hamilton's words, "the give and take of public life is usually what most satisfies them." America's congressional and state legislative lawmakers are fortunate to play a part in their nation's ongoing experiment with democracy. In the future, maybe you will, too.

Number of Members of Congress and Legislatures, by State

State	Congress		State Legislature	
	Senate	House	Senate	House
Alabama	2	7	35	105
Alaska	2	1	20	45
Arizona	2	8	30	60
Arkansas	2	4	35	100
California	2	53	40	80
Colorado	2	7	35	65
Connecticut	2	5	36	151
Delaware	2	1	21	41
Florida	2	25	40	120
Georgia	2	13	56	180
Hawaii	2	2	25	51
Idaho	2	2	35	70
Illinois	2	19	59	118
Indiana	2	9	50	100
Iowa	2	5	50	100
Kansas	2	4	40	125
Kentucky	2	6	38	100
Louisiana	2	7	39	105
Maine	2	2	35	151
Maryland	2	8	47	141
Massachusetts	2	10	40	160
Michigan	2	15	38	110
Minnesota	2	8	67	134
Mississippi	2	4	52	122
Missouri	2	9	34	163
Montana	2	1	50	100
Nebraska*	2	3	49	—
Nevada	2	3	21	42
New Hampshire	2	2	24	400
New Jersey	2	13	40	80
New Mexico	2	3	42	70
New York	2	29	62	150
North Carolina	2	13	50	120
North Dakota	2	1	47	94
Ohio	2	18	33	99
Oklahoma	2	5	48	101
Oregon	2	5	30	60
Pennsylvania	2	19	50	203
Rhode Island	2	2	38	75
South Carolina	2	6	46	124
South Dakota	2	1	35	70
Tennessee	2	9	33	99
Texas	2	32	31	150
Utah	2	3	29	75
Vermont	2	1	30	150
Virginia	2	11	40	100
Washington	2	9	49	98
West Virginia	2	3	34	100
Wisconsin	2	8	33	99
Wyoming	2	1	30	60

*Nebraska is a unicameral legislature with a single chamber called a senate.



Representative
DEMOCRACY
in America

Voices of the People