

MICHAEL NEBLO

The Boston Globe

Town halls, without the screaming or scripting

By Michael Neblo | August 30, 2009

THE CHAOS at town-hall meetings this month was just a vivid symptom of an older and much larger problem. Even at the outset of American democracy, the framers and average citizens alike were concerned about communication between elected officials and their constituents.

This basic problem of fostering consultation and accountability has only grown as our population has surged and our problems have become more complex. When they are at home in their districts, as they have been throughout August, members of Congress try to discuss issues with their constituents. But many citizens struggle even to understand the policy process, much less have their voices heard in it. As a result, they have become increasingly disengaged, and those who remain have become more extreme and more frustrated. In response, members of Congress have become increasingly wary of uncontrolled encounters with constituents.

Even before this latest wave of protests, most face-to-face town-hall meetings did little to promote reasoned discourse. If democratic decisions are made by the people who show up, decades of research have shown that at town halls, they are usually either people who already love their representative or citizens nursing specific grievances. Neither group is particularly open to persuasion, so members typically do not get to spend much time arguing the merits of a case. Instead, elected representatives offer palliative care, reassuring the aggrieved that they can be trusted to get it right the next time. Worse yet, representatives sometimes avoid confrontation by creating carefully scripted encounters, controlling the questions or participants.

There are better ways to promote dialogue.

Working with colleagues Kevin Esterling and David Lazer, Harvard's Kennedy School of Government, and the Congressional Management Foundation, I conducted Internet town halls as alternatives to screaming and scripting. We recruited 13 members of Congress - both Democrats and Republicans - who were interested in finding a better way to consult with constituents. The idea was to bring elected officials together with a good cross-section of the public through a sophisticated Internet chat room.

We invited random samples of citizens from each member's district or state to participate in discussions on two contentious issues: immigration (during the summer of 2006) and detainee policy (summer 2008). And who showed up? Unlike the recent in-person town-halls, our participants looked a lot like the general public. They were neither political groupies nor angry extremists. They simply wanted to get the issues right by their own lights through an informed dialogue with their representatives.

The questions from constituents were uncensored. Yet, not once, in more than 20 sessions with over 600 citizen participants, did we get a question like the ones shown on TV. There were no verbal equivalents of citizens wearing weapons in holsters to the sessions, no nuclear attacks on members' patriotism or humanity. Members had to answer thoughtful and sometimes difficult questions. When a constituent challenged a Republican congressman on welfare benefits for the offspring of illegal immigrants - a sensitive issue in his district - he defended his belief that a decent country doesn't let children starve in the street. Things sometimes heated up, but nobody had to call upon the Capitol Police for protection.

We made it easy for the participants in our town halls to study up before logging in. In response, the elected representatives were eager to offer substantive, thoughtful viewpoints of their own.

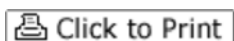
The elected officials also reaped the rewards of straightforward dialogue in the dramatically increased levels of trust and esteem in which their constituents held them after the conversations. Participants could tell that the sessions were not infomercials and respected the representatives for being brave enough to skip the manipulation. They came to see that reasonable people can disagree on complex issues, and that deliberation is often valuable even if a given individual does not change her mind.

Elected representatives have a duty to consult with their constituents. There is a place for face-to-face confrontation, and even angry protest. But even more important for the health of the body politic is exercising the habits of thoughtful

deliberation that the Founders considered so essential. With imagination, hard work, and good will, we can improve upon the politics of screaming and scripting.

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Political process worked — this time, anyway

By MICHAEL NEBLO and CHAD FLANDERS

Posted: April 27, 2008

Earlier this year, we seemed headed toward a primary election debacle: States were stepping over themselves to be the first primary or caucus, pushing the start of the presidential primary season to Jan. 3, the earliest it has ever been. Michigan and Florida even moved up the dates of their primaries at the risk of losing their delegates to the national convention, causing a big headache for themselves and the Democrats in the process.

Pundits and scholars worried that by having a national super primary, we would have Democratic and Republican nominees before anyone started paying attention. The result would be a long, drawn-out (and boring) general election, where two unvetted candidates interminably went at each other.

The disaster has not happened this year. Instead, we have had what many consider the most exciting primary season in recent memory. Although the race between Barack Obama and Hillary Clinton runs the risk of being long and drawn out, people have not (yet) tuned out - even when it looks almost certain that Obama will be the eventual nominee.

And even the Republican primary process, which picked John McCain what feels like ages ago, had its share of drama, as Mitt Romney, Mike Huckabee and McCain took turns in the lead.

In terms of voter turnout, media attention and almost every other measure, the front-loading of the primaries seems to have caused little trouble, and the pundits' worrying and hand-wringing seem to have been premature. Perhaps we should turn our attention to a more pressing debate about the role of so-called superdelegates?

Not so fast. The increased voter attention seems to be in spite of, rather than because of, the new way of doing primaries. The reason front-loading worked is that two celebrities - Obama and Clinton - were the leading candidates for the Democratic nomination. Only Clinton, with her former presidential husband and her fund-raising prowess as well as her natural tenacity, could have lasted this long in the face of Obama's early victories. All other candidates were pretty much relegated to footnote status after Iowa, and had Obama won New Hampshire (which looked like it would happen), we would have seen a very early end to the Democratic primary.

The fact is that this year's primaries were saved by celebrity: Obama's remarkable story and the possibility of a Clinton restoration. With two Democratic superstars running for president, what could have been a very short and early primary season was turned into captivating drama. We should consider ourselves lucky. But we shouldn't let this deter us from serious thinking about the way we choose our presidential candidates.

Should we keep what we have now, basically a de facto national primary, which in most years would favor the most well-known and well-funded candidate against the newcomer or the one who has ideas, but not money? And should New Hampshire and Iowa, states that are unrepresentative of the national interest, still be allowed to have an inordinate weight in picking our candidates, simply because they petulantly refuse to take turns? Do we want an early end to the primaries followed by a general election season that lasts eleven months?

These are serious questions, and they deserve serious thought. We might not be so lucky with our candidates the next time around.

Michael Neblo is assistant professor of political science at The Ohio State University; Chad Flanders is a recent graduate of Yale Law School.



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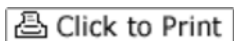
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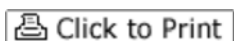
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Why make it hard to vote?

By MICHAEL NEBLO and CHAD FLANDERS

Posted: Jan. 13, 2008

In 2000, the Supreme Court in *Bush vs. Gore* intervened in politics and decided the presidential election. The court heard arguments last week in another case dealing with election law, *Indiana Democratic Party vs. Rokita*, and its decision could turn out to be as influential as *Bush vs. Gore*.

The case deals with a law that took effect in Indiana in 2005, requiring people who wanted to vote in person to show a government-issued photo ID. The Indiana Democratic Party filed a lawsuit trying to stop the law, claiming that it unfairly burdened the right to vote of some, especially the poor and the elderly. Many states have adopted or are contemplating such restrictions, so the court's decision will have ramifications far beyond Indiana.

The 7th Circuit U.S. Court of Appeals, in an opinion written by Judge Richard Posner, upheld Indiana's law, finding that the burden a photo identification requirement was not very onerous, and that there was little evidence that requiring a photo ID would actually prevent many voters from voting.

Posner argued, moreover, that the "benefits of voting to the individual voter are elusive" because "a vote in a political election rarely has any instrumental value." (Posner is right that one vote rarely tips an election, though one might then ask why anyone would risk years in prison to commit unprofitable fraud.)

The Supreme Court seems likely to uphold Posner's decision, if not all of his reasoning.

Posner's strongest argument might be summed up as, "What's the big deal?" Photo identification is part of everyday life. We need it for boarding an airplane or using a credit card. Why should we worry about requiring it for people to vote? If some people don't want to go to all the trouble, then that's their problem. And if the state of Indiana thinks that photo identification is important to stop fraud, that is justification enough.

But there's a larger issue here: How hard should we make it for citizens to exercise their fundamental right to participate in our democracy? No one, of course, is arguing for getting rid of all requirements for the right to vote. Those worried about the Indiana law are only asking whether piling on restrictions does enough (or any) good when it will predictably deter otherwise qualified people from going to the polls.

Between 6% and 10% of eligible citizens lack the requisite identification. Many people might find this number of people without photo identification difficult to believe, though it is a well established estimate. But how do they board airplanes or use credit cards? The answer, of course, is that they don't.

And this is precisely the point. The burden of such voting restrictions will fall overwhelmingly on people who already find it difficult to participate in many social and political functions. Incredulity or indifference to such considerations - if it is not rooted in cynical partisanship - amounts to democracy's version of "Let them eat cake."

Even if photo ID requirements would stop some people who shouldn't be voting (although the evidence here is quite slim), we still have to ask whether it's worth it to deter those people who do deserve to vote. We might recall the famous adage that it is better to let 100 guilty people go free than to jail one innocent person. In the same way, we ought to consider it generally better to risk some voter fraud in order to secure as much legitimate participation as possible. The Indiana law turns this logic on its head: It is likely to prevent many legitimate voters from voting in order to prevent the rare case of individual fraud.

Voting is properly regarded as one of our most sacred rights, even as the foundation of all our other rights. If being the decisive vote were the only value people found in voting, it is hard to see why 100 million Americans would show up and vote. Giving everyone a say in how the country is run is the basis of our democracy - and one thing we shouldn't be afraid of this election season is having too much democracy.

Michael Neblo is assistant professor of political science at The Ohio State University; Chad Flanders is a recent graduate of the Yale Law School.



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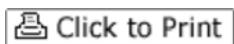
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