SIU CARBONDALE SOUTHERN ILLINOIS UNIVERSITY
PAUL SIMON PUBLIC POLICY INSTITUTE

PANEL 4

THE POLICY CHANGE PANEL: WHAT IS TO BE DONE?

(TRANSCRIPT)

By: Mike Lawrence – retired director, Paul Simon Public Policy Institute
Kent Redfield – University of Illinois Springfield
Cindi Canary – Chicago Ethics Reform Task Force
Robert Rich – University of Illinois Urbana Champaign
Natalie Woods, Peggy Kerns – National Conference of State Legislatures
Chris Mooney – University of Illinois Springfield

September 2012

Paper Originally Presented at the

Ethics and Reform Symposium on Illinois Government

September 27-28, 2012 - Union League Club, Chicago, Illinois

Sponsored by the Paul Simon Public Policy Institute, SIUC, the Joyce Foundation, and the Union League Club of Chicago

The Policy Change Panel: What is to be Done? (Transcript)

By: Mike Lawrence, Kent Redfield, Cindi Canary, Robert Rich, Natalie Woods, Peggy Kersns and Chris Mooney

Mr. Yepsen: All right, let's get started on our final panel of the afternoon. Our fourth panel will be moderated by Mike Lawrence, my predecessor as director of the Institute. He's a former press secretary and advisor to Governor Jim Edgar and a longtime Illinois newspaper writer and editor, well known to many of you. Mike?

Mr. Mike Lawrence: Thank you, David. David pretty well described what I've done. Before I was director at the Simon Institute, I was a journalist for a long time doing a fair amount of investigative work, and then I worked in government. And a friend of mine used to describe the job of political reporters, which I did for about 20 years, as coming out after the battle and shooting the wounded. [*Laughter.*] So I did that for a good part of my life, and then I found myself among the wounded for the next chapter.

We're going to try to have more of a discussion here as we wrap up. We'll talk among ourselves for a while and then try to leave plenty of time for questions and comments from you. We're pleased to have with us Peggy Kerns and Natalie Wood from the National Conference of State Legislatures. You heard them yesterday, a very impressive presentation. And that's Natalie on my far right, and Peggy. And I think Peggy, too, can bring an additional perspective to the discussion as a former elected official who, among other things, as she noted, had to leave office because of term limits.

Kent Redfield is a professor emeritus at the University of Illinois Springfield, and has, in my view, is certainly…there's nobody who knows more about campaign finance in Illinois and really the ins and outs of it than Kent. And he's been a real major partner with Cindi Canary, who I will talk about here in a few seconds.

On my immediate left is Bob Rich, who recently retired as director of the Institute of Government and Public Affairs at the University of Illinois. I've had the pleasure over the last year of working closely with Bob on a leadership initiative, and have truly appreciated his leadership in that regard, and leadership on many other things through his time as director of the Institute.

Next to him is Chris Mooney. Chris is highly regarded among political scientists across the country. In Illinois he holds the W. Russell Arrington professorship at the University of Illinois. And for those in Central Illinois, you hear his regular commentary as a panelist on WUIS radio.

And on his left—I'm not going to say the far left, because Cindi is, like me, a flaming moderate. But Cindi recently retired as executive director of the Illinois Campaign for Political Reform, and in my mind did a fantastic job in that role. And that organization was founded by Paul Simon, or he co-founded it, and I know Paul died

in December of 2003, and I know if he had lived, he would have just been delighted with what Cindi has done with the organization.

Now, as the moderator, I guess I have certain prerogatives. At least I'm going to begin with them, and then they'll be taken away from me bit by bit by whichever way the panel discussion and the audience discussion goes, but essentially, I'd like to begin by having a conversation…well, with campaign finance limits, contribution limits. I'd like to begin with that, but I don't want to dwell on it, because there's been a lot of conversation about limits, and I think there are other areas that we ought to look at.

But anyway, to begin the discussion, I'd like to call on Cindi, and really to give us…well, particularly in light of Jim Merriner's remarks on an earlier panel, has it all been for naught? If not, what have we got that we've held onto? And what are the challenges and the potential going forward, or should we be looking at other things? And for this part of it, too, I'd like Kent to weigh in as well, but let's start with you, Cindi.

Ms. Cindi Canary: Okay. That's quite an assignment. Well, first of all, I don't think it's all for naught, but I'm unlikely to sit in front of you all and talk about how my life is meaningless now, so… [*Laughter.*] That would not be good form.

One of the things that I've been struck by over the last two days is the way that we use the word reform and reformer, as if it connoted one set of policies. And I am just as guilty. I throw that term out all the time. I describe myself that way. But I think it's really important to remember that reform is about changing the status quo, and there are all kinds of ways to change the status quo.

And I suppose in some ways somebody like Jim Bopp is as big a reformer as I am, even though we probably don't agree on what day it is today. I do feel that the limits in Illinois have been a very important step. Do I think that they are perfect, do I think that they are even set at the right levels? No, I do not.

One of the other points that I think I need to underscore, which I think we all know, is that the process of moving from a model piece of public policy to an actual law on the books is what I think we all call sausage making. And it is a process that is fraught with difficulties, and is fraught with compromises, and you often come to the other side saying what happened to this beautiful piece of research and data and pure poetry that I developed? How did I get here? There is a little bit of that. I think there's a little bit of that in all of the policy work that I have been involved in. It is the nature of the beast and the nature of the process.

And I think it's also important to know that in a state like Illinois, we are working…well, some would say glacially. I was going to say incrementally. And it's interesting, the point that you made, which I think is rightly taken. We came out with our limits bill literally looking over our shoulders to see if the limits bill was going to come first or *Citizens United* was going to come first. What other states did in the

‘70s and early ‘80s, and some of the experiments and refinements that you have seen in other states, from public financing to small donor enhancement, to more targeted limits, Illinois has been rather a late bloomer on it.

And I think that it is inappropriate and wrong to write this law off at this juncture. We have gone through half a mayoral election. We have not yet gone through a general election statewide or any statewide constitutional officers. I do think that we all walked out of the negotiating room thinking that there were things that needed to be fine-tuned, tweaked. Unfortunately, we probably all had different things we wanted to change. And I think that we need to continue to reform it, to refine it. But I think that, as Mark Twain would say, it’s a little early to write the obituary on limits right now.

Mr. Lawrence: Kent, you have anything to add there?

Mr. Redfield: Sure, just briefly. I don’t know about Cindi, but I’m really disappointed not to have the opportunity to read 63 pages of single-spaced in terms of our paper. We thought we were getting paid by the word. We misunderstood what was going on.

So limits you have to talk both concrete and symbolic. Limits have to do with elections and they have to do with influencing public policy. And so you’ve got two things that are very difficult to deal with. How do you get to limits, which I think are valuable and good things to do in relation to elections, and is that a different conversation than what you need to have about limiting money coming in that’s trying to affect public policy.

And so you make tradeoffs. You try to figure out how do I weigh those two things that where doing something in one area may have an impact on, you know, the opposite impact or a different impact in the other area. A methodologist named Abraham Kaplan talked about it as an existential dilemma. It’s something that’s in the nature of what you’re talking about. Public policy is about that sort of stuff all the time. That’s tradeoffs. That’s part of life. You have to do it.

So limits are important in terms of the policymaking process because they limit the amount of money that comes in to influence policy, and that’s about corruption and the appearance of corruption. And limits limit the amount that leaders can ask for, so that people that are interest groups like limits, if you’re not a big player, because that limits the amount of checks, the size of the checks you have to write. And we have clear examples in Illinois of policy following money.

Nobody in the General Assembly had a really informed opinion about payday loan regulation. That became a hot issue. What we found out in August, after the payday loan regulation bills had all gone down in flames, is that these people obviously had some people on the ground in Illinois, because they shipped a ton of money to Springfield during that spring session. And so money affects policy. It’s

not just about elections. So it's too early to know, as Cindi said, if we set them the right place, if that's the right level.

The other thing is symbolic. The Chicago *Tribune* literally tried to take the hide or just flail the skin right off our back after the limits bill passed, and that this was a sellout, this was, you know, why did you go that far just to get this. On the other hand, when I'm walking through the state capital after the bill passes, and in the next spring and I run into person after person that says, you know, I never thought I would see the day when Illinois adopted contribution limits.

I mean, it's hard to overestimate the symbolic impact of getting limits on the public agenda and then having them actually adopt a partial limits bill. It changes the whole nature of the conversation that we're going to have down in Springfield, and so it was very important symbolically as well as the real impact it has on policy and elections.

Mr. Lawrence: Well, before we move on beyond limits, I would like to ask the two of you—Cindi knows, and I think Kent knows that I might be a little closer to my former *Sun-Times* colleague Jim Merriner on limits than I am to their position. And one of the reason is—it's not purely a First Amendment issue with me—I think there are unintended consequences.

And when you saw the reform in '74 post Watergate, that really produced PACs. I mean, every attempt to limit has produced a new animal that is out there. And one of the things that I think we accomplished in the '98 reform, and maybe the most important thing, and Kent, you and Cindi alluded to it in your paper, was we required a mandatory electronic disclosure of the contributions and expenditures, which made it easier for a guy like Kent Redfield to go through and draw comparisons and make the case for limits.

Do we have less transparency—given the court decisions, which you had no control over and the fact that if people want to give, and if people in the system want money to buy commercials, they're going to find routes to do it and they'll be ingenious. And the more ingenious they get, the harder it is to track where the money is, the flow of the money.

Ms. Canary: Actually, Mike, I would say no. I would say that in the bill we actually strengthened disclosure. There is a strong definition of disclosure for independent expenditures for electioneering. You are absolutely right, though, that as people get more creative—and people do get creative—these types of reforms are reforms that you have to always be vigilant at. You don't do this once and then say I'm finished, I'm done. This is about your democracy, how transparent, how accountable is, and I think that you always have to be monitoring that.

We do have a very strong disclosure system in the state, but one of the lawsuits that you didn't mention was immediately to take down disclosure in Illinois. So it is

something that we have to be extraordinarily vigilant about. It is really kind of the new litigation frontier of campaign finance.

Mr. Redfield: And just quickly, we have disclosure on money that goes directly to candidates, and that's constitutionally…we're fine with that. And we've got an excellent law in Illinois in terms of disclosing direct contribution. Independent expenditures, we've got a huge issue nationally, and we're probably going to have an issue in Illinois about disclosing the sources of money, because while it is constitutional to require the disclosure of sources of money that are funding independent ads, there's a huge reluctance among groups to disclose.

But Anthony Scalia, in a different case involving disclosure on names on petitions said that engaging publicly was an act of civic courage, that just because you might get a nasty email or your name might show up in the paper is not a reason to not…you know, the greater good is the disclosure and the informed citizenry. So we're going to have a huge fight over disclosure, and it has to do with whether you can hide things in not-for-profits. It doesn't do any good to know that Friends of the Earth got all of their money from the Friends of the Earth not-for-profit. That doesn't tell you anything at all about who the real Friends of the Earth are.

My position on this is clear. The only reason for someone to participate anonymously in politics as a donor is either because they're a coward or a scoundrel. I mean, that's just flat out. And so we've got to have civic courage and we've got to have civic integrity, and we've got to get at that. Disclosure works as self-regulating system. You disclose, then you modify your behavior as a candidate. You won't take money from things that give your opponent ammunition. You won't take money in amounts that would cause you political problems in the campaign. You won't get money from someone where the disclosure would embarrass your mother.

And so disclosure sunshine is self-regulating. When you've got anonymous money funding independent expenditures, that's disconnected from any kind of self-regulation in terms of the way that we understand how democratic self-government should work in terms of informed voters. So this is the real battleground going forward on independent expenditures, is getting at the sources of that money. I'm off my soapbox and I'll shut up.

Mr. Lawrence: No, that's fine. Before we move on—and we may come back to limits in discussion down the road—but before we move on, do any of the other folks up here have anything to say about limits?

Mr. Mooney: Well, one thing I'd like to just mention and just put a plug in for this paper. When Kent walked in my office and dropped this thing on my desk the other day, like he said, 66 pages single-spaced, it was a bit of a shock. But I would commend this to anybody who is interested in both the history of reform and this really impressive movement that's gone on over the last 20 years here led by—I mean, mention was made last night of Don Quixote. I think someone…

Male: Andy Shaw.

Mr. Mooney: Yes. I wasn't going to mention it. But took that as a moniker for himself. But I think he fails to really understand the nature of that character in that wonderful piece of literature. I've always thought of Cindi and Kent as sort of Don Quixote and Sancho Panza. [*Laughter.*] Again, I'm not going to attribute which role to which person.

Ms. Canary: [*Laughs.*]

Mr. Mooney: But, you know, Don Quixote is misunderstood oftentimes as he was a person who was not crazy, okay? He was an optimist. And he went forward to do good in the world, and did good. He did not say that all the windmills were giants, but he said that they might be giants, and therefore he went forward to do good.

And I think those of you who are interested in this should read this paper both for the historical narrative and the detail that they put out in there that needs to be set in the record so everybody remembers what it is, but also for the wisdom that they impart about the political process. They are reformers with political savvy, and that is not always a combination you find in the world, so this paper both has facts and wisdom, which is another combination you don't always find in academic papers, so I hope that we see it.

Mr. Lawrence: I would second that. I also read the paper and think it's very valuable. Now, some of the other topics I would like us to address, moving beyond limits, I'd like us to talk about the expenditure side of campaigns. There's been little focus on the expenditure side in the whole debate. But the reason all that money is raised is because of the importance of 30 second television commercials.

I haven't been involved in a campaign lately, but I was involved in two for governor, and two out of every three dollars that we raised in that campaign went for television commercials and related expenses. So I'd like us to talk about what we might do on the expenditure side. Dave Kohn got at that in a question to the panel before lunch.

I'd also like us to talk about civic engagement and civic education, which, I have a bias there. I really think getting the public more engaged and also starting very early—and this point was made—to get young people and then all the way through, to start talking to them about the responsibilities of citizens, the expectations for citizens, and the expectations that citizens ought to have for public officials. And I know that borders on values education, but it's still pretty fundamental in this country. So I'd like us to talk about that.

From my own experience watching several gubernatorial administrations and being involved in one, I don't think you can overemphasize that a public official has to set the culture at the office and has to have people around him or her of influence who are dedicated to having good, clean government. And I've never seen a perfect administration. I've never seen a perfect anything.

But the point is that having people and public officials who, when there is impropriety are willing to address it squarely and root it out. And yeah, we've had prosecutors do that, but I think it's also important that we have people in the executive and legislative branches. And I would also, the point about the number of local government units in Illinois is something we might get to as well.

And if you poll people—a lot of people, people I talk to not necessarily in the arena, but outside of it, and when you poll, the Simon Institute polls, and it's shown up in more than one Simon Institute poll and it's shown in some—they think there is a silver bullet: term limits. So why don't we start with Peggy on term limits. Is it a silver bullet? What are the up sides and down sides?

Ms. Kerns: Well, you're right, my years in the legislature ended because of term limits. NCSL, with Alan Rosenthal, who was supposed to be here, with some private money, I think it was Pew, did a really extensive study a few years ago of term limits and the effects on making of public policy, and Ohio was one of the states, and Colorado—16 states have term limits for their statewide elected officials.

And Colorado is one of another handful that also imposes that on local elected officials also. And both efforts were spurred by citizen initiative, which in Colorado is very easy. It's a simple majority of voters that can pass anything to get into our constitution, so we have some odd things in our constitution. But the term limit wave has kind of gone past, because we don't see many states doing it now, and some were declared unconstitutional by their own Supreme Courts.

But the effect, from my perspective, and I don't have the report in front of me, but if anybody wants this report, Natalie and I will be glad to get it for you. But from my perspective, there was a power shift, and the power shift was to legislative staff, who are not term limited, and have good, substantial information and background on particular issues, but also to the special interest, to the lobby, because once my class left the legislature, and then everybody was term limited as it rolled in, the information shifts from the seasoned legislator who's there, who's been through the cycles of maybe school financing many times, some complex issues in budgeting, serve on the budget committee, which seems like it's a prestigious position, but it's actually just a heck of a lot of work. But these people build a bank of information that then they can use and pass on.

So to kind of summarize, so I don't go too far, the mentoring aspect of other legislators from seasoned ones, and passing on information that can really make them better as their jobs ended, and the information shift shifted to legislative staff, and more importantly to special interests.

Now, in Colorado, one other quick thing, Mike, and then I'll be quiet. The other interesting thing that happened in Colorado with term limits is that the initial idea, I think, and actually across the country, was to clean house, to get new people to get into the political process, the old people move out and fresh ideas and fresh people.

What happened in two states that I am familiar with, Ohio and Colorado, both have very, what we say, term limits, meaning you can jump around and back and forth and all of that. And in Colorado you can go eight years in the House, eight years in the Senate, and you can cross again. What's happened more in Ohio is that people went down and up and down and up. Legislators who served their 16 years, then ran for county commission, they ran for city council, they ran for mayor. Dual office holding is not allowed, but they would serve their time there and then come back into the legislature.

Now, these people, I often thought that if I went back into the legislature after being on a city council for six years and the legislature for eight years, I'd be a lot better at the job, so there's some advantages in that. But one of the findings from this report was that if the reason to have term limits is to clean house and let fresh people in, that does not necessarily happen, that there is an industry out there called being an elected official, and people cross over for as long as they can.

Ms. Wood: Can I?

Mr. Lawrence: Yes, please.

Ms. Wood: I'd like to just add to what Peggy said. We are students of state legislatures, and specifically, in our department in NCSL, of the legislative institution and the legislative process, and one observation that we've made in talking to legislative staff, in particular, in those term limited states is a decreased focus on the institution itself. When you have folks who are there for a shorter amount of time, the focus becomes more on the here and now and what's going to happen while they're there. And you can tell me if you think that's fair or not.

Ms. Kerns: Yeah, people tend to lose the long-term perspective.

Ms. Wood: The long-term view. And we might revisit that, depending on where the conversation goes, but I think that's another caveat to add.

Mr. Lawrence: Are there any states that term limit leaders as leaders, but not rank and file?

Ms. Kerns: Yes, there are.

Ms. Wood: There's a handful of states where, in one chamber or both, there are limits, be it by tradition, which is the majority of those states that have limits. There's a tradition limit in place. We were just speaking with our expert on legislative rules and procedure. In Wyoming, for example, they have by tradition that the speaker only serves for two years.

Male: Tradition?

Ms. Wood: By tradition, by custom and practice. But we've been to Wyoming many times, and that seems to be how it works. In Maine, for example, it's in statute, so it's codified.

Mr. Lawrence: Have they had enough experience with that that any trends have shown up?

Ms. Wood: What happens in Florida or Oklahoma, for example is, because they have those limits, they sort of know who the speaker in waiting is, and so there is some mentoring. Those are two states with term limits, so there is some mentoring that takes place, so that would be one thing I would add.

Ms. Kerns: Well, in Florida, the term limit in the House is six years, I believe, and so when somebody is elected, that person will let it be known that he or she wants to be speaker, because they only have four years to get there. So there is a bottom-up movement as people look at who is running, and who wins, and who may stand out as leaders to pick that person out as the next speaker in four years. So maybe it's not as open a process as it might be in a state where there are not term limits.

Mr. Lawrence: Any others? Yes, Chris.

Mr. Mooney: I was involved in this term limits project with Alan and the folks at NCSL, and it is another example, I think, of simplistic thinking—that is, the movement towards term limits is an example of simplistic thinking, lack of care on the side of—or maybe disingenuous on the side of the advocates of it.

It was an institution, U.S. Term Limits, run by a guy who was a Libertarian Party operative, who saw a situation in 1990 in Oklahoma and just ran with it, crammed it through every state, just about, that had an initiative process, and let the chips fall where they may. It's not solved the problems that it was intended to solve. It was sort of a knee-jerk reaction, retribution. Don't like politicians, throw the bums out. It didn't do much except cause new problems.

And I think especially last night listening to the discussion here, there's so much focus in Illinois politics on the Speaker of the House, I mean, to put a face on it. He is a unique individual, and we cannot—you know, you can't do things, whether indirectly or directly, just to get rid of Mike Madigan and expect all things to be well. It will not happen. There's going to be a new person in there, and will there probably be another…never be another Mike Madigan. Maybe the situation will never arise. He's a unique person in history.

But if the system is the same, it's not going to…it's going to change, but it won't get any better, probably, so it's best not to focus on individuals. And I think that's, in general, what the term limits advocates were all about. It was more—not the individual person, even though in some places like Maine, that's what it was all about. And that's one of the places where it started, trying to get John Martin out of the Speaker's chair. And it didn't solve anything. Maine is in the same situation it was before.

Mr. Lawrence: Okay. I'd like to move now to expenditures in political campaigns. And where I'm coming from there is, actually, it follows, as I said earlier, on what Dave said. But Paul Simon thought it was important to look into expenditures, and early on in our time at the Institute, he and I met with the news broadcasters from Illinois, asking, on a voluntary basis, if they would provide more free air time so that candidates could be heard in more than sound bites or commercials.

And the response was…well, it was underwhelming. Actually, some did offer the time, but I think to the extent that we could deal with the expenditures, as I said earlier, and this was Paul's idea, that you would diminish the pressure to raise the money, because it goes principally to 30 second spots. And I know, Cindi, you and I have talked a little bit about that and what is done in England and elsewhere.

Ms. Canary: I think we all know that we can't limit expenditures. The Supreme Court told us that quite a while ago. But looking at ways that we can, in essence, kind of raise the floor to get more voices into the debate, either through public subsidies, through ad banks through things like they do in Britain and other places in Europe where there is an amount of television time on their public broadcasting channels. I was saying to Mike earlier that I certainly don't have the answer.

There was an effort a decade or so ago to really get a broadcast bank going in this country. That fizzled, or perhaps was pummeled by the National Association of Broadcasters, I don't know. But I think that this is a unique moment in time to put some new thought into this. As we're seeing so many changes in the news media, and particularly when we think of television, we think of things going on cable, we think of some things going on the Internet. We've still got the networks. So ad dollars that campaigns are spending are really getting sort of diversified.

At the same time just the very schedule of campaigns is changing, where early voting opens a month before the elections. There is no finite moment in time. We've got a lot of pieces moving right now, so I think it's a good time to start thinking a little bit differently about whether there are new opportunities to provide platforms for candidates to get their message out in a way that doesn't cause them to have to shake the trees for those dollars.

Mr. Lawrence: You know 40—I believe I'm right on this—40% of the entering students at Northwestern have no television. They didn't bring television sets into their room. Obviously they're getting their information somewhere other than television, although they can use the Internet to watch some television they want to watch.

But I guess the point here—and I would welcome ideas from the panel here, and then when we get to the audience, if you have any thoughts—it seems to me there's a potential for outreach by campaigns, by the media, by community groups and others that are a lot less expensive to reach targeted people than we've had for most of the last decades. Most of the last decades it's been television. And it still is television. But I think that's going to change.

I want to now move on to—and I know we're flying through, but hopefully what we'll do then is generate questions and comments from the audience. There's been talk about civic education, public education, civic engagement. And Bob, in your paper, you talk about public learning, and I thought one of the case studies you cited—well, you cited several. I thought one was particularly interesting, the case study on smoking. But if you could talk just a little bit about public education and that case study, I think it might be helpful and stir some thinking.

Mr. Robert Rich: Thank you. One of the things that struck me over the last day now is to be clear as to what the problem is we're trying to address. And to my way of thinking, I think we need to give more emphasis to the citizenry, and not just to public officials, and certainly not simply to laws and regulations. My own view of this is that if the public didn't accept the practices that we currently have, something would be done about it. And moreover, I believe that we need to be very clear as to what the expectations are of the public, and the public needs to make its own expectations clear.

The best example I have of major change in public attitudes, and that major change in public attitudes leading to a change in actions and a change in broad societal understanding is the antismoking campaign and the secondhand smoke issue. I remember—I was mentioning it to Mike yesterday—I remember in 1959, the first time I ever took an airplane flight overseas, the right-hand side of the airplane was the nonsmoking side of the airplane and the left-hand side was the smoking side of the airplane. And that was by the assumption that my rights as a smoker are no different than your rights as a nonsmoker.

Now, we fundamentally, as a society, changed that. It is no longer the case that your rights as a smoker are the same as my rights as a nonsmoker, because we've decided as a society that my rights as a nonsmoker are going to be protected, and are going to be protected far more than the rights of the smoker. Now what that means is we've had a fundamental change in attitudes and beliefs. And by the way, I think that change is very broad in society. I look at television or movies, and it used to be the case that when someone had something to celebrate, they'd light up a cigarette as part of the celebration. You don't see that anymore, which is, again, a broad indicator of change.

And so what I believe is that if we're going to have a fundamental change about the attitudes we see here in Illinois, it's going to be a fundamental change in culture. And the way to change the culture is by working at societal expectations and general societal beliefs. And again, I used smoking and nonsmoking as examples. There are lots of other examples out there that one could use—Mothers Against Drunk Driving as an example. One could also use the whole change in attitude about HIV-AIDS and where that started and where it's ended up.

Mr. Lawrence: Okay, I think we'll go to the audience, go to you. [Sander Berman] has a…we'll get the mike to you, Sander.

Mr. Sander Berman: I just wanted to add one comment to the original discussion regarding term limits. As a retired legislator who served only 31 years in Springfield, and survived 22 elections, I'm very opposed to term limits. And the reason is not a selfish one, but that I think it goes to the heart of the purpose of democracy. The best example of that is if there are two—for example, a two-term limit for a legislator, the day I get sworn in on my second term, I don't give a damn what my voters want because I can't run again. And that undermines the whole theory of democracy.

Mr. Lawrence: Question up front here.

Female: Following up on that comment, to your comment about term limits, I mean, isn't term limits for leadership different than term limits across the board, where you get kind of a shuffling of public officials all over the place? I mean, if we're talking about the effect on democracy, I can understand how you have public officials jumping from one house to another and up and down and things like that, but what is your opinion on specifically for leadership?

Mr. Rich: Well, that's a popular reform that people talk about these days, again, because they think Mike Madigan is the root of all evil. And I'm kind of agnostic on that. I know in Florida, that's the one state that I'm familiar with where they have done that for a long time. Basically it was one term. And it sort of allowed influence to move around the state. And Florida's a big heterogeneous state, actually more so than Illinois is, in a sense, so there was some of that.

But on the other hand, what that tends to do, and I would submit that would do it in Illinois, is to decrease the power of the legislative branch, because the leaders are really the ones that have in their hands the responsibility for the entire branch that nobody else really does. And they are imbued by their members with the responsibility to look out for the institution. Also other things, like look out to get me reelected and things like that. But they definitely look out for the position, the respect and power of the institution within the government itself.

And so the fact—and again, with Speaker Madigan, love him or hate him, one thing you have to agree on is the fact that he is there, a very powerful person in Illinois politics, makes the legislature a much more relevant place. And in fact some might say, under some recent administrations, the most important branch in policymaking. So I think if you started shuffling around the leaders, you would reduce the power of the legislative branch. Again, is that good or bad? That's for other people to decide.

Female: Is there any research compiled from any states that just have term limits on leadership?

Ms. Kerns: No.

Mr. Rich: Not that I'm aware of, no.

Ms. Kerns: Not that we're aware of, no.

Female: Okay.

Mr. Redfield: And I'll just…I mean, I think limits on leaders are, you know, that's term limits light. And if it's about democratic self-government and it's about political culture, then I don't think that getting at, you know, shuffling leaders every so often, power just goes—if the system is corrupt, then if you change leaders every eight years, the power just goes somewhere else.

I mean, I think you have to get at…if there's systemic problems, you don't solve them by just some kind of change in the organizational structure. To me, when you hear me come out for term limits, then that means I've given up on democratic self-government and I think it's impossible to deal with the problem of political corruption, and therefore we have to resort to—

Mr. Mooney: Can we quote you on that, Kent?

Mr. Redfield: What?

Mr. Mooney: That you've given up on democratic self-government and you think it's impossible?

Mr. Redfield: If I come out for term limits, then you know that I've reached that point.

Ms. Canary: That's when we know his life is meaningless.

Mr. Lawrence: Are you for term limits in the executive branch? Because we have it at the national level.

Mr. Redfield: I think the President is a unique situation.

Mr. Lawrence: How about governors?

Mr. Redfield: No, not at all. No. We have limits on terms, and if we have responsible voters who are informed and engaged, then the system takes care of itself. But this never came up in the Constitutional Convention in Freedom Hall. Nobody talked about term limits because they believed in democratic self-government and had faith in the people.

I want to improve the process and the people. Just structural changes that say I can—term limits says now I can relax. I can become disengaged as a citizen again because I've got a mechanism that will help me out, and therefore I don't need to do anything as a citizen because the process will now take care of it.

Mr. Rich: I think the emphasis has to be on the responsibility of citizens and what we expect of citizens and what citizens do. And until I think there's more emphasis on public education and on the citizenry, we're not going to make as much progress with reform.

Ms. Kerns: And the longevity of leadership is really something that has no problem. There's no problem, because very few states have leaders that are in positions for so many years. One of the things is party control shifts, so you get a new leader.

Female: Really?

Ms. Kerns: Yeah, I mean, so… [*Laughter.*] Yeah. You know, like this election in four weeks. But I don't think that many legislators see the longevity of their leadership as a problem, or many citizens, either.

Male: I wanted to pick up on what Mr. Rich said. The attitude of the public towards smoking did not just happen. There was money behind that effort. There were medical, insurance companies, there were governments that had to pay out a lot of money for people who were getting sick, there were corporations who had a lot of sick days that they had to worry about. They got behind. They put money behind it. Where is the money behind reforming corrupt government?

Mr. Rich: I guess I would challenge your major assumption that the major reason for the fundamental change in attitudes and beliefs was money.

Male: It was the educational process that was funded by money.

Mr. Rich: Well, I think it was education. Plus it started with the Surgeon General of the United States, in a very broad education campaign which then enabled challenges to tobacco companies. And it was despite, by the way, tobacco companies' very large sums of money. The laws still changed, and the fundamental attitudes and beliefs still changed.

[Mr. Mooney]: And the other analogy that you mentioned with the drunk driving change. And that's something most of us can remember in the last two decades, or really, in the early '80s, drunk driving, eh. You pleaded down to reckless driving, or the cop would say just get home. Now it's a major felony, and it's a major shame.

And why is that the case? It's because Candy Lightner had her child run over on her way to school by a guy who was released in the morning from a drunk driving case. She mobilized and literally it was mothers against drunk driving. They didn't have a lot of money, but they had moral authority, they had a lot of energy, and so there's other resources that can be brought to bear.

The question then becomes if they don't have…if reformers don't have the money, do they have the moral outrage, do they have the moral authority that Candy Lightner and Mothers Against Drunk Driving did and do. That's, I think, a very open question, because what's more motivating than having your child killed? It's certainly not having your governor on TV acting a fool and then going to jail.

Female: As someone who's worked for a long time with the Illinois General Assembly to reform campaign finance and ethics, I want to ask the question about leadership limits. Obviously, for those of us who have done this work for a long time, limiting a

certain leader of a certain house would be advisable in some cases. The difference, I think, between term limiting leadership and term limiting elected officials is that leaders are elected by his or her members, they're not elected by the people. Right, Kent?

Mr. Redfield: Of course.

Male: And so what do you say to that, then? Do we then take the institutions of democracy into a legislative chamber that benefits by electing a leader like Mike Madigan, who parcels out favors and opportunities to get bills heard without punishment, without retribution? I mean, I think that Illinois leadership right now presents an interesting case. To have the same leader of the same house for how many decades?

Mr. Redfield: Out of the last, if he gets elected Speaker in 2013, which I think is fairly likely, he will have been Speaker 28 out of the last 30 years he will have been Speaker of the House. That's unprecedented nationally. You never have a legislative leader that's in office that long.

Ms. Kerns: How about Vern Riffe from Ohio?

Ms. Wood: There's somebody from Tennessee who was there a long time, too.

Mr. Redfield: Okay, but we're not talking normal. I'm going to be real hardline about this, because this is a representative democracy. We elect people to represent us and we send them to Springfield and we say decide what my taxes are, decide what the state policy ought to be on abortion, decide how we're going to fund public schools, but I don't trust you to pick your own leaders. And so either we get rid of—we just go to direct democracy or we have representative democracy. Again, if the system is corrupt, then changing the leaders doesn't make a difference, because the power is just going to go somewhere else.

Mr. Lawrence: It's been a—

Mr. Redfield: I'm sorry. We don't need to talk more.

Female: You and I, we…

Mr. Lawrence: Yeah, you can talk about it later. It's been a good debate on limits. Are you going to talk about limits, Professor?

Male: I'm going to ask you a question.

Mr. Lawrence: Okay.

Male: When you were working for the governor, and you were in the room—I assume you were, because you were a heavy hitter, Mike, we all know that—when you were

in there with the four tops, who was the one guy Jim Edgar could trust and wouldn't go double-crossing him? You don't have to mention the other three guys.

Mr. Lawrence: Well, first of all, I was not in the room when he met with the leaders, so maybe I wasn't as heavy a hitter as you think. I mean, the people who were in the room when he met with legislative leaders was his chief of staff and his legislative affairs person.

Male: And you never heard anything that went on there? You were just totally—

Mr. Lawrence: Oh, no. No, no. I mean, if you're alluding to his relationship with Speaker Madigan, I think it was rocky in some respects during the first term. In many respects, because the Speaker decided he was going to be the anti-Edgar. The second term was another matter. He and Madigan differed on some things, but they got along. But he felt, and of course I would agree with this based on my own, what the governor, the way he felt, but also I had the opportunity to watch Madigan through the years.

There's no question that his word was good, I mean, in that respect. If he told you he was with you, and he would put X number of votes on the board, you could count on it. And that was not true, necessarily, of the other leaders. He also would tell you if he wasn't with you, and that was not necessarily true in the other leaders. So in dealing with him, it could be very, very tough, but it was also a situation where he didn't play games in that sense.

Male: Thirty second follow-up. We've had three governors go to prison. How many legislative leaders have gone to prison?

Mr. Lawrence: Well, that's a good question. Except—

Male: What would you expect?

Mr. Lawrence: Well, no.

Male: Something like six or seven since '76.

Male: How about leaders?

Male: Not leaders.

Mr. Lawrence: No. Well, back in the '70s, because I had a legislator sanctimoniously ask me why are you trying to deal with us; it's the governors who go away. Well, you know, these things are cyclical. I hate to say it. But in the 1970s, close to 10% of the General Assembly was under indictment at one time or another. And so…and we've had scandals in the Illinois Supreme Court through the years. We've had Supreme Court justices.

So I don't think any of us ought to get sanctimonious about, well, you know, it's not us, it's somebody else. And getting back to comments made by many today, it's really up to all of us, and people beyond this room as well. None of us can say, well, we're all right, the problem is elsewhere. Yes?

Female: Thank you. First I'd like to thank the Paul Simon Institute. This has been a great day and a half for me and I really appreciate it. I could listen to these panels probably through the rest of the weekend. I wanted to comment, though. Twenty-five years ago we had a report, "Nation at Risk," and it pointed out the civic illiteracy in the country, and the fact that kids and adults didn't understand the Constitution, didn't understand the Bill of Rights, didn't understand their responsibilities as citizens.

And we continue to have that problem, and it's a systemic problem. And it won't change just by changing the leadership or some of the campaign contribution requirements. We have a serious, serious crisis in civic education in this country. And while we focused on STEM, we haven't focused on civics. And if we want a democracy ten years from now, we have to start teaching kids like we teach them religion and any other subject early on in civics. And I thank you, Mike, for bringing that up, because you and I have had long discussions on it.

Mr. Lawrence: Well, you've done a lot of good work in that area.

Ms. Canary: Mike, can I respond to that just briefly?

Mr. Lawrence: Yes.

Ms. Canary: I agree with you completely, and I do a lot of work in civics education through the Mikva Challenge in Chicago. One thing I think that we need to remember is that civic participation is a learned behavior, and we do not teach it in our public schools.

Male: Or encourage it.

Ms. Canary: Or encourage it. And if you look at what is happening to social studies in the test taking, it is way down there. And so we bemoan it constantly, but we are not looking to those institutions where, when I was coming up, you had to take that civics class. And I don't really recommend that anybody have to take the grandma civics class that I took, but there is a way of teaching civics that engages students and empowers them to take the reins of leadership in their communities, and it is an opportunity for all of us. And then they can finish up with this leadership campaign finance stuff.

Ms. Kerns: Well, Natalie and I want to put a plug in. The NCSL has a program called The Trust for Representative Democracy, and a piece of that is civic education, with an emphasis on middle school students. And what it does is give legislators materials, very well written, good materials, some videos to take into the classroom. And we need an Illinois coordinator. We don't have a coordinator for either chamber

in Illinois, Heather. Okay. But what states do is have a staff person in the House and a staff person in the Senate to disseminate the information to legislators who want to come on board. It's an excellent program, and we'll get after Heather for the House.

Mr. Lawrence: Yes, sure. Just don't say anything about term limits.

Female: No, it's not about term limits. It's about redistricting. [*Laughter.*] The less controversial redistricting. So going along the civic education question, so when we talk about changing public attitudes around antismoking laws and around drunk driving, it strikes me as a different kind of campaign than changing public attitudes around civics, because in both those campaigns, even though there's a grassroots…there's a public campaign to transform attitudes, there was some kind of legislative component in both of those campaigns, to some degree, I assume.

And with changing culture around civics, the challenge that I would think would be there is the same thing that we've been talking about the last day, which is you're asking public officials who are entrenched to make laws that take away their power. And so I would like to hear your commentary on do you think transforming culture around civics is the same or different than, say, a public health campaign or a drunk driving campaign?

[Mr. Rich]: Well, it's different, but I would say that, I'd caution you that the success of the legislative and regulatory campaign on the public health issues followed the change in the attitudes and beliefs more broadly in the public. It wasn't the other way around. So I think what we need to focus on—and this, I think, is the same for issues of civics education, corruption, ethics—is I think we need to focus on the public education and engagement campaign because I think that the laws and regulations will successfully follow from that.

Mr. Lawrence: The other thing, when we talk about civic education, I'm not sure I should be adding one more class or any… I think there are ways we need to be creative in helping teachers to work that in to the curriculum, even in a science course, for example. My experience, and this is at the university level, when I was there 13 years, is there were students who weren't all that excited. In fact, they were turned off on it until we got them engaged in something at the Simon Institute. And then they got turned onto it.

Now, not every student who was engaged with the Institute went on, got on a staff or ran for office, but most of them left believing and excited that they could make a positive difference. And I just think we're missing that. And again, some people would say, well, that's values education. Well, it's character education, citizen education. And what they hear now is the negative. Politics is dirty, don't get involved. So I think it's…but there has to be, using the technology tools and the tools that these kids are used to working, that's how you need to engage them. It can't be, necessarily, the standard way, either.

[Mr. Rich]: Could I say one other word, Mike? I think we need to focus not only on public education in middle school and high school and above. I also think we need to focus on leadership education for younger people who are coming up the line and encourage them to form different ways of thinking about it. I think it's a long-term process. But to be honest with you, if I look at those public health issues, those were long-term. We didn't change the major attitudes and beliefs about the public health issues easily or quickly either.

Female: So what was the duration of time? Was it 20 years?

Mr. Rich: Anywhere from 40 to 60 years on these public health issues.

Female: There you go.

Male: But we've got a head start.

Mr. Lawrence: Well, I understand that reaction, but the fact of the matter is where are you going to start? And it may not take as long as we think. We don't know.

Female: But it's good to set a realistic parameter. I mean, that's realistically what we may be looking at.

Male: Correct.

Mr. Lawrence: I'm getting the signal from my leader, Mr. Yepsen, to wrap it up. And I always defer to my leader. Thank you. [*Applause.*]

Mr. Yepsen: Let me just say, as we wrap this up, someone said a moment ago, thanked us very much for the panel, and I appreciate that, and she said she could sit all weekend and listen to these panels. I couldn't. [*Audio disruption*.] …spending some time with us today. I want to thank particularly those of you who came long distances. We have panelists and presenters who came a long way. I appreciate your time. I appreciate the time of those of you who wrote papers for this project.

Time is precious for all of us, and you've all been very generous in giving us some of it and sharing today and yesterday. We've had a great discussion. I want to thank the Joyce Foundation for their financial support of this project. I want to thank the Union League Club for their support of this project. And Dave, would you like to come up here and say a few words?

M. Kohn: Very briefly, because it's been a long day. It has been a tremendous pleasure for the Union League Club of Chicago and the Public Affairs Committee to host this symposium and to hear this wonderful conversation, which I hope, if not solving all the problems, has at least advanced our thinking of knowing what the right questions are. It has been just a wonderful conference, a wonderful symposium. We look forward to seeing the finished DVD and to reading and thinking more deeply about these issues.

And I just wanted to say, on behalf of the officers, members and directors of the club, thank you for coming. If you like what you've experienced here and you want to get more information about the Public Affairs Committee or the club, talk to me. There is information on the table. But I want to thank David and the Paul Simon Institute for bringing this wonderful program here to the Union League Club of Chicago. Thank you, David. [*Applause.*]

Mr. Yepsen: Well, thank you all. Have a safe trip home and a good weekend. Thank you.

[*End of recording*.]