



NATIONAL CONFERENCE of STATE LEGISLATURES

THE FORUM FOR AMERICA'S IDEAS

A View of the Legislature from the Trenches

This is an adaptation from a speech given by John Phelps, former Clerk of the Florida House, during his tenure as Staff Chair of NCSL in 1999.

NCSL was created in 1975, a time when state legislatures were minor players in the fabric of American government. Since then, there has been a dramatic change. Our legislatures today are increasingly influential at home and in Washington D.C., and our government has begun to return to the state/federal balance intended by its founders. I believe NCSL deserves considerable credit for this transformation.

At the very beginning, NCSL recognized that effective legislative staff would be key to state legislatures realizing their potential. It was then that legislative staff work began taking on the properties of a profession: a defined mission; a set of core values; a code of ethics; self-developed and enforced standards of performance; and continuing education.

Those of us in term-limited states have heard for years that staff and lobbyists will soon be running our legislatures. That is nonsense. Staff today know where the line is drawn for us. We honor it because doing so conveys respect for the legislature itself and our proper role within it. We don't even think about it—we just do it.

Professionals pass along their skills and values to the next generation. If we believe our jobs are important enough to do well, then we should be concerned that our successors do them well. If we care about the future of the legislature, we have to care about future legislative staff.

It is time for “old legislative foot soldiers” approaching retirement to acknowledge that much of this work isn't learned at the university. It is learned in the trenches, under fire. We need to begin devising programs so young people joining our ranks benefit from our experience.

The first step is to identify their frame of reference. Namely that new staff know about the legislature what they have been taught by the media. This can be dangerous for them and for us. New staff need a more factual perspective. They need to understand a few imperatives.

- **Legislatures are made up of many fine and decent people.** Members, staff and lobbyists alike often look upon what they do with a kind of reverence, as much a commitment as a career. This attitude is formed when lawmaking is experienced first-hand. For all its complexities and frustrations, there is a certain majesty in the democratic process. Staff come to appreciate that something larger than their narrow interest is at stake. The process itself is to be cherished and preserved.
- **The legislative process is fairer than you have been led to believe, but not perfect.** Conflict over deeply held beliefs always gets personal. Lawmaking is not an Oxford-style debate; it has real consequences for real people. It is disorderly and there will be an occasional fistfight. But when the dust settles, the “process” will right itself as it has done for over 200 years.
- **Legislatures do a much better job than the media would admit.** For most issues, very responsible policies are developed. Legislatures were never expected to produce perfect laws; they were only expected to achieve the possible within the context of their time.
- **Believe in the power of ideas.** Influence matters in politics, but so does solid factual analysis. We all know that legislatures make their worst decisions when they act with inadequate information. Our job is to see that never happens. A good idea is a good idea, even if it comes from a scoundrel. And a bad idea is still a bad idea, even if it comes from a statesman.

- **Lawmaking is not about winning or losing, it is about best guesses.** It involves taking the facts at hand and making a decision, in the full knowledge that history will likely judge you wrong. That is how our government was intended to work. It was not founded upon fixed ideas; it was based instead on the common-sense notion that policies will change when experience requires them to. There is no such thing as the “final word” in lawmaking.
- **Respect a person’s right to hold his or her own views.** Lobbyists represent people asserting their constitutional right to petition their government. Neither their motives nor anyone else’s should be questioned. Staff should be willing to trust that the merits of every proposal will be fairly judged through the twin cauldrons of analysis and debate.
- **You don’t have to be an expert in politics.** For most of us, that is not what we were hired to do. That doesn’t mean we should ignore politics. It just means the politics of our work should not become an obsession.
- **There is a line past which staff do not carry an issue.** It is the point at which we have to hand the ball to a member and let them carry it.
- **Ideas will not always prevail.** That doesn’t mean you were wrong. It just means you need to go on to the next issue. One day you will be able to point with pride to the statute books and say they had a hand in writing some of those laws.
- **Votes are not always as certain as you may think.** Everyone has seen powerful interests faced down and defeated by the simple testimony of an ordinary citizen. That is how the system is supposed to work.
- **Respect the process.** Usually, there is a way within the rules to address a problem. If something is plainly against procedure, just say so and let that be the end of it.
- **Take pride in the work,** not just because it is right, but because one day a person affected by a law will be grateful someone took the time to do a good job crafting it, even though they may never know who that drafter was.
- **Be prepared for the fact that you may not be immediately trusted.** Don’t become discouraged when your advice or recommendations are not immediately accepted. You have not failed. It just takes time in this business to build relationships and establish a reputation for good work.
- **Speak up for the legislature when it is maligned.** As “insiders,” staff have a special knowledge of how our system works and that carries with it a special responsibility to the legislative institution.

We talk a lot about the “Legislative Institution.” But what exactly do we mean? I do not believe it is bricks and mortar or some abstract, lofty idea. To me it is very real and surrounds us every day like the grandeur of our legislative halls.

It is you and the person sitting next to you.
 It is the honor we pay our rules and traditions.
 It is the courtesy and deference we pay members and one another.
 It is preserving our chambers and keeping them safe.
 It is our special ceremonies and traditions.
 It is a well-written bill or report.
 It is the record kept and verified with such care that it is beyond legal challenge.
 It is research so vital when the time comes to vote.
 It is NCSL and its extraordinary staff.

Most of all, it is the love that each of us holds for our precious democracy and the understanding that our work and our conduct have real consequences for its future. If we keep faith with our responsibility, we can take satisfaction in the knowledge that our legislatures, our states and our nation have been made stronger.



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