



May 8, 2003

Inclusiveness and the Democracy Movement: A Focus on Electoral Reform

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EXECUTIVE SUMMARY

About the National Civic League

Headquartered in Denver, Colorado, the National Civic League (NCL) is a 110-year-old non-profit, non-partisan organization dedicated to strengthening citizen democracy by transforming democratic institutions. NCL accomplishes its mission through technical assistance, training, publishing, research, and the All-America City Awards, the nation's oldest and most prestigious community recognition program.

NCL was founded in 1894, when more than 100 educators, journalists, business leaders, and policy makers met in Philadelphia to promote municipal government reform. The delegates voted unanimously for the formation of a National Municipal League (which later became NCL) to make city governments more honest and efficient. NCL continues to serve as a catalyst and convener of nationwide initiatives to meet the difficult challenges facing America's communities. In addition to maintaining a national network and sharing news of cutting-edge approaches to community problem solving, NCL works directly with communities to help bridge the sometimes serious gap between local government officials and community leaders.

Since the release of its first conference proceedings in 1894, NCL has relied on publication as a principal means of outreach and education. Over the years, the **NCL Press** has published numerous manuals for local governance and administrative reform, including the *Model City Charter* and the *Civic Index: Measuring Your Community's Civic Health*. In addition, for 92 years, NCL's quarterly journal, the *National Civic Review*, has provided thoughtful commentary and discussion on issues affecting citizen involvement in government and community problem solving.

About the Authors

Robert Loper

Robert Loper is the Director of NCL's Washington DC office and the Editor of the *National Civic Review*. He helps to design and conduct NCL's research projects on community politics and learning. His areas of specialization include community politics, civic participation in governance, deliberative democracy, and U.S. political and

economic institutions. Mr. Loper was an ABD in political economy and public policy at the University of Southern California.

Camilla Modesitt

Camilla Modesitt is the Director of the New Politics Program and author of *Bridging the Gap Between Citizens and Local Government with Information Technology: Concepts and Case Studies*. She is also an attorney licensed to practice law in Colorado. Ms. Modesitt graduated from the University of Denver College of Law, where she was a board member of the law review.

Conference Background

The political reform and civil rights movements have long been involved in similar efforts to improve the fairness of elections and increase voter participation. Rarely, however, have these two movements consistently worked together to further their agendas and increase awareness for their concerns. Several years ago, NCL staff in the organization's New Politics Program started talking with other political reform groups and civil rights groups to assess potential areas of common interest. In December 2002, NCL hosted an event titled "Making the Link: Civil Rights and Campaign Finance Reform." Stephanie Wilson, director of the Fannie Lou Hamer Project, was the guest speaker, and she addressed the importance of connecting the history of voting and civil rights struggles to the ongoing struggle for campaign finance reform. The event convinced NCL that there was a demonstrated need for a facilitated dialogue between the political reform and social justice movements, and the organization developed a daylong conference that was held in Washington, D.C. The Joyce Foundation, the Carnegie Foundation, the Prudential Corporation, the Ford Foundation, and the W.K. Kellogg Foundation helped to make the project possible.

Conference Proceedings

On May 8, 2003, NCL hosted a conference titled *Inclusiveness and the Democracy Movement: A Focus on Electoral Reform*. Thirty-five individuals representing political reform and civil rights or social justice organizations gathered at the AARP

headquarters in Washington, D.C. to identify common interests between the movements and develop strategies for pursuing electoral reform together.

The conference was organized into two main sessions. The morning session focused on the goals and purposes of the social justice and political reform movements and identified common interests between them. The afternoon session assessed how well the current political process is working and developed strategies for reform that the groups could work on together.

Summary Conclusions

1. Many of today's political reforms fail to successfully include minority groups. The political reform community needs to be more inclusive of the social justice community. The political reform community can do this only if it understands the needs and challenges faced by the social justice community.
2. While important, political reform, especially campaign finance reform, is not sufficient for addressing the political participation concerns for all minorities.
3. The political process lacks fairness, representation, and inclusiveness because it fails to effectively include everyone on all levels. Felony disenfranchisement, the role of money in politics, and the combined effects of redistricting and winner-take-all elections illustrate how the political process excludes potential voters and candidates.

NCL is dedicating an upcoming issue of the *National Civic Review* to the ideas and concerns raised at this conference. If you are interested in contributing to the journal or receiving a copy of it, please contact Robert Loper, Editor of the *National Civic Review*, at (202) 783-2961 or via email at robert@ncldc.org.

PART ONE

Welcome and Introductory Remarks

Christopher T. Gates, NCL

Scott R. Fosler, University of Maryland

Chris Gates welcomed the attendees to the conference and reviewed the agenda and the goals for the day. He also shared the history of NCL and spoke about its interest in creating a fair political process.

Scott R. Fosler addressed the timely importance of finding areas where the civil rights and political reform movements can work together to increase their effectiveness. Mr. Fosler addressed the issue of governance and collaboration between the movements and discussed the importance of improving the design of public institutions.

Following Mr. Fosler's remarks, Mr. Gates asked the participants to introduce themselves to the group and explain how their organization's work related to the conference topic (for a list of attendees see page ____). After everyone had a chance to introduce him or herself, Mr. Gates introduced the morning speaker, Robert Stern, President of the Center for Governmental Studies.

Political Reformers and the Civil Rights Community: Are They on Parallel Tracks?

The morning session began with a keynote speech by Robert Stern, President of the Center for Governmental Studies in Los Angeles, California. His presentation, and the discussion following, focused on four assumptions: (1) campaign finance reform helps people of color and low-income; (2) civil rights groups will not make campaign finance reform a major priority; (3) political incumbents are against political reform; and (4) the initiative process is good for the limited purpose of process reform.

The first and second assumptions proved to be the most controversial of the four. As political activists, informed voters, or just concerned citizens, we often hear that campaign finance reform is intended to "level the playing field," and increase everyone's ability to participate politically. And in fact, there have been many instances where campaign finance reform was effective and achieved the goals of increasing

participation, controlling corruption, and decreasing the amount of money in politics. Indeed, NCL has been involved in, written about, and studied many campaign finance reform success stories.

Civil rights groups and even some political reform groups, however, challenge the idea that campaign finance reform is beneficial for everyone. In his speech, Mr. Stern cited a report issued by Public Campaign several years ago titled *The Color of Money: Campaign Contributions and Race*. The report examined government data to determine which sectors of the population were donating to political campaigns and which sectors were effectively shut out. Public Campaign found that, consistently, the “vast majority of contributions came from areas that are primarily white and wealthy. The pattern held in all 50 states.” The report concluded that people of color are largely absent from campaign financing. Other groups, such as the Fannie Lou Hamer Project, advocate that campaign finance reform is a civil rights issue and needs to be addressed as such.

Deborah Goldberg, from the Brennan Center for Justice, suggested that political reform and social justice groups need to build relationships of understanding and cooperation. She asserted that there is often a sense that the political reform community needs to persuade the social justice community that it is in their best interest to join the campaign finance reform movement. But as discussed at the conference, this policy is questionable at best. The political reform community needs to better understand the social justice community and tailor campaign finance reform so that it provides an effective solution for everyone. As campaign finance reform is currently structured, it often fails to address the concerns of the social justice community.

Mr. Stern’s third assumption was that political incumbents tend to be against process reform. Even non-incumbents who are very supportive of reform during the campaigning process may change their perspective once they are elected to office. Because so few incumbents support reform measures, there is little momentum from within government to enact these reforms. Instead, the momentum must come from the outside, or more specifically, from the initiative process, which Mr. Stern noted has value for process reform.

This qualified defense of the initiative process prompted much conversation among the participants. In general, they agreed that the initiative process has strayed from its original purpose of passing legislation by popular vote. Now it seems that the initiative is becoming used as a means of circumventing the legislative process and may be deflecting concern with trying to improve how legislatures operate. Another concern raised was that, as with many campaigns, money drives the initiative process, making the process increasingly accessible only to the wealthy. Some argued that campaign finance reform measures need to be applied to the initiative process in order to resolve this problem.

The initiative process was also criticized as not being in the best interest of minorities as it all too often capitalizes on the “racist and cynical tendencies that reside in the plurality of the electorate.” Conference participants from both the political reform and civil rights communities agreed that the initiative process needs serious reconsideration and evaluation.

Questions for Discussion

Following Mr. Stern’s presentation, Mr. Gates presented the audience with several questions: Are there real differences in the agendas of these movements? Is there a split between the political reform movement and the civil rights movement? Why isn’t the political reform movement more diverse?

Brenda Wright from the National Voting Rights Institute started the conversation by commenting that the language between communities of color and political reform groups is different. Tom Hicks from Common Cause responded to her comments, asserting that in his work, he has found that minorities don’t care about who is elected because it is “always the same white guy.” Mr. Hicks challenged political reform organizations to look internally at the composition of their staff and at who is advocating their positions. Susan Anderson from Public Campaign commented that political reform groups err when they make calculations to forego certain minority groups in their pursuit of reform, i.e., some groups may choose to forego the African-American population because “they’re going to be with us in the end.” Anita Hodgkiss from the Lawyers’ Committee for Civil Rights Under Law asserted that one reason there is a split between the two groups is because the political reform effort isn’t going to

solve the problems of the minorities. Janet Dewart Bell from PolicyLink asserted that non-profits need to be better at reaching out to people of color in order to diversify their workplace and “practice what they preach.”

Paul Turner from the Greenlining Institute in California asserted that there is indeed a split between the two groups, citing the difference between the environmental movement and the social justice reform movement in California. For example, the environmental groups in California preclude the social justice groups from getting anywhere with the brownfields issues.

Deborah Goldberg from the Brennan Center for Justice argued that the funding structures created by funders contributes to the split between the two groups because they don’t allow the two groups to work together in a meaningful manner. Jim Gibbons from YouthVote agreed with this assertion, adding that foundations award grants for projects that can be measured and tracked, and projects of this nature can be difficult to track.

It was apparent from the morning’s discussion that many of the conference participants felt that there was indeed a split between the two movements, and that this split caused the two movements to have tangible differences in their agendas. Conference participants were able to provide myriad examples of how the two movements were split on identical issues. Due to time constraints, participants were unable to address the question of why the political reform movement lacks diversity; however, they did address it later in the day.

PART TWO

Is America’s Political Process Fair, Representative, and Inclusive?

Conference participants reconvened following a short lunch. Arturo Vargas, executive director of the National Association of Latino Elected and Appointed Officials (NALEO) and the NALEO Educational Fund was the afternoon’s keynote speaker. In his presentation, he addressed the following question: “Is America’s Political Process Fair, Representative, and Inclusive?” Mr. Vargas began by asserting that the short answer to the question was “No,” but that it is possible to achieve fairness, equal representation, and inclusiveness in the political process with some effort, understanding, and respect.

Mr. Vargas pointed out that each racial and ethnic group has a unique and separate experience, and that his perspective reflects the Latino experience. He asserted that one of the problems with today's elected officials is that they fail to recognize each racial and ethnic group's individual needs, and instead try to sell "one size fits all" political solutions. According to Mr. Vargas, however, when Latinos hear elected officials say that a plan or program will work for everyone, they immediately assume that they will be excluded.

Mr. Vargas cited a political reform effort in California in 1999 as an example. Latino voting rates had been increasing over the years, and a number of Latino politicians had been elected to office. These Latino officeholders were learning and mastering the "politics of money," and they were using their newfound knowledge to raise money and transfer it to other candidates that weren't faring as well. The California Public Interest Research Group, however, was fighting for campaign finance reform at the time and was attempting to pass legislation that would limit a candidate's fundraising efforts to activity within his or her own district. California PIRG argued that this campaign finance reform would benefit everyone. Mr. Vargas and his group fought the measure, however, because it meant that a candidate in a low-income district would never be able to raise the money necessary to win. In addition, candidates of means were not limited by the measure. Although the proposed reform failed to pass, Latinos nevertheless became suspicious of and opposed to the political reform movement. The prevalent thought in the Latino community was that now that the Latino officials were learning the system and making it work for them, the political reformers wanted to change the rules.

Looking at the present day, Mr. Vargas noted that Latinos are still learning the system, and the prevailing philosophy is that if money is what it takes to win, then money is what the candidate must pursue. When the McCain-Feingold bill was introduced, there was a debate whether such legislation would benefit the Latino community. It was difficult for Mr. Vargas and his organization to decide their position on the federal campaign finance reform issue. The main concern was that the legislation would limit the organization's ability to raise funds for those people that wanted to run for office. Ultimately, NALEO members could not reach a consensus on the issue and

the organization decided not to take a position on the McCain-Feingold bill. This result notwithstanding, Mr. Vargas emphasized the need for Latinos to be part of the political reform decision-making process.

In discussing how the political process lacks inclusiveness, Mr. Vargas took up the issue of redistricting and acknowledged that Latinos are part of the incumbency protection problem. When it comes to redistricting, many Latino officeholders prefer to protect the incumbents than to get more Latinos elected. Latinos are the second-most populous group in the country, and yet during the last elections, there was a net gain of only three Latinos in the United States Congress. Mr. Vargas contended that, nationwide, redistricting plans serve to protect incumbents. He emphasized that redistricting must be a critical part of the political reform conversation on how to make the political system inclusive. In a more inclusive democracy, voting patterns would be less skewed by ethnic group orientation, i.e., non-Latino voters would be more likely to vote for Latino candidates and Latino candidates would be better able to attract non-Latino voters.

Mr. Vargas concluded his speech by asserting that reform for the Latino community boils down to expanding the Latino vote and creating strategies for getting Latino voters to participate. The current system is very calculated. Candidates try to figure out who votes and target them. The majority of eligible Latinos are not targeted, though they do want to be part of the community and participate. When we approach politics as “one size fits all,” the minority communities lose. When we respect their voice and role in the community, everybody wins.

Determining the Goals of Political Reform

Based in part on Mr. Vargas’s speech, the conference attendees agreed that the political process isn’t working as well as it could or should. What should be the goals of political reform so that the political process will work for everyone? The answers to this question are varied and complex. At the conference, there were many proposed solutions. Janet Dewart Bell from PolicyLink spoke of wanting to see more people of color elected, but she recognized that racism can prevent this from happening. Steven Carbo from Demos asserted that simply removing money from politics doesn’t solve the problem either because a multiplicity of barriers, i.e., registration deadlines, still exists.

Race is undeniably a critical factor in the political process. Deborah Goldberg from the Brennan Center for Justice noted how overall, women candidates tend to raise as much money as male candidates, but that African American candidates don't raise as much money as white candidates. Everyone agreed that the political reform process should work to be more inclusive, more reflective of the country's population, and less fragmented.

Identifying a Shared Agenda/Next Steps

Conference participants agreed that it would be difficult to identify a shared agenda based on only six hours of discussion. Susan Anderson from Public Campaign noted that good government activists are often uncomfortable with the notion of power, and that it would require a lot of "self-reflection for them to get over the hump," before participants could have a meaningful discussion to identify a shared agenda. Deborah Goldberg reiterated her concern that more work was needed to bring the two groups together, but perhaps a place to start was to examine models of past successful partnerships. Brenda Wright from the National Voting Rights Institute agreed, stating that the burden is on the good government groups to reach out to the civil rights groups because in order to engage people, organizations have to be prepared to serve their agenda.

Despite these reservations, however, certain issues were identified that offered the possibility for collaboration among the reformers. The Help America Vote Act, felony disenfranchisement, voting rights for Washington DC residents, and reform of the redistricting process were suggested as areas of common concern. And, looking ahead, the anticipated debate over reauthorization of the Voting Rights Act (which will come up in 2007) and the possibility that Section 5 of the Act won't be reenacted were also singled out as issues on which the two communities should come together. Finally, conference participants agreed they would benefit from attending a convening where people presented material from their organizations and where there was a collaborative effort to work on message and communication.

NCL is working to pursue funding for these and other ideas that will continue the conversation on inclusiveness and the democracy movement. Although the conference was only one day, many good conversations were begun and several ideas

for long-term projects were presented. NCL was honored to be part of the conference and looks forward to working with all the participants in the future.

ACKNOWLEDGMENTS

NCL would like to extend its sincere gratitude to AARP for hosting this conference at its Washington, D.C. headquarters. We would also like to thank the Carnegie Foundation, the W.K. Kellogg Foundation, the Ford Foundation, the Joyce Foundation and the Prudential Corporation for their support of this conference. Finally, we would like to thank all the conference participants, especially the keynote speakers, Robert Stern and Arturo Vargas.

Robert Stern Bio

Robert Stern was named President of the Center for Governmental Studies (CGS) in 2000. He has served as general counsel for CGS since its founding in 1983. He has co-authored a number of reports for the organization on campaign financing, the initiative process, and electronic filing of disclosure statements. Before joining CGS, Mr. Stern was general counsel of the California Fair Political Practices Commission for nine years. He has authored a number of statewide initiatives enacted by California voters, including the Political Reform Act of 1974.

Arturo Vargas Bio

Arturo Vargas is the Executive Director of the National Association of Latino Elected and Appointed Officials, a national membership organization, and the NALEO Educational Fund, a national nonprofit civic participation and civic research organization. The NALEO Educational Fund is the leading organization that empowers Latinos to participate fully in the American political process, from citizenship to public service. Prior to joining NALEO, Mr. Vargas was the Vice President for Community Education and Public Policy of the Mexican American Legal Defense and Educational Fund.

Conference Attendees

Susan Anderson, Public Campaign

Public Campaign promotes full public financing at the state and local levels through implementation of Clean Money, Clean Elections campaign finance reform. The organization is also looking at moving away from the wealth primaries for presidential elections. Public Campaign will be reissuing a 1998 report that looked at race, ethnicity, and income in relation to campaign contributions. www.publiccampaign.org

Erica Bernal, NALEO

NALEO is the leading organization empowering Latinos to become more involved in civic life. It concentrates on three major program areas: provision of training and technical assistance to elected officials, policy research and advocacy, and civic participation at the grassroots level. www.naleo.org

Jacqueline Berrein, The Ford Foundation

Ms. Berrein joined the conference later in the day. www.fordfound.org

Jen Bonardi, Democracy Matters

Democracy Matters works on campaign finance reform and youth civic engagement issues. www.democracymatters.org

Steven Carbo, Demos

Demos works to broaden opportunities for participation by removing barriers for historically marginalized communities. The organization is active on issues such as voting rights restoration, removing voter registration barriers, and state implementation of HAVA. www.demos-usa.org/demos

India Coaxum, Youth Vote

Youth Vote works to increase voter turnout among people between the ages of 18-30. It is trying to reverse the trend of voting decline in this age group through voter registration, education, and mobilization. www.youthvote.org

Janet Dewart Bell, PolicyLink

PolicyLink was established to advance a new generation of policies to promote economic and justice equity. The organization works through coalitions, and recently held a regional equity summit. www.policylink.org

Sol Erdman, The Center for Collaborative Democracy

The Center's main interest is in creating a process that is designed to promote consensus and negotiation.

Scott Fosler, University of Maryland School of Public Affairs

Two of Mr. Fosler's primary interests are governance and collaboration.

Christopher Gates, NCL

NCL president; conference facilitator. www.ncl.org

Jim Gibbons, Youth Vote

Youth Vote works to increase voter turnout among people between the ages of 18-30. It is trying to reverse the trend of voting decline in this age group through voter registration, education, and mobilization. www.youthvote.org

Deborah Goldberg, The Brennan Center for Justice

The Brennan Center works to bridge the academic world and the world of legal action. It has a broad-based agenda for promoting inclusive democracy, including advancing the implementation of HAVA, supporting campaign finance reform at the state and local levels, and helping reformers draft effective initiatives for their jurisdictions.

www.brennancenter.org

Ben de Guzman, National Asian Pacific American Legal Consortium (NAPALC)

NAPALC works on issues such as hate crimes, language rights, voting rights, and the census with a special focus on helping constituents to advocate for themselves.

www.napalc.org

Tom Hicks, Common Cause

Common Cause advocates for open and honest government. Among other issues, the organization is working on HAVA legislation, D.C. representation, and campaign finance reform on the federal level. www.commoncause.org

Anita Hodgkiss, Lawyers' Committee for Civil Rights Under Law

The Lawyers' Committee seeks equal opportunity for racial and ethnic minorities through pro bono involvement of the private bar in litigation and public policy advocacy. www.lawyerscomm.org

J.D. Hokoyama, Leadership Education for Asian Pacifics, Inc. (LEAP)

LEAP is involved in increasing the number of Asian Pacific leaders and works to get Asian Americans to understand that they need to be engaged politically in their communities and the larger society as well. www.leap.org

Monica Lewis, Youth Vote

Youth Vote works to increase voter turnout among people between the ages of 18-30. It is trying to reverse the trend of voting decline in this age group through voter registration, education, and mobilization. www.youthvote.org

Adam Lioz, U.S. Public Interest Research Group

U.S. PIRG is a state-based public interest advocacy organization that works on issues such as campaign finance reform. www.uspirg.org

Robert Loper, NCL

Director of NCL DC office; editor of the *National Civic Review*. www.ncl.org

Joan Mandle, Democracy Matters

Ms. Mandle joined the conference later in the day.

Clarisa Martinez, National Council of La Raza

La Raza was established in 1968 with the purpose of reducing poverty and discrimination and improving life opportunities for Hispanic Americans. It achieves its mission through capacity-building assistance, applied research, policy analysis, and advocacy. www.nclr.org

Kay Maxwell, League of Women Voters

The League of Women Voters works to encourage the active and informed participation of citizens in government. The organization is also working on HAVA implementation. www.lwv.org

Camilla Modesitt, NCL

Director of NCL's New Politics Program. www.ncl.org

Jessica Munoz, National Council of La Raza

La Raza was established in 1968 with the purpose of reducing poverty and discrimination and improving life opportunities for Hispanic Americans. It achieves its mission through capacity-building assistance, applied research, policy analysis, and advocacy. www.nclr.org

Geri Pa last, Justice at Stake

Justice at Stake is a coalition that works to ensure fair and impartial courts through means including public financing initiatives. www.justiceatstake.org

Rob Randhava, Leadership Conference on Civil Rights

The Leadership Conference is a coalition organization that works to ensure equal opportunity, promote civic engagement, reform the criminal justice system, and build stronger communities. www.civilrights.org

Rob Richie, Center for Voting and Democracy

The Center for Voting and Democracy is dedicated to fair elections and works to promote electoral reforms such as proportional representation and instant run-off

voting. The organization conducts research and analysis and undertakes educational and advocacy efforts to build support for more democratic voting systems.

www.fairvote.org

Rashad Robinson, Center for Voting and Democracy

The Center for Voting and Democracy is dedicated to fair elections and works to promote electoral reforms such as proportional representation and instant run-off voting. The organization conducts research and analysis and undertakes educational and advocacy efforts to build support for more democratic voting systems.

www.fairvote.org

Brad Rourke, The Harwood Institute for Public Innovation

The Harwood Institute works to improve public life and politics through research, initiatives, seminars, processes, and forums. www.theharwoodgroup.com

Robert Stern, Center for Governmental Studies

The Center is a nonpartisan organization that studies campaign financing and public financing at the local level, among other issues. www.cgs.org

Nancy Tate, League of Women Voters

The League of Women Voters works to encourage the active and informed participation of citizens in government. The organization is also working on HAVA implementation.

www.lwv.org

Paul Turner, Greenlining Institute

The Greenlining Institute is a coalition organization that works on campaign finance reform as a civil rights issue. It is active in California, where it supports clean money campaign issues and opposes the initiative concerning racial data collection.

www.greenlining.org

Arturo Vargas, NALEO

Mr. Vargas joined the conference later in the day.

Alex Willingham, Williams College

Dr. Willingham is a professor of political science at Williams College. He is the editor of a book published by the Brennan Center titled, “Beyond the Color Line? Race Representation and Community in the New Century.”

Brenda Wright, National Voting Rights Institute

The National Voting Rights Institute is engaged in a variety of litigation and public education efforts concerning money in politics. It seeks to broaden the public’s understanding of money in politics as a civil rights issue and as a barrier to participation. www.nvri.org