Civility in Government

Principles and Exemplars
In January 2008, a partnership of the Howard Baker Center for Public Policy, the Tennessee Business Roundtable, the Freedom Forum, and the Bipartisan Policy Center hosted the first meeting of a task force on civility at the First Amendment Center in Nashville, Tennessee. The task force was comprised of leaders from business, non-profits, academia, the press, and government. Its mission was to create a series of real-world solutions to a problem harming the foundations of our system of governance – the lack of civility in political discourse. The aim of the task force was to create a number of initiatives, products, and events designed to improve civility and to create, in Tennessee, a model of civility for the entire nation.

The task force had subsequent meetings and has shown a great devotion to finding solutions to a problem that sometimes seems intractable. Cynicism and apathy are obstacles to any such effort, as is the belief that politics is a contact sport. That is most definitely the case, but our partners agree that there is a line that can be defined between vigorous debate and harsh rhetoric, between informed disagreement and irrational, emotional attacks.

At the basis of all of our work is the belief that, for our representative system of government to work correctly and to thrive in this new century, we must find ways to work together, despite legitimate differences and the natural and healthy adversarial nature of our governmental structures. Most fundamentally, we believe that everyone must retain, in Senator Baker’s words, “a decent respect for different points of view.” If we enter into political and public policy discussions with this fundamental precept in mind, we all would benefit. Taking that as our starting point, our group put together the following principles of political civility, followed by examples of civility in action. Our group noted that one obstacle to creating a more civil atmosphere was the lack of understanding of what civility means, of where debate ends and incivility begins. We hope that, with this publication, we have started to answer that question.
Proposed Principles of Political Civility
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The concept of civility in politics is somewhat akin to Potter Stewart’s definition of obscenity: “I know it when I see it.” To be sure, articulating the principles of civility involves trying to grasp several slippery concepts, and some degree of vagueness is inevitable. Adherence to the following guidelines involves discretion and judgment, particularly when the standards involve abstract notions such as “fairness” or “respect,” and providing exhaustive definitions of these terms would prove futile. These principles stand more as general parameters of civility, and a measure of good faith is required of the politician who wishes to observe them.

NO 1. PREEMINENCE OF THE FACTS

In all aspects of political discourse, there should be a strong, elementary emphasis on facts. Political work is largely a matter of making informed, intelligent decisions, and this is impossible to accomplish without straightforward presentation of data. Facts, approached without agenda, transcend ideologies and hold the greatest promise for progress.

Accordingly, obfuscation or misrepresentation for the sake of political gain is unacceptable. While lying may be the most obvious example of proscribed behavior, politicians furthermore should not engage in a selective presentation of facts. Context and an objective understanding of history are vitally important, and politicians should ensure that facts are deployed with full acknowledgment of relevant information and other factors.

NO 2. RESPECT

FOR OPPONENTS

For both officeholders and candidates, it is paramount that opponents be viewed as fellow humans, with whom one naturally has more commonalities than differences. Opponents should be viewed as philosophical, not personal, adversaries. Disagreements are certainly permissible and indeed are required for the healthy political discourse that is central to our representative form of government. Such disagreements, however, should be substantive, high-minded, and courteous.

Attacks on opponents, even if warranted by egregious lapses of character, should be only proportional to the perceived offense. In accordance with the first principle, attacks must be fair and fact-based, and they cannot play upon misconceptions or prejudices held by the public.

Public servants must remember that they will not always be right and that their colleagues, including perceived opponents, may well have insights, perspectives, and data that are more accurate, useful, or relevant to the issue at hand. It is their duty to consider other information and opinions, to critically analyze information and positions they had previously accepted and supported, and then to make informed decisions.

FOR THE INSTITUTION OF PUBLIC OFFICE

Politicians need to temper their own ambitions with an understanding that the government is a rich institution with traditions and history that must be honored and heeded. Uncivil behavior is not only personally unacceptable; it is detrimental and insulting to the heritage of democracy.

A politician has a responsibility to learn and abide by institutional rules and to understand that the process enshrined in those rules provides a means to create sound public policy. Especially when dealing with contentious issues, public servants have a duty to attempt resolution in part through the use of time-tested methods that promote discussion and compromise.

For the public

The fundamental obligation of a politician is to the citizens he or she represents or desires to represent. Accordingly, the citizens, in their roles as the basic repository of political power, ought to be accorded the greatest possible respect. The public cannot be regarded as a means to an end (e.g., political success); rather, it must be treated as the primary beneficiary of the very political process it enables through democracy. Public servants must always bear in mind that, in the end, what is good for the citizen must take precedence over political expedience.

NO 3. EMPHASIS ON POLICY

The concept of representative governance revolves around the improvement of life and the safeguarding of rights. Accordingly, politicians should behave in a manner that demonstrates a commitment to these principles, not to their own ambitions.

This dovetails with the aforementioned principle of respect for voters and the public, who deserve an honest and substantive discussion of the policies, existing or proposed, that stand to impact their lives or general well-being of the nation. Politicians should focus on ideas and initiatives, not on empty rhetoric or opponents’ peccadilloes.

NO 4. RESPONSIBILITY

For civility to be ultimately meaningful, it cannot be perfunctory, and politicians cannot condone several contradictory levels of discourse within their campaigns or office. A politician cannot keVVep his own speeches and actions civil while permitting subordinates and staffers to speak or act in a manner inconsistent with the above principles. If staff members do violate these principles, a politician has an obligation to denounce such actions and, if the offense is significant, dismiss the involved parties.

Similarly, if unaffiliated parties launch unfair and influential attacks on a politician’s opponents, that politician must explicitly reject such attacks, even if they might be beneficial to his or her campaign or standing in office.
Exemplars of Political Civility
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The following four historical instances illustrate civility as it can operate in the realm of political discourse and policy making. These examples do not cover all of the “Proposed Principles of Political Civility,” but they do offer examples of how politicians can conduct themselves in a manner demonstrating respect for their constituency, their colleagues, the seriousness of the issues involved, and the institution of public office.

Robert Byrd and Howard Baker

Senators Robert Byrd (D-W.Va) and Howard Baker Jr. (R-TN) are acknowledged as being among the most effective legislators of the past century. When they served together as Majority and Minority Leader in the Senate (both had a tenure in each post) in the 1970s and 1980s, they built an intriguing political relationship. Though they had definite partisan interests, and served as strong leaders of their respective parties, their relationship can serve as a model of how the often adversarial political process can nonetheless be conducted in a wholly civil manner.

Each day, for instance, the two leaders met for a ritual handshake to open the Senate. Often during deliberations on the floor, the men would meet to discuss the ideas of their respective sides so that a strategy could be built for conducting Senate business in an equitable, efficient, and productive manner. Furthermore, Baker and Byrd agreed that, as a matter of principle, there should never be any major surprises. As Baker puts it in his essay “On Herding Cats,” “Bob Byrd and I decided...that while we were bound to disagree on many things, one thing we would always agree on was the need to keep each other informed. It was an agreement we never broke – not once...”

In treating each other as equals in the political process, Baker and Byrd kept the focus on the issues, not on name-calling or strategic machinations. They illustrated that political civility is both possible and practical. By instituting procedures such as the morning handshake, these leaders showed that even small measures provide excellent opportunities to improve the level of discourse.

Howard Baker and the Panama Canal

In 1977, the U.S. and Panamanian governments ratified the Torrijos–Carter Treaties, which stipulated that the Panama Canal would be formally handed over to Panama on December 31, 1999 – over 96 years after the U.S. gained the rights to the canal area.

The question of ratification had generated a heated debate in the U.S. and many conservative politicians and commentators had vigorously opposed the treaties, especially since the Panamanian signatory and leader, General Omar Torrijos, came to power in a 1968 coup and was not democratically elected. Nevertheless, there was a great deal of Panamanian support for the treaties, as evidenced by the record level of participation in a plebiscite on the treaties, and the two-thirds majority necessary for approval was easily reached.

Because of the conflicting attitudes among Americans towards the treaties, the issue became somewhat toxic for politicians. Some, however, chose to look beyond immediate political interest and instead examined the situation in an open-minded and independent matter.

Howard Baker Jr., then serving as the Senate Minority Leader, was cautioned by many close advisors that his pro-treaty stance could alienate his Republican supporters and might dry up funding from donors. Regardless, Baker stood firm and lent his support to the treaties. He had examined the issue intensively and was convinced that the treaties, with certain amendments, represented the best course of action for our nation. Senator Baker, the Republican leader, worked with Democratic President Carter and, in the end, was instrumental in assuring the passage of the treaties in the Senate. As Baker stated in the aftermath of the treaties’ passage, “what is best for the country must always take precedence.”

Baker, in looking beyond immediate political concerns and poll numbers, acted in accordance with his conscience and in concert with a President of the opposing political party. In so doing, he illustrated wonderfully how integrity and civility should guide all public servants, and how, in the end, civil discourse can lead to real results.

The Civil Rights Act

Since its passage in 1964, the Civil Rights Act has stood as a defining piece of American legislation, marking an era that was profoundly important in shaping the country’s social, political, and cultural landscape. The act was extremely controversial, and both sides of the debate were exceptionally vocal. Sadly the civil rights struggle had often turned violent in places such as Birmingham. In the Senate, tensions were very high, the filibustering reached epic lengths, and debate on the Civil Rights Act continued for nearly two months.

Despite the intense controversy and the strains being felt throughout American society, the passage of the act was ultimately the result of diligence and compromise. The act may have been proposed by the Democrats, but its ultimate success was a product of compromise and collaboration on both sides of the aisle.

Importantly, for many politicians, the Civil Rights Act was a risky proposition to support. President Lyndon Johnson lent a great deal of weight to the effort (originally spearheaded by his predecessor, President John F. Kennedy), despite being warned by Senator Richard Russell Jr. that his support “will not only cost you the South, it will cost you the election.”

When the bill reached the Senate after passage in the House, civil rights opponents promised a filibuster to block the legislation. Senate Majority Leader Mike Mansfield (D-MT) knew it would be impossible to break the filibuster without reaching across the aisle for Republican support. Thus, Mansfield issued the challenge: “We hope in vain if we hope that this issue can be put over safely to another tomorrow, to be dealt with by another generation of senators. The time is now. The crossroads is here in the Senate.” Then, Mansfield, turned directly to Everett Dirksen (IL), the Republican minority leader, and said, “I appeal to the distinguished minority leader whose patriotism has always taken precedence over his partisanship, to join with me, and I know he will, in finding the Senate’s best contribution at this time to the resolution of this grave national issue.”

Senator Dirksen replied: “I trust that the time will never come in my political career when the waters of partisanship will flow so swift and so deep as to obscure my estimate of the national interest... I trust I can disenthrall myself from all bias, from all prejudice, from all irrelevancies, from all immaterial matters, and see clearly and cleanly what the issue is and then render an independent judgment.”

Senator Dirksen helped to garner support from his party, putting him at odds with many of his colleagues. Nevertheless, Dirksen was able to rally enough Republicans to end filibustering, allowing the passage of the act.

The history of the Civil Rights Act highlights several instances of politicians setting aside party ideologies or concerns for reelection. Instead, they were able to see that the act needed to be passed, regardless of the potential political consequences, and were able to find ways to work together in spite of the heated political environment. That is the essence of political courage, and the proof that civility can exist even when debating tremendously contentious issues. Furthermore, the fact that this legislation passed only due to the cooperation of members of both parties gives strong evidence of the power of civility in the face of major societal challenges.
THE CLEAN AIR ACT

In 1970, Congress passed the landmark Clean Air Act. This tremendously important legislation stands as one of the most significant steps in a unified national approach to environmental protection.

In 1969, Senators Howard Baker Jr. and Edmund Muskie, believing (as Baker put it) that “the body politic had elected [them] to make difficult decisions,” came together to draft the legislation. Despite pressure from lobbyists for the auto industry, the act was passed with strong bipartisan support.

The process was marked by a noteworthy commitment to policy, not to politics. As Baker later said of Muskie, “Ed Muskie was willing to work as long as it took with whomever was necessary – irrespective of party or point of view – to achieve a constructive public policy result. He believed that we could compromise without giving away principles. He knew that compromise – he called it comity – was the essence of a workable legislative process. And he knew that each of us had our ideas and our ideals, our interests and our constituencies that, like his own, had to be accommodated.”

This acknowledgement of politics as a collaborative effort is a hallmark of appropriate civility in discourse. If one attempts to steamroll over opponents, the results are commonly bitterness, resentment, and a lack of desire to cooperate in the future. Despite the contentious issues involved, and the multitude of parties with vested interests, leaders on both sides of the political aisle joined together to form critically important public policy. In the end, though it still has detractors, the Clean Air Act has worked to clean our nation’s air, and has served as a model for other environmental legislation here and around the world. This critical public policy success was only possible because leaders like Edmund Muskie and Howard Baker Jr. stepped out of the political maelstrom, objectively analyzed the challenge, and decided to work together to find a solution that served the nation.

DOLE-MOYNIHAN SOCIAL SECURITY AGREEMENT OF 1983

Senate Majority Leader Robert Dole is known as a statesman who exemplified civility during his years of service in Washington. Reflecting on his service and the importance of civility, he stated that “The most valuable lesson I learned during my time as the Republican Leader was the need for negotiation and cooperation. The Senate, by design, requires agreement across party lines. The Framers intended the Senate to be the ‘cooling place’ for legislation—where issues were vigorously vetted and decisions ultimately reached, unless there was a filibuster.”

“One of my most memorable bipartisan victories was the compromise reached with the late Senator Pat Moynihan on Social Security in 1983. Some in my party were upset with me and some Democrats were upset with him. We knew then we had done something right. Social Security was not a Republican or Democratic issue; it was a national issue. Millions of Americans still benefit from the compromise today and will for years to come.”

“There is certainly a time and a place today for principled partisanship. Adlai Stevenson once called it the ‘lifeblood of democracy.’ There are, however, issues of concern to all Americans that deserve a bipartisan approach.”

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