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Testimony before the Pelowski Committee on Legislative Reform

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John Karl

Thanks for inviting me – it’s flattering when people seek your opinion on something.

Mostly during my 47 years at the Minnesota Capitol, I have avoided, whenever possible, testifying before the legislature – on the principle that “the further the monkey goes up the poll the more his “you know what” shows.”

I’m now close enough to retirement that it is safer to say what’s on my mind.

I think the Chair asked me to speak today because he’s wondering if I learned or observed anything interesting or useful in the last half century.

So with that in mind:

When it comes to **openness** we are back to where we started in 1971.

In 1971 conference committees met behind closed doors. There was no pretense of openness then, ~~unlike~~ today. ~~Now~~ there is a meeting, or two, to compare language and then all the deals pertaining to important matters are cut

behind closed doors. Like Taystee Bread, all the important decisions are baked while we sleep.

If you are doing what the people want why is this secrecy needed?

In one respect things are far worse today. It is inconceivable that in 1971 the Legislature and Executive branch would be party to ~~locking the Capitol doors and~~ cutting major deals ~~not only~~ behind locked doors, but inside a locked Capitol. **Where was our capacity for outrage?**

not only

The press and public were completely shut out during that shutdown of state government. A much more robust "free press" back in the 1970's would have crucified the legislature for such conduct.

In 1971 committee chairs were more independent and powerful. I can't imagine ~~any of them~~ ^{chairs from that era} agreeing to these "mother of all conference committees" scenarios we have witnessed in recent years.

These massive conference committees are an abomination. There is a legitimate question as to whether (given the constitutional requirement that a bill have but one subject) these monster bills are even Constitutional.

When this is done, power is concentrated in the hands of a very few people. The expertise gained by involvement in an particular area is left on the sidelines. Big mistakes are made because of that.

committee jurisdiction

What's worse is that, in the advent of these mega committees, the final weeks of any session have devolved to a point where a half dozen people are making all the decisions while everyone else is looking for ways to occupy their time.

The French have a great word for this condition—its called ennui (a feeling of listlessness and dissatisfaction arising from a lack of occupation or excitement). That's why I bring my camera to the Capitol at that time – to combat ennui.

I'll pose this question to you...

How many times, toward the end of the session, has your day has been interrupted by a call for advice or input into the final product?

The public, whether paid to represent or just citizen lobbyists, have little or no real recourse to inform the committee of concerns when power is concentrated and access limited.

they're an issue

Frankly, I have often wondered why anyone would go to the trouble to campaign feverishly for six months or more and beg for money...

to serve in the legislature only to be frozen out of the process when it really matters.

In 1972 the DFL party decided to make "Openness in Government" their main issue. It worked. It delivered big majorities in both the House and the Senate. The Democrats, in fact, had not held a majority in the Senate for the previous 114 years; not since Richard Murphy was their leader in 1858!

Nick Coleman

As a result of that election things changed for the better for a couple of decades:

Minority representation on committees was increased

Minority staffing was increased.

The Rules committee added minority members and met in public.

Conference committees met in the open and what is more remarkable, publicly exchanged offers back and forth until an agreement was made. This meant long hours, but it also meant that the process was largely transparent.

When they did shut the door at the very end people at least knew what they were discussing.

Not every reform worked out...caucuses were opened to the public and the press. They quickly learned that you

can't bare your soul and plot strategy before the world and the press corps.

What this openness also meant is that the press kept the public abreast of what happening ~~and~~ ^{ALSO} there was feverish activity ^{at the end} in every room of the Capitol involving lots of people ^{that was the cause} ~~because~~ there was not a single mega conference committee meeting in some obscure recess of the Capitol, but rather dozens of conference committee meeting in the open all hours of the day and night.

Slowly, those reforms died, both parties were complicit.

So what do we need to do?

1. Put an end to these mega committees. Conference committees need to do their work in the open. The public should be able to view the give and take of conference committee offers and counter offers.
2. Campaign finance reform is essential. I've lobbied in 26 states and Minnesota is one of the cleanest. But big money, given legally to candidates and independent expenditure groups, is corrosive. I'm not aware of any outright bribes to ^{elected officials} individuals in Minnesota, but special interest money and money from independent expenditure

groups plays too big of a role in decision making. As the saying goes, “Nothing bonds man to man like passage from hand to hand of cash.”

3. Citizens United was the most corrupt and corrosive Court decision since Dred Scot. Until corporations serve in the military and bare children they should not be considered “people” for the purpose of participation in the electoral process. We need a constitutional amendment at the national level to fix this. How about a resolution encouraging Congress to take a break from the endless gridlock and name calling to do something useful for a change.
4. The legislature should not draw the lines for its own districts. They have failed to do so here in Minnesota in every decade since I arrived at the Capitol and god forbid what a majority would do if it could. We need competitive districts and in order to achieve that goal we need to create a bi-partisan redistricting commission to draw lines. That would be a big step toward avoiding the distortions and abuses witnessed in states where one party controls everything. ~~It isn't pretty.~~

5. Re-introduce the concept of compromise into the process.

In the Ken Burns documentary about the Civil War, the historian Shelby Foote made the point that ^{the} ability to compromise was part of the genius and success of the American system of government. When it failed we had a Civil War.

There are lot more things that can and should be done, but if we don't address the fundamentals nothing else will matter.

My last thought...why, if you are doing what the public wants ~~and needs, why~~ have we moved so much of the process out of the public view?