

**WHEN AND HOW PUBLIC OPINION SHAPES
AMERICAN PUBLIC POLICY**

By Humphrey Taylor

With only a handful of historical exceptions, the United States system is uniquely responsive to public opinion. Coming here from England was a real culture shock for me. In England, and throughout most if not all of Europe, leaders assume (and the public tacitly accepts) that on many issues they (the leaders) know best. The role of the public is to vote every few years for the team (the reds or the blues) they prefer. It's usually a choice for voters between "Throw the rascals out," and "Better the devil you know than the devil you don't know."

The US is Different

While they might not be rash enough to say so, virtually all British MPs would agree with Edmund Burke that "your representative owes you not his industry only but his judgment; and he betrays you, instead of serving you, if he sacrifices it to your opinion." In other words, "we the leaders are right to do what we think best, regardless of public opinion — provided, of course, that we'll be re-elected at the next election."

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No American politician can afford to be so cavalier. Things are very different here. I was stunned when I arrived here in 1976 to hear Jimmy Carter win great applause when he said that this country deserved a president "as good and as wise as the American people." In Europe we hope we can find leaders who are *much better and wiser* than the people — much better at governing, if not better in their personal morality (which seems more important here). Why is the United States so different? Part of the explanation is historical and cultural. One can argue about how "democratic" different countries are, but there is no argument that the US is a much more populist country. There is more respect here for public opinion. Americans believe government should not just be *of* the people and *for* the people. It should be *by* the people.

A second and equally important factor is the

electoral system. No British or European MP or deputy has to face a primary election. And once elected for a safe Conservative or safe Labor seat, a British MP can expect to be renominated with little or no fuss at every election thereafter, particularly if he is re-elected in the general election. By comparison the American congressman is constantly running scared of potential opposition from within his own party. And the fact that members of the US House face elections every two years encourages them (as the Founding Fathers intended) to be constantly looking over their shoulders at public opinion.

There is one other critical difference between the US and all parliamentary systems. Fixed elections mean that a Republican congressman can vote as often as he chooses against the bills introduced by a Republican president or his Republican colleagues without fear that this will bring his government down as it could in a parliamentary system. And voting against your party in a parliamentary system on more than the rarest of occasions is likely to incur the wrath of your leader and greatly reduce your chances of ministerial appointment and political advancement.

While most European legislators obviously pay attention to their constituents, they are much less attentive than American congressmen. Some disdain their constituents altogether. Duncan Sandys — a Conservative MP for many years (known in the satirical press as Sunken Glands) was renowned for his lack of attention to those who elected him. When asked why he scarcely ever visited his constituency — Streatham, only a few miles from Westminster — he remarked that he "was elected to represent Streatham in Westminster, not Westminster in Streatham." Not even a Jesse Helms or a Ted Kennedy could get away with that.

I have been made vividly aware of the Congress's responsiveness to public opinion. Politicians everywhere are avid readers of the polls — but in America, congressional interest in them is almost obsessive. In the last few years I have testified eight times to Senate and House committees on Social Security, employee benefits, Medicare, the disabled, drug exports, privacy, and drug abuse. And my colleague Lou Harris has been on the Hill more often. Only in the United States would this happen.

For what it's worth, my own opinion is that the Congress is excessively influenced by dozens of polls which they could ignore at little or no risk to

their political future. You might expect that as a pollster myself, I would urge the Congress to take note of public opinion. In fact, I would think it healthier if they paid less attention to the polls and more to the merits of the issues.

Conditions for Policy Following Attitudes

I have not been able to find a good discussion of when public opinion in the US does or does not translate into policy — or when public support for a piece of legislation is or is not followed by that legislation. So, I've tried to construct my own theory.

It seems that public opinion is most likely to shape policy when as many as possible of the following conditions are met:

1. There is a large majority in favor of the policy for a considerable period of time.

2. It is a salient issue to which most people attach importance — they really care about it. (Of course, we often report majorities of the public for or against things they care little about.)

3. It is a relatively simple issue. The more complex it is or becomes, the less likely public opinion is to be decisive.

4. It doesn't cost the taxpayer much money (particularly the individual taxpayer as opposed to the corporation). The more it costs, the tougher it is to pass. National health insurance is a good example of a policy which has not been enacted for this reason.

5. It isn't opposed by a very powerful lobby or so-called special interest. (The difference between a *special interest* and just an *interest* escapes me.) Clearly the NRA has for 25 years or more prevented public support for gun control from passing into law.

6. A final condition — that the policy does not conflict with other equally popular policies. Tax cuts, for example, meet all of the other criteria. The public almost always favors tax cuts. So does a lot of lobbying power. It's a simple issue to grasp and communicate. It certainly doesn't cost the taxpayer anything. And it's a highly salient issue. But tax cuts usually mean spending cuts, and most spending programs are approved because the public (or some very powerful interests) favor them.

Let me hasten to add that public opinion often prevails when some of these conditions have not been met. But the more of them that are met, the more likely public opinion is to prevail.

And even when all of these conditions are met, public opinion need not prevail. Majority opinion has always supported (and strongly supported) the death penalty. Yet the Supreme Court — for a while — held the death penalty to be unconstitutional. In New York, Governor Cuomo and his predecessor, Governor Carey, have blocked and vetoed the re-introduction of the death penalty. And — thank goodness — there have been many other occasions when our leaders have felt strongly enough about some issue that they have been willing to stand up and take it on the chin from the public for what they believed in. Not all politicians do the popular thing all the time. President Reagan hung in there with the Contras in spite of majority — and steadily stronger — public opposition to US involvement in Nicaragua.

Striking a Balance

There are many — but I am not one of them — who believe in the innate wisdom of the public and that government should be led by public opinion. These people would endorse Jefferson, who wrote that "when a man assumes a public trust, he should consider himself as public property." But Jefferson would (I assume) also have agreed with Burke that elected officials owe the public not their votes but their judgment.

There are those, of course, most of whom are not in politics, who agree with A.W. Cole's comment, "The public be damned." But Burke probably got the balance right when he wrote: "I am not one of those who think that the people are never in the wrong. They have been so, frequently and outrageously....But I do say that in disputes between them and their rulers, the presumption is at least upon a par in favor of the people."

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