

State Legislatures: The Next Conservative Battleground

By Sam Brunelli

You and I have watched the world change. And it *has* changed. During just the last twelve months, we have seen our ideals of individual liberty and responsible self-government, built on opportunity and free enterprise, take root throughout Central and Eastern Europe, in Panama, Nicaragua, and the Soviet Union itself. We watched these people as they cast off socialism and communism and embraced the traditional values we hold dear. And as we conservatives watched, we rejoiced, and rejoice we should. We were witnessing the unchaining of people who were enslaved to a failed ideology, the rebirth of freedom and self-government around the world.

For those of us who are conservatives and who have opposed communism for so long, the transformation of the communist world is a sweet vindication of our principles. Not long ago, many of our fellow Americans simply denied realities which are all too evident today: the failure of centralized, state-run economies; the moral emptiness of an ideology which contradicts basic principles of human nature; and the aggressive and insatiable lust for power on the part of governments whose power was unlimited.

A generation ago, even a decade ago, the conservative analysis of why communism was wrong simply fell on deaf ears. When President Reagan referred to the Soviet Union as an "evil empire," he was mocked by the so-called sophisticates in the media, in the academy, and in politics. But many of those same people are now admitting that everything the conservatives said in the past is true. Admittedly, it took Mikhail Gorbachev's admission of the truth of our arguments to convince America's elite, but, in any case, they now appear to be convinced.

Common Sense View. Anti-communism was one of the foundation stones of the modern conservative movement. But, of course, it was not the only principle upon which our movement was based. Conservatism at its best represents an effort to articulate permanent truths in the political order. And so the conservative movement has always attempted to understand politics and to formulate policies on the basis of a sound grasp of human nature and human history. Ours is not an ideology; it is a common sense view of the world — of what should be, what can be, and what works.

Among the conclusions that we conservatives have drawn from our understanding of human nature is that government ought to be exercised at those levels closest to the people and that the free market should be left as unencumbered as possible, compatible with the common good.

The Reagan revolution represented a rejection across the board of the illusions of liberalism. While the collapse of the communist empire is certainly the most dramatic example of the triumph of conservative principles and policy, there have been other dramatic changes in our own society that were placed in motion during the Reagan years.

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One of these, of course, was the shift away from controlled economies and from the slow march toward state socialism. That was turned around in the Reagan Administration; the vigor of the free market was partially unleashed. The result has been the longest peacetime economic expansion in the history of our nation.

Hand in hand with this return to economic freedom was a trend away from bureaucratic centralism and towards the conservative principle of federalism. For half a century, our states represented little more than the administrative agencies of a centralized government. The distinctiveness of our states was gradually being homogenized into a bland uniformity. The trend until 1980 was increasingly in the direction of effacing regional variations so that ultimately North Carolina and Wyoming would seem no more distinct from one another than any two departments of revolutionary France. The states, once sovereign, proud of their historic traditions, effective in their management, and with flourishing local institutions, were gradually being transformed into simple administrative units of the bureaucratic powers in Washington. In the 1970s, we even saw proposals to abolish the states and replace them with more "rational" federal administrative zones.

Returning Sovereignty to States. We don't hear talk like that anymore. President Reagan made his number one domestic priority the reduction in the size and power of the federal government. Obviously he did not achieve all that he set out to do, but we must not fail to recognize how great his achievement was. Today, the states are less dependent on federal programs and federal revenues than they were ten years ago. They are less subservient to federal bureaucrats. The self-government that is beginning to flourish in the once captive nations is also beginning to flourish again in the once sovereign states. That is the good news. The conservative principle of federalism is beginning to become a reality.

But there is bad news too. The substantial policy initiatives taking place in the increasingly important state capitals have been and are generally liberal. It is ironic that one of our movement's great successes — the resurgence of federalism — presents us with one of our greatest, and yet unmet, challenges. Conservatism is weakest at the local level despite the conservative preference for local government. Government at the state and local level is still overwhelmingly controlled by liberals, in large part because conservatives have concentrated too much of their attention and energy on Washington.

Our movement's fascination with policy in Washington has too often blinded us to the critical importance of state policy. The liberals understood the importance of the states some time ago. During the last few years, they have assembled a string of successes in the states — from radical environmental legislation like California's Proposition 65, to labor mandates that destroy jobs, to education policy that abandons our children in order to cater to the greed of the teachers unions.

Furthermore, liberal state legislators are supported by a vast array of special interest groups that have been active in the states for a long time. In fact, the liberal special interests are gaining legislative seats for themselves, and the group that is gaining them at the fastest rate is not women, not racial minorities, not lawyers, not even unions in general, but one particular union — the radically liberal National Education Association. Is it any wonder that we cannot enact real education reform in any but a handful of states?

So we see that while we are holding the line in Washington, too often we are losing yardage in the states. Examples are:

◆ While Ronald Reagan was cutting taxes and George Bush was promising to hold the line on these tax cuts, virtually every state raised taxes; 30 in 1989 alone. All in all, between 1977 and 1988, state tax revenues soared by a staggering 144 percent.

◆ While we slowed the growth of federal bureaucracy, the size of state bureaucracy increased manifold.

◆ While we held federal spending in check, state spending soared by nearly twice the inflation rate.

◆ While we were loosening the shackles of federal bureaucratic control of American enterprise, the liberals were strangling business with red tape — under the guise of an environmental agenda — produced in state agencies.

◆ While we conservatives were focusing on Washington and issuing our nineteenth hundredth white paper bemoaning the federal deficit, the liberals successfully shifted the real policy battleground to the fifty states.

New Front. The liberals are winning in the states because too many conservatives have not yet realized that they have been outflanked. While we have concentrated our fire on positions that have already been taken, the liberals have exploited our weakness in the states and opened up a new front. As we might expect, they have read and understood Mao's dictum: take the countryside and the capital will fall. Ronald Reagan and the conservatives defeated the Left in Washington. So the Left moved the battlefield to Albany and Austin, Sacramento and Springfield.

We must not underestimate the cost of our losses in the states. The objective of conservative government is not to localize socialism. Bad government which is close to the people is still bad government. Winning in Washington but losing in the states means just one thing — we are losing.

Today the issues that confront conservatives — and all Americans — are issues that will be decided in the states. Today the critical questions are questions for state policy makers: how do we educate our children? How do we protect ourselves from crime? How do we end the scourge of drugs? How do we preserve our environment while building a strong economy? How do we provide for those in need? The decisions to all these questions are being made in the *states*.

Three Challenges. Consider just three of the critical challenges which our nation must face and you will appreciate the increasing importance of state policy.

◆ We know we must win the war on drugs. But we must win it in the states, where 85 percent of all drug-related arrests are made, drug cases are tried, and drug felons imprisoned; and where the innovative and effective solutions addressing drug users are being developed and implemented.

◆ We know we must educate our children better. But we must do so in the states, where more than 90 percent of all education funds, \$360 billion, are raised and allocated and where radical education reform must take root if it is to succeed.

◆ We know we must preserve our environment. But we must begin in the states, where solid waste, wetlands, clean water, and clean air responsibilities have traditionally been managed, and where legislators have advanced both the most responsible and the most dangerous environmental legislation yet considered. In order to appreciate the importance of state environmental policy we need only remember that the onerous Clean Air Act amendments now pending in Congress were prompted by clean air mandates in California and the New England states. And in order to appreciate the vast challenges we face, we need only recognize that conservatives today do not have a practical environmental agenda.

Daily Challenges. Today, America's state capitals are the battlefields upon which conservatives must fight and win the war of ideas; on which our proposals will be tried; our movement tested; our ability to govern proved. Every day we at ALEC see the new challenges that conservatives face in the states.

Seventeen years ago, ALEC was founded by a small group of conservative Democratic and Republican state legislators as a forum for communication between legislators who shared a commitment to an agenda of conservative ideas and values, based upon the principles of Jeffersonian democracy.

Today ALEC has grown to become the nation's largest bipartisan membership organization of state legislators. Nationwide more than 2,400 legislators, representing all fifty states and both political parties are members of ALEC; more than one-fourth of them serve in leadership positions in their legislatures. In just the last year, ALEC has grown by more than 45 percent, evidence that in the states conservatives are recognizing the increasing importance of the battles we face.

ALEC's goal is to ensure that these state legislators are so well informed, so well armed, that they can set the terms of the public policy debate, that they can change the agenda, that they can lead. This is the infrastructure that will reclaim the states for our movement; these are the people who will make conservative policy; this is our army that we must prepare and support for the battles at hand. If we ever hope to govern America, it is critical that the conservative movement achieve this goal.

Wisconsin Triumph. When we are well armed, conservatives can and do win critical policy challenges in the states. But when we are not, we lose miserably. Just a few weeks ago, we witnessed a concrete example of this in Wisconsin. There, ALEC state legislators, joined with members of the legislative black caucus and led by one extraordinary lady, Representative Polly Williams, enacted the first genuine program of freedom of choice in education. It is limited, it was conceded grudgingly, the enemies of freedom will do all they can to sabotage it; but for the first time in more than a century, disadvantaged families have the freedom to decide where their children will go to school. This policy win required more than three years' groundwork in the state legislature. But it demonstrates that when the conservative movement directs its attention to the state policy battlefield, it can win important victories.

About the same time as conservative education policies were triumphing in Wisconsin, they were being repudiated in Oklahoma. Most analysts would regard Oklahoma as a more conservative state than Wisconsin. But there, conservative legislators were not adequately prepared, they were not properly supported, and the education bureaucrats pushed through an education package which will do little more than increase the taxes Oklahomans will pay

to support a failed school system. When we are prepared, armed with a positive agenda, and focused, as in Wisconsin, we can win. When we are not, we will surely lose.

Of course, success in the states isn't just a matter of preparation. Conservatives at the state level are hampered by the way we have traditionally defined our policy agenda. For the 1970s and 1980s, ours was an opposition agenda. Even today we often seem to understand better what we are against — taxes, regulation, communism — rather than what we are for. The conservative agenda often appears to be a negative one. We are the people who just keep saying “no.” Now sometimes no is the right answer. Sometimes it is the only responsible answer. On taxes, that applies to state governments just as much as to the federal government. If, as President Bush has pointed out, high taxes destroy economic growth when they are enacted in Washington, they also destroy growth when they are passed in Sacramento or Denver or Annapolis.

Defense Not Enough. But, as some of you may remember, I played professional football for many years with the Denver Broncos. One lesson I learned very fast on the playing field is that if the other side always has possession of the ball, eventually you lose. My old team, the Broncos, learned this lesson well in this year's Super Bowl against the San Francisco 49ers. Either you have the ball and are moving it against your opponents, or they have the ball and are moving it against you. Defense is important, but it is not enough.

In the states that lesson holds true. A defensive, opposition agenda is not enough. We need an offensive, anticipatory conservative agenda. Voters elect state legislators to solve everyday problems to ensure that government works. They elect legislators who will ensure that police and courts protect, that schools teach, that roads are safe, and that trash is removed. Every voter, conservative and liberal, wants to see these functions performed efficiently. And they elect legislators who will address challenges like these.

If we conservatives expect to succeed in the states, to win on our new policy battleground, then we must supply real, common sense solutions to these real problems. Both in perception and in reality, our agenda must be one of anticipatory governing conservatism. We must make government work for people; turn government toward supporting conservative values; and make government work for conservative ends.

Conservative Successes. When conservatives recognize this need and respond with a positive governing agenda, we can win. We did so on one of the liberals' most successful state issues — welfare policy. When it comes to welfare, the liberal prescription is always to raise welfare benefits, to raise the minimum wage, and otherwise to blur the distinction between work and dependence. But with the cost of living increasing for poor people, as well as for everyone else, it is simply not enough for conservatives to say no. There are real needs, and an agenda which fails to address them makes conservatives defend the impossible position of condemning the poor to a level below subsistence. In Wisconsin, conservatives understood that the answer to welfare dependency was to ensure that any job would bring sufficient compensation to support a family; in other words, to make work more attractive than welfare dependency. We offered an agenda which included an expansion of the earned income tax credit on the basis of family size, and we won.

We have won similar policy battles on issues of prison overcrowding and mass transit policy. Every state faces serious problems with prison overcrowding. New prisons are expensive to build and state budgets are tight. The liberal “solution,” and the dominant state

policy response to overcrowding, has been the early release of felons. Conservatives in South Carolina developed an alternative — the use of prison inmates to build new prisons. In this way, they cut the cost of new prison construction by 25 percent, enabling the state to build enough new facilities to end the early release of dangerous criminals.

Most of our industrialized states are struggling with the twin challenges of roads inadequate for current levels of traffic and state budgets too tight to permit expensive public transit systems. The liberal answer is to raise taxes so they can finance government-constructed transit systems. Conservatives in Colorado turned instead to private firms to supply needed transit services. In many cases, they found that private providers could offer needed services at much lower costs — as much as 40 percent lower. Armed with this research, they developed a measure to require that at least 20 percent of all mass transit projects be competitively bid, and they won.

When we conservatives recognize that important policy battles are occurring in the states, when we prepare our legislators to fight those battles, when we create the intellectual development among these grass roots conservative leaders to engage and lead the public policy debate, and when we offer a proactive governing agenda, we can win. We are losing because too many in our movement have not yet taken its own principle of federalism seriously.

Back to Basics. Conservatives need to get back to basics. In the 1980s we focused on correcting what was wrong, and we achieved great successes in rolling back communism and in limiting the growth of the federal government. I certainly do not mean to minimize these accomplishments, but both of them are negative accomplishments; they are sacking the opposition's quarterback, not intercepting his passes, going on the offense, calling solid plays, and scoring touchdowns.

Sometimes we appear to be confused. "Not losing" is not the same as winning. We halted the losses during the 1980s, but we did not win. The challenge that we face in this decade is to figure out how we score now that we have possession of the ball.

Our conservative principles, as I said earlier, are based on our correct understanding of human nature and human history, on our common sense approach to solving the problems we face today. We know, or at least we profess to know, what man is, what society should be, and what direction our country ought to be taking. Now that we have stopped the left wing ideology in its tracks, we have the opportunity to advance our vision and build a good and just society. Let's not fumble this chance because we forgot our playbook.

If we hope to govern, we must get a firm grasp on those conservative principles we want to put in place and then design policy initiatives which focus the attention of the public on the difference between our philosophy and our opponents' philosophy. These differences are:

- ◆ We believe that parents should determine how their children are educated; our opponents believe bureaucrats should.
- ◆ We believe criminals should be held accountable for their crimes and punished; our opponents believe crime is society's fault and criminals should be coddled.
- ◆ We believe productive free enterprise should be fostered; our opponents see economic freedom as something sinister that should be stamped out.

◆ We believe public services should be provided efficiently and private providers should be turned to when they can best meet public needs; our opponents believe in government monopolies, government largess and government control.

◆ We believe that government should empower people to meet the challenges they face and should create opportunities where none currently exist, opportunities for people to be the best they can be. Our opponents believe that government should relegate man to a state of dependency, to a new, permanent plantation, and remake him in some utopian image.

Our vision is compelling, and our agenda will attract the support of many Americans. If we are going to govern America rather than simply to prevent the Left from doing so, then we must communicate and apply our vision to the states. It is there that the critical issues of the day are being decided, it is there that the people look for answers to the challenges they face, it is there that we can actually govern.

This is a particularly important lesson that conservatives must learn. Yes, our nation's capital is a luring city, replete with the trappings and rewards of power. Only in Washington will you be invited to state dinners and meetings with the President. Only in Washington will you find congressional receptions where you can mingle with those who claim to be our nation's leaders. Yes, the lure is strong. But if we intend to rebuild the conservative movement, if we intend to advance a conservative policy agenda that actually touches people's lives, if we intend to govern this nation, then our battle begins on the other side of the Beltway. And we must recognize that on this new battlefield a negative agenda will not sell. In the states, the conservative movement must advance a positive agenda for governance — an agenda which speaks to the real challenges people face, that offers them hope and opportunity to overcome those challenges, and that draws its strength from the principles and values that the people hold dear.

Positive Agendas. Conservatives are learning these lessons. Today, I want to applaud Bill Bennett who, in a very real sense, has helped us to lead the return of the conservative movement to the states. As Education Secretary, he recognized that we could only reform the way we educate our children by focusing on state policy. He saw the need for a positive agenda for state education reform, and he armed conservative state legislators with a program of reform and restructuring that works. He evidenced this commitment by personally travelling throughout the states, motivating, preparing, and supporting state legislators as they fought for education reform. And today, as the leader of our war on drugs, he has maintained his commitment to fighting policy battles where they matter — in the states.

And I want to commend my friend Jack Kemp for his new initiative to identify state and local policy barriers to affordable housing, barriers that can increase the cost of housing by more than 50 percent. By identifying these obstacles and developing strategies to overcome them, Secretary Kemp has the greatest chance of making the American dream of home ownership a reality for all Americans. This initiative is just one part of a broader empowerment agenda which Secretary Kemp has advanced to fill the need for a positive, governing, conservative agenda for the states and the nation. This vision may represent Secretary Kemp's greatest contribution to our movement and to our nation — it offers real hope and opportunity for all Americans and stands in stark contrast to the dependency agenda of the Left.

I also want to applaud the efforts of The Heritage Foundation in establishing the state issues working group as a vehicle to bring together conservative leaders who recognize the importance of the policy battles occurring in the states. And I want to commend the Free Congress Foundation for establishing a Center for State Policy to assemble and develop innovative policy initiatives for state governance. Both these organizations have also accepted ALEC's invitation to place policy analysts as advisors to our state policy Task Forces.

It is this sort of direction of conservative energies to the states that will enable us to begin to win more important policy battles, that will enable us to govern the states, and, as a result, the nation. Today, I invite all of you to work with ALEC to advance our conservative principles and our conservative agenda in the states. I invite you to join our Task Forces, the backbone and policy-making arm of ALEC – our policy teams of conservative legislators, businessmen, and policy analysts – and advise us as we develop a new, governing conservative agenda for the states. I particularly call on those of you who have given thought to a conservative environmental agenda to join us. Here we face one of our greatest policy challenges – we conservatives do not have a comprehensive, positive, governing agenda to protect the environment while building our economy. Without one, we will lose; developing one must be our priority.

I promise that those of you who join us will find this work rewarding. Every conservative state policy success that I have mentioned today results from the work of our Task Forces and was carried into action by ALEC state legislators.

It was Benjamin Franklin who said, "If we do not hang together, then most assuredly we will all hang separately." He understood the power of unity – of teamwork. During the 1980s, we worked together to halt the liberal advance in Washington, and we won. In the same way, we can win the new battles that are being fought in the states.

Working together, we can arm legislators for these new battles.

Working together, we can lead.

Working together, we can govern.

Working together, we can win.

