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## *Reflections*

# Placing Constituent Wants ahead of Principle—Virtue or Vice?

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**T**he debate over the relative merits of a true (direct) democracy and a representative democracy (republic) has been around since before our country's founding. We talk about America as being a "democracy," when in fact it is not. The notion that America is a democracy and that elected officials should at all times heed the voters' wishes has become pervasive. Nevertheless, as a newly elected legislator in 2012, I thought it incongruous that I was elected to do the best job possible but also relegated to being merely a poll taker rather than a deliberative statesman. Over time, my observations led me to realize that legislators have different understandings of their legislative roles. Furthermore, something as seemingly innocuous as their perception of their roles results in a dramatic schism in voting behavior among elected officials. The question at hand: Should elected officials vote according to what they believe is best (presumably what they portrayed to voters prior to their election), or should they repress personal beliefs in deference to the perceived wishes of their constituents?

Political scientists assign terms to the roles that elected officials assume when considering how to vote. In the role of *delegate*, elected officials believe they ought to act as the voice of those who are not present. Delegates vote according to the wishes of their constituents and do not otherwise exhibit autonomy. In the role of *trustee*, elected officials

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believe they ought to “do the right thing,” even if that means going against the short-term interests of their constituents, who rely on them for their competence and judgment.

For centuries, elected officials have struggled with these roles. In a speech supporting the role of trustee, Edmund Burke said in 1774, “Your Representative owes you, not his industry only, but his judgement; and he betrays, instead of serving you, if he sacrifices it to your opinion.” He further said, “Government and Legislation are matters of reason and judgement, and not of inclination; and, what sort of reason is that, in which the determination precedes the discussion; in which one set of men deliberate, and another decide” (1999, 11).

Elected officials acting in the different capacities behave and legislate in dramatically different fashions. My assessment of the practical nature of the two roles, based on my legislative experience, is shown in figures 1 and 2.

Figure 1, “Legislating as a Trustee,” is simple. When presented with a bill, the elected officials must first ensure they understand it. If not, the task is clear: they must do research and get input so that they have a full(er) understanding of the bill and can assess whether it fits within their framework of principles. This assessment, of course, requires that they have a clear set of principles.

Once they have determined how the bill fits within their principles, they can vote accordingly. It can be difficult on occasion to know whether a bill is consistent with one’s principles. The bill may have nuances or ambiguity, which simply compels more research to determine a clear-cut answer. Due to time constraints or other issues, an official may not be able to fully assess or understand a bill. On these occasions, which ideally are infrequent, the official may choose to vote with like-minded officials who have a thorough understanding of the bill. Generally, this course of action is suboptimal.

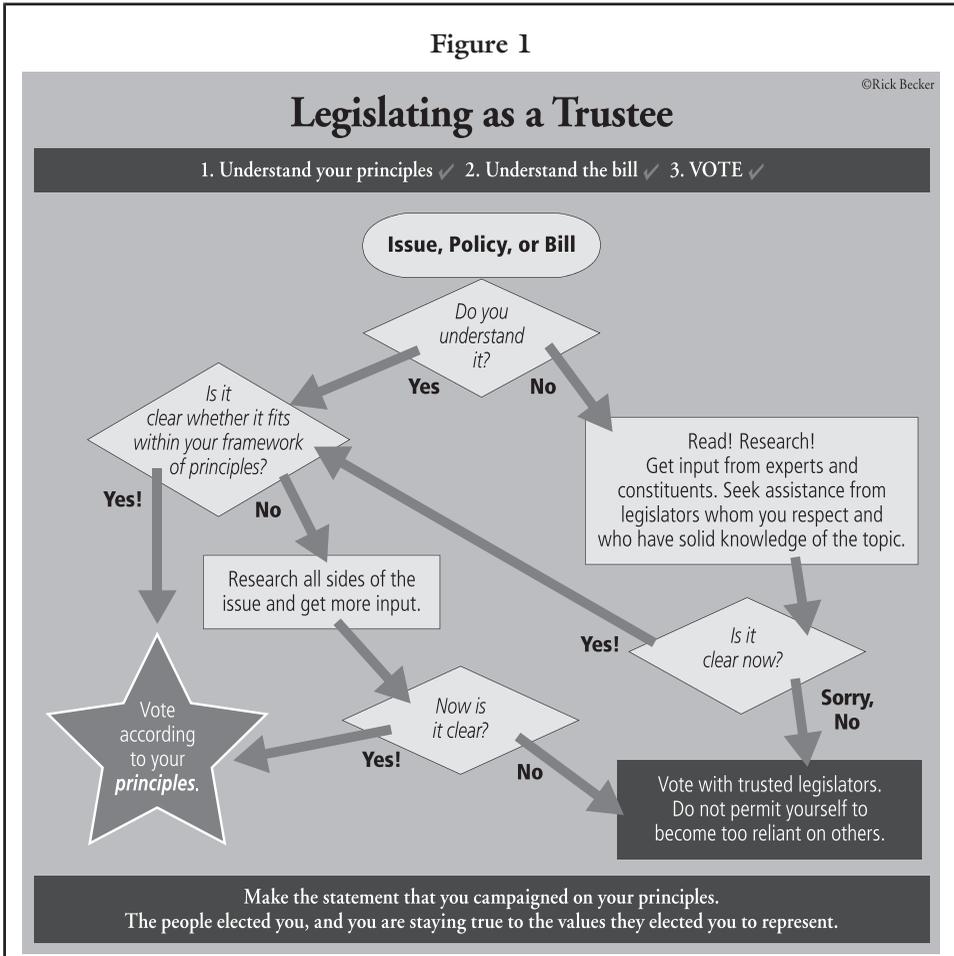
The steps in voting as a trustee are simple:

1. Understand one’s principles.
2. Understand the bill.
3. Vote according to one’s principles.

Elected officials acting as trustees may be understood to have campaigned on principles and to stay true to the people by staying true to the values for which the people elected them.

Figure 2, “Legislating as a Delegate,” is more complex. The first steps elected officials must take when confronted with an issue, policy, or bill are to understand the bill and then to assess how their framework of principles applies to it. Whether the officials acting as delegates complete these steps is moot. Because their vote is determined by the wishes of others, an assessment or understanding is irrelevant, and a framework of principles is unnecessary.

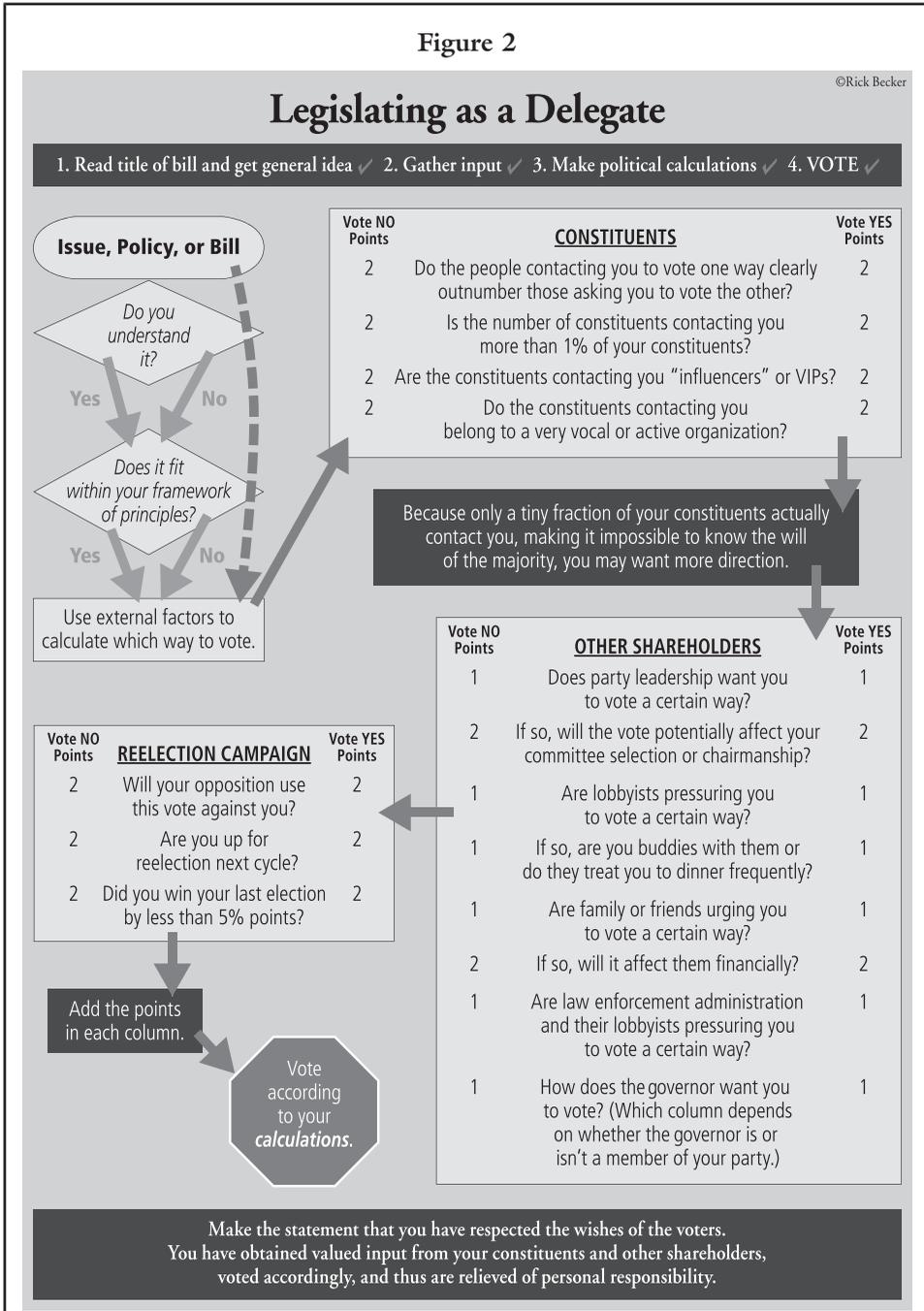
At this point, the actual process of determining how to vote begins. The officials make many calculations that weigh the importance of various factors. The three point-based boxes in the flowchart in figure 2 are only a graphic representation of what occurs



in reality. Naturally, officials acting as delegates do not tabulate actual points, nor do they assess every factor on each bill. They are, however, giving weight to various factors, either consciously or subconsciously.

The next step is to calculate their constituents' preferences. Because the officials are using the direct-democracy model, they attempt to vote according to the desires of the majority of their constituents. This is problematic, however, because in nearly every case a very small fraction of the officials' constituents actually makes their opinions known. The officials necessarily give subjective weight to their constituents' opinions. This determination may involve the relative number of those wanting a vote one way versus those wanting a vote the other way. It likely will include other factors, such as assessing whether those giving their opinions belong to groups that are very vocal (a concern for officials who may be voting contrary to the expressed opinions) and whether the constituents are "influencers," such as school administrators, elected local officials, business owners, and so on.

Figure 2



In addition, because the elected officials hear from only a fraction of their constituents, it is common for them to look for input from other nonconstituent "shareholders." They consider the wishes of their party leadership and whether a vote will affect their ascension within the party. They weigh lobbyists' preferences.

Likewise, the wishes of family and friends take greater prominence in their calculations.

Finally, because officials acting as delegates are not basing their decisions on what they themselves believe and the justification for a given vote comes externally rather than internally, thoughts on reelection inevitably become very prominent. They must consider how the opposition may use the vote against them. In fact, thoughts on reelection insidiously become the most important factor in determining their vote.

Once the officials have gone through the mental gymnastics of giving weight to various opinions and preferences, they will vote according to what will make the greatest number of constituents (or, more likely, the “most important” constituents) happiest in the short term as well as according to what will increase the likelihood of the officials’ reelection. The steps to voting as a delegate are:

1. Get a general idea of the bill.
2. Gather input from others.
3. Make political calculations.
4. Vote according to one’s calculations.

Elected officials acting as delegates may be understood to have respected the voters’ wishes by obtaining input from their constituents and other shareholders and then voting accordingly. They are therefore relieved of personal responsibility and may not believe they should be held accountable for their votes or the consequences of the bills for which they have voted.

The trustee’s responsibility is simple, honest, and moral. Unless over a period of years voters make more than a full-time job of attending committee meetings and legislative sessions, reading relevant documents, and so on, it is impossible for them to be as informed on the issues presented to the legislature as are the legislators. In addition, it is unrealistic to expect voters to consistently and reliably subjugate their personal interests to those of society at large. Representative democracy, embodied by the trustee, is accountable to the electorate during the campaign. Democracy is employed at the polling booth when voters choose candidates whom they can trust to do “the right thing.”

In contrast, the delegate’s responsibility is impossible to fulfill. To attempt to know the will of the majority by hearing primarily from a vocal minority is a task for fools. One must also define “majority”—Is it a majority of the people from a given political party, the people who voted in the most recent election, the people living in the geographic area represented by a district, the people of the state at large, or something else? Does the content of the bill or the scope of the legislation determine who should be included in the “majority” calculation? Finally, the delegates have a significant peril. Because they are not using their own “compasses,” they are necessarily taking direction from those most desiring to have their opinions heard. That means the delegates are in all likelihood being directed primarily by special-interest

groups, including the most powerful special-interest group of all—the delegates themselves in their desire for reelection.

The United States was formed as a representative republic, a system in which officials are elected to make the decisions that have the best long-term consequences for society. Voters prefer to elect people they believe will do the best job possible. They generally prefer the trustee model. Ironically, voter behavior tends to be based on *intended* policies (campaign promises) rather than on actual outcomes of previous policies. Because goals and intentions have greater effect on voter behavior than policy outcomes, elected officials are encouraged to act as delegates. Despite voters' preference for a trustee model, elected officials have incentives to follow public opinion and thereby to act as delegates. This phenomenon is known as the "delegate trap."

Voters generally have had extremely low approval of elected officials, perceiving them to be incompetent and lacking integrity. This attitude has prompted officials to pander to poll respondents for short-term gain, regardless of long-term outcome, thus reinforcing the voters' disillusionment. The delegate trap truly is a vicious cycle.

So how can it be broken? It isn't reasonable to think that the public, after generations of "politics as usual," will spontaneously do an about-face. In my observation, however, voters are eager to find and support honest, skillful officials with conviction of principle, despite believing them to be a rarity.

It is incumbent upon the officials to break the cycle by communicating openly with the electorate and bolstering the claim that doing what is best is more important than being reelected. As more elected officials take this approach, we will more likely see better long-term outcomes, which will in turn assuage voters' apprehension and allow them to vote based on outcome rather than on political posturing, thus ending the delegate trap.

## References

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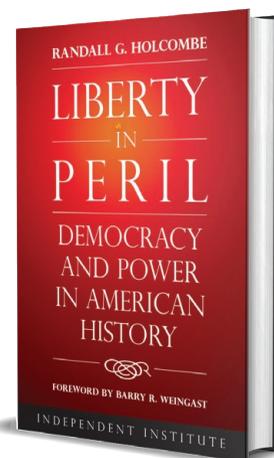
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