

A bill's name is part of the game

by [Josh Lederman](#)

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“Political language,” wrote George Orwell in his 1946 essay “Politics and the English Language,” “is designed to make lies sound truthful and murder respectable.”

If that's so, then the job of rooting out the truth isn't made any easier when political language strays into hundreds or thousands of pages, as major pieces of legislation do. But one line has the ability to shape a bill's reception and chance of passage: the title.

“The title of the legislation is more important than what the legislation actually says,” said Alan Rubin, director of federal government relations for Buchanan, Ingersoll & Rooney, a national law firm. “It's really unfortunate, but that's how it works.”

The complexities of legislative process have never much been fancied by the American public, and in an era of Twitter and reality television, it's not surprising that most voters aren't reading bills in full or closely watching the sausage-making. What they can track are short, evocative representations of complicated issues.

“It's marketing, it's persuasion,” said Illinois Senate President John Cullerton. “It's putting an argument into the title to help persuade people, to make it difficult to vote no.”

What's in a good name

Larry Moscow is a partner with Maslansky Luntz + Partners, a strategic communications firm whose moniker is “It's not what you say, it's what they hear.” If Luntz sounds familiar, it's because the name of the firm's cofounder, Frank Luntz, has become synonymous with “word doctoring.” Luntz, who left the firm in 2008, is famous for his focus groups and language testing, and was behind phrases like the death tax (instead of the estate tax) and the GOP's Contract with America.

“What my firm does is try to understand how people understand issues and why they feel that way, then come up with language that will best address those perceptions,” said Moscow, who defines his task as “refining the language so you are speaking in the same manner that people are hearing.”

The best way to do that is to use symbols that already have meaning to people, Moscow said.

“Symbols are often reflective of the extreme points of view, not the more nuanced, middle ground,” Moscow said. “Symbols don't play at complexity.”

The key to a good bill name is for it to be short and catchy, said J.W. Arnold, a principal with the public relations firm PRDC in Washington. It should not only illicit emotion, but be a call to action.

But Arnold warned the power of the name can cut the other way if the bill doesn't deliver as it promises, and pointed to the No Child Left Behind Act of 2001, President George W. Bush's signature education bill.

"An education reform bill might be forgotten if public sentiment soured on it, but everyone knows No Child Left Behind," Arnold said. "It's harder to forget about legislation that's perhaps not as effective when it has a catchy name."

Successful Illinois bills that had names that make them more difficult to oppose include Let them Rest in Peace Act, which protected grieving military families from funeral protests and was championed by then-Lt. Gov. Patrick Quinn, and Scott's Law, which protects emergency personnel from drivers and was named after slain Chicago Fire Department Lieutenant Scott Gillen.

Laws in Illinois named after people are a common legislative way of reacting to a death, said Ann Lousin, former parliamentarian of the Illinois House of Representatives and law professor at The John Marshall Law School, because they enable lawmakers and the public to identify a human being with the public policy need.

"It becomes very real," she said. "This isn't just an 'injured workers on the highway' act, it's a human being named Scott who was killed."

How it works

In both the U.S. Congress and the Illinois General Assembly, there are at least two names attached to any bill: the official title and the short title, which is used for easier reference.

Illinois Senate President Cullerton explained that in Springfield, when legislators sponsor bills and bring them to the Legislative Reference Bureau to be drafted, they have the right to put whatever name they want on it, although normally the bill is amending an already enacted law. If they don't choose to add a name, a generic title will be assigned.

"The times in Springfield when you might find this are when there's some kind of tragedy and there's some type of response," Cullerton said. "In Congress, it's more common to name acts."

Washington lobbyists and strategic communications experts say the visibility of the issue and range of its impact determines how much attention is paid to the title of federal legislation.

"When you have an issue that is front and center in people's attention and it has a leadership push behind it, that decision is made at a very high level – congressional leadership and potentially by the White House," said Peter Peyser, managing principal with Blank Rome Government Relations LLC. "If it's a high profile thing like the Patriot Act," he said, "communications professionals are engaged in coming up with that."

Lobbyists and interest groups will suggest names on slips of paper, Rubin said. They may not be adopted word-for-word, but pieces will be used.

"Your client or your group provides you with input from focus groups and information," Rubin said. "You actually go in there and jokingly about it, but say, 'You ought to name it this,' and you throw it out there."

Complicating issues is that the title printed on the bill may not be the one that sticks. The media or critics of the bill will often give it their own more colloquial name, and if it catches on, that's how people will refer to it, said Greg Ferraro, president of the Nevada-based lobbying firm The Ferraro Group.

Who the name targets

Regardless of how a title plays with the general public, it's the elected officials who vote to turn bills into laws.

Ferraro explained that fellow legislators are the first of three target audiences you want to connect with if you're naming a bill. The second is the media, where support and criticism of legislation are often voiced, and the third is the public – they're the ones who will live with the results once the bill becomes law.

And they're the ones who will be voting for your reelection, said Rubin. For their purposes, make a good first impression.

“You need to have signed onto something that your electorate will understand in 10 minutes,” Rubin said.

Ethical considerations

Lawmakers and advocates argue that as long as the name is accurate and descriptive, there is nothing wrong with developing a name for it that will compellingly convey the intended message of the bill. Cullerton said that as long as the title isn't deceptive, it isn't unethical to put a special title on it, and Paula Wolff, a policy advocate with Chicago Metropolis 2020, says the content speaks for itself.

“One assumes that anybody voting for the bill will either have read the bill or have a staff member read the bill,” Wolff said. “If you're an advocate, it doesn't make sense to name a bill in a misleading way because it diminishes the power of your arguments.

It's not Wolff's role to come up with the names, she said, but to tell people how important it is that a bill she's advocating for to have a good name to focus the message. Her organization was a key supporter of the Illinois Crime Reduction Act of 2009, which some interpreted to actually be soft on crime.

“Some of the ideas in it could be considered oriented toward rehabilitation of incarcerated people,” she said. “By naming it the Crime Reduction Act, it had the word ‘crime’ in the title and was focused on public safety.”

But not everyone sees the issue as so benign. Joel Jacobsen, an assistant attorney general in New Mexico, said the purpose of strategic names is to put opponents on the defensive regardless of the merits.

“It should be considered unethical,” he said, adding that the names imply that the issue is simpler than it is or overstates the unity on the matter. “That obscures the complexity and makes it easier for legislators to slip in special legislation.”

But lobbyists maintain it doesn't amount to obscuring the issue as long as the names reflect the bill.

“I think you are always faced with a common sense test,” Ferraro said. “Is it a reasonable or fair representation of what the law will do?”