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Article 1

A New American Democracy

Mark Twain IV*

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A NEW AMERICAN DEMOCRACY

By Mark Twain IV

Some men look at constitutions with sanctimonious reverence, and deem them like the ark of the covenant, too sacred to be touched. ...But I know (that) laws and institutions must go hand in hand with the progress of the human mind. As that becomes more developed, more enlightened, as new discoveries are made, new truths disclosed, and manners and opinions change with the circumstances, institutions must advance also, and keep pace with the times.

Thomas Jefferson, 1816

I was shuffling through my great grandfather's papers the other day and came across this quote from Jefferson that he had written on the back of an envelope. Also, there were some other notes about how we need to change the way government works.

As near as I can figure it out, he wrote down something said to him by a workman who had come by to fix a leak in his roof. He was always interested in wise people who lacked formal education. He had asked the man what was needed to make our democracy really serve the people. The reply was:

You know those old men who run our country

- They gotta understand the laws they pass – and they don't.
- They gotta talk with us and not the fat cats when they make laws.
- We gotta keep a close eye on 'em – and the way elections are run, that's next to impossible.
- They gotta make things run well – and they don't.

It didn't take me long to realize that these four points are as true today as they were 100 years ago, probably more so. So I decided to see what this might look like if we gave serious thought to what a modern democracy should be. When I started to write things down, I thought it would be fun to write it the way my great-grandfather did, but I wasn't any good at it. But I did try to tap into that American common sense he so admired. And I decided that if Jefferson thought we should try out new ideas about constitutions back in the 1820s, then there was no sense in my being bound to tradition in the 21st century.

A word about myself. Like my great-grandfather, I can see the best of people and the worst. When he wrote about Joan of Arc, he came up with such a positive view of her that Bernard Shaw called the result a "goodygoody".¹ And in *Huckleberry Finn* he showed his cynical eye for the racist and greedy characters that one could find along the

Mississippi. I have that cynical eye for Americans, but I also see the goodness and generosity they display when called upon to do so. The suggestions in this article for a new American democracy are designed to elicit that goodness and generosity. Whether I have created an appropriate vision for a new democracy, or a system designed for goodygoodies, I will leave it to the reader to decide. One final admission: I hold an MA in public affairs.

Preparing for a Democracy of the Future

Let's start off by thinking of what democracy in America ought to look like a quarter century from now. This is something seldom done in politics, where the time horizon for most politicians is the next election. But it is not uncommon in other areas to plan for events two decades or more into the future. Last year *The New York Times* carried a front-page article on the plans NASA has for setting up a station on the moon that should be operational by 2024.² So why can't we think ahead about the structure of our government? Clearly it takes just as long for political reforms to ripen properly as it does for trips to the moon, probably longer.³

Some will see this article as pie in the sky. Don't I understand that in politics one needs to build slowly and propose changes that gather majority support? Those who think this way should reflect upon the history of campaign finance reform at the federal level. There have been major campaign finance reform efforts in America in the 1920s, the 1970s, the 1990s carrying over into the 2000s, yet we seem to be slipping backwards rather than progressing. The presidential election of 2008 looks to be the most expensive campaign in history, even in constant dollars. It seems to me that it makes just as much sense to explore radical change as it does to plug along with the tried and true.

Indeed, we are living daily with radical change. Not only are we living through radical changes in technology, but we are pushing the limits of changes in our social mores. The fear and alienation around the world as traditional ways are being pushed aside has led to a huge growth in fundamentalism, both in the United States and in the Middle East.⁴ To apply the most traditional of standards to political change in an era of rapid social change is to ignore the huge dangers we are facing. We must pay serious attention to major structural changes that can make our government equal to the challenges of the 21st century.

What follows, like any exercise in brainstorming, is a sketch. Little attempt is made to fill in details, even ones critical for making the new system work properly. But I want to show how it is possible to take some common sense notions of how to make government work in today's world and have these lead to a structure that is very different from the one created by our Founding Fathers. If the bare bones laid out here have any appeal, then there will be a great deal of work ahead to provide the details necessary to demonstrate that it is workable. It is an architect's sketch on a notepad – a prelude to the careful and detailed design needed to build the house.

Legislatures are Unable to Create Sound Public Policy

What needs to be recognized is that both the U.S. Congress and state legislatures are largely incapable of enacting sound public policy in the public interest. Given my inclination to look 20 or 30 years ahead to where democracy should be headed, it is not a bad idea to look 30 years back to where we have been. The inability of Congress to enact sound public policy was obvious then. In 1976 Roger Davidson, a highly respected expert on Congress, pointed out that while Congress was being castigated in the press for puttering around and not doing anything about the energy crisis, in fact it was laboring mightily but ineffectually to overcome its own internal dispersion of responsibilities.⁵

Even more telling were the comments of James Burnham, who wrote in 1959:

The primary responsibility of the legislature in a democratic republic is to answer the big questions of policy. --- In this past generation of its political decline, Congress has not shown itself both able and willing to make and focus the necessary effort. But unless Congress redirects its energy towards the great and controlling decisions, it will inevitably become, like the Senate of imperial Rome, a legislature in form only. --- The political death of Congress would mean plebiscitary despotism for the United States in place of constitutional government, and thus the end of political liberty.⁶

Or what John Anderson said when he was chair of the Republican House Conference in the middle 1970s:

The House less and less addresses itself to the great issues of policy. Everybody's got a little subcommittee, and everything is terribly fragmented. We've become a body of tinkerers.⁷

If as wise a political observer as James Burnham was worried about plebiscitary despotism in 1959, then we should worry even more now. Indeed, we have had a brush with it now in the form of the Bush administration. If the 9/11 attacks gave a weak president permission to undertake foreign adventures based upon the need to combat "terrorism," what will the release of a nuclear weapon in some city do? We need to have as strong a government as possible, one trusted by the people and capable of making wise decisions, if American democracy is to survive, no less flourish.

Five Steps to Build a New Governmental Structure

Assuming that any sketch of a new democratic system appears to have initial merit, how can it be fleshed out and tested? I see five ways:

1. Imagine how the new structure might deal with some problems that our current government has not handled well. I suggest health care and foreign/military policy as ways to do this. This is the one test that can at least be explored in this paper.
2. If a radical proposal seems to have any merit at all, then a small group of well-informed people should go over it carefully for a few months to fill in the details and see how it holds up. There are a number of ways this might be done. Scholars and practitioners could meet periodically over a year to see if they can find ways to meet specific challenges that will be brought against a new system. My favorite method would be to bring together a small group for a month or two to work things through. This is hardly ever done in our busy world, but Freeman Dyson gives a wonderful description of what was accomplished by a small group one summer in a “little red school-house” where they designed a safe and low-cost nuclear reactor.⁸ Even a small group of graduate students and a few people with government experience could do some really interesting work to see how well some innovative ideas hold up under close examination.

Journal articles will certainly play an important role in this, but they will be most helpful after a proposal has been rather carefully reviewed by some small group. The risk of competing journal articles about competing proposals is that proponents and opponents get in cat fights over whose ideas are better than whose, with less than helpful results.

3. Let the American people take a close look. It is often assumed that the everyday person has little interest in governmental structure and even less capacity to understand it. But projects conducted in the last decade show this not to be true. For example, the Jefferson Center and its staff were involved in three Citizens Jury projects that dealt with governmental structure in the last decade.⁹ The last was held in Perth, Australia in 2005 on the question of what deliberative reforms might be most appropriate for the province of Western Australia. Sixteen randomly selected citizens, a microcosm of the Perth area, examined a number of deliberative methods closely and even made up some new structures of their own. They reported on their work to a conference of 300 professionals that was being held in parallel with the Citizens Jury project, examining the same topic. These professionals were so impressed by the work done by the jurors that, when they voted on what social and political issues could be addressed most effectively by different deliberative methods, the Citizens Jury was chosen first in over half the areas considered.

The work of the Jefferson Center demonstrates that randomly selected citizens can do a good and enthusiastic job of examining governmental structures. But the most impressive project using deliberative methods to study process is the Citizens’ Assembly, designed by Gordon Gibson and conducted under the auspices of the parliament of British Columbia in 2004.¹⁰

The Citizens' Assembly was created to consider whether a new electoral system should be installed in British Columbia for the election of parliament. A man and a woman were selected at random from the list of registered voters in each riding (legislative district) in British Columbia. Two "first nation" people were added to this group to make up 160 people. They met for 10 weekends over the period of a year to learn about the existing electoral system, other systems in use around the world, and then to deliberate among themselves and select a new system for British Columbia.

The promise given these participants was that if a majority of them were able to agree on a single electoral reform, then their proposal would be put before the voters of British Columbia in a referendum. This was done in May 2005. The proposal received a majority of votes in all but two of the 79 ridings, with a majority of 58% of the voters favoring it across the province. This was not enough to get the proposal adopted, since the requirement set by the British Columbia parliament was that it needed 60% of the vote to be adopted. But the method was widely praised and is now being used in Ontario and Holland and being considered in a number of other places.¹¹

This is not to say that the Citizens' Assembly is the perfect solution. There are aspects of other deliberative methods that could be borrowed to improve the way it operates. But the length of time devoted to the study of process reforms is unique among deliberative methods using a randomly selected microcosm of the public. This is vital if a good job is to be done. It is also larger than a Citizens Jury, thereby giving it more credibility with the public. By drawing from each riding, it could make the claim that it was giving voices from every part of the province an opportunity to be heard.

I suggest that once several different system-wide reforms have been constructed and carefully reviewed by experts, a Citizens' Assembly take a close look at them to see which one or ones they like. If their conclusion is that it is better to stick to traditional and slow attempts at reform, then that is a compelling argument for continuing with that approach. My guess, however, is that the public is hungry for a modern democracy and that they will choose something markedly different from the structure that has been in place for so long in America.¹²

4. Test out some elements of a new structure at the local, state or regional level. For example, a Citizens' Assembly to review state budgets could be adopted into law. This would be a yearly event, in which the participants would examine both revenues and expenditures closely. This surely would be resisted by legislators on the grounds that the public always wants to cut spending. But most states with initiatives have already seen them used to limit or cut taxes. Since most states do their budgeting biennially, a Citizens' Assembly could review the proposed revenues and expenditures during the same year the legislature does and then review in the following year how the legislature deviated from what the Citizens' Assembly had wanted and who was responsible for those changes.

The U.S. Congress could pass a law that a Citizens' Assembly, or similar deliberative method, be convened any time that serious consideration is being given to going to war. Of course this would not work if the U.S. were attacked suddenly, as with Pearl Harbor. But a Citizens' Assembly called to review the recent war in Iraq would likely have been very helpful. The time-frame could be condensed from the year that was used in British Columbia to an event lasting two or three months. Not only would this have been an alternate set of hearings where the evidence for going to war could have been closely examined, but it might well have strengthened the backbone of many Members of Congress who were afraid to vote against the war for political reasons unless the public were with them.

There are any number of innovative proposals that could be tested out in this way. Some of them, such as the budget review, would be very threatening to current legislators and their special interest allies. Others, such as the Citizens' Assembly to review a decision to go to war, might actually be welcomed by legislators as a way to carry on an informed dialogue with the public that is now lacking. Those reforms that are worth testing, but opposed strongly by existing legislatures, can be put in place through the initiative process that exists in 24 states.

5. If some new democratic structure holds up well through the above four tests, then it should be tried as a whole in some state. There are 18 states where the constitution can be reformed through the initiative process. If the explorations under #3 above show that a microcosm of the public really likes a specific new structure, the tests under #4 show that elements of the structure work in practice, and if polls show a significant majority favoring the new system, then it should be proposed as a constitutional amendment, using an initiative to do so.

Some structural changes cannot be done successfully half way. You can't put a carburetor and a fuel pump on a steam engine and think you are going to create a successful internal combustion engine. It is well-known among students of systems change that people working in the current system have a compelling way of resisting change. School districts are very familiar with this phenomenon, where there are constant attempts to reform curricula, with most of them not making much difference. So an attempt to adopt a whole new democratic structure at the state level through an initiative may not reflect an infatuation with radical change so much as the pragmatic judgment that this is the only way the people of the state are going to get the modern democracy they want and need.

Four Common Sense Requirements

So what should be done to build a democracy of the future that will produce sound public policy in the public interest? Let us take each of the four common sense requirements listed at the start of this paper and see what new approaches might be taken to meet them.

They gotta understand the laws they pass.

The workload for members of Congress is much too great for them to take time to reflect on what is going on. A congressional committee studying the workload of Congress in 1978 claimed that in an 11-hour day the average member had only 11 minutes free to think.¹³ Word has it that things are even worse now, with some members of Congress spending over half their time fundraising.

There are two obvious solutions to this situation: cut down on the number of committees and subcommittees on which a member serves, or cut down on the amount of details the member is expected to pay attention to. My guess is that two committees are as many as any legislator can handle properly, given the complexity of the issues faced in a modern society and the current heavy demands placed on legislators for fundraising. It is difficult to argue that the public interest is being protected best by assigning so many areas and so much detail to legislators that they hardly have a chance to think. The main result is that more points of access are given to special interests, who do have the time to think about their own special needs and take steps to protect what they have and promote what they want.

One legitimate reason against having legislators serve on only two committees is that they will not have the broad overview of governmental activities needed to do a proper job of resource allocation. If legislators are assigned to only two committees, then some method will have to be found to allow the allocation of resources and the raising of funds to be done in a fair and efficient way. But we must think beyond the appropriations committees found in today's legislatures. These are not models of how resource allocation should be done, but models of the effective exercise of political power by senior legislators and the interest groups with which they have allied themselves.

But giving legislators the time to reflect on the issues before them is only the beginning of what needs to be done. Let us move on, therefore, to the next of the four common sense requirements.

They gotta talk with us and not the fat cats when they make laws

To meet this requirement, why not set up a situation so that when major decisions need to be made, the Congress and its relevant committees must consult with some deliberative method? This might be any one of the methods already discussed, or it might be a 21st Century Town Meeting. This method can bring together thousands of people to reflect upon a public policy, even linking people electronically in different places.¹⁴

It is interesting to speculate on what would happen if something like this were in place. Imagine that an initiative is passed in some state whereby the Citizens Jury process is mandated to examine a state's budget. Three Citizens Juries could be used: one to review the governor's budget at the start of the session, another to watch what happened in appropriations and a third to review what has been done immediately after

the legislature has completed its work. This would be of negligible cost, less than \$750,000 for the three events, with half of that going to outreach to make sure that the public hears what they have to say. If most of us think it worthwhile to pay a real estate agent 5% or more to protect our investment when we buy or sell our homes, then surely a small fraction of 1% of the state budget should be spent allowing everyday citizens to take a close look at how our tax dollars are being spent. The third Citizens Jury could examine which of the legislators seemed particularly concerned with protecting the best long term interests of the people of our state, and which did not.

Or, along different lines, what difference would it have made if there had been a requirement that Congress consult with a Citizens' Assembly before making a decision to go to war? In the case of the 2003 debate over Iraq, it would have meant that Members of Congress would have been interacting with an informed microcosm of America. Since one of the guidelines of a Citizens' Assembly is that different points of view be heard, the members of the Assembly would have heard a considered debate about how sound the evidence was regarding the need to attack Iraq. The rhetoric being used at the time by the Bush administration went over well enough on talk shows, but it is doubtful that it would have held up in hearings lasting for several weeks. All of this should have freed up members of Congress to ask many more penetrating questions of the Administration's allegations, since such questioning would have seemed much more reasonable to an informed microcosm of the public than to the nation as a whole.

This proposal is not without challenges. Who is to determine what evidence will be heard by the Citizens' Assembly? Since it is well known that those who control the agenda for a meeting will have a great deal of influence over the decisions made, what is to say that the Administration would not have controlled the agenda?¹⁵ And how can we be so sure that the fears created by 9/11 would not have permeated the Citizens' Assembly in a way similar to how they influenced the nation as a whole? Those who observed the British Columbia Citizens' Assembly came away with the conviction that common sense prevailed in those hearings. But will this be true of every Citizens' Assembly, or was that a unique event, dependent to a considerable extent on the charisma and forcefulness of the chair of the event?¹⁶

Along different lines, imagine using a Citizens' Assembly to enable the public to understand what Congress is doing on a major issue such as health care. Here, a microcosm of America would be able to watch very closely how members of Congress deal with very powerful lobbies, such as the drug and insurance industries. It would make it much more difficult for Congress to give way to those powerful interests with a microcosm of the public looking over their shoulders as they discussed health care reform.

But even with health care, no less than a decision about war and peace, can we feel confident that the report of a Citizens' Assembly really will play a significant role at election time? Those in the public relations industry who serve candidates are very skilled at manipulating facts. Given that most Americans get their information from TV,

what is to say that the conclusions of a Citizens' Assembly will really play at election time?

This means that we should turn to the election process itself to see what can be done to ensure that the will of the people is being done in a democracy.

We gotta keep a close eye on 'em – and the way elections are run, that's next to impossible.

The way that the Founding Fathers set up elections in the Constitution made sense at the end of the 18th century. It must be remembered that they had doubts about the wisdom of direct popular election of offices, which is why neither the Senate nor the president were to be elected that way. It was not until the early 20th century that a constitutional amendment was passed so that senators would be elected by popular vote. And we still are stuck with the vestiges of the electoral college for the election of the president.

Again, let us think boldly. Certainly we must get rid of the electoral college, but must we stick with the kinds of elections we know now? Those who support proportional representation argue that we should not. But even that approach, which seems radical in America, has been in use in a number of nations for nearly 100 years. So let us explore some new ways to make sure that voters can keep a close eye on their elected officials and feel confident that they are relying on trustworthy information when they cast their votes.

In 1988, Prof. James Fishkin proposed that presidential candidates be nominated by a randomly selected group of Americans.¹⁷ Fishkin is the major proponent of the Deliberative Poll, in which some 300 to 600 randomly selected citizens are brought together for about three days to consider an issue or to evaluate candidates. To the best of my knowledge, he has been able to use the Deliberative Poll for reviewing candidates only once. But why not take his original suggestion seriously and see how it might be used?

Certainly it would be very interesting to institutionalize a Deliberative Poll to review the candidates for president. This might be done after the primaries were complete and could include not only the two major candidates, but also the next two in popularity, as shown by national public opinion polls. Note that this reform would work even better if Instant Runoff Voting were in place. Under this method, voters are told that they can vote for as many candidates for president as are on the ballot, placing a 1 in front of their favorite, a 2 in front of the candidate they liked next best, and so on down the list. When the votes are counted, the candidate with the fewest first place votes is eliminated and all the votes for that candidate are redistributed to the candidate that was indicated as their second place choice.

For example, in 2000, there surely would have been a larger percent of first place votes for Ralph Nader than the 2.74% of the vote that he received, given that most Nader

voters would have given their second place vote to Al Gore. In 2000, without IRV, a vote for Nader was seen by Democrats as “wasted,” in that Nader stood no chance of winning and any votes taken away from Gore benefited Bush. But with IRV in place, a liberal could have voted for Nader without fearing that it would have hurt the chances of Gore to defeat Bush in a close election. The same would have held for conservatives who preferred Pat Buchanan over George Bush.

This would make a Deliberative Poll with institutional standing a major event. If some third party candidate were appealing enough and doing well enough in the polls, such a Deliberative Poll might actually give that candidate a chance of winning. And if that were the case, then why not use a process that would give the participants more time to look at the candidates? Some variation of the Citizens’ Assembly, with a man and a woman drawn from each of the 435 Congressional Districts and meeting for 10 or 15 days rather than just the three days of the Deliberative Poll would certainly attract more national attention and would give the participants a much better chance to take a close look at the candidates.¹⁸

But if we are considering this radical a change in the Constitution, we should not limit our options to the presidential election alone. What about members of Congress and the notion of using some deliberative method to nominate candidates as well as evaluate those who are already on the ballot? One of the questions that is raised immediately about this is what the relationship between the voter and the elected official is supposed to be. There are three obvious things:

1. The voter elects an official to represent the interests of the people who live in a particular state or a specific congressional district.
2. The voter is indicating a preference in political values or ideology. Liberals, conservatives, libertarians, greens, etc. should have the opportunity to express their political values when voting for a member of Congress.
3. The voters are selecting someone to act in their place in making policy and political decisions. In this case, the ideology may be less important than sound judgment about what programs are in the best interests of the people in the district as well as Americans as a whole.

We are so used to elections that serve all three purposes together that today we virtually never think of setting up elections that might serve different purposes. Yet the Founding Fathers saw the two chambers serving different purposes. The House was to be the chamber of the people and the Senate to protect the interests of the 13 colonies. Why not consider going back to a situation where the two chambers serve two different purposes, each with an electoral method to match that purpose?

The United States is a republic that is a great deal more unified than the 13 colonies were when the U.S. Constitution was proposed. What we lack now are policies that serve the broad interests of all Americans. Therefore let us give priority to the second and third purposes above, with one body to represent the values of the people and

the other to represent the good judgment of the people as a whole in selecting which values should guide our government.

This will seem odd for the moment, but bear with me because the reasons for this will become clearer when we come to the final of our four common sense requirements.

Therefore, I propose that the House continue to have 435 congressional districts. In each one, a microcosm of the public – a group larger than a Citizens Jury, but smaller than a Deliberative Poll – should be convened to review possible nominees. Anyone wishing to be considered who has lived in the district for some specified time should be required to gather signatures on a petition – perhaps 1,000 or 5,000 or maybe more. The microcosm of the public will meet long enough to vet the potential candidates and select two to go on the ballot, doing so before the end of September.

Key parts of this selection process will be done on TV during prime time. This means that the finalists will get a chance to present themselves to the public and be questioned by the microcosm. These televised hearings might take place over several evenings. In this way, the public will have an efficient way of learning about the candidates, but within a format that moves beyond the “debates” that are so typical of politics today.

Any candidate that is not chosen in this first round should be given a second chance. There should be a second review done by a microcosm of the public, similar to the first, but with a new set of randomly selected citizens. This could include not only those who almost got chosen in September, but also a few new possibilities as well. If this second microcosm feels it is appropriate, they can add one more candidate to the ballot, doing so by the third week in October. Then the election will be held, as usual, on the Tuesday following the first Monday in November. At that time, write-in candidates will also be allowed.

Both the September microcosm and the October will be reminded that the criteria for selecting candidates are that they be:

- Of high moral character
- Have experience in public policy and a deep understanding of how government works.
- Show a deep understanding of, and broad concern for, the different kinds of people who live in the district.

One of the reasons for setting these meetings such a short time away from the election is to cut down on the vast media campaigns that now surround candidates. My belief is that campaign finance reform will never be much more successful than it has been to date. Even if very strict limits could be passed by amending the Constitution, the Supreme Court is still going to allow “issue ads” that obviously will be designed to get some candidate elected while staying within the limits of the law. This is not to say that

campaign finance laws are useless, but merely that much remains to be done to improve elections even with the best campaign finance laws imaginable.

Under the new system, political ads will still be allowed, and many of them will be of the variety that so many reformers complain about. And interest groups can try to extend their power by starting the ad campaigns early. But this will be expensive, especially if it turns out that their candidate is not one of the two (or three) officially nominated. And trying to get a candidate elected as a write-in is no easy matter. That could happen if the voters of some district begin to distrust the judgment of the groups doing the nominating. In that case, write-in candidates serve as an important safety valve. But if the September and October microcosms do their job properly and the televised shows are presented well (neither too long nor too short), then the number of write-in candidates elected through heavily funded ad campaigns will be few indeed.

Some are likely to view this approach to elections as the fantasy of a policy wonk, something likely to fail because it will not stir the political juices of the American electorate. The more that neat rational electoral systems are set up with nice proper rules to contain the passions of an electorate, the more likely it is that the political forces thus constrained will burst forth in some unforeseen way and break the system apart.

That is why the election for the Senate should be conducted in such a way as to concentrate upon the values of the people and to allow normal political passions to flow. But it is important to consider the purpose and function of the Senate in relation to the House. Do we simply want to create two chambers, each of which works on bills, but with the House selected to represent the good judgment of the people searching for sound public policy, while the Senate looks at things from the point of view of parties and political values? This would seem to create a Congress that was constantly at war with itself.

Therefore I suggest a radically new Senate – one adapted to the systemic needs of modern government rather than the protection of the interests of the various states, as the Senate was originally designed. The purpose of such a Senate would be to create different plans for all the departments of the federal government. These would then be forwarded to the House, which would select between these plans. How this should be done by the House will be covered in the next section.

But it is important to make clear what I have in mind for the Senate. I do not hold the foolish belief that those elected to the Senate will somehow be experts in the various areas of government and society upon which the Senate will be asked to draw up proposals. What needs to be done is to give the senators funds so that they can hire the best policy analysts and experienced staff people needed to create the necessary proposals. It is well-known that most planning agencies within American government fail in their tasks. Part of this relates to the interest-driven nature of our legislatures and part to the need of the executive to obtain short-term advice on policy and political matters. My proposal is that each senator be given ample funds that can be used only for policy planning. This will enable like-minded senators to pool their money to contract

with experts to create proposals that fit their values and political agendas, while being technically sound.

What I am suggesting here is that both chambers not be involved in selecting policies. Instead, one should propose and the other should make the choice. This is hardly a novel idea in American government. Many will object that it is unwise to give the power to only one chamber to adopt bills. Certainly it is reasonable to want such a check, but why should it be done in the form of a second chamber? Why not empower one of the deliberative methods discussed in the preceding section to have the power to veto, or resubmit for consideration, any proposal they do not like? If there are concerns that a review by everyday citizens is likely to miss technical details, why not have reviews by special panels done before the citizens meet? There could be a review by technical experts and a separate set of hearings for interest groups that would precede the review by citizens and inform their discussions.

If we want the Senate to be an innovative source of ideas, then it is important to get rid of the dominant role played by the two major parties. The reason for having a majority and minority party is to make it easier to pass legislation than would be the case if there were multiple parties. But clearly this does not represent the wide variety of political viewpoints and values that are spread around the United States. Something should be done to ensure that these views get heard. With the removal of the need for the Senate to pass legislation, then an electoral method can be used to promote a wide range of views among the senators elected.

For this reason, I suggest that senators be elected from ten large electoral regions of approximately equal population. Furthermore, the electoral method should be what is called the “party-list” system. This means that a voter is not able to vote for a person, but can only vote for a party. But each party publishes its list of candidates in the order of who will be seated. For example, in the Midwest electoral region, if the Democrats take 30% of the vote, the Republicans 30%, the Greens 20% , the Libertarians 10% and the Conservatives 10%, then the top three Republicans on their list will be seated, as is the case with the Democrats, while the top two candidates on the Greens list will be seated and the top candidate on the Libertarian and Conservative lists will be seated.

By now this may seem like such an odd, impractical speculation about how some hypothetical government might be set up, that many readers will want to give up. So let me move on to the final criterion for making government run properly:

They gotta make things run well – and they don’t.

American government was conceived by the Founding Fathers as a set of compromises to divide power between the people and the interests in the 13 colonies. There was virtually no concept of the need to manage large systems. But in modern government we view the major program areas as systems to be managed: the health care system, the defense system, the transportation system, etc. This is not intended to imply that government must run everything in a top-down manner. A sophisticated government

will give proper attention to market systems as an appropriate means to the desired ends. The Soviet Union amply demonstrated the foolishness of a command system to run agriculture, while the semi-free market system of agricultural production that exists in the United States has been hugely productive.

One of the great inventions of modern times has been the corporate structures devised to run very large businesses as systems. There is a board of directors that oversees a chief executive officer, a chief operating officer and a variety of employees who serve under them. The board is responsible for setting the mission and the CEO is responsible to see that plans are drawn up to carry that out effectively.

To see how odd our current structure of government is, imagine I offer to sell you stock in a corporation that I insist is wonderful because of how it is organized. It has no paltry board of ten to thirty members, it has a board of 535 people. This board has the power to adopt regulations regarding how the corporation should operate. These regulations can be very detailed. The allocation of resources within the organization is not done according to some economic model of efficient resource allocation, but rather by political bargaining among the board members. The CEO has veto power over the regulations adopted by the board, but the board has no power to hire or fire the CEO, who is elected by a majority vote of the stockholders, one vote per stockholder

Would you ever buy stock in such a corporation?

Yet this is the way our government is organized. This means it should be little surprise that our governments, federal and state, find it difficult or impossible to run departments in a systemic way. No American corporation would dream of setting up its management structure built around an 18th century model, yet we continue to do so. This is partly the result of tradition and partly the result of interest groups' having learned very well how to manipulate this antiquated structure to their benefit.

So how should the modern corporate model be applied to governmental departments? One way is to establish a method for a relatively small board of directors, under effective citizen control, to choose the mission of a department and a CEO committed to that mission. There is no obvious way to do this without drastically changing the role of the American presidency. The notion that there should be a chief executive for our vast governments, with the power to appoint the heads of all the departments, is terribly outdated. Most of our states, even the small ones, manage governmental departments that are considerably more complex than the federal government at the time that the Founding Fathers created the American presidency.

Therefore, I propose that the relatively small board of directors overseeing the departments be the elected officials in the House who serve on the relevant committees of the departments. Since membership on committees is limited to two per representative, this should be something that he or she can deal with effectively. This means that these elected officials, nominated because they are generalists, are going to have to learn a great deal about the two areas they oversee. Indeed this would be a very steep learning

curve for them if they had to determine the mission of the department and select the CEO as well – the secretary to head the department.

This is where the Senate comes in. It should be required to provide four different plans, from four different political perspectives, for each committee. This means that the task of the House committees is simply to choose one of the four plans. And to make the management of the departments more effective, each plan should be presented by a person who is highly skilled in management and familiar with that area. This person will become the secretary for that department. This means that when the representatives who serve on a House committee choose a proposed program for that department for the next four years, they will be choosing the CEO of that department. This will get rid of the huge inefficiencies that are so often created under our current system when the president appoints someone to be secretary of a department, while at the same time Congress is attempting to steer the department in a different direction.

Under this proposal, the members of a committee in the House will continue to monitor the performance of the secretary whom they have chosen to head the department under them. Not only will the four year proposal be laid out in considerable detail, but there should be benchmarks so that the committee can see how well the secretary is progressing in carrying out the strategies that are intended to achieve the mission that has been set for the department. The secretary will report to the committee on a regular basis and the committee will be responsible for seeing that the goals and benchmarks are met. The representatives on the committee will have the power to fire the secretary if she or he does not perform well. And they will be answerable at election time to their constituents for how well they have done their jobs.

Currently, it is next to impossible to tell how well representatives have performed on the committees on which they serve. The usual measure of performance are floor votes. But the significance of these votes is usually understood in terms of the ratings given the members of Congress by interest groups. Under the system proposed here, the microcosms of the public that nominate candidates for the House will have a good opportunity to review an incumbent's performance on the two committees on which he or she serves. This careful examination, consisting of a week or two of open hearings, will give citizens a much better way to evaluate the performance of their elected representatives. Conversely, it will enable representatives to vote their conscience and have a chance to explain in detail the stands they took on key issues, at the same time that opponents have the opportunity to challenge those reasons.

So What?

What practical effect can the above suggestions have? There are three things I hope this paper can accomplish:

1. Get both the public and academics to start thinking more seriously about long-term democratic reforms. If this happens, then this paper is a great success even if the particular reforms discussed above are ignored.

2. Show that there are some interesting ways to reform democracy that are not being considered now, but which have the potential to make our democracy equal to the challenges of the 21st century. Much work will have to be done to show that these proposals make sense under close examination. A very large number of details need to be worked out before it will be clear that these ideas may have a chance of working out in practice.
3. Get foundations and other funders to start thinking about steps that can be taken to lay the groundwork for the democracy of the future.

SUMMARY OF THE NEW DEMOCRACY PRESENTED IN THIS PAPER

<i>The four common sense requirements</i>	New Democracy	Current Democracy
<i>They gotta understand</i>	Legislators limited to service on two committees. Emphasis on big picture rather than details.	Legislators serve on many committees. They are overwhelmed with details and have little time to reflect.
<i>They gotta talk with us</i>	Key policy conversations occur with well-informed microcosms of the public rather than special interests.	Key policy conversations are with special interests. Meetings with everyday people are mainly for political cover.
<i>We gotta keep a close eye on 'em</i>	Elections are entirely restructured. House elections are designed to minimize influence of special interests and big money. Senate elections support parties and elicit values.	Elections are dominated by big money and special interests. The political dialogue is dominated by spin-masters rather than an informed voice of the people.
<i>They gotta run things well</i>	The corporate model is suggested as a way for our government to manage large systems and make responsibilities for policy choices clear.	Our legislatures operate under an antiquated and legalistic 18 th century model of government. It is virtually impossible to manage programs well.

Two Examples

If the new democratic structure were in place, what might this mean for health care and for foreign and military policy?

Health Care

The new system would be a great improvement over the way health care policy is currently made in the United States. There would be a careful choice between different methods of health care delivery and different methods of insurance and payment. The plans drawn up in the Senate will surely represent different perspectives on how this should be done. And there is no doubt that the health care, insurance and drug industries will do their best to influence which parties get elected to the Senate. It would not be at all surprising if these had a lock on the health care proposals of the two major parties. But with 10 senators elected from each of the 10 regions, minor parties need only get 10% of the vote in order to elect a senator. This means that it is very likely that the House committee on health care will get a plan along the lines of the single payer system and a plan that is libertarian.

But one of the most interesting facets of the health care dilemma is that a sound health care plan requires not only a responsible political system to enact it and manage it, but also a responsible public that understands the trade-offs that need to be made in any health care system.

The health care issue is a paradigm case where the public can't have its cake and eat it too. The marvels of modern medicine have presented us with a set of dilemmas which societies of the past never had to confront. The problem is easy to state: how can we achieve universal health care coverage while keeping prices down and avoiding rationing? The answer is simple: we cannot. If we want to keep costs down, we must either ration the services given out or we must avoid guaranteeing health care to all citizens. The lack of universal coverage is really just a form of rationing, but one which harms the poor at the benefit of the rich. If we insist on universal coverage, then we must either be content to see health care costs rise to a very high level, or we must ration.

In our current political climate, it is very difficult for a politician to be straight with the public about this. Health care rationing is such an unpopular concept that virtually no politician dares to propose it. This means that we have to be satisfied either with no universal coverage or else we must pay a lot. Americans are very reluctant to see taxes rise, meaning that universal health coverage by the government will be very difficult to enact. This leaves us with our current approach, payment through a system of private insurance companies. But this is not popular either, with the public complaining about the HMOs and the insurance companies as they take steps to keep costs down.

All of this plays beautifully into the current game of politics. The Democrats can blame the Republicans for their hard-heartedness in opposing universal coverage. The Republicans can blame the Democrats for being those tax-and-spend liberals who want to

adopt socialized medicine. This helps each party to play to its core constituencies and raise the funds needed for election. The public, accustomed to a political system which is unable to make progress on key issues, willingly joins in on this blaming without realizing that there is a core dilemma which cannot be solved unless the citizenry as a whole is brought into the discussion in a meaningful way.

Health care is a wonderful example to point out the importance of the common sense requirement: *they gotta talk with us and not the fat cats when they make laws*. The health care dilemma brings out an important facet of this requirement that is not obvious. The discussions in the new system between elected officials and a microcosm of the public will *force the public to be responsible for the things they say they want*. In the Citizens' Assemblies people will quickly learn that they can't have their cake and eat it too when dealing with the dilemmas of modern health care. In the current system, with no venue where a reasoned discussion of the dilemma between costs, rationing and universal coverage can be held, the result is political game-playing around one of the most vital services that government must have a hand in providing.

Note that there is no bias in the new democracy proposed in this paper toward single-payer or even universal coverage. If the public, upon due consideration in a series of Citizens' Assemblies, comes out in favor of a libertarian approach to health care, then that is the likely system that will be adopted, unless there are technical problems with it that the committee in the House decides are insurmountable¹⁹. Many, including myself, would be unhappy if America ended up with private medical savings accounts as the normal way for health insurance to be delivered. But it is foolish to push a single payer system on a public that is fundamentally opposed to it, once they understand the options really well. And until a series of Citizens' Assemblies are held on health care, with prominent coverage on TV and time for public debate between the events, we won't be sure what the considered views of the public are.

Of one thing, however, there is little doubt. Once the public sees how the insurance industries and the drug companies have kept costs high in order to maintain high profits, and sees that there are ways to insure health care and deliver services that can reduce these costs, a health care system will be chosen that is much more efficient and reduces the profits of the drug and insurance industries to a reasonable level. Indeed, it is because of these costs that the public may be inclined to adopt something like the single payer system. And because the insurance and drug companies will not have a strangle-hold on the members of the House, due to the new electoral system, the health care committee in the House will be highly unlikely to choose a health care plan that rewards high profits to these industries.

Once a health care plan is adopted, then certainly it will be run more effectively than any plan under the current system. This is not to say that I know in advance that the corporate approach to departments is bound to work. All I am saying is that if tests at the state level show that my proposals come anywhere near working as intended, then they are bound to deliver a better management of the health care system than the departments we have now that are so open to manipulation from special interests.

Foreign and Military Policy

Let us take a look at the Iraq war that the United States undertook in May 2003. In hindsight, this seems a terrible mistake. How might the new democracy have avoided this? Certainly it is easy for someone like me to write an imaginary history to show that my pet reforms would have worked wonderfully. So let me try to write this up with as cold an eye to facts as possible, without buttering my bread too thickly.

To start with, let us assume that the secretary of defense was Donald Rumsfeld. This meant that the House Armed Services Committee decided that the Republican plan for the military was the best and that Rumsfeld would do a good job managing the defense department. Many people forget that Rumsfeld came into the job as a reformer intent upon creating modern force structures that would meet the needs of the 21st century. He was viewed with concern by many defense contractors.

One of the details of the new system that was hardly mentioned above is that the role of the president is greatly reduced. Under the new democracy the president would play a coordinating role among the secretaries of state, defense and intelligence. This means that it would have been very difficult for Bush and Cheney, even if they had been elected president and vice-president, to coordinate the information that was used to convince the Congress and the public to go to war. Even if Rumsfeld had given orders to Douglas Feith to set up a “dark operation” to come up with reasons for invading Iraq, there would have been powerful checks in the CIA and state department against accepting this information.

In the real Bush administration, with the power given to Cheney, it was possible for him and Rumsfeld to bring along Secretary of State Powell and CIA chief Tenent on the steps leading up to war. And it was correspondingly difficult for Congress to call these powerful secretaries before their committees to get them to testify in detail. But in the new democracy, the loyalty of these secretaries, no less their power base, would rest with the committee to which they have to report on a routine basis, not with the president. As such, there would have been a considerable check upon the ability of a Rumsfeld-Cheney collaboration to move the nation to war based upon questionable information. This holds even if we assume the best of intentions upon the part of those two men.

Beyond this is the Citizens’ Assembly that would have been called to review the information and make their own judgment as to whether war was justified or not. Even if the committees in the House overseeing intelligence, military and foreign affairs had been convinced by the information supporting the invasion of Iraq, the Citizens’ Assembly would have been in the position to call witnesses on their own. Given the gravity of the decision to go to war, they would surely have called upon Gen. Eric K. Shinseki, Chief of Staff of the Army, to ask him why his estimates about the number of troops needed for a successful invasion of Iraq was so much higher than that of Deputy Secretary of Defense, Paul Wolfowitz.

Finally, even if all of the above reviews had still resulted in a decision to go to war, there would have been a tight control over the conduct of the war, with benchmarks clearly laid out about how to judge the success of the invasion. The structure would have made it very difficult for Rumsfeld to have continued to push ahead with an effort that was as unsuccessful as the war proved to be. Also, the Armed Services Committee would have had the power to ask for his resignation at any time and replace him with someone they felt could do a better job. Knowing that the voters in their districts will hold them responsible for a war going sour, they would have been alert to make timely decisions to turn around an unsuccessful effort in order to get reelected. And they would be held responsible for their efforts not just by a public that often finds itself confused by various accounts of events, but by the microcosm of the public that would hold open hearings at the time of nominating candidates for election.

One detail I haven't yet mentioned is that the representatives in the House should be assigned at random to their committees. The reason for this is that they are elected on the grounds of their general ability to understand public policy. This may seem risky, but certainly less so than the election of the president in the current system. A new president has a tremendous number of things to do upon taking office and little time to become familiar with foreign and military policy matters. A representative in the new House will have the better part of a year to devote about half time to learning about foreign and military policy.

Many books could be written about the differences between what I am proposing here and the decisions about war and peace that have been made in the White House since World War II. There is a wide belief that no one could be as ill-suited to foreign and military policy as George W. Bush. Certainly the books that have been written so far on his decision to go to war indicate how poorly this was done. But books written on Kennedy's decisions to send troops to Vietnam and Reagan's decisions to support the "Contras" in Nicaragua show that the American presidency is poorly structured to make these decisions. Some CIA supporters may be horrified at the suggestion that there would be a Citizens' Assembly called to review the evidence on whether a war is justified, but there are likely to be many other CIA supporters who will feel that the intelligence community could play its proper and healthy role more effectively under the structure I am proposing than under the presidency as it has operated for the last 50 years or so.

There will of course be the complaints by some people that the structure suggested here would be much too cumbersome to deal with cases like Pearl Harbor, where the U.S. is attacked and we must respond immediately. Even more terrible is the possible decisions someone must make if nuclear missiles are fired at the U.S. and decisions about response are needed in minutes. But these situations can be dealt with by emergency regulations set up and reviewed in the relevant House committees both by elected officials and by everyday citizens in the Citizens' Assemblies. If a button needs to be pushed or not pushed as we hang on the edge of nuclear war, I would submit that the secretary of defense, as chosen under the structure proposed here, would be in as good a position to make that decision as any president chosen under the current structure.

The elected officials who have a deep interest in, and familiarity with, foreign and military policy are much more likely to be in the Senate. The senators in charge of coming up with the proposals for foreign and military policy for both the Republicans and the Democrats will surely have considerable experience and set views on these matters. It is also likely that they will have close contacts with defense contractors and other special interests who help fund their election campaigns. But it is also conceivable that some senators from other parties will have less establishment views on foreign and military policy. There might even be some out-and-out peace advocates with rather left-wing notions about what should be done about war and peace. The task of the relevant committees in the House will be to learn from the four different positions presented to them and make the best decision they can about which philosophy and person leading that philosophy should be chosen to head the three key jobs in foreign and military policy.

Too Utopian?

There are many reasons for seeing the suggestions of this paper as utopian. Let me deal with two: that the electoral system proposed is hopelessly out of touch with American voters, and that the proposal as a whole is simply unworkable and can never be adopted.

The electoral system for the House won't work

Let me lay out this criticism in some detail. The case against the electoral system proposed in this paper presumes that elections can be designed as though we were engineering a rational activity. In the Senate, voters are supposed to express their ideologies, values and party preferences. In the House, voters are supposed to express their desires for sound public policy. But this leaves out all the less admirable emotions and desires that so influence elections – fear, hate, greed, etc. This is not to adopt a Hobbsian view of humankind by saying that this is all that people are. This merely posits that the good and the bad in human nature are all mixed together and will manifest itself in ways that don't fit into nice rational activities.

Many Democrats were distressed by the Swiftboat Veterans for Truth in the 2004 presidential election, attacking Kerry as much less than a hero. Indeed the term has come into the vernacular and some commentators now refer to attack ads as “swiftboating.” Why did this work? Certainly the ads were cleverly done. But it should not be forgotten that the ads fell on fertile soil. Some people were suspicious and began to have doubts about Kerry's heroism. Others just plain wanted a reason to vote against that surfing millionaire whom they envied – a man they assumed looked down on less affluent and less well educated Americans.

Given the success of nasty ads, what is to say that these will not lead to a breakdown in the way the votes for the House are supposed to be cast? Why won't ads like this be run to discredit the nominees that are chosen by the microcosms of the people

for the House races? For example, in a conservative district, the ads might claim that all of those nominees are in favor of gay marriage, or that they are secretly friends of Hilary Clinton. Conversely, in a liberal district the nominees could be accused of racism or insensitivity to gays.

Special interests out to gain power know that you don't attack all your enemies at the same time. Instead, you pick the weakest few and throw all your resources into getting rid of them. If you succeed in a few elections, you can gain the kind of power that groups like the NRA and AIPAC hold, since only elected officials in very safe seats dare vote against the positions taken by these groups. So the way to turn the House back into an interest-driven body is to start defeating candidates nominated by the microcosms of the public in a few key districts and then watch the ripple effects through the system. As soon as voters begin to believe that the system is breaking down (and a clever PR campaign, using letters to the editor and planted stories on radio and TV, can spread that belief), then they will start electing people who are going to speak to their narrow interests, rather than the enlightened candidates who are supposed to become members of the House to choose national policies in the long-term public interest.

My answer to this is two-fold. First, it is wrong to assume that the elections proposed for the House will lead to the election of 435 nerdy policy analysts to the House. The candidates elected are sure to reflect the personality of the districts from which they are chosen, with an assortment of popular realtors, gay activists, lawyers, homemakers and, heaven forbid, professional wrestlers being elected. But this interesting mix of people will be much less beholden to special interests than before and will not need to spend nearly as much time raising money to get reelected, if the system works at all as it is intended.

But the more important answer to the viability of the electoral system for the House lies in the degree to which the public comes to trust microcosms of the public and believe that they speak for the people of the district as a whole. This trust can be built only over time. The deliberative democracy movement seems to be making progress, but how long this will last is anyone's guess. Prof. John Gastil, one of the leading proponents of deliberative democracy, said in 2005, "The conditions may be right for deliberation today, but one point of this essay is to help us recognize the fragility of this particular democratic practice."²⁰

What this means is that in the decade or two that will pass before any government is ready to try the electoral system proposed for the House, we will learn whether the public is coming to trust deliberative methods, and what kinds they trust the most. If it happens that deliberative methods have become popular and that the ideas of this paper have been fleshed out, tested, and made familiar to the public successfully, then there is a chance that the electoral system proposed here will work. One of the geniuses of some American entrepreneurs is that they sense a future need that people may have and develop a product that will be ready to meet that need when it blossoms. The foresighted person who does this well stands to reap great rewards. The business person who waits until the need is abundantly clear is the one who watches opportunity pass him by. We

must not let cynicism prevent us from designing methods that will bring out the best of Americans, just as we must not let false optimism lead us to implement such a method without thorough and tough-minded testing.

The proposal as a whole is unworkable

This view holds that the proposals of this paper are those of a naive dreamer and will founder on political reality. The things said above about health care and foreign and military policy may look good on paper, but none of this is going to work in the real world of American politics. If, indeed, pigs had wings, they could fly. But since the new democracy proposed in this paper is *exceedingly* unlikely to be adopted and *sure* to fail in a short time if adopted, it is not very interesting that it is possible to imagine all the good things that will happen in the two policy areas reviewed.

This is not a trivial claim that can be easily brushed aside. This is why I make no case for the adoption of the new democracy until it has been thoroughly studied and tested in various ways before being implemented as a complete new system. But what if it turns out that my proposals do not pass the muster of the examination and tests – does this mean that the suggestions were a waste of time? I would hope not, for the following reasons:

- The new democracy proposed here is at the far end of the continuum in terms of novelty and difference from our current system. Few proposals for radical change incorporate ideas beloved by the left – deliberative democracy – and ideas beloved by the right – corporate structure and management ability. Even if the proposals I have made turn out to be unworkable, they will have served their purpose if they give others the freedom to strike out in new directions. The current climate is so oriented to tradition that if a number of new systems emerge that are somewhere between what we have now and what I propose, that will be a great benefit.
- Again, even if the ideas proposed here fail as a whole, there may be parts of them that do work. This will become clear in the testing. The need for a new workable democratic structure is so great that any contribution in that direction that turns out to work is worth the time put into conceptualization and testing.
- What about the claim that the new democracy will never be adopted, even if it proves workable? Political change is a messy thing. Quirks of history can mean that excellent reform opportunities are missed and the reforms that do get chosen are less than satisfactory. When the moment for significant political change is ripe, it may not be much more difficult to get something major and optimistic adopted than something much less ambitious. The political realist who thinks this paper hardly worth reading would probably have been the same kind of person who would have told Madison, Jefferson, Washington and others not even to *think* about a constitution that went much beyond the Articles of Confederation. If we in America today continue to be timid about the democratic reforms we explore,

then timid democracy is the best we can expect in the future. And, indeed, without optimistic and careful planning for our democratic future, America may end up with a dictatorship if a time of crisis requires giving up on the current system and we have nothing new, exciting and carefully tested to put in its place.

Let me repeat. I am not saying that the only kinds of reforms worth thinking about are the ones I propose here or something equally radical. What is important is that we explore a range of options so that, in the time of crisis, there are a number of democratic solutions to choose, any one of which would be an improvement on the current system.

Bold Thinking, Bold Action

How can America move to the adoption of major democratic reforms? From the point of view of a rationalist who ignores the foibles of institutions and human nature, America has all it needs in order to move ahead:

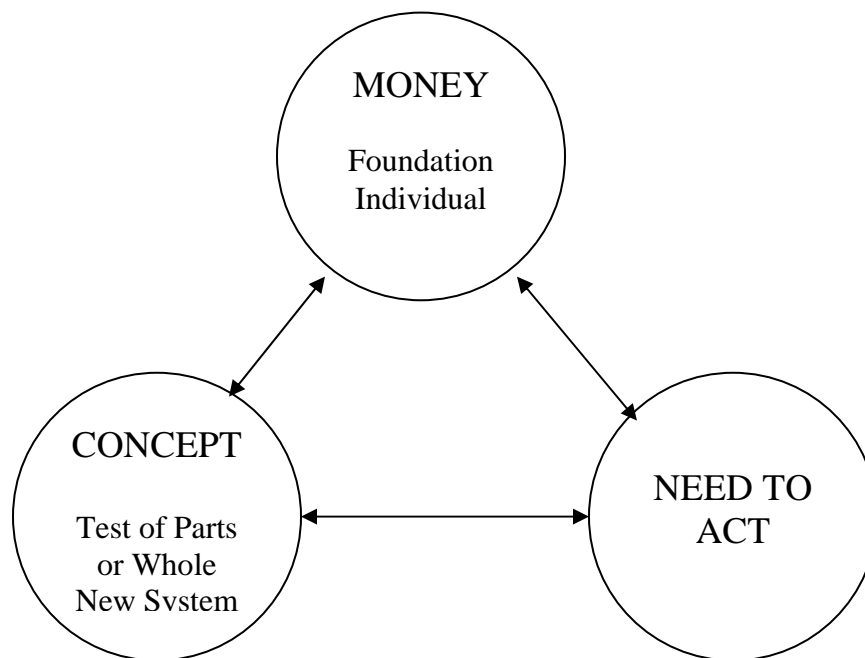
1. The need is obvious. Read Thomas Friedman in *The New York Times* about the need to have a new energy policy to free ourselves from dependence on Mid-East Oil. Then take a look at how Congress deals with this today and compare it to the activities of Congress in the 70s, when Roger Davidson (cited on p.3 above) noted how ineffectual it was in dealing with energy policy. Is Congress doing a better job today than it did 30 years ago?

Or take a look at health care. Harry Truman tried to introduce a major reform and failed. It is 15 years since the Clintons tried and failed. Is Congress working any more effectively now than it did 15 years ago or 50 years ago? (One way to avoid this question is to blame the Clintons for being inept.)

2. We have the planning capacities that are needed. We have a huge number of well-educated people with all of the advanced degrees necessary to create solid proposals for a new democracy. And we have think-tanks that have all of the resources and skills to put together teams of people to spell out new democratic systems in detail and figure out the best ways to test them.
3. We have the financial resources to do the planning and to carry it out. Not only is America rich in foundations, but we have what is surely the largest number of wealthy individuals ever found in the history of humankind. The *Forbes* list of the 400 wealthiest Americans now indicates that all of these are billionaires, with some billionaires not even making the list. Any one of these individuals, in a burst of patriotism, could supply all the funds needed to advance solid plans for a new democracy. And there is leadership on the part of Bill Gates, Warren Buffet and others that those with immense wealth should donate a significant portion of it to good causes. So even if one assumes that the vast resources of government will never be expended to reform democracy, there are still ample funds available

to do all of the planning needed and then to fund initiative campaigns in key states to test out the new proposals, in part or in whole.²¹

But if one drops the rationalist approach and takes into account the foibles of human nature and institutions, one can see the challenges faced by efforts to advance significant democratic reforms. Political scientists are fond of talking about “iron triangles,” the relationship between an interest group, a congressional committee and key people within the departments of federal government who come together to resist all changes. Those hoping for a new democracy face a triangle, but of the opposite kind. Instead of the three points of the triangle being bonded together to prevent change from the outside, the three things needed for action are held apart and exceedingly difficult to bring together. You can’t build a solid plan without the money and you can’t raise the money because those to whom the foundations turn for advice are so wrapped up in the current game of politics that they can’t see the need for change.



So how can we break out of this? The place to start is for those concerned to bring together a small group of savvy people to see if they can invent a strategy to bridge the gulfs. Seek out people in the three areas who are senior enough to have some influence, but not so senior as to be incapable of innovative thinking, and see if they have any interest in seeing quality work on new democracies done. Assuming some people like this can be found, gather five to ten of them for a few days in a retreat setting and see what they decide. Is there a next step that can be taken, or are we stuck in a democracy unable to take significant steps to modernize?

One such meeting is unlikely to find a way to move the three corners of the triangle closer, but one could hope that if several of these were held, some way of moving ahead with the creation of a solid new democracy could be found. America has all the basic ingredients for accomplishing the task. What is needed is to find the team that will break down the barriers and bring the necessary resources together.

In the mid-1970s someone at the Kettering Foundation gave me one of those old 45 rpm records, with “Boss Ket” telling a story about innovation (Charles Kettering invented the electric starter for the automobile.) The story on the record went something like this. After the electric starters began to be installed in Cadillacs in 1912, Kettering saw that another need at General Motors was to cut down on the time it took to paint cars. There were huge sheds to hold all the cars coming off the assembly lines, since it took 21 days to put on the seven coats of paint and let them dry between coats. This added significantly to the costs of production. He talked to everyone he could find in the company about cutting this down, but was assured on the best authority that it was impossible.

One day he was in Manhattan shopping for a present for his wife and saw a black lacquered brooch in the window of a jewelry store. He went into the store, looked at the brooch and saw it looked like an excellent paint for a car. Where could he get some of it? It came from a small shop in New Jersey. He went there, found the man who made the brooch and asked for a gallon of the paint. The man said he never made up more than a pint at a time and asked what Kettering wanted it for. When Kettering said it was to spray-paint cars, the man said, “Impossible! – It’ll dry before it hits the car.”

So in his inimitable rumbling voice, Kettering continues the story. On one hand, he had a paint that dried so fast that it couldn’t be sprayed and on the other hand one that dried so slowly and needed so many coats that it required 21 days to finish a car. Kettering had the power to get these two points of view to talk with each other. The result was cars that could properly be painted in three days.

I wonder whether the Kettering Foundation still has that record, or whether they have lost it. Indeed, I wonder whether we in America still have the innovative spirit that created the world’s finest democracy, or whether we have lost it.

Time will tell.

¹ Bernard Shaw, *Saint Joan*, 1924, Preface (in the Penguin edition, this comment is found on p. 25)

² *The New York Times*, December 5, 2006, page 1

³ How long it takes for a novel reform to be appreciated and implemented can be seen in the work of the Center for Voting and Democracy, set up in 1992 to concentrate on voting reforms, hoping eventually to do something on the national level. By the late 1990s they decided to promote instant runoff voting (IRV). This evolved into a strategy of trying to get states to pass enabling legislation so that IRV could be adopted at the local level. But it was only in November 2006 that they hit their full stride, with IRV adopted in four localities in the U.S (see www.fairvote.org/irv). They have a long way to go to get IRV adopted first in

states and then at the national level. This is not a criticism, but a comment on how long it takes reforms to ripen in our constipated political system.

⁴ See Thomas Frank, *What's the Matter with Kansas?*, Metropolitan Books, New York, 2004; and Karen Armstrong, *The Battle for God*, Alfred A. Knopf, New York, 2000

⁵ Davidson, Roger H. "Congressional Committees: the Toughest Customers," *Policy Analysis* Spring, 1976 pp. 299-323

⁶ Burnham, James, *Congress and the American Tradition* (Chicago: Henry Regnery Co.) 1959

⁷ Quoted by Sanford J. Unger, "Bleak House," *Atlantic* v. 240 July 1977, pp27-38.

⁸ Freeman Dyson, *Disturbing the Universe*, Harper and Row, 1979

⁹ To see reports on these projects, go to www.jefferson-center.org and look at Past Projects. These were conducted in 1998 in River Falls, WI, in 2001 in Washington state and in 2005 in Perth, Australia.

¹⁰ See the full report on the Citizens' Assembly, posted at www.citizensassembly.bc.ca

¹¹ J.H. Snider has a list-serve that gives up-to-date information on current uses and possible projects of the Citizens' Assembly. Contact this at citizensassembly@jhsnider.net

¹² This paper relies heavily on the use of deliberative methods using randomly selected microcosms of the public. Those skeptical about the value of these methods, may want to examine the work that has been done on Deliberative Polls (www.cdd.stanford.edu) as well as the Citizens Jury process and the Citizens' Assembly that have already been mentioned.

¹³ Quoted by Stephen V. Roberts in *The New York Times*, March 27, 1978. During this same era there was evidence that things were just as bad in European parliamentary systems. See, for example, Anthony Barker and Michael Rush *The Member of Parliament and his Information* (Buffalo: University of Toronto Press, 1970 p.390; or Herbert Schatz *Der Parlamentarische Entscheidungsprozess* (Meisenheim am Glan: Hain) 1970.

¹⁴ See www.americaspeaks.org. This method has the advantage of attracting public attention through the large number of people involved, but has the disadvantage of lasting only one day and of using volunteers rather than randomly selected participants. But each of the deliberative methods has its own advantages and disadvantages and there are many innovations in the 21st Century Town Meeting that are worthy of consideration. The field of deliberative democracy is still evolving and new methods are surely going to be built by picking and choosing from the methods already in use.

¹⁵ One way to deal with this is to have the initial agenda for the Citizens' Assembly set by a Televote, a method invented by Prof. Ted Becker (see <https://fp.auburn.edu/tann/tann2/cdslaton.html>). In this, a random sample of some 500 people would be paid to examine some materials on what the Citizens' Assembly will be covering and choose among options about how this might be done. One way to improve the usefulness of this would be to have a televised show in which various people would speak about the purposes of the upcoming Citizens' Assembly and the participants could ask questions by phone or e-mail. After they have had time to consider the materials, they are then surveyed to get their opinions about how the agenda should be set. Doing this in a transparent way on TV that anyone can watch would do a great deal to increase the public trust of the process.

¹⁶ The chair of the event was Jack Blaney, former president of Simon Fraser University and a highly skilled man with a gracious manner to everyone he met. He was not chosen by the 160 members, but was appointed by those who set up the Citizens' Assembly. What is to say that an equally skilled and fair person will always be chosen?

¹⁷ Prof. Fishkin introduced the Deliberative Poll in an article in the *Atlantic*, August 1988.

¹⁸ It is important not to get bogged down in details here. Fishkin himself, along with Prof. Bruce Ackerman, has proposed a much larger event involving tens of millions of Americans. See *Deliberation Day*, Yale University Press, 2005. There are any number of ways in which a large group of citizens can be gathered to review the presidential candidates. The key to any one of these is that it be institutionalized in some way through law or the U.S. Constitution so that it is the only official event and that it comes at a key moment in the campaign.

¹⁹ A libertarian system can be set up either with or without universal coverage, although there certainly will be health care experts who claim that any modification of the libertarian approach to give universal coverage will be less effective than that given by an approach like the single payer system.

²⁰ John Gastil and William M. Keith, "A Nation That (Sometimes) Likes to Talk" p.16, in *The Deliberative Democracy Handbook*, John Gastil and Peter Levine (eds.) (Jossey-Bass, San Francisco) 2005.

²¹ An article by Peter Singer in *The New York Times Magazine* of December 17, 2007, pp58ff, gives data on the incomes of the very wealthy in America. The data was gathered by Thomas Piketty and Emmanuel Saez, economists at Berkeley and Ecole Normale Superieure, Paris-Jourdin, using U.S. tax data for 2004, excluding income from capital gains.

The data indicate that there are some 14,400 in the top 0.01% of income earners, with average earnings of \$12,775,000 a year; 129,000 in the remaining top 0.1%, with earnings of just over \$2 million a year; and 575,000 in the remaining top 0.5%, with average earnings of \$623,000 a year. Singer proposes that those in the top 0.01% should contribute 1/3 of their income to charitable purposes; those remaining in the top 0.1% should contribute 1/4 of their income; and those remaining in the top 0.5% should contribute 1/5 of their earnings.

Of course Singer is speaking about ethics and not the practicality of fundraising. It would be a miracle if very many wealthy were this generous. But it does not seem too wild a dream to hope that 1 out of 10,000 in each of these top three categories could see the wisdom of contributing to the search for, and implementation of, a new American democracy. Were this to be done, then it would yield about \$18 million a year, an amount ample for the efforts proposed in this paper.