

# Political Reform Imperatives: A Collaborative Review

Aug 8, 2022

[After comments from FixUs meeting, 6/21/22]

This document is a working document; do not cite or quote. But if you have expertise, please do request edit access and offer ideas

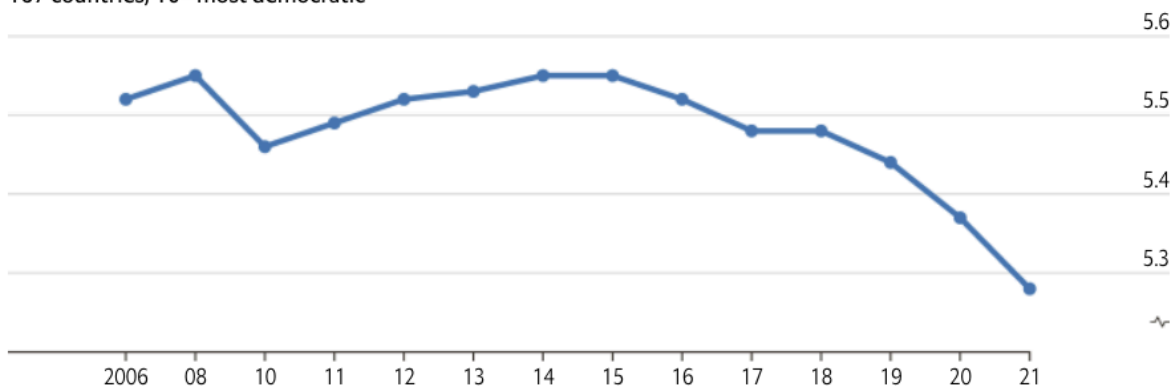
## INTRODUCTION

Multiple studies and reports reach the same conclusion: the number of democracies has declined since the early 2010s, as has the health (or the “liberalism”) of the remaining democracies. For example, the Economist Intelligence Unit (see below) and the V-Dem Institute both marked 2021 as [a new low for global democracy](#), with the latter recording a [rapid retreat from a 2012 peak in the number of liberal democracies worldwide](#). Additionally, the Carnegie Endowment for International Peace [mapped considerable increases in pernicious polarization](#) in regions across the world and especially in the US in the previous decade (see below), while political science researchers have found that [increasing affective polarization is highly correlated with democratic backsliding](#) and associated with reduced accountability, freedom, rights, and democratic debate.

### [Economist Intelligence Unit:](#)

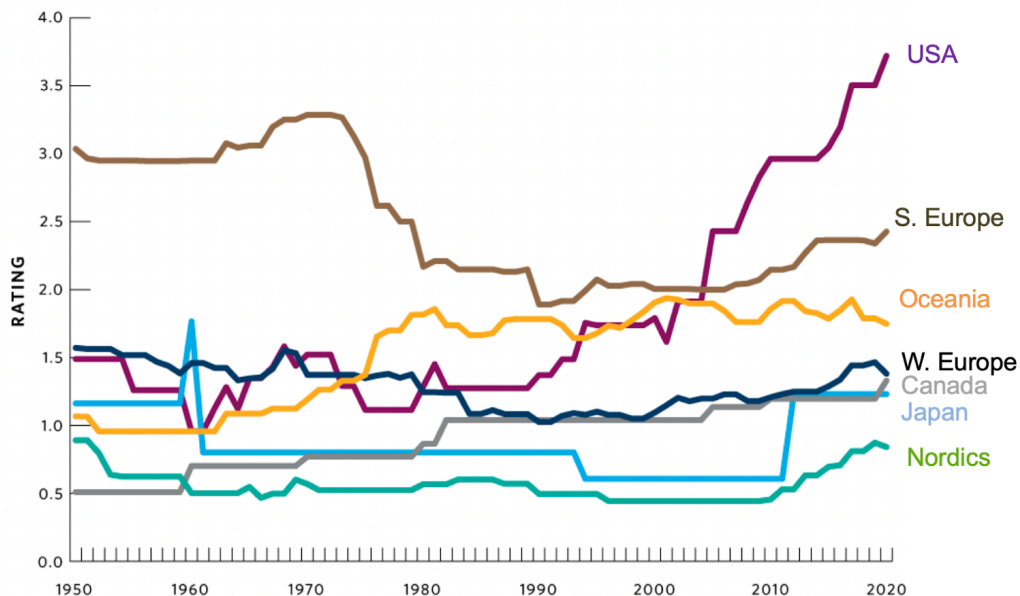
#### Democracy Index, global average

167 countries, 10=most democratic



### [Carnegie Endowment for International Peace:](#)

## Political Polarization in East Asia, Europe, North America, and Oceania Through 2020



There are surely multiple causes of this decline, and the mix of causes varies across countries, but there is growing evidence that the massive and rapid spread of social media in the early 2010s is a major contributor to democratic decline in the late 2010s. If so, then **the problems facing American democracy — and the avenues for effective reform — may be very different than they were as recently as ten years ago.**

Jon Haidt argued, in a [recent Atlantic essay](#), that we are now in the “post-Babel era,” in which social media has rewired society and changed the playing field for democracy, and therefore for democracy reformers. Here are some of the features of the post-Babel era:

- Much greater voice and empowerment for four groups: far right, far left, trolls, and Russian intelligence agents
- Much less voice, power, and engagement for the “exhausted majority”
- Reduced possibility for shared narratives and shared facts
- Much greater centrifugal force pulling society apart; the centripetal forces pulling us together are now far weaker
- Much less social capital; much less trust in institutions and in each other
- “Structural stupidity” in our key epistemic institutions (such as universities, journalism, and the medical establishment) due to loss of viewpoint diversity and fear by individuals of contradicting “orthodox” beliefs. Bad ideas and bad policies proliferate.
- Much easier networking and coordinated action by foes of democracy, particularly on the far right (white nationalists pursuing “leaderless resistance”; see Barbara Walter, on “accelerationists” trying to bring about civil war).

Our goal in this document is to lay out the entire spectrum of reforms that might be effective in the Post Babel era. In Haidt's Atlantic essay he proposed three high-level "reform imperatives" and we began with those:

- 1) **Harden democratic institutions** so that they can withstand chronic anger and mistrust
- 2) **Reform social media** so that it becomes less socially corrosive
- 3) **Prepare the next generation** for democratic citizenship in this new post-Babel age.

After discussion with members of the democracy reform movement, we split #1 into "Democratic institutions" and "Epistemic Institutions," and we added new ones for reforms to the economy and to the culture at large.

This is a "Collaborative Review Document," meaning that we encourage experts, scholars, and other members of the democracy reform community to add their ideas, comments, and criticisms. Please feel free to add comments in the Doc itself, or else use the "insert/comment" function to add your comments off to the right; be sure to add your name if Google doesn't do it automatically.

#### LINKS TO OTHER RELEVANT DOCUMENTS

- TIME - [Op Ed](#) on the "Unum Test" (Avlon, Edwards, MacGuineas, & Haidt)
- Draft Outline of Survey Paper on Root Causes of Division, Distrust, Dysfunction by FixUS - [Root Causes Paper Annotated Outline](#)
- Jon Haidt Piece in the Atlantic - [Why the Past 10 Years of American Life Have Been Uniquely Stupid](#)
- Collaborative Review Doc - [Social Media and Political Dysfunction](#)

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## THE URGENCY OF THE PRESENT MOMENT

“The norms, institutions, and forms of political participation that developed during the long era of mass communication are not going to work well now that technology has made everything so much faster and more multidirectional, and when bypassing professional gatekeepers is so easy. And yet American democracy is now operating outside the bounds of sustainability. If we do not make major changes soon, then our institutions, our political system, and our society may collapse during the next major war, pandemic, financial meltdown, or constitutional crisis.”

- [After Babel](#)

In light of the national and international security concerns pertaining to Russia’s unjust invasion of Ukraine as well as numerous other longstanding international and intranational conflicts, the continued impacts of the COVID-19 pandemic, the substantial threat of entering into another recession, and the considerable possibilities of an even more volatile presidential election in 2024, Bill Galston, Richard Reeves, Joseph Nye, Peter Coleman, and several other experts in the democracy reform community requested that we clearly indicate the most urgently-needed reforms. Based on their recommendations, we have weighed each of the proposed reforms below according to their necessity, the speed at which tangible results may be observed, and their effectiveness; you will find the most urgent action item relative to each imperative listed first, according to our best judgment. Please disagree with us! Offer your thoughts on where the reform community should concentrate, considering both urgency and doability.

## IMPERATIVE #1: IMPROVE DEMOCRATIC INSTITUTIONS

### 1.1 Most Urgent: Strengthen guardrails around elections

- Bill Galston’s point about the 2024 election, what must be done NOW. He suggested the [Electoral Count Act](#) because the outright subversion of existing institutions will prevent any and all reforms from being effective
- Lara Brown noted that reforms requiring constitutional amendments are... not likely to happen.

## 1.2 Restore trust in free and fair elections

- Automatic voter registration (AVR) for all eligible voters

Instead of the standard paper “opt-in” method of registering to vote, under which almost a quarter of eligible voters are unregistered and roughly one in eight registration records contains serious errors, contributing to the US having [one of the lowest voter turnout rates](#) among developed countries, AVR establishes an “opt-out” voter registration system. When eligible citizens interact with government agencies like the DMV, their voter registration is either created or updated automatically and electronically, unless they specifically opt out of doing so. After Oregon became the first state to implement AVR in January 2016, [21 other states and DC](#) have enacted AVR in the last six years. States that have implemented AVR have seen [increases in their number of registered voters ranging from 9% to as high as 94%](#). Meanwhile, the Automatic Voter Registration Act ([H.R.2301](#)) before Congress would implement AVR nationwide.

Comments and Critiques: Please enter below

- Expand early voting (incl. mail-in voting)

Instead of forcing voters to take time away from work or school or to make it through long lines before the polls close on Election Day, [early voting](#) allows citizens to cast their ballots before the election officially occurs and their votes tallied. Early voting may incorporate early in-person voting, mail-in voting, or both. Aside from decreasing wait times at polling places, expanded early voting may also increase turnout among low-income and minority individuals as well as allow more time for correcting registration or ballot errors before the election occurs. Currently, [all states except](#) for Alabama, Connecticut, Mississippi, Missouri, New Hampshire, and South Carolina have some form of universal early voting in place, while California, Colorado, Hawaii, Nevada, Oregon, Utah, Vermont, and Washington conduct their elections by mail alone. While Congressional bills such as the Expanding Access to Early Voting Act of 2021 ([H.R.640](#)) would expand early in-person voting, expanded access to mail-in voting is [under active consideration](#) in states like California, Massachusetts, Maryland, Michigan, North Carolina, New York, Oklahoma, Pennsylvania, Rhode Island, and in DC. However, some [weaknesses](#) of expanded early voting include the fact that many states that have expanded or have the most expansive early voting periods have the lowest voter turnout rates, that early voters inherently have less information to inform their votes than those who wait till Election Day, and that accommodating increased early voting periods will increase costs for political campaigns.

Comments and Critiques: Please enter below

To rebut the partisan criticism (this paper show that VBM has no partisan effects):  
<https://doi.org/10.1073/pnas.2007249117>; this is an estimate of the effect on turnout:  
<https://doi.org/10.1017/psrm.2013.5>

- Backup paper ballots to strengthen election security

While the 2020 election was referred to as the “[most secure in American history](#)” after a substantial federal, state, and local effort to protect and improve election systems, concerns over paper ballot records and voting machine reliability were a significant contributor to the conspiracy theories and disinformation surrounding the election. Currently, [less than 70%](#) of registered voters live in jurisdictions that maintain a supply of backup hand-marked paper ballots, while 8% of registered voters have no backup paper record of any kind. In order to ensure protection from electronic election system security breaches, ease post-election audit execution, and increase public confidence in the accuracy of election results, backup paper ballots should be required in every state. [Indiana, Kentucky, Mississippi, Texas, and Tennessee](#), for example, have passed legislation in the last year to phase out paperless voting machines. However, critics of paper ballots commonly point out that they are [antiquated](#) and inconsistent with promoting or pursuing electronic election security measures.

Comments and Critiques: Please enter below

### 1.3 Replace closed party primaries

- Open primaries

In contrast to closed primaries, in which only registered Republicans and Democrats are able to vote, [open primaries](#) allow participation from independent voters. Not only does this allow all citizens to participate in the elections their tax dollars are paying for, but it forces politicians to moderate and expand their platforms to cater to independent voters, not just their partisan base. [20 states](#) currently have fully open partisan Congressional and state primaries, while [several more](#) have seen continued efforts to introduce open primaries, including an active [public education](#) campaign in Oklahoma, an active [petition](#) for a ballot initiative in Oregon, and an active [petition](#) and [legislative](#) campaign in Pennsylvania. However, some have critiqued open primaries for the possibility of [crossover voting](#) and potential infringement on party members’ [rights to free association](#) protected by the First Amendment.

- Comments and Critiques: Please enter below(also emphasized by Richard Pildes)
- 
- [Open primaries are an effective method for not just neutralizing extremist candidates. but extremist voters too, since you can’t change their mind...but you can outvote them](#) (by Jason Altmire)

- [Candidates and parties should be focused on trying to win over independents rather than shutting them out](#) (by former Democratic and Republican party chairs of Pennsylvania, T.J. Rooney and Alan Novak)
  - Nonpartisan (Top Two) primaries

While similar to open primaries in their goal of expanding access and moderating candidates, [nonpartisan primaries](#) operate with a single ballot featuring all candidates, regardless of affiliation, made available to all voters. The most common form of nonpartisan primaries is known as Top Two, in which the two candidates who received the most primary votes, regardless of affiliation, advance to the general election. [California and Washington](#) operate under the Top Two system for all statewide elections, [Nebraska](#) operates under a Top Two system for state legislative races, and [Louisiana](#) eliminated its primary system altogether for statewide elections, though the top two vote-getters in the general election face off in a December runoff election in the event that no candidate wins a majority. However, while Top Two primaries have been found to [reduce the prevalence of successful extremist candidates](#) in the states where they have been implemented, they have also been [criticized](#) due to the threat of vote splitting and because most races still only feature one Democrat and one Republican. Additionally, Top Two primaries have not prevented major party candidates from [secretly promoting the opposing party's candidates](#) during the primary in an effort to produce an easier general election victory, thereby weakening the chances of third-party and independent candidates and subverting the pro-moderate purpose of a Top Two system.

Comments and Critiques: Please enter below

- Isn't the idea here to promote the weakest opposing party candidate to make it easier to win in the general? The wording was a little confusing to me.
- The top-two primary system often reflects the partisan lean of the district, rather than pulling new/moderate voters into the process. In a conservative/Republican leaning district, for example, you're apt to get two Republican candidates, leaving many left leaning voters out. RCV and final five voting provide better alternatives. (also emphasized by Richard Pildes)
- [Top Two compared unfavorably to Top Four](#) (by George Pillsbury)
- [Nonpartisan primaries in general are needed because partisan primaries are an outdated system that still shapes general election outcomes before they even happen](#) (by Jeremy Gruber)
- [Nonpartisan primaries in general are essential because the partisan primary system has simply shifted power from corrupt party leaders to ideologically extreme party bases](#) (by Nick Troiano)
- [Top Two primary systems helped protect House GOP Trump impeachment voters Dan Newhouse \(WA\) and Daniel Valadao \(CA\) from getting primaried by Trump-endorsed challengers, but not Jaime Herrera Beutler \(WA\)](#)



- Top Four/Final-Five primaries

Instead of advancing the two leading candidates from a nonpartisan primary under a Top Two system, these would send the four or five leading vote-getters to the general election. The most [distinguishing aspect](#), however, is the implementation of [Ranked-Choice Voting](#) (RCV) to decide the winning candidate from the four or five candidates who advanced, with the goal of the victor being the one who has the greatest support from the greatest portion of the electorate possible. Alaska became the [first and only state](#) in the country to adopt a Top Four system for state and Congressional elections when it did so in 2020 and is implementing it for the first time this year. Residents of [multiple states and localities](#) are pushing for adoption of one of these formats, however, as represented by an active [ballot initiative campaign](#) to bring Top Four primaries to Missouri, an active [ballot initiative campaign](#) to bring Final-Five voting to Nevada, an active [legislative initiative](#) to bring Final-Five voting to Wisconsin, and an active [ballot initiative campaign](#) to bring Final-Five voting to the city of San Diego.

Comments and Critiques: Please enter below

- RCV is always hard to explain but I think a few more sentences are needed. The facts about the number of states moving in this direction are great. (Don't you need to mention Maine?) I now see you have much more on this below! Easy fix: reference it.)
- [Final-Five is an effective reform for improving Congressional functionality and neutralizing its greatest threat – Members getting 'primaried' for not being partisan enough, or the threat or fear thereof](#) (by Katherine Gehl)
- Eliminate sore loser laws, if you also implement RCV

Similar to closed partisan primaries, "sore loser laws" have a [significant polarizing effect on candidates and elected officials](#). However, rather than placing a limit on voters' choices, sore loser laws limit the candidates themselves; they take several forms, including express prohibitions and effective bans through insurmountable filing requirements, but they all ultimately prohibit candidates who lose in a partisan primary from running in the general election as an independent or another party's nominee. Although [all but three states](#) (Connecticut, Iowa, and New York) have sore loser laws in place, efforts to eradicate them are presently minimal. Eliminating these laws should happen in conjunction with implementing RCV; otherwise the loser of the primary can become a spoiler.

Comments and Critiques: Please enter below

## 1.4 RCV and more

- RCV

Instead of being forced to choose between the lesser of two evils or vote strategically, the goal of Ranked Choice Voting (RCV) is to allow voters to [truly express their beliefs and policy](#)

[preferences](#) at the ballot box. Instead of voting for a single candidate for a single office, under RCV, voters rank all the candidates (or as many or as few candidates as they want) according to their preference. After initial vote counts are tallied, the least popular candidate is eliminated and their votes distributed to the other candidates according to the voters' ranked preferences; this process is repeated until a candidate obtains a majority of the vote. [55 cities, counties, and states](#) are projected to use RCV for all voters in their next election; 43 jurisdictions used RCV in their most recent elections. In addition to the [eight states in which RCV is under active consideration](#) (California, Illinois, Massachusetts, Michigan, New Jersey, New York, Pennsylvania, and Rhode Island), plus DC, [several proposed bills in the current US Congress](#) are in favor of RCV reform, including the [Fair Representation Act \(H.R.3863\)](#), the Protecting Our Democracy Act ([H.R.5314](#)), the Freedom to Vote Act ([S.2747](#)), the For the People Act ([H.R.1/S.1](#)), the Congress Commission Act ([H.R.996](#)), and the Voter Empowerment Act ([H.R.2358](#)). Nevertheless, RCV has been critiqued by some such as [Princeton lecturer and former Congressman Mickey Edwards](#), who argue that it eliminates the heart of democracy (described as the phenomenon in which a majority of the people choose between two competing visions of governance) and that it alleviates candidate polarization but not necessarily partisanship, which is arguably the true root of our government's issues.

Comments and Critiques: Please enter below

- Proportional RCV and Multimember Districts (MMDs)

At the federal level and in almost every state legislature, candidates are elected in single-member districts. However, transitioning to [MMDs](#), with candidates elected by Proportional RCV, also known as [Single Transferable Vote \(STV\)](#), has the goal of giving disenfranchised non-white and political minority voices more equal representation. This method of RCV sets a threshold based on the number of seats available (ex., 25% for four seats) and candidates who exceed that threshold have their excess votes pass to their voters' second-favorite candidate; this process repeats until each seat is filled. [Proportional RCV is currently utilized or will soon be implemented in](#) locales such as Arden, DE; Cambridge, MA; Eastpointe, MI; Minneapolis, MN; and Albany and Palm Desert, CA. The current Congress, meanwhile, has bills such as the [Fair Representation Act \(H.R.3863\)](#) and the Congress Commission Act ([H.R.996](#)) that would promote the implementation of STV as well.

Comments and Critiques: Please enter below

- [from Dan Sally]: A similar system was implemented as part of the Good Friday Agreement ending years of civil unrest in Ireland. Political scientist Benjamin Reilly noted how this system was more likely to produce consensus driven candidates, as opposed to those who exploited societal divisions to win office. Lee Drutman cites his work in a paper related to US politics [here](#).
- [from Rick Pildes]: Implementing proportional representation nationwide would likely fracture the Democratic and Republican parties into at least 2-3 parties each, which could make coalition- and majority-building in Congress even more difficult than it already is. And, given the dysfunction, ineffectiveness, and disaffection with government

visible in multiparty democracies like France, Colombia, and Spain, proportional representation may only worsen these phenomena in the US rather than alleviate them. Read more [here](#).

## 1.5 End gerrymandering

- Independent redistricting commissions

[Independent redistricting commissions](#) allow voters to break free from the electoral constraints placed on them by state legislators who use redistricting as a tool to keep themselves and their fellow party members in power. While a number of specific proposals exist with slightly different methods for achieving independence, including [balancing partisan affiliation](#), representing [state geographic and demographic diversity](#), [selecting for analytical skill](#), and combinations thereof, they are all centered around transparently creating districts that foster competition and encourage politicians to better represent all of their constituents. Alaska, Arizona, California, Colorado, Idaho, Michigan, Montana, New York, and Washington [utilize independent redistricting commissions](#) for their state and federal maps. At the national level bills such as the [Fair Representation Act \(H.R.3863\)](#) include the implementation of independent redistricting commissions nationwide.

Comments and Critiques: Please enter below

- [From Dan Sally:] RCV, Final-Five/Four voting and Mixed-Member Proportional Representation do a good job neutralizing the effects of gerrymandering, and are potentially easier political wins. Not that we shouldn't try to end gerrymandering, but if we're economizing for time and impact, the aforementioned reforms would kill many birds with one stone.
- [Some data analyses and simulations have found that independent redistricting commissions devise maps that protect incumbent officials and parties at almost exactly the same rate as maps crafted by politicians](#)

## 1.6 Address concerns about political corruption

- Prevent Congressional insider trading

Members of Congress and their staff, by virtue of their positions, have [disproportionately greater access to business and industry information](#) than the average American citizen; because of this, the [STOCK Act](#), passed in 2012, established that members of Congress and their spouses cannot use nonpublic information to trade stocks. However, due to the extreme [difficulty of proving that activity amounts to insider trading](#), despite [hundreds of STOCK Act violations](#) by members of Congress and their staff and [fortuitously-timed stock purchases and sales](#)

sometimes amounting to millions of dollars, [no one in Congress has been prosecuted for insider trading](#) based on Congressional information in the decade since the STOCK Act's passage. Although momentum to ban Congressional stock trading this year has [currently stalled](#), several proposed bills would seek to prevent such insider trading, including the Ban Congressional Stock Trading Act ([S.3494](#)), the TRUST in Congress Act ([H.R.336](#)), the Bipartisan Ban on Congressional Stock Ownership Act of 2022 ([H.R.6678/S.3631](#)), the Ban Conflicted Trading Act ([H.R.1579/S.564](#)), the STOCK Act 2.0 ([H.R.6694/S.3612](#)), the Ethics Reform Act ([S.3550](#)), and the Banning Insider Trading in Congress Act ([H.R.6490/S.3504](#)).

Comments and Critiques: Please enter below

- Require transparency from dark money Super PAC donors

Combining the phenomenon of "[dark money](#)," which refers to political donations and expenditures where the money's source is entirely undisclosed, with the phenomena of "[Super PACs](#)," referring to politically active organizations that may receive and spend unlimited amounts of money so long as their activities are done "[independent](#)" of campaigns and political parties (though this "independence" is [often dubious at best](#)), the current American campaign finance system allows wealthy individuals, businesses, and organizations to spend unlimited amounts of money to directly influence election outcomes. However, by requiring all money that can be classified as dark money be reported, just as contributions to political campaigns and parties normally are, donors may instead be driven to direct their contributions to less controversial candidates or causes less harmful to the functioning of democracy. Meaningful reforms can be implemented through [Congressional action](#), [the FEC](#), [the SEC](#), [the IRS](#), or any combination thereof. [States that have taken steps](#) to limit the prevalence of dark money include Alaska, California, Delaware, Idaho, Maryland, Massachusetts, Montana, New York, Oregon, Rhode Island, South Dakota, Texas, and Vermont. Nevertheless, there are numerous criticisms offered in opposition of increasing transparency in this particular area, such as the possibility that [disclosure requirements could be used to silence disfavored speech](#), that only the most informed voters will take the results of increased disclosure into account because [people rely on shortcuts](#) to understand who is on their ballot, and because disclosure requirements do not prevent individuals or organizations from [breaking political contribution promises](#).

Comments and Critiques: Please enter below

- This march through different varieties of political reform is very good and I like knowing that various states or the Congress are active in each area but how about a table that lists the reforms and the state or other efforts currently underway for each? Then the text could be devoted to just the rationale for each reform and along with the pros and cons and any evidence that it will have an impact. That would make the text more readable and prevent it from needing to be updated continuously.

- Require presidential candidates to release their tax returns

Every president and presidential candidate since the 1970s, [with the exception of Donald Trump](#), has publicly released their tax returns. However, this is not a legal requirement, but a

voluntary tradition. Because presidents are immune from criminal indictment or prosecution while in office and serve as the chief executive of the federal government, which includes tax collecting activities, yet are taxpayers themselves, [the potential for self-servitude and corruption is enormous when disclosure is merely voluntary](#). However, by legally requiring public disclosure of presidential tax returns, such as through the Presidential Tax Transparency Act ([H.R.347](#)), this potential for corruption would be severely limited.

Comments and Critiques: Please enter below

- Prevent presidents' family from working in the White House

[Nepotistic appointments](#) by the president grant their family members special privileges and treatment, run counter to appointing officials based on their expertise and qualifying experience, and increase the likelihood that they will be more loyal to or supportive of the president than of the country they are supposed to serve. Unfortunately, there is presently a fair degree of legal uncertainty about the legitimacy of presidential nepotistic appointments, with potential loopholes within unofficial or staff roles, unpaid positions, etc. However, by enacting reform prohibiting the president and vice president from appointing family members to any official government position, paid or not, Congress can significantly reduce the threat of corruption in the United States' most powerful office.

Comments and Critiques: Please enter below

- Process presidential pardons through proper DOJ channels

The president's ability to pardon individuals for federal crimes they have committed and eliminate penalties stemming from conviction is [virtually unlimited](#) by the Constitution, legislation, or precedential legal opinion. While the Justice Department's Office of the Pardon Attorney has a number of regulations in place to limit the pardon requests the president considers to only the most deserving applicants (scrutinizing by good conduct, time served, undue severity of sentencing, etc.), President Trump [consistently bypassed or denied the list of offenders provided by the Justice Department](#) in favor of individuals with a personal connection to him, the White House, or other allies, whose cases would have failed Justice Department scrutiny. However, by [enacting legislation that prevents the president from pardoning offenders who fail to meet Justice Department requirements](#), Congress would severely limit the threat of abuse of the executive's pardon power.

Comments and Critiques: Please enter below

- Has this misuse only been associated with Trump? What about Clinton or others?
- [From KB] Conservatives are very concerned about ID (Said before on the call) and also the phenomenon of small and large foreign donations financing US politics. (<https://www.washingtonpost.com/politics/2021/11/19/fec-is-allowing-foreign-entities-donate-us-referendum-campaigns-thats-problem/>)

## 1.7 End lifetime Supreme Court appointments

- Implement staggered 18-year terms for Justices

Favorability of the Supreme Court has [generally wavered for decades](#), albeit through an inconsistent pattern of gains and losses, and has also seen partisan levels of preference mirror the shifts in the Court's ideological majority. However, following Senate Republicans' approval of Amy Coney Barrett ahead of the 2020 election following their previous rejection of Merrick Garland before the 2016 election, as well as the leak of a draft opinion that would overturn *Roe v. Wade*, a [majority of Americans now express little to no confidence in the Supreme Court](#). Although these particular recent events have had a significant impact on popular confidence in the Court, which sat at [70% among registered voters days before Justice Barrett's nomination](#), longstanding issues like the increasing politicization of Supreme Court appointments, their unpredictable timing, and their lifetime tenure, are significant barriers to the Court's perceived legitimacy. A proposed reform would be to have Congress pass legislation that institutes [18-year terms for Justices, with an opening \(and appointment\) occurring biennially](#). In doing so, Congress can ensure that two appointments occur during each presidential term and that, on account of significantly longer lifespans, Justices do not serve a far longer tenure than the Framers intended. Furthermore, because Justices would no longer serve for life and appointments will become a normalized rather than a random occurrence, the Supreme Court and appointments thereto could be rendered a far less partisan or contentious. Congress may implement this reform by approving the Supreme Court Term Limits and Regular Appointments Act of 2021 ([H.R.5140](#)).

Comments and Critiques: Please enter below

- What about the filibuster? Reconciliation and other carve outs already allow a work-around. Should its purpose and utility be reconsidered, especially in light of these carve outs? More foundationally, should there be an effort to think about whether the original Constitution meets the needs of a 21st century society? And whether the amendment process is still the right one?
- And what about the 12th amendment and the Electoral Count Act?
- Also, I and others have argued for more devolution of responsibility to state and local gov'ts. Given our diversity, we need more opportunities for different parts of the country to choose their own policies. We might call this policy pluralism. Danielle Allen and Alice Rivlin (and me) have all called for this. Allen notes that one wants to make sure that civil liberties and rights are protected at the national level but that many other policies are better delegated to lower levels of government.
- [From Dan Sally] There's a paper by Suzanna Sherry of Vanderbilt University that shows Supreme Court limits could increase partisanship in the court and result in "legislative whiplash", where controversial judgements are overturned, then reinstated, then overturned again as the makeup of the court shifts. You can find the paper [here](#). Getting back to electoral reform, if we build a system where those nominating and approving justices are less polarized than those currently serving, we could remove much of the contention and mistrust from the process.

### 1.8 Encourage 3rd parties

This one is controversial: Lara Brown suggested that Ross Perot's 3rd party candidacy had [beneficial effects](#). However, Jim Kolbe argued that the perceived impacts of Ross Perot on the major parties and American governance actually resulted from the end of the Cold War and a relative decline in focus on defense. Meanwhile, some in our community (ex., Richard Pildes) suggested that having more parties would increase fragmentation and instability. Is there research on this question?

## Books and major essays on this imperative

- add...

# IMPERATIVE #2: IMPROVE EPISTEMIC INSTITUTIONS

This section is basically a summary of Jonathan Rauch's book *The Constitution of Knowledge*. We focus on journalism, universities, and the medical establishment as the pre-eminent institutions for finding and disseminating truth. The post-Babel era makes it harder for us to find truth, in at least 3 ways: 1) It makes epistemic institutions malfunction, such that they are less worthy of trust; 2) It increases distrust and confusion, making traditional sources of truth seem less trustworthy (even if they are not), and 3) it "floods the zone with shit," as Steve Bannon famously said, making it difficult for people to find truth in a society drowning in a "firehose of falsehood."

## 2.1 Journalism

2.1.1 Most Urgent: Lara Brown commented that great journalism is behind paywalls while infotainment journalism is free...this leads to people being misinformed (ex. [Depp/Heard](#)). Paul Stebbins suggested [fortifying "good news"](#) rather than continuing the endless cycle of "all bad/scandalous news" because it provides a more positive narrative for the "exhausted majority." Lara noted: We might also want to consult this guide for journalists: <https://protectdemocracy.org/project/the-authoritarian-playbook-media/>

### 2.1.2 ??

## 2.2 Universities

2.2.1 Most Urgent: Leadership must assert academic values, stop the flood of scandals

2.2.2 Increase viewpoint diversity of the professoriate and the administrative staff (See [HeterodoxAcademy.org](http://HeterodoxAcademy.org))

2.2.3 Orientation and enculturation for productive disagreement, debate, persuasion, rhetoric

- See [OpenMindPlatform.org](http://OpenMindPlatform.org)
- [From Belle] See debate centered education

## 2.3 The Medical Establishment

The medical and public health establishments, from university, pharmaceutical, and hospital researchers through state level health departments and the federal Centers for Disease Control pulled off some miracles during Covid, but they also committed some catastrophic blunders that damaged their credibility, particularly on the right. For our purposes the most serious were the repeated actions that showed health authorities to be on the Blue team--or at least to prioritize the concerns and key constituencies of the left very seriously while ignoring or showing contempt for the concerns and key constituencies of the right. The one most frequently cited on the right are the statements, early on, that all public events must be shut down, including outdoor church services, but BLM protests were sometimes encouraged as being conducive to public health. In a raging culture war, epistemic institutions should strive to avoid taking sides.

2.3.1 Most Urgent: Leadership must affirm health as the telos of the profession; discourage political activism ??

### Books and major essays on this imperative

- For universities: Lukianoff & Haidt (2018) The Coddling of the American Mind
- add...

## IMPERATIVE #3: REFORM SOCIAL MEDIA



See separate google doc curated by the Center for Humane Technology [We are working collaboratively with CHT. They'll create their own doc, and we'll just pull the high-level insights here]

### 3.1 Most Urgent: Platform transparency

- Reforms
  - Mandatory transparency libraries and tools (incl. User-friendly APIs)
  - Political ad transparency (incl. Purchaser ID and price transparency)
  - Scale-related transparency requirements (i.e., recommendation rates for videos, groups, and posts)
- Current status, proposed legislation, etc.
  - [Platform Accountability and Transparency Act](#) (PATA)
  - [Social Media DATA Act](#)
  - [Honest Ads Act](#)
  - [DASHBOARD Act](#)
  - [Filter Bubble Transparency Act](#)
  - [Restoring the early warning system Office of Technology Assessment](#) (OTA)

### 3.2 Accountability

- Reforms
  - Consider fiduciary obligations and duties of care
  - Establish acceptable risk ratios and safe operating thresholds for social platforms (like bank reserve ratios), tying responsibility with increasing risk...Measured by content moderation, safe/unsafe virality ratios and recommendation systems, trending hashtags, fake accounts out of total accounts, etc.
  - Slow or disable unsafe platform functions (like Johnson & Johnson did by warning about and shutting down Tylenol production, then turning to tamper-resistant packaging after the 1982 Chicago Tylenol murders)
  - Incentives to audit high-risk algorithms (aka an [“FDA” for Algorithms](#))
- Current status, proposed legislation, etc.
  - Section 230 reforms to tie liability to amplification and virality
  - Expand the FTC's supervisory and rulemaking authority
  - Expand the FCC's broadcast regulatory authority over social media-based communications and news
  - [Algorithmic Accountability Act](#)
  - [Protecting Americans from Dangerous Algorithms Act](#)
  - Algorithmic Justice League's [Accountable & Equitable AI](#)
  - Adopting [CorrectTheRecord](#)/transparency/recall/notification mechanisms for take-downs
  - Risk ratings of media sources from the [Global Disinformation Index](#)

- EU's [Apple and Google gatekeeper liability](#)
- UK's [Online Harms Bill](#)

### 3.3 Freedom from manipulation and exploitation

- Reforms
  - Publicly-funded programs for people to know themselves better than tech knows our weaknesses
  - Protect rights to “cognitive liberty”
  - Ban behavioral advertising and microtargeting or hyper-personalization (allowing contextual ads only)
  - Combat dark patterns and prevent experimentation on users
  - Rules and limits on real-time bidding (RTB)
  - Responsibility to prevent foreign interference and manipulation via states or state-sanctioned actors
  - Responsibility to take down coordinated bot networks and automated accounts
- Proposals
  - [SMART Act](#)
  - [DETOUR Act](#)
  - EU-GDPR's [right to object to automated processing](#)
  - UK's [Direct Marketing Code of Practice](#)

### 3.4 Limit amplification of fringes and give more voice to the exhausted majority

“The Facebook whistleblower Frances Haugen advocates for simple changes to the architecture of the platforms, rather than for massive and ultimately futile efforts to police all content. For example, [she has suggested modifying the “Share” function on Facebook](#) so that after any content has been shared twice, the third person in the chain must take the time to copy and paste the content into a new post. Reforms like this are not censorship; they are viewpoint-neutral and content-neutral, and they work equally well in all languages. They don't stop anyone from saying anything; they just [slow the spread of content that is, on average, less likely to be true.](#)” - [After Babel](#)

“Perhaps the biggest single change that would reduce the toxicity of existing platforms would be user verification as a precondition for gaining the algorithmic amplification that social media offers. Banks and other industries have “know your customer” rules so that they can't do business with anonymous clients laundering money from criminal enterprises. Large social-media platforms should be required to do the same. That does not mean users would have to post under their real names; they could still use a pseudonym. It just means that before a platform spreads your words to millions of people, it has an obligation to verify (perhaps through a third party or nonprofit) that you are a real human being, in a particular country, and are old enough to be using the platform. This one change would wipe out most of the hundreds

of millions of bots and fake accounts that currently pollute the major platforms. It would also likely reduce the frequency of death threats, rape threats, racist nastiness, and trolling more generally. Research shows that antisocial behavior becomes more common online when people feel that their identity is unknown and untraceable.” - [After Babel](#)

“In any case, the growing evidence that social media is damaging democracy is sufficient to warrant greater oversight by a regulatory body, such as the Federal Communications Commission or the Federal Trade Commission. One of the first orders of business should be compelling the platforms to [share their data and their algorithms](#) with academic researchers.” - [After Babel](#)

Comments and Critiques: Please enter below

- I think cable television may be as great a threat as social media platforms. Good evidence that Fox news can swing an election and that some cable shows are spreading lies. They should be regulated as well.

## Books and major essays on this imperative

- add...

# IMPERATIVE #4: PREPARE THE NEXT GENERATION

## 4.1 Most Urgent: Unsupervised Play/Free-Range Parenting Laws

“More generally, to prepare the members of the next generation for post-Babel democracy, perhaps the most important thing we can do is let them out to play. Stop starving children of the experiences they most need to become good citizens: free play in mixed-age groups of children with minimal adult supervision. Every state should follow the lead of Utah, Oklahoma, and Texas and pass a version of the Free-Range Parenting Law that helps assure parents that they will not be investigated for neglect if their 8- or 9-year-old children are spotted playing in a park. With such laws in place, schools, educators, and public-health authorities should then encourage parents to let their kids walk to school and play in groups outside, just as more kids used to do.” - [After Babel](#)

Comments and Critiques: Please enter below

-

## 4.2 Better civic education

- Modernized teaching on government, history, law, & democracy

The American education system has made great strides in promoting reading and STEM skills, but this focus has become [over-concentrated to the detriment of civic education](#). While these skills are critical, effective civic education is also necessary to prepare young American citizens for the modern world and produce a thriving democratic society. Although [43 states](#) currently require middle and high school students to take at least one civics course, far more investment and expansion in civic education is required to [implement best practices](#) and ensure an [interdisciplinary approach](#) that reveals to students that civics is integral to life itself in a democratic society. There are [bills](#) in states across the country to improve civic education, while at the federal level, the [Civics Secures Democracy Act \(H.R.1814/S.879\)](#) would create grants for states and districts to support and expand access to US history and civics. However, reforming history and governance education, particularly pertaining to instruction on and discussions of slavery and institutional racism, has become [heavily politicized and prone to misinformation and extreme rhetoric](#), threatening the likelihood of successfully implementing lasting reforms that will not be undermined or undone by popular hysteria over “critical race theory” and “un-American indoctrination.”

--[The American Exchange Project](#): connects graduating high school students from red/blue parts of the country to spend a week in each others' towns.

Comments and Critiques: Please enter below

- All true so what do we do about the above dilemma? Rely on professional associations recommendations re appropriate curriculum with local school boards playing a secondary role? Or should it be the other way around?

- Encourage student participation in civic activities

Although improving civic education itself is critical, such reforms [will only be effective if students apply their learning through active participation](#). Therefore, actively promoting and enabling student engagement may offer opportunities necessary for students to feel empowered and trust that their voice will be heard in American democracy. For example, last year, Delaware became the [first state](#) in the country to [grant middle and high schoolers one excused absence](#) a year to engage in a civic activity like visiting the state Capitol or participating in a protest. However, some have [criticized](#) youth civic participation reforms, saying that teens may not be mature enough to benefit from increased opportunities to interact with government, that prioritizing civic engagement (particularly political engagement) over civic education may undermine learning—the purpose of schooling—and inhibit the formation of informed opinions, and that teacher bias, peer pressure, and politically biased nonprofits that work with schools might push students to engage in political action they may not fully support or understand.

Comments and Critiques: Please enter below

- I think there should be much more emphasis on debate-centered learning as proposed by Bob Litan in his book on this topic. My own proposal would be to require HS and college students to read, critique, and then debate the kinds of ideas contained in this document, with a tiered local, state, and finally a national competition to select the best debators (compare to the national spelling bee) as one way to simultaneously educate the next generation, build on the competitive spirit that such activity inspires, and the media attention it can generate at the end of the process – a kind of civic olympics that begins at the local level but culminates in a national contest with all of the attention that a set of young champions debating critical ideas could bring to the public square. The coaches and jurors for these debates would be drawn from among high school or college teachers along with other experts to keep the debate grounded and informed.
  - Require passing the USCIS citizenship test for high school and college graduation

While all immigrants must pass the US Citizenship and Immigration Service (USCIS) civics test in order to become naturalized American citizens, and do so at a [rate of 91%](#), US-born Americans have a far inferior grasp of fundamental US civics knowledge; when the entire US population is considered, [only 36% of Americans](#) would be expected to pass the USCIS citizenship test. However, requiring high school and college students to [pass the USCIS citizenship test in order to graduate](#) has the potential to boost scholastic and personal interest in understanding foundational aspects of American government, history, law and democracy. Currently, [Arizona, Arkansas, Idaho, Kentucky, North Dakota, Tennessee, and Wisconsin](#) require high schoolers to pass a citizenship test; [New Hampshire](#) and [Oklahoma](#) require high schoolers to pass a version of the USCIS citizenship test to graduate. However, [criticisms](#) of this method include arguments that increased testing may be ineffective at boosting civic knowledge and that increased testing might exacerbate educational differences across racial, ethnic, and socioeconomic lines.

Comments and Critiques: Please enter below

- I love this proposal. The way to deal with the criticism is to ensure that students are exposed to the knowledge that the test requires and to emphasize that if one wants to live in a democracy one must be well prepared for citizenship. The test itself might also need some revisions.

## Books and major essays on this imperative

- add...

## IMPERATIVE #5: A MORE INCLUSIVE ECONOMY

- More inclusive capitalism

“It’s time to update our economic system and our social contract to better accommodate the [changing nature of work](#). Government needs to return to its critical role of ensuring that fair competition is protected, while companies should focus more on long-term value-creation rather than obsessing over quarterly earnings reports. One way to achieve this is through a more inclusive vision of capitalism with more opportunities for being a stakeholder in shared success. For example, incentivizing corporations to pass a percentage of profit to its workers can align the interests of management and labor. We need policies to encourage small business start-ups, particularly for those on the lower end of the income spectrum. We should ensure that trade agreements better reflect the interests of American workers, as the renegotiation of NAFTA did. The tax code should incentivize investments in research and development as well as in human capital, which will in turn increase our competitiveness and economic mobility. Finally, critical infrastructure reform can help strengthen our nation while strengthening the middle class for a generation.” - [“The Unum Test”](#)

### 5.1 Most Urgent:

Comments and Critiques: Please enter below

- [FROM BELLE:] This section is a little thin. How about a national investment bank capitalized by the federal gov’t to cover investments in skills, in infrastructure, and in research? How about data not just on the rate of economic growth but also on its distribution (by income, race, age, geography)? How about automatic mechanisms for bringing spending and revenues into balance?
- [BELLE] For more of my own ideas, see *The Forgotten Americans*, chapter on inclusive capitalism.
- [BELLE:] I can imagine saying a bit more about the big picture here. Maybe say capitalism is being criticized for spawning too much inequality, concentration of wealth, environmental damage, and for leaving too many people and communities behind. The solution is not to blame capitalism; it’s the best way to organize an economy but not the best way to organize a society. Without the kind of guardrails that only democratic government can provide, it will not produce the kind of inclusive prosperity that democracies need to survive. (As I argued here: <https://www.brookings.edu/research/capitalism-and-the-future-of-democracy/>)

### Books and major essays on this imperative

- add...

# IMPERATIVE #6: A MORE CENTRIPETAL CULTURE

## 6.1 Patriotism (and the challenge of “liberal patriotism”)

[Richard Reeves]New ways to celebrate American patriotism? Pluralistic patriotism- flag day new holiday? All students attend a naturalization ceremony (as I argued [here](#))? Mill (of course) has a great quote about how all liberal societies must have a "fixed point" around which people can rally, and which provides the sense of sameness and moral equality upon which a celebration diversity and pluralism must rest

“It is...time to restore a norm of [national service](#), which would rebuild a sense of cultural cohesion and common purpose across class, race and regional lines. This should be more than just military service, including teaching (like AmeriCorps), the Peace Corps, the National Park Service, and work in different local communities, in exchange for an expanded new G.I. Bill that would help young people obtain a college education or vocational training without taking on crippling debt.” - [“The Unum Test”](#)

### 6.1.1 Most Urgent: ???

Comments and Critiques: Please enter below

- [BELLE] Yes! I have written about this in several places – for example, the Wash Post with John Bridgeland and also in my paper on social capital. <https://www.brookings.edu/research/social-capital-why-we-need-it-and-how-we-can-creat-e-more-of-it/>
- [BELLE] You might want to add that there is strong evidence that this works to reduce “othering” and increase tolerance and appreciation for “others.”
- (Steve McIntosh) The cultural leadership we need to overcome hyperpolarization entails creating a visible political point of view which is “post-progressive” rather than merely anti-progressive. The disruption of our pluralistic social norms is being caused by ascendant progressive culture. However, centrism—the old center—cannot contain or integrate progressive culture. We need a “higher form of centrism” that can clearly see and deftly frame progressive culture as a historical "move of antithesis," which largely rejects America’s modernist liberal culture. Since 2014, as progressivism has gained power and exposed its own limitations and pathologies, this has now opened the door for the next cultural move toward a “synthesis”— larger cultural container that can

appreciate progressivism's gifts, while also transcending its anti-modernist pathologies. These ideas are explained in greater detail in this article: <https://developmentalist.org/article/why-centrism-fails/>And my [book](#):

## 6.2 National Service

- Content....

## 6.3 Expanded cultural commitment to racial justice and equality

“We need to expand our commitment to racial justice and equality, ending tolerance for racism in any form. We need to continue to push for [criminal justice reform](#) and invest in police retraining to ensure fair and equal treatment for all Americans without sacrificing public safety. This is entirely consistent with the American ideal of judging people as individuals rather than as members of groups—and that is a goal we should always steer towards in matters of policy.” - [“The Unum Test”](#)

Comments and Critiques: Please enter below

- [BELLE] I like this because it signals sensitivity to current concerns about race but also a commitment to treating people as individuals and not members of a group. I love how Yasha Mounk talks about this in his new book. He says there is no historical precedent for the kind of diverse democracy that we are trying to create in the U.S. but he remains optimistic we can do so and has a number of (admittedly) modest proposals for doing so.

## 6.4 The loss of common narratives

- Tim Shriver' work....
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## Books and major essays on this imperative

- Steve McIntosh, [Developmental Politics](#)
- add...

# CONCLUSION



Ultimately, attempts to implement any of these reforms will amount to nothing in the absence of effectively communicating and engaging the American public. We hope this Collaborative Review Document aids the reform community in seeking and achieving consensus amongst a variety of reform experts transparently with the public, fully acknowledging legitimate criticisms and uncertainties. And as emphasized by Steve McIntosh, American cultural leaders must continue that work of transparent advocacy by creating a “visible politics” distanced from the dangerous, destructive, and self-defeating form we have grown so accustomed to and exhausted by; these reforms cannot be approached from the typical center of the political spectrum, but removed from the spectrum entirely, indicating clearly that these reforms are about something far more important than politics.

We cannot grow weary from the necessary work to preserve a functional American liberal democracy for ourselves and, with hope, for future generations of Americans. Given developments both anticipated and unseen, within ten years we will find that we have lost our republic...and we might not even know when we did. But there is reason for hope. We know the challenges that lie before us and the willingness and desire to change is genuine, both within individuals and the public at large. So let us start now.

“The dogmas of the quiet past are inadequate to the stormy present...As our case is new, so we must think anew and act anew. We must disenthrall ourselves, and then we shall save our country.” - [Abraham Lincoln](#)

## APPENDICES

### APPENDIX A: .....??

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GENERAL COMMENTS ON THE WHOLE PROJECT: