

## Introduction

The Yiddish folktale “It Could Always Be Worse” tells the story of a man in a poor village who complains to his rabbi about his cramped quarters. The rabbi tells the man to bring his chickens and goose into the hut. When things get worse, the rabbi tells the man to bring in his goat as well, then the cow. Naturally, chaos erupts. At last the rabbi tells the man to let the animals out of the house, resulting in the serenity he was searching for all along.<sup>1</sup> Compared to most countries, the United States is politically blessed. It is obvious, given the evils and sufferings of the past century, that our political life could be much, much worse. Freedom of speech and assembly, regular elections, a rigorous legal system—these are the procedural norms of democracy that Americans take for granted and scores of nations struggle to embrace. Less obvious, but nonetheless real, is the possibility of improving democracy in America. Today it is technologically possible to make democracy more of a reality and less of an illusion. In business, we expect and demand constant improvement. Innovation is the name of the game. Yet when it comes to politics, we typically mumble Winston Churchill’s refrain about democracy being a terrible system of government except when compared to everything else, and we accept what is as what will be.

Franklin D. Roosevelt's New Deal was about the government's relationship to the economy and its responsibilities to its citizens, especially those in need. Today it is democracy itself that requires a safety net. We face not a sudden economic catastrophe but rather a protracted political crisis that corrodes the civic fabric. For more than two decades, Americans have been sending a message to anyone who cares to listen, saying that they are upset and unhappy with politics as usual. The voters—and the millions more who skip elections—are unhappy with the political system itself. For many, American democracy has a hollow ring. The basic structure of American politics—the three branches of government and federalism—is sound. Yet the relationship between the political class and the public (nearly 300 million of us) is deeply problematic.<sup>2</sup>

Formal political inclusion is guaranteed to every adult, yet, sadly, informal exclusion remains a reality for all but a privileged few. More than 200 years after the American Revolution, we have yet to devise a method whereby people can grapple, in a thoughtful manner, with the major issues facing the nation. Our failure to imagine a better way of conducting the public's business casts a shadow on every policy decision, every congressional vote, every election.

We live in an age of instant communication and 24-hour news. Yet as congressional districts have grown enormous (once 30,000 to 1; now more than 650,000 constituents per representative) most Americans feel increasingly disconnected from their government. It is the rare citizen who has met his or her congressional representative or whose phone rings when ABC News or Gallup conducts a national poll requiring fewer than 1,000 respondents. The individual's lack of voice and power is compounded by a system of representative government that gives no institutional role to assembled citizens. Although city councils and school boards allow people to be involved at the local level, there is no similar local body that enables and empowers citizens to debate and deliberate the great issues of the day. This central weakness of our democracy grows more acute as we face complex moral problems such as those presented by global warming, the outsourcing of jobs, and the conduct of the war on terror, to name three topics high on the current agenda.<sup>3</sup> The Internet, magazines, newspapers, and television news shows bombard us with information. The question is, What do we, as citizens, do after we have read, watched, and digested the news?

At the nation's founding, James Madison's goal was to create a unique form of democracy—a large republic in which majorities based on a devotion to the broad public welfare are able to triumph over the selfish interests of narrow factions. That Madison and the framers of the Constitution did an extraordinary job in creating the world's leading democratic republic cannot be denied. Yet their design could not help but be incomplete and reflect the patrician outlook of the time. In particular, Madison's solution to faction in the small city state opened the door to corruption in the large republic. In a new nation of three million individuals the dilemma of scale did not exist. In a super state of nearly 300 million people—the third most populous country on the planet behind only China and India—the gulf between those who rule and those who vote threatens to undermine sovereignty and rob American democracy of its core meaning.

Today some commentators speak of the United States as the new Rome. Our military, economic, and cultural power dwarfs our nearest competitors. But empires, even democratic ones, are prone to corruption. Given the expansion of the ratio of representatives to citizens in the United States, the Madisonian system is prone to periodic outbreaks of venality, greed, and sordid behavior by office holders who give special favors to their friends and political supporters.<sup>4</sup> At the zenith of America's power, it is incumbent on its citizens to consider the health of the American republic. Some experts say the political system is broken. Others say the system works, but not as well as it should. What the average person knows is that American democracy today is a counterfeit of what earlier generations practiced and our most gifted thinkers intended.<sup>5</sup> Imagine Alexis de Tocqueville on a return visit. Could he write the same glowing portrait he did in 1835? The answer is clearly no.

Fifty years ago, political parties allowed people to participate in politics in a significant way. From the ward level up, party structures gave citizens an arena where they could exert themselves. This is no longer the case. True, some of the urban machines were corrupt and the local parties were not open, participatory mechanisms easily penetrated.<sup>6</sup> But they did exert power and were locally based. Together with a robust labor movement, the party structures of old gave middle- and working-class people a connection to power that they now lack. In the consultant era of Karl Rove and James Carville, local party organizations have

largely vanished, narrowly focused interest groups control the policy agenda, and experiments with direct democracy, such as the initiative and recall, are burlesque caricatures of their original purpose.

On most election days in America, far fewer than half of those eligible to vote cast a ballot. This was the case on November 5, 2002, the first national election after 9/11. Both houses of Congress hung in the balance, and the Republican Party's clean sweep gave the GOP a lock on power in Washington, DC. You would think that questions of terrorism, economic recession, and corporate corruption would drive people to the polls. Think again. By contrast November 2, 2004, was an exception to the rule, as voters flocked to the polls. Turnout surged to nearly 60 percent, the largest in a presidential race since 1968, as George W. Bush claimed a narrow victory over John Kerry in a contest decided by the precincts of Ohio. The war in Iraq, economic unease, and intense passion among conservatives and liberals pushed participation well above the 54 percent turnout of 2000. Yet even as political interest surged, the yawning chasm between the public and the political elite remained. Like irksome Uncle Harry at a holiday dinner, the dilemma of scale is both obvious and little discussed. It grants the wealthy undue influence over the political process and makes robust civic life difficult.

As the U.S. population grows, it is as if politics takes place in an ever-expanding auditorium. Most of the audience is far from the stage, and only the loudest voices reach them. Realizing this, players perfect sound bites and handlers stagecraft entrances, backdrops, and messages. What matters are the sweeping gestures that reach far into the hall and the balcony. Those in the front rows—the 10 to 15 percent of the population who keep up with current events and politics—would like to be more engaged in the performance. But they are largely excluded, unless their checkbook grants them admittance backstage. And as the distance between the players and the audience grows, democracy shifts from a community of shared values and genuine debate to a hollow procedure where marketing trumps truth.

If you doubt that a huge gap exists between the political elite and the public, consider this: If congressional districts were as large in the 1790s as they are today, the early House of Representatives would have had only five members! (The U.S. population in 1790 was approximately three million people; congressional districts grew to 650,000 after the 2000 U.S.

Census.) A U.S. House of Representatives consisting of Dennis Hastert, Nancy Pelosi, and three friends is not what Madison had in mind.

The change in scale is astounding. Harvard University's Thomas Patterson writes, "The gap between the practitioner and the citizen—despite the intimacy of television and the immediacy of polling—has arguably never been greater. The world occupied by the hundreds at the top and the world populated by the millions at the bottom still overlap at points, but they do so less satisfactorily than before."<sup>7</sup> Early in the presidential season, the New Hampshire primary is a great political event precisely because the scale is human. Potential presidents talk with voters, and town meetings are the norm. Voters respond by being passionate about democracy. Taking their civic responsibilities seriously, more than 80 percent of adults vote.<sup>8</sup> In neighboring Vermont, 150 people serve in the lower house of the state Legislature. Because the Green Mountain State has a population of only 593,740, the ratio of representation is 1 to every 3,958 people. By contrast, in California, the most populous state with 35 million residents, a similar style of state government would swell its current 80-member state Assembly to 8,842 representatives!

Today many Americans appear to endorse, at least implicitly, democracy without citizens. Yet it is a mistake to expect experts, elected representatives, the press, and opinion polls to do the work of democracy for us. We can rely on experts, but many important public policy issues have moral and ethical dimensions that specialists are ill equipped to address. We can rely on elected representatives, but in the current system, presidents, governors, and members of Congress listen closely to the powerful interests that fund their campaigns. We can rely on the media, but reporters move to the next story after exposing wrongdoing, and the tabloid trend toward the sensational deflects attention from issues that matter. We can rely on polls, but rare are polls that measure the opinions of Americans who have studied and discussed an issue before being asked to summarize what they think.

We cannot expect busy adults to be public policy wonks. Still, when important issues are being decided, it is impossible not to include the public in the equation. Consider two of the most critical debates in recent years—national health care and a second war with Iraq. These two enormously complex issues could not be left to only experts and interest

groups. The public had to weigh in. We have public opinion polls, of course, but they are flawed in two respects. First, they are superficial. Most respondents lack the time and inclination to make a thoughtful, informed response, what pollster Daniel Yankelovich calls a considered judgment.<sup>9</sup> Think of the incredibly uninformed citizens who regularly share their wisdom with *Tonight Show* host Jay Leno. No one wants these people making public policy. Second, opinion polls, scientifically valid when properly conducted, offer an illusion of participation that does not exist. Because such a small sample is needed for national polls (fewer than 1,000 respondents), having the *Los Angeles Times* or NBC News randomly select your house for a phone call is about as likely as winning the lottery. And in the unlikely event that they do call, Neil Postman captured our dilemma well: “We have here a great loop of impotence: The news elicits from you a variety of opinions about which you can do nothing except to offer them (to a pollster) as more news, about which you can do nothing.”<sup>10</sup>

That our current system of public discussion and debate is lacking was clearly demonstrated by the run-up to the invasion of Iraq in March 2003. After six months of sustained front-page coverage of the Iraq crisis, nearly 50 percent of the American public believed that there was a direct link between Saddam Hussein and the 9/11 attacks on the World Trade Center and the Pentagon. Hussein led a brutal regime, but no evidence has been found—despite a rigorous search by U.S. intelligence and the world’s best investigative journalists—showing he had anything to do with 9/11. True, the Bush administration did its best to portray Iraq as a rogue nation that might be tempted to aid terrorists. But any person who bothered to keep up with the debate knew that Al Qaeda and Saddam’s Iraq were separate and distinct. Of course, you may say the gap between the mass public and the political elite has always existed and is nothing to be alarmed about. But consider this. Just days before President George W. Bush launched the second Iraq War, *New York Times* columnist Thomas Friedman told NBC’s Tim Russert that “a very small group—about one hundred people in Washington, DC.—made the decision to go to war in Iraq.”<sup>11</sup> In a robust democracy, this would not be the case.

As we begin the twenty-first century, the United States is rich, powerful, and politically troubled. Many recognize the symptoms of our democratic malaise, but because our political system is wracked by both hyperdemoc-

racism and apathy, a solution eludes us. In some respects, the political system is more open and responsive than at any time in our history. Elected officials, barraged by e-mail, faxes, phone calls, and lobbyists, feel as though the political system is operating on amphetamines. Yet electoral participation is episodic, often dipping to near-record lows, and political knowledge is thin.<sup>12</sup> Beneath a veneer of surface detachment and cool cynicism, Americans remain idealists, especially about democracy. As idealists, we believe that democracy should allow for active participation on the part of interested citizens. As realists, we know that the sheer scale, rapid pace, and complexity of modern life make this impossible.

Or do they?

#### THE ASSEMBLY REFORM

The United States is now one hundred times more populous than at the time of its founding, yet there has not been a proportional increase in the membership of the House of Representatives. One result has been a growing sense of distance between people and their lawmakers. Another has been a breakdown in political engagement, leaving political discussion in fewer and fewer mouths. This may be good for the pundit class and the wealthy elite who control the political process, but it is not healthy for democracy in America.

Today it is possible to combine the traditional town hall and the Internet to fashion a new understanding of representative government that would empower citizens while rejecting the mass plebiscite of the initiative system. Beneath each member of Congress, we would create a one hundred-person citizen assembly whose job will be to study and discuss the great issues of the day and thereby provide us with a more deliberative and thoughtful sample of public opinion than now exists. The Assembly reform would bring our representative system closer to the people and allow more citizens to take an active role in self-government.\* The average size of a congressional district has tripled in the past century. In 1900, the average district had a population of 195,000. Today, we ask members of the

\*I will use *Assembly* when speaking of the national system and *assembly* when talking about the local delegation in a particular congressional district.

House to “represent” more than 650,000 people. And current congressional districts are not going to shrink; instead, as the U.S. population grows, House districts will inch toward 700,000 and then 800,000 and finally 1 million. This is not the “intimate” representation that Madison envisioned for the House of Representatives. To deal with the challenge of great size and population, we need to redesign the national government to provide for a smaller ratio of electors to representatives.

Grounded in American history, the Assembly builds from a synthesis of Madison and Thomas Jefferson’s understandings of democracy. Under the Assembly reform, in each of the nation’s 435 congressional districts, there would be a local assembly of one hundred citizens, selected by lot, who would meet and discuss the major domestic and international issues. In the first stage of the assembly reform, delegates would study and debate pressing issues—Social Security or immigration reform, for example—and then offer their opinions. Their views would constitute a second, more sophisticated, more informed measure of public opinion than traditional opinion polls. In this first stage, the Assembly has no formal power and acts strictly in an advisory capacity. Yet elected officials, the press, and the public would watch the opinions of these “super” citizens carefully, and the opinions of the Assembly would help shape the opinions of the public at large.

In the second stage, the People’s House, the national network of local assemblies would gain formal power to vote yea or nay on major legislation that has passed the House of Representatives and the Senate. This veto power would allow members of the People’s House to send bills back to the House of Representatives and the Senate for reconsideration, and a separate “gate-opening” power would allow the People’s House to force a floor vote on certain bills heretofore stuck in committee and destined to die. Other positive powers include the authority to initiate bills in either the House or the Senate, the power to offer amendments to bills under consideration on the floor of the House or the Senate, the ability to pass formal instructions to individual representatives, and the right to draft at-large resolutions addressed to the House of Representatives or the Senate as a whole.

To avoid undue complexity, the People’s House would not be involved in committee deliberations about bills. Like the Assembly, the People’s House would help focus the public’s attention on the most critical issues of



the day and, in addition, would act either as a popular brake or accelerator on national legislation. The Federalists constructed the American system to safeguard the interests of the wealthy and powerful at the expense of participation by average citizens. A skyrocketing population accentuates this bias. The People's House would rebalance the system by injecting our national government with a dose of popular energy and common sense.

At the time of the founding, Madison and his colleagues had an excuse for their sociology. They truly believed in a wiser and more virtuous elite and were deeply afraid of laborers, particularly those who might become a powerful "faction" against the interests of property and commerce. Such were the lessons they drew from Shays's Rebellion, when debt-ridden farmers rebelled against Boston bankers, and from the Pennsylvania Constitution of 1776 with its unicameral legislature and the extraordinary Article 15, which required every bill passed by the legislature to be circulated for consideration by the people at large before becoming law in the next legislative session. Afraid of the democratic forces unleashed by the American Revolution, the Federalists worked hard to create a distant national government far from the people who gave their consent.

The world we live in is far different from 1787. Today we think of virtue and corruption as being equally distributed across the population. Today Anti-Federalists' fears about a distant and remote government ring true. And today it is within our power to add a popular assembly to the constitutional mix. Doing so would correct the flaw in Federalist thinking and help us recapture democracy's promise. In the Assembly, average citizens would have a chance to be players in the national debate. Of course, only a limited number of people could serve in the Assembly or the People's House, but everyone would have an equal chance of being chosen to be a delegate and, in the case of the People's House, an equal chance to participate in governing the nation. In addition, and just as important, the degree of separation from the federal government that each of us feels would be radically reduced. The chances of the average citizen meeting or knowing his or her congressman or congresswoman are slim when districts are 650,000 persons large. In a 6,500-person ward it would be much more likely that you, a person in your family, or a friend would actually know the local delegate. This simple dynamic would stimulate interest and conversation about the important issues of the day.

Extending representation downward in the political system and asking a cross section of citizens to take a formal deliberative role in setting national policy would both confront the dilemma of scale and help control corruption. Extending representation downward would engage voters in a way that goes far beyond the illusory participation of polling. Madison's idea of extending representation horizontally across space in *Federalist* No. 10 was a stroke of genius. It enabled the United States to build democracy on a continental scale. Today it is time to consider extending representation deeper into the population.

### THREE BENEFITS

Powerful medicine, the Assembly and the People's House would strengthen American politics in three specific, critical ways. No other reform on the horizon offers so many benefits while staying true to Madison's vision.

1. This reform would give the public back its voice by creating opportunities for intelligent participation. As Harvard Law professor Mary Ann Glendon writes, "Self-government not only requires certain civic skills (deliberation, compromise, consensus-building, civility, reason-giving), but *theaters* in which those arts can be meaningfully exercised."<sup>13</sup> The Assembly and the People's House would drastically improve opportunities for participation and involvement in a way that is deliberative and thoughtful, not impulsive and emotional.

2. By encouraging the formation of broad-based civic majorities (Madison's goal), this reform would help curb the excessive influence of special interests that has gained strength in this era of consultant-dominated politics. The assembly reform would act as a counterweight against single interest groups that block sane solutions to pressing problems.

3. The gate-opening aspect of the People's House would give us the option of forcing a floor vote on popular bills locked in committee. Thus, a reform that improves participation also boosts legislative speed.

Locally the Assembly would add a third arena of public engagement. Today the school board and city council are platforms where citizens take turns conducting the public's business. Both Tocqueville and John Stuart Mill extolled the critical role that local participation plays in the

health of democracy. The local assembly would be similar to the school board and city council in terms of its close connection to citizens and its moderate time demands on elected delegates. The difference lies in its focus on national affairs. In an increasingly cosmopolitan and global world, power long ago moved beyond city limits. The national Assembly continues the American tradition of local political engagement, while greatly expanding our understanding of what local participation means.

During the 1960s, the idea of participatory democracy energized a generation. Today, combining the traditional town hall and the Internet to fashion a new understanding of representative government would allow greater participation—and influence—by average citizens. It would help break the special interests' lock on Congress and control a sometimes imperial presidency.<sup>14</sup> A one-hundred-person citizen assembly in every congressional district would be a healthy antidote to the politics of plutocracy, elites, and narrow special interests. This new institution would assist us in becoming the nation that Madison and Abraham Lincoln envisioned—one where politics rises above self-interest and strives on a regular basis to reach the civic republican goal of “civic-minded” majorities, deciding issues on the basis of arguments presented, not campaign checks collected.

Serving in the national Assembly would be similar to serving on a jury; we expect people on a jury to do their best to make dispassionate decisions based on the law and the evidence presented. In the same way, in the Assembly, delegates would be asked to think beyond partisanship and self-interest to consider what is right for the community and the nation. A virtual national Assembly, built on face-to-face town halls in communities across the country, would help the United States realize its democratic promise by giving the people a greater role in public debate and increased power over their government. Updating the Athenian Assembly and the New England town meeting, the Assembly would enable citizens to discuss and shape their common future.

#### THE BOOK'S STRUCTURE

The chapters that follow offer a radical, yet practical, plan to give voters a true voice in national affairs and, potentially, a vote in Congress. Chapter 1 focuses on the dilemma of scale and the problem with public opinion polls.

Chapter 2 examines corruption in the large republic. Together they explain, in part, why the system is broken. Chapter 3 shows how the Assembly emerges from classic American political thought, and Chapters 4, 5, and 6 explore the Assembly proposal, its benefits, practicality, and possible objections. Chapter 7 discusses how the Assembly would give the public power and explains how the reform fits with contemporary theories of deliberative democracy. Chapter 8 addresses the reform's attraction given America's unique constitutional structure. Chapter 9 discusses the wider implications of blending participation and representation in regard to the nation's cosmopolitan diversity and America's role in the world. Together Chapters 3 through 9 explain how and why a novel reform is possible—one that builds on our political heritage while embracing our technological present.

Readers should understand that the message of the book goes beyond the specific reform presented. I offer one possible blueprint; others will offer theirs. The important thing is to generate a national dialogue about how to improve citizen engagement, deliberation, and representative government. My purpose in writing this book is threefold: first, to make an argument about why it is important and how it is practical to institutionalize deliberative democracy; second, to explain how doing so would strengthen the civic republican component of the American political tradition; and third, to develop a representative reform that would allow for a more accurate and fair aggregation of interests and preferences than the current political system. My focus is on what Yale University's Robert Dahl calls "democracy's third transformation," which arises from the pressing need to narrow the "growing gap that separates policy elites from the demos."<sup>15</sup>

The American political system has periodically undergone modifications while remaining true to the core of the Constitution, which is the separation of powers and federalism. The reform offered here would reinvigorate a felt sense of democratic power among citizens while staying true to the American tradition. It has an intimate connection with American political ideas and history. As such it has a greater chance of success than European transplants such as proportional representation or parliamentary democracy.<sup>16</sup> Following Michael Walzer, this book is a

work of connected criticism rooted in our history; both the Federalists and Anti-Federalists could have comprehended and appreciated it.<sup>17</sup>

A century ago, the Progressives cleaned up the corrupt urban machines. Their good government crusade resulted in the initiative and primary system and city manager form of municipal government.<sup>18</sup> In 1920, after decades of organizing, women gained equal political and civil rights when the 19th Amendment was ratified. In the 1960s, the push continued to grant full political rights to all adults. The civil rights movement literally altered the face of America when the Civil Rights Acts of 1964 and 1965 opened doors for minorities of all colors. And, in the past three decades, mobilizing first around Ronald Reagan and then George W. Bush, the Christian right has reshaped American politics and the judicial bench. When Americans mobilize, change happens.

Looking at the political landscape, historian Arthur Schlesinger Jr. and journalist E. J. Dionne Jr. argue that a progressive era is coming our way.<sup>19</sup> If that is the case, questions about the quality and content of democratic participation will surely be part of the equation. Forecasting an era of reform may seem like an odd prediction in the wake of the 2004 election. Yet politics goes in cycles, and the excesses and corruption that accompany a corporate takeover of politics often produce a civic reaction. While the rich and the powerful are not going to lead a crusade to increase the participation and power of average citizens, grassroots volunteers of all political persuasions will see value in what I am proposing. Readers should understand that the reform I propose is, in fact, politically neutral.<sup>20</sup> A national network of citizen assemblies is neither conservative nor liberal, neither Republican nor Democrat. Being about democracy as a social norm and political institution, the Assembly operates on a different level than regular partisan politics and challenges political elites to focus less on fundraising and more on connecting with—and representing—ordinary people.

How do we bridge the great divide that now separates the broad public and the privileged class that runs the political system and the government? This book answers that question.