

The Public Check on Congress™



A Proposal to Bring Congress Into Alignment with the American Public

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The Federal Government is not functioning properly ...



- Major policy areas have not been constructively addressed – in some cases for decades
 - Energy, immigration, entitlement balancing, education, physical infrastructure, campaign finance reform, int'l competitiveness, environment, deficit reduction, etc.
- Recent “reforms” contain excessive special interest “sausage”
 - Tax policy, Medicare Part D, healthcare, financial regulations, etc.
- Precipitous war declarations
 - Iraq '03
 - Vietnam '64
- Etc., etc.

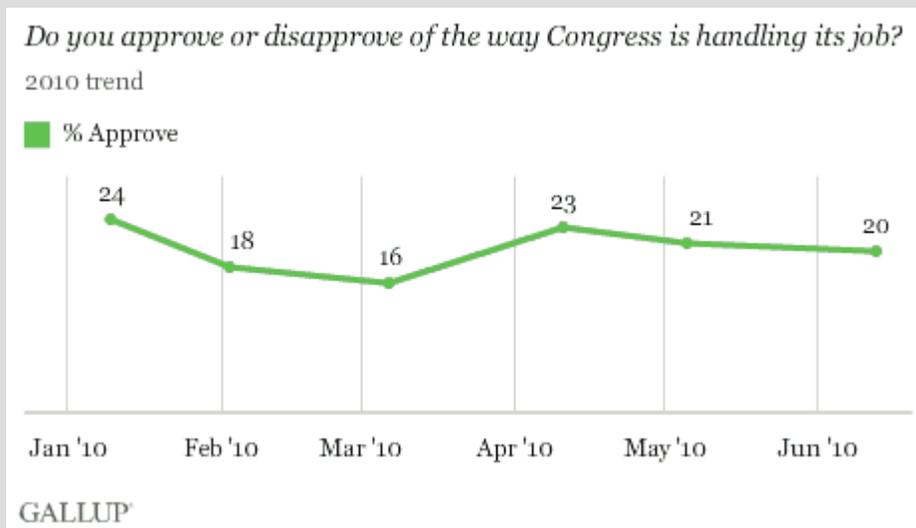
Congress is the major part of the problem ...



- Partisan dysfunction has stalemated constructive legislation
- The same result whether Republicans or Democrats are in the majority; and whether or not the Congressional majority is the same party as the President
- Seniority system, senatorial filibusters and holds, tribal party discipline, all prevent constructive teamwork across the aisle
- The House and Senate frequently operate on separate timetables, and even separate agendas

A bizarre paradox ...

Nationwide approval ratings for Congress are now around 20% ...



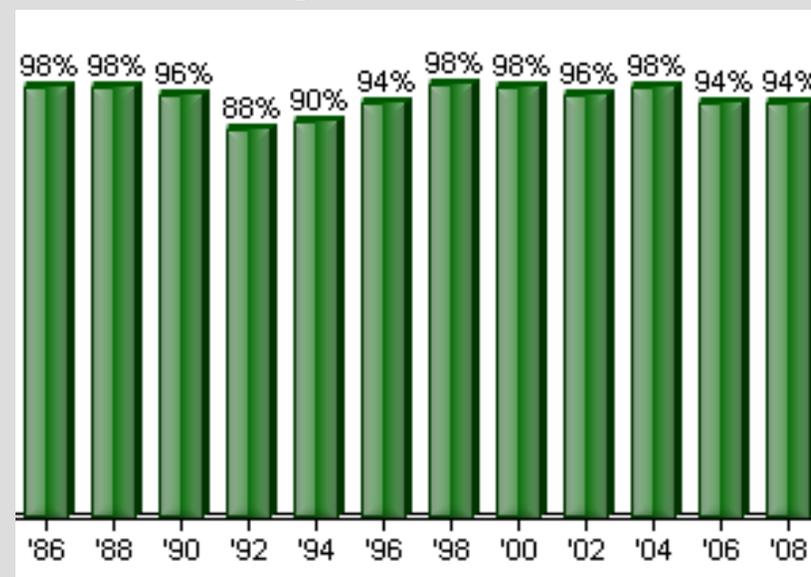
... and for most of the past 30 years have cycled around 30 % (with some brief peaks)

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And yet,

Over 90 % of all incumbents who run get re-elected *



Center for Responsive Politics

House of Representatives shown here.

The Senate re-election rates averaged just under 90% over the past 20 years.

* 83% in 2010

Members of Congress have learned to game the system ...



- Seniority system, earmarks, etc. help Congressmen deliver the goods locally without regard to the national interest
- Gerrymandering, campaign financing, special interest coddling, asymmetric publicity all favor incumbents
- Congress has successfully managed downward the public's expectations for its performance
- A sense among the public that the system can't be meaningfully changed

We need a new “check” in the system of checks and balances ...



- ***A check which recognizes*** not only that members of Congress are accountable to their local and state constituencies, but that ***Congress as a whole is accountable to the country as a whole***
- A check which will provide the ***incentive*** for ***both parties*** in Congress and ***both Houses of Congress to work as a team for the national interest***

We need “The Public Check on Congress”™



- ***The Public Check on Congress*** is a nationwide ***referendum*** on Congress (both Houses together) once every 10 years
 - Congress needs ***at least a 25% approval rating*** to “pass”
- ***If Congress doesn't pass***, another nationwide vote (***recall***) is held the next year to decide whether to keep Congress
 - Again, Congress needs at least ***25% support to stay in office***

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“The Public Check on Congress” continued ...



- If Congress “loses” this recall vote, one-third – the most senior third – of the members of Congress (both Houses) are out
- Another election is held to replace them
 - Replaced members cannot run for Congress for another 10 years
 - Anyone who had been a member of Congress in the preceding five years is also ineligible for ten more years

“The Public Check on Congress”: Oversight



- The ten-year referendum and, if necessary, the recall elections will be run by a commission overseen by the U. S. Supreme Court
- Replacement elections, if necessary, will be handled under current election procedures for members of Congress

The Public Check On Congress: Advantages



- A new incentive for Congress as a whole to respond to the national interest
- Improve teamwork among parties and between Houses
- Reduce influence of special groups and increase that of bona fide experts and broad stakeholders in policy making
- Allows Congress to fix its own procedures and operations for public ratification – avoids public micromanagement
- Creates a more mature sense of political responsibility among the public
- Reduces the influence of polarizing voices (politicians, media, special interests, etc.) which feed on public frustration with our national government
- Improved public approval for Congress
- Increased Congressional prestige and collective “self-esteem”

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The Public Check On Congress: Possible Disadvantages



- Can the public exercise its new power responsibly?
- Concern over too much direct public management of Congress (e.g., CA)
- The governmental chaos if actual replacement of Congress were to occur
- Will new abusive power structures evolve to replace the current ones?
 - A new game; new gamesmanship
- Others

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The Public Check On Congress: Possible Disadvantages - 2



- All of these disadvantages need thorough discussion
- In the end, they are likely to be manageable, overblown, or pale against the quantum advantages of the Public Check on Congress

The Public Check On Congress: Reaction of Founding Fathers



- Our Founding Fathers would expect us to fix our government if we think it is dysfunctional
- They gave us the toolkit (Article V)
 - They used it themselves immediately to add a Bill of Rights
- They themselves might well have added the Public Check on Congress into the Constitution at the original convention if, at that time, there had been today's partisanship and more mature federalism
- Let's not be victims of our veneration of the Constitution
 - Parchment, not stone tablets
 - Let each generation adapt it to their needs: T. Jefferson

The Public Check on Congress: Conclusion



- Our national government is dysfunctional and current trends allow for no expectation of improvement
- We won't make progress by tinkering; we need a significant intervention that restores a stable equilibrium to our system of checks and balances
- The Public Check on Congress provides this by establishing collective Congressional responsibility for aligning legislation and policy-making to the broad national interest

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The Public Check on Congress



***If we want to turn over a better
America to our children, we
must turn over to them a better
Government.***

We can start that task today.

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