

Countering the Democratic Descent: Policy Proposals for Refining the American Experiment in
Liberal Democracy and Addressing the Global Democratic Backslide

Submitted by

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To

The Honors College

Oakland University

In partial fulfillment of the
requirement to graduate from

The Honors College

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(4/1/22)

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Foreword

This project represents a multi-year research project for the Honors College at Oakland University, in Rochester, Michigan over the years of 2021 and 2022. Included in vast student research is the inclusion of knowledge and input from several professors in the departments of History and Political Science at Oakland University. The mentor for this project is the Department of Political Science Chair, Peter Trumbore. The fundamental goal of this project is to draw from broad theoretical and political insights in academic literature to craft a project with some novel and creative goals to aid in solving the complex and constantly evolving domestic and global challenges faced by the United States and the global community. It is equally important to note that each area discussed in this project could feature 100 plus pages of research and material, but limited discussion on each will be featured so as to draw on multiple sections of U.S. domestic and foreign policy and capture what is most necessary at achieving a peaceful world built on mutual prosperity and respect. This project is designed to represent a playbook of sorts to achieve that goal and allow the United States to reach its full potential as a genuine global leader.

Acknowledgements

As previously mentioned, this project was undertaken with the assistance, guidance, and inspiration of numerous professors in the departments of History and Political Science at Oakland University.

Assistants to the project in the form of research assistance and guidance include:

- Peter Trumbore: Professor and Chair -- Oakland University Department of Political Science
- Laura Landolt: Associate Professor -- Oakland University Department of Political Science
- Joseph Rozell: Adjunct Assistant Professor -- Oakland University Department of Political Science
- Weldon Matthews: Associate Professor -- Oakland University Department of History
- Yan Li: Associate Professor -- Oakland University Department of History
- Gregory Allar: Adjunct Assistant Professor -- Oakland University Department of International Studies

Executive Summary

Periods of backsliding democracy have been evident throughout history, so what makes this particular point in history cause for examination? The decline of democratic governance in name is not the primary factor of importance in highlighting or addressing democratic backsliding. Instead, the importance in the subsiding of liberal democracy is critical because it points to a decline of human, political, and civil rights and freedoms (that are typically associated with liberal democracy) at a concerning rate. Populism, nationalism (and ethno-nationalism), and authoritarianism are becoming increasingly present in the 21st century, and with them a precipitous decline in these human, political, and civil rights and freedoms. This time has been characterized by a growing dissatisfaction with liberal democracy and further devolvement into autocracy during the Covid-19 pandemic.¹ Some have suggested that in the fallout of the Cold War the world experienced the peaks of democracy; however, this moment in history offers a unique opportunity to see human, political, and civil rights flourish among nations. In spite of this, the world is trending increasingly in the opposite direction.

The rise of Donald Trump and other Populist and Nationalist leaders was a movement that largely defined the global political landscape of the 2010's. However, this was not unpredictable, rather, it occurred (in part) as a result of a failing international system. The importance of this lies not in protecting democracy (specifically American democracy) as the panacea of models of governance (because other viable models can exist and "democracy" is filled with ambiguity); rather, the importance lies in the continued deterioration of human, political, and civil rights that coincide with democratic backsliding, and the transitions to extreme populism, illiberal democracy or competitive authoritarianism that have followed and further elicited this decline.² The decline of these values, notably from liberal democracies once believed to be immune from such backsliding, precipitates a further decline of such values in localized regional context and in the international system more broadly. Indeed, democracy has geographically diffusing characteristics in terms of spatial clustering.³ This presents both opportunity and major cause for concern for the United States for the same reason. International processes, trends and events exert a strong influence on democratization, with external actors and forces having ability to influence the relative power of actors and groups as well as the relative payoffs of particular institutional arrangements in other democracies.⁴ If the decline of human rights and freedoms is precipitated among a liberal democracy, it could suggest a trend beginning to

¹Wike, Richard, Laura Silver, and Alexandra Castillo. "Many across the globe are dissatisfied with how democracy is working." (2019).

²Gleditsch, Kristian Skrede, and Michael D. Ward. "Diffusion and the International Context of Democratization." *International Organization* 60, no. 4 (2006): 911–33. <http://www.jstor.org/stable/3877851>.

³Gleditsch and Ward, 930

⁴ Gleditsch and Ward, 930

permeate a region (or regions) of liberal democracies such as that of Europe. Equally, it suggests that a strengthening of such freedoms could also diffuse into regions and eventually the international system itself. This, then, is the focus of this project.

The primary question to be drawn from this is how can the United States play a role in the diffusion of a system (domestically, regionally, and internationally) built on the principles of cooperation, mutual respect, peaceful coexistence, and governance that is universally up to PAR (popular, accountable, rights regarding)?

The U.S. must begin to lead by example with a series of internal policy changes to strengthen domestic institutions and bring them up to PAR, followed by revised policy approaches to the foundational pillars of U.S. foreign policy including the Middle East and North Africa, China, Russia, democratization, nuclear weapons, strategic alliances, and the global economy among others. Chief among these changes will be a novel series of targeted UN reforms designed to reinvigorate global multilateralism with a platform that no longer benefits a handful of nations, but can continue to serve U.S. interests by protecting, restoring, and strengthening the global presence of human rights and freedoms and bringing governments up to PAR thereby facilitating the creation of a new international environment built on mutual respect, peace and stability (and the mechanisms to enforce them), and a desire for coexistence among a diversifying world

Introduction

In 2006, Princeton University undertook a project directed by John Ikenberry and Anne-Marie Slaughter. The aim was to develop a national security strategy for the U.S. that was both effective and sustainable in the long term.⁵ This project serves as the basis and launch point for the project before you. This project was developed in 2021 and 2022. At present time of writing, even an optimist would have great cause for concern at the prospect of the current global landscape, and certainly Ikenberry and Slaughter would concede that since the time of their writing that certain events in the international system proved to be quite surprising. Since the turn of the 21st century, democracy has been on a steady decline, China has continued its meteoric rise to global hegemony, the Middle East has further devolved into a conflict abyss with no sign of peace in sight. The Coronavirus pandemic has ravaged the globe, killing over 6 million at present, and struggles with inflation are a growing concern.⁶

With this, there are unnerving signs about the future of democracy, and more importantly, democratic freedoms around the world. Even in traditionally democratic areas like Western Europe, far right nationalist parties are gaining greater numbers in legislatures. In Austria, Switzerland, Denmark and Belgium, nationalist parties now control a quarter of the respective Parliaments.⁷ In Poland and Hungary, hard line anti-immigrant parties have a majority rule, meanwhile France, Italy, and Spain's far right parties with rights-restricting agendas continue to grow their presence in power.⁸ Several G20 nations, notably Poland, Brazil, Turkey, and India have been among the top 10 autocratizing countries in the world.⁹ On the most advanced tools pertaining to measurement of liberal democracies, the Varieties of Democracy (V-Dem) index of the V-Dem Institute based at the University of Gothenburg, found that the United States declined on the LDI (liberal democracy index) from 0.86 in 2010 to 0.73 in 2020. Freedom House and Polity, two similarly useful indexes have shown the same precipitous decline from traditional strongholds of liberal democratic values. Importantly, these speak to both major variants of democratic backsliding pertaining to liberal democracies. The two manifestations of democratic backsliding in recent decades occur either in the breakdown of electoral contestation or the

⁵ Ikenberry, G. John, and Anne-Marie Slaughter. "Forging a world of liberty under law." *U.S. National Security in the 21st Century* 17 (2006).

⁶ Hopkins, Johns. "COVID-19 Map-Johns Hopkins Coronavirus Resource Center." *Johns Hopkins Coronavirus Resource Center* 1 (2020).

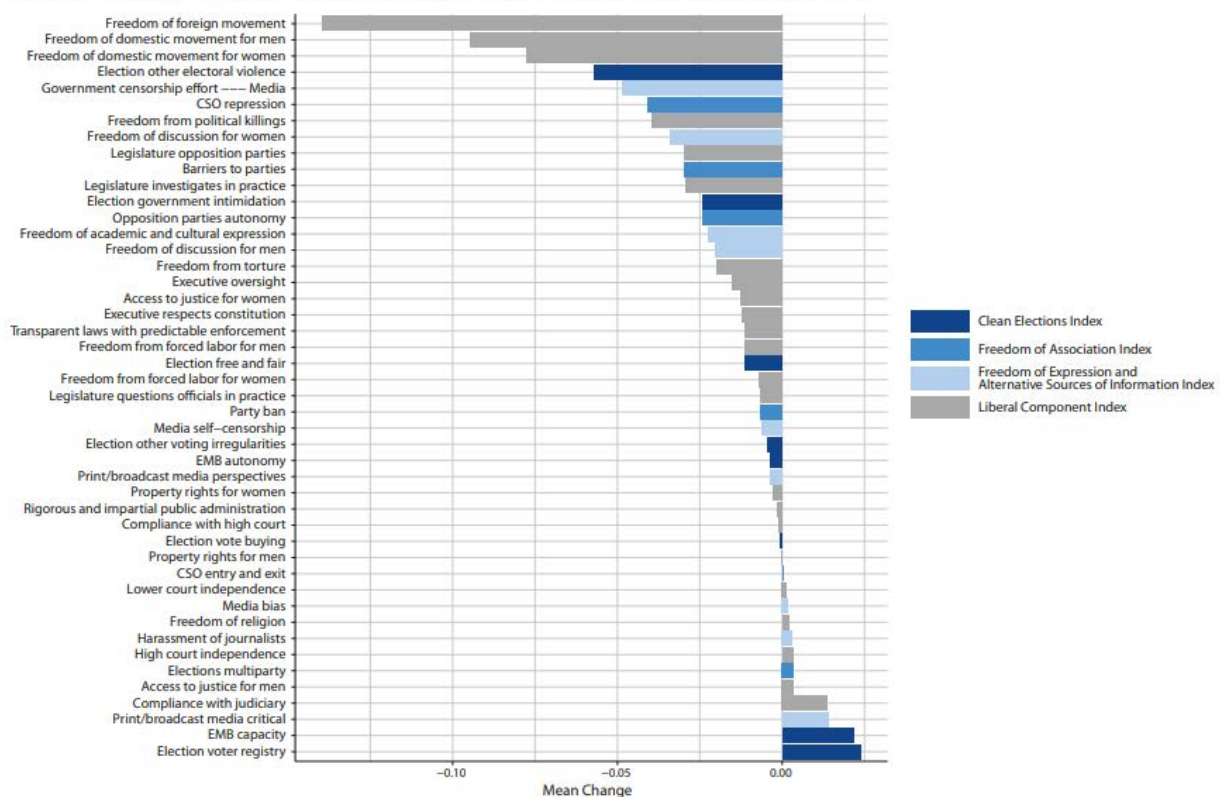
⁷ BBC. (2019). Europe and Right-Wing Nationalism: A Country-By-Country Guide. *BBC*, 13(11), 2019.

⁸ Barbero, Michele. "Europe's Far-Right Seeks to Unite." *Foreign Policy*. Foreign Policy, April 23, 2021. <https://foreignpolicy.com/2021/04/23/europe-far-right-division-european-parliament-poland-hungary/>.

⁹ Alizada, Nazifa, Vanessa Alexandra Boese, Martin Lundstedt, Kelly Morrison, Natalia Natsika, Yuko Sato, Hugo Tai, and Staffan I. Lindberg. "Autocratization Changing Nature?." *V-Dem Working Paper Forthcoming* (2022).

deterioration of components of liberal democracies.¹⁰ In the former, free and fair elections for top offices slowly and subtly lose their meaning because one party may monopolize media access and therefore curtail the opposition's campaigning opportunities. This process often ends in competitive authoritarianism.¹¹ In the latter manifestation, often equally subtle, the electoral core may not be targeted, and instead the target is the relaxation or disappearance of liberal-constitutional norms.¹² These types can also occur in combination with one another, but the distinction between electoral and liberal democratic value backsliding is nonetheless an important distinction. The chart below depicts a finding from the 2021 V-Dem report presenting the indicators of their LDI index and their status.

FIGURE 8: CHANGE ON INDICATORS COMPOSING THE LIBERAL DEMOCRACY INDEX, 2019–2020



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When the terms *civil liberties (and/or rights)* and *political rights* are used in this project, the specific measurements above are the types of freedoms being referenced. More broadly, political rights refers to several subcategories including (but not limited to) the electoral process, political pluralism and

¹⁰ Andersen, David. "Comparative democratization and democratic backsliding: the case for a historical-institutional approach." *Comparative Politics* 51, no. 4 (2019): 645-663.

¹¹ Andersen, 646

¹² Andersen, 645-46

¹³ Alizada et al., 2021

participation, and the functioning of government. Those subcategories pertaining to civil liberties are freedom of expression and belief, associational and organizational rights, rule of law, and personal autonomy and individual rights. With regard to bringing government up to PAR, these are among the many metrics considered for a government's PAR status (whether or not it is popular, accountable, and rights-regarding). The technocratic and less responsive governance that has grown among liberal democracies in the last 30 plus years has rightly raised questions about the need for democracy. This is while countries like China have shown an unrivaled ability to respond to the Covid-19 pandemic without the need to have regard for civil liberties and political rights. However successful authoritarian regimes may be, two important notes must be made to democracy compared to other forms of governance. No other system of government guarantees the right to free expression of political preference, and no other system promotes progress through peaceful competition between different interests and ideas¹⁴. Democracy has played a pivotal role in the development of civilization pushing the world out of monarchic empires into self-determination and popular rule.

The United States has long been considered the bastion of democracy in the free world, but if the burgeoning assault on traditionally democratic and human rights is to be abated and reversed, it will require an inside out approach to policy whereby the United States works to strengthen its own domestic institutions and capabilities to then expand that stability abroad through multilateral institutions and significant changes to its bilateral policy conduct. While some have suggested that the 21st century is best characterized as a “democratic recession” — suggesting that this will only be a period of decline followed by resurgence — others point to unique characteristics of this period in both a domestic and international sense that point to other conclusions.¹⁵

The fallout of 9/11 in the 21st century has revealed much about the shortcomings of liberal democracy. In the same vein, it has revealed the fragility of American democracy, what was long touted as the bastion for democratic governance. Indeed, some suggest the 21st century has revealed that it was not the words written on the Constitution in September of 1787 that have preserved American democracy; rather, it is the system of democratic norms that emerged from the concepts outlined in the Constitution like the system of checks and balances on the various branches of government. In *How Democracies Die*, Harvard Professors Levitsky and Ziblatt outline the dangers facing American Democracy and the impact of the (then early) Trump administration. Levitsky and Ziblatt present mutual toleration (the understanding that political parties view one another as legitimate and only rivals), and forbearance (“politicians exercising restraint in deploying their institutional prerogatives”)

¹⁴Jon Wallace Digital Content Manager, and Show authors. “The Importance of Democracy.” Chatham House – International Affairs Think Tank. Chatham House, March 28, 2022.
<https://www.chathamhouse.org/2021/04/importance-democracy>.

¹⁵Wallace, 2022

as the two norms that have been the “guardrails” of American democracy.¹⁶ Since the 1980’s democratic norms in the United States have been under threat, and the Trump administration merely amplified the ongoing trend. The unwritten rules have been the mechanisms through which democracy has persisted in the U.S., and those rules are being violated, ignored, and even forgotten at a growing rate. To the question of how America’s democracy can be defended, Levitsky and Ziblatt offer things such as social and economic policies more reflective of northern Europe in which a universalistic approach is taken.¹⁷ Additionally, Levitsky and Ziblatt offer significant roles that both the Republican and Democratic party can play in decreasing polarization and trying to rebuild the norms that have come under threat. They write, “this grim scenario highlights a central lesson of this book: When American democracy has worked; it has relied upon two norms that we often take for granted-- mutual tolerance and institutional forbearance.”¹⁸ The two further explain that for American democracy to work today, in an age of racial equality and ethnic diversity, these norms must be extended through the entirety of this diverse nation. This book served as a guiding piece of this project; however, Levitsky and Ziblatt imply a much greater sense of trust and benefit of the doubt to American politicians and American political institutions than employed here. As Levitsky and Ziblatt readily point out, the principal reason that American democracy thrived prior to the beginning of its breakdown in the 80s was because “American Democracy emerged out of a profoundly undemocratic arrangement: racial exclusion and the consolidation of single party rule in the South.”¹⁹ It has been well documented in academic literature that the period of democratic transition has been more successful for those nations in which ethnic homogeneity was present.²⁰

That the greatest years of American democracy existed out of fundamentally undemocratic actions is cause for much more than attempting to merge these norms with the “new America” as the two suggest. Instead, this is cause for significant change in light of the fact that many of these “undemocratic arrangements” have manifested themselves in new ways, even after the passage of civil rights legislation. Believing that the United States can rely wholly on its elected officials in the current political environment to find its way back to the norms of old is illogical. The Coronavirus pandemic has very poignantly revealed that the two sides of the American political spectrum do not just view themselves as enemies, in many cases they view one another as existential threats to their prolonged existence. If the vision of an inclusive democracy that Levitsky and Ziblatt envision is to be realized, it will require the deployment of an inside out approach in which the United States brings itself up to

¹⁶Levitsky, Steven, and Daniel Ziblatt. *How democracies die*. Broadway Books, 2018. p. 8

¹⁷Levitsky and Ziblatt, 228

¹⁸Levitsky and Ziblatt, 216

¹⁹Levitsky and Ziblatt, 212

²⁰McFaul, Michael. “What went wrong in Russia? The perils of a protracted transition.” *Journal of Democracy* 10, no. 2 (1999): 4-18.

PAR by way of strengthening political institutions, their capacity, integrity, and accountability. This will require a series of sweeping changes to both American institutions and public policy the likes of which has never been seen before (not for 1787). Only by employing an approach in which the political institutions of the United States are strengthened can the restoration of these liberal democratic norms be guaranteed, and subsequently diffused into the international environment. The first component of the blueprint to restore liberal democratic values begins with a new domestic strategy that will be outlined in upcoming sections. By strengthening its own domestic capacity, integrity, and accountability, the United States can use this as a foundation for the pursuit of the same change in its allies and a foundation of international order and capacity as well.

Next, a new strategy of foreign policy will be necessary as well. Between 1993 and 1999, some contend that global democracy peaked.²¹ Scholars have commented since the turn of the 21st century on democratic backsliding, yet only in the last decade or so has the phenomenon risen to more prominence as it has become increasingly visible around the globe in traditionally liberal democracies like the United States. In continuing the use of Ikenberry and Slaughter as a baseline for this project, a consideration of their original assumptions is a useful exercise as the primary inspiration of this project.

The basic objective of U.S. strategy must be to protect the American people and the American way of life. This overarching goal should comprise three more specific aims: 1) a secure homeland , including protection against attacks on our people and infrastructure and against fatal epidemics; 2) a healthy global economy , which is essential for our own prosperity and security; and 3) a benign international environment , grounded in security cooperation among nations and the spread of liberal democracy. . . To achieve these goals in the 21st century, American strategy must meet six basic criteria. It needs to be: 1) multidimensional , operating like a Swiss army knife, able to deploy different tools for different situations on a moment's notice; 2) integrated , fusing hard power—the power to coerce—and soft power—the power to attract; 3) interest-based rather than threat-based , building frameworks of cooperation centered on common interests with other nations rather than insisting that they accept our prioritization of common threats; 4) grounded in hope rather than fear , offering a positive vision of the world and using our power to advance that vision in cooperation with other nations; 5) pursued inside-out , strengthening the domestic capacity, integrity, and accountability of other governments as a foundation of international order and capacity; and 6) adapted to the information age , enabling us to be fast and flexible in a world where information moves instantly, actors respond to it instantly.²²

²¹Lindberg, Staffan I. "The nature of democratic backsliding in Europe." (2018).

²²Ikenberry and Slaughter, 6

Using this work of Ikenerry and Slaughter as a baseline, revision of this basic objective is necessary in the face of democratic backsliding of the current scale. Indeed, the basic objective of U.S. strategy must be to protect the American people and guarantee that PAR standards (and liberal democratic values) are afforded to all Americans. Furthermore, to use that as a foundation for which PAR standards (and traditionally liberal democratic values) are spread among nations of the international community. This is a necessary distinction because the focus is not in spreading American (or other Western forms of) democracy to as many countries as possible. Democracy is not the only viable political system and democracy itself is an ambiguous term with considerable variation. It is illogical to suggest that the basis of the international environment should be a system in which all countries are the same on the basis of their identical political systems. There are innumerable historic, racial, ethnic, religious, and cultural factors that explain and account for variation in political systems around the globe, and that variation should not only be acknowledged, but supported as well. Indeed, “globalization may reinforce rather than weaken cultural differentiation between Western and non-Western societies, triggering culturally conservative and even reactionary backlashes. Such reactions could very well complicate the evolution of a global culture of human rights.”²³ The emphasis must be on bringing nations up to PAR and ensuring the rights and liberties of peoples around the world are upheld.²⁴ This refers to encouraging Popular, Accountable, and Rights-regarding (PAR) governments worldwide through any number of means. This does not include a universal set of indicators that must be reached by every nation; rather, it represents a broader strategic initiative pursued on a country by country basis because there is data that suggests some countries possess a cultural predilection for order and autocracy over freedoms.²⁵ It also includes a partial embrace of the separationist thesis as touted by some political science scholars suggesting that detaching human rights from democratization and Western values “can avoid stimulating reactive nationalism.”²⁶

It is necessary then, as suggested by Nathan, for the United States to partially separate human rights from democratization and treat it as the international idea that it actually is, rather than as a code word for Westernization²⁷. This partial separation must concur with bringing nations up to PAR. Such pursuits are likely to result in greater democratization among governments in any case because genuine separation of human (political and civil) rights from democracy has proven to be an inadequate ideal of pursuit in academic analyses.²⁸ Ultimately, bringing governments up to PAR must be the chief

²³ Langlois, Anthony J. “Human Rights without Democracy? A Critique of the Separationist Thesis.” *Human Rights Quarterly* 25, no. 4 (2003): 990–1019. <http://www.jstor.org/stable/20069702>.

²⁴ Langlois, 994

²⁵ Nichol, John. “Democracy in Russia: Trends and Implications for U.S. Interests.” LIBRARY OF CONGRESS WASHINGTON DC CONGRESSIONAL RESEARCH SERVICE, 2006.

²⁶ Langlois, 994

²⁷ Langlois, 994

²⁸ Langlois, 995

objective of American policy, with each decision guided by this strategic light. In the long term that is likely to require the institution of greater democratization to protect such rights, but again, that is not the focus of this objective. It is well understood that any number of the aforementioned distinguishing characteristics among nations can make some peoples predisposed to subordinating freedoms in favor of other things they deem beneficial (i.e., security, stability, economic prosperity. etc.). It is difficult to find evidence refuting the assertion that liberal democracy is the pinnacle of governance insofar as it is the best mankind has come up with in pursuit of societies that are freer and more just than their historical predecessors. But, by acknowledging that it is just that — the best mankind has come up with YET — and not suggesting that all peoples should adopt it as their model of government, the notion of PAR standards affords greater respect to an increasingly diversified world. Indeed, the very basis of liberalism emphasizes that there is no one best way, and that liberal democracy encourages “a large variety in types of character.”²⁹ The founders were fervent in their belief of liberal democracy, with many having endured lifetimes of monarchical rule. Quantitative declines in liberal democratic rights and values suggest that this once believed panacea of governance may indeed be vanishing. This stark reality makes the institution of PAR standards in American public and foreign policy critical to the maintenance and eventual expansion of liberal democratic rights and values. Indeed then, it is not the focus of this project to prescribe PAR standards as a guise for implementing American or European style political structures throughout the world. It is an effort to build a policy (both foreign and domestic) on the basis of PAR standards and the continued pursuit of such standards. This may manifest itself in instituting evaluative voting systems in the United States, or by investing in and supporting women’s education programs in Iran. Respect for the diversity in an increasingly globalized world necessitates an international system that is flexible in its pursuit of peace and mutual coexistence among nations. By bringing itself up to the pinnacle of PAR standards, the United States can seek to seize opportunities it previously forsook, and create a diverse international system (diverse in racial and ethnic terms, but also in governance and political structure terms) committed to respect of rights for all peoples in which alternative ideologies (so long as they are rights-regarding) are respected and encouraged as true liberalism promotes.

The outset of this project will seek to address the first aspect of this pursuit, guaranteeing the American people the rights and norms associated with liberal democracy and ensuring that every American is afforded them. In other words, the first step to this process is bringing the United States up to PAR. How can this be done? Strengthening domestic institutions to better the American way of life.

²⁹ Mill, John Stuart, and Edward Alexander. *On Liberty*. Place of publication not identified: Broadview Press, 1999.

Domestic Policy of the United States: A New Domestic Strategy

Strengthening Domestic Institutions to Better the American Way of Life

In 2006 when Ikenberry and Slaughter outlined their strategy for the U.S. moving into the 21st century, one of their criterion that would dictate the success of the U.S. was an approach in which the U.S. would play the role of “strengthening the domestic capacity, integrity, and accountability of other governments as a foundation of international order and capacity.”³⁰ It is not the contention of this project to disagree with this goal; however, I offer a tweak to this framework instead. In order for the U.S. to build lasting peace and achieve its goals, it must take an inside-out approach in which it strengthens its own domestic capacity, integrity, and accountability. The forthcoming policy proposals are not mere incremental tweaks to public policy as the United States is accustomed to, these proposals represent targeted efforts to restore, or guarantee the values of liberal democracy. These specific values, that have been referenced many times, reflect namely the political rights and civil liberties afforded to citizens. In particular, V-Dem and Freedom House are two academic sources that comprise useful indexes of these rights and methodology that will be echoed in this project. When it comes to the specific aims of these proposals then, it will be to strengthen the status of American political and civil rights along a methodology combining academic sources like those mentioned (with V-Dem being the primary source drawn from). What this means is that political rights refers to several constituent parts like the electoral process, political pluralism and participation, and the functioning of government. Those subcategories pertaining to civil liberties are freedom of expression and belief, associational and organizational rights, rule of law, and personal autonomy and individual rights. These subcategories are composed of many factors themselves, but broadly speaking represent the areas of American political institutions that are targets of reform. This is more illustrative with an example. For instance, the most fundamental political right is the right to vote. In terms of the electoral process of the United States, despite elections being both free and fair, they fall short of being fully fair because of several aspects of the American electoral system, one being the Electoral College. The combination of the winner-takes-all allocation, and the three-elector guarantee of the Electoral College greatly distorts the values of votes. By reforming the Electoral College and guaranteeing the fairness of American elections, the political institutions of the United States are strengthened in their legitimacy, integrity, and in public perception. Specific reforms will be detailed in each proposal section, but this simple example is to illustrate the kind of change necessary and how it fits into the connotation of these liberal democratic values and how each proposal will work to see the goal of strengthened political institutions

³⁰ Ikenberry and Slaughter, 6

be realized. However, current political realities in the United States are trending increasingly in the opposite direction.

It is difficult to adequately describe the current polarization of politics in the United States. Recent polls paint a concerning picture that the views of Americans are further diverging. Further, a poll at the end of 2021 from the University of Massachusetts Amherst shows that one third of Americans believe that the results of the 2020 election were illegitimate (that number is 71% for polled Republicans) nearly 2 years after president Biden was inaugurated.³¹ Despite reform of the electoral and voting system of the United States being a major feature of this project, there has been zero substantive evidence pointing to any conclusion but that the 2020 election was the most secure in the history of the United States. This is of remarkable significance and concern because it represents a departure from polarization being limited to the confines of public policy. Polarization has now become an “us versus them” issue in the United States. Political polarization also represents what Suzanne Mettler describes as the first of four threats to American democracy. Mettler notes that when a political party is willing to put winning at all costs above respect for the electoral system, a serious incident is on the near horizon.³²

In 2021, Conservatives in over 40 states have introduced packages of bills to restrict the rights of voters to levels not seen in many decades. Perhaps most notably, the states that held the closest elections in 2020, Arizona, Georgia, Michigan and Pennsylvania, have introduced some of the most restrictive laws in the country. Equally concerning is that these bills across the nation would very harshly impact those in low-income, and minority groups.³³ Many of the proposed bills would eliminate or significantly limit absentee voting, which of course gave Liberals the edge in 2020 because of the Coronavirus, and add voter ID requirements to sometimes extreme levels. A proposed law in Ohio, for instance, would require two forms of ID be shown before any individual is allowed to cast a vote. Indeed, as Mettler and others have observed, one political party is aiming to win at all costs.

Though the dangers of polarization are highly concerning, many in academic circles have challenged the degree to which it represents truly alarming danger. Such an argument will point to the fact that high political engagement and participation is a sign of a healthy democracy. Especially because, prior to 2020, the U.S. placed 30th out of 35 nations for which data is available in the OECD in voter turnout. Furthermore, both parties confirmed the results of the election at the local level through

³¹Cuthbert, Lane, and Alexander Theodoridis. “Analysis | Do Republicans Really Believe Trump Won the 2020 Election? Our Research Suggests That They Do.” The Washington Post. WP Company, January 7, 2022. <https://www.washingtonpost.com/politics/2022/01/07/republicans-big-lie-trump/>.

³²CFR Podcast – Suzanne Mettler

³³Samuels, Alex. “The States Where Efforts to Restrict Voting Are Escalating.” FiveThirtyEight. FiveThirtyEight, March 29, 2021. <https://fivethirtyeight.com/features/the-states-where-efforts-to-restrict-voting-are-escalating/>.

canvassing, the United States judicial system protected and upheld the results, and perhaps most important, this argument will point to the fact that Congress reconvened on the night of January 6th to certify the results of the election. These points, among others, would be pillars of an argument challenging the alleged dangers of political polarization. On these points, there is little ability to deny their validity; however, it is not the fact that political polarization is worsening that makes the precarious state of the American political environment so concerning, it is the fact that such polarization is coinciding with three other significant threats to American democracy. Never before has political polarization of this magnitude coincided with a conflict over who belongs, high and rising economic inequality, and executive aggrandizement. These four threats, as coined by Dr. Suzanne Mettler, represent the most significant threats to American democracy. Further, the effects of these four threats have contributed to the democratic backslide evident in the United States. In addressing these threats and the status of previously described liberal democratic values, the United States

It is the contention of this project that six institutional policy reforms in the United States would have a monumental impact on the strength of American democracy (in the form of the aforementioned liberal democratic values) by bringing it up to PAR. In bringing the American political system up to PAR, the concerning convergence of Mettler's aforementioned four threats will be mitigated. To achieve these aforementioned goals and heightened domestic capacity, integrity, and accountability, the United States must undertake the following six policy changes:

1. Electoral College Reform
2. Voting and Electoral Reform
3. Elimination of Gerrymandering
4. Structural Reforms to the Legislative and Judicial Branches
5. Transition to a Multi-Party System
6. Institution of a Universal Basic Income

Many will read this list and rightly question the viability of such sweeping reforms. It is unquestionable that such reforms would seem impossible through traditional channels, however, paths to such reforms not only exist, but are already in action. Reigniting democracy on the domestic front is key to extending it to the international stage and both protecting and expanding the presence of freedom and democracy. Implementation of these reforms will address the following: the decline of political rights and civil liberties (i.e. liberal democratic values), Mettler's four threats to American democracy previously introduced, heighten the domestic capacity, integrity, and accountability of the United States, and ultimately serve as the basis for an inside out approach to U.S. foreign policy. As many will no doubt notice, some of these proposals will require highly focused reform efforts, while others can be

addressed with more broad action. In any case, It starts with a series of institution-strengthening domestic reforms beginning with reform of the electoral college and voting system.

Electoral College Reform

The Electoral College has come under increasing scrutiny since the turn of the 21st century because two elections in the first 16 years of the century ended with the candidate winning the popular vote not winning the election. This scenario has played out five times in the history of the United States. Many have ultimately used this as the principal argument against the Electoral College and suggested it as the penultimate reason justifying reform. Seeing as though Hillary Clinton won the popular vote by nearly three million votes in 2016, this would seem like a fair argument. However, for one to make a true determination on the Electoral College, one must understand its history.

The term “Electoral College” does not even appear in the Constitution. Instead, it was adopted much later as an adequate description of the process created by the founding fathers in which state-selected electors chose the President of the United States.³⁴ Early on at the Constitutional Convention of 1787 it was decided that the government would need a unitary chief executive as one of three branches.³⁵ How that person was to be selected was a matter of intense debate among the founding fathers. Alexander Hamilton, in *The Federalist* No. 68, professed that the virtue of choosing Presidents be given to electors that were to be chosen by each state by whatever method its legislature deemed fit.³⁶ Other possible methods proposed at the convention included congress selecting the President, assigning the task to state legislatures, or a direct popular vote.³⁷ The idea of congressional mandate was abandoned because it ran counter to the balance and separation of powers the framers were trying to achieve.³⁸ The demotion to state legislatures was abandoned because it compromised the principle of an independent federal government.³⁹ The popular vote idea was abandoned for a series of reasons. Namely, the founders believed the general citizenry would not be well informed enough to make intelligent decisions about Presidential elections, which would ultimately compromise the democratic process.⁴⁰ It was also abandoned over the disdain it created among the southern states, who held lower populations because slaves were not counted as people.

³⁴ Byas, Steve. “The Creation and History of The Electoral College: The Creation of the Electoral College Was to Take Partisanship Out of the Process of Electing the President so That the Best Man Got the Job, and It’s Still Important.” *The New American* (Belmont, Mass.) 37, no. 1 (2021): 33–.

³⁵ Byas, 2021

³⁶ Hamilton, Alexander. “Federalist No. 68: The Mode of Electing the President.” *New York Packet* 14 (1788).

³⁷ Clayton, Dewey M. “The Electoral College: An Idea Whose Time Has Come and Gone.” *The Black Scholar* 37, no. 3 (2007): 28–41. <http://www.jstor.org/stable/41069888>.

³⁸ Clayton, 28

³⁹ Clayton, 28-31

⁴⁰ Clayton, 29

One of the preeminent reasons the Electoral College proved to be the final decision was to accommodate the practice of slavery into the electoral system with the 3/5ths compromise, a decision that would ensure southern states were not at a disadvantage because slaves could not vote.⁴¹ By partially counting slaves in population totals to determine the number of Presidential electors, southern states were given power to rival that of northern states. It is also an important note that numerous constitutional scholars like Jesse Wegman have noted that the voting apparatus took weeks to debate, and there is genuine belief that the founders were scrambling to get the document finished, and none of the other proposals (like a national popular vote) had enough support. Of particular importance is that, aside from the first two elections in the United States, the Electoral College has never functioned as it was intended⁴². Constitutional scholars have long noted that the original goal laid out by the founders was to keep the election of President out of the hands of Congress and to ensure in the best way possible that the electors that made up the Electoral College knew the candidates and could make the best possible decisions.⁴³ The formation of political parties, among other factors, quickly destroyed the ability for electors to make the best decisions possible for the country. Electors are simply not the neutral and “intelligent” people the founders had once envisioned.

One of the prevailing arguments among proponents of the Electoral College is that the founding fathers put the system in place for a reason, and for that it should remain. Beyond the aforementioned reasons the system was created, it was also created as a model for the times. In 1787, the U.S. was a collection of loosely attached states that were generally viewed as semi-autonomous. The nation was largely rural, and there was a small, and very weak central government. Such was evident in the need to craft a new document in light of the failures of the Articles of Confederation. To allow for the most informed decision to be made, and to protect against corruption, interference, or foreign threats, the Electoral College system was created. Today’s current system differs from the original system in a few ways. The Twelfth Amendment, adopted in 1804, was enacted in light of a confusing 1800 election in which Thomas Jefferson tied with his own vice presidential candidate using the original system in which each elector voted for two candidates.⁴⁴ The proposed 12th amendment specified that electors were required to have two ballots, one which would vote for the president, and a separate one for the vice president. This was in hopes to avoid further occurrences of ties. The adoption of the 12th amendment altered the Electoral College to a new distinctly political party system that the framers had not anticipated or desired.⁴⁵ The next major change to the Electoral College came in 1961 when the

⁴¹Clayton, 29

⁴²Illing, Sean. “A Definitive Case against the Electoral College.” Vox. Vox, July 21, 2020.
<https://www.vox.com/21142223/electoral-college-2020-election-jesse-wegman>.

⁴³ Clayton, 30

⁴⁴Clayton, 30

⁴⁵Clayton, 30

twenty third amendment was ratified. This amendment enabled D.C. citizens to participate in the election of Presidents by allocating three electoral votes. This resulted in the increase in the total number of electoral votes to the 538 that it still stands at today.

The Constitution does not specify how electors are nominated, but since 1800 they have been chosen by political parties, again distorting the attempts at the Constitutional convention to appoint independent delegates.⁴⁶ Delegates are intertwined with political parties, greatly altering the intentions of the founders. This is just one segment of the many problems with the Electoral College highlighted in academic literature. Now that the basic history of the system can be understood, it makes the shortfalls of the system particularly noticeable.

One of the most beneficial aspects of the Electoral College is that there is a clear winner, that is to say there is a candidate that receives a majority of the vote count. In an election determined by a simple popular vote, a candidate could theoretically win with a much lower percentage of votes depending on the number of people running. This has long been viewed as a reason for keeping the current system, because the certainty created by a victor obtaining a majority is viewed very positively. In *Securing Democracy: Why We Have an Electoral College*, edited by Gary Gregg, numerous authors argue that the Electoral College maintains federalism in the United States.⁴⁷ Further, that the current electoral system also gives smaller states a meaningful way to participate in the electoral process, decreases instances of voter fraud, and actually increases the status of minority voters⁴⁸. The 1976 election between Ford and Carter is often used as a demonstration of this idea because black voters in the south played a decisive role in winning Carter the presidency⁴⁹. For the beneficial aspects of the Electoral College, in many circles the problematic aspects far outweigh the positives.

Perhaps the most troubling aspect of the Electoral College (aside from its misalignment with the popular vote) is the colossal distortion it creates in vote values by state. The combination of the winner-takes-all system of allocation, and the three-elector guarantee of the Electoral College greatly distorts the values of votes⁵⁰. Part of the Electoral College structure is such that each state is guaranteed at least three electoral votes. The number of votes matches the size of a state's congressional delegation. Wyoming, for instance, has three Electoral College votes because it has only one member in the House of Representatives, and its two Senators. The problem this creates was something that media outlets began to report on with greater frequency during the highly contentious 2020 Presidential election.

⁴⁶ Clayton, 30

⁴⁷ Gregg Gary, L. "Securing Democracy: Why We Have an Electoral College." (2005).

⁴⁸ Gregg, 2005

⁴⁹ Clayton, 34

⁵⁰ Rathbone, Mark. "Reform of the electoral college." *Political Insight* 9, no. 4 (2018): 16-19.

Wyoming is a perfect state to illustrate the distortion of the Electoral College. Wyoming's population is about 575,000 people, and as mentioned, the state has three Electoral College votes.⁵¹ That means that roughly 191,700 voters equates to one Electoral College vote in Wyoming.⁵² Look west to California, and the picture is vastly different. California has roughly 39.7 million citizens, and has 55 electoral votes (though this will slightly change after the 2020 Census is made official). 39.7 million divided by 55 is roughly 722,000. What this means, simply stated, is that 1 electoral vote in California reflects the voting will of 722,000 people, while in Wyoming, one electoral vote reflects the voting will of only 191,700. This means a vote in Wyoming carries nearly 3.8 times the weight of a single vote in California (i.e. $722,000/191,700=3.766$).

Clearly the disproportionate value of votes created by the three-elector guarantee is an enormous problem for the United States, one that many consider unconstitutional.⁵³ The problem is also exacerbated by the winner-take-all dimension of the Electoral College. A strong argument could be made that the Electoral College, in its current form, violates the 14th amendment of the U.S. Constitution, specifically the equal protection clause. The winner-take-all provision had been largely unchallenged until the 21st century, which has very poignantly revealed the need for its reform. There are multiple think tanks and non-profit organizations trying to lobby for such changes. Harvard Law professor Lawrence Lessig believes much the same that the equal protection clause is violated by the Electoral College.⁵⁴ Lessig and his teams of lawyers have four federal cases underway that seek to take this issue to the supreme court.⁵⁵ Indeed there is precedent for such arguments regarding the 14th amendment. In the majority opinion issued on *Obergefell v. Hodges* (2015), Justice Anthony Kennedy wrote, "in interpreting the Equal Protection Clause, the Court has recognized that new insights and societal understandings can reveal unjustified inequality within our most fundamental institutions that once passed unnoticed and unchallenged."⁵⁶ Kennedy's discussion would indicate that a challenge to the Electoral College on the grounds of the equal protection clause could indeed be possible. This represents something of considerable significance in light of the fact that major Electoral College reform would not only be difficult, but in the current political climate it would be largely impossible.

The United States has become a political battlefield, and for many reasons, some new and others old, the political institutions that comprise American politics are increasingly being stacked in favor of the

⁵¹U.S. Census Bureau (2021). QuickFacts Wyoming. Retrieved from <https://www.census.gov/quickfacts/WY>

⁵² If we take $575,000/3$, it equals roughly 191,700

⁵³Orts, Eric W. "Senate Democracy: Our Lockean Paradox." *Am. UL Rev.* 68 (2018): 1981.

⁵⁴ Lessig, Lawrence. *Fidelity & Constraint: How the Supreme Court Has Read the American Constitution*. Oxford University Press, 2019.

⁵⁵ <https://equalcitizens.us/>

⁵⁶Hodges, Obergefell V. "Obergefell v. Hodges." *LGBTQ Americans in the U.S. Political System: An Encyclopedia of Activists, Voters, Candidates, and Officeholders [2 volumes]* (2019): 315.

Republican party. As Bronner and Rakich note, “Republicans currently hold half of the seats in that chamber even though they represent just 43 percent of the U.S. And it’s not just the Senate — the Electoral College, the House of Representatives and state legislatures are all tilted in favor of the GOP.”⁵⁷ As the white, Conservative demographic shrinks, Republican leadership has increasingly sought to use their advantage to gain additional advantages by enacting voter restrictions, and undermining the results and faith of the electoral system. It is very dangerous that a party could assert massive amounts of power and effectively govern without an actual majority. The Republican party has relied on a small base of voters and is now restricting people’s ability to vote to win elections. Both of these measures actively pervert American democracy. The penultimate problem of the Electoral College in this regard is that there will never be an appetite for reform so long as the group benefiting from it continues to do so.

The bias of the Electoral College towards certain candidates has become clear in the 21st century. Aforementioned was the advantage maintained by Republican candidates, but equally important to note is that Democratic candidates have held similar advantages in the Electoral College at various times, such as the period from 2004-2012.⁵⁸ However, the rhetoric of Republicans after the 2020 election suggesting that it was “stolen” only continues to erode the legitimacy of winning candidates. This issue speaks to the larger problem involved in the winner-take-all format; battleground states. Joe Biden won Wisconsin in November, 2020 by less than 1%, but yet he received all 10 of Wisconsin’s electoral votes. Statistics like this are visible in nearly every recent Presidential election. When elections are decided by a handful of states, it has implications for the entire country at large. Chief among those implications is the policy implications of Presidential candidates placing the most priority on states like Michigan and Pennsylvania. Presidents, like their Congressional colleagues, consistently pursue policies that disproportionately benefit Americans in constituencies likely to be most important in the next election.⁵⁹ Of course, this phenomenon is easily observable on the campaign trail, but taking a closer look at policy decisions reveals this trend to be true. Kriner and Reeves’ piece “The Electoral College and presidential particularism,” demonstrates the considerable magnitude through which presidents consistently fail at their duty to enact national policy, and instead enact policies that will benefit them in the next election cycle. Two remarkably telling examples appear with President George W. Bush, and President Barack Obama.⁶⁰

⁵⁷Bronner, Laura. “Advantage, GOP.” *FiveThirtyEight*. FiveThirtyEight, April 29, 2021. <https://fivethirtyeight.com/features/advantage-gop/>.

⁵⁸ Bronner, 2021

⁵⁹Kriner, Douglas, and Andrew Reeves. “The Electoral College and Presidential Particularism.” *BUL Rev.* 94 (2014): 741.

⁶⁰Goux, Darshan J., and David A. Hopkins. “The empirical implications of electoral college reform.” *American Politics Research* 36, no. 6 (2008): 857-879.

The 2000 election was highly contentious for multiple reasons, but one of the critical turning points for Bush came in West Virginia. Prior to 2000, West Virginia had supported democratic candidates in 5 of the 6 prior presidential elections.⁶¹ In 1998 and 1999, President Clinton had killed a package of bills that would have given the steel industry about \$300 million in tax breaks and antidumping measures to help alleviate the struggle the industry was experiencing. Bush of course made campaign promises that he indeed would be different from Clinton. Bush proved to be quite different indeed. In 2001 the U.S.ITC “concluded unanimously that the steel industry was the victim of unfair trade practices.”⁶² In March of 2002, President Bush unilaterally imposed a range of tariffs on imported steel products.⁶³ In almost every case Bush's tariffs exceeded the recommendations of the U.S.ITC. Further, Bush went against nearly every one of his top advisors on the matter, nearly all of which presented very significant disadvantages of such measures, whether it be on the economic grounds of tariffs making U.S. steel less competitive in the global market, or as Colin Powell noted, the move would ultimately alienate allies in the War on Terror in Europe.⁶⁴ The benefits of this move for Bush were shortly made clear. The tariffs were ultimately deemed illegal by the WTO in 2003, but not before the midterm elections had occurred and the tariffs had benefited Republican candidates in the states affected.

President Obama's re-election campaign offers a similar example to that of Bush. Despite constantly criticizing his colleagues in the legislature for earmarking funds to their districts, Obama did much the same in what he knew would be a hotly contested state in the upcoming election.⁶⁵ Obama's strategy team quickly discovered that if they won Ohio, the election would be virtually guaranteed to go in the incumbent's favor. The answer to getting Ohioans to go blue was the automotive industry. Despite only 44% of Americans supporting the move to bail out the auto industry, a move many economists strongly questioned, it did not matter how the country as a whole felt, it mattered how swing states like Ohio felt. To no one's surprise, the President saving hundreds of thousands of jobs meant his support in Ohio grew, and just over 60% of Ohioans supported the measure.⁶⁶ More importantly, 75% of those who supported the bailout ultimately voted to re-elect President Obama and become a crucial part of securing his victory and defeating Mitt Romney. The auto bailout was not the only thing Obama used to draw in Ohio voters either. In 2012 he made several trips to Ohio to claim the success of numerous federal grant programs that created many new jobs in Ohio⁶⁷. Other small business programs were also used by the Obama administration in Ohio in particular to make sure the state would vote for him.

⁶¹ Kriner and Reeves, 755

⁶² Kriner and Reeves, 757

⁶³ Kriner and Reeves, 756

⁶⁴ Kriner and Reeves, 757-759

⁶⁵ Kriner and Reeves, 763

⁶⁶ Kriner and Reeves, 754

⁶⁷ Kriner and Reeves, 754

These examples offer clear evidence of Presidents appealing to particular subsets of the country that would ultimately help them win elections. Certainly these policy decisions were made with multiple goals in mind, however; it cannot be denied that such measures were undertaken with the goal of political benefit in mind, rather than the will of the country. The Electoral College and its winner-take-all system means that even the policy decisions of the executive branch, the branch that is supposed to govern the whole of the country, is persuaded to take actions that will ultimately help them or their party in the following elections, offering yet another demonstration of the need for Electoral College reform.

The United States Presidential electoral system also encourages candidates to concentrate their resources discriminately in the selection of states deemed winnable by their respective party, and the handful of battleground states that often determine the outcome of such elections.⁶⁸ Hopkins and Goux offer a particularly glaring example of this paradigm in the 2004 election between incumbent President George W. Bush and John Kerry. In August of 2004, both Kerry and Bush delivered campaign addresses less than a half mile apart from one another in Davenport, Iowa.⁶⁹ One of the well demonstrated facts that results from this discriminatory behavior is that the Electoral College does not reflect the will of the voters. Al Gore would have been President in 2000 had he won 1000 more votes in Florida. Meanwhile, Gore could have won an additional one million votes in Texas and it would have made no difference.⁷⁰ Perhaps the most concerning aspect of the Electoral College, is its near impossibly difficult reform. One need not be an expert on the subject to know Constitutional reform in terms of abolishment is wholly out of the question. The reality of the two-party system means that so long as a party benefits from a system, they will make every effort to expand and prolong that benefit for their political gain.

One must always recognize these realities of present U.S. politics when considering any sort of reform. It is all but a bona fide fact that the Electoral College will never be abolished through Constitutional Reform. Though it is true numerous polls in the last several years have demonstrated popular support for its elimination (polls from 2018-2020 show between 60 and 70% of Americans support its abolishment at any given time⁷¹), the United States does not govern based on popular support of issues.

⁶⁸Goux, 2008

⁶⁹Goux, 2008

⁷⁰Jorgenson, Andrew, and Martin Saavedra. "The Electoral College, battleground states, and rule-utilitarian voting." *Social Choice and Welfare* 51, no. 4 (2018): 577-593.

⁷¹Parks, Miles. "Abolishing the Electoral College Would Be More Complicated than It May Seem." NPR. NPR, March 22, 2019.

<https://www.npr.org/2019/03/22/705627996/abolishing-the-electoral-college-would-be-more-complicated-than-it-may-seem>.

Even with the numerous challenges noted, some entities are crafting unique ways forward to move past the outdated system of the Electoral College. Lack of political motivation means states may have to be bold in taking action against the system. With the increasing powers of states in the shifting dynamics of federalism, one measure that has begun to grow in its consideration is the National Popular Vote Interstate Compact, or NPVIC. As of May 2021, fifteen states and Washington D.C. have adopted legislation to join the initiative that would award the electoral votes of member states to the candidate that receives the most nationwide votes (i.e. the winner of the popular vote). Together these fifteen states amass 195 Electoral College votes, and the number continues to grow. However optimistic this may seem, to actually enable its success it would have to be enacted by some Republican controlled state legislatures, and survive the inevitable court challenges it would face (and likely even a supreme court case).⁷² Those are some monumental challenges considering the benefits Conservative candidates draw from the Electoral College and the current political swing of the Supreme Court. This reality demonstrates the need for another realistic path to electoral reform in the likelihood that the NPVIC fails, though as mentioned, it is certainly a worthwhile endeavor for states to pursue.

Ultimately, the only way a solution to the shortcomings of the Electoral College will come to fruition is if both parties stand to benefit. The challenge of course is how that necessity is possible. Indeed, there is an answer that would benefit both parties. It is a solution that has actually been offered for quite some time, but until recent elections the Electoral College has never been as contentious as it is today. For Conservatives to be satisfied, an element of the small state advantage must remain. For Liberals to be satisfied, the winner-take-all system must end. How can this be achieved? A constitutional amendment. The interesting part of this strategy is not only that it would satisfy both political parties, but it would not require the abolishment of anything because the constitution does not specify how states determine electoral votes. It has been common practice for states to use the winner-take-all system with the exception of Maine and Nebraska (which use a proportional system based on congressional districts). An amendment would provide greater specificity on how states must run their electoral system. The best option would be a proportional system in which electors are eliminated altogether, and instead the number of electoral votes is determined by fractional percentages of the vote percentages a candidate may receive. An ideal way for this to be done would be a split between a given state's top two vote getters. For example, say Joe Biden wins 52% of votes in the state of Michigan. Now say Donald Trump wins 47%. The Electoral division would then be 8.5 for Joe Biden, and 7.5 for Donald Trump. The addition of fractional points in each state means that votes are truly

⁷² Virgin, Sheahan G. "Competing loyalties in electoral reform: An analysis of the U.S. electoral college." *Electoral Studies* 49 (2017): 38-48.

available in every state for candidates, and would therefore incentivize them to campaign nationally.⁷³ One of the other inherent advantages of this system is that states are not potentially violating the constitution, as in the NPVIC. The Supreme Court would likely not challenge an amendment designed to enhance equality amongst voters.

A mind to the realistic will point out that less than 1% of proposed Constitutional amendments have ever been enacted. Because of that fact, a truly viable alternative that would improve the disparities of the Electoral College without the hurdle of creating an amendment does exist. In short, it would involve the expansion of Congress and the creation of considerably more electoral districts that would mitigate much of the aforementioned misrepresentation as in the case of California and Wyoming. Such a proposal will be discussed at length in the following sections.

Strict constitutionalists typically dispel attempts to alter the status quo from 1787. Yet, enshrined in the preamble of the Constitution is the phrase, “We the People of the United States, in Order to form a more perfect Union.” Even at the time of writing the founders had the wisdom to recognize that no document will succeed in creating a perfect union itself. Instead, it is the responsibility of its people, “we the people,” to pursue a more perfect union through change by way of the democratic process. It is quite certain the founders could have never imagined the impact one document would have on the future of a nation, and the world. But, what is indeed certain is that the founders recognized that change would be necessary in the future, which is why they created a process by which it could be done.

Constitutions are static arrangements subject to the change of circumstances. It is unlikely that the Constitution written in 1787 was somehow crafted by men who foresaw the entire future of a nation. It is true that that same group of flawed men crafted one of the most impactful documents in contemporary history, and one that would guide a nation onto immense success. Still, one must logically realize that a group of men in 1787, no matter their forward thinking nature, could craft a document incapable of needing revision. The U.S. Constitution was an incredible achievement in 1787, and still remains an excellent example for democracies around the world. But, if the United States truly wants to exist as a nation built on equality and bring itself up to PAR, reform of the Electoral College is one of the most necessary steps in achieving such a goal and in building stronger institutions in which every vote is equally weighed.

⁷³“Presidential Elections: The Top-Two Proportional Solution.” Election Reformers Network, December 2020. <https://electionreformers.org/the-proportional-allocation-solution/>.

Voting and Electoral Reform

Many contend that the most fundamental aspect of a democracy is that free and open elections are held in which someone is going to lose. Scholars like Adam Jaworski offer this to be the very definition of democracy, a system in which political parties lose elections.⁷⁴ With the exception of 1860, the United States electoral system has worked adequately thanks to peaceful transitions of power and respect for the results. When this is lost, so too is liberal democracy.

History will surely question the current attempts by politicians to restrict one of the most fundamental rights of living in the United States in the right to vote. According to the Brennan Center, as of May 2021, legislators have introduced 389 bills with restrictive voting provisions in 48 states.⁷⁵ The problems associated with voting in the United States existed long before this current attempt to make it more difficult. The outdated voting and voter registration systems of the U.S. have continued to create unnecessary hurdles that no citizen should face.

The most substantial problem of voting in the U.S. is the voting system itself. In the United States, the prevailing method of voting is a plurality system with winner-take-all, single winner districts. Sometimes known as first-past-the-post voting, voters choose one candidate to vote for on a ballot, and the candidate with the most votes wins. The problem with this is it undermines a fundamental tenet of liberal democracy, popular sovereignty and governing by the consent of the majority. Commonly, the argument against this claim is that the United States is not a representative democracy, rather; it is a republic. Though in principle this is correct, as the U.S. governs under the constitution, the arguments often presented for this view do not hold up. Proponents of this view will often suggest that representational government in which the beliefs of the smallest minorities are protected as much as the beliefs of the largest majorities are what protects and creates freedom.⁷⁶ This argument of America being a republic, not a democracy is both inherently wrong and dangerous. The results of such beliefs are viewable in contemporary times. Enabling and sustaining rule by a minority is not a feature of the

⁷⁴ Lindsay, James. M. (Senior Vice President). (2022, January 4th). *Democratic Crises in U.S. History* [Audio podcast]. Retrieved from <https://www.cfr.org/podcasts/presidents-inbox>

⁷⁵ Fowler, Gareth, Patrick Berry, Ian Vandewalker, Andrew Cohen, Michael Waldman, Jeremy Travis, Caroline Fredrickson, Mary Pat Dwyer, and Theodore R. Johnson. "State Voting Bills Tracker 2021." Brennan Center for Justice. Brennan Center, May 28, 2021. <https://www.brennancenter.org/our-work/research-reports/state-voting-bills-tracker-2021>.

⁷⁶ Kroeger, Gary. "In a Republic, the Majority Doesn't Rule." Waterloo Cedar Falls Courier. Waterloo Cedar Falls Courier, March 9, 2014.

https://wfcourier.com/news/opinion/columnists/in-a-republic-the-majority-doesnt-rule/article_2cce4f4f-548b-58b6-a916-94c78cc42f86.html.

U.S. constitution, it is a distortion of it.⁷⁷ Yet, this is precisely what is observable in the United States today even though the fundamental underlying principle of republics, as expressed by the founders, was popular rule. This is not to suggest that the rights and views of minority groups should not be protected, on the contrary, they have to be. The distinction in this instance though is the sustained minority rule evident in the United States is a product of ethno-religious issues dating back to the inception of the United States. White Anglo Saxon Protestants remain in control of American cultural and political institutions and are fundamentally threatened by the emergence of racial, ethnic, and religious minorities weakening their grip on these institutions. One of the primary ways in which this rule has been sustained is a voting system that disproportionately benefits white voters who will soon represent a minority voting block in the United States. The United States is a republic and does need to protect the rights and views of minorities, but that does not mean protecting minority rule.

The founders, specifically Madison and Hamilton, expressed many of the distinctions between an ideal American republic and a direct democracy. In the Federalist No. 14, Madison writes, “It is, that in a democracy, the people meet and exercise the government in person; in a republic, they assemble and administer it by their representatives and agents. A democracy, consequently, will be confined to a small spot. A republic may be extended over a large region.”⁷⁸ The difference here, as argued by Madison, is simply that republics are governed by representation, and democracies by the people themselves. However, the founders drew their knowledge of democracy and republicanism from the ancient world, which offered examples of overbearing majority populations dominating minority groups. Madison also noted that democracies were very susceptible to “Men of factious tempers, of local prejudices, or of sinister designs, may, by intrigue, by corruption, or by other means, first obtain the suffrages, and then betray the interests, of the people.”⁷⁹ Further, in the Federalist No. 10 and No. 51, Madison contends that in sizable and diverse populations, radical views like those of populists will likely dissipate because no single group can easily command power.⁸⁰ Madison further explains that such immoderate views from minority groups would be defeated by what he referred to as the “republican principle,” or the rule of the majority.⁸¹

This is to reiterate that neither the Constitution, nor the founders justify minority rule in the republic. There is no doubt the Electoral College has played an enormous role in this, but so too has the voting system itself. It is of considerable importance to recall the sobering history of voting in the United

⁷⁷Thomas, George. “‘America Is a Republic, Not a Democracy’ Is a Dangerous-and Wrong-Argument.” *The Atlantic*. Atlantic Media Company, November 2, 2020.

<https://www.theatlantic.com/ideas/archive/2020/11/yes-constitution-democracy/616949/>.

⁷⁸ Thomas, 2020

⁷⁹ Thomas, 2020

⁸⁰Thomas, 2020

⁸¹Madison, James. “The federalist no. 10.” *November* 22, no. 1787 (1787): 1787-88.

States. In the eyes of the often deified founders, only white men that owned land were deemed capable to vote. People of color, women, and everyone else were barred from voting and therefore barred from true democratic citizenship. The United States voting system, in its current form, has not sufficiently addressed these legacies that remain present in new ways.

This term, “incomplete or unjust citizenship,” refers to the data demonstrating the disproportionate inequality the voting system has on women and minorities. This inequality was put on national display in the 2020 Presidential election in places like Georgia, where nonwhite areas have been stripped of polling locations forcing some to wait five, six, seven, or more hours to cast their votes. In Georgia, half of the state’s voting population lives in just nine counties around Atlanta. Yet, only 38% of the state’s polling locations are in these counties.⁸² Research in Florida indicates that in elections in 2012, 2014, and 2016, minority voters had the longest lines at polling locations, therefore costing them more in opportunity costs.⁸³ In addition, several studies have found that those who wait in longer lines to cast votes are less likely to participate in the following elections.⁸⁴ Furthermore, every hour a voter waits in line to cast their vote, the probability they vote in the next election decreases by 1% each hour.⁸⁵

These facts are the result of a “Doom-loop” currently operating in the U.S. voting system.⁸⁶ This loop consists of four interconnected components. Recently the trend has been for candidates that represent white, conservative bases to begin electoral cycles by taking steps to make it easier for them to win again by gerrymandering districts and suppressing voters’ ability to vote, and specifically the voters ideologically against them. Once in control of institutions such as the White House and Senate, elected officials can enhance their power so much that it is beyond the reach of voters.⁸⁷ If they are eventually voted out of office, the mechanisms they have put in place allow them to retain a veto over the agenda of the majority. This ability is then used to block change and further feed the case that the government is “broken.” In turn, this allows such candidates to regain power that is then easier for them to retain because of their efforts to suppress voters ideologically against them and the mechanisms created to build power.⁸⁸ It also allows for the expression of deeply nativist, populist, and nationalist ideology to gain heavy momentum as a means of “draining the swamp” as former President Donald Trump

⁸²Fowler, 2021

⁸³Cottrell, Herron, M. C., & Smith, D. A. (2021). Voting Lines, Equal Treatment, and Early Voting Check-In Times in Florida. *State Politics & Policy Quarterly*, 21(2), 109–138. <https://doi.org/10.1177/1532440020943884>

⁸⁴ Cottrell and Smith, 2021

⁸⁵Pettigrew, Stephen. “The downstream consequences of long waits: How lines at the precinct depress future turnout.” *Electoral studies* 71 (2021): 102188.

⁸⁶Jentleson, Adam. “How to Stop the Minority-Rule Doom Loop.” *The Atlantic*. Atlantic Media Company, April 12, 2021. <https://www.theatlantic.com/ideas/archive/2021/04/how-stop-minority-rule-doom-loop/618536/>.

⁸⁷ Jentleson, 2021

⁸⁸ Jentleson, 2021

declared many times on the campaign trail in 2015. Such ideology creates a deep distrust of government and important political institutions, like the voting and electoral system, which has only been furthered by indisputably false claims to election fraud in 2020. Distrust of these institutions leads to an erosion of the “system of mutual security” to which democracy depends on as described by the late Robert Dahl.⁸⁹ All sides in a democratic contest have to have confidence that everyone will follow the rules of the game and respect the outcome. Ultimately the political battles have to be measured with a level of mutual respect, trust, and restraint.⁹⁰ Dahl’s system of mutual security has certainly eroded, as both parties continue to make attempts at rewriting the rules of the game in ways that would seek to benefit them.

Though recently the spotlight has been of conservatively aligned republicans for taking such measures, democrats are by no means immune from this issue. Still, the two parties are heading in divergent directions over this issue. Republicans have come to the recognition that their retention of power rests on the maintenance of the status quo and therefore making it more difficult for people to vote. In a global context the U.S. is very much a right leaning, center right country. But, as younger generations continue to ascend, trends suggest that the U.S. will begin shifting slightly left on the global political spectrum to return to its more centrally aligned position.⁹¹ That is not to say the United States will be a left leaning country (by any means), but Millennials and Gen Z demographic groups have more left leaning views than their predecessors. Even conservatively minded Millennials and Gen Z people share many different beliefs than their conservative parents and grandparents. For instance, roughly 20% of Gen X and Boomers agree that black people are treated less fairly. Among Gen Z conservatives, that number is 43%.⁹² Statistics like these are startling to some Republicans insistent on retaining the current electoral and voting system so that they retain vast amounts of power though they represent fewer constituents than their democratic colleagues in many instances. Even still, the problem of voter suppression is not limited to Republican efforts (though Republicans are attempting to worsen the problem).

Across the Northeast, the most notorious liberal stronghold, numerous laws attempt to make voting more challenging and maintain the status quo. In fact, Rhode Island has a law very similar to those that democrats are hailing as racist and discriminatory in southern states in which voters are required to present ID, and if a voter casts an absentee ballot they require the signatures of two witnesses. Additionally, data from the Center for Election Innovation and Research reveals that Delaware,

⁸⁹Diamond, Larry. “January 6 and the Paradoxes of America’s Democracy Agenda.” *Foreign Affairs*, January 6, 2022. <https://www.foreignaffairs.com/articles/united-states/2022-01-06/january-6-and-paradoxes-americas-democracy-agenda>.

⁹⁰ Diamond, 2022

⁹¹Chinoy, Sahil. “What happened to America’s political center of gravity?.” *New York Times* 26 (2019): 19.

⁹² Chinoy, 2019

Connecticut, and New York rank in the bottom third of states in their access to early and mail-in balloting.⁹³ It seems unsurprising that democrats are strongly challenging the potential for such laws to exist in places they struggle to achieve victories in. However, the major difference in this dichotomy is that republicans are attempting to restrict voting, whereas democrats, even in the northeast, are introducing bills to expand voting access.

Unfortunately, voting access and the current attempts of restriction are just one of the problems that need to be addressed in order to bring the American voting system up to truly liberal democratic standards. Another pertinent area is voting infrastructure itself. Everything ranging from methods of registration, to technological voting infrastructure needs to be addressed in order to strengthen domestic institutions.

One of the principal obstacles to voting in the United States is registration. An important goal of every strong democracy is to make voter turnout as high as possible. It is then the obligation of such democracies to make voting easy within secure means. 19 states and the District of Columbia have significantly diminished this problem by instituting Automatic Voter Registration, or AVR.⁹⁴ However, most of the remaining states have archaic registration methods and systems that present one more unnecessary obstacle for people to fulfill their fundamental right to vote. One of the other factors that affects voter registration is the deadlines to do so. In one of the most restrictive states like Texas, voters must register in person at least 30 days before an election.⁹⁵ Texas also has reduced the number of polling stations in some parts of the state by more than 50 percent and maintains the most restrictive pre-registration law in the country.⁹⁶

What makes issues with voter registration unique is that not only are realistic solutions possible, but action can be taken incredibly quickly to potentially transform voting access. Dr. Scot Schraufnagel of Northern Illinois University, in conjunction with researchers from Jacksonville University and Quan Li of Wuhan University in China, created a Cost of Voting index to demonstrate the ease (or difficulty) of voting in each state. Both stages of the voting process, the registration and casting of ballots, are included into a single index ranking. Examining the states of Michigan and Virginia offers a tremendous example of the rapid pace through which changes can be implemented. In 2016, Virginia and Michigan ranked 49th and 46th respectively on the ease of voting nationwide. In 2020, Virginia

⁹³Berman, Russell. "The Blue States That Make It Hardest to Vote." *The Atlantic*. Atlantic Media Company, April 15, 2021. <https://www.theatlantic.com/politics/archive/2021/04/democrats-voting-rights-contradiction/618599/>.

⁹⁴"Automatic Voter Registration, a Summary." Brennan Center for Justice. Brennan Center, June 2021. <https://www.brennancenter.org/our-work/research-reports/automatic-voter-registration-summary>.

⁹⁵Schraufnagel, Scot. "How Hard Is It to Vote in Your State? ." <https://newsroom.niu.edu/>. Northern Illinois University, October 13, 2020. <https://newsroom.niu.edu/how-hard-is-it-to-vote-in-your-state/>.

⁹⁶Schraufnagel, 2020

ranked 12th, and Michigan 13th.⁹⁷ In Virginia, the state legislature approved an automatic voter registration law, got rid of the in-person registration deadline, and made Election Day a state holiday.⁹⁸ All of these changes greatly contributed to the state's higher voter turnout in 2020, surpassing that of 2016 by nearly 10%.⁹⁹ In Michigan, voters approved eight changes to the state constitution making it easier to both register to vote and cast a ballot. One of the uniqueness of the system in Michigan allows voters to vote without any form of ID so long as they sign an affidavit of identity confirming it is them. What this demonstrates is that voting reforms are neither difficult nor time consuming to implement.

The necessary reforms boil down to a few main areas. In regards to voter registration, there must be no registration deadline, meaning voters can register even on election day. Voter-regulation restrictions need to be as minimal as possible, meaning online voter registration should exist, election day registration at poll locations is available, and there are no restrictions on voters who have committed felonies or are cognitively impaired. In regards to voting itself, there is broad agreement among Americans that IDs should be required to cast a vote.¹⁰⁰ As in Michigan, a fair system would allow voters to present a form of ID, or sign an affidavit of identity legally confirming that they are who they say they are. This will allow for everyone to vote and not make it such that those with harder times acquiring IDs (most often minorities and the elderly) cannot vote. Like voter registration databases, affidavits could be done electronically (including the signature) so that it can easily be ensured that people are not attempting to cast more than one vote. For various reasons, such as ones observable in 2020, early voting needs to be expanded and allowed at designated locations before election day as well. Finally, mail-in-voting should be an option for every voter without loopholes such as witness signatures. It is true that mail in voting boxes that are in unobservable areas may be unsafe, so ballot boxes should be placed outside buildings like firehouses, police stations, city and jurisdiction government buildings, and other buildings in which ballot boxes could be kept safe and under constant surveillance.

Though these policies would make enormous headway in fixing the American voting system, further reform is necessary. Ultimately, federal action must be taken in regards to voting laws to prevent states from efforts to restrict voters. Article VI, paragraph 2 of the Constitution establishes, "This Constitution, and the laws of the United States which shall be made in pursuance thereof; and all

⁹⁷ Schraufnagel, 2020

⁹⁸ Schraufnagel, 2020

⁹⁹ "Registration/Turnout Reports - Virginia Department of Elections." Registration/Turnout Reports. Commonwealth of Virginia, 2020. <https://www.elections.virginia.gov/resultsreports/registrationturnout-statistics/>.

¹⁰⁰ Montanaro, Domenico. "Poll: More Americans Are Concerned about Voting Access than Fraud Prevention." NPR. NPR, July 2, 2021.

<https://www.npr.org/2021/07/02/1012302107/poll-more-americans-are-concerned-about-voting-access-than-fraud-prevention>.

treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land.”¹⁰¹ The Supremacy Clause, as it is commonly referred, asserts that federal law supersedes state law, including state constitutions. Federal voting action would therefore eliminate the structural problems associated with the current system in which voting laws vary drastically among states. One of the preeminent flaws of the United States is that it has fallen prey to Galileo’s paradigm regarding systems theory. Galileo suggested that when more and more layers are added to a system intended to avert disaster, those layers of complexity may eventually be what causes the disaster to occur. Given the incredible amount of controversy (albeit much of it fabricated) around the 2020 Presidential election, the need for simplifying reforms has been made clear. Having a background in elections administration combined with research into academic proposals suggests that the major shortcomings of the American voting and electoral system lies in the era of decentralization of federal power to the states and subsequently to local governments. In Oakland County, Michigan, there are 51 jurisdictions. Each of these 51 jurisdictions has a different method and process of counting votes on election day and the processes they use in the build up. If the United States is to avert disaster prophesied by Galileo, greater uniformity in the voting system is a strong starting point.

As mentioned, the registration and voting process is not the only area in which reform is necessary. The voting infrastructure also requires policy action as well. Proper voting infrastructure is crucial to ensure that elections are secure. This has become all the more important in light of recent efforts of American adversaries in Moscow, Tehran, Beijing, and elsewhere to meddle in the democratic process. The weaknesses of American voting infrastructure was exposed in the 2016 elections. In June 2017 the public was informed that Russian hackers infiltrated registration systems for 39 states and the District of Columbia.¹⁰² What 2016 revealed was something long known by elections officials; U.S. elections infrastructure is in a highly precarious state. Not only does this lead to vulnerabilities to foreign nations, but it also leads to longer lines, lost votes, and declining electoral integrity.¹⁰³

Despite the fact that there are an almost infinite number of variations in the specific rules and procedures followed by different levels of government that manage elections, there is largely consensus in professional and academic circles on how states and local governments should secure their elections. First and foremost, elections experts assert that switching to paper ballots or electronic machines that produce a paper trail is of paramount importance. This step creates a physical record and trail of every vote and does not rely on electronic machines connected to the internet to store vote counts that could

¹⁰¹Constitution, U. S. "article IV." (1787).

¹⁰² Rumer, Eugene B. "Russian active measures and influence campaigns." *Testimony to the U.S. Senate Select Committee on Intelligence* (2017).

¹⁰³Cortés, Edgardo, Gowri Ramachandran, Liz Howard, and Lawrence Norden. "Preparing for Cyberattacks and Technical Failures." (2019).

potentially be hacked. The problem in this regard is that in the 2016 election, 42 states used DREs or Direct Recording Electronic Voting Machines. Researches at a DEFCON conference in 2017 showed just how easy it is to infiltrate these machines. Demonstrations at the conference successfully hacked five different machines.¹⁰⁴ These machines represented about 1 in 5 votes cast in the 2016 election, so their vulnerability is of increasing concern. In the 2020 election, which experts hailed as the most secure in history, 8 states still used these systems despite numerous warnings from experts about their vulnerabilities.¹⁰⁵ At present, voting machines and infrastructure is not advanced enough to surpass the safety of paper ballot systems. However, research does suggest that voters actually feel more certain that their votes were counted if they vote electronically using paperless systems.¹⁰⁶ Experts say this is partly attributable to the lack of trust in the federal mail system created in large part by a disinformation campaign by Donald Trump in an effort to contest the results of the 2020 election on the grounds that mail votes were fraudulent. This would indicate there is a considerable need for federal funding into the development of more hack-proof electronic voting machines that leave a paper trail and can easily be audited. When considering the security of elections, the feelings of the voters must absolutely be considered, and as mentioned, a growing body of research demonstrates that voters feel their vote is more secure and accurately processed when using electronic systems. At present, the disparities in systems being used presents a major problem for the safety and security of elections. The United States must mandate paper ballot systems (or e-ballots with a paper trail) for all federal elections to create uniformity in structure. Concurrently though, the U.S. must fund research and development of improved electronic voting systems to eventually shift to a universal voting system using electronic systems with a paper trail that can be audited easily. This is the first step towards voting system reform.

The next major area of consensus is in regards to voter registration systems. The Senate intelligence committee revealed in 2019 that election systems in all 50 states were targeted in the 2016 election, and one of the main targets for Russian hackers were previously discussed voter registration systems.¹⁰⁷ Hacking such systems is highly problematic because large amounts of personal information can be stolen. Voter profiles can be altered so that voters could be turned away on election day on account of a change in spelling of their name that could be altered by a hacker. Hackers simply switching a few

¹⁰⁴Committee on Oversight and Government Reform. Document, Cybersecurity of voting machines: Joint Hearing before the Subcommittee on Information Technology and the Subcommittee on Intergovernmental Affairs of the Committee on Oversight and Government Reform, House of Representatives, one hundred fifteenth congress, First Session, November 29, 2017 §. 115-64 (2017).

¹⁰⁵ Committee on Oversight and Government Reform, 2017

¹⁰⁶Herrnson, Paul S., Richard G. Niemi, Michael J. Hanmer, Peter L. Francia, Benjamin B. Bederson, Frederick G. Conrad, and Michael W. Traugott. "Voters' evaluations of electronic voting systems: Results from a usability field study." *American Politics Research* 36, no. 4 (2008): 580-611.

¹⁰⁷Sanger, David E., and Catie Edmondson. "Russia targeted election systems in all 50 states, report finds." *New York Times* (2019).

letters in a name is enough for voters to be turned away at the polling places.¹⁰⁸ Several states still use electronic voter registration systems that are over a decade old and are highly susceptible to potential cyber attacks. Though an increased federal presence in the forms of legislation and funding is necessary, states too need to exert more responsibility in elections. Though federal legislation could institute basic universal standards, states must also take steps to secure and update registration systems. One of the first steps to improving voter registration is to make it automatic (as earlier discussed) and not overwhelm elections officials right before every election with thousands of registration forms to input. In addition, there are several basic security measures states must put in place regarding registration systems. Such measures, including cyber security training for all elections employees, regular vulnerability analyses on registration systems, authorized access to systems, and numerous others, have been outlined by numerous think tanks and policy firms like the Center for American Progress.¹⁰⁹

Despite the fact that voter trust actually increases on electronic voting machines, as mentioned above, because of the fragility of American election infrastructure, it is necessary to use paper ballot systems or systems leaving a paper trail (as discussed). Vast infrastructure changes would take time to fully institute across the country, which makes testing and certification of voting systems and equipment critically important. Federal legislation would be the most prudent option to ensure minimum security standards are followed for testing and certification of election equipment. Because it would surely take several years to get every voting jurisdiction up to par with the best equipment available, one of the best measures to institute in the meantime is mandatory post-election audits. Mandatory post-election audits in the form of risk-limiting audits should be federally mandated to better guard against the insecurity created by having so much outdated election infrastructure that will take time and considerable money to replace. Risk limiting audits are the most efficient way to conduct audits and are also regarded as the best.¹¹⁰ This method of auditing includes an initial sample of ballots based on the particular margin of victory that are then counted by hand. It is possible for the audit to expand depending on the results on the initial hand count. According to the Center for American Progress and the Heritage Foundation, risk-limiting audits are the only type of audit that can truly determine whether or not elections have been manipulated with a very high degree of accuracy.¹¹¹ The fact that they are the most efficient version of an election audit is a significant bonus.

An additional aspect of elections rife for reform is the process of counting absentee ballots. This is again an area in which uniformity in the law is needed to a dire extent. One of the reasons that many

¹⁰⁸Root, Danielle, Michael Sozan, Liz Kenney, and Jerry Parshall. "Election Security in All 50 States." Center for American Progress, October 5, 2016. <https://www.americanprogress.org/article/election-security-50-states/>.

¹⁰⁹Root et al., 2016

¹¹⁰Root et al., 2016

¹¹¹Root et al., 2016

states do not allow such votes to be counted until the day of the election. Meanwhile, other states like Alabama do not allow them to be counted until after polls close on election day.¹¹² On top of the millions of votes being counted already on election day, absentee ballots are another significant chunk that must be counted for those that cannot count them until election day. Though Kansas is a state with some tumultuous election laws, their system for absentee ballots is admired in many circles of voting best practices. In Kansas, ballots can be counted and scanned prior to election day, but should not be tabulated or reported until election day. Allowing local clerks, who are in most cases vastly under trained and inexperienced, the opportunity to count absentee ballots and early votes before election day would eliminate significant room for error that exists in many states as a result of their election laws. The ease principle in CARE reforms is also aimed at ease for the public servants devoted to fair and timely elections. Reform of this nature would allow for such ease.

Experience in the Oakland County Elections Division, and considerable academic research suggest that elections need to be run and operated at the county level. Local government clerks at the township and municipality level are simply unable to properly handle the processes associated with holding elections because of lack of training and often lack of capacity. Election workers and clerks are under trained in most instances, and literature supports the reality that elections workers are underprepared, aging, and becoming much scarcer.¹¹³ In 2013 then President Barack Obama ordered a review of elections procedures in light of an election in 2012 that was rife with long lines at polling locations across the country.¹¹⁴ Among other things, the report found that one of the principal weaknesses of the electoral system is “the absence of a dependable, well-trained corps of poll workers.”¹¹⁵ Demos, a think tank fighting for a democracy built on more racial and economic equality, commissioned a report in 2014 to find out why there was such a significant training gap. The report found that three factors greatly contribute to the problems found in the review commissioned by President Obama. Demos concluded that lack of uniform training before Election Day, disparate wages, and little recruitment among public employees and high school and college students are the primary causes of the problem.¹¹⁶

¹¹²Kennedy, Lesley, and Taylor Dybdahl. “Table 16: When Absentee/Mail Ballot Processing and Counting Can Begin.”

Table 16: When absentee/mail ballot processing and counting can begin. NCSL, 2022.

<https://www.ncsl.org/research/elections-and-campaigns/vopp-table-16-when-absentee-mail-ballot-processing-and-counting-can-begin.aspx>.

¹¹³Vasilogambros, Matt. “Few People Want to Be Poll Workers, and That’s a Problem.” The Pew Charitable Trusts. Pew Charitable Trust, October 22, 2018.

<https://www.pewtrusts.org/research-and-analysis/blogs/stateline/2018/10/22/few-people-want-to-be-poll-workers-and-thats-a-problem>.

¹¹⁴ Vasilogambros, 2018

¹¹⁵ Vasilogambros, 2018

¹¹⁶ Vasilogambros, 2018

Common sense solutions to this problem are gaining headway in many states. Firstly, one of the problems faced by many states is the number of elections they hold. Michigan, for instance, holds elections in May, August, and November, allowing local officials little time to adequately prepare for the next election or train new hires for larger elections. This problem can potentially be solved by consolidating May and August elections into one June election. This very notion has actually been proposed in Michigan and other states.¹¹⁷ Proponents assert that it would give local officials much needed time to prepare, and more time to find and properly train workers. Additionally, states must use creative solutions to attract more workers. Arizona provides a worthy example of this. Employees of Maricopa County in Arizona can work as election workers without taking any time off and still be paid for it. This speaks to the related issue of pay. To be properly trained, workers require at least a day's worth of training. They also require ample financial compensation for such training. On election day, poll workers arrive very early in the morning, typically around 6 or 7am, and are there for upwards of 14 to 15 hours. To make sure workers are adequately compensated will require additional funds from both states and the federal government. Federal funds could be allocated with minimum payment stipulations to ensure adequate compensation for employees because there must be an incentive for good candidates to work elections, and presently that does not exist. As mentioned, counties are much more prepared to handle elections than more localized clerks are; therefore, training should be done at the county level as well. With counties handling a bulk of the work in elections, election security and efficiency would improve. Expanding capacity of county elections offices would be necessary to allow such divisions to dispatch workers to each polling location that have more than adequate training to handle any situations that may arise on election days. The more levels there are to elections, the higher the margin for error. With confidence in elections already fading because of a disinformation campaign waged by the former president and his party members, it is necessary to implement strategies that allow elections to flow as smoothly and safely as possible. The best way to achieve this is to place the responsibility for elections at the county level.

Substantial federal action in the form of funding for new infrastructure, as well as voting reform laws to provide uniformity to an election process that at present operates in different ways in every state, is also a priority for properly addressing the faults in the American voting system. To be able to compensate for this increasingly large role the federal government would play, the formation of a new independent regulatory agency would be warranted. The first step in this process, which will be discussed at length in a proceeding section, will be to abolish the FEC, an agency which — according to many — has largely failed in its mission of enforcing campaign finance laws. Former commissioners

¹¹⁷Eggert, David. "Michigan House Votes to Move August Primary to June." AP NEWS. Associated Press, April 28, 2021. <https://apnews.com/article/jocelyn-benson-general-elections-michigan-legislation-elections-c6fd16207928e4fc224474a0bf7617fc>.

from both political parties agree that series reforms are necessary to the FEC. It is my contention that disbandment, and replacement of the FEC is far and away the best option because a new commission could also expand to include responsibilities associated with the proposed larger federal role in elections presented in this thesis. This ideal agency, to which this project will call the National Elections and Electoral Finance Division (or NEEFD), would be responsible for campaign finance enforcement, as well as the oversight of federal elections. This proposal will be discussed at length in an upcoming section as well.

Ultimately, the predominant reform to voting in the United States must be the system in which people vote and fill out a ballot. Like every aspect of voting, the principle of federalism (and its heavily decentralized nature in the United States) dictates that states and localities have ballots that are casted very differently. This is perhaps the penultimate place in which federal legislation is required. It is my contention that federal legislation must be instituted to make federal voting systems uniform across the country in the form of a Utilitarian voting system. A utilitarian system, more commonly known as an evaluative system, refers to a method in which voters grade candidates on a defined scale. The same grade can be given to several candidates, and the sum of grades a candidate receives in their score. The method is outlined in a key French research study on the 2012 French Presidential election.¹¹⁸ Baujard et al. point out that “the principle of additive evaluation is widely used in practice (schools, sports, market research, feeling thermometers, etc.), the idea seems to be absent from the political science literature, and social choice theory has, until recently, paid only limited attention to it as a voting mechanism.”¹¹⁹

Radical politicians are dangerous for American democracy, and dangerous for both its health and longevity. The erosion of democratic norms under the Trump administration presents a prime and timely example. The importance of mentioning this is in the fact that evaluative voting (henceforth known as EV) is least favorable to “exclusive” or more politically radical candidates, and greatly favors more inclusive candidates, or the candidates who attract the support of a large span of the electorate.¹²⁰ EV systems, more than other systems, most often elect candidates with the policy views of the median voter. This would prove incredibly stabilizing to American political institutions, which would serve to fulfill the goal of strengthening those same institutions. It would also lend itself well to another reform that will be discussed later in the U.S. transitioning to a multi-party system. That EV systems produce candidates closest to the median views of the country would likely compel parties to nominate

¹¹⁸Baujard, Antoinette, Herrade Igersheim, Isabelle Lebon, Frédéric Gavrel, and Jean-François Laslier. “Who’s favored by evaluative voting? An experiment conducted during the 2012 French presidential election.” *Electoral Studies* 34 (2014): 131-145.

¹¹⁹ Baujard et al., 2012

¹²⁰ Baujard et al., 2012

candidates that are more inclusive in their ability to compromise on legislation and form working coalitions that serve to benefit larger swaths of the electorate.

The study of the 2012 French election used four different EV systems to determine how results would change from the French two-round runoff system. 2500 participants used these four systems to evaluate their options for Presidential candidates. The first method, referred to as approval voting, was a simple $\{0,1\}$ scale in which voters could approve $\{1\}$ or disapprove $\{0\}$ of a candidate. The other scales were as follows, $\{0,1,2\}$, $\{-1,0,+1\}$, and $\{0,...,20\}$ ¹²¹. The results of this proved very interesting when given to the participants. Firstly, on average, voters were approving of 2.58 candidates.¹²² This would offer additional motivation for a transition to a multi-party system (that will be discussed later) because of the level to which voters approve of multiple candidates. The challenge associated with this system is a phenomenon called preference intensity and its impact on which particular scale is best to use. It can be a tendency for some voters to vote to the extreme ends of a spectrum. For each form of voting, Baujard et al. found that voters typically gave maximum grades to two candidates.¹²³ However, a majority of candidates did use intermediate grades for candidates. This would ultimately be preferred because it gives a more accurate representation of the beliefs of the electorate. Based on the vote distributions presented in this research and others, it is my assertion that the specific grading systems that offer the most desirable outcomes are $\{-3,-2,-1,0,1,2,3\}$, $\{0,...,10\}$, and $\{0,...,20\}$. When EV scales are limited to just three grades, voters cannot truly express the intensity of their support or opposition for candidates. Voting with these scales allows for greater expression of voters' feelings. However, it is a very relevant question as to whether the inclusion of negative votes should be allowed. With a Likert-like scale ($\{-3,-2,-1,0,1,2,3\}$), there is potential for a candidate (though unlikely) to finish with a negative rating tally because all ratings are added up to demonstrate a candidate's score. Because of this fact, the $\{0,...,20\}$ scale appears to be the best option from this piece, especially in the ideal transition to a multiparty system. In an election with five candidates for example, a $\{0,...,10\}$ scale does not offer voters the room to distinguish their views among many candidates, but a $\{0,...,20\}$ scale does just that. Some question whether EV systems fall short in producing a system that elicits high voter comprehension. With the popularity of rank choice voting increasing, recent data from New York elections suggest that comprehension from this type of system is high.

At first glance this type of evaluative system may seem puzzling to someone of a typical United States voting system, however; this system would be supremely beneficial to a country like the United States. As Hillinger and others point out in several research studies conducted on various voting systems, a

¹²¹Baujard et al., 2012

¹²² Baujard et al., 2012

¹²³ Baujard et al., 2012

utilitarian approach has what is perhaps the most common sense backing compared to any other. That is to say that Utilitarianism, as its founders Mills and Bentham expressed, follows the basic position that “the aim of social policy should be the maximization of the population’s total utility, defined as the sum of individual utilities.”¹²⁴ The question for utilitarians has always been how to operationalize the total utility of a population. There is perhaps no greater method of doing so than through voting. Thinking about voting in a democracy at its most basic level, it is an attempt to follow the will of the voting electorate to elect leaders through what is nothing more than a survey. This approach not only does just that (in a superior way than current methods), but it also allows for the ability of viable alternatives to emerge for voters. Viable alternatives are something the American public craved desperately in both 2016 and 2020. Indeed the 2016 election saw nearly 4% of votes cast be cast for third party candidates. This may not seem high, but it was indeed enough to keep Hillary Clinton out of the oval office. An evaluative voting structure truly gives the power to the voters in an election. When it comes down to two candidates as it did in 2020, considerable power is actually vested in the candidates themselves, not the voters. When two candidates are the only options, as discussed earlier, it allows for candidates to entirely disregard large swaths of voters whilst campaigning, which in turn affects their policy decisions as well (also as previously demonstrated). For greater power to be in the hands of the American voter, the shift to an EV system presents the most favorable option. Because the premise of an election is that of a survey, and given the described benefits of an EV system, it is the contention of this project to offer an approach that is largely novel.

Before altering the process of electing a President though, the narrowing process must be altered as well. That is to say that the primary system requires reform too. Increasing numbers from both parties are beginning to dislike the current primary process for electing candidates.¹²⁵ Of course, the Constitution makes no mention of political parties, so it certainly does not address party nomination and primary voting. The method has changed throughout history, and the early period after the Constitution was ratified saw presidential candidates nominated by caucuses of each party within Congress. That system lasted only a few decades until 1831, when the Anti-Masonic Party held the first presidential nominating convention.¹²⁶ It was until 1972 that parties used conventions to select their candidates. From that point, a primary system was used in all states in which party insiders did not hold the power over nominations, though all but four states used primaries by 1917.¹²⁷ The answer to

¹²⁴Hillinger, Claude. “The case for utilitarian voting.” (2005).

¹²⁵Shea, Christopher. “How to Un-Break the Primaries.” The Washington Post. WP Company, February 28, 2020. <https://www.washingtonpost.com/outlook/2020/02/28/how-un-break-primaries/?outputType=accessibility>.

¹²⁶Shea, 2020

¹²⁷ La Raja, Ray, and Jonathan Rauch. “Too Much Democracy Is Bad for Democracy.” The Atlantic. Atlantic Media Company, November 5, 2019. <https://www.theatlantic.com/magazine/archive/2019/12/too-much-democracy-is-bad-for-democracy/600766/>.

the problem in many academic and theoretical circles seems to be a Constitutional amendment. Justification for this stems from the fact that the founders foretold political factionalism as a potential danger to American democracy, and a Constitutional amendment would allow the system to account for the absence of partisanship in the Constitution. Beyond a Constitutional amendment, many have suggested that holding primaries in various congressional districts would alleviate the problems in the current system.

There are many problems associated with the primary system, though one is particularly problematic. Though it is often the case that party insiders and elites may have too much power, in primary elections it is indeed the opposite. Shafer and Wagner have observed that turnout in primaries is consistently low. Voters that do turnout to primaries are more polarized, ideological, and partisan.¹²⁸ Indeed, they are also more educated, wealthy, and older as well. Many refer to this gap between primary voters and voters of general elections as “unrepresentative participation.” Interestingly, the general public is actually okay with party insiders playing a significant role. Rauch and La Raja write:

In a survey, one of us (La Raja) asked voters to allocate 100 points to four different groups based on who they think should have influence in primary nominations. On average, “party voters” were allocated a 42 percent influence share, and “independent voters” were allocated 22 percent of the influence. But 19 percent of the influence was allocated to “party officials,” and another 17 percent to “nonpartisan experts.”¹²⁹

This data suggests that voters want to give more than a third of the influence on nomination decisions to professionals. Rauch and La Raja assert that inclusion of both electoral and professional perspectives are greatly beneficial because professional vetting emphasizes competence in governing (i.e. they choose quality candidates), professional vetting deters renegades, and professional vetting checks the power of donors and the media who are increasingly influential.¹³⁰ Rauch and La Raja also allude to the most important aspect of primary reform; voting today is daunting. The average person in the United States does not have the time or the desire to immerse themselves in the knowledge of dozens of candidates in a given cycle. The age of less factual media also creates a major information conundrum for prospective voters. Professional judgment can fill this gap and offer a much better system of candidate nomination processes. This process, what Elaine Kamarck of the Brookings Institute calls peer-review, would take a great deal of burden off the average voter and make the system more

¹²⁸La Raja and Rauch, 2019

¹²⁹La Raja and Rauch, 2019

¹³⁰La Raja and Rauch, 2019

representative.¹³¹ What's more, giving professionals power in the nomination process is not a radical turn or unprecedented suggestion, because it was the prevailing method used throughout much of American history. All this being said, the solution offered in this project is not one extensively suggested by academic or media literature.

An upcoming section will detail the necessity for the United States to transition into a multiparty system, and aligning with American divisions, likely a six party system. This is important to the suggested reforms being offered on candidate nominations.

Coinciding with the adoption of EV voting for the Presidency is the fact that Presidential elections would have two rounds. In a six party system, the nomination process would be considerably different. My proposal would go as follows:

- Each party would be required to devise their own processes for narrowing a single nominee. This could be in the form of a party caucus with members of congress, governors, local government leaders, and potentially some general party members that hold a nomination process. Party's could potentially hold conventions for the function of determining candidates to provide a venue through which many levels of government and citizen input could be heard
- This proposal would eliminate the party primary system and replace it with a two-round system with the first round essentially representing an all-inclusive primary to narrow down the field of the subsequent General Election from six or more candidates to just two in the General.
- Those 6 candidates identified among parties would then be on a nationwide ballot 2 months prior to the official election (as things already are in several states because they hold primaries in August).
- This ballot would feature the Likert scale EV voting method as proposed earlier. The corresponding example is representative of how the ballot would appear. This approach is entirely theoretical and novel, and crafted from researching various voting systems. It seeks to eliminate a key problem with other methods of evaluative voting in which voters often vote to the extremes. By providing more comprehensible midpoints between extremes, the theoretical structure below would seek to limit this, while continuing to preserve the numerous beneficial aspects of EV that have been presented,

¹³¹ Kamarck, Elaine. "The Urgent Need for Peer Review in the Presidential Nominating Process." Brookings. Brookings, March 20, 2020.
<https://www.brookings.edu/policy2020/bigideas/the-urgent-need-for-peer-review-in-the-presidential-nominating-process/>

namely the greater ideological congruence among voters, and the opportunity to voice their feelings towards many candidates, and this decrease the impact of when their most preferred candidate loses.

- The system preserves the single-winner district model of the United States, maintaining the persistent desire of Americans to be unique and hesitant of foreign systems, while also providing opportunity for significant presence from other parties thanks to the expansion in the number of Congressmen and Congresswomen. More districts, and thus smaller districts, provides greater opportunity to elect members of other parties. Combine this fact with the ability to voice opinions of many candidates, and the ability for new parties to emerge increases significantly.

*Example Ballot (with tallying number in parentheses, though it would not be on actual ballots)

- ☐ Approve extremely (1.00)
- ☐ Approve very much (.858)
- ☐ Approve slightly (.715)
- ☐ Neither approve nor disapprove (.572)
- ☐ Disapprove slightly (.429)
- ☐ Disapprove very much (.286)
- ☐ Disapprove extremely (.143)

Admittedly, the political will to alter the status quo of voting is not strong. In fact, the desire to make voting more difficult is indeed much stronger than the desire to give voters more power and easier access. However, hope lies in the fact that several states and voting jurisdictions are beginning to use ranked choice voting in elections, potentially inviting the use of other alternative forms of voting like EV. According to FairVote, 53 jurisdictions are projected to use ranked choice voting in either their next election or the one following.¹³² This is a significant step in the right direction, but still, it is just a step. Indeed at present, the United States is going in the opposite direction in terms of voting reforms. Nonetheless it is important to recognize that EV forms do have significant challenges (as do all voting systems). Primarily, time and comprehension are challenges to this system. Time in the sense that

¹³²“Where Is Ranked Choice Voting Used?” FairVote. FairVote.org, 2022.
https://www.fairvote.org/where_is_ranked_choice_voting_used.

counting votes and tallying results would require more time without better voting infrastructure in the form of equipment and personnel. Perhaps more importantly, the comprehension of this measure on a ballot is subject to debate. Though polling data has often shown that voters are able to comprehend forms of voting like rank-choice, it remains to be seen whether more advanced forms like EV are equally comprehensible to the average voter. More scholarly work is needed to confirm the ability of voters to adequately comprehend EV systems, but limited work that exists suggests that voters do indeed comprehend such systems.

Public policy in the United State has followed an incrementalist approach for decades. But one need not be a political scientist to recognize that structural change to the voting systems in the United States is necessary to preserve the health of the republic, rather than to preserve the political status quo (as voting legislation is currently being used for). If institutions in the United States are to be strong, voters must hold the power in elections, and feel confident in their ability to cast a vote. With fundamental liberal democratic rights in the United States facing an unprecedented assault, there is no time for years of grassroots efforts. Even still, the local level may present the best and most efficient solution to transitioning to an EV system. The ideal solution would be federal legislation, but of course, that is highly unlikely. Seeing as federal action is unlikely, reform at the local level is very possible. Law and policy makers in nearly 30 states are considering legislation this year that would adopt new voting reforms (in this case ranked choice voting), many of which actually have bipartisan support.¹³³ Many have sought to implement a variant of ranked choice voting. Though this represents progress, EV is the best option to replace the current system thanks to some shortcomings of ranked choice systems. On a typical ranked choice ballot, “If a voter does not rank all of the candidates’ names on a ballot, leaving some selections blank, and if all of the voter’s choices are eliminated, that could result in the ballot not being counted at all.”¹³⁴ It is also believed that many may have difficulty properly understanding ballot procedures under ranked choice voting, though recent use of it in places like New York suggests that proper voter education programs make a significant difference.¹³⁵ Baujard et al. found that this was not the case with EV voting.¹³⁶ Objectively, it would make sense that a voter could more easily understand grading a candidate on a defined scale rather than ranking them. One must not forget that the average reading level in the United States is between 7th and 8th grade. EV

¹³³ Vasilogambros, Matt. “Ranked-Choice Voting Gains Momentum Nationwide.” The Pew Charitable Trusts. Pew, March 12, 2021.

<https://www.pewtrusts.org/en/research-and-analysis/blogs/stateline/2021/03/12/ranked-choice-voting-gains-momentum-nationwide>.

¹³⁴ Pro Team. “Ranked Choice Voting, Explained.” POLITICO Pro. POLITICO, September 22, 2020.

<https://www.politicopro.com/blog/2020-ranked-choice-voting-explained/>.

¹³⁵ “Where Is Ranked Choice Voting Used?”, 2022

¹³⁶ Best, Robin E., and Didem Seyis. “How do voters perceive ideological congruence? The effects of winning and losing under different electoral rules.” *Electoral Studies* 69 (2021): 102201.

systems offer more ease, more power to the voter, and lend themselves to the development of a true multiparty system.

Though it seems there is little room for optimism in regard to voting reform with present attempts at more suppressive measures, the shift by states and jurisdictions to adopting new methods of voting (namely ranked choice) does present some promise. However, if voting reform in the United States is to unlock its potential, evaluative voting must be the system adopted. Evaluative voting offers voters the chance to support multiple candidates, and most importantly, EV favors candidates that are inclusive, that is, they attract support from a large span of the electorate.¹³⁷ This is critical because the more ideologically congruent that voters are with elected officials, the more likely that voters are to have more trust in their government.¹³⁸ It is my contention, and that of many others, that inclusive candidates, and those that more closely align with the median voter are best for American democracy. Not only do EV systems produce results that most closely align with the median voter, but they also allow for support of multiple candidates, as voters naturally do. By allowing for the support of multiple candidates, voters have a higher chance that one of the candidates they prefer will win the election. Perceptions of ideological congruence and support for government greatly depend on whether the candidate a voter favors wins or loses. That is to say, voters will perceive themselves as more ideologically aligned with a government run by someone they support (or voted for).¹³⁹ Allowing voters to express support for multiple candidates, would increase the likelihood of voters perceiving themselves as ideologically aligned with an elected government. Ultimately, the defining variable in strengthening domestic institutions lies in the population believing in and supporting their government. Belief and support in government is directly related to one's ideological congruence with their elected officials. EV can expand the margin of ideological congruence, theoretically expanding the likelihood of support for government among the electorate. This is precisely the reason a shift to EV systems is so pivotal for American democracy. If the United States is to truly go in the right direction it must strengthen its domestic institutions and support among its citizens. In regard to voting reform, there is no greater way to do this than through the implementation of Evaluative Voting.

There is no political or civil right more fundamental to the American political system than self-determination via voting. It is also true that for the better part of its existence, voting has been unequal, inequitable, and impractical in the American electoral system. Representative democracies can only fully function when everyone has an unequivocally equal say in who their representation in government is. That is, the United States can only truly bring itself up to the zenith of PAR standards

¹³⁷ Best and Seyis, 2021

¹³⁸ Best and Seyis, 2021

¹³⁹ Best and Seyis, 2021

if it fulfills this ideal. To be the embodiment of a nation that (on the basis of its people) is popular, accountable, and rights-regarding, the United States must look to the roots of this pursuit within its own borders. In doing so it will find that the tree from which all other branches sprout from is a voting system in which all voices are heard, equally represented, and engaged.

Campaign and Electoral Finance Reform

Americans are routinely dissatisfied with an electoral system perceived to be run by “dark money”. Over half of Americans are dissatisfied with current campaign finance regulations.¹⁴⁰ A 2015 poll showed 85% of Americans want either fundamental changes or a complete overhaul of the way campaigns are funded (39% and 46% respectively).¹⁴¹ Pevnick succinctly describes the circumstances of campaign finance laws.

We certainly should worry about a system that (1) renders public officials dependent on large donors, (2) allows a tiny group of citizens to act as gatekeepers in regard to the issues that make it onto the agenda and the candidates who have a credible chance of being elected, and (3) leaves many citizens with depressingly low levels of political information.¹⁴²

It should not be the perception and conclusion of campaign finance reform that every citizen must have equal chances to contribute to political debate, that is both problematic and impractical. But, it was ultimately “a consequence of the framework established in Buckley, and reaffirmed in more recent decisions, is that campaigns in American politics reflect the broader economic inequalities of American society.”¹⁴³ This reality must also be weighed with the reality of campaigning and the loopholes that would be pursued by the most commonly sought after solutions.

Recent years have seen a flurry of new proposals for campaign finance reform in the United States. They range from attempts to eliminate perceived corruption, to capping spending, to removing private contributions altogether and making elections only publicly funded. As with other areas of this project, Galileo’s systems paradigm is very much at work in campaign financing. To reiterate, Galileo suggested that when more and more layers are added to a system intended to avert disaster, those layers

¹⁴⁰ Gallup Organization, Gallup Poll, Question 27, 31117010.00037, Gallup Organization, (Cornell University, Ithaca, NY: Roper Center for Public Opinion Research, 2020), Dataset, DOI: {doi}.

¹⁴¹ Confessore, Nicholas, and Megan Thee-brenan. “Poll Shows Americans Favor an Overhaul of Campaign Financing.” The New York Times. The New York Times, June 2, 2015.
https://www.nytimes.com/2015/06/03/us/politics/poll-shows-americans-favor-overhaul-of-campaign-financing.html?_r=0.

¹⁴² Pevnick, Ryan. “Does the Egalitarian Rationale for Campaign Finance Reform Succeed?” *Philosophy & public affairs* 44, no. 1 (2016): 46–76.

¹⁴³ Pevnick, 2016

of complexity may eventually be what causes the disaster to occur. Money and private interests are always going to find ways into politics, and by continuing to place stricter and stricter regulations on such activities, the government would only be encouraging the development of more loopholes. It is perhaps the greatest paradox in the political views of most Americans that they desire a government to provide with more and more, but are willing to pay less and less and favor greater privatization. Americans consistently point to the desire for a system that weans the influence of private donors on candidates, but have been wholly unwilling to pay small taxes to potentially finance publicly funded campaigns. Indeed, most Americans do not want to pay for politics, and as such, any reform proposals must avoid incurring costs on citizens.¹⁴⁴ However, the recent emergence of public financing at some local levels suggests that this trend may be changing.

Abrams and Settle point out the many counterintuitive consequences of imposing further regulation by using an economic model accompanied with marginal benefit (MB) and marginal cost (MC) curves. With regard to proposals around campaign spending limits, Abrams and Settle offer compelling information. First, the more binding the spending ceiling, the greater the efforts to get around the limitations.¹⁴⁵ Second, attempts to restrict spending by imposing a spending ceiling constrain spending below its equilibrium level which causes the MB of campaign spending to exceed its marginal cost. This then leads donors to seek alternative ways to spend money on campaigns, some of which are sure to subvert the legal process.¹⁴⁶ When spending limits cause the MB of campaign spending to exceed the MC, so-called "independent" advertising spending (protected by the First amendment) will rapidly increase, as will "in-kind labor" contributions to help candidates. In short, a proposal like a spending ceiling only creates an environment in which the intensity of loopholes is enhanced because "the intensity with which alternatives or loopholes are sought is directly related to the size of the disparity between marginal costs and marginal benefits."¹⁴⁷

Because many Americans are unwilling to pay for a public funding model for elections, that itself leaves such proposals likely outside the scope of possibility. However, some additional points on such systems are worth considering. First and foremost, unless the amounts of public funds are immensely large (some \$14 billion in 2020), the level of constraint that would have on campaign spending could create a system in which MB of spending would exceed MC. This would lead to a heavy desire for more campaign spending by candidates and further lead to "independent" avenues to be pursued and the

¹⁴⁴La Raja, Raymond J., and Brian F. Schaffner. "Explaining the unpopularity of public funding for congressional elections." *Electoral Studies* 30, no. 3 (2011): 525-533.

¹⁴⁵ Abrams, Burton A., and Russell F. Settle. "Campaign-Finance Reform: A Public Choice Perspective." *Public Choice* 120, no. 3/4 (2004): 379-400. <http://www.jstor.org/stable/30026037>.

¹⁴⁶ Abrams and Settle, 2004

¹⁴⁷ Abrams and Settle, 2004

creation of loopholes around the use of private funds. Further, such regulations will produce redistributive effects between candidates and parties.¹⁴⁸ Evidence in academic literature suggests that campaign spending is “productive in attracting votes”, so policies that differentially affect candidates’ and parties’ expenditures will affect election outcomes.¹⁴⁹

Candidates and parties least dependent on the campaign contributions that are restricted and most able to substitute other inputs into the campaigning process (e.g., “in dependent” or “outside” expenditures or donated labor services) will benefit at the expense of those unable to do so. Further, regulations that lead to restrictions on actual campaign advertisements will reduce voter turnout and possibly affect election outcomes through this channel.¹⁵⁰

Such conclusions are consistent with additional findings by La Raja and Schaffner who do find that reforms placing restrictions on political spending by corporations might indeed hurt challengers. Corporations and labor unions tend to support challengers who can win and incumbents who are typically not genuinely threatened electorally.¹⁵¹ In other words, “corporations appear to pursue an electoral strategy with challengers, and an access strategy with relatively safe incumbents. Thus, restrictions on spending should disproportionately affect contests with viable challengers, which might increase the advantages of incumbents in these contests.”¹⁵² In effect, regulations of spending lead to redistributive effects by altering election outcomes, heightening the relative importance of voting blocs and reducing voter turnout.¹⁵³ That restricting spending (either by imposing spending limits on candidates or donors, or limiting spending by making elections publicly funded) actually sees competition worsened suggests that these are not viable options to reforming campaign finance laws in the United States.

Before offering proposals for reform, a look at recent action that has spurred calls of reform is important. Prior to 2002, there were calls for change in the campaign finance system, namely because of “soft money”, or unregulated money contributions from individuals, unions, corporations or other businesses (or business interests), or political action committees (PACs).¹⁵⁴ Congress eventually banned party soft money under the Bipartisan Campaign Reform Act (BCRA) of 2002. This act was not entirely as the name suggests though.

¹⁴⁸ Abrams and Settle, 2004

¹⁴⁹ Abrams and Settle, 2004

¹⁵⁰ Abrams and Settle, 2004

¹⁵¹ La Raja, Raymond J, and Brian F Schaffner. “The Effects of Campaign Finance Spending Bans on Electoral Outcomes: Evidence from the States About the Potential Impact of *Citizens United V. FEC*.” *Electoral studies* 33 (2014): 102–114.

¹⁵² La Raja and Schaffner, 2014

¹⁵³ Abrams and Settle, 2004

¹⁵⁴ Abrams and Settle, 379

A look at the party revenues from 1992-2002 from soft money shows that such contributions were significantly higher for Republicans than Democrats. The RNC received roughly 16% more donations than the DNC on average. Though not enormous, this number is important because it occurred in a period in which Democrats controlled “the all important pulpit for raising funds” in the White House.¹⁵⁵ The 1992 campaign cycle had a Republican as president, and the Republican fundraising edge was over 37%.¹⁵⁶ In the non-presidential election year in 1998 (with a Democrat in the White House) the Republican advantage in soft money was 42%.¹⁵⁷ The loss of the White House in 2000 to George W. Bush raised the likelihood of a continued growth in the fundraising disparity between Democrats and Republicans. So, with an aim to constrain the growing funding advantage of their opposition Democrats worked hard to pass the BCRA in 2002 with all evidence suggesting that a ban on soft money would likely restrain fundraising more for Republicans than Democrats.¹⁵⁸ 94% of Democrats voting supported the legislation versus only 19% of the Republicans. In the Senate 96% of Democrats voted in support of the BCRA while only 22% of the Republican voted in favor.¹⁵⁹ The two parties perceived the benefit of the action very differently, as is reflected in the vote disparity. This anecdote reveals a somewhat typical trend of several campaign finance laws and regulations; parties seek to constrain the fundraising abilities of one another when one of them appears to be at an advantage. It also points to why campaign finance regulation and overhaul will be decidedly difficult in the current political environment. The parties continue to switch positions of favorability in the current finance structure. Historically, Republican presidential candidates have been more successful than Democratic candidates in funding campaigns; however, the last two cycles have seen both Democratic candidates surpass \$1 billion raised from donations and PACs, surpassing their Republican counterparts. So despite many Democrats campaigning on a goal of getting “dark money” (or private money) out of politics, it has actually sought to win them many elections at the federal level since 2016.

As Abrams and Settle concisely state, “what is needed from the supporters of campaign-finance reform is evidence that a change in financing would result in public policies that indeed better serve the public interest.”¹⁶⁰ Despite this, academic research has not yet made clear how public financing (whether partial or full) would actually affect public policy. Certainly some form of public financing would affect public policy, but in what ways remain uncertain. The United States must encourage more party competition, not less, and the ambiguity in the literature as to the outcomes of public financing models is additional cause for concern. However, the consideration of reform proposals in this project

¹⁵⁵ Abrams and Settle, 390

¹⁵⁶ Abrams and Settle, 390

¹⁵⁷ Abrams and Settle, 390

¹⁵⁸ Abrams and Settle, 390

¹⁵⁹ Abrams and Settle, 390

¹⁶⁰ Abrams and Settle, 395

is also being weighed with the necessity of transitioning to a multiparty system in the United States. This is crucial to note because Potter and Tavits, in a first-of-its-kind comparative empirical study, find that fund parity is a very potent predictor of the size and scope of party competition.¹⁶¹ Put another way, “the number of politically salient social divisions in a country, a country's level of fund parity has the potential to dramatically perturb (either upwards or down offerings that voters would expect in equilibrium).”¹⁶² The parity of resources between parties will either raise or lower the number of choices voters have at the polls. When fund parity is low and limits are largely non-existent, money is obviously the primary driver. In these circumstances parties are more likely to rely on wealthy donors, PACs, Super PACs, and other external organizations and activists for support.¹⁶³ Research on this subject has shown that such financial dependence means that parties are obligated (to an extent) to pursue policies in the interests of those they financially depend on. Potter and Tavits point to additional literature from both two party and multi party systems that suggest the views of such donors can be more politically extreme (polarizing) than those of the general electorate, meaning that parties may be forced to support more polarizing policy positions¹⁶⁴. Interestingly, as fund parity increases parties have the option to “choose to be more vote oriented and adopt more moderate positions to increase their support.”¹⁶⁵ The end result of this would be a more moderate party system that may more accurately reflect the preferences of the electorate at large rather than extreme partisan activists.¹⁶⁶ The findings in the literature point to a very complex picture that ultimately requires consideration of many trade offs.

Campaign finance regulation is beset by the dilemma that the presence of regulation may democratize the distribution of power in some ways, yet entrench the distribution of power in other ways, while the absence of campaign finance regulations may lead to the consolidation of power in some respects, yet prevent the consolidation of power in other respects.¹⁶⁷

Parity in funding can influence both the size of the party system and the level of polarization in that system. Financial dependence on private sources motivates parties to be more policy oriented in their views rather than vote oriented. This is highly likely to affect their positions on public policy. With the

¹⁶¹ POTTER, JOSHUA D., and MARGIT TAVITS. “The Impact of Campaign Finance Laws on Party Competition.” *British Journal of Political Science* 45, no. 1 (2015): 73–95. <http://www.jstor.org/stable/43821686>.

¹⁶² Potter and Tavits, 2015

¹⁶³ Potter and Tavits, 2015

¹⁶⁴ Potter and Tavits, 2015

¹⁶⁵ Potter and Tavits, 2015

¹⁶⁶ Potter and Tavits, 2015

¹⁶⁷ Dawood, Yasmin. “Democracy, Power, and the Supreme Court: Campaign Finance Reform in Comparative Context.” *International journal of constitutional law* 4, no. 2 (2006): 269–293.

goal of making the United States a multi party system as an additional goal of this project, these are critical findings to weigh when crafting policy proposals.

Consider the following two hypothetical proposals of Potter and Tavits that illustrate how particular legal provisions seek to shape discussion. The first describes a system more akin to that of the United States (though not precisely the same), and the second a system in which this project would propose more of a switch to.

First, consider a country that has no limits on donations to political parties and no limits on the amount of money parties can spend during an election. Let us also say that the state offers free media time and direct public subsidization to parties (as is often the case) and that the criteria for allocating this time is a given party's performance in the last election. In this scenario, money and success are likely to go hand in hand. As a party's financial endowments increase toward infinity, it is able to win an election with near certainty. Indeed, the name of the game in this situation is gathering more funds than the opponents, because these funds can be used to crowd out any of the opponents' messages. This situation is especially detrimental to the efforts of smaller and newer parties without equal funds or access to wealthy donors or external organizations (for example, unions) to sponsor their campaigns. Such donors, rather than spreading their wealth widely, are likely to channel their financial contributions to parties with governing potential. The same is true for organizational ties, which are likely to be exclusive to only certain parties. In an environment with no limits on spending, parties' pre-existing organizational ties, higher profiles and notoriety will bring them disparate advantages over their smaller and newer competitors. Without an equally large pulpit from which to broadcast their messages, smaller and newer parties are left without good alternatives to reach voters as effectively, and therefore may decide not to compete at all (or resign themselves to the fact that they simply will not gain many votes if they do). The end result - for better or worse - is a system dominated by a few large parties.¹⁶⁸

Next, examine a situation in which much of the opposite is true and the outcomes it incites.

Now consider the opposite scenario: an electoral environment in which donors are rather limited in what they can give to parties, the parties are severely circumscribed in the amount they can spend campaigning, and free media access and direct public subsidization are distributed equitably to all parties that field candidates or party lists in the election (regardless of their size or past electoral performance). Given that every party must now speak through a same-sized megaphone, competition is characterized less by the volume of the message. While

¹⁶⁸Potter and Tavits, 79-80

governing parties may enjoy higher profiles and notoriety, no party can claim a material advantage. With a lower limit on the overall amount that can be spent on campaigning, parties very quickly expend their resources. Voters now receive roughly the same volume of cues from all parties, regardless of past performance or resource endowment, and the size of the choice set for these voters expands. Whereas before smaller and newer parties would have been unable to reach the masses, now their platforms at least receive a fair vetting in the competition. As noted by Jacobson, a prominent scholar of campaign spending in the American context, ‘if all parties spend beyond the point needed to become thoroughly familiar with voters, then the substance of the campaigns, the contents of campaign messages, become the dominant factors’. In this case, if smaller parties lose the election, it is for reasons other than simply having insufficient assets. This is likely to encourage more parties to remain in competition and more new parties to enter, thus driving up the size of the party system.¹⁶⁹

These hypothetical scenarios largely represent two of the poles of fund parity, with the American system bearing closer resemblance to the former. Ultimately, reduction of the spending advantages held by larger parties would substantially increase the electoral prospects of smaller and newer parties, and therefore increase the expected number of parties.¹⁷⁰ The leveling of a party playing field is the first important element in the forthcoming policy proposal, with the others being a boost of citizen funding and a greater level of transparency.

In 2010 Justice Anthony Kennedy wrote that limiting independent political spending from corporations amounted to a violation of free speech rights in the first amendment. With the court’s decision in *Citizens United vs FEC*, 100 year old campaign finance regulations were overturned and the floodgates were opened to a new era of elections in the history of the United States. Since the 2010 *Citizens United* decision, large donors have come to thoroughly dominate elections. In the federal cycle of 2016, \$2.3 billion of the \$6.5 billion spent came from just 0.01 percent of the adult population.¹⁷¹ Recent studies have since confirmed that views of the general public have no discernible influence on the actions taken by Congress, and that it is the views of big donors that do have influence.¹⁷² To reintroduce accountability on part of lawmakers to their constituents, boosting citizens funding is indeed critical.

¹⁶⁹Potter and Tavits, 79-80

¹⁷⁰ Potter and Tavits, 80

¹⁷¹Weiser, Wendy, and Alicia Bannon. "Democracy: An Election Agenda for Candidates, Activists, and Legislators, May 2018, 7."

¹⁷² Marty Gilens and Benjamin Page, "Testing Theories of American Politics: Elites, Interest Groups, and Average Citizens," *Perspectives on Politics* 12, no. 3: 564-581.

The increase in accountability through greater transparency requirements is a less complicated equation. Despite the fact that much of the political spending that goes on is required to be disclosed, some do not have to disclose their donors and there is an emerging trend in undisclosed online spending in large part because of outdated disclosure laws. Several recent pieces of proposed legislation would seek to sufficiently increase transparency requirements. The Brennan Center conducted a project in 2018 that pointed to several pieces of legislation in particular that could be very effective.

At the federal level — where action would be decidedly most effective — “dark money” can be largely eliminated by enhancing the requirements for donor disclosure. A federal bill, the DISCLOSE Act (introduced by Sen. Sheldon Whitehouse (D-R.I.); H.R. 1134, introduced by Rep. David Cicilline (D-R.I.)), would require various groups from corporations to nonprofit organizations to disclose their donors when they spend significantly in election campaigns. Further, this act would seek to disclose existing loopholes allowing foreign nationals to spend in American elections.¹⁷³ The second act that could further develop accountability is the Honest Ads Act, designed to uphold long standing Supreme Court standards pertaining to the right of the electorate to be fully informed.¹⁷⁴ According to one of the bill’s Congressional sponsors, the bill would do the following.

- Amending the definition of ‘electioneering communication’ in the Bipartisan Campaign Reform Act of 2002, to include paid internet and digital advertisements.
- Requiring digital platforms with at least 50,000,000 monthly visitors to maintain a public file of all electioneering communications purchased by a person or group who spends more than \$500.00 total on ads published on their platform. This file would contain a digital copy of the advertisement, a description of the audience the advertisement targets, the number of views generated, the dates and times of publication, the rates charged, and the contact information of the purchaser.
- Requiring online platforms to make all reasonable efforts to ensure that foreign individuals and entities are not purchasing political advertisements in order to influence the American electorate.¹⁷⁵

In short, the act would ensure that online political ad buyers report their expenditures and their donors, and require ad sellers to create public databases of ads that discuss political issues.¹⁷⁶

Independent analyses conducted by several policy think tanks has concluded that such measures would

¹⁷³DISCLOSE Act of 2021 (2021).

¹⁷⁴Warner, Mark. “The Honest Ads Act - U.S. Senator Mark R. Warner.” <https://www.warner.senate.gov/>. The United States Senate, 2017. <https://www.warner.senate.gov/public/index.cfm/the-honest-ads-act>.

¹⁷⁵Warner, 2017

¹⁷⁶Weiser and Bannon, 2018

be unchallenged by the courts and are very clearly Constitutional. One of the other loopholes that should be closed is the ability for super PACs and candidates to coordinate closely. Super PAC activity is legal when committees are “independent” of the candidates they help; however, the “independence” is largely an illusion because super PACs are routinely run by candidates’ top aides or close confidants. Such activities render many regulations largely useless and allow seemingly unlimited money flow to political candidates. In the eyes of election experts, the problem lies in the fact that they coordinate very closely despite the fact that they are legally required to be independent. Introduced by Rep. Price, David E. [D-NC-4], the Stop Super PAC–Candidate Coordination Act, would restrain candidate fundraising for outside groups, impose a “cooling off” period before campaign staff members or consultants could work for allied super PACs, and bar candidates and outside groups from sharing strategists or vendors (among other things).¹⁷⁷ Taken together, these three pieces of legislation would seek to strengthen disclosure requirements of donors, require greater transparency for online ad purchasers, and close existing loopholes allowing coordination between super PACs and campaigns.

Now then, with an understanding of the complexities and trade offs at work in campaign finance reform, a reasonable proposal can take shape. The proposal for campaign finance reform in this project will include all of the following components. Each part seeks to create a picture more akin to that of the second scenario outlined above from Potter and Tavits.

- I. **The passing of all three previously introduced acts proposed in Congress** to close dangerous loopholes and restore greater transparency and accountability
- II. **A funding structure in which candidates are only allowed as much private funding as they garner directly from the general citizenry (individuals).** Bearing in mind the three realities outlined previously by Pevnick, this would work according to the quarterly financial disclosure process candidates already experience. Essentially, this mechanism would subject candidates to a limit on private donations from any non-individual entities (i.e. PACs, super PACs, corporations, unions, other non profit organizations, etc.) to the extent that they are only allowed to accept the amount of money from such sources that they raise from individual public contributions. The first quarter after a candidates filing for office would largely mirror the current system in which they can receive unlimited private donations; however, beginning with the second quarter onward candidates would only be allowed to accept private donations concurrent to what they raise in public ones (from individual contributors). Once a candidate files (or incumbents declare intent to run again, which they would be required to declare well in advance for funding purposes), they are

¹⁷⁷H.R.1172 - Stop Super PAC–Candidate Coordination Act

entitled to one quarter or funding under the normal system (with the changes under part one). If, for example, Joe Biden raises 18 million in the first quarter of a year. If \$6 million of this comes from individual donors, then Biden is only allowed to collect \$6 million from private donors in the next quarter. This system would directly incentivize candidates to appeal directly to voters, and significantly increase the competition both between and within parties

- III. **Subjecting parties themselves to spending restrictions.** In combining practices from Argentina and France, this is an important practice to institute coinciding with the upcoming proposal to transition the United States into a multiparty system. In the 2020 election cycle, the DNC and RNC spent \$492,683,091 and \$833,510,910 respectively.¹⁷⁸ This proposal would see political parties limited in their spending (as parties are in Argentina) the way that candidates are in French elections, according to varying formulas that are pursuant to the type of elections (national, state or local), and the population of the constituency concerned.¹⁷⁹ Targeting parties with greater restrictions is critical in a system trying to account for more political parties and ones that are newly emerging. This aspect seeks to move towards an arena in which the platforms of the parties matter significantly more than their ability to raise immense sums of money. However, along with this proposal it is important to note that parties would still be allowed to raise unlimited funds, but would be much more restricted in what funds are spent on. This is because, as other sections will and have detailed, a multiparty system as suggested by this project will put more responsibility on party organizations to select candidates and minimize their candidate fields. This will be done in effort to significantly reform the primary system and ultimately replace it with a two-round system.

Campaign finance reform is a series of trade offs. These three proposals are neither perfect nor comprehensive in “solving” a challenge like campaign finance. However, what they do seek to do is create a system that will put candidates and parties in a position in which their policy platforms supersede their ability to raise money, something that diverges from present circumstances. Further, with spending tied to ability to appeal to voters, public policy is likely to be influenced by voting bases to a far greater degree than they are presently (which as mentioned, some research has found the influence to be completely non-existent). Finally, in subjecting parties themselves to spending restrictions the playing field is altered in such a way that permits the emergence of new parties and

¹⁷⁸“Total Raised.” Opensecrets RSS, 2021. <https://www.opensecrets.org/parties/totals.php?cmte=DNC&cycle=2020>.

¹⁷⁹“41. Are There Limits on the Amount a Candidate Can Spend?” International IDEA. Accessed April 13, 2022. <https://www.idea.int/data-tools/question-view/562>.

develops greater competition within and between parties on the basis of their ability to appeal to voters, since them and their candidates' ability to spend are tied to factors that vary according to race and their ability to appeal to voters. American elections are dictated decidedly by who raises and spends the most money. Though not as concerning if this money were to come from individuals, the fact that more money comes from large donors (i.e. corporations, unions, etc) than individual candidates, and the influence of constituent views on elected officials is very minimal, suggests that the United States needs reform in order to move towards a system substance of the campaigns becomes the dominant factor rather than the size of a candidate's (or party's) pocketbook.

Elimination of Gerrymandering

In 2019 the Supreme court heard the case of *Rucho v. Common Cause* that effectively legalized gerrymandering. In this landmark ruling, that drew international attention, the court ruled that "Partisan gerrymandering claims are not justiciable because they present a political question beyond the reach of the federal courts."¹⁸⁰ According to Chief Justice John Roberts, although Federal judges are able to make a determination on when racial gerrymandering has gone too far, they are unable to do so in regard to political partisan gerrymandering. Unsurprisingly this was a 5-4 decision split along ideological lines, with the five conservative judges being the deciding factor. This was the court's first major action regarding partisan gerrymandering, and it had quickly destroyed any hopes of fixing this growing problem through the judicial system.

Gerrymandering has a long history in the United States, and was actually named after a former governor of Massachusetts (Elbridge Gerry) who used his power to approve a state senate district plan that favored the interests of his political party.¹⁸¹ The concept behind gerrymandering actually predates the United States though, with forms of it dating back to 17th and 18th century Great Britain when politicians would draw "draw 'rotten boroughs' for which a single neighborhood or city block—or even a single estate—would be drawn into one district, represented by a member of Parliament."¹⁸² Political scientists have identified several types of gerrymandering throughout history. Keena et al have nicely devised four classifications of gerrymandering¹⁸³. The four classifications are:

¹⁸⁰"*Rucho v. Common Cause*." <https://www.oyez.org/cases/2018/18-422>. oyez. Accessed April 13, 2022.
<https://www.oyez.org/cases/2018/18-422>.

¹⁸¹Keena, Alex, Michael Latner, Anthony J. McGann, and Charles Anthony Smith. "Common Forms of Gerrymandering in the United States." *Decyzje* 32 (2019).

¹⁸²Keena et al., 2019

¹⁸³Keena et al., 2019

Malapportionment gerrymanders, Racial gerrymandering, Partisan gerrymandering, and Incumbent Protection gerrymandering.

Malapportionment gerrymandering occurred classically in the 18th and 19th century United Kingdom when districts were created with grossly disproportionate population sizes, thereby diluting the value of votes.¹⁸⁴ This type did actually occur in the United States as well. Keena et al describe as recently as 1960, state governments would allow urban areas to grow at rates exponentially faster than rural areas without redistricting to achieve population equity in electoral districts.¹⁸⁵ This did have a lasting effect in terms of preserving power in rural areas which still persists today in many states. This type is particularly interesting because it demonstrates that lawmakers can actually gerrymander without ever changing districts. By preserving the status quo they were able to keep power in rural areas.

The only outlawed form of gerrymandering today is racial gerrymandering. This occurs when districts are drawn to diminish the power of racial and/or ethnic minorities, and there are several methods through which that outcome can be achieved.¹⁸⁶ “Cracking” refers to a method in which minority voters are carefully distributed across several districts making it impossible for them to elect representatives they desire.¹⁸⁷ “Packing” is an alternative method in which minority voters are clustered into super-majority districts. Finally, lawmakers and those responsible for redistricting can use winner-take-all, multi member districts that then forestall small populations (like that of racial and ethnic minorities) from ever winning.¹⁸⁸ The preeminent problem associated with this form of gerrymandering (aside from its overt racism) is that it is still able to persist, specifically because of the United States Supreme Court. The passage of the Voting Rights Act of 1965 was supposed to make such actions illegal, however; legal scholars agree that since the 2019 ruling of *Runcho V. Common Cause*, federal judges face a losing scenario in which they must decipher race from party affiliation and be able to provide clear justification.¹⁸⁹ Scholars have additionally criticized the Supreme Court’s decision because, as they argue, “the race-or-party” inquiry is simply impossible under the modern political environment in which such affiliations overlap and because of the burgeoning polarization.¹⁹⁰ Georgetown Law Professor Girardeau A. Spann notes that the Supreme Court has altered its justiciability doctrines to protect and preserve the political power of White Republicans and

¹⁸⁴Keena et al., 2019

¹⁸⁵Keena et al., 2019

¹⁸⁶Keena et al., 2019

¹⁸⁷Keena et al., 2019

¹⁸⁸Keena et al., 2019

¹⁸⁹Tofighbakhsh, Sara. “RACIAL GERRYMANDERING AFTER *RUCHO V. COMMON CAUSE*: UNTANGLING RACE AND PARTY.” *Columbia Law Review* 120, no. 7 (2020): 1885–1928. <https://www.jstor.org/stable/26958734>.

¹⁹⁰ Tofighbakhsh, 2020

subsequently suppress the power of Minority Democrats.¹⁹¹ Considerable evidence would suggest this assessment is correct, and indeed the problem is that “the correlation between race and politics is so high that no judicially manageable standard is available to distinguish between the two.”¹⁹² This constitutes a very stark example of institutional racism in the United States by issuing a ruling that will directly allow for the preservation of power by the dominant White majority as well as preserve, if not heighten, the inequalities that already exist between whites and racial and ethnic minorities. In light of recent Supreme Court action, it seems racial gerrymandering is likely to persist without serious action through other avenues.

Political or Partisan Gerrymandering is the most prevalent type in the United States.¹⁹³ There are a variety of reasons to which this form has become commonplace and persisted. Among those reasons are technological advances in data collection and information systems, geographic information software, and loopholes in the legal system such as the loophole that prevents citizens from challenging politically-biased district maps in the federal courts.¹⁹⁴ Gerrymanders are then authorized to draw maps of districts that greatly favor one party so long as they do not blatantly diminish the votes of minorities. As mentioned, the Supreme Court’s ruling in 2019 virtually throws away any chance of resolving this issue through judicial action, because political affiliation and race are so tightly related that when future cases are brought up in regard to race, they will likely be thrown out on political grounds, though they likely are doing both a disservice to racial and ethnic minorities and to democrats (and of course there is considerable overlap among those distinctions). Computer simulated districting plans used by Chen and Cottrell distinguish political gerrymandering among the two American political parties and offer context to the ways in which racial gerrymandering still finds its way into the electoral system. Chen and Cottrell find that “the type of gerrymandering that benefits Republicans appears to be different from the type of gerrymandering that benefits Democrats.”¹⁹⁵

Republicans appear to make most of their gains as a result of having full institutional control over the districting procedures in their states. This allows them to etch partisan bias into their districts without any effective opposition. Our analysis reveals that Republicans tend to take advantage of these opportunities. . . On the other hand, because there are fewer states where Democrats have institutional control over the districting process, Democrats gain fewer seats from partisan gerrymandering than Republicans. In fact, counterintuitively, we observe that

¹⁹¹Spann, Girardeau A. “Gerrymandering Justiciability.” *Geo. LJ* 108 (2019): 981.

¹⁹²Spann, 2019

¹⁹³Keena et al., 2019

¹⁹⁴Keena et al., 2019

¹⁹⁵Chen, Jowei, and David Cottrell. “Evaluating Partisan Gains from Congressional Gerrymandering: Using Computer Simulations to Estimate the Effect of Gerrymandering in the U.S. House.” *Electoral studies* 44 (2016): 329–340.

much of the significant state-level bias toward Democrats occurs in states where Republicans hold legislative majorities. It turns out that these states are also pre-clearance states that engage in racial gerrymandering to meet the standards set out by the Voting Rights Act. Therefore, Democrats tend to gain seats as a result of racial bias instead of partisan bias.¹⁹⁶

The fourth type of gerrymandering is known as Incumbent Protection Gerrymandering. This is a process in which districts are drawn to include “safe seats” for both parties by packing voters by political party into separate districts.¹⁹⁷ As one can ascertain, this type actually does benefit both parties by serving their common interests. Comfortable majorities for parties in districts allow defending candidates (or incumbents) to avoid any serious competition for their office.¹⁹⁸ As with anything, other literature identifies some other types of gerrymandering, but these types are the ones that have occurred most often in the United States.

Gerrymandering is distinguished from other policy areas addressed in this project in the sense that the answer to the problem is quite simple, and some states have already gotten to the answer. Independent Redistricting Commissions offer a clear path forward in ending gerrymandering. At present, there are over 30 states in which districts are drawn solely by state legislatures.¹⁹⁹ This makes it very easy for legislators to draw boundaries that will favor them and their party. Though some of these states have “advisory commissions”, such commissions are not independent and the redistricting power remains solely in the hands of the legislators. For gerrymandering to be resolved in light of the damaging decisions of the supreme court, Independent Redistricting Commissions present the most realistic way forward in riding legislatures from the practice of gerrymandering. The point of emphasis is not on changing the partisan balances of state or federal legislatures; but rather, the intent is to facilitate the end of the typical biases associated with redistricting as it is currently done in many states. Indeed, various analyses have even confirmed that the effect of gerrymandering is small. Chen and Cottrell find that removing bias from the districting process — whether it is racial or partisan — is not likely to change the partisan composition of Congress.²⁰⁰ However, removing the presence of racial or party biases in the districting process altogether makes for a more equitable process, and thereby enhancing the legitimacy of legislative institutions.

¹⁹⁶ Chen and Cottrell, 2016

¹⁹⁷ Keena et al., 2019

¹⁹⁸ Keena et al., 2019

¹⁹⁹ Williams, Ben, and Wendy Underhill. “Redistricting Commissions: State Legislative Plans.” Redistricting Commissions: State Legislative plans. NCSL, December 10, 2021.

<https://www.ncsl.org/research/redistricting/2009-redistricting-commissions-table.aspx>.

²⁰⁰ Chen and Cottrell, 2016

Redistricting commissions exist in four main types. There are independent redistricting commissions, bi-partisan commissions, advisory commissions, and backup commissions.²⁰¹ Research demonstrates that Independent Redistricting Commissions are the most effective by a significant margin. In Arizona for instance, the maps drawn by independent commissions in 2001 and 2011 were among the nation's most competitive.²⁰² Additionally, they had an average margin of victory 28% lower than the nation as a whole, further indicating that they were significantly more competitive.²⁰³ For such commissions to be able to properly accomplish their mission, a variety of parameters must be in place for them to be successful. Think tanks and non-profit organizations like the Brennan Center have conducted analyses of redistricting commissions and drawn several conclusions as to the best way in which such commissions should be formed and should operate.

First and foremost, redistricting commissions must have an independent selection process.²⁰⁴ Those who apply to serve on the commission should undergo a thorough screening process in which they are given qualitative assessments to determine their level of understanding and ability to be on such a commission. Several states like Michigan also include a level of randomness to their process so as to prevent parties from influencing the selection process. According to a Brennan Center study, the “strength and independence of the selection process” was found to be far and away the most important determinant of whether or not a commission was successful in redistricting to create greater fairness and competition.²⁰⁵

Though the selection process is certainly the most crucial aspect of a redistricting commission, the study by the Brennan Center analyzed redistricting commissions in seven jurisdictions (both state and municipal level commissions) and revealed some other very important factors as well. Among the most important other factors are unambiguous criteria for drawing maps, a guarantee of funding, robust requirements of transparency, a commission with 9 to 15 members, and an approval process for redistricting maps that ensures substantial and healthy negotiation.²⁰⁶ As some may suspect, the problem is not typically with determining the best practices and parameters. The problem is with actually getting to the implementation of such commissions.

²⁰¹Williams and Underhill, 2021

²⁰²Soffen, Kim. “Independently Drawn Districts Have Proved to Be More Competitive.” The New York Times. The New York Times, July 1, 2015.

<https://www.nytimes.com/2015/07/02/upshot/independently-drawn-districts-have-proved-to-be-more-competitive.html>.

²⁰³Soffen, 2015

²⁰⁴“Redistricting Commissions: What Works.” Brennan Center For Justice at New York University School of Law: Brennan Center For Justice, 2018.

²⁰⁵“Redistricting Commissions: What Works.”, 2018

²⁰⁶“Redistricting Commissions: What Works.”, 2018

One of the chief difficulties with this problem is similar to those aforementioned. State laws vary in such drastic ways that there is no uniform approach in implementing redistricting commissions in every state. Federal legislation is just simply unthinkable in solving this issue because federal legislatures would simply never vote in favor of this because it would alter the status quo that keeps many of them (in both parties) in positions of power. Therefore, this task would fall to states and their legislatures, which brings its own unique challenges.

The primary challenge with enacting similar legislation across states is the degree to which states vary in their political makeup, legislative procedure, etc. Of course, like the federal government, states legislatures could simply enact legislation creating an independent redistricting commission, but with the exception of a few states, this option is unlikely for the same reason as federal action would be. The best way to achieve this goal is by ballot initiative (sometimes known as “citizens initiative”). The reason it must be done in this manner is because state legislatures would rarely, if ever, give up their ability to redistrict and alter the maps to favor themselves or their party. By taking the proposal to the voters, it is out of the hands of the legislature. In only 24 states can voters petition to place initiatives on a statewide ballot.²⁰⁷ In the other 26, unfortunately, voters do not have this ability and can typically only perform such measures at the municipal level. This is precisely where federal intervention could come in, in a way that actually has a realistic probability. At present, there is no federal law addressing initiatives for citizens at the state level. Again, it is highly unlikely that members of legislatures would ever willingly surrender their ability to redistrict. However, congress could pass a very simple piece of legislation giving all U.S. citizens the ability to petition ballot proposals through direct and indirect initiatives in their states. This is the only way to ensure that citizens in every state could create independent redistricting commissions. Indeed, some constitutions, like that of Wisconsin, expressly give redistricting abilities to congress. Where has that gotten states like Wisconsin one may wonder? The answer is deeply gerrymandered, with decades of partisan gerrymandering by Republicans in the state. There are aspirations for a redistricting commission in Wisconsin, but the state constitution makes it largely impossible. Wisconsin Governor Tony Evers knew this but still issued an executive order creating an independent panel to draw new districts in the state.²⁰⁸ Evers immediately drew harsh criticism from Republican state legislators who vowed that this commission would have no influence on the new maps they choose to draw, even though Wisconsin was challenged in the Supreme Court in 2011 for its redistricting and drew national criticism for its districts deeply skewed in favor of Republicans.²⁰⁹ In fact, a study by the Milwaukee Journal Sentinel found that 64 of Wisconsin’s 99

²⁰⁷“Redistricting Commissions: What Works.”, 2018

²⁰⁸Baker, Ben. “Evers Creates Independent Redistricting Commission via Executive Order.” The Badger Herald, March 3, 2020.

<https://badgerherald.com/news/2020/03/03/evers-creates-independent-redistricting-commission-via-executive-order/>.

²⁰⁹ Baker, 2020

state legislature districts were skewed more Republican than the state average.²¹⁰ States like Wisconsin, Michigan, Pennsylvania, Ohio, North Carolina, and Georgia are the most critical to have independent redistricting commissions because of their present impact on the outcome of elections. Enacting the totality of reforms suggested in this paper would significantly mitigate the impact of so called “battleground states”, however; the current disproportionality of power held by these states in elections makes it vital that their districts be drawn fairly and competitively (in line with the aforementioned specifications).

The significance of federal action in regard to allowing citizens in all states to propose direct and indirect initiatives would not only be beneficial for redistricting commissions, but on a whole host of popular issues as well. Consider Marijuana recreational legalization, in several states it has been legalized through ballot initiatives that began with individuals collecting signatures. Remember that the ultimate goal of these domestic policy measures is to strengthen domestic institutions. Giving the everyday citizen more ability to influence the legislative process and enact laws supported by the people, not the politicians, would be a monumental step achieving the goal of strengthening domestic institutions. Today, people want their voice to be heard, and in too many states that is impossible. This measure would open a new avenue to reforms on several issues that the public hold similar views on across the political spectrum. Consider Michigan Ballot Proposal 2, in November 2020. This was an initiative begun at the individual level and eventually reached the state level ballot as a proposed constitutional amendment. Nearly 90% of voters approved this measure that requires a search warrant to access a person’s electronic communications and electronic data. Issues like these transverse the political spectrum, but the possibility of them being enacted in 26 states is significantly lower because citizens do not have the ability to make initiatives that reach state level ballots. In this vein possible federal action on this matter does seem both possible and realistic. This is because, in some ways, it enhances the power of federal legislatures by allowing citizens to bypass their state legislatures to create ballot initiatives. If a federal legislator were to gain some advantage through this measure, many would be more inclined to support it. Pointing to examples like Michigan’s Proposal 2 certainly offer strong reasoning for congress to consider such a measure. If state legislatures cannot enact legislation on a measure with 90% support, it should absolutely be the prerogative of the states’ general population to take matters into their own hands, as has been done in Michigan and several other states with recent measures.

When taking this recommendation into consideration in specific regard to gerrymandering, it is indeed a realistic and possible solution. Federal legislators would also like that the language would not need to

²¹⁰Baker, 2020

be remarkably specific either, meaning they are not holding states to strict standards or appearing too much as a “big government” measure. Citizens in every state would benefit from this because it would allow them to bypass their gerrymandered legislators to fix the problem by popular vote (after garnering enough signatures or being rejected by the legislature). The clear benefit to this proposal is that enacting independent redistricting commissions would then be much more uniform in every state, so citizens would be able to follow examples set by other states like Michigan in establishing their commissions and getting their initiatives to the ballot.

Gerrymandering is one of the most unique issues discussed in this paper, and it is also one of the most difficult to quantify. The basic principles of it are of course clear, a party can draw districts that favor their re-election and power hold over various districts and states at large. But to what extent has gerrymandering disrupted the political process, and the way in which legislation is formed? These are some of the troubling questions that are remarkably complex to answer. The first step in answering them comes in demonstrating the effects gerrymandering has had on competition. Yet, even on this topic, the literature offers mixed findings because isolating the specific effects of gerrymandering is difficult to do.

In two studies, Cottrell used a series of computer simulations to analyze the effect of gerrymandering on electoral competition. Cottrell asserts that two main points pertain to why consensus is lacking in this area. Firstly, as mentioned, it is difficult to do this because researchers must separate the effects of gerrymandering from other common explanations of lack of competitiveness in elections²¹¹. The two counterpoints typically used in gerrymandering discussions are the advantages of incumbency, and the lack of competitiveness being an unintended result of partisan geography²¹². In two separate studies²¹³, Cottrell found that gerrymandering only increased a congressional candidates likelihood of winning an election by 3% or less²¹⁴. Factors like incumbency advantage and partisan geography seem to offer greater explanation for congressional election outcomes than does gerrymandering. However, as Cottrell notes, the real problem created by gerrymandering is “safe seats”, or seats that have virtually no competition. Indeed, even in 2018, a midterm election that was heralded for its wave of Democratic candidates and higher rates of ethnic and racial minority representation, 91% of incumbents who ran for re-election were re-elected²¹⁵. Unsurprisingly, the results of Cottrell’s findings conclude that parties

²¹¹Cottrell, David. "Using computer simulations to measure the effect of gerrymandering on electoral competition in the U.S. congress." *Legislative Studies Quarterly* 44, no. 3 (2019): 487-514.

²¹²Cottrell, 2019

²¹³Chen, Jowei, and David Cottrell. "Evaluating partisan gains from Congressional gerrymandering: Using computer simulations to estimate the effect of gerrymandering in the U.S. House." *Electoral Studies* 44 (2016): 329-340.

²¹⁴Chen and Cottrell, 2016

²¹⁵Chen and Cottrell, 2016

gain safe seats in which the redistricting process is controlled by their party²¹⁶. This conclusion provides further evidence for the need for independent redistricting commissions to create larger amounts of competition and work to eliminate safe seats for parties.

Of all the challenging policy reforms being taken on in this paper, gerrymandering is perhaps the most straightforward in solving. It seems simple that the actor deciding electoral outcomes should indeed be the voters and not those who draw the district boundaries. Yet, like other areas discussed in this paper, gerrymandering has a long and well established history in the United States, which adds another layer of difficulty in solving it because it requires a change to the status quo that has kept so many in power. As demonstrated, the data clearly shows that independent redistricting commissions work, and the trouble is of course getting them enacted. Further evidence has even suggested that bipartisan committees and commissions nullify the effects of gerrymandering²¹⁷, indicating that another possible solution is for state legislatures to task bipartisan committees with redistricting. Though this is not as complete a solution as the one offered in this section, considerable literature suggests that steps as simple as this can virtually nullify the effects of gerrymandering. It is rare with any area of policy reform that a solution is so clear, concrete, and unquestionable. The “Master of Modern Gerrymandering”, Thomas Hofeller once asserted, “redistricting is like an election in reverse! It’s a great event. Usually voters get to pick the politicians. In redistricting, the politicians get to pick the voters!”²¹⁸. Hofeller was a Republican strategist that is often given significant credit for propelling Republicans to power in numerous state legislatures across the country.

For all of the Constitutional pursuits that seem to be up in arms the moment anyone challenges the vision of a group of deeply flawed men that governed a nation completely unlike the one currently in existence, it is well documented that many of the founding fathers despised factionalism and political parties. They believed it would open the door for special interest to dictate much of the order of the country, and they were spectacularly correct in this assertion. Partisan politics, particularly the two-party system, has systematically crippled over 200 years of Democratic governance. Competition and popular sovereignty were two of the bedrock principles the founding fathers pushed in the Constitution. It was their competing visions for the future of the nation that ultimately produced the Constitution, a Constitution that protected certain rights of its citizens. One of those rights, the right

²¹⁶Chen and Cottrell, 2016

²¹⁷Chen and Cottrell, 2016

²¹⁸“Supreme Court Rules: States Are on Their Own.” Fair Districts PA, June 28, 2019.
<https://www.fairdistrictspa.com/updates/justice-in-federal-courts-closed>.

to vote for its leaders, has been compromised. Support on this issue transverses the political spectrum, with some 70% of voters favoring an end to the practice²¹⁹.

Of great importance to mention at present is the potential of the For the People Act (H.R. 1/S. 1). If passed, this act would “require that each state establish an independent redistricting commission responsible for developing and enacting congressional redistricting plans²²⁰”. This act also has a majority support among voters, and would additionally add criteria to these commissions ensuring that lobbyists and politicians are barred from serving on them. It is of course unsurprising to note that Republican lawmakers are attempting to block this act from being enacted by employing the use of the controversial filibuster.

The Senate allows for “unlimited debate” on legislative matters, which has created the tradition of the filibuster. The filibuster itself is a senate rule that requires 60 votes to pass most legislation in the chamber²²¹. Associated with this process are various levels of parliamentary procedure. The makeup of the modern Senate dictates that a bill must have the support of 60 Senators, and if they do not have that margin, there is no conceivable path towards passing legislation. Democrats today would like to reform the filibuster, and no longer require the 60 vote threshold, but even Senators of their own party, namely Joe Manchin, have indicated that under no circumstances will they vote to alter the filibuster. What this means for the For The People Act is that it is ultimately doomed to fail. Indeed, Republicans in the Senate did not even allow debate on the bill when it was proposed, perhaps shining a rather clear light on that party’s systematic efforts to restrict voters because it will be the only path to future Republican electoral victories. This bill offers one of the most ambitious attempts to date to make systemic changes to the electoral system in the United States, so one should not be surprised that politicians are not willing to tamper with the status quo that keeps them in power.

It was in reference to the defining issue of the time, slavery, that President Abraham Lincoln asserted that, “A house divided against itself cannot stand.” The political status quo in the United States has led to chaos that festers today. Indeed the last several years have more than proved President Lincoln right, and further, proved that this democracy is on the brink of irreparable damage. The way forward is clear, and the path to strengthening, rather than continuing to weaken, the domestic institutions of the United States, begins with allowing the people to decide for themselves who governs the nation, and not as Hofeller once touted, the politicians to pick their voters.

²¹⁹“Democrats and Republicans Agree on Importance of Ending Gerrymandering.” Campaign Legal Center. Campaign Legal Center, May 24, 2021.

<https://campaignlegal.org/update/democrats-and-republicans-agree-importance-ending-gerrymandering>.

²²⁰“Democrats and Republicans Agree on Importance of Ending Gerrymandering.”, 2021

²²¹Stevenson, Peter W., and Amber Phillips. “Analysis | the Filibuster, Explained.” The Washington Post. WP Company, October 22, 2021. <https://www.washingtonpost.com/politics/2021/04/09/what-is-filibuster/>.

Structural Reforms to the Legislative and Judicial Branches

The United States Congress ranks 192 out of 193 in a ratio of citizens to representatives²²². Only India, a country of 1.4 billion people, is worse. A Pew Research study in 2018 noted that U.S. House members represent 747,000 citizens, which is by far the highest rate among fully industrialized democracies²²³. The growth of the United States population, though slight, will continue to worsen this disparity. Some of the realities of the “Connecticut Compromise” are not nearly as democratic as they may appear. Arguments made at the Constitutional Convention in regard to equal representation among states no longer hold today. Even at the Constitutional Convention, the proposal that came to be known as the Connecticut Compromise passed by the lowest possible margin²²⁴. If North Carolina had not switched sides on the final vote, or had Massachusetts not voted “divided” the proposal would not have passed and the U.S. may have a very different legislative structure²²⁵. Indeed, debate on just this issue, the issue of legislative representation, took over six weeks at the convention. The literature on this matter is of great interest, particularly because it demonstrates that one of the prime reasons for the passage of the compromise was indeed the inclusion of slaves in state populations²²⁶. Historians like Max Farrand long contended that the three-fifths compromise was more an “incident” of the debate over representation, and was indeed a separate issue. Considerable evidence would suggest otherwise. Pope and Treier demonstrate the reason the Connecticut Compromise was actually enacted was the vote change from North Carolina, a vote change that only occurred because of the inclusion of slaves in representation in the legislature²²⁷. It would seem cause for reconsideration in the structure of congress is warranted given that the current structure exists because of the votes of two states (at a time when there were only 13 states), and because the counting of slaves was the integral piece in reaching the Connecticut Compromise for North Carolina to change its position.

Many historians likewise assert that North Carolina’s switch to favoring proportional representation to opposing it was merely born out of cooperation and being convinced in the deliberation process that it was necessary. However, a Bayesian analysis conducted by Pope and Treier suggests that based on the

²²²Klein, Israel. “To Make the House of Representatives Work Again, Make It Bigger.” The Hill. The Hill, August 17, 2018. <https://thehill.com/opinion/campaign/402234-to-make-the-house-of-representatives-work-again-make-it-bigger?rl=1>

²²³DeSilver, Drew. “U.S. Population Keeps Growing, but House of Representatives Is Same Size as in Taft Era.” Pew Research Center. Pew Research Center, May 30, 2020. <https://www.pewresearch.org/fact-tank/2018/05/31/u-s-population-keeps-growing-but-house-of-representatives-is-same-size-as-in-taft-era/>.

²²⁴Pope, Jeremy C., and Shawn Treier. “Reconsidering the Great Compromise at the Federal Convention of 1787: Deliberation and Agenda Effects on the Senate and Slavery.” *American Journal of Political Science* 55, no. 2 (2011): 289–306. <http://www.jstor.org/stable/23025052>.

²²⁵ Pope and Treier, 2011

²²⁶ Pope and Treier, 2011

²²⁷ Pope and Treier, 2011

voting patterns and the structure of the agenda at the convention, that North Carolina and Georgia actually “dug their heels in” on the issue of representation²²⁸. This is in stark contrast to the notion pushed by many historians that on the final day of the convention North Carolina and some of the voting members of Massachusetts were swayed by the debate alone, rather than the inclusion of slaves in the population. James Wilson of Pennsylvania was even quoted saying, “less umbrage would perhaps be taken against an admission of the slaves into the rule of representation, if it should be so expressed as to make them indirectly only an ingredient in the rule, by saying they should enter into the rule of taxation: and as representation was to be according to taxation, the end would be equally attained²²⁹.” Essentially, Wilson wanted to craft a compromise that gave the southern states like North Carolina what they wanted without explicitly referencing slavery in the Constitution. Wilson believed that “if representation could be governed by a rule of taxation that was governed by the three-fifths rule, slavery would only be an ‘ingredient’ of the compromise without being an explicit part of it²³⁰”. In doing this, Wilson ultimately linked slavery to the existence of the United States Senate.

Though it is both warranted and necessary to re-evaluate the history of the current congressional structure, there is an even more important and problematic piece of history than the convention in regard to the structure of congress. This was the passage of the Permanent Apportionment Act of 1929.

Beyond the useful historical anecdote, plenty of statistical indicators suggest congressional reform is necessary. One can simply perform a quick information search to see articles from every congressional term that declare the current congress of the time the “least productive in history.” Deepening polarization has created an era of prolonged gridlock in which simple legislation cannot even make its way through congress. This has become evident under the Biden Administration with the inability to garner any significant bipartisanship on the major pieces of the president’s agenda. The filibuster allows for what often amounts to a handful of senators to dictate what legislation is passed in the United States. Congress has indeed become so unproductive that many offer elimination of the Senate as a viable option. Before he passed away, the longest serving member of Congress in Congressional history, John Dingell, advocated for abolishing the Senate or combining the two chambers into one²³¹. In his essay published among a variety of media outlets, Dingell cited various reasons for this. One reason being that American trust in government was as low as 18% in 2017²³². Additionally, Dingell asserted

²²⁸Pope and Treier, 2011

²²⁹Pope and Treier, 2011

²³⁰Pope and Treier, 2011

²³¹Dingell, John D. “I Served in Congress Longer than Anyone. Here’s How to Fix It.” *The Atlantic*. Atlantic Media Company, December 5, 2018.

<https://www.theatlantic.com/ideas/archive/2018/12/john-dingell-how-restore-faith-government/577222/>.

²³²Dingell, 2018

that the Great Compromise was born out of the idea that a state like Rhode Island needed two senators to protect itself from states like Massachusetts at a time in which only 4 million Americans were governed by Congress.²³³

Today, in a nation of more than 325 million and 37 additional states, not only is that structure antiquated, it's downright dangerous. California has almost 40 million people, while the 20 smallest states have a combined population totaling less than that. Yet because of an 18th-century political deal, those 20 states have 40 senators, while California has just two. These sparsely populated, usually conservative states can block legislation supported by a majority of the American people. That's just plain crazy.²³⁴

Dingell is remembered as one of the greatest legislators in the history of Congress, and of the United States. Though Dingell does make a compelling argument in theory, there is largely no conceivable way such a policy would be possible. However, more realistic avenues of structurally reforming congress exist that would put it on par in terms of its representativeness with other nations, and make it a much more effective law-making body without having to take measures like eliminating the filibuster or the Senate entirely.

House of Representatives Reform

History of early America is likely to prove quite interesting for those adamant about maintaining the wishes of the founders. Indeed one founding father was adamant about proportional expansion of congress and creating a system that would have allowed it to grow and remain in touch with the public as the United States grew as well. James Madison proposed a system that would have kept the House size directly linked to the public. To achieve this, Madison proposed capping electoral districts at 50,000 people to ensure that the House would maintain its commitment to the public²³⁵. In September of 1789 the first Congress submitted a series of amendment proposals to the states for ratification. The only one not adopted was Madison's proposed amendment²³⁶. Obviously, such a measure would be largely unreasonable by today's population standards, as it would mean the House would have well over 6,000 members. Madison, though, was acting under the correct premise. The United States needs to maintain a democratic ratio of representatives to constituents. As mentioned, the United States is nearly dead last in this ratio on a global level and is indeed last when compared to fully developed liberal democracies. The current permanent apportionment system and equal

²³³ Dingell, 2018

²³⁴ Dingell, 2018

²³⁵ Litt, David. "Congress Needs to Be Way, Way Bigger." The Atlantic. Atlantic Media Company, May 5, 2020. <https://www.theatlantic.com/ideas/archive/2020/05/congress-needs-be-way-way-bigger/611068/>.

²³⁶ Pope and Treier, 2011

representation in the senate disproportionately benefits one party. Though reform will of course be challenging it is no doubt necessary to institute structural reform to both houses of Congress to align them with PAR standards. Doing so would see both Congress, and the constituents who elect Congressmen and Congresswomen be held more accountable for their actions and decisions.

The short story when it comes to Congress is this; it needs to be larger, much larger. Using the large U.S. population as an excuse for lack of representativeness is not sufficient. Stagnant legislatures can become havens for private interests to flourish, and the present Congress provides ample proof of this contention. During the 2020 Congressional election cycle, of the sources of funding by chamber and party, nearly half of all contributions came from large individual contributions from private donors²³⁷. The numerous issues surrounding campaign finance will be discussed in an upcoming section, but it is a well studied reality that private interests, interest groups, PACs and Super PACs play a dominant role in elections in the United States. Though they do not influence election outcomes in drastic ways, private interests do heavily influence legislation.

Even though unlimited spending does affect outcomes, it does not tend to do so to a significant extent²³⁸. However, the influence on electoral outcomes is not the primary problem of current campaign finance laws after *Citizens United vs FEC*, the concern is that more private involvement in the electoral process creates highly inefficient legislatures. Not only has congress become inefficient in its productivity, but also in its spending. Many of the measures Congress has taken in the last decade actually seek to dampen economic growth because of a practice known as rent-seeking. Rent-seeking is essentially when people or firms seek greater income through special favors rather than productive legislation and economic activity²³⁹. Though this speaks to larger issues surrounding campaign and electoral finance laws, it also speaks to the problems of Congress in its current makeup. Such a limited number of Congressional seats allows private entities to dictate the legislative agenda in ways that are inefficient and impractical. Take insurance for instance, private insurance has grown so large in the United States that health care is now the largest sector of the U.S. economy²⁴⁰. In 2021 alone (only up to June 30th), healthcare (and insurance) companies spent \$331,000,0000 on lobbying²⁴¹. Even within the field literature, few have managed to sufficiently document the impact of such spending on legislation and Congressional action. Most do note however that lobbyists have effectively managed to

²³⁷“Total Raised”, 2021

²³⁸La Raja and Schaffner

²³⁹Craig, John, and David Madland. "How Campaign contributions and lobbying can lead to inefficient economic policy." *The Center for American Progress*. Retrieved from <https://www.americanprogress.org/issues/economy/reports/2014/05/02/88917/howcampaign-contributions-and-lobbying-can-lead-to-inefficient-economic-policy> (2014).

²⁴⁰ Craig and Madland, 2014

²⁴¹“Total Raised”, 2021

steer legislation away from ideas of public healthcare, and made great strides in firmly entrenching the United States in a private system. The proof has certainly been visible during the Coronavirus pandemic, as pharmaceutical and healthcare companies have profited in billions. UnitedHealth Group, the largest provider in the country, reported 4.9 billion in profit in just the first quarter of 2021²⁴².

The American public is in agreement on many of these “polarizing” issues, with 63% saying that it is the responsibility of the government to provide healthcare for all of the nation’s citizens²⁴³. Campaign money and lobbying leads to Congress not acting in the primary interest of their constituents, and passing legislation that produces greater benefits for their corporate donors. These elected officials then continue to garner power and influence as they remain in office, until the point of utter gridlock is reached, and government shutdowns become commonplace (as they have since the beginning of high levels of polarization in the 80s and 90s). So, how can Congressmen be made more accountable, and more “popular”? How can Congress be made truly representative of the nation and its views? The answer is expansion, and significant expansion at that.

The size of congress has been altered before, and it needs to be again. Altering the political status quo is increasingly challenging in the current political environment, however, the benefits of expanding Congress would be completely transformative. To achieve an optimal legislative size, both the House of Representatives and the Senate need to be expanded.

By 2050, each member of the House of Representatives will represent over 1 million people on average²⁴⁴. The unequal representation size by district that already exists will only continue to worsen until some representatives represent districts of well over 1 to 2 million people, whilst others only represent roughly 200,000 or less. The problematic nature of disproportionate district sizes was discussed earlier, but to recount it succinctly, the argument is that an American’s level of representation should not be dictated by the district in which they live. It is also problematic because the disparity extends into Presidential elections because the Electoral College is based on the number of electors each state has in the House and Senate²⁴⁵. Increasing the size of congress would work to significantly dampen the disparities in the Electoral College, and indeed, reforming or eliminating the Electoral

²⁴²“U.S. Health Insurers Report Billions in First Quarter as Small Providers Face Stress.” The Guardian. Guardian News and Media, May 8, 2021.

<https://www.theguardian.com/business/2021/may/08/us-health-insurance-companies-2021-first-quarter>.

²⁴³Jones, Bradley. “Increasing Share of Americans Favor a Single Government Program to Provide Health Care Coverage.” Pew Research Center. Pew Research Center, September 30, 2020.

<https://www.pewresearch.org/fact-tank/2020/09/29/increasing-share-of-americans-favor-a-single-government-program-to-provide-health-care-coverage/>.

²⁴⁴Kane, Caroline, Gianni Mascioli, Michael McGarry, and Meira Nagel. “Why the House of Representatives Must Be Expanded and How Today’s Congress Can Make It Happen.” (2020).

²⁴⁵Kane et al., 2020

College (as described in a previous section) could become entirely unnecessary because it would be representative of the nation's will. This is because the proportional representation within districts would be much more equal and not create the dynamic between states like California and Wyoming that was mentioned in the section on Electoral College reform. Increasing the size of the House would also seek to alleviate partisan gerrymandering as well, because the more districts there are, the more difficult it becomes to gerrymander in a truly effective manner²⁴⁶. When it comes to the practice of expanding the House, there are a few methods that could be taken.

One approach to House expansion is a statistical and mathematical model approach. Chris Wilson, the director of Data Journalism at Time, and several others have proposed similar models in which an experiment is conducted to discern a measurable level of disparity in representation using any given number of potential seats in the House. In Wilson's model, he determined how many delegates each state would get from every number of total seats between 435 and 1305 (which is three times the current amount)²⁴⁷. From each of these results, Wilson computed the disparity in representation using coefficient of variation (which is standard deviation divided by the average value)²⁴⁸. As one would expect, the higher the number of seats, the lower the disparity in representation. However, curiously this trend was not absolute. In fact, after the number of House members being 930, the disparity again starts to rise and worsen. This model would distribute House districts in a much more representational manner. Examples of the effects of this would see California reach 112 House members, Texas with 76, and Alaska, North Dakota, Vermont and Wyoming receiving 2²⁴⁹ (Note that this distribution reflects population data from 2018, and not the most recent Census data from 2020).

Beyond the statistical modeling approach, what would be the most straightforward approach would be a one-time expansion. Dr. Norman Ornstein of the American Enterprise Institute, among others, has proposed the addition of 50 additional House seats to bring the total to 485. The problem with this approach is that it does not account for changes in population, meaning that there is a high likelihood that using this method would result in a similar ratio of representation compared to what current levels already are. There are not too many advantages to this approach in the short or long term, however; in consideration of potential political will this would likely be the type of proposal that would be most likely to pass in Congress given its current, deeply divided, state.

²⁴⁶Kane et al., 2020

²⁴⁷Wilson, Chris. "How to Fix the House: Add about 500 Seats." Time. Time, October 15, 2018.
<https://time.com/5423623/house-representatives-number-seats/>.

²⁴⁸Wilson, 2018

²⁴⁹Wilson, 2018

Some scholars have offered incremental expansion as a viable option as well. Doctors Charles and John Kromkowski have suggested that an incremental expansion of Congress every ten years²⁵⁰. Though unclear as to a specific number, a 15 member increase was suggested at the time of publishing in 1991²⁵¹. Because such methods are very small alterations to the House, they may attract less opposition than other measures. That being said, there is little to no benefit to such miniscule incremental expansions because it does not work to solve the problem of the representational ratio.

Among the academic literature the most commonly suggested method is known as the cube root model. A 1972 article from Rein Taagepera has become widely influential in this model after Taagepera noted an existing geometric pattern among assembly and population size around the globe²⁵². After examining the size of the lower chambers of national assemblies in the 1960s, Taagepera discovered that the size of a country's national assembly is often approximately the cube root of its population²⁵³. Following this revelation, Taagepera's Cube Root Rule has been widely researched and studied. Recent research suggests that this rule is still followed to a significant extent. Kane et al. took a snapshot of the global trend by evaluating the 37 members of the OECD (Organization for Economic Co-operation and Development) in 2017. The size of most legislatures among the OECD members is very close to Cube Root Rule, and in many cases it actually supersedes it (meaning there are actually more representatives than the cube root of the population would suggest)²⁵⁴. Only Colombia had a greater negative disparity than the United States. The Cube Root Rule, more so than any other recommendation in academic literature or policy circles, offers an array of potential benefits.

Ultimately, the Cube Root Rule is the best method of House expansion because it is directly tied to the population and can account for both growth and decline in a timely manner. Typically governmental institutions are not thought of as dynamic bodies, however; it is their static nature that has led to complacency and passage of inefficient and unpopular legislation, when substantive legislation is passed at all. Instituting use of the Cube Root Rule would also put the United States on par with the other liberal democracies of the globe²⁵⁵. Additionally, such a measure would prevent Congress from ever having the ability to debate expansion and it would dispel any attempts to do so by either political party. With the exception of the first expansion following the institution of the Cube Root Rule, the rule would also prevent any unnecessary expansion attempts, because even with large population growth, the Cube Root Rule growth is relatively small. Below is a table outlining what the

²⁵⁰Kane et al., 2020

²⁵¹ Kane et al., 2020

²⁵²Kane et al., 2020

²⁵³ Kane et al., 2020

²⁵⁴ Kane et al., 2020

²⁵⁵ Kane et al., 2020

use of the Cube Root Rule would look like in the United States if it were instituted in 2020 (using the 2020 Census data and future projections)²⁵⁶. As Kane et al note, academic literature is quite divided as to whether or not they believe Taagepera's model should account for the 100 seats in the Senate, or refer only to the House. This project is acting under the conclusion of not including the 100 Senate seats, because the following section will detail necessary reforms to the Senate.

(Table 1.1)

Year	Total U.S. Population	Cube Root of Population	Total # of House seats	Change from prior size	Average Constituency
2020	331,449,281	692.05	692	+257	478,973
2040	355,100,000	708.14	708	+16	501,554
2050	373,500,000	720.16	720	+12	518,750
2060	404,500,000	739.56	740	+20	546,622

It is important to note that the Cube Root Rule is of course not without faults in itself. Notably, using the Cube Root Rule would see a consistent (but minor) increase in average constituency as population grows. However, these increases still reflect a much more desirable ratio than the current system allows for. Using the Cube Root Rule would change the perception of Congress as a dynamic institution, which would make meaningful reform a much less arduous process in the future. It is possible that eventual U.S. population growth would likely supersede the current ratio of representation to constituents and therefore dictate additional reform. Ladewig & Jasinski suggest that use of the Cube Root Rule would diminish the extent of malapportionment to a significant extent.²⁵⁷ Two of the common arguments held against this approach are the evolutionary nature of the formula, namely that it could reduce seats should the population reach a point of decline, and the evolutionary nature at large and the constant change happening every Census. In regard to potential loss of seats, states are

²⁵⁶U.S. Census, 2020

²⁵⁷Ladewig, Jeffrey W., and Mathew P. Jasinski. "On the Causes and Consequences of and Remedies for Interstate Malapportionment of the U.S. House of Representatives." *Perspectives on Politics* 6, no. 1 (2008): 89–107. <http://www.jstor.org/stable/20446639>.

already experienced in this process with the current system of apportionment and the potential for losing Congressional seats as population decreases. As demonstrated by the table above, the changes under this model are very minor, only expanding between 12-20 representatives after every Census. In addition, changing the size of the legislature every ten years is not new in American history. In fact, every decade from 1790 to 1910, the House adjusted the number of seats.²⁵⁸ After the 1920 Census; however, Congress did not pass reapportionment legislation for political reasons, not efficient legislative reasons.²⁵⁹ Ladewig & Jasinski note that between 1910 and 1920, the U.S. population grew 15%. This growth was primarily in more ethnically diverse Northeast urban areas.²⁶⁰ Legislators from states that did not experience major population growth came out in opposition to increasing the House size out of fear of losing representational power. These legislators held fears of growing urban areas and showed nativist sentiments.²⁶¹ For the following decade, Congress was deadlocked on the issue, ultimately culminating in the aforementioned 1929 permanent apportionment act.

Acknowledging that it was political motives that forestalled what was previously consistent adjustment to the House from 1790 to 1910, there are few compelling arguments against reinstating that ability to adjust and adapt as the nation does. The House of Representatives was designed to be the branch inextricably linked to the popular will of the people it governed.²⁶² It is difficult to argue that it fulfills such a duty given it is unrepresentative not only of the nation's will but of the people themselves. The typical argument held by strict constitutionalists does not hold in this instance, and actually reinforces the argument for change. According to historic accounts, "Madison's notes of the convention are replete with examples of debate which reflect the Framers' concern that the size of Congress be steadily adjusted so that its representative character would not be destroyed."²⁶³ Further accounts demonstrate that Madison actually wrote *The Federalist No. 58* to reassure the general public that the House would be adjusted as necessary after each census²⁶⁴. Most compelling, as noted, until political motivations interrupted it, the House was altered and changed until 1910.

Popular, accountable, rights-regarding; these are the main principles guiding these discussed efforts to fend off the converging threats facing the American political system. By making Representatives

²⁵⁸ Ladewig and Jasinski, 2008

²⁵⁹ Ladewig and Jasinski, 2008

²⁶⁰ Ladewig and Jasinski, 2008

²⁶¹ Ladewig and Jasinski, 2008

²⁶² Ladewig and Jasinski, 2008

²⁶³ "Notes of the Secret Debates of the Federal Convention of 1787." Avalon Project - notes of the secret debates of the Federal Convention of 1787, taken by the late hon Robert Yates, chief justice of the State of New York, and one of the delegates from that state to the said convention. Yale Law School. Accessed April 13, 2022.

https://avalon.law.yale.edu/18th_century/yates.asp.

²⁶⁴ "Notes of the Secret Debates of the Federal Convention of 1787."

constituent bases smaller they will be able to more accurately respond to the needs of those they represent. More districts will also create greater competition, and thereby also increase the accountability of voters to choose candidates that they feel will properly represent their interests in Congress. Expanding the house of representatives to align it with its intended purpose, as outlined by the framers, will ultimately go a long way toward bringing the United States up to PAR itself.

The final question on institutional change will always come down to feasibility. Finding a realistic path of instituting this policy is no easy task. A constitutional amendment seems improbable given that over 11,000 amendments have been proposed, and only 27 enacted.²⁶⁵ Because this idea does not violate the Constitution in its current form, the best way to enact this policy would be through Congressional legislation. Even if a majority of the nation supports it, which survey data suggests is true.²⁶⁶ Recent trends show that Congress does not always legislate by popular belief.

For institutional change such as this to take shape, it will require unique approaches. One of the major points of emphasis on this issue must be the precedent that has already been set. Precedent, in this case especially, can be a very powerful ally for creating greater popular support, and thereby legislative action. In regard to support, the public is actually in support of institutional changes broadly. A 2018 Pew Research study found that 61% of Americans believe that “significant changes” are needed to the “design and structure” of the U.S. government to make it work in today's environment.²⁶⁷ Both Democrats and Republicans would benefit from House expansion, most notably in that it could offer a rare opportunity for bipartisanship on an issue that is inherently not political. Expanding the House is about protecting and strengthening the democratic institutions of the United States, and potential legislation would not be challenged by the Supreme Court in all likelihood.

A policy maker's job is more than just its namesake. It is the job of public officials and policy makers to preserve, uphold, and bolster the institutions in which they operate. Since 2005, Congressional approval ratings hover around 21%.²⁶⁸ Pew Research, as of April 2021, found that just 24% of Americans trust the Federal government.²⁶⁹ The foundation of building support for the federal government can only be done through measures that strengthen the institutions, and thereby

²⁶⁵ Kane et al., 2020

²⁶⁶ Kane et al., 2020

²⁶⁷ “Public Trust in Government: 1958-2021.” Pew Research Center - U.S. Politics & Policy. Pew Research Center, May 28, 2021. <https://www.pewresearch.org/politics/2021/05/17/public-trust-in-government-1958-2021/>.

²⁶⁸ Behrmann, Savannah. “Poll: Congress Hits Its Highest Approval Rating at 12-Year High.” U.S.A Today. Gannett Satellite Information Network, February 23, 2021.

<https://www.usatoday.com/story/news/politics/2021/02/23/poll-congressional-approval-rating-12-year-high-gallup-shows/4558198001/>.

²⁶⁹ “Public Trust in Government: 1958-2021.”

strengthen public trust and belief in their legitimacy. Passing legislation to revoke the 1929 Permanent Apportionment Act, and to use the Cube Root Model to determining the size of the House of Representatives after every decennial Census would decrease the size of Congressional constituencies, allow for more women and minorities to serve, prevent the loss of seats in small states (an issue small states care greatly about), mitigate the powerful effects of gerrymandering in the United States, encourage representation from more political parties, help mitigate corruption from private interests, and perhaps most importantly, it would significantly improve the disparities present in the Electoral College, thereby making elections more representative of the national will. Believing that institutions can strengthen themselves through re-establishment of prior democratic norms or through the “spirit of bipartisanship” is, in my estimation, a naive approach to trying to fix the problems of the House and of Congress at large. Partisan politics ended House expansions the first time around, and this time it must be precisely because of such partisan politics that the House is expanded again.

Senate Reform

If disparities in the House of Representatives are cause for structural reforms, the disparities present in the U.S. Senate are equally cause for structural reform as well. The History of the Senate has been discussed at length in prior sections, but it is again worth noting some of the motivations for Senate reforms. James Wilson inextricably linked the chamber to slavery and historical evidence suggests that it is a very real possibility that had North Carolina not received a compromise on the issues of slavery, the Senate chamber may well not exist today (or at least not in its current form).²⁷⁰ A foundational part of strengthening U.S. governing institutions is to make them truly inclusive and multicultural institutions that seek to govern a vastly diverse nation. When the foundation of a major political institution emerged out of compromising on slavery conflict is sure to arise. One cannot expect an institution designed on the exclusion of non-Anglo Saxon Protestants to successfully govern an increasingly diverse nation in the 21st century.

While the Electoral College was scrutinized in an earlier section, its reason for inclusion was in good principle -- electoral mediaries preventing partisan actors from determining an election outcome. The Electoral College is not without its issues; however, the Senate represents what is perhaps the most challenging aspect of American democracy going forward. Consider again the History of the Senate. It was designed to protect “small states” interests and Federalists became on board with the idea in the

²⁷⁰ Pope, Jeremy C., and Shawn Treier. “Reconsidering the Great Compromise at the Federal Convention of 1787: Deliberation and Agenda Effects on the Senate and Slavery.” *American Journal of Political Science* 55, no. 2 (2011): 289–306. <http://www.jstor.org/stable/23025052>.

interest of expediency.²⁷¹ Consider now, the fundamental basis of a bicameral legislature in 1787. William Paterson defended the New Jersey plan on the basis of protecting power and security of small states. Preserving the abilities of marginally smaller states in a time when the United States was still fearful of large, centralized powers, seems both prudent and plausible. This argument does not hold to the same logic or rationale today. This serves to introduce the threat posed by the Senate in this era of partisan warfare.

The Senate not only justifies minority rule, but has sought to preserve it in recent times. As of the 2020 Census, the combined population of 15 states – Alaska, Idaho, Utah, Wyoming, North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Arkansas, Louisiana, Mississippi, Kentucky and South Carolina – is roughly 37.2 million. The population of California is 39,538,223.²⁷² Those 15 states, which have 38 Senate seats, are represented by 30 Republican Senators, though their combined population is less than that of one state – California – who is represented by two Democratic Senators. As professor Christopher Z. Mooney asserts, “based on the Equal Protection clause of the 14th Amendment, the basis of sovereignty in our system of government is the voter, not the geographical area²⁷³. As Chief Justice Earl Warren argued in one of these cases, ‘legislators represent people, not trees or acres. Legislators are elected by voters, not farms or cities or economic interests’.”²⁷⁴ Mooney references several Supreme Court decisions in the 1960’s, notably *Reynolds v. Sims*, in which the Supreme Court articulated the “one person, one vote” principle in the malapportionment of state legislatures.²⁷⁵ This principle, Mooney and others argue, is violated by the Senate. Currently, there are six states with Senators from both political parties. Aside from those six states, about 57% of the population lives in states with two democratic Senators, while just 43% live in states with two Republican senators, yet; the Senate is an even 50-50 split.²⁷⁶ With only 43% of the population, the Republican party has 50% of the Senatorial representation. Respect of minority views was and is indeed a feature of the American political system; however, allowance of minority rule is not.

Another more critical factor to the Senate debate is race. The United States ethnic stratification has long been dominated by White Anglo-Saxon Protestants (or WASPs). In racial and ethnic relations,

²⁷¹“The Debate over the Senate.” Center for the Study of the American Constitution. The University of Wisconsin-Madison. Accessed April 13, 2022.

<https://csac.history.wisc.edu/document-collections/constitutional-debates/senate/>.

²⁷²Narcross, Jon. “When It Comes to Fair Votes, the U.S. Senate Is Ripe for Reform.” Electoral Reform Society ERS. Electoral Reform Society, November 2, 2020.

<https://www.electoral-reform.org.uk/when-it-comes-to-fair-votes-the-us-senate-is-ripe-for-reform/>.

²⁷³Mooney, Christopher. “The U.S. Senate: The Most Unrepresentative Body.” NPR Illinois, February 9, 2021.

<https://www.nprillinois.org/politics/2021-02-09/the-u-s-senate-the-most-unrepresentative-body>.

²⁷⁴Mooney, 2021

²⁷⁵*Reynolds v. Sims*, 377 U.S. 533 (1964)

²⁷⁶Mooney, 2021

when a dominant group perceives a threat from subordinate groups, they may take any number of measures to ensure, bolster, or reassert their dominance. One of the ways through which dominance is reasserted is through concerted efforts at concentrating power within group members and taking steps to prevent out-groups from gaining entrance into social institutions like government and the economy.²⁷⁷ If this language appears familiar, it is because some assert it is precisely the effort being undertaken by Republicans around the country. White ethnonationalism has been on a steady rise in the United States, and with it, obvious attempts to cement WASP power over social institutions and prevent structural assimilation from other groups. Today, at a time in which the Republican party is increasingly gravitating towards nativist and nationalist narratives, many WASPs feel that an increasingly diverse country, and loss of majority status, are existential threats to their existence and the existence of the United States as a nation. The Senate structure reinforces and justifies these sentiments among the Republican party by allowing small, and nearly entirely white states like Alaska, Idaho, Wyoming, and the Dakotas to hold large amounts of representational power when they are decidedly unrepresentative of the nation. The share of whites who show high levels of trust in government is twice as high as the share of blacks and Hispanics in the United States.²⁷⁸ Strengthening domestic institutions refers, in part, to expanding trust and support in government amongst all Americans, not those who have maintained power over current institutions. The United States is still very much figuring out how to govern a multiethnic society with complicated political differences tied to that variation in ethnic makeup. Reform of the Senate presents a remarkable opportunity to take a major stride forward in that effort.

At the outset of any notions of reform, it is important to note that the purpose of the Senate as a more deliberative body is an important one to uphold. As are the body's functions associated with Presidential appointments, treaties, and so on. Also notable is the fact that structural Senate reforms are a virtual non-starter in the current political environment. The Constitution is much more specific with Senate apportionment in stating that, "no state, without its consent, shall be deprived of its equal suffrage in the Senate."²⁷⁹ Georgetown Professor Jonathan Ladd suggests that this implies that every state would have to approve a change in Senate seat allocation on a Constitutional amendment. This leaves largely workaround options rather than the ability to address the major problem. Nonetheless, as

²⁷⁷Marger, Martin N. *Race and ethnic relations: American and global perspectives*. Cengage Learning, 2014.

²⁷⁸Lee Rainie, Scott Keeter And Andrew Perrin. "Trust and Distrust in America." Pew Research Center - U.S. Politics & Policy. Pew Research Center, July 27, 2021.

<https://www.pewresearch.org/politics/2019/07/22/trust-and-distrust-in-america/>.

²⁷⁹Ladd, Jonathan M. "The Senate Is a Much Bigger Problem than the Electoral College." Vox. Vox, April 9, 2019. <https://www.vox.com/mischief-of-faction/2019/4/9/18300749/senate-problem-electoral-college>.

Mooney notes, “In a representative democracy, we establish institutions to organize and empower the government to do what voters want it to do.”²⁸⁰

To begin with the most ideal solution to Senate reform, one must look to growth and reapportionment. Unlike the house, a one time expansion to the Senate would be sufficient to achieve the successes associated with it. Expansion, coupled with reapportionment would be the solution with the best outcome for the health of American democracy, but equally, it appears most unlikely. Even still, Senators themselves have recognized for decades that this question of apportionment is something that the body has to grapple with. In the introduction of one of his books, former Senator Daniel Patrick Moynihan wrote, “sometime in the next century the United States is going to have to address the question of apportionment in the Senate.”²⁸¹ University of Pennsylvania professor Eric W. Orts suggests that time has arrived. Critically, Orts’ solution may indeed be Constitutionally viable as well. Orts’ plan is called the “Senate Reform Act” (or the Sanely Ordered Senate (SOS) Act or Simple Arithmetic for Voter Equality (SAVE) Act for those who prefer an acronym). His proposal is rather simple, as Orts proposes that the act “mandates a minimum of one senator for each state. It departs from the original one state, two senators rule, however, and allocates a greater number of senators to more populous states in accordance with the constitutional principle of equal protection of the right to vote.”²⁸² Essentially, each state is granted a minimum of one Senator to preserve an element of federalism and equal representation. In Orts’ model, he uses the decadal census total population of the U.S., divided by 100. That number allows the unit to be used to allocate seats to each state, which Orts calls the “Rule of One Hundred.” Using this formula, the final number of Senators after distribution becomes 110. The proposal of this project would be similar to that of Orts, however; a few key changes are necessary.

When it comes to Orts’ model, the most glaring challenge is the idea of removing Senators from any state. Though small states do not have the reasoning for an equally representative body that they did in 1787, no small state would ever accept losing representation in the Senate. With that assumption in mind, keeping every state at a minimum of two Senators is the most prudent solution. From the baseline minimum of two Senators, the subsequent step would be a one-time expansion of the Senate to 200, namely because of the ease to which a one-time expansion could be approved. The remaining 100 members would be proportional to the percentage of a state’s population in the national population. Reapportionment would occur in light of any population changes every ten years after the census. Following the 2020 Census, the proposed Senate would appear as follows:

²⁸⁰ Ladd, 2019

²⁸¹ Orts, Eric W. “The Path to Give California 12 Senators, and Vermont Just One.” *The Atlantic*. Atlantic Media Company, January 4, 2019. <https://www.theatlantic.com/ideas/archive/2019/01/heres-how-fix-senate/579172/>.

²⁸² Orts, Eric W. “Senate Democracy: Our Lockean Paradox.” *Am. U.L. Rev.* 68 (2018): 1981.

(Table 1.2)

State:	Number of Senators
California	14
Texas	11
Florida	9
New York	8
Pennsylvania, Illinois, Ohio	6
Georgia, North Carolina, Michigan, New Jersey, Virginia	5
Washington, Arizona, Massachusetts, Tennessee, Indiana, Maryland, Missouri, Wisconsin, Colorado, Minnesota, South Carolina, Alabama	4
Louisiana, Kentucky, Oregon, Oklahoma, Connecticut, Utah, Iowa, Puerto Rico*	3
All other states and Washington D.C.*	2

As readers will note, both Puerto Rico and Washington D.C. are granted Senate representation in this model, as they would be in the aforementioned House expansion as well. This is an issue that at its basis is not political, but rather, it is an issue of granting fundamental rights of the Constitution to over 4 million people that currently reside in D.C. and Puerto Rico. Washington D.C. is larger than both Wyoming and Vermont, and its residents pay federal income taxes. To deny 700,000 American's basic rights because "D.C. was never intended to be a state" is not a reasonable objection to inclusion of it as a state. The case for Puerto Rico is even more compelling.

Puerto Rico's population, as of the 2020 Census makes it larger than 21 states. Further, Puerto Rico's residents voted in November of 2020 on a national referendum to immediately admit Puerto Rico into the union as a state. 53% of voters approved this measure, signifying the desire of Puerto Ricans to be a state. Perhaps the greatest factor facilitating the need for Puerto Rico statehood is history, both recent and distant. It is true that residents of Puerto Rico do not pay federal income taxes; however, they do indeed pay for payroll taxes that fund programs like medicaid, programs which Puerto Ricans have

comparatively less access to than states do even though 44% of their population lives in poverty. Many in academic circles have characterized the long quest for Puerto Rican statehood using similar methods. Dr. Amílcar Antonio Barreto of Northeastern University analyzed one of the earlier pushes for Puerto Rican statehood in 2010 and the conversations between Congressmen and women over H.R. 2499. Barreto noted that a majority of the opposition came from GOP members, specifically on the issue of “the cultural compatibility of Puerto Ricans.”²⁸³ Barreto further describes the language narrative as the principle challenge made by GOP members in this notion of cultural compatibility. Proponents of the bill offered a point that remains hard to contend with for opponents; civic values and military service. Dan Burton, who was actually an opponent of the bill, even acknowledged that proportionally, more Puerto Ricans died serving in the U.S. armed forces than citizens of any state in the union.²⁸⁴ Even thinking logically based on geography, Hawaii is 2400 miles, Puerto Rico only 1100 from the continental United States. Beyond military service, the sticking point used by opponents has consistently been a debate about whether or not Puerto Ricans actually even want to be members of the union. The citizens of Puerto Rico have answered yes to this question, and it is time to admit them, and the District of Columbia, as states in the union. Simply put, the U.S. is a multiethnic society that can only be brought up to PAR with inclusion of all peoples. D.C. is a majority minority population and Puerto Rico is largely Hispanic. If the U.S. is to truly match its long rhetoric on respect of racial and ethnic minorities, statehood for D.C. and Puerto Rico is an important step.

The plan outlined in Table 1.2 preserves the elements of equal levels of representation (in the form of a minimum), whilst also seeking to dampen the representational disparities present in the Senate. More importantly, it preserves the Senate's mission to act as a more deliberative body and act as a saucer to “cool” down the hot tea that is the House of Representatives, to use a metaphor of George Washington.²⁸⁵ Policymaking was never intended to be a fast process in the United States but it was intended to be one that followed the will of the nation. Following the will of the nation is difficult when some senators represent the will of 15 million people, and others represent the will of 250,000.

Two questions arise about this model for Senate expansion, is it Constitutional? Also, is there a realm in which it is politically feasible? To both questions, Orts' model is again a guide. In doing so, the plan for Senate expansion described above would take the form of a bill, like any other piece of legislation. For the sake of this project, and the preference of the public for acronyms, this piece of legislation will be called the F.A.I.R act, or the Fair And Indisputable Representation act.

²⁸³ Barreto, Amílcar Antonio. “American Identity, Congress, and the Puerto Rico Statehood Debate.” *Studies in ethnicity and nationalism* 16, no. 1 (2016): 100–117.

²⁸⁴ Barreto, 2016

²⁸⁵ “Senate Created.” U.S. Senate: Senate Created. United States Senate, February 11, 2020. https://www.senate.gov/artandhistory/history/minute/Senate_Created.htm.

In terms of the Constitutionality of the FAIR act, the greatest piece of textual support for it comes in the 14th Amendment of the Constitution. In analysis of his own proposal, Orts notes that “Supreme Court cases have applied the principle of equal protection in the context of federal standards for voting rights in the states.”²⁸⁶ More importantly, he adds that the implications of the enforcement clause are such that “Congress has the power to assure ‘equal protection of the laws’ for U.S. citizens, including their right to vote.”²⁸⁷ Within the text of the Constitution, Congress is granted the power to protect voting rights in additional amendments such as the 15th, 19th, 24th, and 26th amendments.²⁸⁸ Orts suggests that taken together, all voting rights amendments suggest that Congress would be well within its rights to correct the denial of voting rights in elections for offices at the Federal level (i.e. the Senate).²⁸⁹ Additionally, because voting rights legislation has aimed to correct and equalize differences among racial, ethnic, and gender minorities, these offer additional bases for reform of the Senate as the most populous states in the country have significant populations of non-White citizens, proportions that are much higher than the national average. In California, white citizens make up just 36.5% of the population, in Texas 41.2%, New York 55.3%, and Florida 53.2%.²⁹⁰ This speaks to the level in which non-White populations remain disenfranchised in voting and representational rights. The 15th amendment reads, “The right of citizens of the United States to vote shall not be denied or abridged by the United States or any State on account of race, color, or previous condition of servitude.”²⁹¹ This again affirms the rights of Congress to address Senate apportionment on the grounds of the structural inequality the current system maintains. These examples offer clarity on the jurisdictional right of Congress to act on this issue, but logical thought provides additional basis for the suggested legislation. Cooperative Federalism is becoming increasingly unstable in the United States, and this instability is exacerbated by the representational inconsistencies among large states versus small ones.

There is of course the ever-present possibility that the Supreme Court could assert original jurisdiction over this matter, but it is unlikely that the Supreme Court would strike down legislation to align the nation with rights outlined in the Constitution. In the words of Orts:

From a political theory as well as a public perception standpoint, it would be odd for nine unelected justices to strike down a congressional statute designed to enhance democratic representation, including fair representation of people of color, based on an interpretation of the original text of a 200- year-old document written of white men, by white men, and, at least

²⁸⁶Orts, 2018

²⁸⁷ Orts, 2018

²⁸⁸Orts, 2018

²⁸⁹Orts, 2018

²⁹⁰“U.S. Census Bureau Quickfacts: United States.” Census QuickFacts. U.S. Census Bureau. Accessed April 14, 2022. <https://www.census.gov/quickfacts/U.S.>

²⁹¹ Constitution, U. S. "Amendment 15" (1787).

in large part, for white men (many of them slaveholders). . . . In other words, striking down the legislation would risk the Court's legitimacy.²⁹²

Given that the nature of this proposal is inherently democratic, a judicial challenge would seem unlikely. The challenge would certainly be on the political feasibility end. The principal distinction between the recommendation made in this project, and that of Orts is that no state would lose representation. Absent this issue, Orts' proposal is a desirable solution among others posed in academic literature. However, today's political climate and the increasing power of states dictates the need to refrain from stripping states of any representational capacity. Under Orts' model, if Senators and Representatives voted only in the interest of their own states' relative power, this legislation would fail. Of course, that is besides the point, because politics do not function in that manner today. The current climate requires that a state must benefit in some way from this to consider its passage. The aspect of party affiliation adds an additional layer of complexity and complication making it difficult to speculate as to whether or not enough approval for such a measure would exist. It would depend very much on the party in power and how large the control of Congress is or is not. Republicans are likely to oppose the measure because they disproportionately benefit from the status quo that benefits white voters. Because of this it would likely take a fully Democratically controlled government to pass this legislation and get it through the Senate chamber itself, which would likely be the greatest challenge. It is difficult to see why a Senator would willingly diminish their power no matter their party affiliation. Still, the goal of the reforms in this project is to prevent the disastrous effects of converging threats to American democracy by bringing it up to PAR. This proposal, though challenging on the basis of political will, is absolutely necessary to achieving that end.

The U.S. Senate has become an outlier in terms of its malapportionment and unrepresentative nature among industrialized democracies around the world. It is a body that disproportionately benefits White voters in the United States, and greatly distorts the representation of large states. The FAIR act provides a situation in which no state loses its number of Senators, but the Senate is slightly expanded to account for a more representative system in which apportionment is based on population beyond the guaranteed baseline of 2 Senators. What's more, this system would still give small states significantly greater representativeness in terms of the value of an individual's vote. Under the FAIR act, a Senator in Wyoming would represent the voting will of just over 250,000 people, and in California, a single Senator would still represent the voting will of over 2.8 million. This represents a significant reduction in the ratio of representatives to population, which is a benefit for all states. Additionally, this act would provide a clear path to statehood for over 4 million U.S. citizens in Washington D.C. and Puerto Rico who do not currently have representation.

²⁹²Orts, 2018

Forming a more perfect union entails updating democratic institutions according to the times, and the makeup of the Senate no longer fits the United States. A country that considers itself a bastion of democracy can no longer maintain a body that is inherently undemocratic. Senate reform appears daunting, but the logic of protecting and bolstering liberal democracy must triumph over the partisan divide facing the United States if it is to successfully build an inside approach to its public and foreign policy.

Supreme Court Reform

Only one time in the history of the United States has a sitting president not been allowed to fill a supreme court vacancy. While it is true some candidates for the court have been rejected, every time an opening has appeared a sitting president was eventually allowed to fill it through one or more nominees. That is, until 2016, when Senate Republicans refused to confirm President Obama's nominee on the grounds that the next President should be allowed to appoint a judge to fill the vacancy. What made the rejection of Merrick Garland so unprecedented and a partisan attempt to align the court was the fact that he had been confirmed by the Senate in 1997 as an Appeals Court judge by a margin of 76-23. What relevance does this have, some may wonder? It is a rather blatant example of the new reality of the Supreme Court, it is now a partisan institution. On September 15th, 2021, at an event with Mitch McConnell, Justice Amy Coney Barrett said the Court "is not comprised of a bunch of partisan hacks."²⁹³ She further added that judges must be "hyper vigilant to make sure they're not letting personal biases creep into their decisions, since judges are people, too."²⁹⁴ Commentators noted that this was an almost cartoonish display from a Supreme Court Justice, especially one appointed with the controversy in which Barrett was. The Supreme Court has become undeniably enmeshed into the hyperpolarized politics of the United States. The good news is this, the Supreme Court has been reformed many times before, and for it to properly function, it must be so again.

Six of the current Supreme Court Justices were appointed by Presidents that lost the popular vote. Under the reform initiatives offered in this project, such actions would never again happen. Even still, the very fact that 67% of the Supreme Court is made up of judges appointed by Presidents that were elected in a manner unreflective of the national voting will is further cause for reform. Greater cause is evident in the aforementioned politicization of the Court as happened in 2016, and throughout the Trump presidency. As with the other recommendations in this piece, it is useful to understand the

²⁹³Sirota, David. "Amy Coney Barrett Says the Supreme Court Aren't 'Partisan Hacks'. Oh Really?" The Guardian. Guardian News and Media, September 15, 2021.

<https://www.theguardian.com/commentisfree/2021/sep/15/amy-barrett-supreme-court-partisan-hacks>.

²⁹⁴Sirota, 2021

history of the Supreme Court and how it came to its current form before better understanding the ways in which it can be reformed.

On March 4th, 1789, when Congress met, one of the first terms of business was to fulfill the requirements of Article III, section 1, of the Constitution. Many will know that this article provides that “judicial power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish.”²⁹⁵ To follow through on this article, Congress passed the Judiciary act of 1789, which established 13 district courts in major cities, three circuit courts, and a Supreme Court composed of a Chief Justice and five Associate Justices.²⁹⁶ President Washington nominated John Jay of New York to be the first Chief Justice, and he was sworn in on October 19, 1789. The first Supreme Court only actually met for a few weeks of February and August, but did nonetheless have some notable cases. These cases include *Chisholm v. Georgia* (1793) and *Glass v. Sloop Betsey* (1794). The former led to the adoption of the Eleventh Amendment, which led to the removal of federal jurisdiction in suits by citizens of one state against another state and the latter established admiralty jurisdiction in all federal courts.²⁹⁷

Since 1869, the Supreme Court has consisted of nine justices, but prior to that the court changed sizes six times. Though the Constitution established the Supreme Court, Congress holds the ability to decide how many justices make up the court. In 1801, President John Adams and a lame-duck Congress controlled by Federalists passed the Judiciary Act of 1801. This act reduced the Supreme Court to five justices in an attempt to limit Thomas Jefferson (the incoming president) from making multiple appointments to the court. Jefferson and the Republicans repealed this act and put the court back to six justices until 1807, when Jefferson added an additional justice because of the additional seventh federal circuit court that was added.²⁹⁸ Congress again expanded the number of federal circuit courts in 1837, which allowed President Andrew Jackson to add two more justices to the court. Briefly during the Civil War, Congress added a 10th circuit, and therefore a tenth judge. This lasted only until 1869 when legislation put the court back at nine justices, where it has remained ever since, despite attempts to reform it.

Past attempts at reform have been for entirely political purposes. Famously FDR attempted to add two (but was open to as many as six) justices that would be sympathetic to his progressive policy goals, but

²⁹⁵“The Supreme Court of the United States - History: United States Senate Committee on the Judiciary.” Nominations | United States Senate Committee on the Judiciary. United States Senate Committee on the Judiciary. Accessed April 14, 2022. <https://www.judiciary.senate.gov/nominations/supreme-court/history/>.

²⁹⁶“The Supreme Court of the United States - History: United States Senate Committee on the Judiciary.”

²⁹⁷“The Supreme Court of the United States - History: United States Senate Committee on the Judiciary.”

²⁹⁸“Why Does the Supreme Court Have Nine Justices?” National Constitution Center – constitutioncenter.org. National Constitution Center, 2018. <https://constitutioncenter.org/blog/why-does-the-supreme-court-have-nine-justices>.

he was unsuccessful and met with considerable opposition. A great deal of commentary points out that recent calls for Supreme Court reform have been much the same as those past; motivated by inherently political purposes and one party hoping to gain the ideological advantage on the nation's highest court.

Today though, more cause for Supreme Court reform is evident than ever has existed before. When it comes to palatable reforms relatively few options exist that would not be labeled as partisan acts. Even still, one notable option that would actually elicit structural changes and has been well-studied, whilst also being politically palatable, is term limits.

When it comes to Supreme Court term limits, there are some proposals that have received some broad support. This support comes for any number of reasons, but one of the main arguments put forth by many, including current Chief Justice John Roberts, is the idea that the life expectancy in 1787 was only about 35 years.²⁹⁹ This is of course starkly different from the reality in modern America in which the average life expectancy is about 79. Life expectancy; however, is just one of a growing number of reasons that life tenure for Supreme Court justices deserves a second look.

From the time American's enter elementary school they hear of checks and balances. As they get older they learn about all the checks the various branches have on one another. However, often overlooked are the few checks that actually exist on the Supreme Court. Only three checks on the Supreme Court really exist, and because of life tenure they are significantly altered. The Senate confirms all appointments to the court, the House of Representative can impeach justices (to be tried in the Senate), and Congress can alter the number of justices. The first check in particular, the confirmation power of the Senate, is significantly reduced in its efficacy when justices are granted life tenure.³⁰⁰ This and further problems are evaluated by Calabresi and Lindgren:

The increase in the longevity of Justices' tenure means that life tenure now guarantees a much longer tenure on the Court than was the case in 1789 or over most of our constitutional history. Moreover, the combination of less frequent vacancies and longer tenures of office means that when vacancies do arise, there is so much at stake that confirmation battles have become much more intense. Finally, as was detailed in a recent article by Professor David Garrow, the advanced age of some Supreme Court Justices has at times led to a problem of "mental decrepitude" on the Court, whereby some Justices have become physically or mentally unable to fulfill their duties during the final stages of their careers. A regime that allows high government officials to exercise great power, totally unchecked, for periods of thirty to forty years, is essentially a relic of pre-democratic times.³⁰¹

²⁹⁹“Why Does the Supreme Court Have Nine Justices?”, 2018

³⁰⁰Calabresi, Steven G., and James Lindgren. "Term limits for the Supreme Court: Life tenure reconsidered." *Harv. JL & Pub. Pol'y* 29 (2005): 769.

³⁰¹Calabresi and Lindgren, 2005

As Calabresi and Lindgren note, when vacancies arise they become political battles. Essentially, it boils down to the fact that contemporary polarization is such that when a rare opening arises to the nation's highest court, it becomes a political battle with each party vying for a politically beneficial outcome. These battles have been such that democratic norms 150 years old have been shattered. Between 1790 and 1970, justices spent an average of 14.9 years serving; that number has risen to 26.1 since 1970.³⁰² Current Chief Justice Roberts has even commented on the potential dangers of such lengthy terms on the bench:

A judge insulated from the normal currents of life for twenty-five or thirty years was a rarity then, but is becoming commonplace today. Setting a term of, say, fifteen years would ensure that federal judges would not lose all touch with reality through decades of ivory tower existence. It would also provide a more regular and greater degree of turnover among the judges. Both developments would, in my view, be healthy ones.³⁰³

This problem is further clarified by the fact that vacancies occurred every 1.9 years from 1789 to 1970 (on average) and then began occurring only every 3.1 years since 1971. Now, vacancies occur every 3.1 to 3.5 years.³⁰⁴ The purpose of this reform is in the interest of returning the tenure of justices to that of what it has been throughout American history. The United States once tackled the same problem with presidential term limits because many were observing the potential impacts of allowing for further terms. The institution, via Constitutional amendment, of an 18 year term would return the service of Supreme Court Justices nearer to the 14.9 year average that held from 1789 to 1970.³⁰⁵ Calabresi and Lindgren suggest that a proposal such as this should also see justices have an automatic right to sit on the lower federal courts for life should they choose to do so. However, where this project diverges from that of many other scholars is in the subsequent reform to the supreme court to an even number of justices, specifically 12.

Later reforms suggested by this piece, namely the transition to a multiparty system would have the effect of making nominations less contentious. The importance of this rests on what Orentlicher presents as three related harms done to the branches of government resulting from disenfranchising winner-take-all features of the American political system.³⁰⁶ Though the perils of winner-take-all politics are less pronounced on the Supreme Court, they nonetheless cause problems when conservative or liberal majorities seek to impose a more singular perspective to the court. Ultimately, as Orentlicher asserts, “members of the public who share the perspective of the Court minority lack

³⁰²Calabresi and Lindgren, 2005

³⁰³Calabresi and Lindgren, 2005

³⁰⁴Calabresi and Lindgren, 2005

³⁰⁵Calabresi and Lindgren, 2005

³⁰⁶Orentlicher, David. "Politics and the Supreme Court: The Need for Ideological Balance." *U. Pitt. L. Rev.* 79 (2017): 411

meaningful representation on many important issues, the judicial appointment process has become highly politicized as each side fights for a Court majority, and we increase the risk of ill-advised decisions.”³⁰⁷ Denying the representation of a diverse group of viewpoints on the nation’s highest court harms the credibility of the court. This necessitates a need for ideological balance, something an even-numbered court can achieve.

Bearing in mind the other reforms associated with this project, Supreme Court reform must reflect its future existence in a multiparty system. Because of this, it alters much of the reform proposals outlined in academic literature.

In a multiparty system — seeking to avoid drastic changes to the process of building and maintaining a supreme court that already exists — the process would reflect some minor changes. Namely, the aforementioned institution of term limits is a key piece of the reform proposal suggested by this project. The only other significant change would deal with the nomination process.

Currently, presidents nominate a candidate which is subsequently confirmed by the Senate. However, to encourage the nomination of ideologically balanced candidates, and to ensure a fair and timely process, legislation would need to be crafted to dictate the specific confines of this new approach.

Under a new multi party system, presidents will choose a candidate, but the nomination process must be complete within 80 days, meaning that this will highly incentivize president’s to appoint candidates with ideological balance because the Senate will only be afforded 80 days. Since 1975, the average number of days from nomination to final Senate vote was about 68 days.³⁰⁸ There would of course need to be subtext within any legislation that specifies circumstances in which 80 days could be extended. Such circumstances would include things like being engaged in a war. However, at the end of the 80 day period if a nominee has not been confirmed, then the nominee will automatically fill the vacant seat. Congress retains its veto power over Supreme Court justices though, so the president would remain incentivized to provide a viable candidate, just as the Senate would be incentivized to act quickly on the issue with an 80 day deadline. Such legislation would be designed to inhibit the Senate from stalling on a presidential nomination as occurred with president Obama. If a vacancy should arise after Labor day (in an election year), the Senate may elect not to hold confirmation hearings, but if a vacancy arises at any point before Labor day of an election year, the Senate will be required to hold such hearings. Perhaps in this way all sides of the political spectrum would be satisfied because it would

³⁰⁷Orentlicher, 2017

³⁰⁸Rouan, Rick. “What Is the Process for Supreme Court Nominations? Here’s What’s next and How Long It Could Take.” U.S.A Today. Gannett Satellite Information Network, January 27, 2022.
<https://www.usatoday.com/story/news/politics/2022/01/26/supreme-court-nominations/9228216002/>.

mean that a president that potentially lost an election would not be able to nominate a justice in their final days that would then ascend to the court in the event of Senate inaction.

There are no perfect proposals for reform of any political or public policy area. These proposals reflect an aim to evolve the Supreme Court to meet the additional changes suggested by this project, and ultimately, to restore ideological balance and fairness to one of the most crucial aspects of the American political system. Limiting the ability of politics to influence the nation's top independent judiciary is crucial to the United States realizing its PAR potential, and both maintaining and enhancing its accountability and regard for the rights of its citizens. Only when the Supreme Court returns to its non-partisan, a-political structure can such potential be realized in the United States.

Transitioning to a Multi-party System

The idea of a United States with many parties is not a new one. Some would of course argue that such a system already exists. However, despite the existence of other parties, none have substantial presence in national or local politics in the United States. The two-party system of the United States, something that was never intended by the founders, has continued to show why that was the case. Yet, the founders were not incorrect in their assumption that parties would be bad for the nation. Jefferson would even write later that “men by their constitutions are naturally divided into two parties.”³⁰⁹ Though it is perhaps true that two parties may have emerged at the time of the country's founding, the founders were correct in assuming that two parties would be detrimental to the country. Where they were incorrect — in the view of a growing many — is that two parties were indeed not enough.

A disgruntled American public has made clear in recent years that more political parties are needed. Polling data from 2015 to present continues to show roughly 40% of Americans identify themselves as independents. That is, they perceive little ideological congruence with themselves and either of the dominant parties in the United States, but have no alternatives to vote for. This is a significant problem. Low levels of perceived ideological congruence erode voters' trust in democratic governance.³¹⁰ The shortcomings of the American two party system can be addressed by a transition to a true multiparty system. In the contexts of this project, the good news is that it would largely require very little beyond what has already been proposed via this project.

³⁰⁹Pruitt, Sarah. “The Founding Fathers Feared Political Factions Would Tear the Nation Apart.” History.com. A&E Television Networks, November 6, 2018. <https://www.history.com/news/founding-fathers-political-parties-opinion>.

³¹⁰ Best and Seyis, 2021

The 270 rule of the Electoral College would remain unaffected because voting would proceed in two rounds, meaning that fundamental aspects of the voting system would not require additional reform. Further, the voting system itself and the proposed reforms to it would reflect that of a multiparty system. By allowing for 6 candidates in the first round of voting, it encourages the development of stronger new parties (than those alternatives that already exist). Development of new parties is also greatly encouraged by the proposed expansion of the legislature. The expansion of the House means a much larger number of electoral districts. This means that there are hundreds of new opportunities for new parties to run in new districts that would be smaller than those that currently exist. On this point specifically, there has long been a call for the United States to get rid of its winner-take-all system with its single-member districts and replace it with multi-member districts. The United States has long held a natural distrust of foreign systems and sought a degree of uniqueness in its institutions; therefore, the presence of an additional 250-300 House districts and 100 new Senators would allow for the preservation of single member districts, and also facilitate the creation of a multiparty system. Nearly all of the academic literature notes that multiparty systems work from a fundamental basis of multi-member districts. To preserve a degree of “American uniqueness”, the previously described reform proposals to the legislative branch offer more than enough opportunity for the presence of new parties. Each of the policies laid out in this project have been done so to both facilitate creation of a multiparty system, and designed from a basis of a multiparty system, meaning that such reforms will only be completely successful in the event that a multiparty system is embraced. But, as mentioned, the encouragement of new parties to emerge resulting from these proposals is more than enough to propel the United States into a multiparty system. It is clear from the political party literature that there is viability in many types of party systems; however, few would argue that the United States has reached a critical impasse in its current party system. The good news is that a multiparty system offers a great many things that two-party systems cannot.

The primary benefit of the two-party system in the United States — the gatekeeping function of keeping candidates who are dangerous to democracy out of office — no longer exists.³¹¹ As has been described in the section on voting reforms, EV voting systems in multiparty systems produce results closest to the median voter, meaning that they produce winning candidates that are more ideologically balanced and not radical. This is to suggest that this gatekeeping function previously offered by the American two-party system can be restored via the proposed voting reforms in this project because EV voting systems limit the ability of radical candidates, or those potentially dangerous for democracy, from winning elections. Though only briefly mentioned in previous sections, it is important to show what a multiparty system in the United States would actually look like. The American political scientist Dr. Lee Drutman has written extensively on altering the two-party system in the United States

³¹¹Levitsky and Ziblatt,

and has produced many highly regarded academic works on this subject. In 2021, Drutman wrote an article for the New York Times outlining some of his academic work and what the party landscape would look like in the United States if it embraced a multiparty approach. So, if the reforms of this project encouraged the development of many parties to emerge, what exactly would it look like?

The answer to this question is of course difficult to speculate on. What does offer a sign as to what would come is a look at the rifts in the current parties. Both the Democratic and Republican parties have very evident – and arguably growing — rifts between their internal factions. It is too simple to view Republicans as only Trump and non-Trump and Democrats as only Establishment or Progressive. Indeed, Drutman demonstrates what the rifts within the current party infrastructure would likely see emerge in the formation of many parties. The picture is one of six political parties, each maintaining a base of at least 12% of the electorate.³¹² With an American electorate of 170 million registered voters, this would mean that each party would maintain support of at least 20 to 21 million people at any given time (subject to population growth and change). However, some parties would of course hold a larger presence than others. Drutman’s party landscape is outlined below.

Lee Drutman Six Party Landscape Breakdown:³¹³

Party Name	Party Views	Potential Figures	Current Presence
The Progressive Party	Focused on equity and racial justice, and a robust social democracy	Alexandria Ocasio-Cortez, Julian Castro, Elizabeth Warren	14-15% of the current electorate
New Liberal Party	Cosmopolitan in social and racial views, but more pro-business and more likely to see the wealthy as innovators	Pete Buttigieg, Cory Booker, Eric Garcetti and Beto O’Rourke	26% of the current electorate
American Labor Party	Emphasis on economic populism and appealing to working-class Democrats without college degrees	Sherrod Brown, Jon Tester and Tim Ryan	12% of the current electorate

³¹² Drutman, 2021

³¹³ Drutman, 2021

Growth and Opportunity Party	The socially moderate, pro-business wing of the Republican Party	Larry Hogan, Charlie Baker, Mitt Romney, John Kasich and Michael Bloomberg	14-15% of the current electorate
Patriot Party	The coalition of the small town, white working-class Americans who feel left behind by globalism and condescended to by cosmopolitanism. It is economically populist and strongly anti-immigration	Josh Hawley, Tom Cotton and Tucker Carlson	14-15% of the current electorate
Christian Conservative Party	Focused centrally on issues of religious liberty and morality, with very limited government	Mike Pence, Nikki Haley, Tim Scott and Mike Pompeo	20% of the current electorate

Drutman, as with many others, has suggested that much larger electoral districts that feature many members is the most viable way forward for the United States, along with the implementation of rank-choice voting as well. It has been previously discussed as to why EV is superior to rank-choice voting, and why larger, multi-member districts will prove unnecessary with the proposed reforms to Congress. Even still, Drutman's party infrastructure applies, not for these important distinctions. Simply put, more parties means that the current zero-sum conflict goes away. A multiparty system reflective of the differences Drutman presents would facilitate dynamic coalitions on public policy issues. Bargaining, coalition building, and alliances feature heavily in multiparty systems because this is the only way in which legislation can be passed, ultimately forcing such compromise activities on parties. Compromise is a word not associated with American politics today as it previously has been. This, in effect, is the simplest summation of the need for a multiparty America.

Though there are simple summations of the need for a multiparty American democracy, there are also more nuanced reasons that prove highly important in the pursuit of PAR strategies as a basis for both

domestic and foreign policy. The presence of many parties means that ideological congruence is greatly increased among voters, meaning that there is much higher likelihood that voters will find a party they feel enthusiastic about and closely align with ideologically. Greater ideological congruence means higher voter turnout, and higher voter turnout is a sign of a robust democracy. Further, multiple parties means that parties and candidates reach out to different voters. This lowers the stakes of partisan hatred, and therefore lowers the levels of “out-party hatred.”³¹⁴ Multiple parties means it is no longer a zero-sum game for voters as well, meaning if their candidate loses, they are far more likely to have a less severe reaction. Another similar benefit to these findings in academic literature is that constituencies have a greater probability that their interests will be represented (in a multiparty system) than in any other party system.³¹⁵ In short, more parties increases ideological congruence among voters, leading to a whole host of additional benefits, one of which being that the effect of losing is far less severe because voting is no longer a zero-sum game when it requires coalition-building to successfully pass and implement policy.

As with any party proposal, there are any number of important benefits like those that have been presented. However, with the basis of this project being the creation of a United States of America that is the zenith of PAR standards, to which it can then use as a new basis of the international system, there is no benefit greater from implementing a multiparty system than its effect on society. Drawing on a large body of literature on electoral institutions and political outcomes, experimental research in the areas of political communication, attitude change, and attitude formation, and data from the World Values Survey (WVS), Dunn et al. perform several statistical analysis to find that “an increase in the number of parties represented in the legislature works to increase the level of social tolerance in a society.”³¹⁶ In other words, there is a strong, positive relationship between legislative diversity and social tolerance.

Social tolerance is one of the most important aspects to the long term viability and success of the policies presented in this project; furthermore, it is the basis of a successful society. Tolerance enables people to live the lives they chose without facing adverse outcomes on the basis of something like racial intolerance, something still highly evident in American society. Perhaps equally important is the impact of social tolerance in a globalizing world. Social tolerance is also strongly related to economic outcomes. Historical analysis by those like Berggren and Nilsso reveals that innovation has flourished

³¹⁴Drutman, Lee. “The High Turnout in 2020 Wasn’t Good for American Democracy.” New America, February 10, 2021. <https://www.newamerica.org/political-reform/articles/the-high-turnout-in-2020-wasnt-good-for-american-democracy/>.

³¹⁵Malachova, Anastasija. “Does a Multi-party System Lead to “More” Democracy?.”

³¹⁶Dunn, Kris, Salomon Orellana, and Shane Singh. “Legislative diversity and social tolerance: How multiparty systems lead to tolerant citizens.” *Journal of Elections, Public Opinion and Parties* 19, no. 3 (2009): 283-312.

with the presence of tolerance and diversity, and actually requires their presence as well.³¹⁷ There is a large body of literature demonstrating empirical evidence that there is a very evident association between tolerance and economic outcomes. Specifically, the literature demonstrates that social tolerance is positively related to income and other beneficial economic outcomes.³¹⁸ In a political environment that has become increasingly tense, electoral institutions remain an important factor in forming public attitudes.³¹⁹ Dunn et al find that “greater exposure to outgroups and messages related to such groups leads to greater levels of social tolerance regardless of the positive or negative context of that message.”³²⁰ Despite the fact that hardline far-right parties may gain representation in countries with many parties, tolerance increases in multiparty systems. This is because multiparty systems facilitate exposure to marginalized groups and minorities to individual citizens, and when individuals are exposed to such groups with greater frequency, they become more tolerant of these groups and their interests according to the *mere exposure effect*.³²¹ This effect is commonly seen in reference to media studies that demonstrate “an increase in the media’s coverage of this issue will result in an increase in public support for it,” even on issues of intense political controversy. Even with the presence of right-wing parties, tolerance toward other races is positively and significantly related to the effective number of political parties.³²² There is largely no aspect of this project more crucial than this in achieving the many outlined goals.

On both the domestic and foreign fronts, the level of potential success for the proposals of this project rests on an increase in social tolerance that can be achieved with the development of a multiparty system made possible by the proposed domestic reforms. At a domestic level, greater social tolerance means that the perspectives of those who have been marginalized on account of their race, sex, religion, or other, are tolerated by those previously intolerant. This new level of tolerance works its way into public policies as the views of those marginalized groups are now taken into consideration in the formation of public policy. A more tolerant United States means a country more open to those outside of the United States. Ultimately this manifests itself in lower entry barriers for people, giving the United States a comparative creativity advantage from their ability to attract people from a wide range of backgrounds. Tolerant places more open to diversity are significantly more likely to attract greater numbers of talented and creative people that spur innovation and growth.³²³ Such growth and innovation leads to improved economic outcomes for all.

³¹⁷ Berggren, Niclas, and Therese Nilsson. “Globalization and the transmission of social values: The case of tolerance.” *Journal of Comparative Economics* 43, no. 2 (2015): 371-389.

³¹⁸ Berggren and Nilsson, 372

³¹⁹ Dunn et al., 298

³²⁰ Dunn et al., 299

³²¹ Dunn et al., 286

³²² Dunn et al., 296

³²³ Berggren and Nilsson, 372

When Ikenberry and Slaughter crafted the idea of PAR standards, it differed in many respects to the function it has taken on in this project. However, the allusion to a need for greater social tolerance was present throughout their work. Indeed, a socially-tolerant United States would ultimately mean a fulfillment of PAR standards to a much higher level than they are presently. A socially-tolerant United States facilitated by a multiparty system (and other reforms described) is more popular in the sense that public policy incorporates the perspective of a much more diverse range of societal perspectives than at present. It (the U.S. government) is more accountable for largely the same reason in the sense that public policy becomes a process of coalition building encompassing a truly diverse range of political perspectives, meaning that policymakers produce legislation more accountable to the views of larger amounts of the voting electorate. Finally, it is more rights-regarding because it produces a political structure that is far more inclusive than its current exclusive nature. So we see that a transition to a multiparty system reflects a change that is not only politically transformative, but societally, an economically transformative as well. The reforms of this project greatly encourage the development of a multiparty system, and only in doing this can the United States reach the zenith of PAR standards to use as a basis through which it can create similar tolerance in a new international system that it will continue to help lead, only this time in an entirely new, and more peaceful direction.

Institution of a Universal Basic Income and Social/Welfare Capitalism

Ultimately, true fulfillment of PAR standards in the United States will only be completed when the American people view their government with a sense of trust and optimism. In writing this section it must be noted that there is no such thing as a panacea of public policy. Even still, considerable evidence points to a Universal Basic Income as a way in which the United States could be strengthened to levels the nation has never witnessed before. It begins with a simple idea; giving people free money.

The developed nations of the world have had it within their means to eradicate poverty for many years.³²⁴ Doing so would have cost just \$175.3 billion in 2014 in the United States. Bear in mind that the wars in Iraq and Afghanistan cost roughly 4 to 6 trillion.³²⁵ What is most fascinating about a UBI is not how easy it would be, how it would completely transform the American way of life, or how it would restore trust and confidence in government. What is most fascinating is that it's already been done in the United States, North America, and all over the world. In fact, one need look no further than a tiny town in Manitoba, Canada in the year 1973. Prior to 2016, the Mincome Experiment was the largest basic income experiment in history. A current basic income experiment has dethroned Mincome as the largest ever, but it is currently ongoing and therefore important to evaluate the conclusions of its predecessors like those of Mincome.

Dauphin, Manitoba, a small town of 13,000 residents was chosen as the site for an experiment backed by what today amounts to roughly \$90 million dollars.³²⁶ The experiment had two expressed goals. The first goal was to “evaluate the economic and social consequences of an alternative social welfare system based on the concept of a negative income tax.”³²⁷ More specifically to, “examine the labor supply responses of households and individuals to a guaranteed annual income.”³²⁸ The second goal, which evolved as the experiment did, was to determine and understand the logistical and administrative challenges involved in implementing such a system. Simpson describes the basic design of the experiment in the Dauphin project.

The Mincome agreement also included a unique provision for a pilot project in Dauphin, where everyone would be eligible for a single specific treatment (Plan 3). This saturation site did not involve random allocation of treatments or a control group but was advertised as open to all who qualified. The intent was to provide additional evidence of “administrative and community issues resulting from a less artificial environment” than the “dispersed samples” (Hum and Simpson 1991, 45) of a small fraction of Winnipeg and rural Manitoba communities.⁷ Thus, the Dauphin saturation site was initially seen as a way to test uptake if a GAI were universally implemented. Other social scientists viewed the Dauphin site as an opportunity to study community and family dynamics when everyone was eligible and

³²⁴ Bregman, Rutger. *Utopia for realists*. Bloomsbury Publishing, 2018. 43

³²⁵ Bregman, 43

³²⁶ Bregman, 35

³²⁷ SIMPSON, WAYNE, GREG MASON, and AND RYAN GODWIN. “The Manitoba Basic Annual Income Experiment: Lessons Learned 40 Years Later.” *Canadian Public Policy / Analyse de Politiques* 43, no. 1 (2017): 85–104. <https://www.jstor.org/stable/90001506>.

³²⁸ Simpson et al., 86

awareness of who was receiving the support was high. In contrast, participants in the Winnipeg and rural dispersed sites were essentially anonymous.³²⁹

In Dauphin, everyone was guaranteed a basic income to keep them above the poverty line. In practice this meant that roughly 1,000 families got a check every month that today would equate to about \$19,000 by the end of the year for an average family of four.³³⁰ They received this money with no questions asked. The purpose was then to observe the effects on a whole range of potential outcomes, and an army of researchers did just that. The problem was, after four years, a new conservative government was elected in Canada, and immediately cut the project. After this, all the data and findings from the Mincome experiment were left to accumulate dust in a warehouse attic in Winnipeg. That was, until Dr. Evelyn Forget tracked the data down. After pouring over the data on the Mincome experiment and four other GBI (guaranteed basic income) experiments in North America (the rest all being in the United States), Forget found that the data pointed to very clear conclusions.³³¹

Ultimately, the experiments in North America at this time sought to answer three very basic questions: Would people work significantly less time if they received a guaranteed basic income? Would the program be too expensive? Would it prove politically infeasible?³³²

Perhaps surprisingly to many, the answers proved to be no, no, and yes (but just barely yes). Interestingly though, the results from Mincomes were resoundingly successful. Forget's findings in analyzing the data were remarkable. There were considerable effects to health outcomes, with hospitalizations down a staggering 8.5%. This is so crucial because the cost and size of healthcare spending, and public spending in Canada, were (and are) continuing to grow. Major financial implications come from such a dramatic decrease in hospitalization. Further, both domestic violence and mental-health offenses and complaints were down as well.³³³ The data was actually so conclusive that Forget could trace the positive impacts of receiving guaranteed basic income in the next generation, finding improvements in both economic and health outcomes.³³⁴ Economic and health outcomes were just some of the remarkable outcomes. Educational outcomes also improved markedly. Before and after the experiment, Forget found that Dauphin students – like many in rural towns across Manitoba – were much less likely to finish school than those in the city of Winnipeg.³³⁵ Boys often left by 16 to get jobs on farms or in factories. However, over the course of the four years of the experiment,

³²⁹ Simpson et al., 88

³³⁰ Bregman, 35

³³¹ Bregman, 38

³³² Bregman, 38

³³³ Bregman, 37

³³⁴ Bregman, 37

³³⁵ Cox, David. "„Canada's forgotten universal basic income experiment.“." *BBC*, June 24 (2020).

they were actually more likely to graduate than Winnipeg students. In 1976, 100% of Dauphin students enrolled for their final year of school.³³⁶ The major concern of all research was always the question of work, and whether or not receiving a basic income would discourage people from working. This question has also been the primary subject of critics of basic income programs; however, there is little quantitative evidence that supports the idea that basic incomes discourage work. This idea has proven inaccurate across basic income experiments. In the Mincome experiment, the employment rate stayed the same for the entire duration of the experiment. In some cases a basic income can actually improve the nature of the jobs people receive too. This is to highlight the fact that the employment rate is certainly important, but the type of employment is equally important. The experiment conducted in Finland found that many participants (who received roughly 560 euros per month, or \$630) actually transitioned into full-time positions and away from more “precarious part-time work.”³³⁷ Full-time work led to greater economic security for participants. In terms of total hours worked, employment declined just 1% for men, 3% for married women, and 5% for unmarried women.³³⁸ These findings ultimately proved very similar to those carried out in the United States, and though few realize it today, the United States in the late 60s was on the verge of creating a social safety net on par to that of Western Europe today.

The four experiments that occurred around the same time of the Mincome experiment produced equally compelling results. One of the experiments — conducted in Denver, Colorado — found that the number of hours worked scarcely decreased and was really only evident among those in their 20s and women with young children.³³⁹ Any apparent decline in the number of hours worked was compensated by the pursuit of other activities. The experiment conducted in Seattle found that many used the basic income as a basis through which they could pursue education. They referred to many that returned to school or went to complete higher education for the first time, which allowed them to secure higher paying jobs.³⁴⁰ This effect on education was most pronounced in young people. Among the participants in the New Jersey experiment, high-school graduation rates rose 30%.³⁴¹

In 1968, five renowned economists sent an open letter to Congress with signatures of 1200 other economists. The letter suggested that the United States will not meet its responsibility to its citizens until every citizen is “assured an income no less than the officially recognized definition of

³³⁶ Forget, E. “Reconsidering a guaranteed annual income: lessons from MINCOME.” *Public Sector Digest* (2015): 18-23.

³³⁷ Kangas, Olli, Signe Jauhiainen, Miska Simanainen, and Minna Ylikännö. “The basic income experiment 2017–2018 in Finland: Preliminary results.” (2019).

³³⁸ Bregman, 37

³³⁹ Bregman, 38

³⁴⁰ Bregman, 38

³⁴¹ Bregman, 38

poverty.”³⁴² All 1200 of the economists agreed that the cost, though certainly substantial, was well within the capabilities of the United States. Soon after, President Nixon presented a bill to Congress in what he called the “most significant piece of social legislation in our nation’s history.”³⁴³ Only a year earlier in 1967, polling showed that 80% of Americans supported a guaranteed basic income.³⁴⁴ Ultimately, Nixon’s bill stagnated in the Senate in more than one iteration, and the vision of “eradicating poverty” was gone.

The Covid-19 Pandemic starkly revealed that the social safety net in the United States is failing. Polling data during the pandemic provides considerable quantitative evidence of this. A poll conducted in July of 2020 asked respondents whether or not it should be a top priority of Congress to provide a basic income at least until the pandemic is over. 67% of respondents said it was either important but not a top priority, or that it was the top priority (25% and 42% respectively).³⁴⁵ A series of Pew Research polls from July and November of 2020 showed that 55% of Americans somewhat or strongly favor a universal basic income, and 52% found it important that the federal government provide a basic income for all people.³⁴⁶ Polls since the onset of the pandemic have shown support for some form of a basic income between 50-70% depending on the specific nature of the basic income plan. The Covid-19 pandemic presents the United States with a unique opportunity in which it has the support of its people to implement a system that is comparatively long overdue. Support for these policies is very important to their initial passing, because policymakers have traditionally fallen into what Swedish sociologists have famously called the *paradox of redistribution*: The implication that the more that benefits specifically target the poor only, and the more concern there is with creating equality via equal public transfers to everyone, the less likely it is that successful reduction of poverty and inequality occurs.³⁴⁷ Upon analysis, this conclusion follows very basic logic. People are more open to favoring solidarity on an issue if it benefits them personally.³⁴⁸ The same logic applies to the social welfare system. The more individuals, their family, and their friends stand to benefit from social welfare, the

³⁴² Bregman, 39

³⁴³ Bregman, 39

³⁴⁴ Bregman, 39

³⁴⁵ Henry J. Kaiser Family Foundation, Kaiser Family Foundation Poll: July 2020 Kaiser Health Tracking Poll, Question 22, 31117584.00021, SSRS, (Cornell University, Ithaca, NY: Roper Center for Public Opinion Research, 2020), Dataset, DOI: {doi}.

³⁴⁶ Pew Research Center for the People & the Press, Pew Research Center’s American Trends Panel Poll, Question 84, 31117633.00083, Ipsos, (Cornell University, Ithaca, NY: Roper Center for Public Opinion Research, 2020), Dataset, DOI: {doi}. And, Pew Research Center, Pew Global Attitudes Project Poll, Question 21, 31118188.00020, Abt Associates, (Cornell University, Ithaca, NY: Roper Center for Public Opinion Research, 2020), Dataset, DOI: {doi}.

³⁴⁷ Korpi, Walter, and Joakim Palme. “The Paradox of Redistribution and Strategies of Equality: Welfare State Institutions, Inequality, and Poverty in the Western Countries.” *American Sociological Review* 63, no. 5 (1998): 661–87. <https://doi.org/10.2307/2657333>.

³⁴⁸ Bregman, 44

more they are willing to contribute (via taxes).³⁴⁹ Therefore, a basic income that is not subject to strict conditions, and is actually universal, would enjoy the broadest level of support.³⁵⁰ Furthermore, Korpi and Palme disprove prevailing beliefs that high taxes create serious distortions in market mechanisms, reduce work incentives, and thereby reduce economic efficiency and growth.³⁵¹ Instead, their analysis reveals that there are no major negative effects on the labor supply, and that it has been impossible to demonstrate that any economic slow-down in the Swedish economy is in any way attributable to the encompassing welfare state model.³⁵² Programs that target basic security and are exclusive for most people are ultimately unsustainable because they highlight socioeconomic distinctions among different categories of citizens and therefore create divergent interests among these categories. Encompassing models that incorporate earnings-related benefits and non-means-tested benefits both provide incentives to work and prevent people from falling into a poverty trap.³⁵³ With so much variation in the types and scope of basic income programs, ultimately the road block and primary question is with administrative capacity and cost. So, before a discussion of the reasons a basic income is necessary in the United States, the pressing matter of payment is an important place to start.

The two primary roadblocks to a basic income in the United States are financing (and the administration that comes with it), and federalism. Federalism in the sense that states enjoy a considerable degree of autonomy from the federal government and generally speaking, Americans have disapproved of a larger federal government. This attitude towards the federal government can be traced back to the American revolution, and a natural level of distrust of large, centralized government has persisted since then. But again, opinions change as facts change. Two polls from 2020 speak to this idea. An NBC news poll found that 49% of Americans voiced approval for an expansion of the role of the federal government in the economy, compared to 39% who disapproved, and 12% who were unsure.³⁵⁴ Even more interestingly, another Pew Research poll found that 78% felt the federal government should play a major role in strengthening the economy.³⁵⁵ Why this is significant is the fact that the same poll found that 62% of respondents from the same poll felt the federal government should play a major role in helping people out of poverty.³⁵⁶ Such numbers were all lower, some

³⁴⁹ Bregman, 44

³⁵⁰ Korpi and Palme, 682

³⁵¹ Korpi and Palme, 682

³⁵² Korpi and Palme, 682

³⁵³ Korpi and Palme, 682

³⁵⁴ Wall Street Journal/NBC News, NBC News/Wall Street Journal Poll, Question 30, 31117652.00029, Public Opinion Strategies/Hart Research Associates, (Cornell University, Ithaca, NY: Roper Center for Public Opinion Research, 2020), Dataset, DOI: {doi}.

³⁵⁵ Pew Research Center for the People & the Press, Pew Research Center: August 2020 Survey, Question 36 and 40, 31117653.00035, Abt Associates, (Cornell University, Ithaca, NY: Roper Center for Public Opinion Research, 2020), Dataset, DOI: {doi}.

³⁵⁶ Pew Research Center for the People & the Press

significantly, prior to the onset of the pandemic. Opinions change as facts change. So what facts of the pandemic seemed to have changed opinions about basic income? Several (among dozens) have been highlighted by researchers evaluating the social safety net and the pandemic.

1. The safety net was severely strained by the urgency of the need, the scale of the population in need, and decades of underfunding of state benefits technology.³⁵⁷
2. More than 33 percent of those in the lowest paid group lost their jobs during the pandemic, and a similar proportion of the same group were forced to work less hours.³⁵⁸
3. 12 percent of Americans can't cover a \$400 expense, and another 27% could cover the expense but would need to use some combination of a credit card, taking out a loan, or selling something.³⁵⁹
4. The consequences for state and local finances have yet to be determined, but current projections show a fiscal gap of more than \$615 billion over the period from 2020 through 2023. This has been facilitated by the downturn of economic activity, which severely hurts states because of declines in income and sales tax revenues. However, when people lose jobs the demand for most state and local government services remains constant or actually increases. Because states operate under balanced-budget requirements, deficits cause credit-rating agencies to downgrade state debts, which boosts future borrowing costs.³⁶⁰
5. Analyses of data collected in May and June 2020 found that 13 percent of working parents lost a job or reduced their hours due to a lack of child care.³⁶¹
6. Because gender, racial and ethnic minorities work in low-income occupations at much higher rates, they were disproportionately affected by the pandemic. Women, as well as Black and Hispanic Americans, have had much higher jobless rates during the pandemic, have had the hardest time paying rent and (or) mortgage payments, and have had to turn to food pantries out of desperation.³⁶²

³⁵⁷ Aaron, Henry J. "The social safety net: The gaps that COVID-19 spotlights." *Brookings*, Jun 23 (2020).

³⁵⁸ Amburgey, Aaron, and Serdar Birinci. "Which earnings groups have been most affected by the COVID-19 crisis?." *Available at SSRN 3658395* (2020).

³⁵⁹ Pulliam, Christopher, and Isabel V. Sawhill. "The Middle Class Is Not Ready for the Looming Recession." *Brookings*. Brookings, March 9, 2022.

<https://www.brookings.edu/blog/up-front/2020/03/26/the-middle-class-is-not-ready-for-the-looming-recession/>.

³⁶⁰ Aaron, 2020

³⁶¹ Carson, Jessica A., and Marybeth J. Mattingly. "COVID-19 Didn't Create a Child Care Crisis, But Hastened and Inflamed It." (2020).

³⁶² Parker, Kim, Rachel Minkin, and Jesse Bennett. "Economic Fallout from Covid-19 Continues to Hit Lower-Income Americans the Hardest." *Pew Research Center's Social & Demographic Trends Project*. Pew Research Center, May 28, 2021.

<https://www.pewresearch.org/social-trends/2020/09/24/economic-fallout-from-covid-19-continues-to-hit-lower-income-americans-the-hardest/>.

These are among some of dozens of realities of the pandemic that offer a clear indication of the ineffectiveness of the American social safety net. Of course, support for a basic income is one thing, but the question of cost still looms.

It is certain to surprise many to hear that managing the cost of a basic income program in the United States is indeed possible, and not as impossibly difficult as many suggest. Though there are numerous types of basic income plans, it is the contention in this project that encompassing models that incorporate earnings-related benefits and non-means-tested benefits are most effective (as is supported by the literature). Incorporating this model in the United States would have significant implications for the federal government's administrative structure, because a basic income would (eventually) mean elimination of social security, unemployment benefits, SNAP benefits, housing assistance benefits, and the other various income assistance programs maintained by the federal government. Quite possibly, it could also eliminate Medicare and Medicaid as well. Drew Riedl, the Executive-in-Residence and Cornell Center for the Study of Inequality Faculty Affiliate, published a piece in 2020 in *Basic Income Studies* that outlines a viable way in which UBI is achievable. Riedl's plan seeks to provide "a roadmap for fully-funding UBI in a manner that: eliminates poverty; bolsters the middle-class; eliminates the stigma and government bureaucracy of social welfare programs; reduces ever-expanding inequality; initiates a path to meeting climate change goals; reduces speculation (through a financial transactions tax); and increases fairness and opportunity in the tax code."³⁶³ Such intentions align with the goals of a UBI in this project, and are the most suitable option present among academic literature.

First and foremost, Riedl asserts that a "UBI Trust Fund" be created to ensure that the revenue generated would not be spent elsewhere, to reduce the continual legislative renewal of funding sources, and to increase the "overall robustness" of the UBI system.³⁶⁴ As with Social Security, UBI will track inflation and be able to run temporary deficits and surpluses. Importantly in terms of funding, Riedl's plan is one in which UBI payments would be rolled out in a piecemeal fashion as each major funding source is fully realized.³⁶⁵ Riedl further suggests that elimination and (or) targeted reductions in social welfare programs would occur later so as to protect those in need of services until a full UBI can be realized.³⁶⁶ Reductions in some social welfare programs would occur organically as UBI increases and would reduce need, and decrease those who qualify since Riedl's version of UBI would be counted as income against social safety net qualifications.³⁶⁷ Complete elimination of social programs (as

³⁶³Riedl, Drew. "Financing Universal Basic Income: Eliminating Poverty and Bolstering the Middle Class While Addressing Inequality, Economic Rents, and Climate Change." *Basic income studies* 15, no. 2 (2020): 1–34.

³⁶⁴Riedl, 4

³⁶⁵Riedl, 5

³⁶⁶Riedl, 5

³⁶⁷Riedl, 5

aforementioned) can occur once UBI is fully implemented and they are proven redundant because UBI will be sufficient to abolish poverty. While Riedl's plan calls for an annual payment, this proposal would advocate a quarterly payment system to put less pressure on the money management abilities of Americans. As many will no doubt know, full realization of a UBI rests on an increase in taxation.

The gross price tag of a UBI will be roughly \$4 trillion annually after consideration of all aspects (to eliminate poverty and meet 2019 poverty guidelines, annual UBI payments would be \$12,490 per adult, and \$4420 per child. Each adult would receive equal payments regardless of marital or cohabitation status so as not to disincentivize marriage, as well as to maximize the potential for each individual to exit harmful relationships).³⁶⁸ This number is often misleading as to what it would actually mean for ordinary Americans. An average family of four would pay roughly \$12,000 more in taxes than they currently do; however, the same family would receive a UBI benefit of at least \$35,000 to \$40,000 (and potentially more depending on personal circumstances).³⁶⁹ This family's net financial impact is an after tax increase of \$25,000 to \$30,000 per year.³⁷⁰ Because a UBI is a redistributive social welfare program, a family of the same size earning \$300,000 would see their net finances (after taxes) decrease by about \$15,000 to \$20,000.³⁷¹

Riedl presents a methodical combination of funding sources, that together, can provide the total expenditures needed to fund a UBI. The first component of the financing scheme would be a VAT (value added tax). A comparative analysis of European VATs suggests that a 20% VAT is fairly typical, which would accumulate roughly \$1.5 trillion annually given Riedl's parameters.³⁷² The second aspect is a carbon tax, which serves dual benefits in raising revenue for a UBI and partially addressing the burgeoning costs of a changing climate. Riedl uses a framework from the bipartisan Energy Innovation and Carbon Dividend Act ("EICDA"). The EICDA would implement an initial fee of \$15 per metric ton that increases \$10 per year.³⁷³ This measure, when further expanded via statutory requirements, would reduce emissions to roughly 90% of the 2016 levels by 2050.³⁷⁴ EICDA also included a World Trade Organization-compliant carbon fee border adjustment to make sure that domestic and international firms are treated equally. This measure would raise some \$150 annually.³⁷⁵

³⁶⁸Riedl, 6

³⁶⁹Riedl, 6

³⁷⁰Riedl, 6

³⁷¹Riedl, 6

³⁷²Riedl, 11

³⁷³ Riedl, 11

³⁷⁴Riedl, 11

³⁷⁵Riedl, 11

The next component of the financing scheme of UBI is something Riedl classifies as “taxes that reduce inequality and increase equality of opportunity.”³⁷⁶ The first measure included in this classification is an estate tax. Current laws allow sums of up to \$22 million to be inherited tax free.³⁷⁷ The average tax rate on work and savings is eight times larger than the average tax rate from inherited income.³⁷⁸ The reform required would merely be a return to the Clinton-era tax structure in which the rate was about 55% on estates over \$1 million (per individual, \$2 million for couples).³⁷⁹ A return to Clinton’s structure would generate about \$22 billion annually. Similarly, an inheritance tax could be coupled with this measure to tax inheritances at the personal income rate of the beneficiaries. Riedl suggests that beneficiaries (rather than an estate tax) could then receive a lifetime \$1 million personal exemption and (or) the ability to spread amounts over a number of years. This in turn would reduce complexity by utilizing the income tax code. It also increases fairness, as a wealthy heir would pay more in taxes, especially if they receive multiple large inheritances. This measure would create an additional \$90 billion in incremental annual revenue, and would total roughly \$110 billion when combined with the estate tax.³⁸⁰

Also falling within this classification is an elimination of preferential tax rates for capital income. Taxing capital income the same as wage income would create an additional \$120 billion in revenue annually.³⁸¹ Another similar measure to taxing capital income would be taxing corporate income at higher rates. Corporate tax revenue makes up only 1% (roughly) of GDP, a number that has not been so low since the 1930s.³⁸² This is despite the fact that corporate income as a percentage of GDP is at an all time high. Though below the OECD average, for a long period after World War Two the rate hovered around 2.5%, a rate that would generate \$300 billion annually.³⁸³ The final two tax structures within this classification are an increase in the upper marginal income tax rate, and wealth taxes. In the former, a 60% marginal income tax on incomes over \$1 million would raise roughly \$215 billion annually. In the latter, roughly \$210 billion could be raised annually via a tax on wealth in excess of \$50 million at a 2% rate, and wealth above \$1 billion at 3% rate. It is important to note that this would affect only about 70,000 households, and would produce revenue equivalent to 1% of GDP.³⁸⁴

³⁷⁶Riedl, 12

³⁷⁷Carter, Jean, and Larry Rocamora. “Estate Planning Faqs: Estate Planning Answers.” The American College of Trust and Estate Counsel. Accessed April 14, 2022. <https://www.actec.org/estate-planning/>.

³⁷⁸Riedl, 13

³⁷⁹“Fact Sheet: The Estate (Inheritance) Tax.” Americans For Tax Fairness. Accessed April 14, 2022. <https://americansfortaxfairness.org/tax-fairness-briefing-booklet/fact-sheet-the-estate-inheritance-tax/>.

³⁸⁰ Riedl, 13

³⁸¹ Riedl, 13

³⁸² Riedl, 13

³⁸³Riedl, 15

³⁸⁴Riedl, 15

The final major funding and financing component of a UBI would come in the form of taxes on economic rent and speculation. This would include a Financial Transactions Tax (or FTT) which a Congressional Budget Office report in 2018 noted would create \$80 billion annually if it were structured as a 0.1% tax on stock, bond and debt obligation purchases, and derivative contract payments.³⁸⁵ An alternative approach would use the same 0.1% on all bond transactions, a larger 0.5% on all stock transactions and a 0.05% rate on derivatives and produce \$220 billion in annual revenue.³⁸⁶ The second tax within this classification is a Land Value Tax (LVT), something favored by most economists, could raise about \$450 billion annually if levied at 2.5%. Essentially, an LVT captures the value of socially created wealth, and is both efficient and difficult to evade, making it a preferred revenue source among economists who seek to avoid any inefficiencies.³⁸⁷ Finally, following the progressivism of a UBI, UBI itself would be taxable beyond the poverty threshold. In other words, as one's taxable income increases, the UBI payment gets taxed at the higher marginal rate (equated to income tax). After taking into consideration the revenue savings from cutting social programs when they become duplicative, this model produces a viable financing structure for a UBI, though it would of course require careful earmarking and considerable legislation.

It is important to remember several things when considering this model. First and foremost, its rollout and full implementation is contingent on a piecemeal flow by which funding is secured and UBI subsequently expanded. Secondly, there are many other viable models that could produce a capable UBI system in the United States. Most importantly, consider the example from earlier, an average family making \$60,000 would pay about \$12,000 more in annual taxes, but would receive a UBI benefit of at least \$35,000 to \$40,000, meaning their net financial impact is an after tax increase of \$25,000 to \$30,000 per year. This is to remind skeptics that although the intricacy of the financing that would be necessary to create a UBI seems considerable, it is not only possible, but indeed highly beneficial for an overwhelming majority of Americans. Many have long held that top earners would still find ways to benefit from a UBI such as this as they have with nearly every prior tax structure.

The reality is that financing of a UBI is possible, and is not impossible as some suggest. Yet, more important than the financing are the subsequent benefits realized by a UBI upon its institution. The social inclusion and tolerance underpinning any basic incomes fosters greater solidarity, and reduces the resentment, divisiveness and cynicism that can so often occur when people experience astronomically different levels of economic security (e.g., when inequality is high). Greater social tolerance and inclusion also foster greater civic participation, something that is unanimously known to

³⁸⁵ "Impose a Tax on Financial Transactions." Congressional Budget Office, December 13, 2018. <https://www.cbo.gov/budget-options/54823>.

³⁸⁶ Riedl, 17

³⁸⁷ Riedl, 17

be a benefit to democracy. It is true, a UBI is not a panacea of public policy. However, when financing is made clear, it is difficult to present arguments critical of a public policy that could eliminate poverty and mitigate economic insecurity, significantly reduce economic inequality, allow people to control a growing accumulation of debt, reduces the intensity and prevalence of stress, share in the gains of displacement being facilitated by technological innovation (namely the disruption of jobs), produce greater environmental sustainability, and address several of the factors (insecurity, inequality, stress and a precarity) that lead to the emergence of populist and politicians.³⁸⁸ A UBI offers a chance to restore trust in government (and therefore address a government's "popularity" in PAR terms), increase the accountability of government in addressing fundamental challenges facing the United States (i.e. economic inequality, social intolerance, etc.), and therefore facilitates greater regard for the rights of all Americans. In my view, a UBI provides fulfillment of those most basic rights afforded to Americans and outlined in the Declaration of Independence. Though it is not a panacea of public policy, a UBI would certainly allow for *all* Americans to truly realize "Life, Liberty, and the Pursuit of Happiness."³⁸⁹

A Final Word

After reading these proposed reforms, it is likely that many would feel such reforms are far off, or entirely not going to happen altogether. There is, though, a completely constitutional mechanism through which every reform presented in this project could be enacted; a Constitutional Convention. At this point it needs to be noted that the reforms in this project are put forth without a partisan motivation; rather, they are put forth from an empirical and (or) scholarly perspective and not intended in any way to support the ideological affiliations of either major political party in the United States. This distinction must be made because presently, Republican lawmakers in 15 states have passed

³⁸⁸ Standing, Guy, and Basic Income: And how we can make it happen. "A Basic Income Could Solve 8 of Society's Biggest Problems." Time. Time, April 16, 2019. <https://time.com/5571472/basic-income-society-problems/>.

³⁸⁹ "The Declaration of Independence: Full Text." ushistory.org. Independence Hall Association. Accessed March 19, 2022. <https://www.ushistory.org/declaration/document/>.

resolutions calling for a new Constitutional Convention, specifically to create amendments that would alter the foundations of power in the United States and make changes that could be largely irreparable. Some proponents actually assert that as many as 28 of the required 34 states have passed resolutions pertaining to this end.³⁹⁰ This effort has been driven by Conservative interest groups, and even some right-wing organizations like the Convention of State Project. This is an organization that has publicly made claims such as being transgender, or being supportive of transgender rights means one is “pro mental illness”. Many dangers have been outlined in this project, but perhaps none eclipse the potential danger of a Constitutional Convention being driven by an ideology (right wing extremism) that the intelligence community has called one of the single biggest threats to the United States. Constitutional Conventions essentially have no rules, and if one was to be driven in an attempt to remake the system according to the ideology of a minority, only chaos would ensue.

Democracy is fragile. Numerous authors, some cited in this project, have recently sought to explain why democracies fail, and what can potentially be done to ensure their survival. Few seem to recall that democracy is also not viable for rapid implementation. The non-wealthy will always outnumber the wealthy, which enables the non-wealthy.³⁹¹ This enables the many to outvote the few, which is a decidedly concerning prospect to the few who may seek to retain their power and wealth by preventing the arrival of democracy, or sabotaging it after it is instituted.³⁹² History suggests that successful implementation of democracy depends on whether or not those elites (the few) can tolerate it or mold it to serve their interests by implementing things like systems of minority rule to protect their interests, electoral manipulation, and even outright repression.³⁹³ It is perhaps unsurprisingly that all three of these issues remain prevalent in the United States, thus further demonstrating the long and continuing process that is democracy. Even greater is the concern that such things seem to be increasing in the United States as well. Many have suggested that democracy is merely for the Gods, that it is fundamentally not a way that humans are predisposed to living.³⁹⁴ Compared to populism, democracy is not seductive or alluring. Indeed, democracy is an unceasing effort to manage failure and imperfection imbued with the belief that a state driven by humility can create a system in which all voices are treated with deference. Democracy is a constant struggle to avoid the seductive lure of populism and authoritarianism, a fight the United States is facing at a level it has not seen before.

³⁹⁰Leachman, Michael, and David Super. “States Likely Could Not Control Constitutional Convention on Balanced Budget Amendment or Other Issues.” Center on Budget and Policy Priorities. Accessed April 14, 2022. <https://www.cbpp.org/research/states-likely-could-not-control-constitutional-convention-on-balanced-budget-amendment-or->

³⁹¹Frum, David. “Why Do Democracies Fail?” The Atlantic. Atlantic Media Company, June 20, 2017. <https://www.theatlantic.com/international/archive/2017/06/why-do-democracies-fail/530949/>.

³⁹²Frum, 2017

³⁹³Frum, 2017

³⁹⁴Bradatan, Costica. “Democracy is for the gods.” *The New York Times* (2019).

After offering suggestions of this nature, it is interesting to reflect on the words of the 28th President of the United States, Woodrow Wilson. In one of the landmark pieces of the early 19th century, Woodrow Wilson asserted that one of the foundational problems of the United States is the overwhelming ineptitude of American administration of legislative and constitutional principles. The United States, Wilson argues, focuses too much on the debates of constitutional issues instead of tackling the challenge of running and administering the constitutional framework. However, the challenges of administration in the United States exist precisely because of the constitutional issues heavily present in the United States. Interestingly enough, Wilson's solution to the challenges of American administration is very much applicable to the crises facing the United States constitutionally and legislatively. It is extraordinary that in 1887 Woodrow Wilson could outline the necessary steps for improvement of this republic that remain largely the same today. Wilson noted that success depended on "looking into foreign systems of administration for instruction and suggestion."³⁹⁵ Indeed, reforming the American political system to counter the emerging threats, bring it up to PAR, and to heighten capacity, capability, and accountability would likely find great support from one of the more forward-looking presidents in American history in Wilson.

That man is blindly astray who denounces attempts to transplant foreign systems into this country. It is impossible: they simply would not grow here. But why should we not use such parts of foreign contrivances as we want, if they be in any way serviceable? We are in no danger of using them in a foreign way. We borrowed rice, but we do not eat it with chopsticks. We borrowed our whole political language from England, but we leave the words "king" and "lords" out of it. What did we ever originate, except the action of the federal government upon individuals and some of the functions of the federal supreme court? . . . I know that there is a sneaking fear in some conscientiously patriotic minds that studies of European systems might signalize some foreign methods as better than some American methods; and the fear is easily to be understood. But it would scarcely be avowed in just any company. It is the more necessary to insist upon thus putting away all prejudices against looking anywhere in the world but at home for suggestions in this study, because nowhere else in the whole field of politics, it would seem, can we make use of the historical, comparative method more safely than in this province of administration. . . . We can never learn either our own weaknesses or our own virtues by comparing ourselves with ourselves. We are too used to the appearance and procedure of our own system to see it's true significant .³⁹⁶

³⁹⁵ Wilson, Woodrow. *The Study of Administration*. No place, unknown, or undetermined, 1887.

³⁹⁶ Wilson, 1887

Foreign Policy of the United States and Future Challenges

In the early 1990s, the U.S. had a unique historical chance to lead the creation of a new, multilateral world order together with other centers of power. However, it unwisely lost this chance. The U.S. suddenly saw itself as "the only superpower in the world." Grippled by euphoria, it began to substitute international law with the law of force, legitimate decisions of the UN Security Council with directives of the U.S. National Security Council, and OSCE prerogatives with NATO actions.³⁹⁷

The goals of any nation's foreign policy typically follow something to the tune of security, prosperity, and the creation of a better world. If such aims have been the pursuit of American foreign policy in the aftermath of the Second World War, one could certainly question the degree of success relative to what else is possible. Some could argue more simply that the U.S. has achieved security for itself and certainly prosperity for its people, while also having some successes in achieving that third goal as well. However, the ways in which the United States has gone about achieving that third goal are what require reconsideration. Though taken from a Russian scholar, the perspective above certainly rings true to objective scrutiny. A number of efforts were made after the Cold War to legally establish the new balance of power, and establish a truly international system of security; however, such ambitions were never completed or were largely ineffective in great part because of U.S. overambition and desire for unipolar hegemony. Much to the dismay of many in American foreign policy circles, that time is reaching its conclusion.

At the outset of 2022, the geopolitical situation with the United States is one of burgeoning into an era of twin great power competitions with China and Russia. Thus far the United States has failed to draw China into the rule based international system it has constructed to change its behavior, and China's political system has in fact hardened rather than softened as many had hoped. In light of this, there is largely bipartisan support that the United States now must take a more competitive policy stance, but clarity is lacking on precisely how this is to be achieved in practice through policy. The other aspect of these twin great power competitions is with Vladimir Putin in Russia, who continues to remind the United States that they are also in a competition in Russia in various places around the globe. Even if these conflicts do not lead to war, they will lead to conflict over the construction of the international system, tension and rivalry, and challenges to the balance of power. In many ways, this period will be filled with many similar challenges faced by the United States during the Cold War. Despite its pivot to Asia, the Middle East and North Africa (henceforth MENA) remains a crucial pillar of American foreign policy and must also be revised if the mission of building a more peaceful and democratic world is to be possible. Coinciding with some of the issues that surround the MENA is the growing

³⁹⁷ Arbatov, Alexey. "Collapse of the World Order?." *Russia in global affairs* 23 (2014): 85-93.

importance of refining policies surrounding nuclear proliferation and constructing new international institutions through which consensus building can occur. Crucially as well, time must be devoted to combating a significant threat to American democracy and democracy worldwide; the continued rise of populist and nationalist politics, which has now pervaded long established democracies. The growing dissatisfaction with democracy around the world is cause for genuine reflection, and must be addressed with swift action to both curtail this trend, and strengthen the connections between democracies around the globe. Finally, reform of the United Nations, the depths of which has never been seen, will be necessary to reignite the influence and abilities of an international organization that is declining in its ability to impact and deter human rights abuses, the stripping of political and civil rights from citizens round the world, and much more. If the United States is to succeed in not only defending democracy around the globe, but actually strengthening it, it will require policy that is sometimes unpopular, but is nonetheless necessary. It is the foundation of this piece that the United States must pursue an inside out strategy to strengthen its democratic institutions to instill greater trust and support amongst the American people in the necessity of keeping democracy, but also bolstering it as well. That internal policy must also guide the way forward into a new era of American foreign policy in which the traditionally rigid confines of Washington must be broken. Innumerable issues play a part in successful foreign policy, but the six highlighted below are those that this project finds most critical to strengthening democracy around the globe and ensuring that the rule based international system does not become one in which authoritarianism and autocracy prevail. Each of these key areas will be broken down with an explanation of a proposed policy stance revolving around multiple issues associated with each larger topic. In the end, when combined with the domestic reforms as outlined above, these policies will seek to create a roadmap of bringing both the United States, and the world, up to PAR.

In honoring the origins of this project of Ikenberry and Slaughter, one of the most important parts of reforming American policy will be a new view on strategic interest. It is no secret that the United States has a questionable history with supporting the values it professes. As Owen and Poznansky concisely note, “In some countries, during some periods, America promotes liberal democracy; in other countries and periods, it tolerates or even supports authoritarianism.”³⁹⁸ Whether a domestic crisis is threatening an authoritarian regime or free-market liberal democracy faces no credible alternative in the region as a route to national development and security, the United States may choose to support a dictator. If a credible alternative does exist (i.e. communism or Islamism), it threatens U.S. interests by making dissenting elites in a country more hostile to U.S. hegemony and more accepting of the hegemony of America’s security rivals (i.e. China, Russia, etc.); that in turn makes free elections in a

³⁹⁸ Owen, & Poznansky, M. (2014). When does America drop dictators? *European Journal of International Relations*, 20(4), 1072–1099. <https://doi.org/10.1177/1354066113508990>

given country much riskier for Washington to allow. This has been the way in which foreign policy with regard to dictators has been conducted. This must change, even if it is at the short-term sacrifice of strategic interests. On this question of changing the way the United States interacts in foreign policy, Ikenberry and Slaughter outlined the framework below that has been referenced previously.

The United States should assist and encourage Popular, Accountable, and Rights-regarding (PAR) governments worldwide. To help bring governments up to PAR, we must connect them and their citizens in as many ways as possible to governments and societies that are already at PAR and provide them with incentives and support to follow suit. We should establish and institutionalize networks of national, regional, and local government officials and nongovernmental representatives to create numerous channels for PAR nations and others to work on common problems and to communicate and inculcate the values and practices that safeguard liberty under law.³⁹⁹

Bringing governments up to PAR is not a universal process. As demonstrated by the reforms specific to the United States, this process will greatly vary by country and range in its results in terms of creating more liberal democracies. The belief is that pursuing country-specific strategies that seek to elicit greater popularity, accountability, and regard for rights among governments can be achieved with any number of means. Not all of these means will be inherently friendly. As presented in the introduction, Ikenberry and Slaughter suggest the following of American strategy;

1) multidimensional , operating like a Swiss army knife, able to deploy different tools for different situations on a moment's notice; 2) integrated , fusing hard power—the power to coerce—and soft power—the power to attract; 3) interest-based rather than threat-based , building frameworks of cooperation centered on common interests with other nations rather than insisting that they accept our prioritization of common threats; 4) grounded in hope rather than fear , offering a positive vision of the world and using our power to advance that vision in cooperation with other nations; 5) pursued inside-out , strengthening the domestic capacity, integrity, and accountability of other governments as a foundation of international order and capacity; and 6) adapted to the information age , enabling us to be fast and flexible in a world where information moves instantly, actors respond to it instantly.⁴⁰⁰

This project fully embraces such strategies — of course with the caveat that the United States must first strengthen its own domestic capacity, integrity, and accountability — but further adds that the goal and maintenance of maintaining a peaceful coexistence will require on some occasions the use of force. With Ikenberry and Slaughter's work again providing an excellent foundation, additional considerations need to be made in regard to American strategy. Specifically, full recognition must be

³⁹⁹ Ikenberry and Slaughter, 6

⁴⁰⁰ Ikenberry and Slaughter, 6

given to the fact that democratization is not possible everywhere, and that even viable forms of democracy other than the decentralized American model exist and should be recognized as equally democratic. Furthermore, democracy may not be the only viable form of government if PAR standards can be maintained through engagement with nations of other governing systems. As mentioned earlier, there are innumerable historic, racial, ethnic, religious, and cultural factors that explain and account for variation in political systems around the globe, and that variation should not only be acknowledged, but supported and respected as well. The United States has long been willing to negotiate with dictators if it served its strategic interests, but it will be necessary to realize that short term strategic gains should not overshadow long term stabilizing ones. There has been a tendency to practice aversion to certain governments like fundamental Islamists, but engagement of such governments is even more necessary. Finally, the question of the durability and peacefulness of a unipolar remains a highly contested debate in the academic literature, but even still, it is necessary for the United States to act in the best interests of its citizens and of its allies. This may include a recognition that the current international political landscape suggests that unipolarity is reaching its end, and it will require engagement with non-allies as well. The world is reaching an age in which petty differences and past mistakes can no longer dictate the future outcomes of relations between states. In this, the United States must be a leader, not as it was after the conclusion of the Cold War — gripped by euphoria and sometimes careless overambition — and must instead engage with all nations to work towards an era of peace by way of mutual respect and desire for coexistence.

In this goal of bringing nations up to PAR, the parallel goal of the United States must be to capture the moment it forsook at the conclusion of the Cold War; creating an international system built on peace through security, mutual respect and desire for coexistence. Further, doing so by engaging with all nations to create a truly multilateral world order together with other centers of power. This section will offer some specific examples of policy through which such a goal can be achieved by discussing China, Russia, and the Middle East and North Africa. Finally, a brief discussion of some of the crucial aforementioned issues (nuclear proliferation, rising populism and nationalism, and UN reform) will offer greater clarity as to how such a system can be achieved in the current international environment.

Readers will rightly question the viability of such an acutely ambitious aim for the international system. In response to questions of this nature, one must look to the wise words of Dr. Margaret MacMillan on the lessons of the Great War and the rhyme of history.

It may take a moment of real danger to force the major powers of this new world order to come together in coalitions able and willing to act. Action, if it does come, may be too little and too late, and the price we all pay for that delay may well be high. Instead of muddling along from one crisis to another, now is the time to think again about those dreadful lessons of a century ago in the hope that our leaders, with our encouragement, will think about how they can work together to build a stable international order.⁴⁰¹

⁴⁰¹MacMillan, Margaret. *The rhyme of history: lessons of the Great War*. Brookings Institution Press, 2013.

China and the “Twilight Struggle”

In regard to the rising power that is the People’s Republic of China, two schools of thought have largely emerged about what competition with China will lead to. The first, and perhaps more optimistic and less likely scenario, is that competition with China will lead to some form of stable coexistence if the United States can prevent the Chinese from creating a new balance of power in the Indo-Pacific, prevent China from seizing the high ground on technology and other advancements, and many other things of this nature, then the thought is that Chinese behavior will ultimately change and become less challenging to broader American interests. Despite the fact that competition will continue, because it is a reality of geopolitics, there will be a much greater degree of stability and the risk of going to war will largely subside. Some like Hal Brands suggest that this scenario would be reminiscent of detente in the early 1970s where everyone knew the Cold War was not over, but a recognition that it had become tamer was certainly evident.⁴⁰² The other scenario, both more pessimistic and more likely, goes such that the competition between the United States and China is not likely to end or subside to a sustainable level so long as the CCP exists in its current posture under the leadership of Xi Jinping. The Chinese political system in its current state creates an increasing level of tension and conflict with the version of world order that the United States has sought to promote as the hegemon. It is very important to note however, that if one does indeed believe in the second scenario it does not have to mean that the United States should pursue regime change or actively seek to make covert disruptions of the Chinese political system. As aforementioned, the situation with the U.S. and China today can be likened to the Cold War in that there are some very important lessons the United States can draw on from that time that will be useful in informing this emerging bipolar era.

When it comes to American foreign policy, and particularly on growing issues like the threat of China, an increasing number of people in academic circles are suggesting that a turn to American foreign policy as it existed prior to World War Two would be the best option. This era, often referred to somewhat unflatteringly as “isolationism” was based on not becoming embroiled in politics of other nations and putting the domestic agenda first, and “turning inward” as it were. However, as those such as Brands have noted, largely everyone alive in the United States today has forgotten just how brutal the world would get if the U.S. chose to pursue this approach. Those who have lived in the time after World War Two have lived in a time that is historically highly abnormal.⁴⁰³ This era has been more peaceful, more prosperous, and more democratic than the historical norm, and the United States has played the major role in this time in combating dangerous threats to those achievements like the containment of authoritarian states like the Soviet Union, managing the international economy, and

⁴⁰² President’s inbox: A New Era of Great Power Competition

⁴⁰³ President’s inbox: A New Era of Great Power Competition

providing security in East Asia and Europe so those regions were not constantly in war as they had been historically.⁴⁰⁴ If the U.S. chose to pursue the policy of foreign policy retrenchment, it would likely see its massive void filled by powers like China and Russia with fundamentally different views of how the world should exist. Much of the belief in this version of foreign policy stems from the view that the United States has often over extended, or overstretched its foreign policy capability. There are really two ways to respond to this over stretch in describing the future of foreign policy, and that is either the U.S. can either reduce commitments to align them with actual capabilities, or it can increase its capabilities to bring them in line with expanding commitments. The latter is the view of this project. To be successful in containing the Chinese ascent, the United States must take steps to increase its foreign policy capabilities to match a growing number (and what will continue to be a growing number) of commitments. The ultimate question then becomes, how does the U.S. go about creating a policy of containment around China that also allows it the capability to work with China on mutually beneficial arrangements such as combating climate change and global terrorism.

There are a number of schools of thought about how such a policy could be formed in regard to the aforementioned goals. Recently, many have suggested that “if you want peace, prepare for war”. The belief is that the world today is no longer unipolar and dominated by U.S. hegemony, and therefore the United States must focus heavily on the Chinese. However, the Cold War again offers important strategic takeaways that should inform American strategy on China. Specifically, the last period of dueling hegemonic ideology suggests that U.S. policy with China should include the following parts built on lessons of the Cold War.

1. Keep the diplomatic channels open: Diplomacy and continued negotiation are critical to any ideological conflict. Many participants of the Cold War have often recalled that they felt as though if they could just keep talking, and keep the diplomatic channels open, then a peaceful resolution to the conflict was indeed possible. Further, as they felt, the Soviets did not want to “push the button” any more than the United States did.
2. Reduce danger at the margins: In the cold war this took the form of arms control agreements. Today, accommodation and diplomacy could take the form of climate change. It is a mistake to buy cooperation with geopolitical concessions, instead it should be negotiated as a distinctly separate issue. It could also be in the economic front with non-strategic trade
3. Build and maintain a coalition of allies and partners aimed at a similar geopolitical purpose (i.e. military, diplomatic, and economic alliances underpinned by the fact that what the U.S. does with its friends is more important than what it does to the rising power).⁴⁰⁵

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- If the U.S. gets its relationships right with NATO and Asia, it will be difficult for China or Russia to overturn the current international system
4. Most importantly, IF THERE IS ONE LESSON THAT WE MUST WHOLEHEARTEDLY TAKE FROM THE COLD WAR, IT IS THAT WE SHOULD NOT DO IT AGAIN.
- For any of a hundred reasons, the United States should do everything in its power to de-escalate relations with China and seek peaceful coexistence via the PAR stratagem of foreign policy. Ultimately the past cannot provide us with formal blueprints for how to act because it offers a multitude of “lessons” to be drawn to suit the ideological needs of any party to a conflict.

A U.S. intelligence report in 2021 identified China as the greatest long term threat to the United States. The intelligence community asserted that China is engaged in a coordinated effort to rapidly expand its growing sphere of influence, undercut alliances of the U.S., and create a new international environment that favors Chinese authoritarianism.⁴⁰⁶ The foreign policymaking institutions are realizing that a 5,000 year old civilization with such unwavering ambition and ability is not likely to be stopped. Even still, as the number one Cold War lesson the United States should draw in relation to China’s emergence is to avoid another ideology war at all costs and not fall prey to the “The Thucydides Trap.” The Thucydides Trap “reminds us of the attendant dangers when a rising power rivals a ruling power—as Athens challenged Sparta in ancient Greece, or as Germany did Britain a century ago.”⁴⁰⁷ One of the great dangers of this trap is that it does not take an extraordinary event to cause conflict, indeed just existing with business as usual can cause major conflict.⁴⁰⁸ It may seem unlikely that 75% of such events in history resulted in war, but Thucydides identified two of the important driving forces for this trend. The two driving forces are: the growing entitlement, sense of importance and demand for greater say of the rising power, as well as the fear, insecurity and determination to defend the status quo (i.e. defend current hegemony) of the opposing rival.

Pursuing a war of ideology with China will result in a lose-lose scenario for both powers. The United States has continued to frame relations with ideologically divergent nations, specifically that of China, Russia, and Iran, in zero-sum scenarios of democracy versus tyranny and oppression, and “us versus them” characterizations, all while expecting to achieve peace through such characterization. It is my contention that in reference to China specifically, a great deal of American attitudes directed at China reflect a significant misunderstanding (or lack thereof) of Chinese history, culture, and ideology. Only in the development of understanding in these areas can the United States (using PAR as its foreign

⁴⁰⁶ President’s inbox: A New Era of Great Power Competition

⁴⁰⁷ Allison, Graham. “The Thucydides trap: are the U.S. and China headed for war?.” *The Atlantic* 24, no. 9 (2015): 2015.

⁴⁰⁸ Allison, 2015

policy standard) seek to create a stable relationship with China built on mutual respect and a desire for coexistence among divergent ideologies.

China is a 5,000 year old civilization. What is today mostly mainland China was the birthplace of human history in east Asia. During the Taosi phase of Longshan culture in north China, extension of elite control over the entire site and the population was already evident.⁴⁰⁹ Around 1900 B.C.E Erlitou Culture and the Xia dynasty began to develop in China, marking the emergence of state formation and the earliest forms of true political life, and the organization of public life on a large scale in China. Piety was a major virtue and highly emphasized in this early period, and only became more important as the civilization further developed. Even before this time, complex societies developed in the Neolithic period by way of three critical developments, agriculture, the manufacture of pottery ware, and sedentary life.⁴¹⁰ In many areas of this early China, centralized decision-making already took place, so too did regional control, as well as a certain degree of social stratification.⁴¹¹ The first fully recorded dynasty in Chinese history was the Shang, from roughly 1554-1046 B.C.E. During the Shang dynasty, a hierarchical social structure took shape, as well as governance that depended largely on the personal rule of the Shang king and a large group of diviners who served as his personal attendants.⁴¹² Ultimately the Shang dynasty was overthrown by the Zhou, who would mark the beginning of one of the most important political concepts in the history of China.

The Zhou dynasties (Western Zhou: 1045-771 BC, Eastern Zhou: 770-256 BC) occupy a very special position in the cultural and political history of China. They are highly esteemed as the “paradigm of political perfection and social harmony in the long Confucian tradition.”⁴¹³ In the year 1059 B.C.E, a very rare astronomical phenomenon that occurred every 516 was observed by the Zhou. Scholars have long held that this event was what signaled Heaven’s Mandate to the Zhou to break away from the Shang.⁴¹⁴ From this point a campaign of Zhou conquest began over the Shang, resulting in Zhou victory. More importantly, it marked the beginning of the Mandate of Heaven, a Chinese political philosophy to legitimize rulers during its dynastic and imperial ages. The Mandate of Heaven allowed a particular ruler to be perceived as a link between heaven and earth. It became so fundamental to Chinese political philosophy that it would be invoked in every transfer of power in China’s dynastic period. When it seemed as though leaders were losing the Mandate, it was time for change. This is critical because it represents the basis of democratic belief in Chinese philosophy and ideology. It can

⁴⁰⁹Feng, Li. *Early China: a social and cultural history*. Cambridge University Press, 2013.

⁴¹⁰Feng, 2013

⁴¹¹Feng, 2013

⁴¹²Feng, 2013

⁴¹³Feng, 2013

⁴¹⁴Feng, 2013, p. 119-120

be seen as a kind of primitive democratic system in which people were allowed to overthrow those who appeared (or they perceived) to be losing the mandate and be replaced with someone who possessed it. Chinese emperors were revered, and because of this they had to maintain a strict adherence to Confucian values in order to not be perceived as having lost Heaven's Mandate and risk being overthrown. The major Confucian values include, *Ren* (kindness and benevolence), *Li* (propriety and appropriateness), *Xiao* (Piety and Filial Piety: obedience, devotion, and care towards parents and elder family members. It is the basis of individual moral conduct and social harmony in Confucianism). The presence of these traits may lead to the development of *junzi*, a term meaning the ideal leader. If a person could properly demonstrate all of these traits, then this person has made himself into a *junzi*. The Han dynasty, beginning in roughly 200 B.C.E was the first to canonize Confucianism as the state ideology, something that would remain as state ideology in China until 1911.

The aforementioned Zhao dynasty ended by way of the Warring States period, a violent period of constant conflict that resulted in the unification under the Qin dynasty and formation of a centralized government. The violence of the end of the Zhou was also characterized by an explosion of intellectual thought. The violence prompted people to think about how to achieve political unity and its importance, and whether to revive or replace a more central governing power. What came about were the three philosophies of Confucianism, Daoism, and Legalism. These philosophies tried to answer the fundamental questions about "who we are, why are we here, where are we going," and did so in their own social and political context. All three have strongly influenced religious and cultural life in China to this day, especially Confucian ideology. This fact proves critical to any understanding of China's current political system and the cultural aspects that allow for it.

Confucianism as a philosophy is primarily concerned with human relation. Importantly, it advocates for a very stable social hierarchy, not to the level of a caste system, but still the presence of a genuine social hierarchy and classes (but not with enormous divides between each group). This social hierarchy does not mean there is no chance for upward mobility. With the emphasis on human relations, Confucianism also presents five human relationships.

In each of these relationships, there are clear rules for interaction. The former in each pair has more power over the latter, and there is a clear sense of precedence, except between friends there is mutual face. The relationships include the following:

- Sovereign and subject
- Father and son
- Husband and wife
- Elder brother and younger brother

- Friend and friend

A later iteration of Confucian philosophy, Neo-Confucianism, synthesized aspects of Confucian thought as well as Buddhist, and Daoist ideals. In building on these five relationships, Neo-Confucianism (which developed in the 12th century) stressed the one sided obligations of obedience and compliance of subject to ruler, child to father, wife to husband, and younger brother to elder brother. Only friend and friend were viewed as “equals”. Even if the father is “wrong”, one should still defer to their authority and remain obedient. Similar expressions characterize the sovereign and subject relationship as well. Collectivism is a fundamental principle in Confucianism. In order for a society to function smoothly, it is necessary to subordinate one’s personal desires in favor of the greater good of the group. Even today, Chinese society continues this tradition of collective responsibility in which responsibility to family, community, and country are placed above one’s personal needs. Though not as evident as in imperial China, this practice remains strongly evident in Chinese society. As do other elements of Confucianism such as its patriarchal structure. Confucianism does view women as important, but women are still quite neglected and considered less important.

Daoism (or Taoism) has also had a historic influence and significance in China, and continues to remain evident in Chinese culture as well. Interestingly, much of the traditional Daoist philosophy serves in considerable contrast to Confucianism. Even still, its principles have influenced Chinese culture in significant ways. The goal of Daoist thought echoes that of Confucianism in that it seeks to create a perfect society. Daoism seeks this goal principally through harmonization with the Dao, or “the way”. The basis of Daoism is the Doctrine of Wuwei. Wuwei suggests that attempting to control the universe results in chaos, and order is restored by disengagement and detachment.⁴¹⁵ Simple living in harmony with nature allows for cultivation of self-knowledge and natural well-being. Ultimately, through these philosophies one can harness the power to control the things around them. By taking a step back and retreating from engagement, one will harness the power of the universe. Core principles like patience, compassion, and harmony are also evident in Daoist thought and teachings. Such principles and core beliefs have significantly influenced Chinese art, literature, science (namely medicine), moral beliefs, and living habits (namely diet and exercise as Daoism is central to Chinese martial arts practices). Daoist philosophy is second only to Confucianism in its impact on Chinese culture and society today. Yet, just as with Confucianism, it is critical to an understanding of contemporary China and the beliefs of its people.

One of the final important influences on Chinese culture and political culture is that of legalism. This ideology flourished before Daoism and Confucianism in the sense that Legalism was actually adopted

⁴¹⁵ Feng, 2013

by state leaders before principles of Daoism and Confucianism. This philosophy formed the basis of China's first imperial dynasty, the Qin, ruling from 221-206 B.C.E. Legalism places primary emphasis on development of the state. Comparatively it was a ruthless doctrine in which the ends justifies the means. Those employing Legalism sought development and strengthening of the state because a strong state is essential to the development of the country. Legalism included rule of law and strict punishment for its violators, as well as strong principles of collective responsibility. Legalism saw two major strengths of the state, both agriculture and the military and emphasized development of peasant and soldier classes to facilitate agricultural production and (or) military development. Also evident in Legalism was a distrust of purely intellectual or cultural pursuits. Shang Yang, one of the founders of the Legalistic doctrine, held a very divergent understanding of humanity to that of Confucianism. Some commentators of Chinese politics have noted that an understanding of Chinese political Legalism is critical because some of its central elements have remained close to the center of Chinese political thought, and have even become resurgent in the leadership of Xi Jinping. Indeed, an understanding of all of these philosophies is critical to understanding China. Through cultural competency and understanding, one can further understand how the political culture and history of other nations might influence their internal and external behavior. Legalism and Confucianism in particular laid the foundation of the Chinese state and its bureaucracy, establishing legal and political codes that largely served as the basis of Chinese political ideology for over 1,000 years.

Of the numerous reasons it is important to understand the cultural and political history of other nations, especially that of China, is how it informs relations with a country. With regard to China, it is critical to understand the interpretation of democracy as it emerged there. As mentioned, the Mandate of Heaven can be thought of as a primitive democratic system that allowed for the overthrow of a leader perceived to have lost Heaven's Mandate; however, later iterations of "democracy" did develop in Chinese languages (Mandarin and Cantonese). Here it is remarkably critical to note the immense ambiguity of the term "democracy". In the West, democracy is best characterized as liberal democracy which affords great individual freedom, separation of governing powers, and the presence of political competition (through political parties) among other factors. The Chinese conception of democracy, in language terms, originates from the word *Mínzhǔ*. The connotation of this word has changed considerably in the last several hundred years; however, this word existed long before the Western conception of democracy (particularly that in the English language) and holds a distinct meaning. The prefix *Mín* means people, while the suffix *zhǔ* means the master or the owner (or a verb to mean rule or self-rule). The original meaning of the word refers to the "master of the people" or the ruler of people and remains the term for "democracy". This revelation is critical because it both demonstrates the Chinese conception of democracy, and explains the Chinese perception of itself as a "democracy with

Chinese characteristics.”⁴¹⁶ Perhaps even more crucial to understanding Chinese political culture are the events of the 20th century.

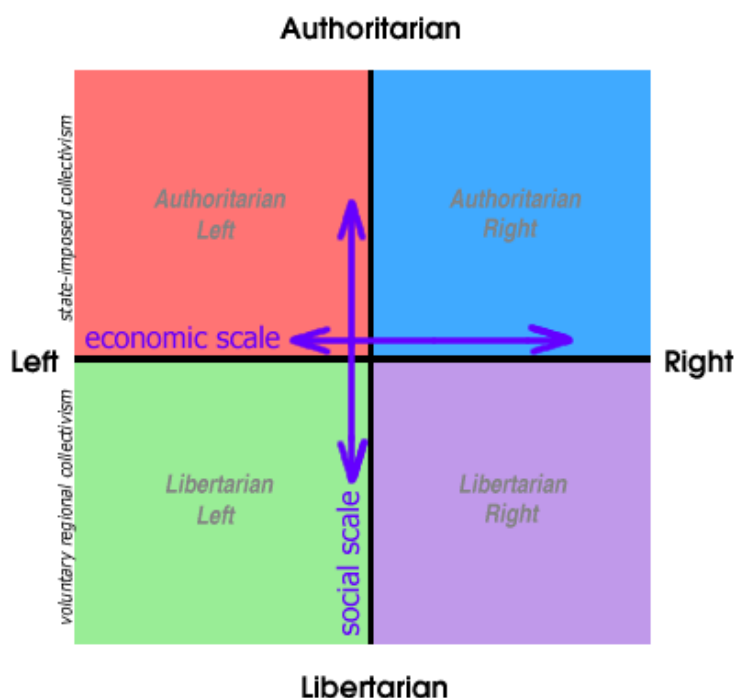
1911 marked the end of China’s dynastic cycle when the Qing Dynasty fell. The Republic of China (1912-49) was a period defined by conflict. By 1927 the Nanjing KMT Government was established and aimed to build a modern democratic society; however, it lacked control over the whole of the country, with large areas continuing under semi-autonomous rule. War was quickly upon the ROC again when Japan invaded part of Northern China in 1931. The second Sino-Japanese war officially began in 1937 and ceased with the end of the Second World War. When the World War ended, the Chinese Civil War continued (as it had intermittently since 1927). The Kuomintang and the Communists fought until the Kuomintang were eventually driven to Taiwan. Though this was a critical period in Chinese history, the period from 1949 to 1976 was even more formative of the present Chinese nation. Much has been written of this period and the knowledge of its impact is very accessible, such is precisely why this project has chosen to present the knowledge few truly do understand. It is undoubtable that the period from 1949-76, and 1977-present is equally critical; however, understanding some of the roots of Chinese history and ideological thought are remarkably important in informing a discussion of the future and are areas of knowledge that are far more limited among those in the United States.

Another aspect of Chinese political culture in need of understanding is the role of ideology. Ideology in China, similar to that of democracy, carries a comparatively distinct connotation in China. In the United States, ideologies are largely divided into left and right and the presence of such heuristics means that policy positions can essentially be lumped into these categorical terms. These heuristics coincide in the United States with the elements of predictability in ideological terms, otherwise known as ideological constraint. Several recent studies in China examine political knowledge on the one hand and ideological constraints on the other. Specifically, Dr. Jason Wu has sought to examine the relationship between political knowledge and ideological constraint (the ability to which one can describe their political thinking with one principle, i.e., liberal-conservative spectrum in the United States). In the United States and many other countries, the more knowledgeable someone is about politics, the more structured they are, and the more ideologically constrained they are. Following the same logic, empirical data reveals that with less politically knowledgeable people, researchers cannot explain very many of their answers about political issues using liberal or conservative ideological constraints. Looking at American political elites like those attending party conventions shows that they are strongly constrained by the underlying ideological principle (of liberal or conservative). Wu finds

⁴¹⁶Solinger, Dorothy J. "Democracy with Chinese characteristics." *World Policy Journal* 6, no. 4 (1989): 621-632.

that in China, it is not this way, and testing this relationship in China reveals insights that are both remarkably interesting, and very important in understanding Chinese politics.

In short, Wu finds that the Chinese are not as categorizable in their ideology as people are in say, the United States. In a typical quadrant model with political progressivity on one axis and economic progressivity on the other, four quadrants emerge like the image below.



The CCP operates in a way in which it does not reveal all of its policy decisions with public facing rhetoric.⁴¹⁷ This means that there is not a great deal of organized political interest among the public. Wu further adds that this gives the CCP the ability to do something and then see if it works before there is any strong pushback against it.⁴¹⁸ This helps explain why the CCP is often capable of brazen policy changes. In relation to the chart above though, what is even more interesting is that many Chinese people do not really know what parties go where on a chart or spectrum. Reevaluating old survey data, Wu found that if a respondent says that they are on the right, then they think the CCP is also on the right and they think that the Kuomintang is on the left. However, if they say that they are on the left, they think the CCP is on the left and the Kuomintang is on the right.⁴¹⁹ When positions on

⁴¹⁷ Kuo, Kaiser. "Political Ideology in China, Explained by Jason Wu." SupChina. SupChina, February 11, 2022. <https://supchina.com/2022/02/10/political-ideology-in-china-explained-by-jason-wu/>.

⁴¹⁸ Kuo, 2022

⁴¹⁹ Kuo, 2022

issues are examined, people who say that they are on the left or people who say that they're on the right do not think anything different about specific issues from those who identify as in the middle.⁴²⁰ These ideals of the political spectrum, and rightist or leftist have much less meaning to people in China. Wu discusses the results of these important findings.

In regimes that invest heavily in mobilizing public opinion, even citizens who are poorly informed about politics are likely to be exposed to core regime messages, which in the Chinese context center around the importance of upholding "Socialism with Chinese characteristics." As a result, the impact of increasing political knowledge on exposure to regime messages is attenuated in these contexts. Since the relationship between political knowledge and the probability of accepting regime messages is the same - that is, more informed citizens are more capable of resisting regime propaganda - our expectation is that under these conditions, political knowledge is inversely correlated with attitudinal constraint.⁴²¹

This becomes critical in an understanding of the zero-sum ideological conflict the United States has sought to perpetuate against China as it did with the Soviet Union. When the Chinese think about ideology in this international rivalry — at least presently — it is unequal in terms of China remaining largely defensive in its battle. In other words, China is not making a “counter-universalist” argument in the way that the Cold War was a battle of exporting socialism and exporting capitalism and democracy. The focus for the CCP has remained very much internal in terms of its ideological foothold. Although CCP party members do hold disagreements over the true role of the state in the economy, they do tend to broadly oppose democratic ideals like multiparty competition and freedom of speech.⁴²² This is also consistent with survey data of the mainland Chinese public as well. The Chinese care far more about the capacity of the state rather than its political orientation. High state capacity equates to high levels of political trust from the Chinese public, and low levels of state capacity are equated with low levels of political trust (and even distrust) in government.⁴²³ In other words, the Chinese show no preference for democracy or authoritarianism given high levels of state capacity. This is where an understanding of Confucianism and its role in Chinese society becomes evident. Zhu et al. explain this in precise detail.

Citizens, be they liberal-democratic or authoritarian minded, not only endorse their political system for its principles but also for its performance. Understandably, government competency

⁴²⁰ Kuo, 2022

⁴²¹ Wu, Jason, and Tianguang Meng. "The nature of ideology in urban China." *21st Century China Center Research Paper* 2017-08 (2017).

⁴²² Wu and Meng, 29

⁴²³ Zhu, Jiangnan, Siqin Kang, Weijia Chen, Shitong Lin, and Siqi Wang. "Would People in Mainland China and Hong Kong Choose Democracy If They Could?" – *The Diplomat*. for *The Diplomat*, April 27, 2021. <https://thediplomat.com/2021/04/would-people-in-mainland-china-and-hong-kong-choose-democracy-if-they-could/>.

to address the most urgent problems facing society and to safeguard the basic quality of material life probably has been endowed with extra importance given the recent global experience of a pandemic. In Confucian societies like mainland China and Hong Kong, traditional political values emphasizing the guardianship role of the rulers may create an additional level of demand for state capacity, while at the same time more obedience to authority when solidarity is called for. Thus, the surveyed societies show a higher demand for state capacity and are more willing to pay for it if there is a cost. Mainland China respondents have a one-dimensional evaluative standard for regimes, probably due to the influence of the Chinese government's long-term emphasis on performance-based legitimacy. Such legitimacy is largely grounded in the state's capacity and willingness to mobilize resources proactively toward predetermined goals – whether that means boosting economic development or swiftly responding to external challenges such as natural disasters.⁴²⁴

CCP legitimacy rests on its capacity. Up to this point the Chinese people have been more than willing to forfeit the prospect of greater political and civil rights for a state with considerable capacity. This is among the most critical aspects in developing an understanding of China as an actor in the 21st century, because CCP capacity and legitimacy informs each action China takes. The CCP is unlikely to take actions that would significantly harm Chinese state capacity and therefore its legitimacy; however, their extensive state media apparatus and ability to quickly change policy stances gives the CCP flexibility in pursuit of its policy goals both foreign and domestic. In short, in both domestic contexts and foreign ones, China (and the CCP) does not choose sides, the side they are always on is China's side. Whether one looks at it from domestic policies on Covid-19, or China's policy stance towards Russia in its war with Ukraine, the only side China is on is China's.

These drawn out historical explanations and the analysis of Chinese ideology are done with a mind to suggest that the West (and specifically the United States) is wholly lacking any sense of cognitive empathy for the Chinese ideological perspective. The importance of this rests in the conclusion that many top foreign policy minds have made, the belief that the Chinese political apparatus has reached a point where it believes irrespective of the political party in power, the United States is hell bent on preventing China's rise and keeping it on its knees. This relationship has reached a point in which continued and engaged dialogue has ceased, and any dialogue is left to "high level" talks like those in recent times (April 2022) between China's Director of the Office of the Foreign Affairs Commission Yang Jiechi and U.S. National Security Advisor Jake Sullivan, or between Joe Biden and Xi Jinping. Such talks produce no progress of any kind because they have only come to reflect the overwhelmingly toxic nature of the U.S.-China relations. Typically, China uses such meetings to reaffirm its decades

⁴²⁴ Zhu et al., 2021

long list of transgressions it has with the United States (namely issues like Taiwan) like what the U.S. is doing to China, how the U.S. should work to improve U.S.-China relations, and what the U.S. should stop doing in its relations with China.⁴²⁵ Further, to appeal to its domestic audience China will often include mention of the so-called “five nos” in its readouts of such meetings in which it suggests that the United States has affirmed that it is not seeking conflict, not seeking a new Cold War, not trying to contain China with its allies, does not support Taiwan independence, and has no intention of initiating a conflict with China.⁴²⁶ Susan Thornton, former Acting Assistant Secretary of State for East Asian and Pacific Affairs, has repeatedly noted that this relationship is at an unprecedented level in its disengagement and toxicity. With Russia’s war in Ukraine, two of the most powerful countries on Earth, and two sitting members of the UN Security Council, are well on their way to being labeled *persona non grata* by the entire “Western” world (and much of the world in general). There is very little argument to be made that such circumstances are making the world safer than a system in which the United States would be constantly engaging China. Simply put, The U.S. China relationship is so fundamentally complex that the only viable way to achieve long term security arrangements, and therefore a peaceful coexistence, is through robust and consistent engagement.

American perception of China often lacks any sense of cognitive empathy or informed historical knowledge of the Chinese perspective. It is true that there is a level of ethnocentrism present in China (particularly among the Han-Chinese); however, such truths are evident in the United States as well. It is also true that there are those (like Xi Jinping) that hold China as the center of the universe, just as there are many in American political circles that seek to maintain unrivaled unipolar hegemony. Allison quite astutely describes what is needed in U.S.-China relations.

The rise of a 5,000-year-old civilization with 1.3 billion people is not a problem to be fixed. It is a condition—a chronic condition that will have to be managed over a generation. Success will require not just a new slogan, more frequent summits of presidents, and additional meetings of departmental working groups. Managing this relationship without war will demand sustained attention, week by week, at the highest level in both countries. It will entail a depth of mutual understanding not seen since the Henry Kissinger-Zhou Enlai conversations in the 1970s. Most significantly, it will mean more radical changes in attitudes and actions, by leaders and publics alike, than anyone has yet imagined.⁴²⁷

⁴²⁵“Readout of National Security Advisor Jake Sullivan’s Meeting with Politburo Member Yang Jiechi.” The White House. The United States Government, March 14, 2022.

<https://www.whitehouse.gov/briefing-room/statements-releases/2022/03/14/readout-of-national-security-advisor-jake-sullivan-meeting-with-politburo-member-yang-jiechi-2/>.

⁴²⁶Kuo, Kaiser. “Diplomatic Acumen - or Lack Thereof - in U.S.-China Relations.” SupChina, April 1, 2022.

<https://supchina.com/2022/03/30/diplomatic-acumen-or-lack-thereof-in-u-s-china-relations/>.

⁴²⁷ Allison, 2015

History has shown that 12 of the last 16 times when a rising power begins to challenge a ruling one, the end result is war. Any number of recent events (like the AUKU.S. agreement), rhetorical discourse in American and Chinese politics, or academic literature can very clearly suggest that the United States and China are on track to engage in a war based on current trajectory. Allison again astutely points out a crucial component of this history.

However unimaginable conflict seems, however catastrophic the potential consequences for all actors, however deep the cultural empathy among leaders, even blood relatives, and however economically interdependent states may be—none of these factors is sufficient to prevent war, in 1914 or today.⁴²⁸

No nation in history has risen so fast and so far as China in the 20th and 21st centuries. At this point many will wonder how the previously outlined foreign policy objectives (like that of PAR) could possibly feature in this circumstance. China's government remains highly popular among its people. As for accountability and regard for rights, this remains a complicated picture in China as Chinese citizens have proven more than willing to subordinate freedoms and rights in favor of a state with high capacity and continued improvement in quality of life. If this is the case, it is not the place of the United States to demand the institution of greater freedoms in Chinese politics. However, maintaining its moral principles is still possible with respect to China by taking actions that encourage and compel China to improve the status of rights given to its citizens. PAR is not rigid, rather it is fluid. The end goal of its use as the basis of foreign policy is to facilitate a peaceful and secure international system based on respect, cognitive empathy, and a desire for mutual coexistence. Should the United States tolerate things like persecution of Uyghur Muslims in Xinjiang, absolutely not; however, how can the United States hope to improve the rights of such peoples through total diplomatic disengagement with China? How can it hope to develop a level of cognitive empathy for the Chinese perspective on political issues and governance? How can it hope to avoid war? The answer — unsurprisingly — is that the United States can do none of these things without engagement of the Chinese. There are so many areas in which Chinese and U.S. cooperation would prove mutually beneficial. Even simpler, there are a number of ideological predispositions that both countries hold, like their respect and resolve to maintain the Westphalian system of nationhood and sovereignty. Allison is decidedly correct when suggesting that current trajectories place these two on clear paths to conflict. He is further correct in suggesting that avoidance of war will require radical changes in attitudes and actions, but the question is, can those in the United States find the courage to be the first to reach out to prevent such catastrophe in favor of an outcome in which China not only has greater regard for the rights of its people, but is a partner in the formation of a peaceful international system built on mutual respect

⁴²⁸ Allison, 2015

(and cognitive empathy), and a desire for mutual coexistence? Such an outcome would produce a system not only immeasurably beneficial to China and the United States, but to the world as well.

Russia and the “Third Way”

Russia’s invasion of Ukraine will fundamentally change the short and long term future of the Russian Federation. The writing of this project coincides with the early stages of Russian invasion into Ukraine. Fog of war has made casualty numbers unverifiable up to this point, but Russian forces are pressing their offensive into Ukraine. This section will feature a discussion on the short and long term prospects of liberal democracy in Russia using an analysis of Russian civil society, political rights, and civil liberties (or lack thereof). The invasion of Ukraine creates an environment rife with speculation as to the future of the Russian Federation. In respect of those in Ukraine and a desire to not produce work that is speculative, this section will feature the aforementioned analysis with the invasion in mind. In other words, the current situation will work to inform the analysis of Russia’s short term and long term political environment, and whether a nation such as this can ever be brought up to PAR standards desired by American foreign policy.

The post 9/11 era of international relations has been one of accelerated democratic backsliding. This wave has been paralleled by an increase in populist, nationalist (and ethnonationalist), and autocratic politics. Two of the unique characteristics of this era are the presence of this phenomenon in traditionally liberal democracies, and also the increasing tendency of illiberal democracies, electoral autocracies, and outright autocracies to further devolve into totalitarianism. The Russian Federation has come to represent one of the strongest examples of the latter. Even prior to invading Ukraine, the status of political rights and civil liberties were in continued decline. The invasion, as well as the Covid-19 pandemic, have further accelerated this decline. Yet, since the conclusion of the Second World War, a desire for Russian liberal democratization has persisted in the West. Many Russian scholars have likewise concluded that Russian economic progress will only be realized with democratic political and institutional reforms, namely in the form of separation (and regular change) of powers, fair elections, disengagement of government officials and lawmakers from business, an active civil society, independent media, and more.⁴²⁹ Despite suggestions that a failed war could lead to more liberal democratic reform in the Russian Federation, an analysis of political rights, civil liberties, and Russian civil society suggests that liberal democracy (as it developed in the West) is unlikely in both the near and long term future of the Russian Federation.

⁴²⁹ Arbatov, 2014

Prior to understanding how the status of political rights, civil liberties, and Russian civil society informs a discussion on the liberal democratic future of Russia, it is necessary to understand some of the complex nuances and history of the Russian political system. Specifically, it is necessary to understand the unique role of Vladimir Putin. When Putin initially came to power, his primary focus in protecting Russia's sovereignty and status in the world was bolstering the Russian economy (Evans, 2015).⁴³⁰ His decision making was (and is) attributed to his pertinacious pursuit of restoring Russia's great power status. A strong economic base was regarded as the most essential prerequisite for a positive national status, and in following Yeltsin's social mobility strategy, he continued to assert that his country had "entered the ranks of democratic nations" in its own way.⁴³¹ However, stark economic realities drove Putin to the same circumstances as those of Leonid Brezhnev; the realization that Russia could not compete with the West economically, and could therefore not project superiority over the West via the economic superiority in the collectivist ethos of socialism over the self-indulgent individualism of the West.⁴³² Instead, Putin's craving for societal consensus and harmony led him to a new mechanism to build consensus with Russia and project superiority over the west, a state ideology (or national identity).

In choosing to build a national identity and unite Russian society around conservatism (i.e., fundamental and traditional values) with himself as defender, Putin created a mechanism through which he could villainize western liberalism, provide a basis of ideological support for his regime to preserve the political status quo (i.e., his power), and portray political opposition as disloyal to Russia. Putin crafted an ideology in which the vision of the world is precise enough to enable marginalization and delegitimization of regime challengers, but vague enough that the vast majority of people subscribe to it.⁴³³ This shift in policy and strategy is crucial to understanding how the status of political rights, civil liberties, and Russian civil society informs a discussion on the liberal democratic future of Russia, because this shift opened the door to new — and more aggressive — policy options. Prior to 2012, Russia's attitude towards the West was largely benevolent if not positive; however, Putin's strategic calculus changed when the EU sought an agreement with Ukraine. It was at this moment that these new policy options became evident. Putin's conservative, traditionalist national identity was closely related to nationalism, something he cultivated intensely beginning in 2012.⁴³⁴ Seeing the EU as a threat to Russian influence in Ukraine (what he views as historically Russia), in 2012 Putin exerted

⁴³⁰Evans, Alfred. "Ideological change under Vladimir Putin in the perspective of social identity theory." *Demokratizatsiya: The Journal of Post-Soviet Democratization* 23, no. 4 (2015): 401-426.

⁴³¹Evans, 2015

⁴³²Evans, 2015

⁴³³ Laruelle, Marlene. "Putin's regime and the ideological market: A difficult balancing game." *Carnegie Papers*, March (2017).

⁴³⁴ Laruelle, 2017

strong influence over Ukraine to back out of the agreement. Protests that followed led to the abrupt replacement of Yanukovich in Ukraine.⁴³⁵ This event marked the last straw for Putin with the West, and the subsequent decision to occupy Crimea signaled that Putin had formally rejected any notion that Western values had any relevance in Russia. Further, it provided a basis through which his own criticism of the West was proven more credible to his people after the West imposed economic sanctions on Russia. Such actions demonstrated to the Russian people that their enemies in the West were increasingly hostile and sought to undermine their security. This, in turn, worked to further persuade Russians into uniting behind Putin's national identity. Development of this national ideology through such top-down means allowed for a manufacturing of public consensus that strongly favors the political status quo, and therefore the continued political dominance of Putin over Russia.

Understanding the development of the Russian political system through this top-down cultivation of consensus (power vertikal) is critical because it sharply diverges from Western ideals of individual political freedom. In the West — and liberal democracies broadly — it is in the hands of the individual to find a political party in which they are ideologically congruent. Putin's Russia has sought to manufacture a large ideologically congruent base from which to preserve the political status quo. Such is precisely the idea of this "national identity". Public policy positions remain subject to constant change, because the goal is not consensus on public policy issues; rather, it is to create consensus on the threat to Russian security and sovereignty perpetrated by the West, and the moral superiority of traditionalist Russian culture over the West. These practices give liberal democratic rights like voting far less utility. Voting in liberal democracies coincides with consciously making a decision based on ideological congruence with a candidate. In Russia, divergence is akin to treasonous behavior.⁴³⁶ Russians seek no ideological congruence because their political system is configured to require ideological congruence with Putin and the "traditional values" of the national identity, which they perceive to be under constant threat from the West. Such has proven consistently evident in polling that demonstrates Russians feel as though the West (particularly the United States) is responsible for the current situation in Ukraine.⁴³⁷ Indeed, this is the basis through which an understanding of how the status of political rights, civil liberties, and Russian civil society informs a discussion on the liberal democratic future of Russia.

Even prior to the invasion of Ukraine in February, 2022, the status of political rights, civil liberties, and Russian civil society were steadily declining. Invasion and the onset of Covid-19 have only exacerbated

⁴³⁵ Evans, 2015

⁴³⁶ Evans, 2015

⁴³⁷ Nechepurenko, Ivan, and Valerie Hopkins. "On Ukraine, Many Russians Have No Doubt: It's the Fault of the U.S." *The New York Times*. The New York Times, February 4, 2022. <https://www.nytimes.com/2022/02/04/world/europe/russia-public-opinion-ukraine-us-nato.html>.

the deterioration of such rights that have long been evident under Putin. Russians have long held a cultural predilection for order and autocracy over freedom.⁴³⁸ The Russian conception of the word “leader”, *vozhd’*, has acquired a distinct meaning over time. Originally an ancient word denoting a chieftain or a head of a tribe, today the word is understood to carry implications of “strength, power, and ultimate authority”.⁴³⁹ Stalin was often referred to as *vozhd’*, seen as infallible, awe-inspiring, and demanding of obedience. Such things remain widely desired as evidenced by a Levada Center poll in 2020 finding that 75 percent of Russians want their country led by a “strong and powerful leader”.⁴⁴⁰ Combine this predilection with the nationalistic ideology of Putin’s national identity — which creates a natural disdain for liberal democratic norms — and an understanding of Russian civil society and its content with this decline reveals itself. Russia is one of the most autocratic countries on Earth, and has achieved this position largely with the support of its people.⁴⁴¹ Indeed, the “power vertical” structure in Russia is such that the national ideology is evident at all levels of government. The highly centralized nature of “power vertical” has created a system in which the federal government provides incentives (status, wealth, etc.) to local leaders and elites for efficient achievement of the regime’s policy goals. “Power vertical” is a tool of maintaining loyalty and governability of low-level officials by the threat of imposition of top-down sanctions, but is also a tool in the form of a stimulus for local regime actors through use of selective and informal incentives.⁴⁴² Accelerated centralization brought on by recent events (Covid-19 and war in Ukraine) has only continued the omnipresence of the singular national identity narrative at all levels of government in the minds of Russians, and furthered the descent into totalitarianism in the Russian Federation.

One of the most evident areas of this descent into dictatorship is the status of political rights and civil liberties, namely those of the electoral processes, the functioning of government, and of various liberal freedoms (i.e. freedom of expression, association and organization, individual autonomy, rule of law, electronic freedom). Following the 2011 Duma elections in which the United Russia party received less than 50% of the vote, election laws were changed to a system in which half of Duma members are elected by nationwide proportional representation and the other half in single-member districts.⁴⁴³

⁴³⁸ Nichol, John. “Democracy in Russia: Trends and Implications for U.S. Interests.” LIBRARY OF CONGRESS WASHINGTON DC CONGRESSIONAL RESEARCH SERVICE, 2006.

⁴³⁹ Berls Jr., Robert. “Civil Society in Russia: Its Role under an Authoritarian Regime, Part III: The Leader and Society: Prospects for Change.” The Nuclear Threat Initiative. The Nuclear Threat Initiative, September 14, 2021. <https://www.nti.org/analysis/articles/civil-society-russia-its-role-under-authoritarian-regime-part-iii-leader-and-society-prospects-change/>.

⁴⁴⁰ Berls, 2021

⁴⁴¹ Alizada, N., Boese, V. A., Lundstedt, M., Morrison, K., Natsika, N., Sato, Y., ... & Lindberg, S. I. (2022). *Autocratization Changing Nature?. V-Dem Working Paper Forthcoming*.

⁴⁴² Gel'man, Vladimir, and Sergei Ryzhenkov. “Local regimes, sub-national governance and the ‘power vertical’ in contemporary Russia.” *Europe-Asia Studies* 63, no. 3 (2011): 449-465

⁴⁴³ *Russia: Freedom in the world 2021 country report*. Freedom House. (n.d.). Retrieved February

This point is critical because of the comparatively distinct function of political parties in Russia. Political parties in Russia are another apparatus through which the United Russia party can demonstrate that it is creating consensus and legitimizing policy. It can recommend policies for other parties to introduce to which they will find nearly unanimous agreement from the other parties, who all largely act at the behest of the United Russia party (which largely acts at the behest of Putin). In conjunction with the “superpresidentialist” nature of the Russian political system, greater restriction in election laws has precipitated continued domination by the United Russia party. Further, election “management” has also hastened under Putin’s leadership.

Election “management” refers to a variety of tactics employed by the Kremlin to manufacture sizable political victories for favorable candidates in national, parliamentary, regional, and even local elections.⁴⁴⁴ One of these practices is registering multiple candidates with the same or similar names as an opposition candidate. Some 10% of parliamentary election races in 2021 featured this tactic to mask which candidate is the real political opposition and confuse voters into choosing someone with the same name as an opposition candidate.⁴⁴⁵ One of the most blatant measures is to simply bar opposition candidates from running altogether. In 2021, 163 out of 174 candidates who applied to run for parliament as independents were denied.⁴⁴⁶ Among the most manipulative tactics is online voting. In May 2020, Putin signed a law permitting the use of electronic voting, allowing Russian employers to set up computers for voting by their HR departments. Such methods give employers open access to votes cast by employees, significantly deterring voting against non-United Russia candidates. Electronic voting has paralleled a massive campaign of internet restriction, allowing the state considerable control over what information the public receives on any number of subjects, including those relating to elections and candidates running for office. Quantitative data supports such assertions. The V-Dem institute’s quantitative measures (combining 69 indicators of liberal democracy) show Russia’s decline on suffrage, clean elections, freedom of association, and freedom of expression and alternative sources of information, has been more precipitous than nearly any nation on earth in the last year.⁴⁴⁷

As mentioned, elections represent just one area of the rapid decline in political rights and civil liberties, with the functioning of government representing another important representation of this decline. Similar to that of China, Putin has sought to further consolidate his own power and power over the Russian people in the face of a global health crisis and a war with Ukraine. Prior to March 4th, 2022,

21, 2022, from <https://freedomhouse.org/country/russia/freedom-world/2021>

⁴⁴⁴ Kramer, Andrew E. “Fake Parties and Cloned Candidates: How the Kremlin ‘Manages’ Democracy.” *The New York Times*. The New York Times, September 17, 2021. <https://www.nytimes.com/2021/09/17/world/europe/russia-elections-interference.html>.

⁴⁴⁵ Kramer, 2021

⁴⁴⁶ Kramer, 2021

⁴⁴⁷ Alizada et al., 2022

Russia already maintained considerable media and internet censorship (among the most restrictive 15% in the world), state media bias, harassment of journalists, media self-censorship, intense restriction on freedom of assembly (which is only allowed for pro-Kremlin demonstrations), and political indoctrination in education institutions limiting academic freedom.⁴⁴⁸ Putin's new media law criminalizes "false information" about the armed forces and the "special military operation" underway in Ukraine. More precisely, the law allows for punishment of (up to) 15 years in prison for any public opposition, or independent reporting about the "special military operation" in Ukraine. Independent media outlets have since shut down and Russia has blocked access to major Russian-language outlets that are based outside the country, as well as many social media platforms.⁴⁴⁹ Each decision made by the Kremlin echoes the state ideology. Those referring to the operation in Ukraine as a "war" or an "invasion" are undermining the national interest and demonstrating treasonous behavior. Putin's revisionist history considers Ukraine as having no historical claim to legitimate statehood and, as with the period before the invasion of Crimea in 2014, continued Western encroachment threatens Russian sovereignty and legitimate existence. Manipulation of the war in this manner to the Russian public has allowed Putin's approval rating to grow to its highest level in years.⁴⁵⁰ This coincides with steep declines of any deliberative processes. A deliberative process — a main component of liberal democracies — is one in which political decisions are motivated by public reasoning and a focus on the common good rather than parochial or coercive intentions. On all quantitative measures of deliberative processes, Russia's decline has been the steepest of any modernized nation.⁴⁵¹ Even still, the pervasive national ideology has ingrained in Russians a view of Putin as their great defender, vying to protect Russian sovereignty and cultural identity from the enemies of the West, and thus allowing for tolerance and even support of his continued centralization of power.

Additional substantiation of the omnipresence of Putin's national identity of Russian conservatism is visible beyond the declining status of political rights and civil liberties, and also features as a defining characteristic of Russian civil society. One of the primary mechanisms through which Putin has spread his national identity is through appropriation of Russian civil society. It is important to consider that Russian predilection to order and autocracy (over freedom) is not simply because they are inherently anti-democratic. Under the guise of "democracy" in the immediacy of the post-Soviet era, Gorbachev implemented reforms that quickly decentralized the government. Such reforms overwhelmed the

⁴⁴⁸ Alizada et al., 2022

⁴⁴⁹ Troianovski, Anton. "Russia Takes Censorship to New Extremes, Stifling War Coverage." *The New York Times*. The New York Times, March 4, 2022.
<https://www.nytimes.com/2022/03/04/world/europe/russia-censorship-media-crackdown.html>.

⁴⁵⁰ Dickinson, Peter. "Not Just Putin: Most Russians Support the War in Ukraine." *Atlantic Council*, March 14, 2022.

<https://www.atlanticcouncil.org/blogs/ukrainealert/not-just-putin-most-russians-support-the-war-in-ukraine/>.

⁴⁵¹ Alizada et al., 2022

Russian people long accustomed to a large central government providing them with basic security. Yeltsin came to power and did little to design new political institutions to restore stability, and instead pursued economic reform.⁴⁵² Further, Yeltsin did not benefit from institutional legacies, traditions, or external factors that supported democratic transitions in other countries, such as previous experience with democracy, ethnic homogeneity, agreement on the demarcation of state borders, or the promise of European Union membership.⁴⁵³ Indeed, Russian democratization was hindered by each of these factors, leaving a government with leadership lacking clear direction and a population suffering because of it. A consequence of this protracted transition, Russian civil society was disengaged and had all but disappeared.

Consequently, as a result of this disappearance and disengagement of Russian civil society, foreign funding served as an interim solution and led to a whole host of consequences.⁴⁵⁴ This is to suggest that Russian disdain of foreign involvement and intervention into its sovereignty is well-founded. Civil society followed the same path aforesaid. International NGOs entered in the hollow-state period of Gorbachev and Yeltsin to help “democratize” Russia. Subsequent analyses have revealed that these arriving NGOs created projects that had less to do with grassroots issues affecting Russians than with the concerns of the elites who designed them.⁴⁵⁵ Further, these NGOs became a “vehicle via which neoliberal rationalities and technologies arrived in post-socialist space”.⁴⁵⁶ Putin’s ascendancy accompanied the view that the civil society installed by these Western identified agencies was patently false, ineffectual, motivated by self-interest, and oriented more toward the concerns of the West than those of Russian society.⁴⁵⁷ This belief was well-founded based on actions of Western NGOs that were pushing reforms that would make the state more accountable to global norms like human rights and gender equality. Such issues were both distant and irrelevant to the suffering Russian people. Putin responded with expulsion and tight restraints on NGO activities, labeling many “foreign agents” in an effort to remake Russian civil society with the pillars of his state ideology, particularly national sovereignty, religious faith, and traditional family values.⁴⁵⁸

Following Putin’s decision to constrain foreign NGOs, the Russian president made concentrated attempts to rid foreign influence by founding state-run organizations and creating grant and funding

⁴⁵² McFaul, 1999

⁴⁵³ McFaul, 1999

⁴⁵⁴ Hemment, Julie. “Nashi, youth voluntarism, and Potemkin NGOs: Making sense of civil society in post-Soviet Russia.” *Slavic Review* 71, no. 2 (2012): 234-260.

⁴⁵⁵ Hemment, 2012, p. 241

⁴⁵⁶ Hemment, 2012

⁴⁵⁷ Hemment, 2012

⁴⁵⁸ McFaul, 1999

infrastructure for officially sanctioned organizations.⁴⁵⁹ Putin's civil society is one which "articulates a specific set of national security concerns: suspicion about western intervention in Russia and its 'near abroad' and the desire to contain the political ambitions of domestic actors".⁴⁶⁰ Civil society was and is a mechanism to build Putin's national identity by molding civil society to be in the service of the state. An example of the types of organizations Putin sought to create was the Kremlin-backed Nashi Youth Organization. Nashi was known as a youth, democratic, and anti-fascist movement with some 300,000 members and 50 regional branches.⁴⁶¹ Nashi organized many mass patriotic demonstrations in support of the Kremlin, while at the same time engaging in hostility towards opposition movements. Academic accounts suggest one of the Kremlin's goals in founding the youth organization was to thwart any pro-western mass movements of the kind that took place in Ukraine during the Orange Revolution. Though often regarded as an indoctrination scheme created by the Kremlin — like that of the Hitler Youth — dominant accounts fail to capture many of the Nashi realities and their place in civil society.

Mainstream accounts of Russian civil society, and of Nashi specifically, often fail to capture the realities of Putin's civil society. However, genuine realities both justify and challenge these mainstream portrayals. Nashi presented itself as a counterinsurgency to international promotion of liberal democracy. Three goals were laid out in its manifesto, all drawn from Putin's national ideology. Maintaining Russia's sovereignty and values, and adoption of military organization and rhetoric in referring to members as komissars and describing opponents as foreign mercenaries all featured. Nashi's published materials painted an alarming picture of geopolitics with Russia under constant siege from a "rapacious west in a hostile world system".⁴⁶² Ultimately, Nashi and other civil society organizations functioned within a closed system that exists in the interests of, and in service of the state.

Despite the closed system it operated within, Nashi was not as detestable as it is portrayed. Nashi youth campaigns featured discourses of human rights and tolerance mixed with Soviet-era symbols and values. Further, despite being exclusionary in its nationalism, Nashi promoted cultural tolerance and lessons of friendship through regular social events with foreign students where they got to know each other and shared stories of culture and cuisine.⁴⁶³ Survey data and interviews of former Nashi members showed development of professional skills that any international foundation would approve of. Alas Nashi "went rogue" in the eyes of the Kremlin and was dissolved. Nashi became linked to a series of major scandals and was doing more harm than good to the Kremlin. The organization began engaging

⁴⁵⁹ Hemment, 2012

⁴⁶⁰ Hemment, 2012, p. 245

⁴⁶¹ Hemment, 2012

⁴⁶² Hemment, 2012, p. 249

⁴⁶³ Hemment, 2012

in harassment of journalists reporting on anything critical of the Kremlin. Putin's re-ascension to power in 2012 largely marked the end for Nashi in part because United Russia had developed its own youth division that competed with Nashi (Stanovaya, 2013).⁴⁶⁴ The development of the Nashi from Kremlin creation to outcast characterized Russian politics when Putin was elected again in 2012 and became increasingly hostile towards the West. He wanted no internal discontent and elected to further reign in Russian civil society.

The reigning in of Russian civil society was a pretext for what was to come in the following decade in Russia, one in which Putin's regime has further devolved the Russian electoral autocracy ever closer to totalitarianism. The described decline in political and civil rights, and the status of Russian civil society offer much about the future of the Russian political system in both the near and long term. Namely, although the conflict with Ukraine is likely to prove impactful, it is unlikely in both the near and long term that Russia develops liberal democracy as it functions in the West. The Russian public continues to favor authoritarian leaders, and even a return to a Soviet-era system.⁴⁶⁵ Therefore, the degree to which this assertion is relevant carries significance primarily to the Russian people. Western coercive attempts at democratization of Russia offer further evidence that many of Russia's security and sovereignty concerns are both evident and valid (in the Russian perception). Russia has felt increasingly insecure from encroaching Western alliances, whose actions are (in part) attributable to the described decline in political and civil rights in Russia that the Kremlin has perceived as necessary to ensure Russian survival.

Despite this perception by Putin, to many Russian scholars the future of Russia can only flourish through liberal democratic reforms to political institutions — like free elections and bona fide separation of powers — to subsequently achieve economic progress by attracting investment and “high technologies”.⁴⁶⁶ Yet, the Russian experiment in “democracy” thoroughly tainted the idea to an entire generation, who, with the Russian state, instilled disdain and democratic hostility into further generations. This disdain is furthered by way of Western actions like expulsion from international organizations and institutions, which is likely to accelerate as a result of Russian invasion. The West has sought to frame the war in Ukraine in a continuation of the zero-sum conflicts that characterized the 20th century. As with the conclusion of the Cold War, this has the potential to further the Russian resolve to pursue governance in the “third way,” (i.e., forging their own path) and maintain intense territoriality over their sovereignty and political system. Indeed it was the very same type of conflict

⁴⁶⁴ Stanovaya, Tatiana. “The Fate of the Nashi Movement: Where Will the Kremlin's Youth Go?”

Institute of Modern Russia. Institute of Modern Russia, March 26, 2013.

<https://imrussia.org/en/politics/420-the-fate-of-the-nashi-movement-where-will-the-kremlins-youth-go>.

⁴⁶⁵ Nikerichev, 2020

⁴⁶⁶ Arbatov, 2014

that preceded the emergence of Vladimir Putin. In framing conflicts in this way and challenging the legitimacy of any non-liberal democracies, American and Russian legitimacy rests on the outcome, potentially paving the way for desperate methods of war and a further decline in civil and political rights of already severely rights-deprived Russians.

From the beginning of his reign, Putin's actions have (directly or indirectly) been dictated as a response to Western actions, and finding a mechanism through which he can project Russian superiority. Such mechanisms, necessitated by perceptions of insecurity, have facilitated the continued decline in political and civil rights, as well as the declining status of civil society. There was a moment at the end of the Cold War in which an inclusive system of international security was possible. Some believe it remains possible. It will rest on the development of cultural competency, respect for diversity of political systems, and a mutual desire for coexistence among nations. The future of these developments is right now a bleak picture, and based on the declining status of political and civil rights in Russia and the waning role of Russian civil society, it appears as of now that a liberal democratic future in the Russian Federation is unlikely in the near and long term future. Ultimately, there are any number of cultural, historic, religious, geographic, or other reasons for which liberal democracy may not prove viable for Russia. Though the described decline in the rights of Russian's remains critical, so too does the long history of Russian preference for stability in exchange for subordination of personal freedoms. History of contemporary wars suggests that war is a facilitator of political change for the "loser"; however, in zero-sum conflicts that have characterized the 20th and 21st centuries, there are increasingly no clear "winners" and "losers", suggesting that the historical record may not be an accurate representation of the changing nature of modern warfare. In light of this, it is necessary to seek conclusions from the information available. Vladimir Putin's reign has been characterized by an increasing centralization of power into his office, the building of a national ideology to serve his political goals, a steady (and continuing) decline in political and civil rights, and a largely disengaged and deflated civil society. Combine this with Russian cultural favorability towards authoritarianism (and support for aforesaid characterizations), institutionalized corruption, and a host of other historic, religious, and cultural factors, and the preponderance of evidence suggests the short and long term future of a liberal democracy in Russia is subject to considerable scrutiny.

Again, the goal of a PAR foreign policy is not the forcible spread of liberal democracy; rather, it is to pursue an international system tolerant of political diversity, but also respecting human rights and (at a minimum) tolerant of political and civil rights. It is unquestionable that the war in Ukraine will change the strategic calculus of how the West chooses to handle future relations with Russia. This project is being finalized in early April, 2022. The images of indiscriminate killings of civilians on the part of the Russians and the considerable devastation on urban centers is also likely to impact the long term

outcome of the conflict. In any case, this is to suggest that — despite calls for it — it is not clear that regime change is the panacea for Russia. Russians maintain a long predilection for a strong leader with a highly centralized government. Though Russians are increasingly seeking change, they themselves are unsure of the way in which changes can occur. What remains so decidedly interesting is that Russians increasingly view the goal of restoring the country's great power status and prestige as one that has been accomplished, and are now increasingly looking to domestic economic policy changes.⁴⁶⁷ This is enormously important because of the immense challenge it places on Putin to be the leader that can actually succeed where his predecessors have failed miserably. Putin had to make the same strategic calculus that Brezhnev did when coming to grips that Russia could not compete with the West economically. In doing so, Putin crafted his conservative, culture-centric national ideology as a means through which he could project superiority over the West. However, now that his citizens feel as though this goal has actually been accomplished, he has little choice but to improve the Russian economy. One of the many reasons that has not occurred is because it is highly possible that it would impact the political status quo, and therefore Putin's power. So now the challenge is even greater in the sense that Putin must keep Russian oligarchs satisfied while also diversifying the economy (which is largely viewed as the way in which the economy can improve), but doing so without diminishing his own power. Russian leaders since the end of the Cold War have failed to properly do this, so it certainly remains to be seen if it is possible under the leadership of Putin.

For some time, American foreign policymakers have viewed Russia as a “gas station with nukes” and a country that largely “punches above its weight”. There are any number of nuanced reasons as to why this is a very incomplete view; however, the primary reason that this notion that Russia “punches above its weight” is misguided is because they do have advanced power capabilities in both traditional and nontraditional senses, and more importantly, they have a political system that allows them to use them at will. This is especially relevant in terms of “sharp” power – the use of social media and cyber tools – to alter the increasingly muddled American information environment as they have in U.S. elections. Sharp power tools are not as expensive and do not carry as many ramifications as things like nuclear or chemical weapons do. Furthermore, sharp power tools remain largely effective at strategically advancing Russian interests and disrupting the global unipolar order (and their effort to make it a multipolar one).

As has been explained, even despite a war with Ukraine, liberal democracy remains an unlikely development in Russia in the near and long term for any number of described reasons. Such realities offer PAR as foreign policy as a particularly useful strategy for engaging a country like Russia. One can

⁴⁶⁷ Kolesnikov, Andrei, and Denis Volkov. *Russians' Growing Appetite for Change*. Carnegie Endowment for International Peace, 2020.

acknowledge the atrocities being perpetrated by Russia whilst also acknowledging the legitimacy of their security concerns. The United States and the West more broadly have (on numerous occasions) gone back on their word with respect to the security framework in Europe. In allowing things to deteriorate to the current degree the West (and certainly Russia) have made things decidedly worse in the prospect of mutual coexistence. The intense rhetoric from either side makes the prospect of peaceful engagement politically infeasible for both Russia and the West. Russia must certainly pay the considerable consequences that come with engaging and instigating a war with another sovereign nation, consequences that will likely prove severely detrimental to the already weak Russian economy. Given that the economy was the primary area of domestic policy in terms of needing to be addressed (in the eyes of the Russian people), instigating a war with Ukraine will almost certainly see this importance continue to grow among the Russian people. Even still, the realities of the status of political and civil rights for Russians demonstrates the limited ability they have to truly influence the Russian political system. Indeed, Russians feel they have no influence on their political system via elections.⁴⁶⁸ To encourage political systems that follow the PAR framework, Russia could prove a unique case study for the United States.

Russia is an electoral autocracy. It is a country in which elections are used (and manipulated) largely as a basis of justification for decisions made by the Kremlin. Russians do not crave liberal democratic freedoms. What they do crave is an increased standard of living.⁴⁶⁹ The current level of relative economic diversity in Russia is quite close to what it was a few years after the U.S.S.R collapsed.⁴⁷⁰ One of the primary reasons for this is corrupt officials and highly inadequate and mismanaged industrial policy.⁴⁷¹ Now, Russia has always sought to pursue reforms in its own way, or the “third way”. Herein lies a possible avenue of PAR as American foreign policy. Russians will not favor Western (specifically American) governance practices and liberal democratic institutional design. However, what the United States can do is work to develop truly free and fair elections in Russia so that Russians themselves may decide on their own political future. Should they chose to remain a highly centralized, “superpresidentialist” system then that remains their prerogative, but this is a way in which PAR standards can be developed and Russian’s can decide for themselves who should deliver the economic reforms they desperately crave. It may well prove to be a Russian failure in Ukraine that provides the West with the basis through which free elections are implemented in Russia; however, equally it may not and Ukraine may prove to be an event that only heightens the resolve of the Russian national ideology with its emphasis on defense of Russian sovereignty and culture.

⁴⁶⁸ Kolesnikov and Volkov, 2020

⁴⁶⁹ Kolesnikov and Volkov, 2020

⁴⁷⁰ Lyubimov, Ivan. “Russia’s diversification prospects.” *Russian Journal of Economics* 5 (2019): 177.

⁴⁷¹ Lyubimov, 2019

As mentioned, speculation serves little utility in this regard, but the end goal remains the same for PAR as American foreign policy. Both Russia and the United States continue to operate in the outdated mindsets of the Cold War. The nature of the world today in geopolitics is a far more complicated one than it was at the end of the Cold War, and neither side seems apt to come to this conclusion. They remain committed to zero-sum conflicts of good versus evil. With Russia keen to remind the world of its great power status, the world can ill-afford to push Russia further into totalitarianism. The answer is similar to that of China and Iran (the two other primary subjects of this foreign policy process); engagement with an ideologically divergent nation. Liberal democracy and its spread throughout mankind pales in comparison to the prospect of developing a world in which political diversity can be respected, but so too can human, political, and civil rights (to an extent). Russia will pay its consequences for invading Ukraine, one of which must be a relentless effort on part of the West to develop free and fair elections in the Russian federation so that the Russian people themselves are free to develop a political regime that is popular, accountable, and rights-regarding. Asking how to oust Vladimir Putin is indeed the wrong question. The question the West should be asking is how they can enable the Russian people to create a PAR-based political system for themselves (whatever it means to them)? Only when this occurs, and only when the Russian people are actually satisfied with their own political system and the domestic policy it produces can the United States declare PAR foreign policy successful with respect to the Russian Federation. In doing so, the United States will make a decisive move in facilitating an international system tolerant of political diversity, built on peace through PAR standards, and a respect and desire for mutual coexistence among nations.

Peace in the Middle East (aka MENA)

Contemporary history in the Middle East and North Africa has been filled with the painful legacies of imperialism and an unceasing series of conflicts, revolutions, and scars. A great deal of this can and should be attributed to the actions of the United States and other Western nations after the two World Wars. The Sykes-Picot Agreement, the Balfour Declaration, The White Paper, and UNGA 181 are just a major few examples of the types of actions taken by the United States and other major powers (namely Britain and France) that had disastrous consequences for the region. Of course, this also includes the U.S. role in overthrowing a democratically elected leader in Iran, The Gulf, Iraq, and Afghan wars, and a host of other actions that (directly or indirectly) link the United States to the present turmoil of the region.

Presently, two diametrically opposed coalitions continue to sow instability in the region and seek to further threaten its future. Iran and its cohort of non-state and state actors comprise the first camp, with a camp of traditional Western “allies” in Saudi Arabia, the UAE, and Israel as the other.

One of the most evident undertones in the academic literature on the MENA is a persistent allusion to the simple question; why are things like this, and how can they be fixed based on what has transpired in the contemporary period? The goals of any nation's foreign policy typically follow something to the tune of security, prosperity, and the creation of a better world. If such aims have been the pursuit of American foreign policy in the aftermath of the Second World War in regard to the MENA, one could certainly question the degree of success relative to what was potentially possible. Some could argue more simply that the U.S. has achieved security for itself and certainly prosperity for its people, while also having some successes in achieving that third goal as well. Equally though, and perhaps nowhere more evident than the MENA, the United States wholly failed in its opportunity to create an international system built on peace, mutual respect and coexistence. Much must change for such things to occur as a result of American foreign policy; yet, the opportunity for the United States to seize the opportunity it once forsook remains possible in its foreign policy towards the MENA.

As with the entirety of this project, the work of Ikenberry and Slaughter remains informative. With regard to the MENA, the words of Ikenberry and Slaughter again prove useful towards the development of a new approach.

Preventing the cradle of civilizations from becoming the cradle of global conflict must be a top priority. Any long-term solution in the Middle East must include a comprehensive two-state solution in Israel and Palestine; the United States should take the lead in doing everything possible to advance this goal or get caught trying. This push for peace should be accompanied by a steady process of institution building to establish a framework of liberty under law among

Middle Eastern nations. In an effort to combat radicalization in Middle Eastern states, the United States should make every effort to work with Islamic governments and Islamic/Islamist movements, including fundamentalists, as long as they disavow terrorism and other forms of civic violence.⁴⁷²

A timely comparative note, Ikenberry and Slaughter's work was written in 2006, a time in which the region was embroiled in even greater conflict than it is currently. That is to say that right now, in the year 2022, the United States faces another situation in which two divergent roads stare down its foreign policy pursuits. The first is a continuance on its incessant prevention of an Iranian nuclear weapon and pursuing this ends by largely any means necessary, primarily by continuing to back leaders who rule based on Arab Conservatism. The second, however, would instead pursue an outcome in which potential Iranian pursuit of nuclear weapons would be entirely unnecessary.

Ultimately, in study of the MENA, it is my view that many American policymakers have subscribed to misinterpretation of Islam and this has greatly impacted policy and views toward the region at large. Islamism itself presents no problem or threat to the United States. A divergent offshoot of Islamism, *Jihadism*, does indeed present a threat to the United States. However, many grossly mischaracterize many followers of Islam as Jihadists, perhaps without even knowing and falling prey to the lingering sense of islamophobia after 9/11. A new relationship is wholly possible with the MENA, namely with Iran, Israel, Palestine, Iraq, and Saudi Arabia among others; however, it is (partially) contingent about the West developing a competent understanding of Islam and Islamism, and ceasing its fear to engage.

One must remember that attempted exportation of "Western" ideals to the MENA was not peaceful. Glenn E. Robinson provides an excellent summation of European conquest.

The difference in this case was that the British, French, and other European powers brought with them in conquest not just raw mili-tary strength but institutions of government, education, law, and society that produced extraordinary wealth, efficiency, and opportunity that appealed to many in the subject populations. Exporting the seeds of Western modernity around the globe was no hu-manitarian mission or "white man's burden." It was, first and foremost, a means to make colonial domination sustainable. Educating a class of indig-enous civil servants in modern, scientific methods could provide the kind of rational bureaucracy that would make a colony run efficiently for generations to come.⁴⁷³

European rule in the MENA was very much a reality of ruling through law rather than following rule of the law. Even still, liberalist government structures and institutions seeped into local consciousness and left a lasting legacy. Many Muslims saw promise in some of these liberalist institutions and sought to mesh their "revered religious heritage and culture as well as the appeal of selective European legal and economic institutions and practices."⁴⁷⁴ Islamism was a result of one of the many responses of

⁴⁷² Ikenberry and slaughter, 8

⁴⁷³ Robinson, Glenn E. *Global jihad*. Stanford University Press, 2020.

⁴⁷⁴ Robinson, 8

Muslims to imperialism. It arose primarily from the educated urban middle classes and sought to construct a form of modernism that was decidedly anticolonial, and that rejected many European sensibilities and promoted the ascendancy of Islam in the public realm.⁴⁷⁵ Though perhaps distinct from the Western sense of separation of religion and state, Islam has sought to embrace this union. Yet, often the scale of this movement is unrecognized. There are more Islamists in the MENA than there are people in the United States.⁴⁷⁶ It is no longer an option for the United States to not engage Islamism and fundamental Islamism. In actuality, it is the way to facilitate peaceful coexistence.

Considerable rhetoric seems to place the turmoil of the region almost entirely on its people. If peaceful coexistence is to be realized, it will depend on the United States and its allies (namely Britain and France), to publicly own their substantial parts in the developments of the region since World War One. Following the First World War the British attempted to incite an Arab revolt against the Ottoman empire, using the Hashemites, the descendants of Hasham (the family of the prophet Muhammad), as a proxy in which to facilitate this aim. The French pursued a vicious divide and rule strategy in its mandates. The legacy of colonization left many scars on the MENA that ultimately changed the course of history in the region. The United States did this too. In its support and legitimation of Zionism the United States — both directly and indirectly — allowed for the forcible seizure of land by a non-native population, and then subsequently allowed the population that forcibly seized the territory to commit genocide against the native peoples of Palestine. In doing so, the United States largely destroyed the perception of the United States among Arabs, who had previously held a largely benevolent position.

⁴⁷⁷ Indeed, many Arabs actually supported the notions expressed by President Woodrow Wilson in his public advocacy for self-determination.⁴⁷⁸ Combine the legitimation of Israel, the orchestrated overthrow of a democratically elected leader in Iran, the Gulf War, the Wars in Iraq and Afghanistan, and ever-present belief of American exceptionalism (and disregard for any other ideals of government), and the United States finds itself in its current position, having to side with conservative (autocratic) monarchs (UAE, Saudi Arabia) and the prevailing ideological enemy of Muslims (Israel).

This is of course an oversimplification, because hundreds of defining events cannot fully be discussed in the contexts of this project. The point, however, is to suggest that piecemeal and incrementalist solutions to “Peace in the Middle East,” as the United States has done thus far, have been decidedly disastrous for the people of the region. Ultimately, complex relationships exist within, outside, and between state and non-state actors in the region; however, it is my contention that peaceful resolution of two of these interrelated issues would redefine the dynamics of the region and facilitate the grounds through which peaceful coexistence and PAR ideals could be achieved throughout the region. These two areas are reforming the American relationship with the Islamic Republic of Iran, and facilitating a decisive resolution to the Arab-Israeli conflict. Though of course easier said than done, using PAR

⁴⁷⁵ Robinson, 3

⁴⁷⁶ Robinson, 5

⁴⁷⁷ Labelle

⁴⁷⁸ Labelle

standards as a basis for policy reformation of these two key areas will facilitate a MENA built on peaceful coexistence and quite possibly mutual prosperity as well.

The present reality is one in which the primary “enemy” of the United States — Iran — bases many of its actions on the bases of “Marg bar Āmrikā” (“Death to America”). Millions of Iranians have grown up in a country that has been economically strangled. In their struggle, they have rightly recognized that it is not their own government that has brought these circumstances upon them. In large part, it is traceable to the debilitating sanctions placed upon them by the United States. The U.S. itself acknowledges that the sanctions it has placed on Iran have not proven effective in their fundamental aims, yet they remain in place and continue to strengthen the visceral disdain for the United States among Iranians.⁴⁷⁹ Sanctions did not curtail Iran from violating the JCPOA, they have not deterred Iran from building its “axis of resistance”, nor have the sanctions had any discernible impact on human rights in Iran.⁴⁸⁰

Meanwhile, bolstered by billions in American aid and military support, Israel has continued to retain Palestinian land since 1967. Israel has committed widespread human rights violations and implemented a two-tier legal system that subjugates Palestinians. Further, Israel has created settlement expansion projects aimed at permanently altering ethnic demographics of East Jerusalem. The status of this conflict has driven both sides increasingly militant in their views. Support for a two-state solution peaked during the Annapolis peace process in 2007 in which over 70% of Israelis found a two-state solution favorable.⁴⁸¹ That number today is roughly only 40%.⁴⁸² Among Palestinians, a two-state solution is also a firmly minority position; however, this does not mean Palestinians favor a single-state solution, something just 10% favor.⁴⁸³ What’s more, 58% of Palestinians in the West Bank and 62% in Gaza believe that even if a two-state solution is reached, conflict with Israel should continue until the Palestinians regain all territory lost in the post World War Two era. The situation is further troubled by the implication that younger generations on both the Israeli and the Palestinian side are largely uninterested in the idea of compromise.⁴⁸⁴

Using the PAR approach in the contexts of the MENA, specifically in reference to Iran and the Arab-Israeli conflict, means ensuring a level of respect for human rights that does not presently exist does indeed exist in the MENA. As has been described, it does not mean forcing liberal democratic

⁴⁷⁹Katzman, Kenneth. “The Iran Sanctions Act (ISA).” LIBRARY OF CONGRESS WASHINGTON DC CONGRESSIONAL RESEARCH SERVICE, 2009.

⁴⁸⁰Katzman, 2009

⁴⁸¹LAZAROFF , TOVAH. “With Only 40% Support, Israelis Still Think 2 States Best Option - Poll.” The Jerusalem Post | JPost.com, August 4, 2021.
<https://www.jpost.com/arab-israeli-conflict/with-only-40-percent-support-israelis-still-think-2-states-best-option-poll-675838>.

⁴⁸²LAZAROFF, 2021

⁴⁸³Pollock, David, Tamar Hermann, and Ghaith al-Omari. “Palestinians and the Two-State Solution: Hard Data on the Hardest Questions.” The Washington Institute, July 28, 2020.
<https://www.washingtoninstitute.org/policy-analysis/palestinians-and-two-state-solution-hard-data-hardest-questions>.

⁴⁸⁴Pollack et al., 2020

values upon the populations of the MENA. What it does mean is that the United States will make purpose-driven efforts to engage all states in the MENA and pursue measures that will de-escalate the current situation, use data driven methods to build PAR standards, and make every effort to at the very least help lead an effort to create a climate in which human rights are respected. The following section will detail an engagement strategy specifically with the Islamic Republic of Iran because of its role as one of the root causes for current regional conflict. While it is the assumption of this project that the continued tension in the Israeli-Palestinian conflict is the other pivotal conflict at the moment, to stay within the confines of this project only a thorough discussion of Iran will feature.

Iran

Iran was once the pillar of American foreign policy in the MENA. This is not to serve a reminder that the United States and Iran were once close, and therefore can be again. Instead, it is a reminder that the current relationship between the two countries exists largely as a result of American actions. American policymakers have tended to “Orientalize” governments and peoples of the MENA, creating a “hierarchy of race and culture” built on basic assumptions of Arab and Iranian inferiority and the inability of cultures in the MENA to adapt to Western concepts.⁴⁸⁵ What this meant with specific regard to Iran after World War Two was that American policymakers had deep and growing skepticism of Iran’s abilities to handle potential crises without foreign intervention.⁴⁸⁶ Further, Iran was key to the strategic position of the United States against the U.S.S.R with the United States viewing Iran as a buffer zone against Soviet ambitions. The element of oil also added to the importance of Iran to both the British and United States. When Iran nationalized the Anglo-Iranian Oil Company (otherwise known as British Petroleum) in 1951, it was met with widespread support among the Iranian population that viewed the Anglo-Iranian Oil Company as a front for continued British imperialism. An emerging class of nationalist politicians, in particular, despised the Anglo-Iranian Oil Company. Mohammed Mossadegh was one of the first postcolonial nationalist politicians to emerge in the MENA, and his program of nationalization provided a blueprint for other leaders (like Egypt’s Gamal Abdel Nasser). By September 1951 — facing attempts at British punishment — with exports at zero and royalty payments from the oil company suspended, Iran faced a trade crisis, a state budget crisis, a balance-of payments crisis, and a defunct development plan all at once.⁴⁸⁷ In applying so much pressure to the Iranian government, the United States and Britain drove Mossadegh to either assert more control or lean on outside support. Fears grew that an oil-less Iran would collapse, but there was little evidence of this.⁴⁸⁸ Inflation within Iran had not yet reached the level of crisis, the cost of living

⁴⁸⁵Brew, Gregory. “The Collapse Narrative: The United States, Mohammed Mossadegh, and the Coup Decision of 1953 (August 2019).” *Texas National Security Review* (2019).

⁴⁸⁶ Brew, 2019

⁴⁸⁷ Brew, 2019

⁴⁸⁸ Brew, 2019

indices were relatively stable, and imports fell while non-oil exports rose.⁴⁸⁹ Despite this, deputy director of the CIA Allen Dulles and Max Thornburg — “the former oilman-turned-international consultant who had acted as economic adviser to the shah’s government before 1951 was one of the few self-described ‘Iran experts’ known in Washington” — held staunchly negative views of Iran’s nationalist government under Mossadegh.⁴⁹⁰ In the eyes of Dulles and Thornburg, the goal was not “how to make an oil agreement that will bolster up the government in Persia, but how to bolster up the government in Persia so it can make an oil agreement”.⁴⁹¹ This was the logic — though highly faulty — that led to the decision to orchestrate a coup. In Washington’s view a regime led by the shah could impose strict martial law, rule by decree, and therefore reach a suitable oil settlement. This would also then allow for freeing up funds for a new development scheme. The Collapse Narrative orchestrated by Carr, Henderson, Dulles, and Thornburg was decisive in the decision to remove Mossadegh, a man who held three fundamental ideals in his political philosophy. Mossadegh held ideals of Constitutionalism and parliamentary government (democratization), Iranian independence and non-alignment, and Iran’s development and natural resource sovereignty (oil nationalization). Despite being democratically elected and supportive of more liberal democratic ideals in Iran, something many would expect the United States to support, Mossadegh was overthrown in a CIA-orchestrated coup known as “Operation Ajax” in August of 1953. What would result from this coup was the largely dictatorial rule of Mohammad Reza Shah Pahlavi, whose poor leadership would lead to the Islamic Revolution in 1979, a massive hostage crisis, and lay the ground for the precipitous decline in U.S.-Iranian relations.

The turn to political Islam was one that characterized much of the MENA more largely in the 1970s and 1980s because new generations had become disillusioned by the failures of attempts at pan-Arabism and Arab socialism that had characterized the previous decade plus. The Iranian revolution became a model for Arabs throughout the MENA seeking to change their own circumstances that had left them under brutal dictatorships. Seeing their Persian peers successfully perpetrate a revolution and institute a version of Shia political Islam was something Sunnis would seek to replicate.

The basis of the Islamic Republic and Khomeinist movement was based on *Velayat-e Faqih*, or governance by jurisprudence (governance by the Islamic scholar). It was a political concept placing ultimate political authority in the hands of the *Ulama* (the Islamic scholars). The philosophy, as laid out by Khomeini, also advocated for regime change and subsequent replacement with clerical Islamic

⁴⁸⁹ Brew, 2019

⁴⁹⁰ Brew, 2019

⁴⁹¹ Brew, 2019

governance. Khomeini developed this line of reasoning, with other Shia ideologues, in reinterpreting a key event in the Quran, the death of Husayn. Robinson describes this interpretation.

Shariati, Khomeini, and other Shia ideologues took the same facts of Hu-sayn's death but reinterpreted their meaning into an argument in favor of activism and fighting for justice. Their interpretation: Imam Husayn knew his life was in danger but did not do the easy thing of pledging allegiance, or *ba'ya*, to Yazid. He stood up for justice and answered the calls from the people of Kufa to lead them, knowing it might cost him his life, which it did. The lesson for today: stand and fight for justice, even at great personal risk. Husayn's martyrdom was thus a lesson in activism, in fighting for justice in this world, not a lesson of quiescence and waiting for the next life.⁴⁹²

Islam has strong egalitarian elements, and Khomeini's reinterpretation drew on this in suggesting that legitimate political authority manifested itself in leaders who were above the day-to-day tribulations of politics, and instead lead with knowledge, wisdom, and experience to ensure his country was going in the right direction.⁴⁹³ In his view, the Shah represented an entirely illegitimate leader who only held power because of a coup a half century earlier. Only a true cleric could exercise genuine political order to Khomeini. He came to this conclusion in large part because of the Twelfth Imam who is prophesied to return and restore justice to the world. Until the return of the Twelfth Imam — in the eyes of Khomeini, only the clerics (or *Ulama*) should guide society in order to establish Islamic governance in his absence.

People naturally fear what they do not understand. Americans, and those in the West more broadly, have long harbored intense fears of Islam. 9/11 created an overwhleming fear of Islam, and anything associated with it, in the eyes of Americans. Without a genuine understanding of Islam conclusions are made, many of which strongly confuse Islamism and Jihadism. Interestingly, many scholars consider Jihadism nihilistic, yet it remains evident in the American psyche that fundamentally, Islam is at complete divergence with "American values". Polling data continues to support this today, with some 50% of Americans mostly, or completely, agreeing that the values of Islam are at odds with American values and way of life.⁴⁹⁴ Even the word jihad itself is not exclusively or even mostly a religious word in Islam; rather, in its verb form it simply means "to make an effort" or "to struggle."⁴⁹⁵ One of the precursors to Islam, and a reason for its often misunderstood nature today, was the aforementioned

⁴⁹² Robinson, 23

⁴⁹³ Robinson, 23

⁴⁹⁴ PRRI, PRRI American Values Survey, Question 46, 31118794.00045, Ipsos, (Cornell University, Ithaca, NY: Roper Center for Public Opinion Research, 2021), Dataset, DOI: {doi}.

⁴⁹⁵ Robinson, 1

frustration by Islamists at the failure of political Islamism to truly change politics in the Muslim world in the 1960s. This led to arguments for the use of violence under the banner of jihad in order to overthrow local regimes, capture states by force, and subsequently implement a version of an Islamic state. Robinson again clearly articulates the difference between Islamists and Jihadists succinctly.

Islamists believe in grassroots, bottom-up, political work, while jihadis—both local and global—believe in the necessity of violence, of top-down direct action against the state. I do not mean to imply that Islamists have never resorted to violence; they have. But Islamists do not view violence as a central, necessary component to achieve their political ends, while jihadis do. Jihadis believe that political means have been blocked, typically by a corrupt and apostate system, while Islamists are typically willing to “get their hands dirty” working nonviolently within the political system if allowed to do so. The centrality of violence to their program is what sets all types of jihadis apart from Islamists.⁴⁹⁶

The failure of Islamism to capture political power through peaceful means suggested to some that the Islamist emphasis on political work would never facilitate the successful creation of an Islamic state. This lead leaders like Khomeini (or Qutb of Egypt) to the conclusion that armed jihad against the state was the only way to secure an Islamic state. It is in the contexts of this actual jihadism, and the eventual belief in global jihad, that is something of reasonable concern to the United States. Even still, the association of intense negativity to Islam in the United States is perhaps even more concerning. Such beliefs reflect the aforementioned Islamophobia created from 9/11, but also reflect a growing sense of ethnocentrism among WASPs (White Anglo-Saxon Protestants) in the West. The wider demographic shift taking place in the globe is a shift that white Europeans (or of European ancestry) recognize is not on their side in terms of maintaining cultural dominance, and that they will soon be displaced. Many have begun to equate patriotism with white ethnonationalism. As demographics change, white people’s definition of America not being great anymore, is America not being white anymore. This creates major challenges for attempting to build a relationship with a nation that is racially, ethnically, and religiously distinct from the United States. However, it also represents one of the most important reasons for why engagement with Iran is absolutely critical. Despite the fact that relations have soured, present circumstances present an unprecedented opportunity for the United States to build a relationship with Iran, and it happens to be the result of another American failure. Current realities with Iran are such that there are largely no good options; however, there are some much less bad than others that could ultimately lead the relationship in the right direction.

⁴⁹⁶ Robinson, 6

On April 14th, 2021, President Joe Biden announced that the remaining U.S. troops in Afghanistan will be withdrawn by September 11th, 2021. Historically Biden has opposed any major U.S. presence outside of a counter-terrorism presence, and though this decision is unsurprising, it does have significant implications for Afghanistan and the region at large. Though Afghanistan is not officially a state in the Middle East, and is instead commonly recognized as a Central Asian country, the implications of its politics greatly affect its neighbors in the Middle East, and it presents the United States with a unique opportunity in regard to Iran. Nearly 800,000 registered Afghan migrants, and 2.3 million undocumented, now reside in Iran⁴⁹⁷. This crisis is attributable, in great part, to American action in Afghanistan and the Taliban ascent. Currently, negotiations to revive the JCPOA are proving challenging because the United States has largely no leverage over Iran as it did the first time. Though still lacking leverage, an Afghan refugee crisis, and helping Iran handle this massive influx, could facilitate a new beginning to the American-Iranian relationship. The reluctance on part of the United States to lift sanctions is another reason for the slow progress of reviving the JCPOA. What is needed in this relationship is a healthy dose of accountable negotiation. After all, the JCPOA is limited to nuclear weapons and ambitions, and does little to mend the battered relationship between these nations even if reinstated. Accountable negotiations would go something like this, the United States and Iran formally recognize atrocities committed towards one another in the last half century that continue to this day. In recognizing this, the sides agree — in principle — to put an end to the provocation that has recently characterized the relationship. Further, the United States — in a show of good faith — authorizes a significant aid package to Iran to help handle the influx of Afghan refugees. Another important dynamic in the potential repair of this relationship is also the status of terrorism and extremism, and namely the role of the Iranian state in supporting or sponsoring it. Like the word democracy, terrorism is a remains a highly ambiguous term, and the UN has long struggled to form a consensus on its definition.⁴⁹⁸ The problem is further challenged by Iran's motivation for use of terrorism as a key component of its foreign policy. Iran was founded — in part — with the goal of exporting its revolution. This was originally the primary reason it sought to use terrorism, as a mechanism to spread its revolution. The MENA was changed after the Gulf War. Iran was happy to now pick up the torch against Zionism and led to the development of an Iranian-backed terrorist network aiming to eradicate Israel. It was then that the chasm between Israel and Iran rapidly expanded and hostilities continued to grow to the point in which the two now engage in proxy conflicts with one another with desire for one another's destruction. Again, it is perhaps here that the United States has a

⁴⁹⁷Vaisi, Ghazal, Eric Lob, and Przemysław Osiewicz. "The Afghan Refugee Crisis: What Does It Mean for Iran? ." Middle East Institute. The Middle East Institute, April 13, 2022.

<https://www.mei.edu/publications/afghan-refugee-crisis-what-does-it-mean-iran>.

⁴⁹⁸Fayazi, Negar. "Iran: Is It Really the Leading State-Sponsor of Terrorism?" Institute for Global Dialogue, 2017. <http://www.jstor.org/stable/resrep17466>.

role to play and can take lessons from a Scandinavian ally (Norway) that nearly delivered peace in the 1990s.

In response to a proposal of American aid, it is largely wishful thinking to suggest that Iran would accept it; however, it could serve as a significant inducement in reviving the JCPOA. It could be possible to include a third party in the matter to send aid on American behalf (and financed by the U.S.). This scenario would prove fruitful for its inclusion of another recent foe of American foreign policy, The People's Republic of China. China, a strategic, military, and economic partner of Iran, would likely welcome the opportunity to pursue de-escalatory measures in the MENA for the prestige it would likely add to the Chinese image. Ideological divergence does not have to continue to perpetuate conflict between the United States and Iran (and the MENA more broadly). With a great deal of cultural competence, and a greater deal of courage, the United States and Iran can work to facilitate more genuine peace in the Middle East. Building an international system built on a desire for coexistence is no easy task when it comes to the Islamic Republic of Iran; however, it is one of the fundamental contentions of this project that no such peace will ever be achieved if conflict continues to be framed in zero-sum, ideological terms. As with China and Russia, ideological divergence cannot continue to be framed in "us versus them" framing in which the United States frames itself as the defender of democracy in the face of overwhelming evils in the east. Such zero-sum conflicts create no-win scenarios for all sides involved, no matter the outcome. Instead, in refining its stance towards Israel, the United States can provide the role of mediator in facilitating negotiations between Israel and Iran. Some recent developments, such as the signing of the Abraham Accords (which will be discussed in an upcoming section), suggest that the appetite for peace remains; however, the violent events between Israel and Hamas in 2021 serve as a solemn reminder of the fragility of the MENA.

Iran is fundamentally opposed to the continued existence of Israel (the strongest regional ally of the United States). Given the intensely ideological and religious motivations of this belief, it is right to wonder whether or not the views of Iranians will evolve. Though other sections have suggested that history can not provide a direct blueprint for the future or answer certain questions of the present, it remains a useful avenue to recall similar circumstances and how they once played out. There was a time in which two rivals of Israel, who also did not acknowledge its right to exist, once evolved their thinking. Egypt and the PLO at different points evolved their thinking, putting aside their more radical factions, to end the bloodshed and seek peace. It is in these points that many assert a fundamental part of American relations with Iran going forward should include the presence of Egypt. As with all things in the MENA, this is more complicated than it seems. Although Egypt has a more recent history of supporting peace and even normalizing its own relations with Iran, significant challenges remain.

Hassan Abu Talib, adviser to the Al-Ahram Center for Political and Strategic Studies, provides a clear summation of the Egyptian position.

The radical tide is on the rise in Iran, which can be seen through the tight grip of the Iranian Revolutionary Guard over the country and the obsession with expanding Iranian influence in Arab and Sunni communities in particular. As a Sunni country, Egypt believes this poses a threat to the nation. Therefore, it all boils down to Iranian behavior. Iranian influence is built on relations with groups that operate outside the umbrella of their states.⁴⁹⁹

Iran's embrace of non-state actors complicates any proceedings of what peace could look like. Indeed, Iran created Hezbollah and plays a major sponsorship role for Hamas, something that it is difficult to see Iran ever willingly choosing to stop doing. Egypt being almost entirely Sunni adds further complication, as noted, to a peace with Iran.

If nothing else has been made clear in the discussion of Iran, the enormous complexity of the situation (of which only the "tip of the iceberg" has been discussed) should be. History informs us that irreconcilable positions in the MENA, specifically with regard to Israel and its existence, are not necessarily the permanently immovable beliefs they are perceived to be. It is entirely possible that moderated relations with the United States and Iran could pave the way for a less politically hostile Iran. However, the only way to know is to try. An entire generation of Iranians have grown up under the stranglehold of American sanctions. Pursuit of a popular, accountable, and rights-regarding regime in Iran will require an investment on part of the United States to be a good-faith negotiator. If the goal is to encourage a PAR regime in Iran and compel it to cease its sponsorship of terrorism, doing so will not be completed by piecemeal solutions aimed to restrict Iran or target its terrorist network via the support of proxies like Saudi Arabia. Instead, the United States must work to address the root causes of Iran's motivations for sponsoring its extensive terror network. When testifying before the House Foreign Affairs Subcommittee on Terrorism, Nonproliferation, and Trade, Dr. Daniel Byman of the Brookings Institute laid out the primary motivations of Iran in supporting terrorism.

- **Undermining Rivals:** Since its inception, the Islamic Republic has sought to use terrorism as a mechanism to weaken its regional enemies and rivals. Today, such activities target primarily Israel and Saudi Arabia.
- **Projecting Power:** Iran has both a weak economy and a weak military, and to maintain its ideological legitimacy Iran has often used terrorism to maintain its regional influence. It does

⁴⁹⁹ Saied, Mohamed. "Egyptian-Iranian Relations: Where Are They Now?" Al-Monitor, February 27, 2019. <https://www.al-monitor.com/originals/2019/02/iran-egypt-diplomatic-relation-regional-affairs.html>.

so namely through Hamas and its role in the Israeli-Palestinian conflict, and through Hezbollah in Lebanon, but also through support of the Houthis in Yemen.

- **Deterrence and Intimidation:** By enabling non-state actors to facilitate violence, Iran can press its neighbors from a safe distance and place pressure on them to distance themselves from states they view as hostile like the United States. This can also enable Iran to deter its neighbors and regional foes into taking economic or militarily repressive efforts against Iran. Further, groups like Hezbollah have global infrastructure, giving Iran an ability to threaten potential actions by other nations with retaliation in the form of terrorism.
- **Keeping its Options Open:** Iran is a weak state in an unstable region with many who are inherently hostile towards it. Ties to terrorist groups give Tehran greater flexibility and leverage and allow for contingencies in a region in which peace has often been short-lived.⁵⁰⁰

Using PAR as foreign policy is not a suggestion for weakening the position on Iranian sponsorship of terrorism. In fact, it is quite the opposite. PAR can provide an opportunity to build a more global coalition allowing for the imposition of peace on the Iranians. Again however, this only remains possible through engagement. The United States can absolutely acknowledge and firmly oppose actions taken by nations like that of Iran; however, it has nothing to gain through continued disengagement and rhetorical hostility. It is more than possible to engage with Iran despite acknowledging its sponsorship of terrorism, because what can possibly be gained by way of continued rhetorical condemnation? Reaching restoration of the JCPOA will not seek to mitigate any of the aforementioned motivators of Iranian sponsorship of terrorism. The United States can impact Iran's terror network through constructive engagement. Specifically, in seeking to address the described motivating factors of Iranian use of terrorism, the United States can facilitate greater presence of PAR standards in Iran. Actions like helping Iran's economy by lifting sanctions can go a long way in creating such a circumstance. It also presents a role (as has been mentioned) for a country like China to help mediate this process. China has heavily invested in Iran's economy, and would have every reason to help realize greater economic growth in Iran. The United States can use aid for Afghan refugees, and removal of sanctions as inducements not only for reviving the JCPOA, but also for mitigating Iran's perceived needs to continue use of terror, and development of greater PAR standards in Iran, namely in the form of tolerance and regard for basic human, political, and civil rights. The United States maintains considerable influence over Saudi Arabia and Israel, and could potentially compel them to take de-escalatory measures in their proxy conflicts with Iran to lower the hostility levels in the region. Again the presence of China in peace talks could be very useful, as China has sought to develop strong economic relations with Iran, Israel, and Saudi Arabia as well. This creates a potential basis through which the P-5 (and/or P-5+1) can engage with Iran and Israel. Indeed, this is the way in which peace

⁵⁰⁰Berman, Ilan. "State sponsor of terror: The global threat of Iran." *Statement before the* (2015).

can be achieved. There are some that commonly note that only when one has been to the brink of destruction do they begin to see things differently. Israel and Iran continue to ramp up hostile engagement with one another and are making that startling reality of mutual destruction more likely. Continuing the vicious cycle the two remain locked in right now will make such destruction even more likely. Only through engaging with these two countries can peace hope to be achieved in the Middle East. Specifically, only by engaging with Iran can such hopes ever be achieved.

Many will fairly question the validity of these suggestions as they are laid out, and though it has been reiterated that history cannot tell us what to do in the future, it does serve as both an important guide as well as a gauge for how events may unfold. As the singular hegemon since the conclusion of the Cold War, the United States has largely played the role of the “world’s policeman”, rhetorically promoting democracy and prosperity, and using economic, diplomatic, and considerable military force to realize its policy goals in the MENA. Whether it be because of poor policy goals or poor execution, American hegemony in relation to the MENA has proven largely disastrous. Rhetoric versus reality of United States foreign have been particularly distinct in the MENA. Despite its rhetoric as a champion of democracy and regard for rights (human, political, and civil), U.S. military incursions since 9/11 have displaced over 40 million people in the region, 380,000 civilians have lost their lives, 7,000 American military personnel and 8,000 American civilian contractors lost their lives, and thousands more live with combat related injuries.⁵⁰¹ At least 929,000 people have been killed by direct war violence in Iraq, Afghanistan, Syria, Yemen, and Pakistan.⁵⁰² These failures transpired and continued across multiple political administrations. Whether it be for Rumsfeld, Cheney, and Wolfowitz all subscribing to the Leeden doctrine and feeling the need for the United States to wage performative war to reassert its hegemony as it attempted in Iraq, or whether it be Donald Trump’s decision to provoke Iran by killing its top military officer via airstrike, and everything in between (i.e. disasters in Syria versus ISIS, etc.). But, as has been demonstrated, U.S. foreign policy in the MENA was failing long before 9/11, especially with Iran. Few remember that thousands of Iranian’s filled the streets of cities like Tehran to hold candlelight vigils for the victims of 9/11. All before they were included in Bush’s “Axis of Evil” soon after. What had seemed to many like an opportunity for renewed relations quickly deteriorated into accelerated hostility, which the “War on Terror” has only further accelerated. Military force, forcible coercion, and spy and tradecraft to incite regime change or interfere in political regimes have all characterized the U.S.-Iran relationship as of late. It is entirely fair to suggest that such methods have failed to achieve any sort of peace and stability up to this point, and have arguably created just the opposite. Neither the U.S. nor Iran are free of guilt in the perils of this relationship, but it is time for

⁵⁰¹“Human Costs.” The Costs of War. Watson Institute , November 2021.

<https://watson.brown.edu/costsofwar/costs/human>.

⁵⁰²“Human Costs.” 2021

the American reality to meet its rhetoric. This is only possible through engagement with Iran. Not military engagement, not proxy conflicts or attempts at forcible coercion, but real engagement with Iran. Such engagement is only possible if the United States develops a level of cultural competency to recognize that there are many historic, religious, cultural, and other factors that make other political systems more viable than liberal democracy to certain peoples. Democracy carries no legitimacy if it is forcibly imposed on nations and peoples, and it is long past time for the United States to come to this realization. An Iran that is tolerant of basic human rights, political rights, and civil rights is possible without the aforementioned methods that have largely proven disastrous to regional stability. Only in demonstrating respect for political diversity can the United States achieve improved relations with Iran. It will take both time and a great deal of courage to make such acknowledgements and pursue such goals; however, in doing so the United States can play a decisive role in facilitating true peace in the Middle East and assist in creating a region (and a globe for that matter) built on peace through security, mutual respect, and a desire for coexistence among a community of ideologically diverse nations in a region where such diversity has historically led to great suffering and great tragedy. One of the most important steps to achieving this goal, what should henceforth be the fundamental goal of American foreign policy in the MENA, is only possible by way of constructive engagement with ideologically distinct states like that of the Islamic Republic of Iran.

UN and UNSC Reform

For the sake of concluding this project in relatively concise terms, this section will not detail the extensive history of the UN. Instead, it will suggest a way forward with an eye to the new PAR foreign policy strategy that this project proposes adopting. To facilitate the creation of an international security system that is genuinely inclusive, concessions will have to be made. Sitting members of the security council are allowed to veto actions that can directly violate the UN Charter, stripping the UN of legitimacy as a global peacekeeping body. The UNSC can be a place of decisive action to coerce those showing disregard who PAR standards either by not respecting basic human, civil and political rights, by sponsoring or supporting acts of terror and extremism, or other. The following proposal for reform is entirely novel, though encompasses a range of viewpoints among diplomats, academics, foreign policy analysts, and others.

- Proposals for UNSC reform require a satisfactory work around for the P5 to ever be okay with removal of veto powers. The following proposal would potentially do this.
 - Proposal for UNSC reform:
 - Expand the UNSC to 29 members to allow for representation from 15% of member states, a far more inclusive number than the current 7.8% receiving representation.
 - Using the regions of the world as a basis, each of the seven regions will have two rotating members drawn at random during a General Assembly session. Seven regions include: North American and the Caribbean, South and Central America, the Middle East and Africa, Asia and Oceania, Eastern Europe (rest of Europe) and Central Asia, and Western Europe (E.U. + U.K.)
 - To provide an inducement to remove the veto, P5 members will be allowed to appoint two states to serve on the UNSC with non-consecutive appointments (meaning if the U.S. appoints Canada, for instance, Canada can not serve consecutive two-year terms, but can serve as many times as the U.S. or any P5 member chooses to appoint them. Different P5s may reappoint members, but no non-P5 may serve more than three consecutive terms.)
 - Authorizing use of combat response (i.e., peacekeeping forces and other combative capabilities) will require minimum support of four permanent members, plus a minimum of 18 of 29 members approval. For the P5 to be overruled on such authorizations, an approval by 25 of the 29 members can overrule instances in which less than 4 P5 members approve a resolution.

Concluding Remarks: Doing Things Differently to Meet the Challenges of 2022 and Beyond

Though it is difficult to argue that the world has gotten decidedly safer since the Second World War in terms of inter-state conflict, few can argue that it has gotten decidedly more dangerous in terms of intra-state conflict. Since the terrorist attack on 9/11, the world has also gotten decidedly less democratic. It has been the aim of this project to answer the question of what is to be done to address democratic backsliding, and how it can be addressed by way of pursuit of a new international system of peace and security built on mutual respect and a desire for coexistence among a politically diverse community nations that are popular, accountable, and rights-regarding in their governance (though the specific level and degree will be up to the peoples of sovereign nations to judge their governments on these standards)? I have sought to construct a new foreign policy for the United States in which it could orchestrate the creation of such a system, built on making itself the pinnacle of PAR standards by reforming its domestic political institutions. It is my contention that both domestic and foreign policy in the United States have grown far too reactive for far too long. The described ideas for a new foreign policy for the United States can make it a proactive power capable of audibling when required. The time for an *inclusive* international security system is now, and it can only be made possible by American leadership and institution of the reforms suggested in this project. Perhaps the most fundamental question with respect to the realization of these goals is whether or not the United States wants to remain the unrivaled unipolar hegemon, or if it wants to create an inclusive international system and usher in a new era in international relations. China and Russia have made clear that they will no longer tolerate a solely U.S. led global order. The response from the United States thus far has been a “get back in line” approach in which two of the leading superpowers of the international order are soon to be identified with persona non grata status.

Nations like Russia, China, the DPRK, and others, do not hold the moral or ethical limitations to pursue major actions against the United States. In fact, countries like Russia for example, have no such limitations and maintain political systems that do not inhibit the use of methods or hard, soft, or sharp power. The lack of significant confines in Russia’s (and others’) political system allows for greater use of these additional power capabilities. Further, countries that previously fell under the umbrella of the pax americana system (countries like Japan, South Korea, and Germany in some respects) are now seeking to bolster their military and defensive capabilities as well, with several considering the pursuit of nuclear weapons in light of the war in Ukraine. Even the thought of such measures proves further destabilizing to international security, and could indeed lead to the development of more significant conflicts in places like the Korean peninsula.

The international system is becoming so overwhelmingly complex, with so many convergent threats to global security, that the time for change in policy approaches is now. Piecemeal maintenance of the status quo is almost certain to put the globe on a trajectory towards significant conflict. Michael Brown has commented on the novelty of security in the 21st century, and what things have become abundantly clear about it.

3 things are clear about the prospects for international security in the 21st century:

1st- Security problems will continue to be widespread

2nd- The security agenda will be far more complex than in the past. It will include continuing and new security problems such as changing dynamics of weapons proliferation, challenges posed by advances in genetic engineering and bioweaponry.

3rd- Those who have policy responsibilities in the security arena will have to think ahead and work effectively with other international actors. Multilateralism is the only choice.⁵⁰³

These points represent the ultimatum, and they also suggest that a continuation of unfettered democratic backsliding (with the rise in populism, nationalism, and greater levels of authoritarianism) will only seek to amplify these and other challenges in the increasingly complex international system. There is very little the United States can conceivably do in the immediate future to stop the trend of democratic backsliding (and the accompanied spread of populism, nationalism, and greater levels of authoritarianism) on its current trajectory. One of the most distinct features of the use of PAR as an American policy strategy (both foreign and domestic) is that it would allow for a broadening of the security agenda because it does not continue to frame international security through the lens of a realist. Instead, PAR provides a strategy that is adaptable to the new security landscape. Motivated by PAR ideals, the UN reforms previously described will only further this adaptability. Intrastate and transnational security problems, elements of human security (economic security, food security, environmental and political security), historical, political, environmental, economic, social, cultural, religious, demographic, technological issues and developments, and other considerations should be part of the security agenda. In making it the primary focus of a national and international security strategy to be the development of popular, accountable, and rights-regarding governments worldwide, the United States would seek to make the governments of the world more responsible to the broader spectrum of issues affecting their citizens (whether they be economic, political, or other). Further, it is a

⁵⁰³ Brown, Michael Edward, Owen R. Coté Jr, Sean M. Lynn-Jones, and Steven E. Miller, eds. *New global dangers: changing dimensions of international security*. MIT Press, 2004.

strategy that will continue to allow the United States to play a significant leadership role in the international system.

Facilitating creation of PAR-abiding governments does not require the incessant spread of liberal democracy and liberal democratic ideals as many may suggest. What it does require is creating an international system in which PAR standards are sufficient to the desire and satisfaction of the people in which they govern. If for instance, the people of Iran remain highly satisfied with a nation governed according to Islam, then the role for U.S. foreign policy will be to engage with Iran on mutually beneficial issues that seek to improve the status of rights for Iranians in a way that does not conflict with the governing principles of Islam. The prospect of something of this level of complexity is extraordinarily complicated; however, PAR standards rest on engagement. The current trajectory of the international system is one trending towards significant armed conflict, likely a degree to which the contemporary world has not seen. Compromising on the values of liberal democracy that the United States holds so dear does not have to occur; however, it also no longer needs to be the roadblock of any engagement with ideologically divergent nations whose engagement with the United States could lead to a far more stable international system. So then, how can the United States address the concerning trends of democratic backsliding and facilitate the creation of a peaceful international system built on mutual respect and a desire for coexistence among nations? The answer is to not focus on liberal democracy, *per se*. The primary problem of backsliding democracy is the accompanying decline in governments being held to PAR standards. The use of PAR as the basis of its domestic and foreign policy allows for addressing this and seeking the creation of the aforesaid international system without compromising on the principles of liberal democracy. It is true there is no such thing as a panacea in policymaking, but even still, perhaps a strategy built on establishing a level of cognitive empathy will help the United States understand that simply because a nation may not hold the same ideals does not mean it lacks a value system or is a-moral. No counter argument to liberal democracy being the best form of governance have been made in this project; yet, nor has this project (as many have) sought to continue the traditionally expansionist mindset of liberal democracies. In the end, governance of all forms is about the people, and leading an organized community of people. It may seem impossible to many in liberal democracies that people could be willing to subordinate personal freedoms, and political and civil rights, in exchange for a stronger or more centralized government. It is perfectly reasonable for the United States to hold concerns about the status of human, political, and civil rights in such countries. However, improvement of these rights does not hinge on the complete adoption of liberal democracy. Instead, by engaging with such countries the United States can work to encourage the development of PAR-abiding governments around the world. As has been mentioned, any rational approach will recognize that this will not always be possible. There are instances in which use of soft, sharp, and even hard forms of power are required. Ultimately, the world is wavering in its perceived

utility of liberal democracy. Even the United States has experienced such wavering. Guided by PAR policy, the described domestic reforms will allow the United States to represent the zenith of PAR and standards. The United States can then use this as a basis for developing such standards across the globe. In doing so, and in developing cognitive empathy, respect for political diversity, and a continued emphasis on the status of human, political, and civil rights for all peoples of the globe, the United States can indeed seek to develop a peaceful and secure international system built on mutual respect, a desire for coexistence among a diverse community of nations. A change of this nature will be difficult, uncomfortable, and almost certainly challenged by many; however, the new and emerging challenges (like that of democratic backsliding and rising authoritarianism) dictate a new and adaptable mechanism through which policy is made. Perhaps it is naive idealism or frustration with the status quo, but it is the foundational contention of this project that by seeking to understand and engage those divergent to oneself, it is perhaps possible to prevent large-scale global conflict and instead facilitate the creation of the previously described international system.

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