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What's Wrong with American Political Institutions?
Personal Summary Reflections

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To casual and not-so-casual observers, there appears to be a rising tide of dissatisfaction with the functioning of the American political system. Former members of the cabinet and political advisors to Presidents of the United States are on record urging fundamental constitutional reform so as to discourage stalemate in decision-making and increase accountability of political leaders to voters. Conservative critics of the system sponsor a variety of constitutional amendments limiting the terms of office of legislators, establishing an item veto for Presidents and requiring balanced budgets. A new liberal journal of public affairs says in its manifesto:

The health of democracy in America, after all, is not good. The relations of politics, money, and the media have deformed our traditions. Cynicism about politics is pervasive; "politician" and "bureaucrat" are terms of abuse. Voter turnout has fallen to a level that ought to be a national embarrassment...

Referring to a "rigged political system" a liberal public interest lobbyist charges "the current system of financing elections for the US Congress is patently unfair." He says "we are actually losing our ability to have real congressional elections."

In the wake of a protracted struggle over the size and shape of the US budget a year ago, several mainstream news magazines -- Newsweek, US News, Business Week -- declared the American political system bankrupt and called for massive reforms.

To be sure there is an ebb and flow to complaints of this sort that may be responding to passing events or other ephemeral stimuli, but somehow the very volume and diversity of complaints ought to inspire some systematic effort at evaluation to see if underlying causes of distress are few or many, responsive to amelioration (and hence problems) or so deeply "sown in the nature of man", as James Madison put it, as to constitute conditions with which we must simply learn to live. Are the opinions of those who contribute to public discussion well informed and diagnostically acute? Are they shaped more toward expressing a political agenda or fulfilling the political ambitions of complainants or will they stand scrutiny on the merits? Are proposed solutions likely to prove effective or are they worse than the disease as described?

Questions like these are perennial, and need constantly to be kept in mind in tackling a broad assessment of the social and political consequences of contemporary arrangements and evaluating these arrangements in comparison with feasible or more desirable alternatives. One central task of a such a project should be to reconcile professional judgments about how and why American political institutions work as they do with the dissatisfactions expressed by informed laypersons and newspaper editorial writers. When confronted with these differing perspectives, the inclination

of the relatively uninformed to express strong feelings of moral urgency rather than accept unfamiliar information -- the tendency to dismiss explanations as excuses -- is noteworthy, and suggests a major area for further study and rumination.

An aspect of this problem can be framed as follows. Critics ask: Why doesn't an institution give us policies that we need? The sovereignty of the needs is, in general, unexamined. How, after all, can we not pay attention to social injustice, decaying infrastructure, or the spotty coverage of natural health insurance? The idea that forces in the American system having political legitimacy -- and political clout -- might disagree about needs and that American political institutions might reflect these disagreements is taken merely as a restatement of the problem rather than a suitable explanation accounting for the phenomenon in question. A fundamental feature of a serious research enterprise examining the performance of American political institutions requires patience with quasi-epistemological wrangling of this sort, in which alternative frames of reference covering the same subjects are systematically explored and brought into dialogue with one another.

This means, for example, that specialists have an obligation to entertain a wide spectrum of popular complaints, and to discuss in reasonable detail why those complaints that are adjudged to be without merit in fact point to no serious problem. Some problems can be made to disappear by appropriate comparisons, either historically (e.g. things were worse during the base year than now)

or comparatively (e.g. other countries have worse difficulties, or reach for unacceptable solutions). A searching evaluation process will seek to be careful and explicit about comparisons of this sort.

To restate a key point: The failure of political institutions to deliver some specified policy outcomes may or may not reflect institutional malfunctions. Institutions are not obliged a priori to gratify the policy preferences even of enlightened members of the community. One workshop participant, thinking about the overall experience, wrote:

I remain deeply concerned that the nation is not addressing (a) the way in which our tax system penalizes thrift and rewards consumption (b) the problems of the underclass, (c) the continuing decline in educational achievement (especially in math, science, and engineering) and in public education generally; and (d) our persistent and destructive underinvestment in our public institutions, including the schools, the bureaucracy, and the courts. I keep thinking that there must be some flaw that prevents us from reaching these issues until they turn into disasters.

What issues a political system addresses at any given time -- the content of the political agenda -- is of course a central question, and in fact not a great deal is known about how differing

structures lead to different agendas. It is therefore important to distinguish between (1) structural barriers to the consideration of issues and (2) differing prescriptions arising from differing views of the proper resolution of issues. In short a threshold question the quotation above raises is whether somebody who doesn't like a set of political outcomes is asking for a recount as a way of conducting a political battle. Is it actually true, for example, that our political system does not address problems associated with "the underclass"? Or that we have no tax policies -- i.e. do not address -- issues related to thrift and consumption? And so on. Or is it the case that the writer doesn't happen to like the current set of outcomes?

In general, the workshop was characterized by a high degree of self-discipline in discussing issues of this sort. Institutional performance remained center stage, and in general participants did not confuse failures to achieve their own political preferences with institutional pathologies. Addressing the point head on, Hal Wilensky proposed a more demanding set of criteria in assessing policy outcomes. He suggested that a given array of political outcomes was suspect if (1) other nations similarly situated displayed a different pattern of outcomes (2) U.S. political elites wanted to move toward the international norm (3) public opinion generally supported the indicated move. A good example was gun control; another was national health insurance.

Wilensky's criteria are especially useful because they provide a concrete empirically helpful way of rebutting the

otherwise quite rebuttable presumption that people who want to reform the political system are merely sore losers.

It is worth remembering that since the New Deal massive changes in American public policy have taken place without much in the way of institutional reform. The reason this is worth remembering is because institutional reform may in fact constitute an inefficient strategy for achieving policy change, if the current array of policies is in fact the basis for dissatisfaction with institutions. A short list of these changes (not all in the same direction) would include:

- (1) The civil rights revolution
- (2) The policy changes associated with
the 89th Congress (e.g. medicare)
- (3) The Reagan retrenchment

Policy changes associated with elections (of 1964, of 1980) or with evolving majorities in the appellate courts responsive to cases and controversies constitute evidence for the proposition that "the system" produces policy changes and that in order to get policy changes -- even very drastic changes -- it is not necessary to change "the system" (i.e. the constitutional or institutional framework).

Nevertheless, some critics evidently believe that institutional changes would be a good idea. Such changes are clearly not the only idea available to those who wish to change policy outcomes. Most of the specialists in the functioning of

American political institutions gathered at our workshop seem strongly to hold this opinion.

I. The Workshop Sessions

We crammed into two days substance that could easily have occupied a week's deliberations. Thus the number of unfinished conversations and unresolved issues was unusually large, and I do not think I can settle many of them in these summary reflections. Rather, I propose here to note certain issues and observations arising from each of the nine workshop sessions that seem to me worthy of further consideration.

1. We began with an overview in which discussion was led by a sociologist, a historian and a journalist. Wilensky's work is directed, in part, to broad comparative questions which help us to ask: Why is the U.S. relatively low and laggard in the league tables of western democracies along various dimensions of public expenditure for purposes of general welfare?

Wilensky's diagnosis is complicated and in my opinion does not point toward practical solutions, since he attributes success along his chosen outcome dimensions to societies having corporatist arrangements for interest group political participation and mild proportional representation in national decision-making bodies. A promising intervening variable worth further examination is the linkage of private citizens to the larger political life of the

community. Even if we grant (1) that corporatist, mild PR systems do this relatively successfully and (2) the US isn't going to move toward becoming either sort of system we can still ask what, if anything, might be accomplished within the attainable American institutional context to enrich leader-follower linkages. This seems to me an ideal place to introduce a discussion of the unfulfilled potential of American federalism, but as it happens the discussion did not flow that way. Perhaps it should.

Alan Ehrenhalt raised the issue of stability and authority at many levels of government. The number of effective vetoes in the system seems to have grown, he said, but the number of those willing to speak for or pursue something approximating a "community" or "public" interest has shrunk. He realized that those who have accepted community-wide responsibilities in the past and made claims to be speaking for the interests of the whole were frequently fronting for a highly stratified status quo. Well structured communities are frequently status-ridden. Thus the problem he raises admits of no simple solutions. Indeed, as he acknowledges, it may be intractable. As more and more people have cars, they cause more and more traffic. However, we can't (within democratic constraints) merely take the cars away from poor people in order to relieve traffic jams. Similarly for the construction of community interests in other areas. If restoration of the authority of the status system isn't the answer, what is the answer?

2. The Party System. Of the three great institutional complexes

that link leaders and followers in the American political system -- parties, interest groups, the news media -- the parties seem most threatened by recent developments. Thus the core questions concerning the US party system have to do with trends. Are parties holding their own or declining? Are they doing better or worse at (1) selecting leaders? There is strong evidence of trends toward self-selection for elective office, of the paralysis or melting away of parties at the level of candidate recruitment. This may simply reflect the drying-up of party as a weak institution engaged in voter mobilization. Is this an inevitable result of changing local demographics -- the decline of ethnic enclaves in inner cities, the growth of suburbs? Explanations, not merely complaints, are needed. Consequences for party responsibility in the legislative context are of course profound, but not necessarily all bad.

(2) Addressing problems? This is a tangle of issues. Some problems are very hard to solve, and clear party manifestoes, vigorous party competition, and legislative follow-through won't necessarily solve them. Sometimes they are solveable by means of a narrow set of technical alternatives, in which case party disagreement about solutions for the sake of "responsible" differentiation is a disservice.

In part parties must be institutions that legitimize the neglect of issues, that establish priorities -- and therefore low priorities as well as high priorities. Thus parties ought to help public leaders avoid, not merely address problems.

How will electoral reforms -- term limits for legislators, successive reapportionments, changing rules for presidential selection -- affect the functioning of parties? Are we being misled by similarities of party labeling all over the country into thinking we actually have a two-party system rather than a 100-or-so party system, more or less two per state? Is the party division of the government at the national level consequential and if consequential tolerable? The task merely of framing intelligible questions on the topic of the American party system nearly overwhelmed us.

3. Political money. There are a lot of popular complaints here, more than our specialists found persuasive, mostly because the popular view is that there's too much political money around, and our group on the whole thought there was too little. Norman Ornstein put it neatly. It's a problem of supply and demand, he said, in which reformers are trying to cut off the supply while the demand is very heavy and growing. Reforms ought to be exploring how to get more political money into the system and concentrate on issues of wide availability and cutting the costs of fundraising. This addresses some of the issues of political competition raised by Common Cause but reaches completely different conclusions about what to do.

4. Voting and political participation. Here again experts and laypeople diverge sharply. The popular view is that low participation is the best signal we have that the American people are fed up with American politics and government. The experts point

to voluntarism and fragmentation and geographic mobility as influences on the registration process at least as important as alienation (meaning dissatisfaction). If we construe alienation more broadly as "anomie", a term denoting a lack of social connectedness, something that the aged bedridden and the mobile young may share in common, then this may combine with the extreme voluntariness in the US of the act of registration and the combined explanation may account for more of US nonvoting. But some of it remains mysterious since relaxations of registration rules don't wipe out nonvoting.

There are, of course, other American anomalies: the fact that we demand so much more voting than other political systems may contaminate the comparisons we constantly make with western Europe. An Englishman must live to a very ripe age indeed before making as many as the 73 choices I made at the last election alone on my single long ballot.

Finally, there is the issue of policy differences. Does low voting turnout change election results and therefore public policy? Possibly not. In a first cut at the problem, scholars ask voters and nonvoters their political preferences, and discover that nonvoters follow bandwagons, hence probably would not change outcomes if they voted. A second cut at the problem might yield a different answer. Suppose a different population voted, a population more heavily representative of groups disproportionately missing now from the voting population. Would this lead political leaders to construct political agendas differently and hence change

policy outcomes? It will take some ingenuity to study such questions responsibly.

5. The News Media. Our discussion gave a quick canvass of the central issues. Three master theories account for biases and mistakes in news coverage: (A) the social values and prejudices of journalists (mainly left-wing); (B) the social values, prejudices and business decisions of publishers (mainly right wing) and (C) workways and economizing devices characteristic of the journalist's professional culture. Different participants weighed these factors differently and pursued, therefore, different examples. An example of (A): the tendency to cover conservation/ecology issues -- asbestos, alar, cranberries -- without due regard to the strong consensus of scientific opinion. Of (B) there are classic instances of kowtowing to advertisers, staff cutbacks. Of (C): the unreflective employment of maxims like: "Don't trust sources with pecuniary interests"; and therefore: "Do trust sources without pecuniary interests", or "Afflict the comfortable, comfort the afflicted" or "Follow and report conflict."

Participants differed in the weight they assigned these essentially complementary theories, and did not agree on the extent to which they were waxing and waning in influence.

6. Congress. Once again, there's an enormous gap between congressional specialists and others in their evaluation of institutional performance. Non-specialists tend to measure Congress by the coherence and promptness of its legislative output;

specialists fall in love with its processes and give it high marks for reconciling wide ideological differences and representing diverse opinions. Most people are completely unfamiliar with an organization designed as Congress is -- loosely coupled internally, comprising two co-equal but completely independent parts, each internally divided by partisan and committee (subject-specialized) hierarchies whose relations must be continuously negotiated. Among the world's legislatures Congress is the most independently powerful, the one with strongest upper body, and now, of course, one of the oldest in continuous service.

Complaints cluster around the problem of inaction. Even when Congress is actually doing things it seems not to be because of the visibility of its internal wrangling. It produces legislative changes in fits and starts; the down-time in between is maddening to observers who care about substantive policy. Internal morale among members and staff is frequently very bad. Members despair of defending -- indeed of explaining -- the institution and tend therefore to run against it as their constituency's ambassador to this bizarre and unsatisfactory institution. Divided government, reapportionment, money-raising scandals, institutional unpopularity all contribute to the problem.

There is a big agenda here. Specialists need to do more explaining, need to sort out which problems complained of mask hidden strengths of the organization, which can be fixed without setting off a cascade of undesirable consequences.

7. Presidency. The growth of the Presidency is the big story of

American national government in the last 50 years. Most of this growth was stimulated by World War II needs. The other branches have had to adapt to the swollen Presidency and some have succeeded better than others. Among the problems cited in discussion (some of which seem to me pretty trivial, and inconsistent with the clear historical trend, but participants differed about this):

(1) Need for more Presidential freedom. Repeal 22nd (two-term) Amendment. Enact item veto. Reexamine (in a more favorable light) proposals to outlaw or discourage government divided by party. Repeal war powers act.

(2) Political trends. How have changes in the Presidential selection process changed the Presidency?

(3) Vice Presidency. What about electing the Vice President separately, thus nudging parties toward nominating candidates better qualified to succeed to the Presidency.

(4) President has to have more capacity for long-term planning, and to aggregate larger interests unhindered by "politics" of smaller interests. This strikes me as naive and almost certainly wrong. It's necessary to get specific to say why. A lot of debate is necessary on these points.

8. The Courts. Here is where the experts got deference rather than static. The institution per se got very high marks and the main burden of discussion was about improving efficiency, e.g. slimming down litigation loads on issues like asbestos.

Normally, discussions of the courts get around to complaining that too much is litigated in US society and there are too many

lawyers. I think we should take this one on directly. The counter-argument would go this way: of the factors of production, far and away the most significant for rich societies is the capacity to organize and reorganize according not only to criteria of economic efficiency but also to reflect social values. This is in fact what lawyers (not engineers) do. They help our rich and complex society adapt more rapidly and more responsibly than lawyer-poor societies can do. These latter societies rely heavily on their status systems to order matters -- interpersonal and inter-group rights and responsibilities, governmental powers toward individuals and classes of individuals -- that Americans now litigate about. Recourse to courts is thus all about societal adaptation. I've never seen this argument made in full. It has some problems, the most interesting of which has to do with the cost-benefit ratios of the rigidities of status-ridden societies vs. the rigidities of a regime of adversary legalism. Is adversary legalism more flexibly adaptive than the informal adaptations that status-ridden societies find it profitable to make? This is a big empirical issue. Comparative students of economic regulatory processes (e.g. Robert Kagan, David Vogel) give our system relatively low marks. But are they comparing enough outcomes to give the full picture?

9. The Bureaucracies. This was mostly about national governmental bureaucracies, big losers in authority, brain power and policy clout over the last arc of time. Reforms of the Carter era were generally characterized as failed. That is, they have

failed to attract or retain better people. Indeed, they have failed to deliver on their explicit promises to manage bureaucrats better.

Historically, the decline of US federal bureaucracies can be explained as a significant knock-on effect of the rise of the Presidential branch. The newly-empowered and flexible Presidency can govern without much bureaucratic input. Presidential appointees live in pup tents on the White House lawn (or on the State Department's 7th floor) and consult whom they please. Over the long run people who want to affect policy will therefore join politicians' entourages, not the relevant federal bureaucracies. The bureaucrats are reduced to doing routine business or to monitoring contracts or to specialized professional activities like running government labs. But they don't make much governmental policy and if trends continue in future they will make less.

Can a modern society afford headless bureaucracies? It's an interesting political experiment; no other modern nation to my knowledge is willing to risk it.

II Undiscussed Problems

We did nothing on federalism, or on state and local government. Yet most day-to-day government goes on at the state and local level and a large historic opportunity is opening up as the result of the civil rights revolution. Now that a significant number of state governments are no longer making war on their black

inhabitants it is possible to think of variations in state political cultures as providing appropriate "little laboratories" of which Brandeis wrote for innovation in public policy.

We spoke very little about socio-demographic underpinnings of institutional and policy change. Yet the postponement of pregnancy and the lengthening life span -- both of which can be glimpsed in such figures as the dramatic reduction in the size of US households -- surely need examination. Women are rapidly professionalizing their labor skills. Technology affects politics. Air conditioning contributed greatly to the normalization of the south in American politics, as did the mechanization of agriculture a generation ago. Telephones, faxes and television are changing the bases of interest group organization.

It seems to me, additionally, that the sheer size and diversity of our population and geography need discussion if for no other reason than to make sure that we calibrate our expectations properly when we are urged to learn from the experience of small countries like Sweden, Austria, or New Zealand.

Finally, numerous political and social problems cut across institutions. By fixating on the functioning of institutions one by one we probably underestimated the legitimacy of concerns about them. One such problem-set might ask: How well does the United States perform with respect to its least favored inhabitants, those therefore most dependent upon explicit policy action: (roughly) the young, the old, the poor and members of disadvantaged minorities, especially African-Americans? Many answers can be given to such a

question. Compared with Franklin Roosevelt's one-third of a nation ill housed, ill fed, ill clothed (1936 inaugural), substantial progress has been made. Compared with other rich democracies -- including the ones that had tougher recoveries from World War II than we did -- we don't look quite so good. As among the categories of disadvantaged, obviously the old are doing better than the poor. But there are more old and fewer poor than there used to be.

Another problem-set concerns relations among institutions, especially the issue of the separation of powers itself. Divided government kept coming up, but it found no home on our agenda. There are responsible American critics who oppose the separation of powers and those of us who believe they are utterly mistaken owe them explicit answers to the questions they raise.

III Next Steps

The workshop supplied us with a large number of opening gambits. I believe it will be worthwhile to push the conversation forward and think a number of formats might do the job. Here are a couple of alternatives:

1. Commission a symposium volume of paired essays, or essays paired with commentaries plus published replies. I used this format quite successfully in my Reapportionment in the 1970's book (see enclosed table of contents). The lead essay could be critiques of one or more institutions, the responses critiques of

the critiques.

2. Broad or narrow focus? In my mind the discussions of parties, participation, voting and money seem to go together, with various governmental institutions in another cluster. Ideally, I'd like to give room in the conversation to more than two points of view. This suggests several volumes (nine or ten topics, three essays plus critiques and answers per topic makes a hefty book.)

3. Another meeting, this time with proper papers and responses? A fair number of those I asked and who couldn't come said they hoped there would be a next round that they could join. Perhaps it's time to give critics of the system the floor, to make sure we hear them accurately.

4. Focus on underlying issues rather than the political institutions? Political alienation, for example, or how the political agenda is constructed, or might be reconstructed if people participated differently. The role of technology in promoting political change. I remember Eugene McCarthy's comment that penicillin has a deleterious effect on American jurisprudence. It may not be so hot for the social security system either. Did the cotton gin keep slavery alive in the US long after slavery had withered elsewhere? The issue of political legitimacy. Many of our problems (according to one view) are especially difficult for us because of the size and heterogeneity and openness of the society. True or false? It's certainly true that we're a lot bigger than most democracies. But does that matter?

5. Could we commission a couple of studies in which somebody

interviewed Bob Putnam's mother-in-law (and others similarly situated) and found out what her actual complaints are? I'm assuming that she hasn't got a diagnosis of her own but rather picks and chooses among those available in the N.Y. Times or the Wall St. Journal or from the League of Woman Voters or Common Cause. Popular dissatisfactions with government are, in this conception, a luxury consumption item that goes with being an enlightened member of the upper-middle class, like listening to classical music on the radio. And analysts who invoke such attitudes as justifications for worry or for social action are merely distilling echoes of their own viewpoints.

Let's have more conversation about some or all of these alternatives.

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