



The Public Check on Congress -- Overview

Bill Bridgman – October 15, 2022

Introduction

The Public Check on Congress (PCC) directly addresses a tap root cause of our national political dysfunction: the lack of incentive within Congress to reach consensus and act in better alignment with the national interest. It would create, by means of a constitutional amendment, a new mechanism by which the national electorate could hold members of Congress collectively accountable for Congress's overall performance.

There are many reforms already moving forward that would do much to improve our government. Most of these focus on strengthening election processes. They include Ranked Choice Voting, open primaries, anti-gerrymandering laws, Electoral College reform, campaign finance reform, vote by mail, registration procedures, etc.

But the continued downward trajectory of dysfunction necessitates that more robust reform options, focused directly on strengthening accountability for congressional outcomes, be evaluated. Given the potential outlined below of collective congressional accountability, the Public Check on Congress amendment is worthy of such evaluation.

Advantages

A properly constructed Public Check on Congress amendment would have many favorable effects on our national government. It would:

- Incentivize Congress toward consensus and compromise, its core purpose. For example, Congress would be obliged to find common ground for such “wedge” issues as climate, immigration, gun safety, reproductive rights, fiscal responsibility, campaign finance, etc., rather than exploiting them for partisan political advantage.
- Strengthen the influence of the general public on Congress at the expense of moneyed special interests, fringe partisans, etc.
- Penalize polarizing and demonizing behaviors among members of Congress by converting these behaviors into lose-lose tactics; this, in turn, would have a salutary impact on the general public.
- Reinforce Congress's eroded guardrails vis-à-vis the executive and judicial branches of government.
- Oblige members of Congress to think longer term; as long as 8 years in the draft amendment below.
- Give younger generations more political leverage and help reconnect them to our political system.
- Soften the growing distortion of the Senate's constitutionally protected “small state gerrymander”.
- Provide a constructive “public square” ecosystem during the years leading up to the PCC referendum. It would encourage civic deliberations to focus on Congress's performance on policy issues, not on which party has been the lesser of evils.
- Bolster our country's capacity for leadership on the world stage.
- And the many other benefits of a meaningful measure of joint bipartisan / bicameral ownership of congressional outcomes where the general public - not moneyed interests or tribal factions - holds the carrot and the stick.

PCC is compatible with most other reforms under consideration and would be a highly useful complement to some. For example, with RCV and other reforms intended to improve representation by encouraging new political parties, the resulting coalition government could make congressional consensus even more elusive - especially if each house has its own dominant coalition. Under those circumstances, a meaningful collective accountability incentive may be even more necessary.

PCC would also be a very useful complement to an amendment on campaign financing as it will give Congress a continuing incentive to keep related legislation abreast of whatever new tactics moneyed interests can devise to distort our politics.

PCC is in early concept form at this point. I'm providing a draft below (slightly modified from a previous draft) as a starting point for developing a consensus formulation. The rationale for this draft — as well as more detailed support for the rather sweeping benefits claimed above for PCC — are laid out in the accompanying booklet, *Restoring the Consent of the Governed*.

The Public Check on Congress Constitutional Amendment (draft)

✓ A nationwide referendum on Congress's overall performance is held once every eight years.

Congress needs a 35% approval rating to "pass". If this occurs, there are no further PCC procedures until the next referendum eight years later.

✓ If the approval rating is less than 35%, a second, "recall," nationwide vote is held two years later.

✓ If, again, the support for Congress is below 35%, then one-third of the members of each house of Congress — the most senior third in terms of total tenure in Congress — are to be replaced by elections held in their home districts and states by no later than the next general congressional election. They cannot run again for either house for ten years. Anyone having left Congress at any time during the prior five years is also ineligible for ten years.

✓ Eight years after the replacements are selected, the next PCC referendum is held.

Here are some comments. The incentive for members of Congress to collaborate across party lines to provide good public service is retention of their jobs, something they hold near and dear.

The focus is on a significant swath of senior members — those who have been around the longest and, by virtue of the power that accompanies seniority, must bear the most responsibility for Congress's performance.

Although the consequences for inadequate performance are severe, the bar is set relatively low. With a reasonably good faith joint effort on their part, members of Congress would view PCC as a carrot (approval of their performance and thus a tailwind for their next local reelection campaign) rather than a stick (termination.)

PCC would be a greatly enhanced version of congressional term limits, a reform proposal very popular with the general public. It would be more effective because, as a credible threat of terminating senior members, it would become an incentive for improved congressional behavior.

The double supermajorities required to trigger the PCC penalty would help rein in public passion and promote the judicious exercise of this new, powerful, collective accountability mechanism.

Also, as shown on the last page, the PCC referendum question put to the nationwide electorate, while enormously consequential, is quite simple and straightforward: "How is Congress doing?" Check "Pass" or "Fail". There is no partisan element to this question. On the contrary, PCC offers an off-ramp to the exhausted majority across the political spectrum frustrated by the only choice now offered in every national election: the lesser of evils. PCC would also be America's only nationwide

election: members of Congress in “safe” states or gerrymandered districts would be held as fully accountable by the national electorate for Congress’s performance as other members. The voice of “We the People” would be heard by every member.

Amending the Constitution

Amending the Constitution is a heavy lift. The good news is that We the People are the sovereign authority of the United States. If we agree on a repair to our political system which will not only ameliorate the toxic polarization among members of Congress but also create a more civil ecosystem within which the citizenry can discuss policy differences, we have the political muscle to do it. We would make support for the PCC amendment a litmus test for every candidate for Congress, where the amendment must be initially proposed, and for every candidate for state legislatures, where amendments to the US Constitution must be ratified. The Public Check on Congress collective accountability mechanism has the potential to generate that level of deep, broadly shared support.

Since PCC is in early concept stage, the next step is for it to be evaluated by thought leaders across the political spectrum who are willing to think through the full case for it, to give it the “steep” time needed for some shifting of paradigms, to refine it, and to present it in a nonpartisan manner to a public more than 80% of whom desperately want our democracy to work better.

The timing for putting forward a completely nonpartisan congressional fix is opportune. Frustration with our politics is now so high on all sides that even proposals to call a constitutional convention, like the original in 1787, that could make reckless wholesale changes to the Constitution, have gained considerable traction. By comparison, a straightforward amendment, like PCC, limited to strengthening congressional accountability to the public, would be quite moderate. It would also be much more likely to directly address the underlying causes of dysfunction.

Although passing an amendment can take a number of years, we would see the benefits of PCC much sooner. If it becomes part of a serious national conversation, we can expect that members of Congress, whose current default is too often to generate intense animosity within their base toward the other side, will begin to see that behavior as a lose-lose tactic. Instead, they will see the need to establish a record of collective congressional performance they can defend in their local elections long before the first PCC referendum. This conversation could even have a sufficiently salutary effect on congressional performance to obviate the need for actual adoption of the PCC amendment.

Conclusion

In our early days as a new nation, our Founders adopted the Latin motto, “E pluribus, unum.” In English that translates as, “Out of many, one.” Our democratic system of government, with its all-in commitment to separation of powers combined with an elaborate overlay of checks and balances, depends on a stable yet responsive equilibrium that allows for both respect for the rights and differences of individuals (e pluribus) and capacity for decisive governance consonant with the common good (unum.)

Over the past several decades we have drifted dangerously away from that equilibrium. And we must face the likelihood that we will not return to it without significant Intervention by the American people. The Public Check on Congress collective accountability amendment is worthy of full consideration as a key part of that intervention.

Bill Bridgman is a retired businessman. He is the Founder of the Public Check on Congress project and a member of the National Association of Nonpartisan Reformers. He welcomes constructive comments and suggestions on PCC at wlb744 “at” gmail “dot” com .

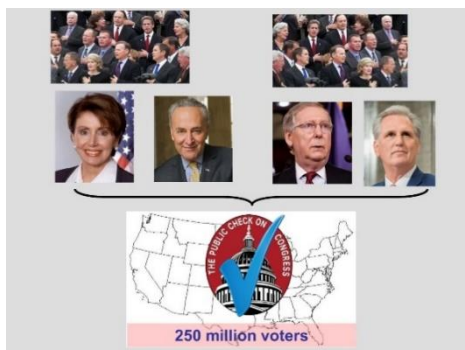
The Public Check on Congress

A New Constitutional Mechanism for Holding Members of Congress Collectively Accountable

Bill Bridgman, Founder
Publiccheckoncongress.com



Currently, each member of Congress is only accountable to his or her individual district or state – a tiny sliver of the overall electorate.



What if:

In addition to their individual accountability the members of Congress, together, could be held collectively accountable by the national electorate as a whole for Congress's overall performance?

Public Check on Congress
How's Congress doing?
(Check one)
Pass
Fail

If we create a new, strong incentive for members of Congress to compromise and act in the national interest, they will do so, to avoid being replaced with others who will.

The Public Check on Congress Constitutional Amendment (Draft)

- ✓ **A nationwide referendum** on Congress's overall performance is held once every eight years. Congress needs a 35% approval rating to "pass". If this occurs, there are no further PCC procedures until the next referendum eight years later.
- ✓ **If the approval rating is less than 35%**, a second, "recall" nationwide vote is held two years later.
- ✓ **If, again, the support for Congress is below 35%**, then one-third of the members of each house of Congress – the most senior third in terms of total tenure in Congress – are to be replaced by elections held in their home districts and states by no later than the next general congressional election. They cannot run again for either house for ten years. Anyone having left Congress at any time during the prior five years is also ineligible for ten years.
- ✓ **Eight years after the replacements are selected**, the next PCC referendum is held.