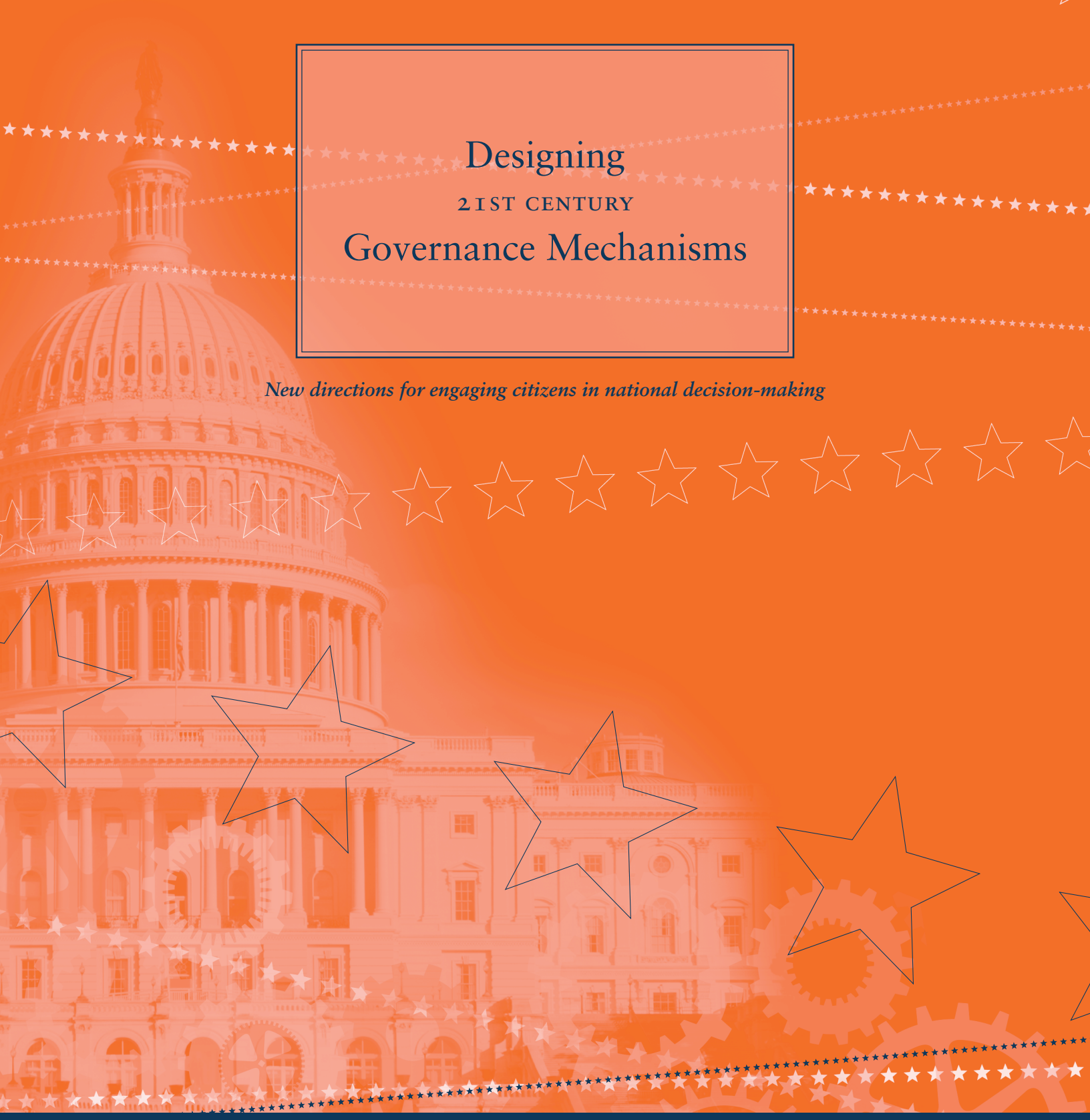
Designing
21st Century
Governance Mechanisms

New directions for engaging citizens in national decision-making



REPORT FROM AN AMERICA*SPEAKS* DEMOCRACY LAB CONFERENCE JULY 9-12, 2006

Pocantico Conference Center of the Rockefeller Brothers Fund

Acknowledgements

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INTRODUCTION

July 19-21, AmericaSpeaks convened, "Designing 21st Century Governance Mechanisms," an interdisciplinary gathering of practitioners and scholars with deep experience in efforts to expand and deepen citizen participation in governance.

The conference was conceived around three purposes:

- ★ Design a new national governance mechanism(s) in the U.S.
- ★ Identify the practical path(s) to institutionalization
- ★ Explore the transformation of our democratic culture

An international group of leaders participated in a series of conversations over three days that focused on the design of participatory governance mechanisms in the United States that would serve at the national level to increase the influence of diverse groups of citizens in democratic affairs. ***The intent of the gathering was to develop at least one blueprint for an institution or mechanism that would ensure that citizens have a more direct voice in the decisions they care most about at the national level.*** By the end of our three days together five unique and concrete proposals were generated, each describing what such a mechanism could look like and how it would function within American democratic life. Each mechanism was grounded in the practical experiences of participatory governance that were shared during discussion, as well as theories of some of the leading thinkers in deliberative theory.

Participants in "New Governance Mechanisms" represented a wide range of institutions and perspectives, from seasoned institutional leaders to theorists at the forefront of their respective fields.

The five mechanisms developed during our time together reflect a range of institutional targets and strategies. The proposals are:

1. **Citizen-initiated Legislation**
   A response to the crisis of representation in the United States that seeks to make the legislative process more representative, more focused on citizen's concerns, and less given over to diversionary conflict by establishing, on a biennial basis, a citizens' assembly to identify one issue Congress must place on its agenda each year, for which they will be held accountable to voters.

2. **Policy Review and Analysis Center**
   Revive the tradition of citizen participation exemplified by agencies like the Office of Technology Assessment (OTA) by creating an entity with a single focus charter, standing as an independent, quasi-governmental body supporting legislative and/or executive branches of government in their citizen participation efforts.

3. **Interagency Executive Council/ Commission**
   Develop a set of cross-agency indicators for staff and agency performance measurement directly linked to citizen engagement practices. Annual performance reviews would be tied to incentive structures (such as awards) at the agency and staff levels. This proposal is linked to existing tools such as agency scorecards and reporting processes through the Office of Personnel Management and the Office of Management and Budget.

4. **Independent Panel for Public Engagement and Accountability**
   Establish criteria to assess the performance of public officials in fostering active and effective citizen engagement in governance through an independent, citizen-led initiative that brings together leading non-profit and citizen's organizations across the political spectrum to assess the citizen engagement performance of public officials.

5. **Key National Indicators Initiative**
   Provide an opportunity for engaging citizens on the identification of, and monitoring of progress toward, national priorities. Initiated through the Office of the Comptroller General (GAO), the Key National Indicators project will seek to establish a system that enables citizens and public officials to gauge the position and progress of our nation, frame strategic issues, and chart future directions.

Participants in "New Governance Mechanisms" represented a wide range of institutions and perspectives, from seasoned institutional leaders to theorists at the forefront of their respective fields. Some of the innovative organizations represented at the meeting were the US Government Accountability Office (GAO), the Global Fund for AIDS, Tuberculosis and Malaria ("the Global Fund"), the US Consensus Council (USCC), Oregon Solutions, the Danish Board of Technology (DBT), the European Union (EU), Assembly of Southeast Asian Nations (ASEAN), and the US Institute for Environmental Conflict Resolution (IECR). Institutions of scholarly research represented at the conference included the International Center for Research on Women, Brown University, the Brookings Institution, Harvard University, and the University of Washington.

I. THE AMERICAN CONTEXT

Democracy in the United States stands at a critical moment. Some observers say that our nation is both polarized and paralyzed. To some we appear to be sharply divided as a people by basic values and policy choices that will shape both the future of this nation and the quality of life for millions of Americans.[1] One effect of this ideological polarization – which is not, by any means, at a "high point" though it remains a threat to effective democratic governance – is a growing procedural paralysis in our institutions of governance. Whether the issue is health care, climate change, Social Security reform, or any other that requires urgent attention, the political institutions that have evolved to serve our country are failing to deliver effective and enduring public policy solutions.

Public confidence in our democratic institutions to deliver basic social goods is on the brink of collapse.

Furthermore, there is a sense that collective choices have been pushed off the political agenda in Washington. The growing consensus is that our elected officials direct an increasing share of attention and resources to narrow interest groups over the concerns and needs of citizens as a whole. In other words, intent to provide for the common good has been eclipsed by the influence of lobbyists and special interest groups. The proliferation of these interest groups in Washington has been so great over the last half decade that, in the words of one observer, democratic governance suffers from an acute "sclerosis" of its institutions and processes.[2]

Finally, most Americans are generally averse to the partisan conflict and rancour that divides legislators and the electorate and hold a generally less positive view of government than they have in the past.[3] American's generally dim view of the conflict rife within democratic institutions keeps them out of the electoral process and may further weaken public participation in traditional consultative mechanisms.[4]

Political polarization and paralysis, declining citizen participation. Falling citizen trust in government. Public confidence in our democratic institutions to deliver basic social goods is on the brink of collapse. Something is needed

1 For an excellent discussion of political polarization, please see Pietro Nivola's, "Thinking about political polarization," Brookings Policy Brief 139 (http://www.brookings.edu/comm/policybriefs/pb139.htm accessed March 21, 2007)

2 Rauch, Jonathan, Government's End: Why Washington Stopped Working (New York: Public Affairs, 1999)

3 For an excellent discussion of this topic, please see Thomas Patterson's, "Where Have All the Voters Gone?" series at the History News Network: http://hnn.us/articles/1127.html (accessed March 21, 2007)

4 Hibbings, John R, and Theiss-Morse, Elizabeth. Stealth Democracy: Americans' Beliefs About How Government Should Work." (Cambridge, UK: Cambridge University Press, 2002).

to reinvigorate our democratic imagination, to enliven our expectations, to rekindle our democratic aspirations.

The solution to our present "crisis of representation" resides, at least in part, in our capacity to envision and create enduring institutions that embody new modes of governance. This was the task we challenged our participants at America*Speaks*' "Designing 21st Century Governance Mechanisms" gathering in July, 2006.

II. TODAY'S OPPORTUNITIES

Much of what we see in the 'crisis of legitimacy' in American democracy also stands as a field of opportunity within which to take action. Citizens are not the only ones angered by the state of contemporary democratic affairs: legislators on both sides of the aisle are frustrated by their own lack of capacity to act, of feeling "shut out" of governing procedures based solely on their party affiliation. As a result, there is an openness to new ideas and strategies that build momentum for reform and policy change.

Those in the administrative side of government feel frustration with the present state of regulatory approaches and rules – the old, closed system of regulation is being opened and replaced by new engagement processes in which public discernment takes place before planning and decision-making. At the same time, emerging codes of practice around the transparency and openness of government are redefining traditional boundaries of privacy. Citizens have greater access to records and information that place greater powers of accountability in their hands. New technologies – in particular the internet – are driving administrative reforms in government that open new channels for citizen-government interaction on an ongoing basis.

Citizens have greater access to records and information that place greater powers of accountability in their hands.

After the experience of decades of increased partisanship and tightening gridlock, new ideas and drivers of collaboration are having an effect on the evolution in attitudes toward new, cooperative arrangements among seasoned leaders across sectors. The recognition that the problems we face collectively are beyond the scope and capacity of any two or three entities is whetting an appetite for experimentation around collaborative problem-solving. The new technologies, particularly the evolution of online networks, are affecting the way leaders and administrators think about information sharing and decision-making. New ideas about "flattened hierarchies" and knowledge-building systems are leading to unprecedented efforts within government to create open platforms and information-sharing across traditional agency silos.

Larger global trends are also having an influence on how governmental affairs are carried out at the national, state and local levels. As the nation-state continues to experience its powers of influence and regulation pushed to new limits in the face of rapidly growing concentrations of corporate and regional powers, there is a recognition that citizen participation may be essential to how national governments maintain relevance at the global level.

The persistence of "wicked problems" (seemingly irreversible structural deficits in our economy, social well-being, and environment) and the rise of new policy crises – for example, energy security in the face of climate change – is creating a level of "issue ripeness" among the public. This, in turn, stimulates a public appetite to engage in the solutions-building process, both around narrow interests as well as the common interest of national security and survival. Furthermore, crises like 9/11, hurricane Katrina, and the war in Iraq are generating significant dissatisfaction and issue engagement among the public as they witness government lurch from failure to failure on major issues.

At the same time that federal government is experiencing grave policy and administrative hardship, states and municipalities are emerging as laboratories of democracy. At the sub-national level, new opportunities for public engagement are emerging in the areas of electoral reform, budgeting, land-use planning and natural resource management among others. As these innovations achieve success they are driving higher public expectations for engagement and performance at the national level.

All of these trends, most of which are taking place around the world, suggest that now is the time to put forward bold new proposals for the reform of democratic governance at the national level. These reforms, we argue, must make citizen participation a centered feature of new "institutional recipes" for the 21st century.[5]

III. KEY DESIGN PRINCIPLES

To begin our work to actually envision and design new governance mechanisms, it was important to learn from concrete examples of new governance mechanisms as well as from scholars who think about these considerations regularly. Presentations were made on a range of topics, from the Supreme Court as an example of a deliberative body at the national level with key lessons for deliberative democrats, to the inner workings of the British Columbia Citizens Assembly on Electoral Reform. Each example surfaced important principles that should inform the organizational DNA of any new governance mechanism.

A new governance mechanism must:

- ★ Provide for, and ensure, procedural fairness
- ★ Have the authority, credibility, public support and resources to make clear, tangible, and valued impact
- ★ Ensure transparency in its proceedings for the public and media to look in on the process
- ★ Account for and build citizen competence across many dimensions, including knowledge and decision-making
- ★ Ensure standards and consistency in the conduct of public business
- ★ Provide a public account of the reasoning behind any decisions and recommendations, not just outcomes
- ★ Ensure a voice for dissenters and the minority point of view
- ★ Account for institutional adaptability to changing political environments and sustainability

5 The term "institutional recipes" is adapted from Archon Fung, "Recipes for Public Spheres: Eight Institutional Design Choices and Their Consequences." *Journal of Political Philosophy* 11 (3), 338–367

IV. NEW GOVERNANCE MECHANISMS

Five unique "recipes" for public institutions that would serve to augment citizen voice in governance at the national level emerged from our discussions at Pocantico. Broadly, these fall into the categories of agenda-setting institutions, competency-building institutions, and electoral institutions.

PROPOSAL 1: CITIZEN-INITIATED LEGISLATION

The Citizen-initiated Legislation (CiL) proposal is a response to the crisis of representation in the United States. CiL seeks to make the legislative process more representative, more focused on citizen's concerns, and less given over to diversionary conflict by establishing, on a biennial basis, a citizens' assembly to identify one issue Congress must place on its agenda each year, for which they will be held accountable to voters.

The inspiration for this proposal comes from the Base Closing and Realignment Commission, which sought broad community involvement in determining the targets and schedules for domestic military base closures. The citizen-initiated legislative process is timed to work in conjunction with the two-year Congressional cycles in the following ways:

The Citizen-initiated Legislation seeks to make the legislative process more representative, more focused on citizen's concerns...

★ A citizens' assembly (randomly selected mini-public) meets in January of each odd-numbered year for no more than three months to decide its single top legislative priority for the next Congress.

★ Over a period of no more than six months, there are two parallel processes: a citizens' deliberation about legislation to address the selected issue, and an organized stakeholder process focused on the same question.

★ If each deliberation arrives at a specific proposal, the two proposals are then reconciled in a conference process lasting no more than three months. If only one deliberation reaches a result, that becomes the vehicle for the next phase. If neither deliberation produces a result, the process is aborted until the next cycle.

★ The three-month reconciliation/conference process will produce draft legislation that is formally submitted to Congress in January of the even-numbered year (that is, the start of a new Congress).

★ The committee(s) of jurisdiction in each house are required to bring the draft legislation to an up or down vote. If the relevant committees all vote the legislation down, then the process ends until the next cycle.

★ If the draft is reported out of committee, the House will be required to bring the legislation to the floor under a closed rule, ensuring an up or down vote. The Senate is required to invoke unanimous consent for a similar vote.

In order to make this proposal a reality, a law providing for the necessary mechanisms and resources must be passed by both houses and signed by the president. A critical step in moving this forward might be to engage citizens in developing the initial legislation to go to Congress, developing public awareness of, and support for, the creation of such a mechanism.

PROPOSAL 2: POLICY REVIEW AND ANALYSIS CENTER

This proposal seeks to revive the tradition of citizen participation that was exemplified by executive agencies like the Office of Technology Assessment (OTA). The characteristic of this institution is a single focus charter (for example, Science and Technology in Society) standing as an independent, quasi-governmental body supporting legislative and/or executive branches of government.

The kinds of activities that would be carried out by this Center include:

- ★ Clearinghouse for research analysis
- ★ Convening and facilitating expert and public reporting panels
- ★ Technical assistance and process tools/ tool kits on public engagement

Among the steps – and obstacles – necessary to establish such a body include passage of authorizing legislation. Alternatively, the activities of such a body could be absorbed into an appropriate existing institution like the National Academy of Public Administration (NAPA). Finally, such a body might fit within a broader proposal for government reform, such as the Citizen Initiated Legislation concept (proposal 1).

This proposal seeks to revive the tradition of citizen participation that was exemplified by executive agencies like the Office of Technology Assessment.

PROPOSAL 3: INTERAGENCY EXECUTIVE COUNCIL/COMMISSION

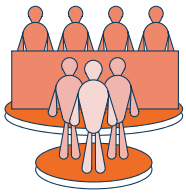
The central concept of this proposal is to develop a set of cross-agency indicators for staff and agency performance measurement directly linked to citizen engagement practices. Annual performance reviews would be tied to incentive structures (such as awards) at the agency and staff levels. This proposal is linked to existing tools such as agency scorecards and reporting processes through the Office of Personnel Management and the Office of Management and Budget.

Several key pieces of the strategy necessary to move this initiative forward include:

- ★ **Background:** Conduct research on the barriers and challenges to effective implementation of citizen engagement activities. At the same time, develop a set of cross-agency principles and guidelines for cross-agency adoption as well as criteria and competencies for personnel.
- ★ **Legislative:** Recommend provisions for citizen engagement when procedural and substantive laws are up for reauthorization, for example the Administrative Procedures Act (APA), the Federal Advisory Committee Act (FACA), and the National Environmental Policy Act (NEPA).
- ★ **Administrative:** Advocate to the Office of Management and Budget (OMB) to attend to agency Program Assessment and Rating Tool (PART) reports and budget requests for adequate funds for citizen participation.

The approach to institutionalizing this mechanism for strengthening citizen engagement at the federal level is incremental. The first step is to bring the proposal

informally to senior level staff within agencies that could be considered champions of this work. At the same time, the proposal can build on of existing executive orders such as the Cooperative Conservation Executive Order, and the Environmental Conflict Resolution directive. Finally, specific "lead" agencies such as the Government Accountability Office, Office of Management and Budget, and others will need to be pulled in to assess the momentum of these reforms and begin to study the proposal.



PROPOSAL 4: INDEPENDENT PANEL FOR PUBLIC ENGAGEMENT AND ACCOUNTABILITY

To address the democratic deficit in representation and accountability by elected public officials at the national level, this proposal establishes criteria to assess the performance of public officials in fostering active and effective citizen engagement in governance. The proposed mechanism is an independent, citizen-led initiative that brings together leading non-profit and citizen's organizations across the political spectrum to assess the citizen engagement performance of public officials and to hold them accountable for that level of performance.

The proposed mechanism is an independent, citizen-led initiative that brings together leading non-profit and citizen's organizations across the political spectrum…

There are several key objectives of the panel:

- ★ **Empower citizen oversight:** reassert citizens' fundamental right to monitor and to evaluate elected officials' performance in terms of representation and accountability.
- ★ **Foster norm and standard setting:** Establish shared norms, principles and standards (criteria) for accountability for effective public performance.
- ★ **Public education and culture-building:** Nurturing a public commitment to the common good and a transformed democratic culture.

The strategy to establish this mechanism involves several critical steps, including:

- ★ **Problem and Constituency Analysis:** Develop the case for addressing democratic deficit and accountability of public officials and identify citizens groups, civil society actors across the political spectrum.
- ★ **Develop fair and balanced criteria:** Work with a panel of experts and citizens to build consensus around proposed criteria for performance, including quantity, quality, equality, and sustainability of citizen engagement.
- ★ **Create mechanisms to assess performance:** Develop tools and procedures to rate public officials' performance in terms of ensuring citizen engagement and public accountability.
- ★ **Promote public education:** Promote public education and advocacy around effective processes and practices that public officials can use to address each aspect of citizen engagement through the production and dissemination of materials including rating materials equivalent to a voter's guide and a media and communications strategy.
- ★ **Develop funding strategy:** Conduct a mapping of resource requirements and develop an overall funding strategy, for example identify in-kind support from participating organizations and possible foundation support from both conservative and liberal sources.

A key challenge to implementing this mechanism will be the constraints on political party candidates imposed by the two party system. A further challenge lies in both mobilizing balanced stakeholders across the political spectrum and ensuring their ongoing involvement without undermining the initiative's credibility when their interests are at stake.

PROPOSAL 5: KEY NATIONAL INDICATORS INITIATIVE

The Key National Indicators initiative provides a potential opportunity for engaging citizens on the identification of, and monitoring of progress toward, national priorities. Initiated through the Office of the Comptroller General (GAO), the Key National Indicators project seeks to establish a system that enables citizens and public officials to gauge the position and progress of our nation, frame strategic issues, and chart future directions. In a nutshell, the Key National Indicators will better answer the question, "How well are we doing as a nation?"[6] Furthermore, the Key National Indicators Initiatives holds that, "By providing a picture of the USA's overall condition, a national indicator system would also allow individuals and their elected representatives to better assess the impact of particular interventions and policies, thereby promoting accountability."

There are several ways the American public can be involved in the Key National Indicators Initiative, which is temporarily housed at the National Academies until it has been established as a free-standing, independent organization:

- ★ Provide input into the development and design of key indicators
- ★ Support monitoring and reporting on indicators through participatory methods
- ★ Semi-annual public reporting on attainment indicators, for example at State of the Union address

CONCLUSION

Designing 21st Century Governance Mechanisms recognized that the time is right to launch an ambitious initiative to ignite the democratic imagination of Americans. Furthermore, conference participants shared a sense that this is a "seizable moment" to link with institutions and public figures of stature and credibility to move a common agenda around democratic renewal forward at the national level. The most obvious and exciting opportunity in this regard is to support the work of the Key National Indicators Initiative and the Comptroller General's leadership roles in using the indicators to pressure government, civil society, and private sector action.

A related point of leverage around the *Key National Indicators Initiative* is the involvement of citizens in the development of indicators that are meaningful to them, in particular around the health of civic and political engagement, and how the public itself can be involved in the development of these and other indicators.

Furthermore, along with the recognition that involving citizens in the development of Key National Indicators is an important leverage point in the strategy to embed the indicators in a new national governance mechanism, a finely tuned understanding of the qualities of democracy that citizens care most about is needed. An essential insight here is that, while it is known citizens are withdrawing from traditional forms of civic engagement, it is not clear that the creation of alternative modes of participation will be sufficient of themselves. Any serious proposal for reform must contend with factors such as the conflict and contentiousness of politics today, the deep polarization and paralysis in Congress, and the lack of good data about the extent to which citizens see themselves as agents of reform.

Once these qualities have been identified, they can be used as part of an accountability mechanism. One way to get at these qualities would be to carry out a large-scale national interviewing process modeled after the Commonwealth Foundation's multi-node international survey of citizens, participation, and democratic aspiration. Support from

6 http://www.keyindicators.org accessed August 17, 2006

existing institutional leaders such as the Kettering Foundation, the Public Agenda Foundation and others would both enable a high quality field study and establish the necessary institutional thrust to raise these ideas to the national level for discussion and debate.

A concluding message that resonated with many participants in the New Governance Mechanisms conference is that the five mechanisms outlined are, when taken together, a powerful metaphor for national renewal as well as a practical roadmap for reform; as a whole, they deal with the systemic nature of our democratic deficit and operate on several important fronts, including the legislative and executive branches of government.

A critical question coming out of our conversations is whether it would be a more fruitful strategy to select one specific mechanism that can be moved forward quickly.

The answer to this question will come from further investigation and stakeholder involvement in the central concerns of our democratic deficit, as well as data collection around the potential role of other institutions, either as incubators for a new governance mechanism or as illustrative case examples.

A critical next step in this work will be to advocate among potential funding allies to convene a donor meeting that would consider strategies to coordinate funding in this field. For example, funders could work together by pooling their resources into a common fund for democratic renewal, from which an initiative like the New Governance Mechanisms initiative could draw. This would eliminate the need to apply to several individual foundations, thereby increasing efficiency on both sides of the funding "arrow."

Finally, it was also recognized that much more work and thought needs to go into understanding the evolving role of media – in relation to this work, and society as a whole. A key recommendation is to work explicitly to bring journalists together for informal brainstorming discussions. The transformation of both the reporting process, the basic tools of the trade, the rise of citizen-reporting and the evolving relationship between media outlets and their audiences all have significant implications for how the evolving "public sphere" informs and engages citizens around the health of democracy and our options for reform.

At the end of the day, *Designing 21st Century Governance Mechanisms* was an inspiring, productive, and invigorating conversation for all of us. America*Speaks* is especially grateful to everyone who was able to take time away from their important work to join us at Pocantico, and we are grateful for the generous support and hospitality of the Rockefeller Brothers Fund in making this meeting possible.

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About America*Speaks*

America*Speaks* is a nonprofit organization committed to reinvigorating American democratic practice at the national level by developing new institutions that link citizens across the country to policy making in Washington. To meet this commitment, America*Speaks* has developed new approaches for engaging the public that take democracy to a larger scale, so thousands, even millions, can take part in nationwide deliberations.

Since 1995, America*Speaks* has sought to transform democracy as we know it by engaging citizens in the most important public decisions that impact their lives. More than 65,000 Americans have participated in America*Speaks*' forums, called 21st Century town Meetings™, linking the public to decision makers. Each forum integrates intimate, face-to-face discussion with state-of-the-art technology to provide a new kind of venue for the public to be heard.

America*Speaks*' most ambitious initiative at the national level to date was a two-year national dialogue on social security reform, funded by the Pew Charitable trusts, called Americans Discuss Social Security (ADSS). Between 1997 and 1999, Dr. Carolyn J. Lukensmeyer—founder and president of America*Speaks*—directed this two-year nationwide dialogue about the future of social security. The goal of ADSS was to take the best of the New England town hall meeting—citizens talking with citizens to solve problems—and utilize technology to efficiently and effectively involve hundreds, even thousands, of citizens at the same time. Through these efforts, combined with television coverage of ADSS interactive video teleconferences and large city forums, literally millions of Americans had the opportunity to be touched by ADSS in a 15-month period.

For more information, visit www.americaspeaks.org