

CONTRACT TO UNITE AMERICA

*Ten Reforms to
Reclaim Our Republic*

Sign Here:

Neal Simon

Introduction

Election Day came two weeks early for me in 2018.

On October 23, at 10:45 p.m., I was sitting on the couch in our family room where, after channel surfing for a few minutes, I settled on *Pretty Woman*, a movie I'd seen many times. At that moment, I was running for the U.S. Senate and was nervously awaiting a text from Steve Crim, my campaign manager, about the new poll numbers that would reveal whether we still had a plausible path to victory.

I like *Pretty Woman*, partly because I'm a sucker for sappy love stories and also because my wife, Jennifer, has been told many times that she looks like the film's star, Julia Roberts. At this moment, Roberts and Richard Gere were keeping my mind off the pending survey results. Under any circumstances, unseating Maryland's Democratic incumbent Senator Ben Cardin would have been a long shot, since 55 percent of Maryland's registered voters¹ are Democrats and our state hasn't sent a non-Democrat to the Senate since 1980. But what I was trying to do was even harder. I was running as an independent, unaffiliated with either major party, and without the resources and brands that benefit their candidates.

Since launching the campaign in February, I had made multiple visits to all twenty-three Maryland counties and the city of Baltimore,

spreading my message of uniting the country and changing the way Washington works. In mid-September, the first public opinion poll had me at 8 percent. After a televised debate in early October where I faced off with Senator Cardin and Republican challenger Tony Campbell, I was at 18 percent. It was an encouraging trajectory, suggesting that a path to victory, which Steve had laid out months earlier, was possible.

To stay on track, we needed to jump to around 28 percent. This would create what my friend Greg Orman calls “escape velocity.” Greg, who had run as an independent for a U.S. Senate seat in Kansas and nearly won four years earlier, believes that once independents get into the mid-twenties in polls, they escape the “spoiler argument” used by both Democrats and Republicans. We were cautiously optimistic, hoping for a final sprint that, if successful, might give me the opportunity to change the U.S. Senate. Julia Roberts and Richard Gere were dining in his hotel room and beginning to fall in love when my iPhone signaled an incoming text.

“Just got initial results, and they don’t look good for us,” read Steve’s message. “Give me a call and we can chat.”

I phoned him back and learned that we were now at 10 percent. The result was devastating. We realized we had no chance to win. Having no wish to waste money or volunteers’ time—or to give independent-minded voters false hope—I immediately stopped raising money, scaled back our staff, and canceled our campaign advertising. Once I knew I was going to lose, it didn’t matter to me whether I finished with 24 percent or 4 percent. The race was effectively over. I would come to think of October 23 as my “real Election Day.”

Although that day was the low point, my year of campaigning was a rewarding and enlightening experience. I developed a deep connection with the people of Maryland, many of whom had opened up to me about the struggles in their lives. I had no interest in doing the bidding of party

bosses or special interest groups. I ran for office to bring our country together and to solve problems for the citizens of my state. And I never felt as passionately about anything I had done during my career.

While campaigning, I found that there is one political view that most voters share: our government is broken. To most people “broken” does not mean that their leaders hold ideological views different from their own. Instead, Marylanders expressed a belief that U.S. politics has become needlessly polarized and that our government is failing to address a host of important issues. This is true not only in my state. In 2019, the Gallup polling organization found that for the first time Americans of both parties view poor government as our greatest obstacle.² Confidence in our nation’s ability to deal with either domestic or international issues has been “severely breached,” Gallup found, and has reached record lows. Asked to rank the “most important problem facing the country today,” nearly twice as many Americans named dysfunctional government as any other issue.³

Americans know our political system has been divided and debilitated, even if they aren’t sure how and why it happened. Ordinary citizens might not have all the answers to the crisis at the United States-Mexico border, for example, but they can see that Democrats and Republicans would rather blame each other than work together to find a solution. They may realize that the Civil Rights Act (1964) and the Medicare Act (1965) passed with majorities of both parties, while the more recent Affordable Care Act (2010) and the Tax Cuts and Jobs Act (2017) went through without a single vote from the opposing party, but they don’t know why compromise in Congress is now unreachable. They couldn’t tell you how many confirmation votes Ruth Bader Ginsburg got in the Senate (ninety-six) or how many months Mitch McConnell blocked Barack Obama’s replacement for Supreme Court Justice Antonin Scalia (fourteen), but they know the confirmation hearings for Justice Brett

Kavanaugh turned into an unruly political circus.

Average Americans aren't experts on political polarization. But they are certainly cognizant that our civic discourse has become uncivil, our governing institutions are ineffective, and the two dominant parties are under the thumb of hyperpartisan ideologues. Americans intuitively understand, as Harvard historian Jill Lepore wrote, "The more polarized its members, and the fewer the moderates, the less productive the Congress."⁴

When I ran for Senate, what I found was a system that benefits career politicians and challengers who are willing to court the base of one of the two major parties, but works in a hundred ways to undermine pragmatists who just want to serve their country. I confronted a duopolistic electoral system with onerous ballot requirements designed to block challenges from anyone other than the most partisan Democrats and Republicans. I campaigned in contorted congressional districts drawn to practically guarantee the success of select candidates, normally incumbents.

I encountered a rigged system in which independent voters are prevented from participating in the most important elections and party primaries relentlessly weed out moderate candidates. I discovered that incumbents control the way election debates work and how they manipulate the system to deny voters exposure to new candidates and fresh issues. I witnessed special interests funneling 90 percent of their funding to incumbents' campaigns⁵, and I saw how they demand, in turn, that candidates pledge to support specific agendas.

Perhaps most depressing is that I found a political system built upon frenzied, angry fights, with little room for thoughtful or civil discourse. I encountered little interest in actual solutions that could gain bipartisan support. Instead of problem solving, political insiders were focused on the game—how to win and stay in power. Inside the

Washington Beltway, I repeatedly heard some variation of this: “Neal, you are right, but you cannot win this way.”

The Fruits of Hyperpartisanship

We didn’t get to this place overnight. The polarization warping U.S. politics can be traced to many historic factors, including the geographic self-sorting of Americans along political and cultural lines and a precipitous decline of objectivity in the mainstream media. These divisions in our society have been exacerbated by the rise of one-sided talk radio hosts, shout-fest cable TV, hyperpartisan Internet outlets, and social media echo chambers.

Moreover, the 1994 midterm elections changed the calculus for each party. Except for a two-year period during the first Eisenhower administration, the House had been safely in Democratic hands for as long as anyone on Capitol Hill could remember. Each party had more or less accepted this situation as the status quo. Suddenly, with the stunning GOP sweep, that model was altered, and both Democratic and Republican party strategists—and each party’s activist base—began to treat each election cycle as a potential apocalypse. They feel that way because of the winner-take-all customs on Capitol Hill, where a single-seat margin translates into control of every committee, the legislative calendar, and the gavel in that body of Congress.

“We have a two-party system that the Founders didn’t want, didn’t envision, and tried to prevent—but which was nonetheless an inevitable result of the Constitution they wrote,” says Brookings Institution political scientist William Galston. “Today, we have a government that is not only closely divided, but deeply divided. And we’ve learned that that’s the worst of both worlds.”⁶

The results can be seen in the following two sets of facts:

BREAKDOWN OF THE U.S. ELECTORAL SYSTEM

Less than 10 percent of congressional general elections are considered competitive.⁷

The results of the other 90 percent of races are determined in a party primary by less than 20 percent of registered voters.⁸

The cost of elections rose from \$1.7 billion in 2000, to \$4.2 billion in 2016, and to \$5.7 billion in 2018.⁹

In 2014, four years after the Supreme Court's decision in *Citizens United*, .001 percent of the population donated 29 percent of all political contributions.¹⁰

Incumbents get \$9 in special interest money for every dollar that goes to a challenger.¹¹

CONGRESS'S FAILING GRADES

The congressional approval rate is just 18 percent.¹²

Over the past seventy years, the share of congressmen and congresswomen who are moderates has fallen from 60 percent to just 12 percent.¹³

Over the same time period, the share of salient issues deadlocked in Congress has risen from about one in four to about three in four.¹⁴

The number of bills passed per congressional session has declined by half over the past forty years.¹⁵

Virtually *zero percent* of policy changes approved by Congress benefit the average American.¹⁶

The upshot is that Washington has become chronically incapable of solving problems. This is true, George Washington University political scientist Sarah A. Binder has shown, even on topics in which the outlines of a compromise are obvious and Americans have reached consensus.¹⁷ Immigration and infrastructure are two examples where most Americans agree on a path, yet Congress cannot get anything done.

In fact, in the same Gallup poll showing a historic lack of confidence in government, the second biggest problem cited was immigration.¹⁸ How Congress has dealt with this issue is a case study in political stalemate. Nearly everyone who has studied immigration believes the solution entails fortifying border security, forging a national consensus about *legal* immigration, modernizing procedures for those seeking entry as refugees (while housing them humanely), and implementing a path to citizenship for the millions of immigrants who have been here for years, especially those brought as children.

Long before Donald Trump vowed to build “a big beautiful wall” on the southern U.S. border, legislation that would have brought Americans what they want was derailed by right-wing Republicans and left-wing Democrats. It happened three times in a decade.

In May 2006, on a 62–36 vote, the Senate passed a compromise forged by Edward Kennedy and John McCain.¹⁹ It called for increased border fencing, enhanced surveillance technology, and more border agents. It also expanded guest worker provisions and provided a path to citizenship for those who had lived here for many years. Although President George W. Bush praised the “bipartisan comprehensive reform,” the bill never made it to his desk. Capitulating to opponents of amnesty, Republican House Speaker Dennis Hastert refused to bring it up for a vote. The House had passed its own comprehensive bill earlier, meaning a House-Senate Conference Committee could

have been tasked with reconciling the two bills. No such committee was formed, however, and when the 109th Congress went out of session, the legislation expired.²⁰

Two years later, another window of opportunity opened. In 2008, with the House in Democratic hands, Kennedy produced another bill, this time by working with Arizona's other Republican senator, Jon Kyl. Bucking the Senate's most liberal and conservative wings, Kennedy came up with just enough votes. At the eleventh hour, this fragile coalition was killed by a parliamentary trick known as a "poison pill." At the behest of organized labor, an amendment was offered to gut the bill's guest worker program. Its sponsors knew that adding this provision would make it impossible for most Republicans to support the bill. The poison pill amendment passed by one vote, with Democrats Hillary Clinton, Joe Biden, Bernie Sanders, and Barack Obama supporting it. As intended, it killed the legislation.

In 2013, the Senate approved a comprehensive plan developed by the Bipartisan Commission on Immigration Reform. But with Republicans back in control of the House, Speaker John Boehner wouldn't bring it to a vote. It had the votes to pass, but Boehner shelved it because a majority of Republican members weren't in favor.

Trump and his critics spent much of 2019 bickering over whether a "crisis" existed at the Mexican border. This was a frivolous argument. Whatever you call it, it's a serious problem that our politicians have failed to address for two decades. And it could have been resolved if they had been willing to work together.

Immigration is not an isolated example. Our political system is gridlocked on nearly every important policy issue we face. If our elected officials cannot put aside partisan concerns in areas where there is broad consensus, how can they tackle complicated issues such as gun violence, exorbitant healthcare costs, the burgeoning national debt, and

a deteriorating education system? And is there any hope that we can address sweeping subjects such as income equality, climate change, and a dynamic global economy?

The answer is that, as long as we continue to reward hyperpartisan behavior, lawmakers will not solve these problems. For the most part, the men and women we send to Washington are not bad people. In my experience, they are likable folks who are simply responding to a perverse set of incentives.

“The problem is not Democrats or Republicans or the existence of parties *per se*. The problem is not individual politicians; most who seek and hold public office are genuinely seeking to make a positive contribution,” Katherine M. Gehl and Michael E. Porter observed. “The real problem is the nature of competition in the politics industry.”²¹

Gehl, a successful business executive, and Porter, a prominent Harvard Business School professor, wrote a much-acclaimed critique of U.S. politics that described a dysfunctional duopoly producing poor results for its customers, namely American citizens. “We need a new approach,” they wrote. “Our political problems are not due to a single cause, but rather to a failure of the nature of the political competition that has been created. This is a systems problem.”

To win elections, officeholders are forced into political corners where nothing gets done for the American people. They can’t even pass a rational budget, which is why we’re running \$1 trillion peacetime deficits and accumulating a national debt that will cripple future generations. They can’t approve presidential appointees in a timely manner and have trouble even keeping the government open. Partial shutdowns have become a regular feature of our politics, as though that were a normal way to run an enterprise. Lawmakers and presidents have closed national parks, stiffed government contractors, furloughed millions of federal employees, and caused havoc in the lives of citizens in standoffs over abortion,

defense spending, and most recently—in the longest shutdown in U.S. history—over immigration policy. On most days, those on opposite sides of the aisle can't even have a civil conversation, let alone a good-faith negotiation that produces the reasonable legislative compromises the American people want and need for a functioning society.

Flipping the Narrative

In the early months of my campaign, I spoke to a group of sixty business leaders in the Dirksen Senate Office Building on Capitol Hill. This impressive edifice was named after Everett Dirksen, a moderate Republican from Illinois who served in the 1950s and 1960s as Senate minority leader. Dirksen was known for his ability to work constructively with Senate Democrats and presidents of either party. In a building named after this great statesman, I discussed the gradual breakdown of the U.S. Senate, once known as “the world’s greatest deliberative body.” One reason the Senate was held in esteem was men like Everett Dirksen, who not only knew how to forge compromise, but who never lost faith in the country and its representative form of government. American democracy, he was fond of saying, is like a waterlogged boat. “It moves slowly, it doesn’t change direction quickly, but it never sinks.”²² I found myself wondering if we are moving at all these days and whether our ship remains unsinkable.

I’m hardly alone. “Our country is on a dangerous trajectory,” Charles Wheelan, a Dartmouth University economist, wrote in *The Centrist Manifesto*, his call to action. “We are mired in serious policy challenges, in large part because the political process has moved beyond gridlock to complete paralysis.”²³

Wheelan conceptualized the “fulcrum strategy,” which became an

inspiration for my Senate run. Imagine electing a few independents—two or three might suffice—who would naturally ally themselves with the handful of Senate moderates from each party. In a closely divided Senate, this group would have the leverage to force changes in everything from improving the judicial confirmation process to passing comprehensive immigration legislation—and perhaps even choosing the Senate majority leader.

Charlie, who encouraged me to run for Senate, also founded Unite America, an organization working to strengthen our country's governance through its support of nonpartisan political reform initiatives. Other groups with similar aims have sprung to life, including Bridge Alliance, FairVote, Independent Voting, Issue One, Leadership Now, No Labels, RepresentUs, Stand Up Republic, the Bipartisan Policy Center, the National Association of Nonpartisan Reformers, and the Center for the Study of the Presidency and Congress.

Leadership Now estimates that \$122 million is spent annually on reform efforts.²⁴ This sounds like a healthy figure, but it's a tiny fraction of the \$56 billion spent on political activities by corporations, unions, the two major political parties, and various other interest groups.²⁵ Money is influence in Washington, and special interests and rich ideologues are outspending the rest of us 434 to 1.

By the way, when I say "us" in this book, I mean all Americans who are not part of the far right or the far left. Some of us are political independents. Some belong to third parties, such as the Libertarian Party or the burgeoning Alliance Party. Many of us consider ourselves moderate Democrats or Republicans—the kind of Americans who have a point of view, but who want a more effective government and who don't assume evil intent on the part of those who vote differently from us. We are the majority of Americans. We are not part of either party's polarized activist base, we don't contribute massive amounts of money

to political campaigns, and we don't inundate our elected officials with angry missives.

But we need to get involved, and now is the time. A critical mass of Americans knows that what we have is broken. As you will see in the pages that follow, we have some momentum on a number of reform efforts to fix the system. These opportunities don't come along often. It's been almost three decades since Ross Perot ran as an independent candidate for president and tapped into widespread voter dissatisfaction. While things in Washington are much worse today, the good news is that more people realize it.

Thousands of would-be reformers have joined over one hundred groups. Although these pages will relate some of my experiences as a candidate challenging the two-party system for a seat at the table, this contract is about something far greater than a single campaign. This book is intended as a rallying point and a guide for those of us working to restore the soaring promise of democratic self-government.

Contract to Unite America lays out a set of ideas—some original, many conceived by my fellow reformers—that would reshape the incentives in our political system. In 1994, Republicans upended conventional wisdom by winning a majority of the House of Representatives for the first time in four decades. Part of the GOP's campaign arsenal that year was Newt Gingrich's famed "Contract with America." As political theater, it was ingenious and effective. As a blueprint for change, it was something less than that: a litany of pet projects Republican Party bosses had been proposing for years. What America really needs are reforms, passed on a bipartisan basis, that change how politics is conducted in this country.

Six of the items in my contract would counteract distortions to our system that have nearly guaranteed the election of partisan extremists. These items range from how candidates qualify for ballots to how

elections are run. Two additional items deal with campaign finance law—they would require transparency and limit the ability of corporations, special interests, and oligarchs to outspend everyone else. Two others would encourage better behavior in our elected officials after they arrive in Washington. Every one of these ideas, polls show, is favored by at least 60 percent of Americans.

None of the items in my contract would be enough by itself to fix our broken system, but each one would make a difference, and together they would rejuvenate American democracy. Can it be done? The political realist in me admits to harboring doubts. But the romantic in me believes in happy endings, like in *Pretty Woman*. In that Hollywood fairy tale, Richard Gere's Edward, the wealthy businessman who rescues Julia Roberts's Vivian character, must conquer his fear of heights to scale the castle (actually, a fire escape) to save our heroine. Vivian, in her own words, "rescues him right back."

It's time for Americans to save each other. At the least, we need to learn how to work together again for the common good. We've done it before, at times that also strained the bonds of our affection. In his last speech, Senator John McCain lamented the result of forgetting this lesson.

"We are getting nothing done, my friends," McCain said. "We're getting nothing done."²⁶

That can change. Yes, it's true that we now have a system dominated by a duopolistic political elite accomplishing very little for the American people. But it's also true that Americans know the system is broken and they want to fix it. And I present you a plan.

The Contract to Unite America

As citizens, we believe our government is divided and ineffective. Our elected leaders have not taken essential policy steps regarding education, immigration, infrastructure, job creation, healthcare costs, and our national debt, to name a few.

Washington, D.C., has been reconfigured by partisan insiders to benefit their parties and funding allies. Our political system incentivizes divisiveness and gridlock rather than practical solutions to our nation's pressing challenges.

To counteract today's destructive hyperpartisanship, we need fewer rigid ideologues and more pragmatic representatives willing to collaborate for the common good. We need more legislation passed on a bipartisan basis. We need more action, especially when a majority agrees on an issue. And we need more civility. As Abraham Lincoln said in his first inaugural address, "We must not be enemies. Though passion may have strained, it must not break our bonds of affection."

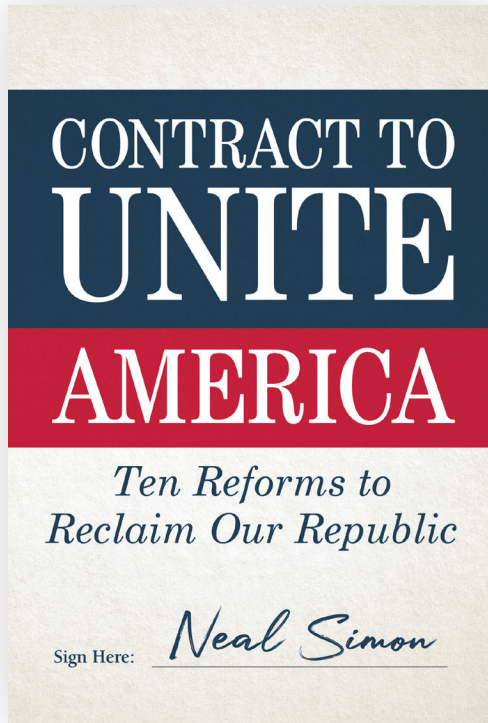
We want to be proud of the way free people govern themselves. In that spirit, we propose the following measures:

1. **Open Primaries Act:** Every publicly financed election, including primary elections, will be open to all registered voters, regardless of party affiliation.

2. **Educated Electorate Act:** A nonpartisan Federal Debate Commission will be created to ensure the fairness and caliber of presidential and congressional election debates.
3. **Term Limits Constitutional Amendment:** Members of the U.S. House of Representatives will be limited to three terms of two years. Members of the U.S. Senate will be limited to two terms of six years.
4. **Elections Transparency Act:** For any contribution of \$100 or more to any candidate, party, or political entity, the donor's identity must be disclosed publicly.
5. **Campaign Finance Constitutional Amendment:** Government may distinguish between corporations and people, and Congress and the states can apply reasonable limits on campaign spending.
6. **Ballot Access Act:** To be included on an election ballot, all candidates will be subject to identical requirements, which cannot exceed five thousand signatures on a petition.
7. **Fair Districts Act:** Each state will form an independent commission responsible for redistricting. Political affiliation can no longer be considered when drawing districts.
8. **Fair Representation Act:** Ranked-choice voting will be used in federal elections, and states with more than one member in the House of Representatives will create multimember districts of up to five members.

9. **Congressional Rules:** Procedures in the House and Senate will be altered to reduce the power of the ideological fringes and encourage bipartisan legislation and cooperation.
10. **Creating a Culture of Unity:** We call on our next president to form a bipartisan administration, for Congress to sign a civility pledge, for Americans to participate in national service, and for our schools to revive civics education.

Collectively these actions will help create a republic that lives up to the promise of America's founding. We ask our fellow citizens as free and independent people to champion these reforms and pledge their names to this Contract to Unite America.



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