

Appendix 6B - The Integrity of American Democracy Underminedⁱ

By Maury Seldin

A Perspective of the of the Dysfunctional of Our Government

Some problems of the dysfunctionality of our government may be viewed from the lens of complexity science considering American Democracy as an organic system. As such, process and structure are attributes critical to its evolution and survival.

For two centuries, significant progress was made towards the ideals articulated in the Declaration of Independence. However, for the last half-century there has been a significant erosion of the functionality of the government in its pursuit of the ideals articulated in the Declaration of Independence. As a result the survival of American Democracy is endangered.

This essay, using a paradigm that blends nascent disciplines with mainstream disciplines, presents a perspective of the situation in which the erosion of the integrity required for a democracy has seriously endangered its survival.

A Paradigm for Understanding the Evolution of American Democracy

A paradigm for understanding the evolution of American Democracy as a complex adaptive system may view the transformation of the Confederation of thirteen sovereign states to become the federation known as the United States of America. That transformation has been called its *Second Revolution*. This essay is designed to be a lead to a trilogy of books calling for a declaration of reform.

The process and structure leading to the Great Experiment, American Democracy, may be described as beginning with a rebellion against the injustices of a tyrant, King George III. The grievances of the colonists went unheeded in a hierarchal structure with a concentration of authority under the leadership of the king of England. What started as a rebellion, morphed into a revolution to some extent because of the rising level of consciousness generated by Thomas Paine in his pamphlet, *Common Sense*. That revolution was the result of a self-organization process of colonists and leadership in the thirteen colonies of the British Empire. When the resulting Confederation was faced with problems such as those of collecting taxes and the united foreign-policy, a quartet of leadership (George Washington, Alexander Hamilton, John Jay, and James Madison) facilitated the transformation from the Confederation to the Federation, a transformation called America's Second Revolution by Joseph J. Ellis in his book, *The Quartet: Orchestrating the Second American Revolution, 1783-1789*.

The structure that resulted was designed to guard against tyranny by using a separation of powers. Article 1 of the U.S. Constitution calls for the legislative powers to be vested in the Congress. Article 2 of the U.S. Constitution calls for the executive powers to be vested in the President. Article 3 of the U.S. Constitution calls for the judicial powers to be vested in the Supreme Court and the inferior courts created by Congress. Before examining some bits of the current conditions as of this writing, it is worthy of note that what we are looking to consider is the *integrity of process and structure* as it impacts the evolution of the organic system of democracy.

The organic system of American Democracy relies heavily on three organs: (1) an economic system for the production and distribution of goods and services; (2) a political system that includes the rule of law

and administration of justice; and (3) a societal system containing the source of authority being vested in the electorate and the pluralistic structure facilitating diversity in life's choices considering unalienable rights articulated in the Declaration of Independence.

Please note that the *Great Experiment*, American Democracy, occurred not by design intended to achieve a federation of sovereign states freed from the tyranny of an autocrat, but rather by a pursuit of justice that evolved through self organization leading to a revolution that produced a Confederation; an entity that quickly evolved into becoming a federation. So, although the lack of justice generated America's first revolution, the justification was articulated in the key sentence; "We hold these Truths to be self-evident, that all Men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the pursuit of Happiness. That the "equality" refers to political equality is discussed by Danielle Allen in her book, *Our Declaration: A Reading of the Declaration of Independence in Defense of Equality*.

The "equality" refers to political equality according to Danielle Allen as she discusses on pages 268-9. My summary of her five facets of the ideal is as follows:

1. Equality of the people of the United States with all other sovereign governments means that the nation as such is free from domination.
2. Each person is the best judge of her or his own happiness and is entitled to equal access to the tools of government.
3. The communities' knowledge is an emergent property from the crowd-sourcing process, not solely relying on experts to determine the course of events.
4. Reciprocity, the mutual responsiveness in the societal structure, goes beyond freedom from domination to equity in the responsiveness.
5. Equal ownership in creating and recreating the community exists by virtue of mutual commitment to the political order.

In discussing the lack of justice, Danielle Allen wrote the following: "In the second paragraph [of the Declaration] they submit facts to witnesses [quoting from the Declaration as follows]: "The history of the present King of Britain is a history of repeated injuries and usurpations, all having in direct object the establishment of absolute Tyranny over these States. To prove this, let the Facts be submitted to a candid world." [p. 93.]

Just as in the homeostasis for human biology is an essential element in the health of the system, so is the homeostasis in the political economy essential for the health of the democratic system. So, understanding the system of democracy as part of the political economy calls for understanding not only separation of powers to avoid the tyranny of the concentration of powers, but also to understand the interactions of the three major social science systems just noted; economic, political, and social.

The Legislative Powers Vested in Congress

The House of Representatives. The House of Representatives is supposed to be a proportional representation of the population. The structure is composed of electoral districts determined by the states, many of which are gerrymandered. Gerrymandering is the formation of district boundaries in order to obtain political gain. It is normally thought of in terms of voting districts being structured in

order to condense the opposition voters into as few districts as possible. But it also exists in stretching them out so thin that their votes are lost as minority votes in a multiplicity of districts. With either approach, the distribution of votes for the representatives of the two major parties is distorted so that the populace's preferences are not reflected in the House of Representatives. Districts may also be gerrymandered to influence congressional representation by race or other demographics.

District boundaries are set by each of the states. Both major political parties utilize the process and there is a tendency to get some continuation over time, although in some cases the courts require redistricting. Gerrymandering erodes the integrity of the system.

The House of Representatives also has an oversight function with regard to the Executive Branch of government including numerous federal agencies. Now that there has been a shift in political party majority in the House of Representatives from Republicans to Democrats from the 115th Congress to the 116th Congress the exercise of that responsibility is going to increase substantially. The big issue is going to be the extent of the pendulum swings. A great deal will depend upon the facts that are revealed by the investigations that are bound to occur; but also of concern is whether the polemics of tribalism are simply reinforced, or whether both sides of the aisle seek a shift to favor the integrity of the system rather than personal power, or party loyalty. Balance is key to progress. The process of moving to balance as structural changes evolve is what homeostasis is about, not only for human biology, but also for the three major organs of the American political economy.

The 2019 record-setting partial shutdown of the federal government stems from the presidential pursuit of reelection in 2020 fostered by vocal leadership of the far right pressuring him to abort a compromise reached in the 115th Congress on the infamous wall issue for the border with Mexico. This speaks to the concentration of power by the presidency holding hostage approval of funding for about one fourth of the federal government in order to obtain political advantage. Again, the integrity of the system is compromised for personal and/or party interests at the expense of the nation's interests.

The United States Senate. As of this writing, the United States Senate, under the leadership of Mitch McConnell, as Senate Majority Leader, will not permit the Senate to take a vote on the funding bills for the agencies (excluding the Department of Homeland Security) in the partial shutdown, unless he receives assurance from the president that the president that he will not veto the bill. It seems that the Senate Majority Leader is focused on the accountability to the president of United States rather than the accountability to the people of United States or even just the people of the state where he will stand for reelection in 2020.

Senators who have displeased the current President of the United States have suffered in varying degrees from his vitriol and political pressure. Some have chosen not to run for reelection. The abuse of the norms of separation of powers is significantly eroded the integrity of democracy in America.

That isn't the only problem with the United States Senate. Consider the responsibility of the Senate for deliberations for advice and consent in March 2016 when President Obama nominated Merrick Garland to fill the seat that became vacant by the death of Antonin Scalia. The Republican-controlled United States Senate would not provide a hearing for advice and consent, choosing to wait until after the

elections in the hope of a nominee from a Republican president. The nomination remained before the Senate for 293 days before expiring with the term of 114th Congress, setting an all-time record.

The Senate approval of President Trump's nomination of Neil Gorsuch as a successor to Scalia was passed with 54 votes. That was substantially less in the 98 votes Antonin Scalia received 30 years earlier. The significance is that Justice Scalia would sometimes vote the same as the justices nominated by presidents who were Democrats. Given the divisiveness prevailing in Washington under the current tribal atmosphere, and behavior of Judge Brett Kavanaugh in his testimony following the testimony of Dr. Christine Blasey Ford, the integrity of Supreme Court as a whole is coming into question.

The drama following the nomination of Judge Brett Kavanaugh moved from *plowing through* the so-called deliberative process of the Senate to allow up to one week for a Federal Bureau of Investigation to conduct an investigation related to the testimony of Dr. Christine Blasey Ford. That change was prompted by Senator Jeff Flake indicating that he would not support a Senate confirmation until the FBI investigated the accusations. That sign of integrity was consistent with that of the late senator (also from Arizona), John McCain, who on occasion would break from party lines. Senator McCain, although a conservative, was clearly an advocate of the integrity of democracy in contrast to what has been emerging as commonplace in the Republican Party starting in the last quarter of a century of the 20th century.

Democracy's Most Dangerous Branch: The Judiciary

One can make the case that the most dangerous branch of the federal government is that led by the president, given the current president's trend towards autocracy and his questionable qualifications for the responsibilities of the office.

Perhaps the Constitution's greatest mission was to avert tyranny. It was for that purpose that a system of checks and balances was designed as part of the network of establishing three branches of government, and a system in which at least two political parties could work together and have an orderly transition of leadership. The Supreme Court in the design is the final arbiter, but it has now risen to become our democracy's most dangerous branch.

Democracy's most dangerous branch of the federal government is the court system that provides for lifetime appointments for Supreme Court justices in a structure where the expected norms appropriate for leading to the Democratic transition of power are not accepted.ⁱⁱ The gaming of the system has enabled a concentration of power.

The gaming of the system has to do with the voting process as well as the structural design for a separation of powers among the branches of government. It may seem strange, but there is no explicit constitutional provision for individual rights to vote. Consider the following sentence in the conclusion of the Alan J. Lichtman book, *The Embattled Vote in America*; "The vote has been embattled for centuries in the United States in large part because Americans lack an explicit constitutional right to vote [page 253]."ⁱⁱⁱ

There is one hopeful sign the recent statement by Chief Justice Roberts when he said: "We do not have Obama judges or Trump judges, Bush judges or Clinton judges. What we have is an extraordinary group

of dedicated judges doing their level best to do equal right to those appearing before them." That is from Thomas J. Freeman op-ed piece (New York Times January 16, 2019) titled "Thank You, Justice Roberts, For Your Voice." Friedman notes that the comment was in the wake of "...a federal judge in San Francisco [putting] Trump' s asylum policy on hold and the president [denouncing] him as an "Obama judge."

The discussion will shortly turn to the administrative branch of government, but the reader may wish to consider one more point in forming a judgment as to which is the more dangerous branch of government, the judiciary or the administrative. For decades, Republicans have managed to get disproportionate shares of judges on the bench in the federal system; apparently with the concern for control for dominance in federal policy. The lifetime appointment for judges to the Supreme Court was probably intended to foster integrity, but that method may be counterproductive. Options for fixed long terms might do better in fostering integrity of the system. That is the sort of thing that might well be considered in a *Declaration of Reform*.

Remnants of Norms in the White House

One view for the context of the remnants of norms in the White House is summarized in the opening paragraph of the trilogy's first book, *Common Sense Revisited: America's Third Revolution*. That opening paragraph is as follows:

The internal threat to American Democracy is greater than any of the external threats. The decay in political structure and process triggered a rejection of *The Establishment* as represented by both of the two major political parties. The rejection of *The Establishment* was reflected in the 2016 election of a president representative of the decay that has occurred in the American culture, impinging upon the progress towards the ideals of political equality envisioned in the Declaration of Independence.

This view of the context is based upon the paradigm that is used in the analytics for the assessment of threats to the health of the system and/or likely outcomes. The paradigm used here is built upon the lens of complexity that goes beyond direct cause-and-effect into patterns to be expected with nonlinear systems. That paradigm is often used without the formality for the use of the nomenclature of complexity science. Consider the following paragraph, the concluding paragraph from the lead story of the Sunday Business Section of the New York Times on September 20, 2018, authored by Neil Irwin. It is titled "The Invisible Recession Of 2016." What may be deemed to be a subtitle is "The most important economic event of the decade that people didn't even notice." The paragraph is as follows: "Like it or not, the complexity of our global connections means that policy can't just focus on the home front. In 2016, we learned that lesson the hard way, even if not everybody was paying attention."

That closing paragraph is a counterpoint to three key paragraphs. The box that follows contains the selected paragraphs in a sequence different from the sequence used in the well reasoned presentation.

- When Federal Reserve officials meet eight times a year to set interest rate policy, their job, assigned by Congress, is to figure out what is best for United States economy. Their job isn't to set a policy that will be best for China or Brazil or Indonesia.

- In 2015 Chinese leaders were concerned that their economy was experienced a credit bubble, and they began imposing policies to restrain growth. These worked too well and caused a deep slowdown. That in turn caused troubles and other emerging nations for whom China was a major customer.
- Each of these forces has connections to the others. It wasn't one problem, but it intersection of a bunch of them. That made it devilishly hard to diagnose, let alone fix, even for people whose job was to do just that.

The point here is that 21st-century policy decisions still appear to be dominated by 20th-century analytics, but nascent disciplines improve our ability to make choices more likely to provide desirable outcomes. While the case used for illustration is indeed complex, even the simplest application of the lens of complexity was beyond the capability of the president United States as illustrated in the discussion of the Bob Woodward book, *Fear*^{iv}

The election of Donald Trump as President of the United States is partially explained in the first two chapters of the Bob Woodward book, *Fear: Trump in the White House*. In short, the campaign strategy prioritized (as do most politicians) the swing states and the few states that caucus early for the Republicans, the party that had not been Trump's; and specified positions on issues that Trump would need to adopt. Trump had no difficulty in reversing his position on issues in order to be attractive to the voters and to prioritize whatever issues that would bring in the votes. To some extent this is in the norms of politics, but in his case more realistically identified as realpolitik.

One guess about his beliefs is that the only ideology he has is self-aggrandizement coupled with winning in a zero-sum encounter utilizing linear reasoning with no concern for truth. This operates without the analytics of side effects that would impact other concerns. In short, his election strategy was external to his thinking; others devised a strategy and he thrived on the process carrying forward his TV career style. However, once in the office, the analytics for his thinking had not changed, and it was up to his staff to try to save him from harming the country.

The best example of that is in the first few pages of the Woodward book, *Fear*, where it is reported that the president's top economic advisor "...removed a one-page draft letter from the president addressed to the president of South Korea, terminating the United States-Korea free trade agreement..." If the letter were sent, under threat would be the military alliance that could make the difference in the lead time the United States would have in the event North Korea launched an ICBM missile. Also noted was that "a missile from North Korea would take 38 minutes to reach Los Angeles." Additionally noted was that existing arrangements would enable the United States to know the launch within seven seconds, but without that the alternative would be 15 minutes "... an astonishing time difference." [The quotes are from the first two pages of the book's prologue.]

Obviously there were other forces at work, but Donald Trump came to the presidency with no respect for the norms for the office, and without the thinking patterns expected of the office. Especially lacking were his respect for the institutions that are critical for a free society; particularly the rule of law, freedom of the press, truth, and justice. Without respect for those institutions, and actually caring about the lives of the people, the integrity of American Democracy cannot survive.

Restoration of Functionality of Our Government

Three Levels of Meeting Problems

The three levels of approaches for meeting problems may be categorized as a *curative approach*, a *preventive approach*, and a *perfective approach*.^v The one most familiar is curing a problem after it occurs. The second is preventing the problem from occurring. The third is at the level of structuring an organic society that can through its biological process produce self corrective-actions such as healing a wound. That is relying on the design of the systems biological process to favorably influence structure.

As noted at the beginning of this article, we are using the lens of complexity science in considering American Democracy as an organic system. As such, process and structure are the attributes critical to its evolution and survival. Continuing with the analogy, injustice is considered as a societal cancer. This is useful in considering options useful for the restoration of functionality for our governments, state and local, as well as federal.

Curative Approach. The curative approach is illustrated by courts ordering a redistricting of gerrymandered voting districts. Consider the case of the North Carolina Redistricting Chair, David Lewis, having been quoted to say "...to the extent [we] are going to use political data in drawing this map, it is to gain partisan advantage." That is reported in the *Charlotte Observer*, January 11, 2018 which also notes: "Lewis also defended a map that gave Republicans a 10-3 partisan advantage in the state's delegation to the U.S. House of Representatives: 'because I do not believe it possible to draw a map with 11 Republicans and two Democrats.' "

The lawsuits are curative approaches to the injustices of gerrymandering. In the federal case, the basic charge is that gerrymandering is in violation of Article 1 of the Constitution, the First Amendment, and the Equal Protection Clause of the Fourteenth Amendment. The curative approach to injustice is illustrated by the memorandum opinion documented in 321 pages, is linked as follows: "[the court wrote.](#)" It is discussed in the link [NC congressional districts need to be redrawn, court rules | News ...](#)

North Carolina is a state of about an equal number of Democrats and Republicans. As a result of the 2018 elections, the state has elected a Democratic governor but maintains a majority of Republicans in the legislature. As a side note, the legislature attempts to weaken the authority of the governor. As an additional side note, the federal government only ruled on the congressional districts for the federal government; so a second lawsuit is in progress in the state courts preparatory to the 2020 elections.

Gerrymandering, the formation of district boundaries in order to obtain political gain, erodes the integrity of the democratic system; it is cancerous to democracy. It is an injustice intentionally committed in pursuit of power and when it reaches the stages as just discussed the case in North Carolina, the curative approach may be somewhat analogous to the curative approach for advanced cases of cancer.

Curative options for late stages of cancer amount to remedies such as to *cut, burn, or poison*; surgery, radiation, or chemotherapy. It is a laborious painful process that takes time to remedy in the sense of preventing further spread in the organic system, the damage/injustice already done may not have been corrected.

Preventive Approach. Prevention, the preventive approach, is to avoid the damage from occurring. That is, to structure the system so that the process provides justice rather than injustice.

Consider the case of structuring the Supreme Court with justices whose values have a diversity somewhat reflective of the diversity of the electorate. The responsibility of justices is to interpret the law, not to make law, yet the paradigms within which interpretations and judgments are made reflect the understanding of the law in the minds of the justices, and that understanding varies.

The Constitution, in an attempt to insulate the justices of the Supreme Court from political pressure including pressures from other branches of government, calls for lifetime appointments for Supreme Court justices. However, a record for gaming of the system of the Senate's responsibility for deliberations for advice and consent of presidential nominations occurred in 2016.

As noted earlier, in March 2016 when President Obama nominated Merrick Garland to fill the seat that became vacant by the death of Antonin Scalia, the Republican-controlled United States Senate set an all-time record of failure to hold a hearing on the nomination in the 293 days left during the term of the 114th Congress. The seat was filled with Senate approval of President Trump's nomination of Neil Gorsuch as a successor to Scalia was passed with 54 votes. That was substantially less in the 98 votes Antonin Scalia received 30 years earlier.

Among the structural changes under discussion is an abandonment of lifetime appointments to the Supreme Court. One idea is to move toward 18 year terms on the basis of nine Supreme Court judges with staggered appointments. Once the spacing was accomplished, one seat would automatically become available every two years. If a seat became available before the expiration of the term, the successor would have either only the partial term remaining, or if that term was relatively short, the partial term plus a full term of 18 years.

The transition process would not be easy on two counts. The first is that a constitutional amendment would be required a bending a lifetime appointment process. The second is that there would need to be a legislative agreement on the potential use of additional judges as part of the transition. Nevertheless, a revised structure would ameliorate the problem.

Perfective Approach. Both the curative approach and the preventive approach rely on process to move from injustice towards justice. The perfective approach relies on the design of the biological system, be it for the human body or for the body of society, to favorably influence the structure of the human body or the societal body. That design is the result of an evolutionary process.

For the human body, science has provided substantial knowledge about the processes of evolution of genes and memes influencing the behavior of individuals. In the case of democracy, and the emergent phenomenon arising out of the behavior of individuals, we are still dealing with genes and memes. The difference is that the scale of networks has changed with a shift from focusing on organs of the body to the organs of society, including the networks in emergent properties found in the particular systems.

For the societal organic system, it is in the context of how one human being relates to other human beings, and how the networks provide emergent properties that emerge in the societal and economic system as well as the political system. Considering our focus on the political system, we may start with

one's sense of place in that structure, and the ethics that are observed as they impact the integrity of the system.

The short version of the dysfunctionality of our government is that we have lost the integrity of the democratic system because of the erosion of the norms of our behavior, manifestation of the ethics that underlie the decisions made. *The sense of place and empowerment of the populace falls short of the self-healing processes that require a better balance of self-interest and community interest.*

In the case of curing the injustices of gerrymandering we are simply dealing with correcting behavior of individuals embedded in the network seeking power for a political party at the expense of eroding the integrity of the democratic system. In the case of the preventive approach we are again looking at the same problem of individuals acting within the network seeking political advantage at the expense of eroding the integrity of the democratic system. We are not devoting sufficient attention to the analytics and morality essential for greater reliance on the culture essential for self-healing of the democratic system.

Fostering Process Starts With the Individual

So, it seems that there is a cultural problem; apparently in that there is an absence of enlightenment on the part of individuals in understanding the consequences of trading off integrity of the democratic system in favor of gaining personal and political party power. It may be that the strength of belief is that their vision (individual or party) is so superior to the vision (individual or party) of the other to such an extent that they are willing to sacrifice the pluralism essential American Democracy in order to achieve a tyranny at the expense of the unalienable rights of the rest of society. A survival of American Democracy is dependent upon a pluralistic composition that is based upon the exercise of unalienable rights, especially including peaceful and civil transfers of governmental authority with free elections and rule of law.

Understanding this is helped by understanding the advances in the sciences, and limitations of vestigial remnants of genetics and societal mores. We can consider this from the vantage point of ethical behavior.

As discussed in the first book of the trilogy, ethical behavior is in the context of the memes, the elements of culture passed by nongenetic means. The genetic sources of behavior include genes embedded in what Edward O. Wilson refers to as "... The Paleolithic curse: genetic adaptations that worked very well for millions of years of hunter-gatherer existence but are increasingly a hindrance in a globally urban and techno-scientific society [*The Meaning of Human Existence*, page 176]." The paragraph starts with "Human beings are not wicked by nature." It continues to say after some optimistic comments that "The problem holding everything up thus far is that *Homo sapiens* is an innately dysfunctional species."

As dysfunctional as the human species is, it has made some progress by enlightenment, but that enlightenment seems to be receding. For American Democracy, it was boosted with the Great Depression when survival necessitated banding together for the common good. It was again boosted during World War II when America took the lead in battling the evil that was threatening its survival.

Designing a Process for Progress. It is expensive to have to rely on grave danger in order to band together for the common good. It is far less costly to invest in the social capital for institutional arrangements that fosters a health of the system. Just as bodily cancer is a violation of the rules for human health because some cells in combination with other cells fail to perform properly, so it is with societal cancer attributable to individuals, in combination with other individuals, failing to observe key elements of societal integrity; rule of law, and the other institutional arrangements for a free society.

Consider that diversity in representation is important because of the concept of majority rule, but with the protection of the rights of minorities. The point is to avoid the tyranny; not only of the minority but also of the majority. All eligible voters are nutrients to the operation of a democratic process, and a balanced diet is essential to health. A winner-take-all philosophy is destructive of democracy. In short, the health of democracy is highly dependent upon the choices of all eligible voters being faithfully represented in the system, essentially because all participants are nutrients in the recirculation system of democracy, politically as well as economically; they impact the quality of life for themselves and the rest of the community.

Clearly, American Democracy is endangered because the current trend is toward a nationalism built upon a tribalism that is moving away from democracy towards a plutocracy; a plutocracy that will not long endure and could lead to something even worse. The challenge is to capitalize on diversity in returning towards the path of the ideals expressed in the Declaration of Independence.

America's Second Revolution, that provided the Constitution of the United States, provides the foundation for the preventive approach, especially focusing on the avoidance of tyranny through the separation of powers. We now face the challenge of developing a *perfective* strategy for fostering coevolution of individuals and the culture of American Democracy, especially through research and education that fosters that which could amount to *America's Third Revolution*.

Drawing from John H. Holland's book *Signals and Boundaries: Building Blocks for Complex Adaptive Systems*, the *perfective approach* is built using Holland's "... four general properties of signal/boundary systems... *diversity, recirculation, niche and hierarchy, and co-evolution* [page 94]." Those are briefly discussed in the trilogy's first book, *Common Sense Revisited: America's Third Revolution*. It builds on the rising level of consciousness that contributed to the transition from the Confederation to the Federation. It now blends knowledge from nascent disciplines to a New Age of Enlightenment that would restore American Democracy and what would contribute to what Thomas Paine wrote for his February 14, 1776 opening sentence of the concluding paragraph of his introduction, "The cause of America is, in great measure, the cause of all mankind."

America is losing its leadership of Western civilization developed over the last three quarters of a century in part because rivals seek to undermine it, but a great measure because we are doing it to ourselves. This essay is a short introduction to sharing an understanding of process and structure explored in the trilogy of books, the first of which seeks to raise the level of consciousness in the tradition of Thomas Paine's pamphlet, *Common Sense*. The second book, *Perspectives for a Sense of Place*, seeks to empower the electorate in order to contribute to a self-healing process of American Democracy. The main treatise is in the third book, *American Democracy: The Declaration, Pursuit, and Endangerment*. It calls for a *Declaration of Reform* that could have the potential to lead to the

emergence of a third revolution of American Democracy as an encore to the Second American Revolution, the Constitution of the United States of America.

ⁱ Some of this essay is drawn from the trilogy *American Democracy Endangered* consisting of books titled as follows: (1) *Common Sense Revisited: America's Third Revolution*; (2) *Perspectives for a Sense of Place*; and (3) *American Democracy: The Declaration, Pursuit, and Endangerment*.

ⁱⁱ See *The Most Dangerous Branch: Inside the Supreme Court's Assault on the Constitution* by David Kaplan. Kaplan uses the introduction to tell a little bit about Justice Anthony M. Kennedy and his retirement. Kennedy hand-delivered his retirement letter to President Trump including the phrase expressing his "profound gratitude for having had the privilege to seek in each case how to best to know, interpret, and defend the Constitution and the laws that must always conform to its mandates and promises." Kaplan noted that in the letter that Justice Kennedy "... modestly left out that in a lot of those cases he was the key vote. Sometimes he was with the four liberal justices; often he was with the four most conservative justices [p. xii]." The paragraph that ensues in the introduction clearly indicates that Kennedy was nonpartisan in his reasoning; an example of what justices should be in contrast to what is happening that is endangering American Democracy.

The book is so current that it discusses the potential confirmation of Judge Brett M. Kavanaugh noting that the process for a successor to Judge

Kennedy would result in "... giving the right flank of the Court resolute control. But the judicial revolution began more than two years earlier, when Justice Antonin Scalia died...[p. xiv]."

The prologue (following the introduction), using 21 pages, set the stage for comprehensive analysis of the Court's danger to democracy, provided a discussion of the death in February 2016 of Judge Antonin Scalia and the ensuing action apparent (really inaction) of the Republican controlled Senate's leadership's (McConnell's) failure to grant a hearing to President Obama's nomination of Judge Merrick Garland. Kaplan notes "McConnell's stance was totally consistent with the pledge he made early in Obama's tenure to subvert him at all costs." Note that "...when Obama nominated Garland - a widely lauded centrist who Obama picked specifically to overcome the objections of conservatives - Republicans held their ground [p. 9]."

ⁱⁱⁱ Shortly to be discussed is the Senate and the quality of representation of the electorate the leveraging of power by the current President of the United States. The point to be developed here is that the nation's greatest danger is a trend towards autocracy led by the President who was already dominated the majority party during his presidency and has now effectively enlisted the Supreme Court, albeit within limits.

Using the analogy of an organic system, the reader is expected to put together, in an evolutionary process, what is developing in the loss of integrity in the government through the erosion of norms especially in the administration; aided and abetted by shortfalls in legislative branch and now the branch that is supposed to protect the nation based upon the Constitution. The real challenge is the resilience of the system to constrain continuation of the concentration of power and to find a way in which to reverse that trend.

^{iv} The strategic approach being taken with this essay is the same as taken with the trilogy. It sets up the opportunity for the motivated learner to delve deeper in order to get the supporting material for the line of reasoning. So, if the reader doesn't see the problem, or believe the analyses being presented, my advice is to read the first three of the pages that Woodward book. Then, for more on the current situation read the entire article by Neil Irwin. However, experts may use the concepts of complexity science without using its jargon.

^v Using a biological analogy, these are discussed in the fourth chapter, Understanding the System, of the main treatise, *American Democracy: The Declaration, Pursuit, and Endangerment*, the third book of the trilogy titled *American Democracy Endangered*.