THE WILLIAM AND FLORA HEWLETT FOUNDATION
Memorandum

To:	Partners and Colleagues
From:	The Madison Initiative Team
Date:	June 12, 2017
Subject:	Update on the Madison Initiative in the Wake of the 2016 Election

I. Context and Objectives.

We launched the Madison Initiative in early 2014 to explore whether philanthropy (and Hewlett in particular) could help untangle a cluster of problems associated with political polarization. These problems included the increasing ideological separation of the two major parties, hyper-partisanship in the ongoing battle for control of the federal government, and rising levels of legislative gridlock on many salient issues. Such problems threaten to undermine not only the foundation's work in its other programs, but the well-being of liberal democracy in the U.S. and — given this nation's global role — around the world. So we set out to ascertain the feasibility of an audacious goal: Could we help to create conditions in which Congress and its members might productively deliberate, negotiate, and compromise in ways that more Americans support?

During the three-year experimental phase of our work, we tested a long list of hypotheses about where the foundation might make a difference. We winnowed these down to three main areas that we concluded warranted deeper investment: (1) supporting bipartisanship, and the kinds of leaders and relationships that make it possible; (2) strengthening Congress as an institution by reforming its rules, norms, and processes, as well as by enhancing staff capacity and legislators' connections with constituents; and (3) improving campaigns and elections for Congress, with a particular focus on campaign finance and electoral reforms that better reflect the diversity of opinion in the electorate.

We came to believe that work across these areas would, cumulatively, enhance collaboration and pragmatic problem-solving within a polarized Congress, as well as help make cooperation easier and more routine. In the short run, such efforts could help Congress, and the broader political system, cope with polarization. Over time, as the historical and cultural conditions that produced polarization changed, these same interventions could facilitate a stronger, quicker recovery.

In October 2016, we sent our board a proposal for a five-year renewal of the Initiative based on this strategy, coupled with a request for a budget increase from the $15 million per year in the exploratory phase to $20 million in annual grant making in the proposed renewal phase. Then the 2016 election, which took place after we sent the board our proposal, but before we met with them to discuss it, changed the political landscape.

To be sure, the plan we had submitted to our board took into account the political ferment and disruption that marked the 2016 presidential campaign, which underscored in our minds the urgency of the work we had embarked on. We had observed how issues associated with globalization — debates over free trade, economic inequality, immigration, refugee crises, and terrorism — had roused illiberal and populist leaders and parties in the U.S., much as they had in Europe. We noted in our renewal proposal that polarization, hyper-partisanship, and gridlock were combining to nurture and feed these forces, creating an audience for ever more extreme voices. As responsible planners, we had even developed and assessed a scenario in which Donald Trump won. But until November 8, we saw this as a remote possibility. Like others, we were gobsmacked by Donald Trump's election.

In speaking to our board in November 2016 — less than a week after Trump's victory — we confessed to feeling a bit at sea. We were, we admitted, still assessing what just happened, why, what it might portend, and what we should do about it. The board, recognizing the gravity of the moment, approved our renewal request, but instructed us to proceed in a spirit of contingency. We agreed that we might need to redefine the problem or modify our approach to tackling it, depending on how we made sense of what had just happened as well as what we observed in the ensuing months.

The purpose of this memo is to provide an overview of how we are following up on this guidance. What are the salient political developments bidding us to revisit our plans? What adaptations should we make in our existing strategy? What else might we need to do in response to 2016? We are sharing our working answers to these questions with grantees, co-funders, and partners to update you and to solicit your questions and feedback.

II. Making Sense of the 2016 Election and Its Aftermath.

Most of us have been obsessed with the news in recent months, so we will recap what we see as the key developments that we need to take account of in our planning, including:

- ***The sustained Russian attack on our democratic process***. The Russian hacking, propaganda, and disinformation campaign was confirmed by the unanimous judgment of the U.S. intelligence community. Russia sought to undermine Americans' faith in the legitimacy of our democracy and (eventually) to tip the election in favor of Donald Trump. The effort was undertaken as part of a broad geopolitical strategy that aims to undermine the stability of liberal democracies and the international order they have developed. It was initiated at the direction of Vladimir Putin himself.[1]

- ***Investigations of collusion between the Trump campaign and Russia.*** These have led thus far to (a) the resignation of Trump's campaign manager; (b) the resignation of his National Security Advisor; (c) the recusal of the Attorney General; (c) the firing of the

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[1] Office of the Director of National Intelligence, "Background to 'Assessing Russian Activities and Intentions in Recent US Elections': The Analytic Process and Cyber Incident Attribution," January 6, 2017, retrieved from https://www.dni.gov/files/documents/ICA_2017_01.pdf

FBI Director after he evidently refused to cede to the President's request to drop the investigation; and (d) the appointment by the Deputy Attorney General of a former FBI Director as a Special Counsel to lead the Justice Department's investigation. Meanwhile, four congressional committees – House and Senate Intelligence, Senate Judiciary, and House Oversight – have ongoing investigations into various aspects of the affair.

- ***The emergence of post-truth politics.***[2] Our political discourse is increasingly marked by the viral spread, through hyper-partisan echo chambers in social media, of ideological distortions and intentionally deceptive "fake news," propaganda, and disinformation. This post-truth era has been coming for some time, but it was greatly hastened by the campaign and election of a leader who makes false statements via social media and in his public comments routinely and on an unprecedented scale. Moreover, honorable politicians in both parties are being hobbled (even as less honorable peers are enabled) by online platforms that target voters with individually tailored information designed to inflame and mislead them.

- ***Observable patterns of autocratic leadership by President Trump.*** These actions have included his sustained criticism of individual journalists, media outlets, and the very idea of a free press; propagation of conspiracy theories to discredit political opponents; strong-arming private corporations to make decisions reflecting his political priorities; commingling personal financial interests with government business; ignoring basic norms of transparency that guard against corruption by refusing to release his tax returns or use blind trust arrangements; installing family members in his official inner circle; directly intervening in investigations being undertaken by law enforcement agencies; undermining faith in the electoral process; questioning and working to limit the franchise of opposing voters; and seeking to delegitimize the judiciary as an independent branch of government.

- ***Democratic backlash against the Trump presidency.*** That Hillary Clinton won nearly 2.9 million more popular votes than Donald Trump, notwithstanding FBI Director James Comey's "October surprise" and the Russian intervention on Trump's behalf, has led many of his opponents to deny the legitimacy of his presidency. Sixty Democratic members of Congress refused to attend his inauguration on this basis. The next day, massive crowds marched in opposition to his leadership in Washington and cities across the country. Since then, marches and other forms of protest against his agenda have sprung up regularly. Indivisible — a progressive grassroots movement launched after the election that mimics Tea Party tactics of uncompromising opposition and local pressuring of members of Congress — has registered 4,500 active groups, at least two in every congressional district. GOP members of Congress have been mocked and shouted down at town halls, forced to escape through back doors, one step ahead of angry crowds of their constituents. Spurred on by these grass roots protests, Democrats in Congress have dug in to obstruct the President.[3]

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[2] For more on this phenomenon, see "Post-Truth Politics: Art of the Lie," *The Economist,* September 10, 2016.

[3] For example, Trump's Cabinet nominees have faced an unprecedented number of party-line roll call votes, on which they have accumulated more "no" votes than the nominees of any other president. Kevin Uhrmacher and Kevin Schaul, "Three Months in and Trump's cabinet already has more 'no' votes than any other," *Washington Post,* Updated April 27, 2017, retrieved from https://www.washingtonpost.com/graphics/politics/confirmation-no-votes/

- ***Ongoing GOP reliance on hardball politics.*** Undaunted by the surge in Democratic opposition, the GOP has continued to set the pace for the use of hardball tactics at the national and state level. These actions have included the GOP Senate denying President Obama's Supreme Court nominee Merrick Garland a hearing, let alone a vote, in 2016, then going nuclear and changing Senate rules to bypass a Democratic filibuster and confirm Neil Gorsuch in 2017.[4] The Trump Administration has also launched a Presidential Commission on Election Integrity to follow up on the President's unfounded allegations that he would have won the popular vote if 3-5 million people had not voted illegally, setting up further state and possibly new federal restrictions on voting rights that benefit Republicans. Meanwhile, in North Carolina, the lame duck GOP governor worked with Republican majorities to pass sweeping reductions in the power of his Democratic successor. In South Dakota, the GOP-controlled government declared a state of emergency to overturn the Government Accountability and Anti-Corruption Act, a ballot measure voters approved in November. Likewise in Maine, the GOP governor ordered officials not to enforce a minimum wage increase, and he and fellow Republicans have stymied the adoption of ranked choice voting, even though Maine voters approved ballot measures for both.

- ***Intensified tribalism.*** In April, the Pew Research Center reported that, although Trump's approval rating is at a historical low for a president at this stage of his tenure (39 percent of Americans approve of his job performance, while 54 percent disapprove), disapproval is concentrated almost entirely among Democrats and Independents. 88% of Republicans approve of how President Trump is handling his job, vs. 8% of Democrats and 35% of Independents.[5] On issue after issue — the value of free trade, views of Russia and Vladimir Putin, even on which candidate won the popular vote — Republican voters' views have shifted to align more with those articulated by the President. That's not surprising given the deep-rooted tribalism that now characterizes our politics, in which partisan voters align their views with what people in their tribe are supposed to believe based on the pronouncements of their media and leaders. Nor are Republicans the only ones suffering this distemper. One of our academic advisors, Brendan Nyhan of Dartmouth College, has already found in his research that Democrats, "appear to have become more vulnerable to unsupported claims and conspiracy theories that flatter their own political prejudices. The reason isn't just that a Republican now occupies the White House. Political psychology research suggests that losing political control can make people more vulnerable to misinformation and conspiracy theories."[6] As Nyhan has observed, in this polarized era, "party identification is one hell of a drug."

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[4] With this mid-session rule change, of course, the GOP took a page out of the Democrats' playbook.

[5] See Pew Research Center, Presidential Approval Detailed Tables, April 2012, retrieved from http://www.people-press.org/2017/04/17/presidential-approval-detailed-tables-april-2017/

[6] Brendan Nyhan, "Why More Democrats Are Now Embracing Conspiracy Theories," *New York Times*, February 15, 2017, retrieved from https://www.nytimes.com/2017/02/15/upshot/why-more-democrats-are-now-embracing-conspiracy-theories.html

III. Adaptations in Our Existing Strategy.

1. Reframing the Problem.

As we have increasingly heard from grantees and partners, our stated goal of "helping to create conditions in which Congress and its members can deliberate, negotiate, and compromise in ways that more Americans support" feels like rather thin gruel — technocratic, uninspiring, inside-the Beltway stuff that is overly narrow, especially at a moment when passions are high, hardball politics are spinning out of control, and liberal democracy itself is being put to the test.

To the extent our narrow framing suggested an equally narrow understanding of the problem, the fault is ours for not communicating better. We appreciate that willingness to negotiate and compromise is only one among many critical values and norms in a healthy liberal democracy. Others that we believe are essential include: self-restraint on the part of the party controlling political institutions at any point in time (grounded in recognition that it will not always be in the majority); the legitimacy of political opposition and acceptance of democratic opponents as members of equal standing in the same political community; a willingness to abide by election results and support the peaceful transfer of power in the wake of elections; a basic belief in the relevance of facts and evidence when debating the merits of public policies; the need and obligation for citizens to be reasonably informed about what is at stake in our democracy, how it operates, and their role in it; a modicum of trust on the part of citizens in our democratic institutions and processes; free and fair elections and the right to vote as sacrosanct; and freedom of the press, speech, assembly, and religion. Moreover, however central it may be, Congress is not the only institution in which these values and norms need to be reflected and upheld, nor is the federal government the only level of government at which this needs to occur.

As we have communicated our strategy to date, this bigger and more compelling picture that we have in mind — our concern for liberal democracy as a whole, and for the values, norms, and institutions that constitute it — has not fully come through to others. As we look ahead, we will clarify our commitment to that bigger picture so that others – grantees, partners and the interested public – can see what we are working toward. We also need to clarify that the work we are funding is our particular contribution, one we are making alongside those of many foundations and grantees who are upholding other aspects of our democracy. Finally, we need to clarify the type of political developments that we decidedly *cannot* remain agnostic about.[7]

In this regard, we need to revisit, or rather go beyond, another anchoring premise of the Madison Initiative: that mitigating the effects of polarization can only happen if there is buy-in from the right as well as the left. With this in mind, we have worked conscientiously to build a

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[7] This was a specific request from our board in November 2016. Up to that point, we had maintained that, "*the Madison Initiative is decidedly agnostic about policy outcomes (except for democracy-enhancing reforms themselves). To proceed otherwise would miss the point. Any assessment of a democracy's effectiveness should depend not on the adoption of particular policies, but on whether its representative institutions are addressing problems in ways the public can support.*" Given the current political environment, and some of the controversial actions that are being taken within it, members of the board asked us to clarify instances when, even with our focus on the democratic process, we would not be agnostic. A framework for this judgment appears in an appendix below.

grantee, co-funder, and partner network that spans the political spectrum. However, events of the past year indicate that, underneath this left-right divide, and the polarization that is intensifying with it, there is an even more fundamental divide on which we also need to focus. This divide lies between actors seeking to work within and shore up the formal and informal features of the Madisonian system, on the one hand, and actors who are actively seeking to undermine them, on the other. This constitutional divide is likely to loom large in the years ahead. It is one we are at liberty to and must take a side on, in ways that are fully consistent with our agnosticism about policies that do not bear on democratic values, norms, or institutions.

To be clear, our recognition of this more fundamental constitutional divide does not mean that we are simply joining forces with liberal and progressive groups that some critics have suspected the Madison Initiative of being allied with all along in order to oppose the Trump Administration.[8] It is worth noting, for example, that among our grantees, several on the political right have been perhaps the most determined and outspoken critics of candidate and then President Trump.[9] We will continue to support them, not because of who they are opposing, but rather because of the values, norms, and institutions they are defending. Moreover, this same institutional stance leads us to reject the departures from Madisonian norms and values that we have observed on the left, including recent instances of intimidation and physical attacks against conservatives and Administration supporters exercising their freedoms of speech and assembly on campuses, or the unstinting obstructionism among many Democrats to any form of cooperation with the Administration, even in areas of shared concern.

2. Supporting Bipartisanship.

We have always seen supporting bipartisan relationships and leaders as a necessary if insufficient contribution toward the realization of our goals. Elected officials and the staff on whom they rely are significantly more likely to engage in productive give-and-take of the sort needed for effective policymaking if they have personal relationships and a basis for mutual trust with peers across the aisle. Such relationships are much rarer today — partly because polarization has eroded opportunities to develop them, but also because most members spend little time in D.C. and, when there, they are pre-occupied by party business and fundraising. We support a number of organizations that work in different ways to address this need by offering seminars, briefings, dinners, retreats, and trips of various sorts, as well as by sponsoring ongoing caucuses with participants from both parties.

Our use of the term "bipartisanship" for this work has always been somewhat problematic, because the term is so often confused with something like "centrism" — a call to settle in Solomonic fashion for the policy midpoint, something that appears anodyne and

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[8] See David Callahan, "Why Won't Foundations Like Hewlett Just Stand Up and Fight For Their Values?" *Inside Philanthropy*, July 14, 2014, retrieved from https://www.insidephilanthropy.com/home/2014/7/14/why-wont-foundations-like-hewlett-just-stand-up-and-fight-fo.html, and Daniel Stid, "We Are Partisans For Representative Democracy," *Inside Philanthropy*, July 21, 2014, retrieved from https://www.insidephilanthropy.com/home/2014/7/21/we-are-partisans-for-representative-democracy.html

[9] These include, for example, leaders, advocates and authors at the Ethics and Public Policy Center, Lawfare, National Affairs, the Niskanen Center, and the Stand Up Republic Institute.

increasingly impractical in our polarized age. Moreover, to a growing number of people, bipartisanship is flat out wrong if it entails going along to get along with demagogues or hyper-partisans whose illiberal instincts demean our system of government.

To be clear, the kind of bipartisanship we have in mind necessarily begins with shared commitment to the values and norms underpinning liberal democracy that are described above, in particular restraint and reciprocity by the majority party as well as the recognition of the legitimacy of one's political opponents. In a functioning Congress, bipartisanship manifests itself in fluid, short-term, cross-party coalitions that form and dissolve and take new shape from issue to issue. And however much the idea of bipartisanship may be disparaged or seem obsolete in the current climate, it remains a brute fact of national policy-making. Frances Lee and James Curry have noted that for all of the laws enacted over the past thirty years, on average 75% of House members (including 62% of the minority party) and 86% of Senators (including 79% of the minority party) have voted yes on final passage.[10] This is no accident – the bicameral structure of Congress, the different constituencies and terms of office for members of the House and Senate, and their elaborate internal structures, rules, and processes all work to ensure that the vast majority of bills that become laws have broad bipartisan support.

Thus we believe that much of the work we have funded in this area remains on point for our strategy. This work includes a core set of relationship-building programs that foster substantive connections among members and staff across party lines on the basis of shared values, roles, career stages, and/or policy interests in a non-charged environment. In addition, several of our grantees operate networks that recruit, engage, and develop leaders on a bipartisan basis at all levels of government — local, state, and federal — effectively building a leadership pipeline that will in time bring more legislators with a pragmatic, problem-solving mindset to Congress. Still other grantees have developed indices that enable the public to track which members of Congress are working productively across party lines, and how effective they are in advancing their legislative agendas. Politics already offers plenty of incentives for acting in partisan ways; this group of grantees is countering that tendency by encouraging and reinforcing a disposition toward bipartisanship that would otherwise be left to wither.[11]

3. Strengthening Congress.

As noted earlier, we are broadening our consideration of the values and norms that are critical for democracy in America beyond those that are present (or lacking) in Congress. Still, Congress will remain at the center of our work. The task of strengthening the institution is more important than ever. Amid the current polarization, it is only in Congress that the different

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[10] There is not a statistically significant downward trend in these patterns. James M. Curry and Frances E. Lee, "Congress at Work: Legislative Capacity and Entrepreneurship in the Contemporary Congress," Paper prepared for the SSRC Anxieties of Democracy Institutions Working Group Conference, October 28-29, 2016, pp. 11-13.
[11] Grantees in this area include the Aspen Institute's Congressional and Rodel Fellowship Programs, the Bipartisan Policy Center, the Center for a New American Security, the Congressional Research Service, the Faith and Politics Institute, the Legislative Effectiveness Project, the Lugar Center, the Millennial Action Project, the National Institute for Civil Discourse, New Politics, and the Pew Charitable Trusts. Note that neither the Hewlett Foundation nor its grantees can engage in any election-related activities involving support for or opposition to a candidate or party.

interests, ideas, and agendas in the country can be represented and reconciled in a democratically accountable body. This cannot happen in the White House or on the Supreme Court. Indeed, when major policy decisions are unilaterally made by these other branches, it tends to worsen rather than alleviate polarization. Moreover, amid current concerns about the arbitrary use of executive power, recall that Congress holds the ultimate checks on the executive in its powers of the purse and oversight, not to mention impeachment. "If a strongman government ever takes root in America, it will not be simply because we elected a president determined to establish it, but because Congress acquiesced in his designs."[12]

The next several years present both an opportunity and a challenge to the work we are funding in this area. On the opportunity side, unified GOP control means that efforts to bolster Congress need not be seen as a partisan and can be promoted as sensible institutional reforms. On the challenge side, the pressures for party unity could slacken these constitutional imperatives if it means checking and balancing a president of the same party.

Madison Initiative grantees are working on multiple fronts to help Congress and its members carry out their constitutional responsibilities. They are developing proposals for improving congressional rules and norms; upgrading processes for exercising the all-important power of the purse; providing training and technical assistance on a bipartisan basis to members and staff on how to conduct more productive oversight; helping members and staff learn how to negotiate more productively with each other; encouraging Congress to provide ample funding for the institutional, committee, and office staff resources it needs; improving the diversity of perspectives and experiences that staff represent; and enabling members of Congress to forge more productive connections with their constituents.[13]

If successful, these experiments would strengthen the constitutional position of Congress vis-à-vis the other branches and give members more leeway to develop policies and represent the interests of their constituents in the face of polarizing headwinds. There are signs of progress – Congress is investing more in its staff capacity and expertise, and at least some committees are overseeing, checking, and balancing the executive in notable ways.[14] We have also appreciated the development of a bipartisan group of advocates, think tankers, and academics that now regularly engages with legislators and staff in order to share nonpartisan research and analysis in support of these "institutionalists" and their capacity-building reform agendas.[15]

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[12] Daniel Stid, "Why the GOP Congress Will Stop Trump from Going Too Far," *Washington Monthly*, January/February 2017, retrieved from http://washingtonmonthly.com/magazine/januaryfebruary-2017/why-the-gop-congress-will-stop-trump-from-going-too-far/

[13] Grantees in this area include the Bipartisan Policy Center, Brennan Center, Brookings' Governance and Economic Studies Programs, Center for American Progress, Center on Budget and Policy Priorities, Center for a Responsible Federal Budget, Congressional Management Foundation, Convergence Center for Policy Resolution, Federalist Society, Harvard University's Kennedy School, Hudson Institute, Joint Center for Economic and Political Studies, Lawfare, Levin Center, Lugar Center, New America's Political Reform Program, Partnership for Public Service, Pew Charitable Trust, Project on Government Oversight, R Street Institute's Governance Project, and Voice of the People.

[14] See Casey Burgat, "Eight Pieces of Good News About Congress," www.fixgov.org post, May 30, 2017, retrieved from https://www.brookings.edu/blog/fixgov/2017/05/30/eight-good-pieces-of-news-about-congress/. The June 8, 2017 Senate Select Committee on Intelligence hearing with former FBI Director James Comey, an exemplary session of a broader bipartisan investigation, had 19.9 million television viewers, and millions more online.

[15] See for example the work of the Legislative Branch Capacity Working Group at www.legbranch.com

4. Improving Campaigns and Elections.

Improving bipartisan relationships and leadership within Congress and strengthening Congress as an institution are important steps that are making a positive difference. But politics ultimately depends on who wins elections and what elected officials feel they must do to remain in office. The rules of the electoral game are critically important also. We do not believe there are any silver bullet reforms in this area. Rather, we are looking for ways to improve the odds that the legislators winning office will have more desire and latitude to deliberate, negotiate, and compromise once they are in Congress. The area we believe is most ripe for this kind of adjustment is our current system of campaign finance. In a less politically salient area, we also see promise in the development of alternatives to our standard first-past-the-post / winner-take-all electoral format that fails to represent the full diversity of opinion in the electorate.

Going into the election last year, we were cautiously optimistic about the prospects for progress in these areas. The Supreme Court vacancy created a possible opening for revisiting a problematic string of precedents on campaign finance, not just *Citizens United,* but perhaps even all the way back to *Buckley v. Valeo.* Campaign finance measures were on the ballot in Washington state and South Dakota, and a measure establishing the use of ranked choice voting (RCV) for state officials and congressional seats was on the ballot in Maine.

Alas, Donald Trump's victory, and the subsequent nomination and confirmation of Neil Gorsuch, dashed hopes for a near term shift in campaign finance jurisprudence on the Supreme Court. The Washington state campaign finance measure failed by a narrow margin. And, as noted above, the South Dakota measure passed but then was overturned, and the Maine Supreme Court recently put the successful RCV measure in limbo. While chastened by these results, we are not giving up; we will continue pushing for reform in these areas. But events of the past year have underscored for us the need to cultivate an organic, bipartisan consensus behind campaign and election reforms if they are going to pass and be sustained at the federal level or in the states.

With campaign finance, we see three big problems in how the system currently operates that continue make it centrally relevant for our goals. The first problem is prosaic, but critical: members of Congress must spend so much time raising money that everything else — including their legislative responsibilities and relationships — gets short shrift. The second problem is that, in raising this money, whether from large or small donors, members spend a disproportionate amount of time with more partisan and ideological supporters. Even apart from needing not to disappoint the donors who underwrote a campaign, this exacerbates hyper-partisanship as a simple matter of cognitive osmosis. Finally, there is the legitimacy problem: the current system of campaign finance, if not actually (or only rarely) involving quid pro quo corruption, appears to do so, undermining public trust in Congress and the electoral process.

Dissecting the problem of campaign finance is easier than figuring out how to fix it. One ongoing focus of our grant making is simply to try to illuminate how campaign finance is flowing and evolving. Any workable solution will need to be based on the latest and best data. Another focus has been encouraging the development of bipartisan support for reform, given that any

feasible and sustainable solution will need to have the support of both parties. Other Madison grantees are working via litigation-based strategies to defend existing laws and regulations and set the stage for a new jurisprudence. To be clear, we have not yet found a specific campaign finance reform agenda that we see as *the* path forward. We are supporting grantees who believe public financing experiments like those adopted in New York City and Seattle hold promise and are researching their effects. We are also supporting grantees who advocate for putting political parties on equal footing with outside groups in campaign finance, operating under the premise that, because parties are responsible for aggregating interests and assembling workable majorities, they can and do play a moderating role in campaigns.[16]

Another set of problems in our campaigns and elections stems from the use of single-member, winner-take-all districts for Congress. These force voters to make binary choices that misrepresent the actual preferences of a district's electorate, and they lead to state delegations that are often wildly skewed. The problem is intensified when the same winner-take-all system is used in primary elections in which only a small subset of more ideological and partisan activists vote: whichever candidate prevails in the general election is now likely to be far to the left or right of the district's voters as a whole.[17]

Madison grantees are exploring electoral innovations that can avoid these distortions. One way to select legislators who better represent the range and diversity of preferences among constituents is through RCV, which provides a finer-grained register of public opinion. It also produces different campaign dynamics, as candidates must worry about appealing to voters for whom they may not be the first choice. Another way to avoid the corrosive dynamics of a winner-take-all system is to use multi-member districts, potentially (though not necessarily) in combination with some form of proportional representation. We know such electoral innovations face longer odds. Yet we believe the benefits of such changes, were they adopted, would be significant enough that continued investment is warranted. In any philanthropic strategy, it makes sense to include some long shots alongside safer bets.[18]

5. Investing in Information and Infrastructure.

Given the nature of the problem we are tackling, we have prepared for a long journey and sought to recruit and enable others to come along with us. To those ends, we spend approximately 15 percent of our budget to fund infrastructure and information that, while not specifically focused on the core areas described above, sustain and inform collective work in the field. We are a co-founder and anchor sponsor of [Foundation Funding for U.S. Democracy](#), a publicly available data base that tracks who is funding whom to do what in the field. We participate in and underwrite three democracy funder affinity groups. We fund the gathering, analysis, and public dissemination of key data on demographic trends and public attitudes about

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[16] Grantees in this area include the Bipartisan Policy Center, the Brennan Center, the Brookings Institution Governance Studies Program, the Campaign Finance Institute, the Campaign Legal Center, the Center for Responsive Politics, Issue One, the National Institute for Money in State Politics, New America's Political Reform Program, and Take Back Our Republic.

[17] Pundits frequently attribute this effect to political gerrymandering. But research does not support this hypothesis. See, e.g., Nolan McCarty, Keith T. Poole, Howard Rosenthal, *Does Gerrymandering Cause Polarization?* 53 *Amer. J. Pol. Sci.* 666 (2009).

[18] Grantees in this area include FairVote, New America's Political Reform Program, and Stanford University's Center for American Politics in Comparative Perspective.

politics and polarization so others can incorporate it into their work. We support national academic programs that improve the quality of scholarship on the problems facing democracy and help bring it to bear to inform the public debate. Finally, we make grants to improve media coverage of Congress, both through influential journals aimed at policy and political elites in Washington, and through ongoing experimentation to see if solutions-oriented, explanatory journalism about Congress and its members has an audience and can be scaled.[19]

We are adding some new lines of work to this part of our portfolio in the wake of the 2016 election. We have begun supporting two different distributed networks of scholars and commentators who are actively monitoring the health of our democracy. The goal of these efforts is not to analyze events after the fact, but rather to establish an early warning system of observers capable of sensing and pinpointing threats to our system of government, and how we might respond to them, in a timely way.[20] We have also commissioned a multi-year research project on the rise of populism and illiberal democracy in different regions around the world so that the field can better understand the causes, consequences, and potential policy responses to these trends.[21] Finally, we have made some exploratory grants to ascertain whether there is a need for more trans-Atlantic collaboration among those defending liberal democracy in the U.S. and Europe in the face of common challenges that have surfaced in recent years. To be clear, the goal of any future work on this front would be to facilitate the resolution of these challenges on this side of the Atlantic; benefits accruing in sister democracies would be a helpful byproduct.[22]

IV. Three Targeted Responses to Recent Developments.

The adaptations described in Part III reflect a broadening and deepening of our original strategy, but not a substantial change in its scope. However, even with these adaptations, we appreciate that our strategy may not yet be sufficiently responsive to needs that have surfaced over the past 12 months. After a wide-ranging consultation with our academic advisors, co-funders, and grantees, as well as with our board, which has made a one-time budget allocation of $4 million to support near-term actions, we have committed this funding to grants that will help with three discrete challenges that are particularly vexing at present. In each of these areas, we are making targeted, time-limited investments in concert with a group of funding partners, the work to be supported is clear, and we are confident our funding will have a positive impact.

1. Ethics, transparency, and accountability in government.

The ability to hold political leaders and government officials accountable for actions that violate the public trust is foundational for democratic governance. However, there is presently a

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[19] Grantees include the States of Change Project at the Center for American Progress, the Foundation Center, the Funder's Committee for Civic Participation, the Giving Back fund, Monkey Cage Blog, National Affairs, New York Public Radio, the Pew Research Center, Philanthropy for Active Civic Engagement, Scholars Strategy Network, the Social Science Research Council's Anxieties of Democracy Program, Texas Tribune, and Washington Monthly.
[20] Grantees include Bright Line Watch and the Scholars Strategy Network.
[21] This research project, which will involve scholars at multiple universities and research centers, will be led by Professor Anna Grzymala-Busse of the Freeman Spogli Institute at Stanford University.
[22] Grantees include the Carnegie Endowment for International Peace and Forum 2000 in the Czech Republic. For an early work product from the latter, see The Prague Appeal for Democratic Renewal, adopted May 26, 2017.

pressing need and major barriers to ensuring requisite levels of ethics, transparency, and accountability in this Administration given the unprecedented intermingling of the President's official activities with the Trump organization's private business interests, on the one hand, and the equally unprecedented withholding of information about his and his family members' personal finances and conflicts of interest, on the other. We have not funded extensively in this area, but several grantees who do this work (whom we have supported largely for other things that they focus on) have experienced a surge in demand for their services. To help these organizations sustain their overall operations while meeting these new near-term demands, we have increased our current grants of multi-year general support to them.[23]

2. 2020 Census.

Worrying about whether U.S. residents are accurately counted in the next census may at first appear rather tangential to the problems we have focused on, but several factors draw us to this effort. First, a group of democracy funders that we work in partnership with has identified the need to ensure a full and fair census in 2020 as a cross-cutting priority for the full group. Second, a major hurdle to overcome is that the upcoming census is likely to be significantly underfunded: the current expectation is that it will receive the same appropriation as 2010. Third, plans for using new technology to carry out the census, in part to make up for the funding shortfall, are sufficiently inadequate that the Government Accountability Office recently placed the 2020 Census on their "high risk list" of federal programs.[24] Fourth, and perhaps most important, is that fears sparked by the President's immigration policies, which include preliminary plans to require residents to report their immigration status on the census form, will likely deter some households with immigrants from participating. This would skew the census such that areas in which immigrants live will not only be underrepresented in state and national legislatures, but will also fail to receive appropriate levels of funding under a wide range of federal and state programs. To respond to these challenges, we are now in the process of finalizing a grant to a national organization capable of having a beneficial impact through bipartisan policy advocacy and grassroots engagement on this critical issue.

3. Voting Rights.

Here also the Administration's statements and early actions underscore the need for democracy funders and grantees to fill a looming breach in our democratic system and values. Voting rights have been especially at risk since the Shelby County decision in 2013. These risks are now going to be greatly amplified with the recent launch of the Presidential Advisory Commission on Election Integrity. Myriad studies conducted by leading researchers over the years have found that in-person voter fraud of the sort that President Trump alleged was pervasive in 2016 is in fact an infinitesimal problem. Given the commission the President has

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[23] Grantees include the Campaign Legal Center, Issue One, and the Project on Government Oversight.
[24] High risk programs and operations are those GAO deems "especially vulnerable to waste, fraud, abuse, and mismanagement, or that need transformative change." GAO, "Progress on Many High-Risk Areas, While Substantial Efforts Needed on Others," GAO-17-317, February 15, 2017.

appointed to follow up on his claim will be chaired by his own Vice President, and co-chaired by Kansas Secretary of State Kris Kobach, who helped Donald Trump propagate the "birther" conspiracy theory alleging that President Obama was not a natural-born citizen, and who has been at the forefront of efforts in Kansas and elsewhere to impose new requirements for voting that effectively restrict the franchise, we are deeply concerned about the conclusions the Commission will reach and the policy arguments that will flow from it. We expect the commission to set the stage for a renewed effort — in the states and possibly even at the federal level — to restrict the franchise among traditional Democratic constituencies, including low-income seniors, young people and people of color. We have not made voting rights a priority for our work to date, but given our conviction that the right to vote must be regarded as sacrosanct in a healthy democracy, we are planning to join forces with co-funders and grantees who have long sought to safeguard voting rights. Our plans are still in development, but we expect to focus on checking and balancing any distortions, falsehoods, or pernicious policy recommendations that emanate from the Pence Commission.

V. Two Broader Explorations.

Beyond these three discrete, incremental responses to the current moment, which we are already pursuing, we have also identified two additional areas that, in the wake of the 2016 election and its aftermath, we believe warrant further exploration. We have not yet determined whether or how we might proceed in these areas. Both would take us well beyond our current strategy, budget, and the network of grantees and co-funders that we have developed in our work to date. These explorations are now underway, and we will decide if we will proceed further with them, in consultation with our board, in November.

1. *Cyber-security for democracy.*

Before the election, there was a great deal of talk about the vulnerability to cyber-attack of the systems and machines we use to count votes. It is clear in retrospect that this concern was too narrow. The sustained Russian hacking that did occur, and which likely had an effect, albeit unspecifiable, on the electoral outcome, appears to have centered not on manipulating the vote count, but rather on distorting the political discussion that shaped this count via WikiLeaks and a well-organized, internet-based disinformation campaign. In many respects it was an ingenious strategy, using one of the defining features of the American political system, namely, an independent and competitive media, in which news outlets and reporters would take the leaked information and run with it, without being that concerned about how, why, or by whom it was collected and disseminated. Looking ahead, it is clear that we need a much broader discussion and systematic response to protect the integrity of our democratic processes in the internet age.

The Madison Initiative is interested in exploring what philanthropy can do to address the problems of cyber security for democracy for two reasons. First, as bad as things were in 2016, we can expect the risks to grow in future election cycles. The Russians and other foreign adversaries will be back. We need to respond and prepare accordingly. Second, we can build on and leverage the good work of the Hewlett Foundation's Cyber Initiative, launched in 2014 to focus on field-building and improve "the security, stability and resilience of a free and open

Internet and connected devices." The cyber security issues raised in the election hacking have been a central concern for Cyber Initiative grantees.

The Madison and Cyber Initiatives have recently commissioned two studies by leading cyber experts to understand what are the most important trends and troublesome vulnerabilities faced by American democracy in the cyber realm, and what can be done to respond appropriately to them. The Cyber Initiative will take the lead in any concerted strategy we might develop in this area, but it would work with the Madison Initiative team, as well as its relevant grantees and co-funders, in developing these responses. We would plan to size up, pursue, and fund this work in tandem, with our colleagues from Cyber in the lead seat, in order to ensure that important issues do not fall into gaps between our two initiatives.

> 2. *M/Disinformation, Propaganda, and Technology Platforms.*

The cyber-security exploration discussed above is focused on state-sponsored disinformation and other democratic vulnerabilities due to cyber threats. This additional exploration is focused on shoring up the quality of information and citizen engagement in the public sphere of the internet. The "post-truth" environment and "fake news" allegations of 2016 re-focused attention on longer-standing concerns about echo chambers and filter bubbles. The problem of truly fictitious news is likely to be solved without philanthropic intervention because information platforms are financially incentivized to address it. The real information problems are misinformation, disinformation and propaganda, all of which can exacerbate polarization. Many citizens are psychologically predisposed to want to read news that reaffirms their pre-existing beliefs and tribal identities. This creates obvious adverse incentives for commercial technology platforms that want to keep people on their sites. So, compared with fake news, this problem will be harder to address.

These problems of m/disinformation and propaganda are not new. But the way in which information is being distributed is. The growth of online social and search platforms like Facebook, Google, Reddit, and Twitter have removed traditional media gatekeepers - radically democratizing the media environment, and leading to information fragmentation and inundation. These platforms allow for anonymous engagement, are easily gamed via bots and search optimization manipulation, enable unprecedented speed and scale of information distribution, and allow for growing levels of micro-targeting, all of which accelerate polarization.

The technology platforms recognize that they helped create these challenges, and are exploring how to respond. We have begun to engage with the platforms and will observe what they propose to do and whether philanthropy might be able to help. But their financial incentives and fiduciary responsibilities will limit how far they can go, and the right role for philanthropy may turn out to be pressing them to do better or looking for entirely different solutions. Meanwhile, we have made some small exploratory grants to support and learn from innovative efforts to counteract these problems in European politics in the coming year.[25] And

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[25] Grantees include the Arena Program at the London School of Economics and Political Science and Stiftung Neue Verantwortung in Berlin.

we will continue engaging with U.S. media outlets, technology platforms, and researchers to see whether this is an area in which we can have a positive impact. Based on what we have learned thus far, should we decide to proceed, we would initially expect to support legal, empirical, and experimental research on these issues. Because of the ongoing lack of transparency and data availability from the platforms, much remains to be learned about the extent and nature of the problem, which will then enable the field to assess the effect of potential solutions.

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In summing up, we should affirm a core premise: popular government is neither easy nor natural. Making a system of democracy work depends as much or more on informal customs and conventions as on formal laws. Implicit agreements define the arena within which ideological and political competition occurs and establish rules for the fight. These sorts of customary rules and conventions are essential for the reason Madison noted in 1788: because a tendency toward "the violence of faction" is "sown in the nature of man," and people whose interests, beliefs, and desires differ are "much more disposed to vex and oppress each other than to co-operate for their common good."

To counter that tendency, that is, to mediate differences and opposition and keep politics from spinning out of control, we agree — not explicitly, but as a matter of political culture and custom — to accept limits and live by conventions that supersede the desire to win short-term ideological battles at all costs. It took the people and leaders of this country a long time to figure rules out, and some outrageous things were done in the early years of the Republic. But they persevered, and, eventually, stable conventions emerged. And while these have continued to evolve, there has, at any given time, been a broad consensus around rules for political engagement that restrain both winners and losers, and define the arena within which ideological and political conflict takes place. Most important, with the notable exception of the Civil War period, win at all costs has never been the practice in American democracy.

In formulating the Madison Initiative, we zeroed in on one set of norms in democratic politics — the willingness to deliberate, negotiate, and compromise in crafting and enacting legislation — believing this was at the heart of the problem we were trying to solve. But, we now see, that was too narrow a conception. It's more than just this one set of norms that has atrophied. It's the very idea of informal, long-term norms whose observance is more important than ongoing ideological disputes. Not all norms are up for grabs, at least not yet. But a broad array of practices that both presuppose and reaffirm a degree of respect for the legitimacy and bona fides of one's opponents are being progressively abandoned. And the more of these that go, the easier it becomes to cast aside still more. We recognize that these are the norms that serve as the outer ramparts of liberal democracy, which its friends are called to defend. We look forward to standing shoulder to shoulder with you as we do so.

Thank you for reviewing this update. We welcome your questions and feedback!

Appendix
A Framework for Defining Limits on Our Agnosticism

1) *Normal Politics* — *The legitimate stuff of politics: ordinary policy disputes between parties and politicians that the Madison Initiative should remain agnostic about.*

Examples include: President Trump nominating controversial figures for cabinet positions or making Steve Bannon his chief strategist in the White House; the Trump Administration pursuing policies that political opponents object to, e.g., enforcing current immigration laws, building a wall on the Mexican border, repealing and/or replacing the Affordable Care Act, and undertaking executive orders that reverse previous orders we happen to favor.

2) *Bright Line Issues. Actions that undermine the legitimacy of our democracy, reduce possibilities for legitimate opposition, and/or violate core civil rights or liberties that we cannot remain agnostic about.*

Examples include: publicly considering or pursuing the prosecution of political rivals in an irregular manner, outside of the normal processes and standards that would be used in the case of a generic person being investigated for the same alleged act; using legal, administrative, or taxing powers to systematically undermine political opponents; creating a Muslim registry, or any administrative policy singling out Muslims or followers of a particular religion as a class; threatening to punish citizens engaging in protected forms of speech (e.g., flag burning); advocating violence against political opponents; failing to disavow hateful actions, speech, or group activities that are publicly undertaken in the name of a leader or party; spreading false information that undermines trust in and the legitimacy of our democracy; disavowing longstanding norms about how our democracy works (e.g., refusing to say in advance of an election that one will abide by the results, or castigating members of the press as "enemies of the people"); or pursuing efforts that will have the practical effect of disenfranchising citizens.

3) *Gray Area. Unconventional, unfortunate, and in some instances egregious actions that nonetheless allow for political opposition that will be more or less effective based on the gravity of what has been done. Civil rights and liberties of American citizens are not being violated. These must be handled case by case, but most likely remain in the realm where the Madison Initiative should be agnostic.*

Examples include: maintaining blatant conflicts of interests with Trump enterprises; appointing family members to White House positions (in ways that do not violate existing laws); launching intemperate, early morning "tweetstorms" that distort or disregard key facts; singling out particular media outlets and journalists for allegedly unfair or inaccurate coverage; banning immigration from particular countries or regions (without specifying religious or ethnic attributes); expansively using administrative powers to circumvent normal processes and advance political priorities, e.g., as President Obama did during the implementation of the Affordable Care Act or in issuing DAPA and DACA orders.