Bipartisan Policy Review

Message from the Director
Representative Steve Israel

Restoring Respect, Confidence and Efficacy in Our Republic: The Federal, State, and Private Sector
Ambassador Tim Roemer & Representative Zach Wamp

Democracy Means Accepting Loss
Professor Suzanne Mettler & Professor Robert Lieberman

...and more
## Institute of Politics and Global Affairs

### Mission Statement

Today, politics is more volatile, uncertain, complex, and ambiguous than ever before, yet we continue applying the salve of soundbites. Our mission is to raise the discourse and deepen people's understanding of both domestic and international affairs.

The Institute of Politics and Global Affairs hosts world-class programs—in New York City, Ithaca, Washington, and international locales—with leaders from the United States and abroad. These programs provide opportunities for enriched understanding of political content in our contemporary societies.

The institute actively strives to build connections among Cornell University faculty, students, alumni, and policymakers while simultaneously engaging supporters, partners, and the general public.

For additional information visit iopga.cornell.edu or email Natalie Ryan at nmr87@cornell.edu

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### January 2021

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This effort has never been more important. In 16 years as a Member of Congress, I never saw the rampage through the Capitol that we witnessed on January 6th. I did, however, observe a concerning increase in polarization and partisanship. When I arrived in Congress in 2001, compromise was still valued. By the time I left, it was largely vilified.

The BPR’s mission is to give voice to policy innovations that are often drowned out in the partisan echo chamber. Each issue features innovative ideas by Democratic and Republican Members of Congress and academic experts. The publication is a platform for consensus-building. Our pages are common ground and don’t include the usual partisan sniping or soundbites you read or hear elsewhere.

In this issue, we explore the state of democracy, a topic that has consumed wide attention in books, newspapers, television news, and social media platforms in recent years, reaching a fever pitch earlier this month. After a mob stormed the nation’s capital in an attempt to overturn a fair and free election, it has left many in this country wondering what’s next for our democracy. Have our democratic norms eroded beyond repair? Can there be bipartisan agreement on policies that strengthen the resilience of our democracy?

The Campaign for the Future of Democracy (page 22) is a new institute undertaking. The campaign’s mission is to raise discourse and deepen understanding of domestic and international affairs by restoring faith in democratic institutions.

Finally, an appeal. If you consider a platform for bipartisan consensus to be refreshing and necessary, please consider contributing by visiting our website, iopga.cornell.edu, or contacting Peter Narby at pn63@cornell.edu.

On behalf of myself and Cornell University, I wish you a happy, healthy, and safe 2021.

Steve Israel
Member of Congress 2001–17
Douglas Kriner
Douglas Kriner is the Clinton Rossiter Professor in American Institutions in the Department of Government and the faculty director of the Institute of Politics and Global Affairs at Cornell University. His research and teaching interests focus on American political institutions and the separation of powers. He is the author of five books, including most recently *The Myth of the Imperial President: How Public Opinion Checks the Unilateral Executive* (University of Chicago Press 2020); with Dino Christenson; and Investigating the President: *Congressional Checks on Presidential Power* (Princeton University Press 2016; with Eric Schickler).

Tim Roemer & Zach Wamp
Tim Roemer, former U.S. Member of Congress, 9/11 Commissioner, and Ambassador to India, is Executive Director and Strategic Counselor at APCO Worldwide. He works with clients on government relations and provides strategic advice. With his background in international trade, education policy, and national security, Ambassador Roemer is a trusted consensus-builder, problem solver, and international expert.

Zach Wamp served in the House of Representatives for 16 years, representing Tennessee’s 3rd district. He served as the ranking member of the Military Construction/Veterans Affairs Subcommittee and prior to that as the ranking member of the Legislative Branch Subcommittee of the House Appropriations Committee, which he served on for 14 years. Zach helped establish the Department of Homeland Security and the Tennessee Valley Technology Corridor. He signed discharge petitions and closed the debate on the House floor of the most significant political reform legislation in a generation.

They currently serve as co-chairs of Issue One’s Reformers Caucus, the largest bipartisan group of former members of Congress, governors, and Cabinet secretaries ever assembled to advocate for political reform.

Adam Schiff
Congressman Adam Schiff represents California’s 30th Congressional District. In his 12th term in the House of Representatives, Schiff currently serves as the Chair of the House Permanent Select Committee on Intelligence, which oversees the nation’s intelligence agencies. Schiff is on a leave of absence from the House Appropriations Committee, where he remains an ex officio member.

Suzanne Mettler & Robert Lieberman
Suzanne Mettler is the John L. Senior Professor of American Institutions in the Department of Government at Cornell University. Her research and teaching interests include American political development, inequality, public policy, political behavior, and democracy. Mettler has been elected to the American Academy of Arts and Sciences and awarded Guggenheim and Radcliffe Fellowships. She serves on the steering committee of the Scholars Strategy Network and the board of the American Academy of Political and Social Sciences. She serves as president of the Politics and History and Public Policy sections of the American Political Science Association.

Robert Lieberman is Krieger-Eisenhower Professor of Political Science at Johns Hopkins University. He studies American political development, race and American politics, and public policy. He has also written extensively about the development of American democracy and the links between American and comparative politics. He is a co-convenor of the American Democracy Collaborative and chaired the American Political Science Association Task Force on New Partnerships. He has received fellowships from the Russell Sage Foundation and the American Philosophical Society. In 2021, he will be the John G. Winant Visiting Professor of Government at the University of Oxford.

Thomas Coleman
Tom Coleman is a former eight-term Member of Congress from Missouri and government affairs professional with forty years of experience in Washington, DC. Prior to his congressional service he was an assistant attorney general of Missouri appointed by then Attorney General John C. Danforth. In 1974 he became the first Republican in the 150-year history of his home county to be elected to the Missouri House of Representatives.

Anders Fogh Rasmussen
Anders Fogh Rasmussen has been at the center of European and global politics for over three decades as a leading Danish parliamentarian, Danish Minister of Economic Affairs, Prime Minister of Denmark and, last but not least, as Secretary General of NATO. Upon leaving NATO, Mr. Rasmussen founded his strategic advisory firm “Rasmussen Global,” which provides geopolitical and strategic consulting services. He is also the Chairman of the Alliance of Democracies Foundation, a non-profit organization for the advancement of democracy and free markets across the globe.

Jessica Carpenter & Manu Meel
Jessica Carpenter is the Marketing Director at BridgeUSA. She is a senior at Arizona State University studying journalism and political science. She is also a member of the BridgeUSA chapter where she works on social media and event planning. Growing up in a one-way political leaning household, Jessica found Bridge as an answer to understanding both sides of the political spectrum. She is passionate about finding solutions and understanding what motivates people to action.

Manu Meel is passionate about empowering and elevating the impact of young people. Currently, Manu serves as the CEO of BridgeUSA, a national organization that is investing in the future of democracy. Through his work, Manu has contributed to several news outlets, advanced pro-democracy efforts nationally, and led the policy operation for a Baltimore mayoral candidate. In the past, Manu worked as an associate at the venture capital firm Amplo and at the Department of State as a political analyst in counterterrorism. His work has been featured in The New York Times, The Washington Post, and other media platforms.

Steve Israel & Susan Molinari
Former Congressman Steve Israel left Capitol Hill – unindicted and undefeated – to pursue a career as a writer. In addition to writing two critically acclaimed satires of Washington, he heads the non-partisan Cornell University Institute of Politics and Global Affairs in New York City. Israel was a Member of Congress for sixteen years. He left in 2015 as Chairman of the Democratic Congressional Campaign Committee. Israel is currently the Director of the new nonpartisan Institute of Politics and Global Affairs at Cornell University, the only academically-based institute of politics in the New York City metropolitan area.

Susan Molinari has a wide-ranging background resulting from her multi-disciplined service in the Leadership of the United States Congress, as Vice President of Google’s Public Affairs for the Americas, as leader of multiple offices for international public affairs and lobbying giant Omnicom, and as a respected media communicator on multiple networks. Susan is presently a member of New York City based Protrix Consulting’s Advisory Board, Washington DC based APCO Worldwide International Advisory Board, and member of the boards of Harvard University Institute of Politics at the Kennedy School, the Trilateral Commission, American Action Network and the David Lynch Foundation. Having been elected from a New York City-based district five times to Congress, Susan was quickly elected by House Republicans who twice elected her as one of just eight Members to serve in the Leadership of the first GOP Majority in 40 years.

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In his farewell speech to the Senate, Harry Truman, who built his national reputation more by investigating than legislating, emphasized the primacy of Congress’s investigative power. “The manner in which the power is exercised,” he argued, “will largely determine the position and prestige of the Congress in the future.”

In the aftermath of Watergate, the great historian Arthur Schlesinger, who just two years prior had coined the phrase “imperial presidency,” argued Truman “could have gone further” and that Congress’s exercise of the investigative power would determine “whether the problem posed in the 51st Federalist can be satisfactorily answered—whether the constitutional order will, in the end, oblige the American government to control itself.”

Investigations work by shining a light on alleged executive misconduct in full public view, thereby changing the political calculus on the ground. Sometimes, this spurs Congress to act. Investigations have played key roles in triggering the passage of major reform legislation, including the Foreign Intelligence Surveillance Act, campaign finance reform, and the Detainee Treatment Act. More broadly, research analyzing decades of data on investigative oversight hearings and public opinion shows that investigations systematically erode public support for the president. In some contexts, this can lead presidents to make concessions in the face of congressional pushback—both real and anticipated—to ward off further costly congressional challenges. In others, investigations influence politics and policy more indirectly by lowering a president’s reserve of political capital.

Today, this critically important check, which has loomed so large for over two hundred years of congressional history, is under an unprecedented assault. The last two years have featured an unparalleled level of executive obstruction with scores of officials refusing to testify, blanket refusals to turn over any and all requested documents, and a systematic flouting of congressional subpoenas. Simultaneously, inspectors general (IGs), the “eyes and ears” of Congress throughout the government, were under a parallel assault with extraordinary attempts to fire IGs who showed too much independence and politicized an office explicitly designed to be politically neutral.

Investigations work precisely because of their highly public nature. If Congress cannot access information, it cannot shine a light on executive branch activities and build political pressure for change. A permanent weakening of the investigative check could have lasting and broad ramifications for the constitutional balance of power.

But all is not lost. There are important steps that Congress can take on a bipartisan basis to reinvigorate this vital check. Two, in particular, stand out. First, Congress must act to bolster capacity to enforce congressional subpoenas. The current judicial process, on which almost all contemporary enforcement efforts rely, is so slow and cumbersome that it effectively neutralizes the force of subpoenas. This process could be streamlined, and provisions made for expedited judicial review.

Moreover, reforms should strengthen the sanctioning power for those who persist in defying a legitimately executed subpoena. Alternately, reforms could go even further and strengthen Congress’s institutional capacity to enforce its contempt powers independent of seeking judicial redress. While a radical departure from recent practice, important historical precedents exist.

Second, Congress should act legislatively to protect inspectors general from political interference, restoring the intent of the Inspector General Act of 1978 that IGs be independent and objective. This is essential to ensuring that inspectors general can carry out their mission of rooting out waste, fraud, and abuse and alerting Congress to problem areas that require intervention and rigorous oversight.

These and related reforms are critically important. They will strengthen Congress’s ability to serve as a check on an executive branch that is hardened to increase its power—just as Madison and Hamilton anticipated. More mundanely, but just as significantly, they will strengthen the capacity of the people’s elected officials to oversee the exercise of delegated authority by unelected bureaucrats in the executive departments and agencies. And now, following a partisan shift in control of the White House, the time is ripe for action.

Over the past twenty years, frustration has mounted on both sides of the aisle as administrations have resisted to varying degrees congressional oversight efforts. Federalist 51 envisioned a system where actors would see their power stakes as tied to those of their institution: “The interest of the man must be connected with the constitutional rights of place.” Partisan loyalties eclipse institutional ones too often, scuttling the bipartisan cooperation essential to strengthening Congress’s institutional capacity. The current partisan shift in administration is a significant opportunity for those who bristled at the unprecedented obstruction of the last administration to unite with those who seek a greater check over the incoming one to repair the deficiencies that threaten this core legislative power.

Restoring congressional oversight powers will certainly not fix all that ails us as a country. However, by making a government that works better, and that is more accountable, it could begin to combat popular cynicism with government and restore public faith in the vibrancy of our democratic institutions.
The 2020 elections contained good news and bad news for America. The good news is that we successfully carried out an election during a health pandemic with record turnout and virtually no fraud or foreign interference. Representative democracy worked. The bad news is that an American president threatened the peaceful transfer of power, added to the growing mistrust people have in their government institutions and deepened the divide between red and blue America. While these trends largely in progress before Trump’s election in 2016, he fed them steroids. We need to build on this election’s positive outcomes, motivate states to continue to improve their election systems and find ways to restore trust and confidence between disparate voters.

Elected officials must respond to this pernicious threat to our country. Locally based citizen groups, the private sector, state-inspired reform movements, and national legislative efforts should all work together to heal and renew our republic. The current lack of faith in our democracy and institutions creates a “house divided against itself.” We must start addressing the deep-seated divisions in our nation by placing country over party. As former members of Congress and co-chairs of Issue One’s ReFormers Caucus—a group of more than 200 former members of Congress, Cabinet officials, and governors united around our shared mission to fix our broken political system. We believe Congress must also act to revive the American people’s trust in government institutions, strengthen Article I provisions for Congress, and pass systemic bipartisan government reforms.

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The past few years have illustrated an increasing schism between Democrats and Republicans on a variety of issues, including the economy, racial inequality, and the approach to the pandemic. The nation is fractured, and this fissure threatens the foundation of our democratic republic. In our elections. In a poll conducted shortly before the 2020 presidential election, 78 percent of Democrats said that racists had taken over the Republican Party. Similarly, 81 percent of Republicans said that socialists had taken over the Democratic Party. These types of opinions about our fellow Americans are both vile and toxic to our political and social relationships. This path is unsustainable and dangerous.

These deep divisions are why we joined more than 40 political, government, and civic leaders to create the bipartisan National Council on Election Integrity, part of Issue One’s Count Every Vote campaign, to uphold the credibility of our elections and to ensure they were safe, secure, and fair this year. We were heartened by the support these cross-partisan efforts received when our democratic process faced unprecedented challenges and stresses.

On top of this warm response to our work to defend our elections’ integrity, there is even more reason to be hopeful about restoring the public’s faith in our government and our institutions—there is precedent for change. After the Watergate scandal rocked the country in the 1970s, the public lost faith in our institutions. In the two months after they learned of the scandal, public trust in the government dropped from 55 percent to 36 percent. To address the fallout from the Nixon administration, Congress passed sweeping reforms to restore public faith and ensure the American people regained confidence in our government. People of both political persuasions demanded President Nixon’s resignation, Congress reformed both the Freedom of Information Act and the Federal Election Campaign Act. Additionally, they passed the Sunshine Act of 1976 and the Ethics of Government Act of 1978 to lay the groundwork for government ethics. Today, 97 percent of Americans believe that members of Congress behave unethically. Elected officials can—and must—learn from the mistakes of the Nixon administration’s unethical conduct and pass new reforms that would allow the federal government to earn back the public’s trust.

The American people still believe in the merits of representative democracy. Over 89 percent of supporters for both Biden and Trump stated that their preferred candidate should focus on serving all Americans, “even if it means disappointing some of his supporters.”[3] These numbers illustrate that while there is a strong partisan divide, there is still a desire to uphold the democratic values of our political system by making sure elected officials represent all Americans regardless of party—a measure that proves not all is lost.

To begin healing our fractured nation, Congress should take steps to identify ways to strengthen election protections. The 2020 election ran remarkably smoothly, particularly given the extraordinary circumstances of voting during a pandemic. However, this election also brought to light some issues that Congress should work towards solving, including delayed vote counting and an imperfect voter registration system. While elections are the responsibility of the respective states, we should recommend national standards for when ballots are counted and how registered voters can request absentee ballots during a pandemic or whenever voting in person is challenging.

This election also brought to light some issues that Congress should work towards solving, including delayed vote counting and an imperfect voter registration system. States have displayed remarkable progress in passing substantial election reforms over the past several years, from ethics laws to small donor empowerment programs, to referendums improving transparency on money races. Reforms need to accelerate and even create competition between states to improve their electoral safeguards and early voting systems.

Further, Congress and the Biden administration must implement more fundamental changes. We must create programs to strengthen American democracy and create a more unified United States. Programs would create national service opportunities, educate and inform young people about their government and civic duties, and involve the private sector in their responsibilities for improving citizen participation. In focusing on these areas, we can improve civic engagement and the effectiveness of institutions at all levels and strengthen our ability to be a unified and interconnected nation.

Issue One has already begun advocating for systemic bipartisan reforms to rebuild government institutions and public faith in our democracy. We have found bipartisan support for many necessary reforms, including reforming the Federal Election Commission (FEC) and amending the Lobbying Disclosure Act (LDA). Upholding the country’s campaign finance laws and updating the rules and regulations regarding lobbying activity will put us one step closer to restoring our broken democracy. Finally, we will advocate for a congressionally created national commission, along the lines of the bipartisan 9/11 Commission, to study and make recommendations for improving our elections, building confidence in democratic institutions, helping to inculcate facts and faxes into our media and journalism, and bringing about more civil political discourse for our citizens.

It is time to initiate meaningful change that produces bipartisan reforms focused on the problems faced by all Americans. Even now, as the votes have been counted and states have certified election results, a large swath of Americans do not believe the election was fair despite all evidence proving otherwise.[4] The Trump Administration’s Homeland Security Department said, “the November 3rd election was the most secure in American history,” yet this has done little to encourage faith in the democratic process. If elected representatives need to act now, our local citizens need to engage in respectful and heartfelt conversations with one another, and our private sector needs to lead efforts for civic engagement and improve civic education. America’s bright light and beacon of hope may have slightly dimmed, but there are plenty of ideas and people committed to restoring our leadership in the world.

[4] Ibid.
In the years following the Watergate scandal, Congress enacted a series of landmark reforms to protect our democracy and restore Americans’ faith in their government. Those reforms—
to strengthen transparency and ethics in government, enhance congressional oversight, and place significant limits on campaign spending and presidential powers—have stood the
test of time. Though some presidents have bristled at those laws, they have fundamentally abided by them for almost fifty years.

Until President Donald J. Trump.

“Trump abused the powers of his office to benefit himself, at great
cost to the American people and our democracy.”

Since taking office, Trump has eroded transparency and sought
to end accountability for the executive branch from both the Congress and the courts. Trump has abused the pardon power
to protect those who have lied on his behalf, used his office to
enrich himself and his family, sought to use the Department of
Justice to target those on his enemies list, and violated federal
law by making use of public resources for his reelection
campaign. And, Trump sought foreign interference in our
election to help smear now President-Elect Biden, an abuse of
power for which he was impeached.

In short, Trump abused the powers of his office to benefit
himself, at great cost to the American people and our democracy.

Even though he decisively lost his bid for reelection, Trump
has been determined to tear down additional pillars of our
democracy on his way out the door—refusing to concede
power for which he was impeached.

Second, we will restore our system of checks and balances
and strengthen accountability and transparency. Trump
has obstructed congressional oversight by stonewalling all
subpoenas. Nearly two years after first subpoenaing the White
House Counsel for critical testimony, there is still no final court
ruling to enforce that subpoena, meaning that the campaign
of obstruction has succeeded. The Protecting Our Democracy
Act will strengthen Congress’s tools to expeditiously enforce
subpoenas. Nearly two years after first subpoenaing the White
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Third, we will reclaim Congress’s power of the purse from an
overzealous executive branch, increase transparency around
government spending, and ensure there are consequences
to deter the misuse of taxpayer funds. We will prevent the
executive branch from using nonpublic documents or secret
legal opinions to circumvent Congress and unilaterally
implement its agenda behind closed doors. We will also
impose new limits on presidential declarations of emergencies
and any powers triggered by such declarations and require the
president to provide all documents regarding presidential
emergency actions to Congress.

Fourth, we will strengthen the safeguards meant to keep
public officials from using their positions to benefit the
president politically or personally or punish his political
opponents. We will strengthen the independence of the
justice system by requiring the reporting of communications
between the Department of Justice and the White House;
create new prohibitions on firing of inspectors general; grant
whistleblowers the right to sue in court if they are publicly
identified; amend the qualification requirements for acting
officials of executive agencies and limit
their tenure to 120 days; and strengthen
the penalties for Hatch Act violations for
senior political appointees. We will also
provide an enforcement mechanism for
violations of the emoluments clauses,
increasing penalties, and enhancing
financial disclosure requirements.

Finally, the Protecting Our Democracy Act will help protect
our elections from foreign interference and influence. The
bill would require that all campaigns report offers of help
from foreign governments and foreign political parties to law
enforcement. Furthermore, it clarifies that the definition of a
“thing of value” in the Federal Election Campaign Act includes
derogatory information sought or obtained for political
advantage, such as opposition research. To bolster compliance,
this bill enhances criminal penalties for violations and requires
that political campaigns certify that they
understand the prohibition.

Collectively, this set of reforms would be
the most comprehensive since Watergate.
Although these measures are based on
actions we have witnessed over the last
four years, they are designed to protect the
country going forward, and I hope that they
will enjoy bipartisan support in the new session of Congress.
American democracy is resilient. We have withstood serious
challenges before, and we will do so again. The Protecting Our
Democracy Act will help.
In the months afterward, the Democrats took steps to make their power permanent. They amended the state’s constitution to impose poll taxes, literacy tests, and other measures that would disenfranchise nearly all African Americans and some poor whites.

The flagrant takeover by party leaders in North Carolina occurred more quietly all over the South during the 1890s, as Democrats in each state seized power. They facilitated sweeping and egregious democracy backsliding, eradicating African Americans’ political rights, and soon their civil liberties and civil rights as well. Autocratic one party rule and American apartheid endured in the region for decades to come. All three branches of the federal government condoned these developments, and racial segregation took hold in the military and civil service as well.

On January 6, 2020, as in North Carolina in 1898, an angry mob of mostly white men tried to use raw power to reverse election results. Unlike their predecessors in Wilmington, this time they took on nothing less than the US Capitol. But now as in the Gilded Age, their uprising was no mere election-negating step: secession, and ultimately civil war. Later in the 19th century, multiracial democracy seemed to come to an end. Over the previous decade, the Southern slave holding states witnessed their political power declining while anti-slavery forces were ascendant. The Southern slave holding states had to accept the outcomes. When people cease to accept losses in an election and instead renounce the democratic process. But for this nation that has endured nearly 250 years, the assault on democracy that we’ve witnessed—while unique in time and place—is not new. It is a far cry from politics of just a few decades ago. President George H.W. Bush famously left a gracious hand-written note in the Oval Office for Bill Clinton, who had defeated him. If any recent presidential candidate had reason to deny his loss, it was Al Gore in 2000. After a dead heat in Florida, a recount ensued, but the Supreme Court stopped it and declared George W. Bush the winner. Yet Gore managed grace in defeat. “While we yet hold and do not yield our opposing votes, we shall in time and place—is not new. It is a far cry from politics of just a few decades ago. President George H.W. Bush famously left a gracious hand-written note in the Oval Office for Bill Clinton, who had defeated him. If any recent presidential candidate had reason to deny his loss, it was Al Gore in 2000. After a dead heat in Florida, a recount ensued, but the Supreme Court stopped it and declared George W. Bush the winner. Yet Gore managed grace in defeat. “While we yet hold and do not yield our opposing votes, we shall

The tragic truth, however, is that the actions of Donald Trump and his lackeys have haunting precedents in American politics. Sadly, they bear shocking resemblance to times in the American past when partisans refused to accept loss and were willing to decimate democracy as they struggled to hold power.

In 1960, Richard Nixon unsuccessfully challenged his narrow loss to John F. Kennedy with a combination of recounts, lawsuits, and misinformation—a harbinger, perhaps, of both his own more successful election chicanery later on and Trump’s flailing and sputtering in 2020.

More alarming still was the challenge to Abraham Lincoln’s clear and decisive victory in 1860. Over the previous decade, the Southern slave holding states witnessed their political power declining while anti-slavery forces were ascendant. When Lincoln, who opposed slavery, won, they refused to accept his victory. Rather than merely challenge the election results, though, these states took an even more extreme election-negating step: secession, and ultimately civil war.

But this nation that has endured nearly 250 years, the assault on democracy that we’ve witnessed—while unique in this time and place—is not new. It is a far cry from politics of just a few decades ago. President George H.W. Bush famously left a gracious hand-written note in the Oval Office for Bill Clinton, who had defeated him. If any recent presidential candidate had reason to deny his loss, it was Al Gore in 2000. After a dead heat in Florida, a recount ensued, but the Supreme Court stopped it and declared George W. Bush the winner. Yet Gore managed grace in defeat. “While we yet hold and do not yield our opposing votes, we shall
Three Proposals to Strengthen American Democracy
Representative Tom Coleman (R-MO)

To promise democratic rights in writing, in law, or even in a constitutional document is not enough. The rights must be effectively enforced and effectively available to citizens in practice. If they are not, then to that extent, the political system is not democratic, despite what its rulers claim, and the trappings of “democracy” are merely a façade for nondemocratic rule. - Robert A. Dahl, On Democracy

For the past four years, Americans have witnessed the breaking of many democratic norms, a corrupt administration of historic proportions, lies and distortions from their president, the belief in and peddling of so-called “alternative facts,” impeachment of the president for abuse of power, and the subjugation of the rule of law.

Until Donald Trump came along, Americans did not realize how fragile their democracy was. There were many elements of our democracy we had simply taken for granted. To be blunt, we must now rethink our democracy. Some elements need to be shored up, replaced, reevaluated, while newly discovered gaps must be addressed. Our Trumpian experience will require some previously unwritten normative behavior codified into law. In this article, I make three proposals, the first two of which break new ground. All require congressional action. I hope that our democracy is healthy enough to enact them.

Congress Should Define Treasonous Behavior in 21st-Century Terms

Under the Constitution, an individual commits treason if the person acts directly against the United States. The Constitution specifically lists actions short of murder and piracy that would be viewed as an armed attack. Intent to commit an armed attack, however, is not required. One domestic act of an armed attack is to provide material support to the enemy. Military material support is anything that would “be a support to an enemy in time of peace.”

During Special Counsel Robert Mueller's investigation into Russian interference in the 2016 elections, he indicted 13 Russian operatives for waging a disinformation campaign through social media platforms. Under direction from the Russian intelligence agency, the Russian operatives described their activity as “information warfare against the United States of America.” We should accept their characterization.

The question arises: were these Russian cyberattacks merely crimes on a massive scale, or, as cyber expert George Lucas concludes, do they represent something different—acts of war? Moreover, if a state of war existed between the two nations, could the actions and comments of an American citizen, under these circumstances, be considered treasonous?

Congress should review several analytical models that international IT security experts have developed to assess whether or not the damage caused by a cyberattack rises to the level of an armed attack. One model is an “effects-based” approach that considers the overall effects and consequences of a cyberattack on a victim state. For example, a cyber manipulation of information across a state’s banking and financial institutions that significantly disrupts commerce would be viewed as an armed attack.

Another model is one of “strict liability” that would automatically deem any cyberattack against a state’s critical national infrastructure to be an armed attack based on its potential for severe consequences. Both of these models would conclude that Russia’s cyberattacks were acts of war. They significantly disrupted and damaged our free and fair elections in an attempt to undermine the foundation of U.S. democracy. They were of sufficient scope, duration, and intensity to deem them armed attacks. In other words, the United States was placed in a state of war by a foreign nation.

It follows that an American citizen’s suspicious comments and actions require scrutiny during such a time. If they give aid and comfort to the nationally sponsored cyber attacker, treason has been committed.

Congress should recognize this state of war by codifying it into law and providing a penalty sufficient to deter future U.S. citizens from cooperating with foreign cyber warriors.

A New Court for Settling Disputes between the Congress and the President

The litigation battle over having White House Counsel Don McGahn testify before Congress was just the latest illustration of how time-consuming interbranch litigation can be. A final resolution usually comes many months or even years after the dispute started—with the political and governing process continuing all the while. Any wrongdoing by a president and his aides is allowed to continue unabated. A Congress lasts only two years; unfortunately, this one ended January 3, 2021, before the House could obtain judicial enforcement of its subpoena.

Trump’s categorical direction to members of his administration—that no member of the executive branch should cooperate with the impeachment investigation—not only assured litigation but, more importantly, was also an effective stalling tactic.

Congress must address the flagrant abuse of a constitutionally prescribed process to assure that, in future litigation between the branches, the judicial system will not allow another bedrock principle of American democracy to become lost in the process—justice delayed is justice denied.

It is wrong to require Congress to repeatedly undertake a patently flawed judicial process to assure our constitutional checks and balances are not rendered obsolete. The current system produces a no-win situation for the rule of law. That is why Congress should pass legislation creating a new type of federal court—one with exclusive jurisdiction over, and focused solely on, disputes between branches of the federal government.

This special court of limited jurisdiction is particularly needed to handle future instances where Congress is pursuing an impeachment.

The legislation should require an expedited litigation process allowing direct appeal of the court's ruling to the U.S. Supreme Court. Considering the Constitutional aspects of its cases, the court should implement special rules of procedure, including consideration to spell out when it is appropriate for the new court to abandon the general rule that so-called “political questions” are beyond the purview of the federal courts.

Also, Congress should define the circumstances under which a person has “stancing” to bring a cause of action in this court. For example, would individual Members of Congress be provided standing separate and apart from the House, Senate, or a congressional committee?

Failure to adopt meaningful changes in this process will only invite more non-compliance by a president faced with lawful inquiries by Congress. To condone an administration’s wrongdoing is to encourage more of it and to give up on the rule of law and our democracy.


A 21st-Century Moonshot Necessary to Save a Democracy at Risk

In my opinion, Donald Trump has been the worst president in our nation’s history. His affinity for autocrats and dictators around the world is one of his worst traits. Trump himself has exhibited autocratic behavior to the very end of his presidency. Trump’s display of his authoritarian tendencies should provide Americans with a wake-up call. Because autocracy is the antithesis of democracy, we must immediately take steps to assure voters will not easily be misled to permit the loss of our democracy and their personal freedoms.

As an elected official, I often found the general public was uninformed about relevant facts or too dependent on a single source of “information” conveyed by traditional and social media, leading to many individuals being unable to recognize unacceptable behavior—even criminal behavior—often conducted in plain sight.

If a large number of citizens do not understand that democracy requires certain fundamental rights or overtime withdrew their support of the political, administrative, and judicial institutions that safeguard these rights, then our democracy is in danger.

Traditionally, voters have not had to independently seek out information on their own about various policy issues but have looked to the political party of their choice and its candidates to provide it for them. Today, when our two major parties are undergoing a realignment with membership composed of new and different voters with new and different political and policy beliefs, this is not a valid option.

Voters are inundated with information delivered by the print and electronic media and online social media platforms. The latter is currently not regulated by the government, although that is now under discussion in Congress. This avalanche of information may or may not provide a better understanding of our government and its citizens’ role and responsibilities that accompany it.

To avoid the loss of our democracy, I believe the nation must embark on a program to ramp up the teaching of U.S. civic education. While public education is mostly a state responsibility, the federal government has a role to play. The U.S. Department of Education should assist in developing and funding new programs and materials. Students attending elementary and secondary schools as well as post-secondary institutions would be recipients of this effort.

We need a 21st-century moonshot to save democracy at risk—and we need it now!
Chairman Schiff, Ranking Member Nunes, and esteemed Members of the Committee, thank you for the invitation to offer my thoughts for this hearing on Autocracy’s Advance and Democracy’s Decline.

I have dedicated my political life to promoting freedom and democracy and advocating for the benevolent force of a U.S.-led Western Alliance—an alliance that united to defeat the tyrannies of Nazism and Communism. However, tyranny is once again awakening from its slumber.

Last year, my foundation, the Alliance forbiden by the bad guys. Then the United States will face legitimate threats to our democracy as they are themselves being targeted by the same weapons that have been used against democracy. This is not a slick marketing campaign that supports the basic principles for democracy and opposes its adversaries. This is not a slick marketing campaign that hides what is broken, but a political battle that gives the best candidates the attention they deserve. If democracy is under siege by foreign adversaries and trolls, it is political malpractice to cede the message to them without fighting back. We need to use all such skills we have to defend democracy from attacks, discredit those who are weakening our norms, and offer a better alternative message.

Some of the people who use sơcheco earth partisan strategies to defeat each other have the skills to defend democracy. They are experts when it comes to figuring out what is wrong, raising funds, running research, targeting actions. They know how to raise funds, run research, target audiences, and conduct winning narratives. They could bring the same weapons that have been used against democracy, from algorithms to social media strategies, to work in its favor.

We have the Democratic National Committee and Republican National Committee, the Democratic Congressional Campaign Committee and a Republican National Campaign Committee, but what we need now is a National Committee for Democracy. It is time for us political warriors to use our resources and ideas for a winning campaign to strengthen the norms of democracy. Only then can we return to the business of voting our opinions in elections that our founders would be proud of.

Uniting Against Autocracies: Testimony to House Intelligence Committee
His Excellency Anders Fogh Rasmussen
Former NATO Secretary-General and Prime Minister of Denmark

Feb. 26, 2019

One of us served as chairman of the Democratic Congressional Campaign Committee, and the other was vice chairwoman of the House Republican Conference and of the Republican Policy Committee. Both of us recruited and fundraised for candidates. We assist the best, politicians, media consultants, and political managers to defeat the other party. We learned how to spot the winning narrative, and we know when strategies are not working. Sadly, if democracy was once of our candidates today, we would conclude that it has an uphill climb to credibility with voters.

It does not take an expert to realize that things are not great. The number of Americans satisfied with democracy as a political system has fallen for the last decade. In 1995, over 75 percent of Americans reported that they were satisfied with democracy, the University of Cambridge found, while this year, research found less than 50 percent of Americans reported that they are satisfied with democracy. For the first time in our history, a majority of Americans are unsatisfied with our process of electing leaders.

As discontent with democracy increases, studies reveal more Americans warming to autocratic alternatives. Back in 1995, the World Values Survey asked Americans how they felt about having military rule in this country. One in 15 Americans reported they found it a very or fairly solid prospect. However, when that study was replicated from 2017 to 2020, the number of Americans supporting military rule skyrocketed to one in five.

This should disturb us no matter which side of the political aisle we fall on. Our democracy is not invincible. So it is not out of the blue that Americans are tired of democracy. We have to stoke our rage at those individuals who risk our democracy and turn our anger into action. We have to remember why our founders fought for these ideals of democracy in the first place and rally to fight for them ourselves.

In other words, we need a full blown political campaign that supports the basic principles for democracy and opposes its adversaries. This is not a slick marketing campaign that hides what is broken, but a political battle that gives the best candidates the attention they deserve. If democracy is under siege by foreign adversaries and trolls, it is political malpractice to cede the message to them without fighting back. We need to use all such skills we have to defend democracy from attacks, discredit those who are weakening our norms, and offer a better alternative message.

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This article was originally published by The Hill on 10/07/20

Our Democracy is Not Invincible
Representative Steve Israel (D-NY) and Representative Susan Molinari (R-NY)

In conclusion: We must present a united democratic front. For an example, the World Values Survey asked Americans how they felt about having military rule in this country. One in 15 Americans reported they found it a very or fairly solid prospect. However, when that study was replicated from 2017 to 2020, the number of Americans supporting military rule skyrocketed to one in five. To counter the advancing autocracies. As we fall on. Our democracy is not invincible. So it is not out of the blue that Americans are tired of democracy. We have to stoke our rage at those individuals who risk our democracy and turn our anger into action. We have to remember why our founders fought for these ideals of democracy in the first place and rally to fight for them ourselves.

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Improving Our Democracy One Conversation at a Time
Ms. Jessica Carpenter & Mr. Manu Meel

America is in a state of crisis. No matter where we look, there are challenges that serve as indictments of our democracy. The pandemic has claimed over 330,000 lives. Working class people face the worst economic prospects since the Great Depression. Racial wounds have been exposed as people voice their anger and frustration towards injustice. Simply put, America does not appear to be living up to its highest ideals. The one thing that seems to unite a highly divided American people is that the current situation is unsustainable, to say the least. That’s a bad predicament for the future of our democracy.

As young people who will inherit today’s fallout, it is difficult to be hopeful about the prospect for a better tomorrow. Institutions seem unresponsive to urgent problems. People seem extraordinarily divided on fundamental issues. And the possibility for any progress seems to diminish by the day. At a time when our democracy will need an active and engaged electorate, young people are resorting to apathy and pessimism. The shift in the political sensibilities of young people is prominent on social media platforms, within social interactions, and among college campuses. The politics that young people have matured into has taught us that party differences hinder the ability to problem solve. In turn, this has left us to bear the brunt of two recessions, a warming climate, and wavering democracy. The belief that we cannot make the status quo better has caused many of us to either divest from politics or flock to extreme ideological circles, closing off the prospect for agreement across differences.

As we look to the future of our country, many of the problems that our democracy faces require institutional fixes that every American can get behind. Whether it is ensuring the agreement across differences anyway because our union depends on it. Conversations that breaks these new barriers are far and few between. It may seem naive, yet talking to one another matters; our democracy is back to basics and trust must be restored between people of different perspectives. Our leaders have struggled with trust as well, resulting in stifling gridlock. Yes, a lot of action can be blamed on misguided institutional incentives within politics. However, gridlock is also the result of diminishing empathy and a renewed sense of rightousness. We need humility, compassion, and healthy dialogue to compliment institutional reform if the future of democracy is to remain strong.

Second, we must identify opportunities for new common ground. We need to put resolutions at the head of our democratic output. To do this, we don’t need a push toward common agreement, but of common purpose. We need to push towards acknowledging differences and working through these differences anyway because our union depends on it. Despite the many issues that divide us, there are three issues that garner significant consensus, especially amongst young people: democracy reform, the environment, and the economy.

According to a study by the Pew Research Center in 2019, 77 percent of voters agreed that the U.S. needed to prioritize climate change, including 78 percent of conservative youths. Upwards of 70 percent of voters agreed that reformations in campaign spending, voting accessibility and gerrymandering needed to be addressed, according to the Brennan Center for Justice. And according to another study by the Pew Research Center in January 2020, Republican and Democratic voters agreed 69 percent to 92 percent respectively that wealthy people had too much power in the economy.

At a time when our democracy will need an active and engaged electorate, young people are resorting to apathy and pessimism. The shift in the political sensibilities of young people is prominent on social media platforms, within social interactions, and among college campuses. The politics that young people have matured into has taught us that party differences hinder the ability to problem solve. In turn, this has left us to bear the brunt of two recessions, a warming climate, and wavering democracy. The belief that we cannot make the status quo better has caused many of us to either divest from politics or flock to extreme ideological circles, closing off the prospect for agreement across differences.

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All of this means that despite our difference in perspectives and ideology, the majority of Americans see these three issues as of great importance and want to see action on them. That’s good news; it means that there is a foundation upon which common purpose can be found.

“We assume that party differences create unbridgeable divides, which then fool us into thinking that working together is no longer possible.”

Finally, we need to restore hope. Fortunately, history can provide some solace and guidance, and maybe even some direction. The late political scientist, Samuel Huntington, once wrote that, “America is not a lie; it is a disappointment. But it can be a disappointment only because it is also a hope”. The American story is unique in that it began as an experiment founded on a set of beliefs: equality, liberty, and opportunity. These beliefs relied upon a shared understanding that the most fundamental and important unit of any society is people. A society that neglects its people is not a democracy, but a tyranny. And American democracy embodies this ethos to its very core. While far from perfect, the American story has always been one that aspires for more equality, preservation of liberty, and an extension of opportunity so that the people are best positioned to flourish.

There have been many times in the past when a generation of Americans faced a choice while confronting significant adversity and uncertainty. From the Civil War to the Spanish Flu. From the Great Depression to World War II. From Jim Crowism to the 2008 recession. Each of these inflection points in history required our democratic institutions and the American people to step up in their own right. For institutions, it meant responding to the will of the people and acting to protect the natural rights of every American. For the people, it meant acting with empathy and constructively engaging to discover shared values despite significant policy differences. From Huntington’s perspective, and our perspective, the hope that America offers is in its spirit and affinity for unified change in spite of the many setbacks that have maligned American history. After all, the story of America highlights a tried and tested template for what is needed in a functioning democracy: responsive institutions and an active citizenry.

The future of democracy does not depend on finding agreement on everything. Instead, the future of democracy will depend on institutions and an active citizenry working to address urgent issues despite the many differences that divide us. We can begin with issues like democracy reform, climate change and the economy, opening new doors afterward. We must renew faith in the strength of and promise of American democracy. We must prove that having a discussion about politics isn’t a ticket to repudiation, but a chance to build forward.
Campaign for the Future of Democracy

What is the state of American democracy today?

On January 6, 2021, the state of American democracy ruptured for several hours. But the event has been building for decades:

- 59 percent of Americans are unsatisfied with “the way democracy is working in our country.” (Pew Global Attitudes Project, 2019).
- 23 percent of Americans openly state that the free press is “an enemy of the people” and only two thirds who see it as “an important part of democracy.” (Quinnipiac 2019).
- Public backing for the use of at least some violence to achieve a political goal—both on the left and right—has ticked up, from 8 percent in 2017 to 18 percent in 2020. (The Economist, Oct 2020).
- About 20 percent of the population is “predisposed” to authoritarian leadership. (Anne Applebaum, “Twilight of Democracy,” 2020).
- A new Axios-Ipsos poll finds that 80 percent of Americans—both Republicans and Democrats—say America is falling apart.
- The IPSOS Social Cohesion Index, which tracks attitudes on trust in other people and the political process, national identity, helping others and respecting laws. Out of 27 countries, the United States suffered a 26 percent decline in social cohesion, behind China, Saudi Arabia, India, Australia.

We need to strengthen our democratic resilience. HOW?

For decades, many Americans have been fed a steady diet of authoritarian messages on radio, television, cable news, social media. No one has offered a counter-message that builds support for democratic norms. That is the mission of the CFD.

Voter market research & campaign: Conduct a non-partisan and sophisticated voter research project to produce data on what animates citizens who increasingly support authoritarian figures and messages; and develop message strategies to increase resilience to attempts (foreign and domestic) to exploit those attitudes. This project will be governed and operated by a bipartisan partnership of the nation’s leading pollsters, focus group conveners, and media consultants. The result: an aggressive marketing campaign (digital, print, radio, television) to counter foreign and domestic content that subverts democratic norms.

Engagement: Convene Members of Congress and other federal officials with scholars and thought leaders to a) assess democratic norms and b) operationalize projects to strengthen it. This will bridge political practitioners with academic researchers.

Building democracy in our classrooms: Build a network of resources across K-12, college and university campuses to cultivate the next generation of public servants with a greater respect for democratic norms and resilience when those norms are undermined.

Join the Institute of Politics and Global Affairs

Please consider becoming a member of the Institute of Politics and Global Affairs. Institute members receive VIP inclusion in all our events and are invited to attend cutting-edge conferences. We ask that our members make multi-year (3 year+) payment commitments, at the annual giving levels listed below. Please note that these levels have changed from previous years. If you have any questions about membership or would like to join, please reach out to Peter Narby, our director of development, at pn63@cornell.edu.

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IOPGA Events Calendar Spring 2021

January


- The Bernard Schwartz Book and Politics Series: To Start a War: How the Bush Administration Took America Into Iraq, A Conversation with Robert Draper

February

- Confronting Hate with Dr. Georgette Bennett

- Inside Congress: Infrastructure as a Bipartisan Solution

- Brexit: The Aftermath

- The Future of the Republican Party featuring Governor John Kasich

March

- Women in Leadership in the Middle East

- Inside Congress: The Freshman Class

- Administrative Action in the Biden Administration

April

- Understanding Mediterranean Security

- A Conversation on Climate

- The Politics of Education

May

- The Politics of Protest

- The Congressional Peace Games

June

- The Politics of Hospitality

July

- The Politics of Education

- Models of Corporate Social Responsibility