



## PHILIP K. HOWARD RESETS THE RULES

**PHILIP K. HOWARD** is a New York City-based lawyer and writer who is a vocal advocate for government and legal reform. A self-declared “radical centrist,” Howard founded and heads Common Good, a nonpartisan, nonprofit organization that champions simplifying government. He has given a TED talk, appeared on *The Daily Show*, served on Trump’s CEO council, and authored several books, the most recent of which is *Try Common Sense: Replacing the Failed Ideologies of Right and Left* (W.W. Norton & Co., 2019). He recently offered his thoughts on how Washington can—and should—be fixed.

**Quest:** You don’t seem like a revolutionary: You’re a prominent lawyer, civic leader, and patron in New York. But in *Try Common Sense*, you make the case that Washington must be rebuilt, not repaired.

**Philip K. Howard:** Washington is out of control. Literally. No human, not even the president, can make sense of it. All the regulations have taken a life of their own—runaway red tape. Common sense is illegal. Americans want change. Instead we get paralysis and a cacophony of finger-pointing. That’s why

the electoral needle is starting to swing wildly—eight million Obama voters turned around and voted for Trump.

**Q:** Speaking at a recent *Quest* event, you observed that Washington has exactly the opposite culture from New York.

**PKH:** New York is a city of action. People wake up and set out to make something happen. If they don’t succeed, they lose their job. Washington is a city of inaction. People follow the process and talk about “moving things to the next step,” but nothing much happens. No one is responsible for results. Ask someone in Washington why something works stupidly, and the answer is almost always: “The rule made me do it.”

**Q:** How did you decide to take on the failure of modern democracy?

**PKH:** I was always a policy wonk. I got my start in college doing economics research at the Oak Ridge National Lab. I was a gopher for Nobel laureate Eugene Wigner. Then for years I was active as a civic leader, helping lead the Municipal Art Society crusades. I kept running into officials who wanted to

*This page, from above: Philip K. Howard with then-Vice President Al Gore; Howard chaired the committee that installed the Tribute in Light memorial for victims of the September 11 attacks. Opposite page: Howard gives a TED talk in 2010.*



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do the right thing but couldn’t because of rigid regulations. So I started looking into why officials lacked the authority to use their common sense. I didn’t set out to write a book. But this project became *The Death of Common Sense*.

**Q: The book became a bestseller in 1995. Were you surprised?**

**PKH:** Yes, of course. I had no expectations. I was just trying to figure out why modern government worked so badly.

**Q: If you had to boil all of your thoughts on improving democracy down to one core insight, what would it be?**

**PKH:** Nothing works unless a human makes it work. It’s impossible to create a government that’s better than people. Thousand-page rulebooks are just a form of central planning—actually, worse, because the planners who wrote those rules in the 1970s and ’80s are long gone. At least the Soviet planners came up with a new stupid plan every five years.

**Q: Doesn’t the gridlock in Washington reflect the current political polarization?**

**PKH:** Actually, just the opposite: The rancor reflects the powerlessness of political leaders to actually make changes. So they compete by yelling louder. For example, both parties wanted to use the 2009 stimulus—\$800 billion—to rebuild America’s decrepit infrastructure. But no official, not even the president, had the authority to make it happen. As President Obama put it: “There’s no thing as a shovel-ready project.”

**Q: You were on President Trump’s CEO Council. Is he draining the swamp?**

**PKH:** Trump has a kind of feral genius for spotting weaknesses, but he doesn’t have a coherent vision of how to fix broken government. The solution isn’t to burn more coal, or deregulate safety oversight. The solution is to restore human responsibility. Set goals and guiding principles, and then hold people accountable if they don’t meet them. Simplify government. Create a hierarchy of authority to make decisions. Decide who’s doing the job, and who’s not. That’s how democracy is supposed to work.

**Q: But isn’t the point of law to dictate the proper way to do things?**

**PKH:** No! Law is supposed to support our freedom, not replace freedom with thick rulebooks and hair-trigger lawsuits. Law should stand at the edges of a free society, protecting against bad things—like crime and pollution. It does this by setting goals and standards, with clear lines of responsibility and accountability. The Constitution forbids “abridging the freedom of speech” without defining exactly what that means. It works pretty well.

**Q: But is it possible to turn back the clock, and let people take responsibility again?**

**PKH:** The big hurdle here is not creating new codes. It’s not hard to write simplified codes that focus on goals; it’s certainly a lot easier than writing thick rulebooks that dictate how to organize every nook and cranny of the workplace. The roadblock is Washington. All those interest groups exist to preserve the status quo.

**Q: Is that why you propose moving most agencies out of Washington?**

**PKH:** Yes, Washington truly is a swamp. Why not move agencies out to real places, where people know what it means to take responsibility? Make federal employees answer to their neighbors. Federal agencies like NASA in Huntsville or the Centers for Disease Control in Atlanta seem to do the job.

**Q: So how does change happen?**

**PKH:** Americans have to organize behind this new vision of governing. Think Andrew Jackson, or the Progressive Movement. Real change only happens in historic moments. What’s new here is that the villain is not racism, or rapacious robber barons, but huge, mindless bureaucracy that now has thousands of blood-sucking interest groups attacked to it.

**Q: We can see how conservatives might like this, but won’t liberals oppose it?**

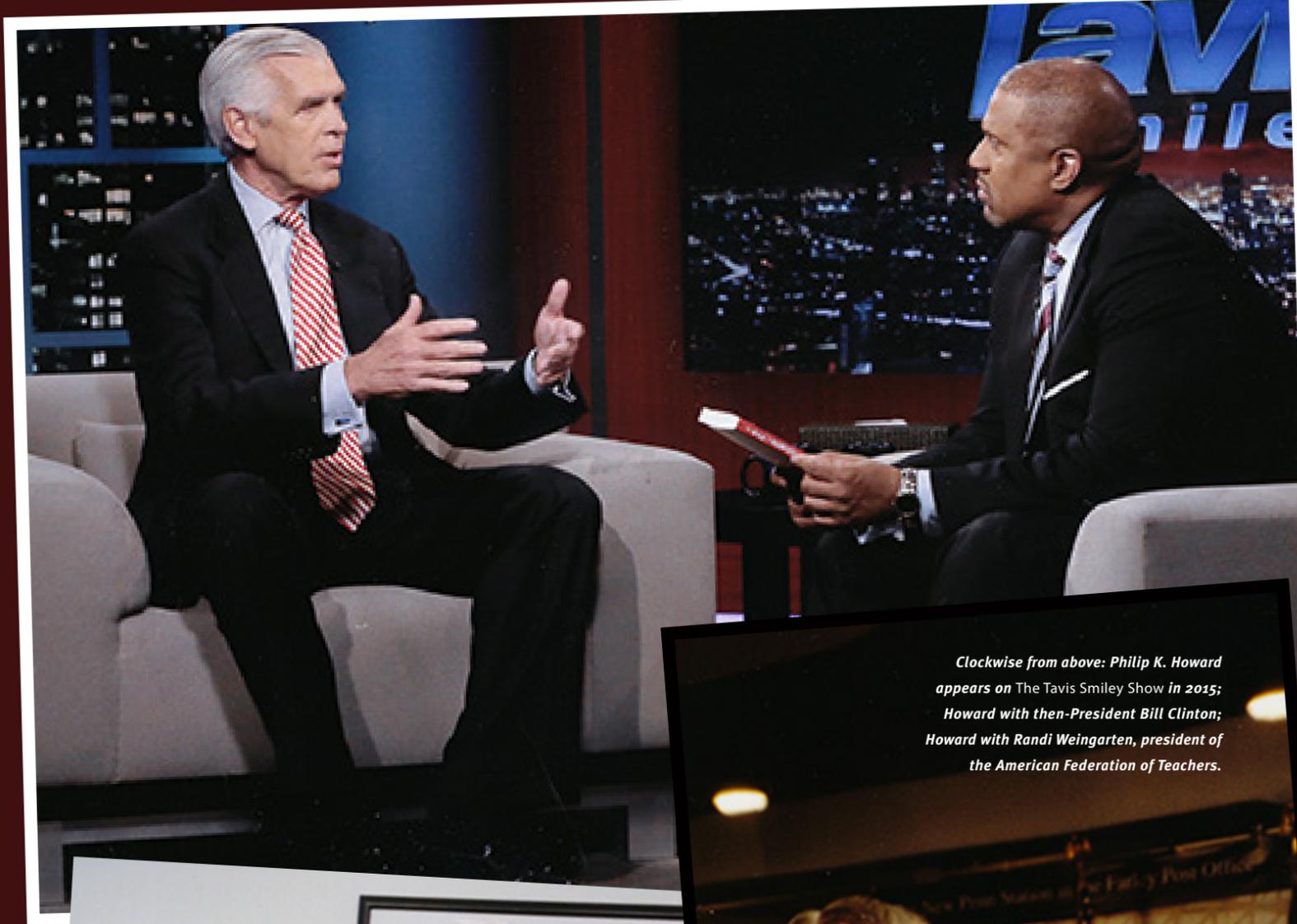
**PKH:** Liberals ought to support it. Where will they get the money to deal with climate change? Or deal with the fact that many hard-working Americans don’t earn enough to support their families? Red tape is staggeringly wasteful. Twenty-one states have more non-instructional personnel in their schools than teachers. Thirty percent of the healthcare dollar goes to administration—that’s \$1 million per doctor.

**Q: So you’re saying it’s time to push the reset button on Washington?**

**PKH:** Exactly. Trying to prune this red tape jungle is a fool’s errand. Every president since Jimmy Carter has tried and failed.

**Q: Do you have a plan to make this happen?**

**PKH:** We do. Common Good, the nonprofit I chair, is organizing a campaign called Principled America to build support to reboot Washington. Former political leaders like Al Simpson are helping. We are getting support from CEOs and leading experts in every field. We’re producing videos and podcasts. Your readers can help. They can sign up at [commongood.org](http://commongood.org). Change is happening—Trump’s election was the clearest symptom. But what that change will be will depend upon what Americans demand. ♦



*Clockwise from above: Philip K. Howard appears on The Tavis Smiley Show in 2015; Howard with then-President Bill Clinton; Howard with Randi Weingarten, president of the American Federation of Teachers.*



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