

Reimagining Democratic Institutions for a New American Century

Wallace B. Jefferson

Equality of voice and representation is a foundational value of American democracy and a prerequisite for democratic renewal and adaptation in the twenty-first century. This essay considers the potential and progress made toward three structural reforms – expanding the House of Representatives, implementing Supreme Court term limits, and introducing ranked-choice voting – designed to increase genuine representation. It also finds that their transformative potential is increased by a fourth reform: multi-member congressional districts. America’s 250th anniversary offers a rare opportunity for democratic renewal that we cannot afford to waste or allow to succumb to partisan politics. The alternative – accepting institutional dysfunction and democratic decay – is unacceptable.

In his second address to Congress, delivered in the crucible of civil war, Abraham Lincoln confronted the challenge of national renewal with a question that still reverberates: “Can we do better?” His answer, strikingly apt for our time, was a call for transformation:

The dogmas of the quiet past are inadequate to the stormy present. The occasion is piled high with difficulty, and we must rise with the occasion. As our case is new, so we must think anew and act anew. We must disenthrall ourselves, and then we shall save our country.¹

Now, as the United States approaches its 250th anniversary, Lincoln’s challenge confronts us again. His question has gained fresh urgency in the face of democratic erosion, civic disillusionment, and institutional drift.

Recognizing this moment, the American Academy of Arts and Sciences convened the Commission on the Practice of Democratic Citizenship. Its landmark 2020 report *Our Common Purpose: Reinventing American Democracy for the 21st Century* answers Lincoln’s call with clarity and conviction.

The report – at once sobering and hopeful – offers a blueprint. It aims to rebuild the architecture of self-government so that citizens have reasons to reengage, restoring trust and cultivating a more vibrant democratic culture. Better institutions will yield a stronger democracy.

At the heart of this transformation lies Strategy 1: *achieve equality of voice and representation*.² It is the foundation upon which the report's other reforms depend. Without genuine representation, other efforts to revitalize democracy falter. The strategy has eight recommendations, three of which have gained significant traction since 2020:

- Expand the House of Representatives to reflect population growth and ensure more equitable representation.
- Implement eighteen-year terms for U.S. Supreme Court justices to reduce politicization and enhance legitimacy.
- Introduce ranked-choice voting to foster broader consensus, reduce polarization, and empower voters with more meaningful choices.

These reforms are structural commitments to a democracy that listens, adapts, and includes. They answer Lincoln's call to "think anew and act anew," and they invite us to disenthral ourselves from outdated assumptions about what our democracy can achieve.

From the beginning, the American experiment has rested on a simple but profound principle: representation as the cornerstone of democratic legitimacy. The institutions that ensure representation require carefully calibrated safeguards to function effectively. For example, Alexander Hamilton defended life tenure for judges as a bulwark against the "occasional ill humors in the society."³ Yet he also acknowledged that representative bodies must remain tethered to the will of the people. Independence may protect institutions, but accountability sustains their legitimacy.

The tension between independence and responsiveness has shaped American constitutional history. In an 1804 letter to Abigail Adams, Thomas Jefferson warned that judicial supremacy over other branches "would make the judiciary a despotic branch."⁴ Jefferson grasped a central truth of constitutional democracy: institutions must be independent to deliberate freely, but also accountable to maintain the people's trust.

Today, this balance is under acute strain. The Supreme Court's approval ratings have plummeted to historic lows, and congressional districts – distorted by outdated apportionment – no longer reflect the nation's demographic realities. The result is a growing disconnect between the governed and their governing institutions, a drift that threatens our freedoms, cleaves our unity, and weakens our influence in the world.

Strategy 1 of *Our Common Purpose* – to achieve equality of voice and representation – aims to restore this balance. Its structural reforms seek to strengthen the integrity of our institutions by renewing their connection to the public they serve. It reaffirms a founding insight: that democracy flourishes when representation is real, responsible, responsive, and resilient.

History affirms that democratic rebalancing is not only necessary, it is achievable. The Civil War amendments marked a second founding, radically expanding the constitutional promise of equality. A century later, the Civil Rights Movement ushered in a third founding, breathing new life into those ideals and confronting the exclusions that had long undermined them. Today, we stand at the threshold of a fourth founding, one that seeks to make democracy not just aspirational but truly representative and responsive.

The founders designed the House of Representatives to grow with the nation. In Federalist No. 10, James Madison envisioned a chamber large enough to include citizens “of the most diffusive and established characters” – a body capable of reflecting the diversity and complexity of the American public.⁵ The Constitution sets two requirements: each state must have at least one representative and seats must be apportioned by population every ten years.

Yet, since 1913, the House has been frozen at 435 members, even as our population has more than tripled. This artificial cap has distorted the very principle of representation. Today, each member of the House serves approximately 760,000 constituents, a ratio that would have shocked the founders and that renders meaningful representation increasingly elusive. As congressional scholar Kevin Kosar has observed, the current imbalance undermines the House’s ability to serve as the people’s chamber.⁶

The mathematics of democracy matter. Oversized districts dilute the connection between representatives and constituents, making government feel distant and unresponsive. Massive districts also skew the Electoral College, amplifying the influence of certain states in presidential elections. And they promote gerrymandering, allowing mapmakers to fracture communities across sprawling districts.

Since *Our Common Purpose*’s publication in 2020, momentum for expanding the House has accelerated. Three bills have been introduced in Congress proposing to add between 138 and 150 seats. In 2021, the American Academy published *The Case for Enlarging the House of Representatives*, and the Academy has briefed more than fifty congressional offices on the proposal.⁷ Civic organizations like Protect Democracy and the POPVOX Foundation have developed practical plans to accommodate a larger House, including architectural adjustments to the chamber and proposed changes to House rules.

Expanding the House envisions a structural reform to restore core purposes of representation. It brings government closer to the governed, strengthens the legitimacy of our institutions, and reaffirms the foundational belief that democracy begins with the people.

Historical precedent confirms that expanding the House is both feasible and consistent with the founders’ vision. Until 1913, Congress routinely added seats following most decennial censuses, allowing the chamber to grow alongside the nation. The current cap of 435 members was not the product of constitutional design

but of political and infrastructural convenience. Nothing prevents Congress from revisiting that decision.

A democracy cannot abide a judiciary that answers only to itself. As a former chief justice of a large and diverse state, I have seen up close how courts earn – and lose – public confidence. Judicial legitimacy depends on the same careful balance between independence and responsiveness that shapes other constitutional institutions. Courts must be free to decide cases according to law rather than political pressure and accountable in a measure sufficient to sustain the public's faith that judges do not stand above democratic restraint. When either side of that balance is perceived to be missing, the institution suffers, regardless of how well-reasoned its opinions may be.

Texas offers a vivid illustration of the tradeoff. Our state-court judges stand for election in partisan races. That structure can promote accountability: judges must defend their record, listen to communities, and accept that the people ultimately decide who serves. But partisan elections also carry a real cost. When judicial campaigns are conducted through party labels, fundraising networks, and interest-group mobilization, it becomes harder for the public to believe that legal judgment is insulated from political currents. Even when judges are faithful to the law, the appearance of political influence can undermine confidence – and appearances matter because courts rely on public acceptance rather than force.

The Supreme Court of the United States sits at another pole. Life tenure is designed to protect independence, and it has done so in important ways. But life tenure also creates its own legitimacy problem. It can separate the Court from regular accountability and make the Court's composition turn on a combination of events, like retirements timed to political conditions and vacancies created by unexpected illness or death. In a system in which a single appointment can shape constitutional law for a generation, a vacancy lottery inevitably raises the stakes of each nomination, invites hardball tactics, and feeds the perception that the Court is simply another arena of partisan sport. That perception – whether fair or not – decreases confidence in the Court and, ultimately, in constitutional governance.

Term limits offer a structural, nonpartisan reform that can better align independence and accountability. An eighteen-year, nonrenewable term – paired with staggered appointments so each president makes two appointments per four-year term – would regularize the process and reduce the sense that any single vacancy is a once-in-a-generation event. Predictability changes incentives. It lowers the temperature of confirmations by ensuring that no single health crisis or strategically timed retirement determines the Court's direction for decades. It also reduces the pressure on justices themselves to time retirement to orchestrate a political outcome – an odd and unhealthy power for any person to wield, and one that can distort public perceptions of impartiality.

The most serious objection to term limits is that they might compromise judicial independence. That concern is understandable but ultimately misplaced. Independence is not an all-or-nothing proposition, and it does not require life tenure. A lengthy, nonrenewable term preserves the conditions necessary for principled decision-making. A justice can decide cases without fear of removal, without needing to curry favor for reappointment, and without calibrating decisions to future electoral outcomes. Indeed, as constitutional law scholar Kermit Roosevelt has persuasively argued, term limits can *enhance* independence in an important respect. Under life tenure, a justice's personal decision about when to retire can exert outsized influence over the Court's ideological trajectory. A regularized term reduces that leverage and returns the timing of appointment to an orderly constitutional cadence rather than an individual strategy.⁸

The framers designed the federal judiciary with independence in mind, but they could not have anticipated modern longevity, nor the degree to which extended tenure would make each appointment a deeply consequential political trophy. When Justice Antonin Scalia died unexpectedly in 2016, the resulting vacancy became a focal point of intense partisan conflict precisely because vacancies are so rare and unpredictable. That kind of conflict is not a sign of constitutional health; it is a symptom of a design that increasingly turns the Court's membership into a high-stakes contest. Term limits would not eliminate disagreement, but they would reduce the incentives for partisan gamesmanship by making appointments routine rather than exceptional.

History also suggests the value of periodic renewal. At several critical moments, the Court has entered sustained conflict with democratic institutions and emerging constitutional understandings. The *Dred Scott* era illustrates how a Court can become detached from the nation's evolving constitutional commitments, with consequences that harmed both the country and the Court's reputation. The Court's resistance to early New Deal reforms produced institutional confrontation so severe that it threatened the Court's standing. In other periods, the Court has preserved its authority more effectively by maintaining sufficient institutional capital, earned in part through public confidence that the Court is neither frozen in time nor captured by transient politics. The point is not that the Court should track opinion polls. It should not. But the Court's legitimacy is strengthened when the public can see the institution as durable, principled, and periodically renewed rather than locked into a composition determined by chance and strategy.

Term limits would preserve what is essential about judicial independence while restoring a degree of regular accountability that modern life tenure lacks. Like judicial elections, they recognize that courts operate within a constitutional democracy and depend on public acceptance. Unlike partisan elections, they do so without asking judges to campaign, raise money, or run under party labels. Term limits are a prudent institutional adjustment that safeguard the Court's authority by reducing

the perception of politicization and by reaffirming a core democratic principle: no office of such immense and enduring power should depend on the happenstance of timing or remain insulated from meaningful accountability across generations.

Winner-take-all plurality voting – the system most Americans take for granted – was inherited from England and designed for an era of limited suffrage and two dominant parties. It forces voters to choose the “lesser evil” rather than their preferred candidate, distorts representation, and reinforces polarization. Ranked-choice voting offers a straightforward alternative that better reflects voter preferences and encourages coalition-building.

Under the ranked-choice model, voters rank candidates in order of preference. If no candidate receives a majority of first-choice votes, the candidate with the fewest votes is eliminated, and their supporters’ ballots are redistributed to each voter’s second choice candidate. This process continues until one candidate secures a majority. The result is a more accurate reflection of voter preferences and an incentive for candidates to appeal to a broader coalition.

Ranked-choice voting has been successful throughout the United States and at different levels of government. Maine became the first state to adopt it for federal elections in 2016, and Alaska followed in 2020. In local elections, jurisdictions from New York City to San Francisco have implemented the system, reporting higher voter satisfaction and more-civil campaigns. Research confirms that ranked-choice voting reduces negative campaigning, as candidates have an incentive to seek second-choice support from their opponents’ voters.

This system also shows particular promise for improving women’s representation. Cynthia Terrell and her colleagues at RepresentWomen have documented that ranked-choice voting helps reduce the barriers women candidates face in traditional partisan primaries.⁹ When voters can express nuanced preferences rather than choosing a single candidate, the electoral landscape becomes more welcoming to a broader range of candidates.

While these reforms – expanding the House, implementing Supreme Court term limits, and introducing ranked-choice voting – each stand on their own merits, their transformative potential is amplified by inclusion of a fourth reform, which has not yet gained the same traction: allowing multi-member districts. The pairing of ranked-choice voting and multimember districts, in particular, would create proportional representation, ensuring that diverse perspectives – whether racial, cultural, or ideological – gain voice in Congress regardless of how district lines are drawn.¹⁰

Federal law requires single-member districts for House elections, but this wasn’t always the case. Many states used multimember districts in the nineteenth century, and other democracies use various forms of proportional representation today. The

1967 law mandating single-member districts could be repealed through regular legislation, allowing states to experiment with different approaches.

Multimember districts with ranked-choice voting would address several democratic deficits. Instead of drawing districts where one party dominates, states could create larger districts that elect multiple representatives, allowing the full spectrum of opinion to be represented in Congress. This approach could ameliorate the effects of residential segregation and partisan polarization.

The reform would also substantially reduce the incentive for gerrymandering. When districts elect multiple members proportionally, manipulating boundaries becomes far less effective. Politicians would need to appeal to broader constituencies, rather than designing districts to guarantee safe seats.

The six years since *Our Common Purpose*'s publication have witnessed meaningful progress on the Strategy 1 recommendations to achieve equality of voice and representation. Beyond the legislative proposals already in motion, the broader conversation about democratic reform has evolved. Across the political spectrum, organizations now recognize that structural change – not just procedural tweaks – is essential to revitalizing American democracy.

This momentum reflects a growing consensus that incremental reforms are no longer sufficient. Americans of all political affiliations express deep frustration with institutions that feel distant, unresponsive, and resistant to change. Yet the Commission's listening sessions revealed something more enduring: an abiding commitment to democratic ideals, especially when citizens feel they have agency and institutions demonstrate that they can serve the public effectively.

Still, formidable challenges remain. Entrenched interests benefit from the status quo and resist disruption. Polarization complicates cooperation, and constitutional constraints limit what is legally possible without amending the Constitution, even as political constraints narrow what is feasible. Most fundamentally, reform requires a leap of civic faith: Americans must believe that democratic institutions can be improved rather than simply endured.

The success of individual reforms depends on understanding their interdependence. Expanding the House without changing how representatives are elected risks amplifying existing distortions. Imposing Supreme Court term limits without broader attention to the appointment process could intensify polarization rather than mitigate it. Introducing ranked-choice voting in single-member districts would enhance representation, but without broader structural changes, it may fall short of transformative impact.

Democracy is an architecture that requires constant maintenance and periodic renovation. The founders built well, but they did not fully anticipate that the three branches could drift so far from the foundation of democracy that the foundation itself is imperiled. Each generation must decide whether to preserve, repair, or

reimagine the structures they inherit based on contemporary needs and constitutional principles.

The reforms in Strategy 1 represent targeted renovations designed to strengthen democracy's foundation while preserving its essential character. They address the cycle of declining participation and institutional failure by creating institutions worthy of public trust and engagement.

Democracy also requires citizens who understand their role in maintaining democratic institutions. This means engaging beyond voting: participating in civil society organizations, attending public meetings, supporting journalism, and building relationships across lines of difference. It means understanding that democracy is not a spectator sport but a participatory enterprise that succeeds only when citizens invest in its success.

The 250th anniversary of American independence provides a unique opportunity to celebrate an American democracy that is capable of renewal and improvement. The work is difficult and the outcome uncertain, but the alternative – accepting institutional dysfunction and democratic decay – is unacceptable.

One of the greatest dangers of our present moment is the reflex to treat any proposal for structural reform as inherently partisan. In an era of such polarization, even neutral design improvements can be dismissed as power grabs. That impulse must be resisted. The *Our Common Purpose* reforms emerged from a bipartisan commission and reflect principles that transcend party loyalty: that representation should be authentic, that institutions should be accountable, and that democratic systems must be capable of renewal as circumstances change.

These reforms are not designed to advantage one political party at the expense of another. They are structural adjustments aimed at strengthening democratic legitimacy itself. Expanding the House, implementing term limits for Supreme Court justices, adopting ranked-choice voting, and eliminating the single-member district mandate would foster a more responsive and representative democracy, regardless of which party is in power at any given moment.

Expanding the House to better reflect population growth would benefit states governed by Republicans and Democrats alike. A regularized system of Supreme Court appointments through term limits would ensure that every president – Republican or Democrat – has a predictable and equal opportunity to shape the Court. Ranked-choice voting and proportional representation would allow a broader range of views to be expressed, giving voice to voters across the ideological spectrum who are currently underrepresented or disengaged. And multimember districts would both ensure diversity of voice in the House and disincentivize gerrymandering, increasing public confidence in the institution in the process.

The breadth of thoughtful commentary on these proposals reinforces their nonpartisan attributes. Kosar emphasizes that institutional effectiveness depends

not only on outcomes but on internal capacity and design. Roosevelt's analysis of Supreme Court term limits demonstrates how regularized appointments prevent durable minority control, regardless of which party holds power. Research from RepresentWomen shows that electoral reforms expand opportunity and representation for a wide range of groups, not for any single political coalition.

If we allow these reforms to be dismissed as partisan simply because our politics are polarized, we will forfeit a rare opportunity for democratic renewal. As the nation approaches its 250th anniversary, the task before us is not merely to commemorate what has endured, but to strengthen our institutions so that they remain worthy of the constitutional ideals they were designed to serve – ideals that transcend party, ideology, and circumstance.

We stand at a pivotal moment, one that invites us to show that our democracy is not only enduring but capable of renewal, adaptation, and growth. The institutions we shape over the next decade will determine whether future generations inherit a democracy that invites thoughtful improvement, not emergency reconstruction.

The reforms in Strategy 1 matter not just for their technical merits but for what they signal: a renewed commitment to making democratic institutions worthy of democratic citizens. When Americans believe their voices count, they participate more fully. When institutions respond to public needs, citizens invest in their improvement. When representation is authentic, democracy becomes a source of pride rather than frustration.

These reforms return us to core democratic principles: that representation is the cornerstone of democratic legitimacy, that institutions require both independence and accountability, and that democracy must adapt to serve each generation. Lincoln's question – *Can we do better?* – demands not just contemplation but action.

Democratic renewal is a collective endeavor to reimagine how institutions serve the people. Strategy 1 offers a blueprint for that effort, rooted in the conviction that democracy must adapt to remain legitimate, inclusive, and responsive. We can do better. We must think anew, act anew, and disenthral ourselves from dogmas of the past.

This is our inheritance and our common purpose.

ABOUT THE AUTHOR

Wallace B. Jefferson is former Chief Justice of the Supreme Court of Texas, Partner in the law firm Alexander Dubose & Jefferson LLP in Austin, Texas, and President of the American Law Institute. As a lawyer, he has successfully argued cases before the United States Supreme Court, and his scholarly writings have been published in *Judicature*, *New York University Law Review*, and *Seattle University Law Review*.

ENDNOTES

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