

# “THE RESPONSIBILITY ERA”

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*INDIVIDUAL*

*CORPORATE*

*POLITICAL*

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**Abstract:** The Sarbanes-Oxley Act mandates that Chief Executive Officers (CEOs) and Chief Financial Officers (CFOs) of all publicly traded companies in the United States sign personal liability contracts vouching for all financial filings with the Securities and Exchange Commission. I argue that if responsibility by contract is good for corporate America and good for the American public as we meet our responsibilities in modern American life, responsibility by contract must also be good for political America, and good for American ideals of representative government. In addition to being good for America and the American people, the political theory and tactics presented in this paper provide CEOs, CFOs and directors of publicly traded corporations with the tool necessary to rebalance the business/political equation in the wake of Sarbanes-Oxley.

This theory was tested in a 1989 congressional election and further tested successfully in 1994 by scores of incumbents and challengers seeking election to the US Congress. Imagine, an America where politicians at all levels of government include in their campaigns for office a new social contract, a microtution, that includes a handful of action items they choose to offer voters: all nicely wrapped around crystal clear language that says that if they fail to do these few items they will not seek re-election in the next election cycle. Rather than force compliance through the power of law, such robust change in American politics must be voluntary *and* constitutional. I propose the structural framework to make such a social contract a reality, and argue that the necessities of practical politics, coupled with the marketplace of ideas, will drive these new contracts into the American system of government.

## **OVERVIEW**

I argue in this paper that America can meet its national goals of government accountability and responsibility, without disrupting existing institutions of government, voluntarily and constitutionally, as set forth and intended by our founders, with these simple changes:

**Statement:** We govern ourselves voluntarily by contract. Powers not granted are retained, as is the right to exercise reserved power. We are afforded the right to create new voluntary social contracts, as long as these new contracts conform to the framework established by the founders. Individual candidates voluntarily seek election to one specific public office with defined powers. These powers and processes function at all levels of American government.

**Question:** Given the parameters above, is it possible to create new voluntary social contracts between citizens and candidates seeking election to public office at all levels of government? If we do create these new voluntary contracts, what structure is needed to ensure compliance within the framework established by our Founders? What are the benefits and outcomes generated by these new contracts? More importantly, is it politically feasible to add new voluntary social contracts to our existing government processes?

**Answer:** I have developed and present in this paper the structural framework that meets the above criteria and offers answers to the remaining questions with a resounding “yes.” The outcome moves us closer to the political accountability that the founders intended when we moved from sovereign nation states to a federal system of government. An alpha test of this concept in a Congressional race in 1989 showed promise. A beta test, in 1994 *Republican Contract with America*, successfully demonstrated the political feasibility of combining voluntary social contracts with the election process (although the *Contract* was actually a promise – I address this issue in the paper).

The American voting public has some basic understanding of contracts. Most Americans buy their cars by signing a contract with a promise to pay. If they fail to pay, they lose their car. I present the benefits of this same basic principle as it applies to liberal democratic government. The Founders gave us Democracy 101. In this paper, I propose Democracy 101a, where the “a” stands for accountability.

### **FRAMING THE QUESTION**

We must regulate the regulators who control our system of government – elected officials at all levels of American government. Demanding a new social contract, a Microtution, from every person seeking public office gives ‘We the People’ the ability to do just that. Americans have the right to demand that the public good is more important than re-election or special interests.

It is important to understand the American people are not interested in abstract theories. Most Americans understand contracts and know that when they sign a mortgage it is a promise to pay and, when they do not meet their promise, there is a sanction. Failure to fulfill a promise to pay your mortgage means you lose the house. This simple contract principle can be applied to the powers associated

with every elective office in the nation, from local city officials to the President of the United States.

Our federal and state constitutions are contracts that provide macro control over the way we govern ourselves. The premise of this paper is that it is our right to exercise micro control over select behaviors of our elected officials. This new social political contract is a Microtution. Incorporating the function of a Microtution into our political system represents the next milestone in democratic self-government.

A candidate for public office implementing a Microtution as part of their political commitment will be giving his or her constituents access to a dormant constitutional right and a more accountable government. An aspiring politician embracing a Microtution as part of his or her political platform will demonstrate leadership, courage and a conviction to their principals.

This paper provides those considering entering a campaign for any elected office in the United States, insight on how to frame Microtution issues and guidance not otherwise available. Employed wisely, use of a Microtution could be the edge needed to win an election. Additionally, the 511,039 elected officials in the United States, over time, may need to understand and apply the concepts presented in this paper to remain in office.

Those discouraged by a procession of political leaders who have betrayed the trust of their constituents will find, in this paper, a way to distinguish between those politicians who are willing to give voters the constitutional rights they deserve and those who are not.

The history of American politics and governance constitutes a constantly evolving set of customs, traditions and processes. The introduction of Microtutions into that process is the next step in America's evolution toward a more effective and accountable representative democratic system. When Americans choose to support for public office candidates utilizing a Microtution, and deliver those candidates a few well-earned victories, fewer and fewer candidates will choose to campaign without presenting their respective constituencies with a well thought-out Microtution guaranteeing a handful of self-selected "action items" they intend to deliver if elected. *Failure to complete all Microtution "action items" while serving in elected office the candidate, nee elected official, has pre-agreed to not seek re-election to the current office held or any other elective office in the next election cycle.*

When Americans become aware of the opportunity for positive political change, together as a nation we can drive the custom of political accountability into our system of government.

As a nation are we ready for such change? Absolutely.

## A LITTLE HISTORY

*“The past is but the beginning of a beginning, and all that is and has been is but the twilight of the dawn.”*

**H. G. Wells**

Our founders established the United States government by social contract, following the lead of the states by including preambles or articles outlining the genesis of the only legitimate source of government power – the people. These state and federal contracts hold that powers not granted are retained by the states, or by the people. As with every valid contract, these contracts include sanctions for nonperformance. ‘We the people’ have the right to take back the powers we granted. This is not very practical, but it is our right nonetheless. It can also be said that we have the right to exercise the powers we reserved – a far more practical approach to improving the way we govern ourselves.

In the past decade, the Supreme Court has revitalized the Tenth Amendment, granting its protections of state sovereignty by striking down federal laws commanding obligations of state and local governments on issues as diverse as handgun control, waste disposal, timber exportation and child protection. In *New York v. United States*, 505 U.S. 144 (1992), a waste disposal case, Justice Sandra Day O’Connor delivered the opinion of the Court, which reads in part:

*“and while the Tenth Amendment makes explicit that “[t]he powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people,” the task of ascertaining the constitutional line between federal and state power has given rise to many of the Court’s most difficult and celebrated cases.”*

If this is true, as the Supreme Court maintains, then the people retain the right to government by contract. Why, then, do we limit ourselves to state and federal contracts? Is there a place where the people can exercise their reserved power rights of government by contract without a) the need for government action, and b) causing the disruption or destruction of our government institutions? Would adding a new social contract to our system of government improve the way we govern ourselves? The answer is yes.

Exercising unused reserved powers to govern ourselves by contract has the potential of delivering new liberties to the American people. For the first time in two hundred and twenty five years, America is at the dawn of another beginning – if the American people have the will to think and act like the Founding Fathers.

When we look back at the founding of this country, we see that it was, indeed, the beginning of a beginning. Colonists, absent royal titles passed around by the British Crown, came together with a vision of self-governance. For the first time in human history, people, not kings or tyrants or warlords, but people in need of a way to govern themselves, came together with a vision that all legitimate government power originated from them, as individuals, and that this power was a direct gift from God. Only individuals, collectively, could give away some, but not all, of this power to create legitimate government. Without this consent, the power of kings and tyrants and other forms of government were not legitimate, according to our colonial Founding Fathers.

Having a great idea is one thing – putting it into practice is entirely another. How does a body of individuals give away some of its powers while holding onto those powers it chooses to retain? For roughly 150 years prior to the 1760s, the American colonies adopted much of English common law, and in particular contract law, as it related to the affairs of commerce. Although subjects of the Crown, the American colonies had a lengthy history of some 150 years of self-government, making their own tax laws, printing money and raising government revenues.

All this changed when King George III came to power in 1760. His view of the colonies was simple; they were a source of raw materials and little else. His views and heavy-handedness in dealing with the colonists were in large part responsible for igniting the fuse that ultimately led to the American Revolution.

As the colonists looked to establish governments, both state and federal, applying the principals of contract law to newly formed governments was a natural extension of existing self-government practices. The creators of the 13 original states (with the exception of Massachusetts) in their collective effort to create a federal government believed that the best way to ensure compliance and guidance in the formation of these government entities was by creating a contract that outlined specific performance and general guidelines.

By declaring that the governmental legitimacy granted in these contracts originated from the people, and that those powers not granted were retained by the states, or by the people, the creators of these contracts ensured that the real power remained in the hands of the people who consented to being governed. As a result, collectively as Americans, we are passively sitting on a huge base of unused reserved power granted to us by our Founding Fathers.

Nowhere, in any of our founding federal and state constitutions, or lower level government entities created since our Founding, did the people give away our power to government by contract. In fact, government by contract is fundamental to our method of self-governance. When there is a dispute regarding one of these contracts, we look to the courts to settle the issue. As a people, and as a

nation, we have more than 200 years of experience governing ourselves by contract with judicial oversight.

If 'We the People' choose to add another contract that fits within the existing framework of our state and national constitutions, doing so is our right. It is a right guaranteed by our Constitution and granted us through the wisdom of our Founding Fathers. To say otherwise shatters the fundamental principles of our state and federal constitutions and destroys the very foundations from which this great nation was built.

### **The Elements of a Microtution**

This section of the paper focuses on the construction of a microtution contract and the importance of understanding the framework of powers associated with the individual elective office that is the subject of the microtution. As shown in Figure 1, a microtution is a social contract from an individual candidate for a specific public office at any level of elective government.

## Government Structure - Elected Officials

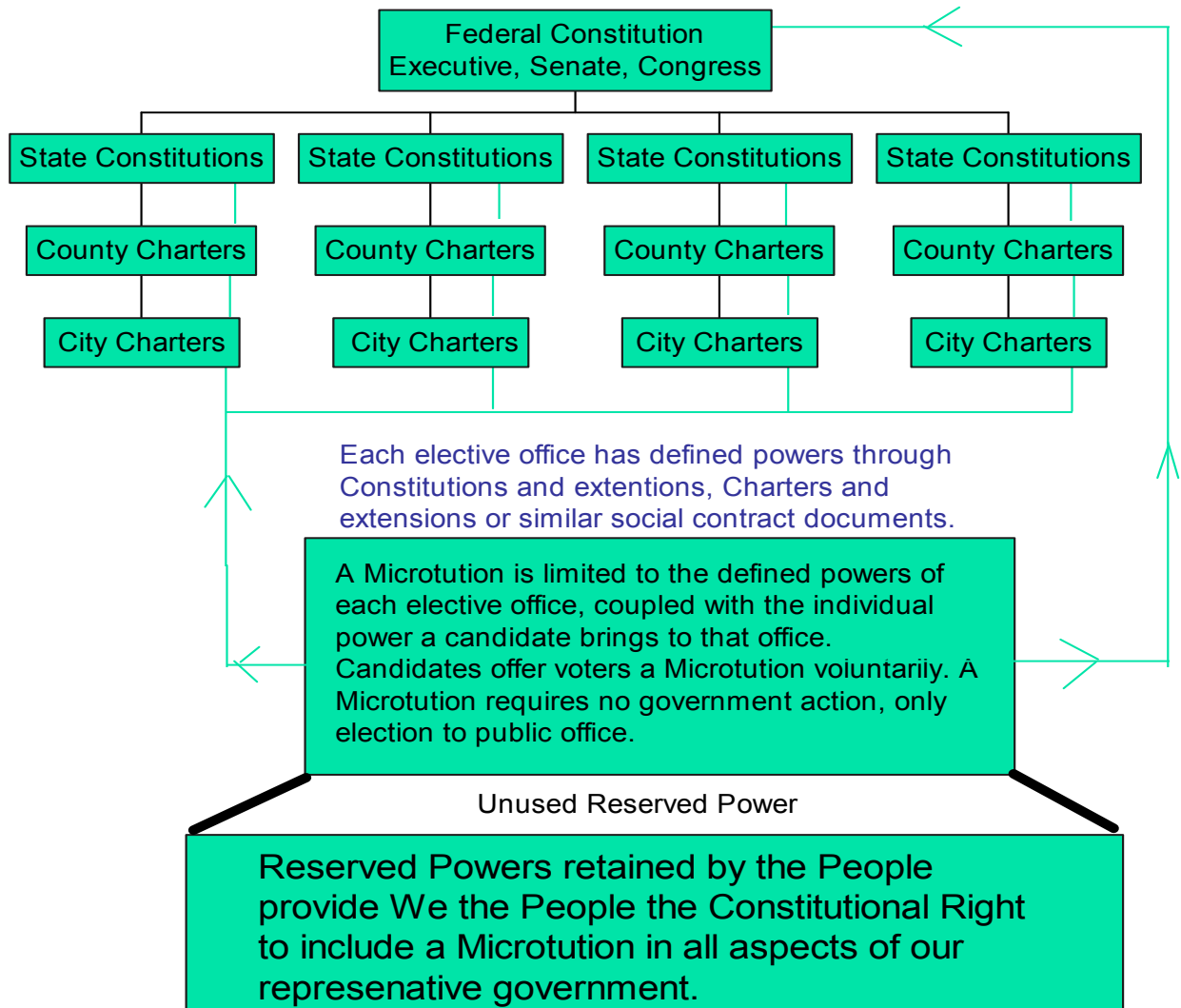


Figure 1.

Not represented in Figure 1 are the numerous elective special districts, school boards, water districts, utility districts, elected judicial officials and police. We have more than 511,000 elected officials in the United States.

The "Unused Reserved Power" block in Figure 1 represents the genius of our Founding Fathers. Some forty years after the creation of the United States Constitution, Tocqueville wrote: "This Constitution, which at first glance one is tempted to confuse with previous federal constitutions, in fact rests on an entirely new theory, a theory that should be hailed as one of the great discoveries of political science of our time. In America, the Union's subjects are not states but private citizens." It is also true that the power that enables the state, county, local and municipal government originates from the private citizens residing within the reach of that government entity.

This means that the American people have the power to add, at the micro level, another social contract to the structure by which we govern ourselves. A Microtution is an individual social contract that includes self-selected “action items” executed voluntarily by a candidate seeking election to any public office. One day America may have more than 500,000 candidates elected to public office utilizing these individual social contracts known as Microtutions.

What our Founding Fathers were trying to accomplish through the creation of our social contracts was a means by which the regulators would be regulated – a means by which the power of elected officials could be controlled. The issue of “regulating the regulators” was the umbrella issue overriding the creation of the US Constitution. It is through the power of elected officials that legitimate government operates. It is also the way legitimate government deteriorates, declines and abuses of power occurs. “Absolute power corrupts, absolutely.”

Since our founding, there has been an erosion of our individual liberties and an erosion of our faith in our government institutions and the people elected to run them. The vast majority of the 511,000 elected officials in this country are honest, hardworking public servants. What is lacking in our system of government is a methodology or tool able to facilitate accountability on the part of our elected public officials. A Microtution is the tool necessary to regain some of the “regulation of the regulators” as was the intent of the Framers of the United States Constitution.

Tocqueville and many others have written about the genius of our Founding Fathers in giving us, private citizens the tools we need to manage the power of government. The constitutional ability to control a small portion of micro political power has been in front of us for over two centuries. A Microtution provides the structural framework necessary to provide some granular control over individual elective officials and the government power those elective offices hold over our government institutions.

It is detrimental to the American democratic process that roughly half of the citizens in America do not vote. Additionally, the half that do often feel as though they are casting a vote for the lesser of two evils. Injecting the power of Microtutions into the American system of government may very well increase American voter participation.

Collectively, politicians spend more than \$500 million dollars per election cycle to win votes. Much of that money is spent on negative ads, telling thin truths about the opposition and offering little to no information of value to the voter. Obviously, this negative misinformation tactic works. People listen and approximately half of them go to the polls and vote for the lesser of two evils. What happened to “Ask not what your country can do for you, but what you can do for your country?”

## **ELEMENTS OF A MICROTUTION**

Candidates must think, and think clearly, about the content that surrounds the framework of their Microtution. The action items, or “body of action,” included in a Microtution must meet the following guidelines:

*The power to execute all contracted action must be available through the powers of the office sought; and through the individual powers the private citizen brings to the office sought through the election process. The combinations of these two powers are the boundaries from which all Microtution “action items” can be generated.*

If the “body of action” included in the Microtution adheres to the above guidelines, the candidate will not be putting his or her political career at risk. If candidates are wise in their selection of action items, they will never face the sanction of stepping aside in the next election cycle for failure to perform.

On the other hand, the action items included in a microtution may or may not help one get elected to office. As with any election to public office, the candidate must know which issues will move voters to provide a plurality on Election Day.

This framework applies to each and every elected office, more than 511,000 according to the U.S. Census Bureau, at all levels of American government. This can impact our entire political system and deliver positive change.

The fundamental elements of a microtution are similar to the basic elements of a valid contract between two or more parties. Ideally, the language is direct, clear and leaves no room for ambiguity. This can be accomplished: Read the U.S. Constitution. These are the required elements of a microtution:

1. Identification of the parties – candidate’s name and office sought.
2. Preamble outlining the Constitutional right of the parties to execute the social contract referred to as a Microtution.
3. Body of the Microtution – a list of action items the candidate will accomplish if elected to office. The only limitations on action items are that they must be able to be accomplished through the powers of the elective office sought and through the power of the individual citizen seeking election brings to the office.
4. A prohibition against any and all alterations to the microtution. The only exception to this prohibition is a section enabling the addition of action item(s) to the body of the Microtution no later than 30 days prior to the election.
5. Sanction for nonperformance – failure to perform all action items listed in the Microtution will result in the candidate not seeking

re-election to the same or other elected office in the next election cycle. This must be included or the document is not a Microtution.\*

6. Dispute resolution; Arbitration – if the candidate is elected to office and a dispute arises over the candidate's fulfillment of all obligations as stated in the action items listed in the body of the Microtution, the dispute is to be resolved through arbitration. Notice of any such dispute must be given no later than 120 days prior to the deadline for filing candidacy papers for re-election to the elective office covered by the Microtution.\*
7. Notice – provision outlining guidelines for notice of dispute.
8. Date and signature of candidate and witness or witnesses.

\*The only exceptions to the above are items 5 and 6 for incumbent governors or presidents.

For item 5, Sanctions: Term-limited politicians at all levels, including state governors may utilize a “will not seek election to any other “higher” elective office in the next election cycle” clause. Although weaker from a sanction perspective when compared to an opponent's clause of not seeking re-election for governor or other elective office, term limited candidates do have this option because they often seek election to higher state or federal office.

For an incumbent President considering executing a Microtution, the sanction “I will not seek election to this or any other elective office in the next election cycle” is no sanction at all. There are alternative sanctions an incumbent President can utilize to counterbalance the “I will not seek re-election” clause in the Microtution of his or her challenger. The most effective sanction for an incumbent President executing a Microtution would be a sanction that grants his presidential retirement income for life to a charity of his choice. This will let Americans know that a candidate is serious about fulfilling the action items in their Microtution.

For item 6, rather than seeking dispute resolution through arbitration, state governors or presidents may want to utilize state courts. It may be that state governors have the option of either arbitration or state courts. Presidents, on the other hand, along with any constituent bringing an action for breach, must look to a state court first, and then it may be that a state court looks to the federal courts for dispute resolution. We experienced this state court to federal court, back to state court in the 2000 presidential election. Any change of dispute resolution from arbitration to a state or federal court system requires inclusion of guidelines for a claimant filing a dispute for nonperformance of the action items contained in the Microtution.

**MICROTUTION TEMPLATE** – For use by any candidate seeking elective office

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According to the Founding Fathers of this great nation, all just authority in the institutions of political society is derived from the people and established with their consent. To reinstate the bonds of trust between the people and their elected representatives, in acknowledgement of your constitutional right to government by social contract, I offer this Microtution as my commitment to you if elected to represent you in the office of \_\_\_\_\_ (fill in the blank).

You have my solemn oath I will accomplish the following action items during my term in office:

(The following are examples only)

1. I will publicly disclose my personal federal and state tax returns...
2. I will introduce legislation with a goal to....
3. I will vote for legislation that provides for....
4. I will not vote for legislation that...
5. I will organize community volunteers to....
6. I will ensure no member of my immediate family works as a lobbyist....
7. I will place my personal financial holdings into a blind trust...
8. I will...(the list of potential action items is limitless, use your imagination here)

***(Note: The above items are representative only and in no way imply any political statement or belief. The body of action items in a Microtution is the sole responsibility of the candidate. Candidates seeking election to legislative bodies that routinely bring omnibus bills to the floor for an up or down vote MUST take this issue into full account in the development of their Microtution action items.)***

The items of action listed above may not be modified or changed in any way. Additions to the items of actions in this Microtution listed above may be added only by a written instrument duly executed by the candidate up to 30 (thirty) days prior to the date of the election.

The action items set forth above are clearly stated and there is no ambiguity as to whether or not I can accomplish these goals during my term in office. If I do not accomplish these goals within 120 (one hundred twenty) days prior to the filing deadline to register for re-election, I will not seek re-election to this office or any other public office in the next election cycle. If a dispute arises as to whether or not I have accomplished the goals as set forth above, any such dispute will be subject to arbitration as follows:

Any controversy or claim arising out of or relating to this Agreement shall be settled by binding arbitration in the County of \_\_\_\_\_, <State>, in accordance with the Commercial Arbitration Rules of the American Arbitration Association then in effect. The controversy or claim shall be submitted to three

arbitrators, one of whom shall be chosen by the elected official, one of whom shall be chosen by the citizen making the claim, and the third of whom shall be chosen by the two arbitrators so selected. The party desiring arbitration shall give written notice to the other party of its desire to arbitrate the particular matter in question, naming the arbitrator selected by it. If the other party shall fail within a period of 15 days after such notice shall have been given to reply in writing naming the arbitrator selected by it, then the party not in default may apply to the American Arbitration Association for the appointment of the second arbitrator. If the two arbitrators chosen as above shall fail within 15 days after their selection to agree upon a third arbitrator, then either party may apply to the American Arbitration Association for the appointment of an arbitrator to fill the place so remaining vacant. The decision of any two of the arbitrators shall be final and binding upon the parties and shall be delivered in writing signed in triplicate by the concurring arbitrators to each of the parties hereto and to a court with jurisdiction over such matters. The party initiating the arbitration shall pay the fees of the arbitrators so selected. Any other expenses incurred in connection with the arbitration shall be paid in accordance with the decision of any two of the arbitrators and shall be final. Judgment on the award rendered by the arbitrators may be entered in any court having jurisdiction.

Any notice of Arbitration which either party may wish or be required to give to the other party pursuant to this Microtution shall be in writing, addressed to the official office of the elected official or to the designated address of the party initiating the arbitration, and shall be deposited in the United States mail, registered or certified, and with proper postage prepaid. Notice given by registered or certified mail shall be deemed effective three (3) days after deposit in the mail.

This Microtution will be filed in addition to the official documents of my candidacy with the government agency having jurisdiction and with The Microtution Foundation online public access service: <http://www.microtution.org>

IN WITNESS WHEREOF, <Name>, candidate for the office of <fill in the blank> has executed this Microtution voluntarily and willingly agree to abide by any dispute resolution decision issued by the arbitrators as outline above. Voluntarily signed by my hand as witnessed on this day of \_\_\_\_\_.

"Candidate for \_\_\_\_\_"

By: \_\_\_\_\_

Name:

Witness Name:

By: \_\_\_\_\_

Name: (Notary is best)

## **A PROMISE OR A CONTRACT WITH AMERICA?**

Much has been written about the Republican “Contract with America” and the revolution it created. Speaker Newt Gingrich pulled together the largest political change in America in more than half a century in 1994. The Republican Contract with America localized national issues and gave Republicans control of the House for the first time in more than 40 years. Irrespective of one’s political viewpoint, there is no question the “Contract” and election results of the 104<sup>th</sup> Congress were a historic event in American politics.

Below is the “Contract” with America, absent the specific bill text or “action items,” which are easily attainable on the Internet. The only relevant point about the action items contained in the “Contract” is the fact that each of these items was clearly within the power of the individual candidates for Congress to carry out if elected to Congress as a majority. The specific content of these ten action items is not central to the following discussion.

What is important to understand is the language and wording wrapped around the action items. It is here that the genius of Gingrich adds value; it is also where he missed a much greater opportunity.

It is important to note that the “Contract with America” is not a contract. It is a promise. A contract is not a contract unless it has a valid and legal sanction for nonperformance.

It also is extremely important to note the following point: If the Republican “Contract With America” had included a sanction for nonperformance that individually, the collective “we” would not seek re-election in the next election cycle, as outlined in the Microtution section – the political risk would not have been increased in any way whatsoever, and the landslide election victory by Republicans would have been even larger. If one reads the “Contract With America” carefully, line-by-line, with this sanction in mind, that fact becomes crystal clear.

## **REPUBLICAN CONTRACT WITH AMERICA**

*As Republican Members of the House of Representatives and as citizens seeking to join that body we propose not just to change its policies, but even more important, to restore the bonds of trust between the people and their elected representatives.*

That is why, in this era of official evasion and posturing, we offer instead a detailed agenda for national renewal, a written commitment with no fine print.

This year's election offers the chance, after four decades of one-party control, to bring to the House a new majority that will transform the way Congress works. That historic

change would be the end of government that is too big, too intrusive, and too easy with the public's money. It can be the beginning of a Congress that respects the values and shares the faith of the American family.

Like Lincoln, our first Republican president, we intend to act "with firmness in the right, as God gives us to see the right." To restore accountability to Congress. To end its cycle of scandal and disgrace. To make us all proud again of the way free people govern themselves.

On the first day of the 104th Congress, the new Republican majority will immediately pass the following major reforms, aimed at restoring the faith and trust of the American people in their government:

**FIRST**, require all laws that apply to the rest of the country also apply equally to the Congress;

**SECOND**, select a major, independent auditing firm to conduct a comprehensive audit of Congress for waste, fraud or abuse;

**THIRD**, cut the number of House committees, and cut committee staff by one-third;

**FOURTH**, limit the terms of all committee chairs;

**FIFTH**, ban the casting of proxy votes in committee;

**SIXTH**, require committee meetings to be open to the public;

**SEVENTH**, require a three-fifths majority vote to pass a tax increase;

**EIGHTH**, guarantee an honest accounting of our Federal Budget by implementing zero base-line budgeting.

Thereafter, within the first 100 days of the 104th Congress, we shall bring to the House Floor the following bills, each to be given full and open debate, each to be given a clear and fair vote and each to be immediately available this day for public inspection and scrutiny.

**1. THE FISCAL RESPONSIBILITY ACT:** A balanced budget/tax limitation amendment and a legislative line-item veto to restore fiscal responsibility to an out-of-control Congress, requiring them to live under the same budget constraints as families and businesses. ([Bill Text](#)) ([Description](#))

**2. THE TAKING BACK OUR STREETS ACT:** An anti-crime package including stronger truth-in-sentencing, "good faith" exclusionary rule exemptions, effective death penalty provisions, and cuts in social spending from this summer's "crime" bill to fund prison construction and additional law enforcement to keep people secure in their neighborhoods and kids safe in their schools. ([Bill Text](#)) ([Description](#))

**3. THE PERSONAL RESPONSIBILITY ACT:** Discourage illegitimacy and teen pregnancy by prohibiting welfare to minor mothers and denying increased AFDC for additional children while on welfare, cut spending for welfare programs, and enact a tough two-years-and-out provision with work requirements to promote individual responsibility. ([Bill Text](#)) ([Description](#))

**4. THE FAMILY REINFORCEMENT ACT:** Child support enforcement, tax incentives for adoption, strengthening rights of parents in their children's education,

stronger child pornography laws, and an elderly dependent care tax credit to reinforce the central role of families in American society. ([Bill Text](#)) ([Description](#))

**5. THE AMERICAN DREAM RESTORATION ACT:** A \$500 per child tax credit, begin repeal of the marriage tax penalty, and creation of American Dream Savings Accounts to provide middle class tax relief. ([Bill Text](#)) ([Description](#))

**6. THE NATIONAL SECURITY RESTORATION ACT:** No U.S. troops under U.N. command and restoration of the essential parts of our national security funding to strengthen our national defense and maintain our credibility around the world. ([Bill Text](#)) ([Description](#))

**7. THE SENIOR CITIZENS FAIRNESS ACT:** Raise the Social Security earnings limit which currently forces seniors out of the work force, repeal the 1993 tax hikes on Social Security benefits and provide tax incentives for private long-term care insurance to let Older Americans keep more of what they have earned over the years. ([Bill Text](#)) ([Description](#))

**8. THE JOB CREATION AND WAGE ENHANCEMENT ACT:** Small business incentives, capital gains cut and indexation, neutral cost recovery, risk assessment/cost-benefit analysis, strengthening the Regulatory Flexibility Act and unfunded mandate reform to create jobs and raise worker wages. ([Bill Text](#)) ([Description](#))

**9. THE COMMON SENSE LEGAL REFORM ACT:** "Loser pays" laws, reasonable limits on punitive damages and reform of product liability laws to stem the endless tide of litigation. ([Bill Text](#)) ([Description](#))

**10. THE CITIZEN LEGISLATURE ACT:** A first-ever vote on term limits to replace career politicians with citizen legislators. ([Description](#))

Further, we will instruct the House Budget Committee to report to the floor and we will work to enact additional budget savings, beyond the budget cuts specifically included in the legislation described above, to ensure that the Federal budget deficit will be less than it would have been without the enactment of these bills.

Respecting the judgment of our fellow citizens as we seek their mandate for reform, we hereby pledge our names to this Contract with America.

(End)

The "Contract" with America was based on electing a majority of Republicans to the House. Failure of the American people to elect a Republican majority completely invalidates this "Contract" and lets the incumbent Republican minority off the hook for any promises made in this "Contract." Therefore, inclusion of an "I will not seek re-election in the next election cycle" sanction for failure to perform has no political risk.

The implications are tremendous. The Republican Contract with America successfully demonstrated the political feasibility of combining voluntary social contracts with the election process – where political feasibility is defined as getting elected to office. In the realm of practical politics, the points made in this paragraph and the paragraph above simply cannot be ignored.

Further analysis of The Republican Contract with America uncovers a template for political coalition building, whether the coalition one is trying to build is for a local school board, state senate or Congress of the United States. If one re-reads the “Contract” holding the thought of coalition building foremost in your mind, it becomes clear that the “Contract” can be a template for coalition building; and can be further enhanced from a political “gimmick” into a major shift of power to the people by the theory presented in this paper. One should not make the mistake that Speaker Gingrich made of promoting a “Contract” that is nothing more than a promise. With the disclosure of Microtution contract theory, offering a “contract” that is nothing more than a gimmick “promise” approach is no longer a feasible political strategy.

It is worth repeating that the political social contracts outlined in the “Elements of a Microtution” section of this paper can be constructed in such a way that the political risk of including a sanction that says one “will not seek re-election to this office or any other elective office” creates little to no political risk. The political risk is tied directly to the content of the contract action items – and one’s ability to CLEARLY meet or exceed these contract obligations. The key is to confine one’s action items to the power of the office sought, coupled with one’s power as an individual citizen.

To be effective, a candidate must win an election. To be effective, a candidate must be seen as, and act like, a leader. If voters view a candidate as a follower rather than a leader, that candidate will lose. In the future, candidates that hesitate to execute a Microtution may find themselves unable to compete with those candidates that do. Failure to provide such leadership may result in defeat on Election Day, particularly in competitive races.

The stakes are raised and the political risks lie in wait based on the action items placed into a Microtution by two or more candidates seeking election to the same office. In this case, there is a direct correlation between the perceived value of the action items and voter response. These items are linked precisely because voters have a choice between two candidates and their Microtution action items. Weak action items will generate weak voter response and give opposition candidates a target to attack. The Microtution clause that enables a candidate to add action items up to 30 days prior to Election Day provides a methodology to shape and promote competing political ideas in the marketplace of electoral politics.

The push-pull nature of leadership and politics is inextricably linked. One or two successful high profile campaigns by candidates utilizing a Microtution will create an avalanche of positive political change in America. The only question is when this change will begin.

Without a doubt, Microtutions will be challenged in court and candidates will seek to distort the methodology, intent and purpose of Microtutions. All one needs to do is look at Americans' history with the U.S. Constitution to confirm these issues. However, to suggest it is better to do nothing is to suggest America would be better off without a Constitution and the entire struggle of life, liberty and pursuit of representative self-government that it represents.

The "Elements of a Microtution" will enable every person seeking elective office to empower their political constituencies with a dormant, hence new Constitutional right – and at the same time restore trust, confidence and accountability in our government institutions and political leaders.

### **THE RESPONSIBILITY ERA**

In 2002, President Bush delivered remarks at the 'Congress of Tomorrow' lunch at The Greenbrier in White Sulphur Springs, West Virginia. His comments referenced the American people's resolve to become involved in the war on terrorism as well as the need for increased corporate responsibility to restore faith in the public stock markets. The President introduced the idea of "The Responsibility Era."

Noticeably absent in the President's speech is any reference to political accountability in his new "Responsibility Era." The President's remarks focus on the value and necessity of individual and corporate responsibility. Until now, the President and other political leaders have not had the tool to facilitate political responsibility. They do now. Few would argue against the premise that inclusion of political responsibility and accountability in the President's vision of the "Responsibility Era," is of equal or perhaps even greater value than the necessity of individual and corporate responsibility. All three segments are vital components of a healthy democratic society and nation.

### **"WHO DO THEY THINK THEY ARE?"**

The "Era of Responsibility," as it stands now, is limited to the arena of individual and corporate responsibility. Over the past several years, Americans have witnessed the largest corporate failures in their history. The federal government relied on the use of contracts and sanctions to end wrongdoing and abuse of the public trust in public capital markets by corporate executives. More than 15,000 corporations, regulated by the Securities and Exchange Commission (SEC), actively buy and sell publicly held shares of stock. A small number of these companies are large enough to be actively traded on the predominant stock exchanges. In light of these scandals and the government's response, life

changed drastically for numerous directors, CEOs and CFOs when President Bush signed into law the Sarbanes-Oxley Act of 2002.

Within weeks of the President signing this law, senior executives of almost 1,000 of the largest publicly traded corporations were required to file sworn statements and personal liability contracts with the SEC attesting to the validity of all financial reports filed. Smaller companies were given more time to file.

Section 906 of the Act adds a significant new section to the mail fraud statute titled "Failure of corporate officers to certify financial reports." For those CEOs and CFOs who certify the statement knowing that the report accompanying the statement does not comply with all the requirements of Section 906, the maximum penalties are a \$1 million fine, ten years in prison, or both. For corporate officers who "willfully" certify the statement required by the section with knowledge that the report associated with the statement fails to comply with all of the requirements of the section, the maximum penalties increase to a \$5 million fine, 20 years in prison, or both. There are other sections of the Sarbanes-Oxley Act that substantially increase civil and criminal liabilities for corporate directors. If one has knowledge of the destruction, or allows the destruction of documents (digital or paper) that might become part of a government investigation, they will go to jail. Action taken against a whistle-blower can result in similar sanctions.

The Sarbanes-Oxley Act holds CEOs and CFOs *personally* responsible for the content and accuracy of the financial reports their corporations file with the SEC. Prior to the Sarbanes-Oxley Act, corporate executives were for the most part shielded from this liability by the corporate umbrella. To proclaim a lack of knowledge of wrongdoing no longer will suffice. This is a tremendous shift in liability. In the future, those heading publicly traded corporations will be held individually responsible, by contract, for the actions of that corporation.

## **Conclusion**

If our business leaders are to be held accountable, via contract, for their actions, certainly it is reasonable to expect no less of our political leaders. In fact, it is incumbent upon the American people to demand such accountability. Failure on the part of the American people to demand political accountability by contract will ensure the government/business/people equation remains out of balance.

The tool needed to usher in the era of political responsibility is at hand – the Microtution. With it, Americans can secure the ideals that hold them together as a nation – life, liberty, and the pursuit of individual and governmental responsibility in the name of freedom for all.

### END ###

Please see the following notes...

About the author:

Jeff Aldrich is a political theorist, public speaker, political consultant and corporate public affairs strategy consultant. He has held senior executive positions with several early and mid stage technology companies, in addition to founding The Microtution Foundation. Mr. Aldrich lives with his wife and two daughters in Novato, CA. Please address professional service queries to: [jeffaldrich@earthlink.net](mailto:jeffaldrich@earthlink.net)

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The Microtution Foundation is a California non-profit corporation and this paper is the genesis of the Foundation. The mission of the foundation is to drive responsibility and accountability via new political social contracts known as a Microtution into the American system of government; to educate the American public and those who seek public office about government with these new social contracts; to serve as an online clearinghouse and repository for all Microtutions in effect; and to grant use of the Microtution.org domain name for political purposes to all candidates for public office that meet the social contract framework standards of The Microtution Foundation.

If you agree with the Foundation's mission and the ideas presented in this paper, we believe you will agree with one more idea: Rather than make another contribution to a political candidate or party, make your next contribution to The Microtution Foundation and help us make these simple goals a reality for all Americans. If you would like to help, please do. It will take many hands to achieve our goals. We hope we can count on yours. Please visit our web site for more information: <http://www.microtution.org> and come debate these issues informally.

The Foundation is sponsoring invitation only formal national online debates on the WELL (an <http://www.salon.com> company) beginning October 1, 2003. The Foundation will invite four citizens and two alternates from each state in the nation, three in support and three against. Selection of citizen debaters will be based on their submission of a 250-word essay to the Foundation expressing their position. Deadline for essay submission is September 1, 2003. Winners of the essay debate entry will be notified and invited to participate by email on August 15, 2003. The Foundation may also consider active discussion and debate in the conferencing forums on the Microtution web site.

We also encourage you to share your knowledge about The Microtution Foundation by forwarding this information, our web address and your thoughts to a friend. Together, we can make a difference. Thank you for your time and interest.

- Jeffery D. Aldrich

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