

Democratic Institutions

A **Democratic Institution** constitutes the structures, systems, and processes that safeguard citizen participation, uphold the rule of law, ensure transparency and accountability, and protect the freedoms and rights essential for a functioning democracy. They are underpinned by the following principles:

1. **Accountability:** Mechanisms to hold government officials, agencies, and policymakers accountable for their actions, ensuring they act in the public's interest.
 2. **Transparency:** Open and accessible decision-making processes that allow citizens to understand and evaluate the workings of government.
 3. **The Rule of Law:** Equal enforcement of laws, impartial judiciary systems, and adherence to constitutional principles.
 4. **Representation and Participation:** Systems that ensure fair and inclusive representation of citizens in decision-making, including free and fair elections.
 5. **Checks and Balances:** Institutional safeguards that prevent any one branch or actor from gaining excessive power, preserving the separation of powers.
 6. **Protection of Civil Liberties and Rights:** Institutions that guarantees freedoms such as speech, assembly, religion, and press, as well as rights such as due process, and equal protection under the law.
 7. **Peaceful Transfer of Power:** Mechanisms to ensure orderly transitions of government leadership based on electoral outcomes.
 8. **Institutional Independence:** Insulation of key institutions such as the judiciary, central banking, election commissions, etc. from political interference to maintain fairness and impartiality.
 9. **Pluralism:** Recognition and accommodation of diverse voices, interests, and identities within society, ensuring that minority groups, ideas, and voices are protected and included.
 10. **Freedom of Information and the Press:** Guaranteeing that the public has access to unbiased information and that the press may operate without government interference.
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A Potential Framework:

Publius will track and monitor the actions of the administration through three points of surveillance: Executive Orders, Departmental Actions, and Legislative Action. These points are tiered based on the speed of their enforcement, the level of public oversight they require, and the complexity of their implementation. Their ranking is as follows:

- 1. Executive Orders (EOs):** Executive Orders represent the most critical focus for Publius. EOs require only Presidential signature, bypassing public oversight mechanisms such as Congressional Debate, or voting. They are quickly enacted, easily renewed, and serve as one of POTUS's most powerful tools for implementing policy objectives. Due to their unilateral nature and immediate effect, EOs pose the greatest risk for authoritarian overreach and therefore must be our top priority.
- 2. Departmental Action (DAs):** Departmental Actions, while somewhat constrained by the Supreme Court's overruling of the Chevron Deference in 2024, remain the second most significant avenue for executive policymaking. DAs are issued by federal departments and agencies, requiring only bureaucratic hurdles to implementation. These actions can have swift and far-reaching impacts, particularly when aligned with the administration's broader objectives, making them a critical area of focus.
- 3. Legislative Action (LAs):** Legislative Actions are the most transparent and institutionally constrained form of governance, offering the most opportunities for Publius to intervene. Unlike EOs or DAs, LAs require significant public oversight through Congressional Debate and are susceptible to public pressure. Their enactment depends on the completion of the legislative process, which is often slow and subject to political negotiation. Given the slim majority of within the 119th Congress and increased transparency, LAs face greater barriers to implementation, making them easiest for Publius to counteract effectively.

The Process:

Step 0: Order of Analysis

Publius will determine an order of analysis based on the tiered points of surveillance.

Step 1: Define Relevant Categories:

Once the order of analysis has been determined, each action will be evaluated in core categories of democratic principles. Use only those categories relevant to the action for assessment:

Core Categories:

1. Rule of Law
2. Accountability
3. Transparency

4. Representation and Participation
5. Checks and balances
6. Civil Liberties and Rights
7. Institutional Independence
8. Freedom of Information and Press
9. Economic Stability

Step 2: Categorical Evaluation

Each Category will include specific yes/no questions to assess the impact of the policy. Every “Yes” indicates a potential threat and must be supported by evidence from the policy.

1. Rule of Law:

- a.** Does the action bypass established constitutional procedures?
- b.** Does the action create unequal application of laws?
- c.** Does the action weaken institutional independence?
- d.** ETC...

2. Accountability:

- a.** Does the action limit oversight mechanisms?
- b.** Does the action shield decision-makers from scrutiny or consequence?
- c.** Does the action reduce public reporting requirements for government agencies?
- d.** ETC...

3. Transparency:

- a.** Was the action created without public consultation or notice? Is that uncommon?
- b.** Does the action limit public access to information regarding government action?
- c.** Does the action obscure or misrepresent the action’s intent or impact?
- d.** ETC...

4. Representation and Participation:

- a.** Does the action reduce access to voting?
- b.** Does the action disenfranchise specific communities?
- c.** Does the action impose unnecessary barriers to civic participation?
- d.** ETC...

5. Checks and Balances:

- a.** Does the action consolidate unprecedented power into a single branch (or away from other branches) of government?
- b.** Does the action bypass required legislative/judicial approval?
- c.** Does the action weaken oversight by state or local governments?
- d.** ETC...

6. Civil Liberties and Rights:

- a.** Does the action restrict freedoms of speech? Of religion? Of assembly?
- b.** Does the action target specific groups for unequal treatment?

- c. Does the action expand government surveillance without adequate safeguards?
- d. ETC...

7. Institutional Independence:

- a. Does the action politicize independent bodies?
- b. Does the action undermine meritocratic appointment or rely on loyalty appointments?
- c. Does the action undermine the autonomy of state or local governments?
- d. ETC...

8. Freedom of Information and Press:

- a. Does the action restrict journalism, whistleblowing, or media access to information?
- b. Does the action weaken legal protections for freedoms of the press?
- c. Is the government using disinformation to undermine public understanding of the issue?
- d. ETC...

9. Economic Stability:

- a. Does the action promote cronyism in economic policy?
- b. Does the action harm economic stability through arbitrary measures?
- c. Does the action weaken anti-corruption or anti-monopoly laws?
- d. Does the action weaken existing safeguards to undermine faith in the economic system?
- e. ETC...

Step 3: Scoring the Threat within Each Category

Once Questions are finalized, Publius may score each category on the following scale:

Every “Yes” is equivalent to a single point, whereas a “No” equates to no points.

Scale:

- 0-1 points: Minimal Impact
- 2-3 points: Potential harm imminent, requires monitoring
- 4 or more points: Significant threat requiring immediate action

Step 4: Determine Overall Threat Level

Add up the total points across all relevant categories and classify:

Scale:

- Low Risk (0-5 points): Minimal overall impact, monitoring may be required.
- Moderate Risk (5-15 points): Concerning impact on democratic institutions, requires intervention.
- Severe Risk (16+): Severe impact imminent, immediate and coordinate action is required.

Step 5: Creation and Mobilization of the Action Plan

Each threat level guides generalizable actions:

1. Low Risk: Monitor developments
 2. Moderate Risk: Raise public awareness and coordinate advocacy to address concern
 3. High Risk: The kitchen sink. Deploy all available tools: legal challenges, lobbying, public campaigns, and coalition-building.
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