**Interviewee**: Phil Howard

**Background**: Attorney, Best Selling Author, & Founder of Nonprofit – Common Good

**Interviewer**: Don Kettl Professor of The LBJ School of Public Affairs

**Video** **Length**: 17 minutes 14 seconds

**Date**: April 17, 2020

**Brief Overview**:

[Philip Howard](about:blank) is a noted lawyer, founder of nonprofit called [Common Good](about:blank) that organizes around nonpartisan government reform, and devout commentator on the effects of modern law and bureaucracy on human behavior and the workings of society. In this 17-minute video, Howard and Professor Don Kettl discuss problems with the current bureaucratic system of governance, some potential areas for government reform, and how this topic intersects with the current pandemic and COVID-19.

**Discussion Points**:

* Problems with the current bureaucratic system of governance:
  + There is an essential need for a review of the nation’s regulatory and statutory code systems. The layering of decades of paralytic rules that make compliance difficult or near impossible.
  + The system is based on a flawed premise – replacing human judgement with rules to attempt to prevent or eliminate human error. Systems of massive rulebooks that are designed to prevent any human mistake, also prevent human success in some areas. No law exists in a vacuum and requires proper application and execution by people of good faith.
  + Special interests that are committed to the status quo postpone improvements. Conflicting rules from different agencies create interagency conflict and inefficiency.
  + Distrust in government drives many of these rules. Beginning in the 60s with vast abuses of power, pollution, and lies about Vietnam exacerbated the American populace’s distrust of government. This resulted in an operating procedure that overburdened the system with detailed rules and procedures replacing human judgement.
* Potential solutions and areas for government reform:
  + Recodification commissions to reevaluate and rewrite codebooks. Last time this was done was with the universal commercial code in the 1950s. Led by Karl Llewellyn, they developed a set of principles that were later adopted by 48 states and became the basis for commerce in the US.
  + Switching orientations from rules to outcomes in complex areas to give leaders the freedom to make the best decisions. Simultaneously investing in checks and balances and various types of accountability mechanisms to instill trust is essential. This can be achieved through using appropriate levels of safeguards that don’t over burden the system but are still accountable.
  + Transform accountability by transforming the way governance works and sharing authority more broadly by incorporating citizens in and stakeholders in the decision-making process.
  + Not deregulation or more regulation, but “reregulation” to make government effective.
* COVID-19
  + Having every testing lab mandated to go through “the eye of the Washington needle,” proved inefficient and led directly to longer wait times for testing. Howard uses this example to justify the need for reform of bureaucracy.
  + Many hospitals are now “throwing the rules out the window,” by building new hospitals, over utilizing telemedicine, and reusing equipment. This serves as evidence that many of our old rules need to be evaluated and geared toward an adaptable and goal-oriented model.
* Generally, people know what needs to be done, but determining how to do this is not simple. One of the main goals of the Common Good, is to raise the public profile of the idea of cleaning out government so that it gets featured in the presidential debates and leads to a conversation around reform.

**Find Interview Here**: <https://youtu.be/uiP0ogDvzEc>