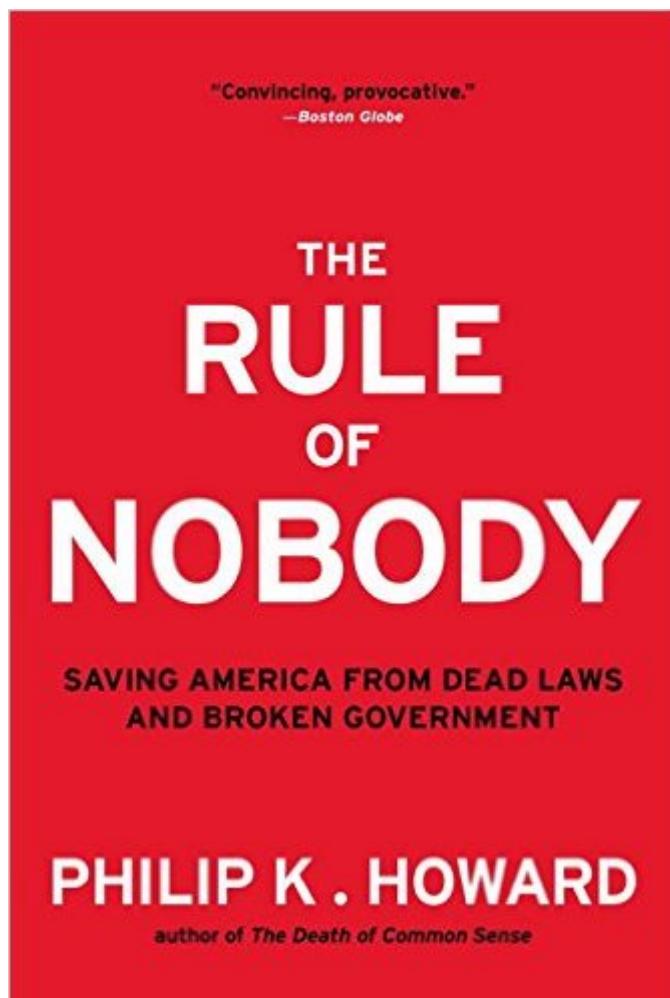


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# The Rule Of Nobody: Saving America From Dead Laws And Broken Government



## Synopsis

The secret to good government is a question no one in Washington is asking: "What's the right thing to do?" • What's wrong in Washington is deeper than you think. Yes, there's gridlock, polarization, and self-dealing. But hidden underneath is something bigger and more destructive. It's a broken governing system. From that comes wasteful government, rising debt, failing schools, expensive health care, and economic hardship. Rules have replaced leadership in America. Bureaucracy, regulation, and outmoded law tie our hands and confine policy choices. Nobody asks, "What's the right thing to do here?" • Instead, they wonder, "What does the rule book say?" • There's a fatal flaw in America's governing system • trying to decree correctness through rigid laws will never work. Public paralysis is the inevitable result of the steady accretion of detailed rules. America is now run by dead people • by political leaders from the past who enacted mandatory programs that churn ahead regardless of waste, irrelevance, or new priorities. America needs to radically simplify its operating system and give people • officials and citizens alike • the freedom to be practical. Rules can't accomplish our goals. Only humans can get things done. In *The Rule of Nobody* Philip K. Howard argues for a return to the framers' vision of public law • setting goals and boundaries, not dictating daily choices. This incendiary book explains how America went wrong and offers a guide for how to liberate human ingenuity to meet the challenges of this century.

## Book Information

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## Customer Reviews

"If you make ten thousand regulations you destroy all respect for the law." Winston Churchill said

these words in 1949 as he criticized the stifling regulation of industry and commerce by Britain's postwar Labor government. Philip Howard shows how we have not heeded Churchill's warning. In his several books, ranging from his 1994 book *The Death of Common Sense: How Law Is Suffocating America* to *The Lost Art of Drawing the Line: How Fairness Went Too Far* to this new book *The Rule of Nobody: Saving America from Dead Laws and Broken Government*, Philip Howard has written about a common theme -- that more regulation, more oversight, more government, more litigation, does not help America. Instead, it hurts. A lawyer himself (a partner at the prestigious law firm Covington & Burling), Philip Howard writes well about how this theme of overlawyering and overgoverning permeates our lives and keeps us from improving our lives as much as we otherwise could. Unlike many who write on this topic, Philip Howard does not take a political side. In 2002, he founded the nonpartisan, nonprofit coalition Common Good whose "philosophy is based on a simple but powerful idea: People, not rules, make things happen.

Author Howard believes rules have replaced leadership in America - bureaucracy, regulation and laws tie our hands and confine policy choices. We wonder, 'What does the rule book say?' instead of 'What's the right thing to do here?' Thus, America is now 'run by dead people' - political leaders from the past who enacted mandatory programs that continue, regardless of waste and irrelevance. Example: The 2009 economic stimulus package included \$5 billion to weatherize some 607,000 homes; the requirement that it also comply with the 1931 Davis-Bacon Act meant the Labor Dept had to decide how much 'weather-proofers' (new classification) had to be paid in 3,000 some counties. The stimulus plan projected that California would weatherproof 2,500 homes/month, but by the end of 2009 the total was 12. Example: Pulling out a tree blown over by the wind that was causing flooding by blocking a creek required 12 days and \$12,000 to get a permit. Example: The average length of environmental review for highway projects is over 8 years - replacing eg. the Goethals Bridge in N.J. took about ten years for plan approval. There's no active plan to rebuild America's electrical grid (transformers average 40-years in age, it is not digitized, operates at capacity in some areas --> limited ability to develop alternative energy sources and/or transfer power between areas), primarily because of regulatory issues. Dr. Berwick estimated Medicare wastes about \$200 billion/year, largely because of skewed fee-for-service incentives. Asking a NYC employee to help a co-worker could violate rigid civil service classifications, promoting him/her for good performance would be unlawful - jobs must be filled by written examination.

I liked this book, even though much of it was not new to me and it is 80 pages of ideas crammed

into 179 pages of text. Further, I think he is too optimistic in his outlook and proposed solutions. Howard's main point is that over regulation has diminished our freedom, depressed innovation, and forced people to focus on the rules and avoid judgement and principle. He suggests that the 1960s was the turning point, when people came to distrust authority that was unfair to minorities, women, the environment etc. The solution was rules: specific, detailed laws that would take the arbitrariness out of enforcing laws and regulation. But this had an unintended outcome. The law became more arbitrary: rules and regulation could be applied randomly. Any suit, no matter how absurd, is heard. Government infra-structure projects take years to be approved and decisions are slowed to a crawl as no one has the authority to say yea or nay, but anyone can find a rule, law or regulation that will allow a challenge. No matter how trivial or unrelated, it has to be heard, after all, we must be fair to everyone. He gives some horrifying examples of people being mistreated and even dying as nursing home staff and fire-fighters followed the rules without concern for the end result. In one example, the fire chief even applauded the inaction of fire-fighters that led to the drowning of a man. Rules, regulation and the fear of law suit paralyse the front line teacher, nurse, doctor, and bureaucrat. Howard does a great job of explaining how Congress has become incapable of governing as 14,000 lobbyists representing thousands of interest groups constantly push for rules and laws that will benefit their members.

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