

Common Sense 250 Years Since

A Legitimacy Audit for the AI Republic at America's 250th Birthday

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May 2026

I. The Legitimacy Audit Question

In January 1776, Thomas Paine had been in the colonies for just over a year. He held no office, commanded no troops, and belonged to no founding family. What he had was a pamphlet, a printing press, and an argument sharp enough to make inherited power look absurd.

The pamphlet was *Common Sense*. It became America's first bestseller, with roughly 120,000 copies sold in less than three months. A short work could now move through taverns, churches, meeting houses, and private homes faster than any official response from London could hope to follow.¹

That speed mattered. But the more important thing was what Paine did with it. The colonists already had grievances. They had petitions, protests, boycotts, committees, letters, and arguments enough to fill years. Paine gave them something different. He gave them a way to judge the structure itself.

Monarchy was not merely inconvenient, distant, and administered by the wrong king. It was a system that asked people to keep treating inherited power as legitimate long after experience had proved otherwise.

"There was a time when it was proper, and there is a proper time for it to cease," he said.

His blunt conclusion is as relevant today as it was 250 years ago when he wrote it.

I read *Common Sense* this year less as a historical artifact than as a provocation. America is marking 250 years of independence. The useful way to mark that anniversary is to revisit Paine's audit of inherited structures of governance, apply it to our own public institutions and processes, and ask whether they still serve the people they claim to. Where they do not, we should say so clearly.

What does it mean for a government to pass a legitimacy audit? The questions are simple to ask and difficult to answer honestly. Can our public institutions be trusted? Can they spend our hard-earned tax dollars prudently? Can they resist and root out corruption and the pull of organized money? Can they operate with any real efficiency? Can ordinary citizens understand and contest what these institutions do? Can the government self-correct its own failures and be held accountable?

No institution can be made perfectly incorruptible. Human beings do not work that way, and Paine knew it. He called government a mode made necessary by the "inability of moral virtue to govern the world." The fair test is whether institutions make corruption difficult, visible, and punishable. The fair test is whether they make accountability easier than concealment.

Those questions would matter in any decade. They matter more now because artificial intelligence is being built into the machinery of government. If our institutions cannot pass a legitimacy audit before AI, they will not become legitimate after AI is implemented at scale. They will move faster, and their flaws and abuses will become harder to contest.

The question is whether AI will become mainly a tool government uses on and for its citizens, or a tool citizens can use to audit their government.

This argument is reformist in posture and clear in intent. The target is public power that cannot be audited, corrected, or held to account. Our founding documents remain the right foundation. The republic and many of its institutions are worth preserving. But preservation requires honesty, and honesty requires saying what the evidence shows.

II. When the Government Fails Its Own Audit

Before reaching the moral audit, it is worth noticing that the federal government is also failing the literal ones.

The Department of Defense/War is the clearest example. In its FY2025 financial statement audit, the department's Office of Inspector General issued a disclaimer of opinion on the agency-wide financial statements. That phrase is more damning than it sounds. It means the auditors could not obtain enough evidence to support an opinion at all. The eighth annual full-scope agency-wide audit assessed about \$4.6 trillion in assets and identified 26 material weaknesses, two significant deficiencies, and five instances of noncompliance.²

The Government Accountability Office has put the point plainly: the Department of Defense/War remains the only major federal agency that has never received a clean audit opinion on its financial statements.³

A department that oversees trillions in assets cannot produce auditable financial statements sufficient for independent auditors to support an opinion. That is a management failure at the largest scale of government.

The broader fiscal picture follows the same pattern. The Congressional Budget Office projects federal outlays of \$7.4 trillion in fiscal year 2026 against revenues of \$5.6 trillion. That leaves a \$1.9 trillion deficit in a single year. Debt held by the public is projected to rise from 101 percent of GDP in 2026 to 120 percent by 2036.⁴ These numbers do not come from one side of the aisle. They come from the nonpartisan scorekeeper Congress itself relies on.

A government running structural deficits of that scale, year after year, across administrations of both parties, with no credible plan for stabilization, is not managing shared resources responsibly. It is borrowing against the future and calling it governance.

Public trust has moved in the same direction. In 1958, when the National Election Study first asked Americans whether they trusted the federal government to do what is right almost always or most of the time, 73 percent said yes. Pew Research Center's 2025 measure was just 17 percent when it asked the same question. Since 2007, trust has not once exceeded 30 percent.⁵

That is not a dip. It is a collapse across generations.

“Time makes more converts than reason.”

Some may read that quote by Paine as a counsel toward patience: trust the long arc and let experience do its work. I now read it more literally. Time proves what reason could only warn.

Americans have been warned about fiscal imprudence, institutional capture, administrative complexity, corruption and bureaucratic opacity for decades. Many argued from reason. Many showed the numbers. Many were ignored. Now time is showing what they could only tell. The audit disclaimers, the debt projections, and the collapse in trust are no longer warnings. They are evidence. I believe the next five to ten years will show how costly that evidence becomes.

III. Distance, Attention, and Money

Paine's sharpest practical argument was about distance. He meant actual miles and months.

“The business of it will soon be too weighty, and intricate, to be managed with any tolerable degree of convenience, by a power so distant from us, and so very ignorant of us; for if they cannot conquer us, they cannot govern us.”

He was writing about three thousand miles of ocean. A petition could take months to travel to London and months more to return. By the time the answer arrived, the situation had changed. Distance made governance structurally unresponsive. It was always behind the reality it claimed to manage.

Today, it's less about geography and more about a different measure of distance.

The first census counted just over 3.9 million people in the United States.⁶ Congress eventually froze the House of Representatives at 435 members through the Permanent Apportionment Act of 1929.⁷ The population kept growing. A single House member now represents roughly three-quarters of a million people. That number may be familiar to us, but familiarity should not make it seem normal.

With that many constituents, a representative cannot listen to everyone. So, who gets heard? The organized. The funded. The professionally persistent. The people who can hire lobbyists, draft legislative language, attend fundraisers, track committee schedules, and remain in the room across multiple election cycles. That is not cynicism. It is a design problem.

Citizens United did not invent this imbalance, but it widened the channel through which organized money moves. The Brennan Center summarizes the 2010 ruling as reversing century-old campaign finance restrictions and enabling corporations and outside groups to spend unlimited sums on elections. The ruling assumed that much of the new spending would remain transparent and independent. In practice, dark money groups, nonprofits, and shell companies put more than \$1.9 billion into the 2024 federal election cycle, and at least \$4.3 billion into federal elections since Citizens United.⁸

Paine worried about a government too distant to understand the people it governed. Our problem is different, but related. The representative may be physically closer than Parliament ever was but politically surrounded by a professional economy of access that lobbies for decisions that seem far away from the best interests of the people who are represented. Three-quarters of a million citizens live in a congressional district. A narrow class of people can reach the lawmaker repeatedly, fund the campaign, provide draft language, and shape what the lawmaker believes is politically possible. Everyone else may send an email or post on social media.

Technology could help reduce this distance. A well-designed public system could collect, synthesize, and make sense of citizen input at a scale no member office can manage manually. AI could help a representative see patterns across thousands of constituent stories, not just the priorities of the best-funded visitors. But that only happens if the right incentives and the right tools are designed to widen public voice. If the emerging AI-powered civic technologies are designed to manage public frustration, filter dissent, or generate polite replies at scale, then technology becomes another layer of distance disguised as service.

IV. The Crown We Cannot See

“Most wise men, in their private sentiments, have ever treated hereditary right with contempt; yet it is one of those evils, which when once established is not easily removed; many submit from fear, others from superstition, and the more powerful part shares with the king the plunder of the rest.”

Here, Paine was writing about a king. But he describes a recurring political condition persistent today: proximity to power creates private advantage, and the people closest to power often arrange things so proximity stays profitable.

Every generation inherits arrangements that look natural because they are familiar. America rejected hereditary political authority. Over time, it also built a stronger separation of church and state than much of the world still has. Pew has found that more than 80 countries officially or unofficially favor a specific religion, including 27 with Islam as a state religion and 13 with Christianity or a Christian denomination as the state religion.⁹ Things that feel permanent can be questioned. Things that seem impossible to change can eventually become embarrassing to defend.

Three inherited arrangements deserve to stand trial now.

The first is party capture. Gallup reported that a record-high 45 percent of U.S. adults identified as political independents in 2025, while 27 percent identified as Democrats and 27 percent as Republicans.¹⁰ Many independents still lean toward one party or the other, so the point is not that Americans are politically blank. The point is that formal attachment to the parties is weakening while party control over governance remains enormous. The two parties control ballot access, committee assignments, fundraising infrastructure, legislative calendars, and the permitted range of debate. They increasingly govern through their most mobilized factions while asking everyone else to accept the resulting choices as democracy itself.

The second is institutional inevitability. We are told, usually without much argument, that a massive, centralized, professionally managed federal apparatus is the only rational response to a complex modern society. Complexity is real. Modern government has responsibilities Paine could not have imagined. But complexity does not automatically justify centralization. That conclusion is assumed more often than demonstrated, and the assumption consistently benefits the people who staff, fund, lobby, and defend centralized institutions.

The third is the fusion of public authority and private opportunity. This is the modern version of Paine’s “plunder,” and it is not always theft in the criminal sense, though many recent examples may cross into criminal conduct. It is more often the accumulation of lawful advantages that citizens can still recognize as corrupting: lawmakers trading stocks while holding market-moving information, regulators moving into industries they once oversaw, campaign donors obtaining access unavailable to ordinary voters, and officials or their families gaining financial opportunities while public policy shifts around them.

The current crypto examples are unusually visible, as one example. ABC News reported that an Abu Dhabi state-backed investment firm planned to use World Liberty Financial’s USD1 stablecoin in a \$2 billion transaction involving Binance, a deal that ethics experts said raised concerns because the Trump family stood to benefit from the venture. ABC later reported that the Trump family had a roughly \$5 billion paper stake tied to World Liberty Financial token holdings. ProPublica separately reported that Todd Blanche, who at the time of this writing is the Acting Attorney General, issued a memo ending certain crypto enforcement activities while holding more than \$150,000 in crypto investments; the administration disputed conflict-of-interest claims.¹¹

These examples are current, reported, and sourced. They are also part of a wider pattern. The Brennan Center has argued that congressional stock trading creates a standing ethics problem because

lawmakers can have access to nonpublic information and the power to shape policy in sectors where they hold financial interests.¹² Not every conflict becomes a prosecution. That is exactly the point. A legitimacy audit asks more than whether conduct is narrowly legal. It asks whether citizens can look at the system and reasonably believe public power is being used for public purposes.

With these issues as the foundation, the danger of a rapid acceleration of ever more powerful artificial intelligence is that AI will make the invisible crowns we already live under more efficient and harder to hold accountable.

V. The Tool That Can Administer Public Life

Paine's pamphlet could travel. That was part of its power. Cheap print let a structural argument about government reach ordinary citizens at a speed no previous generation of reformers could have arranged. The medium did not create the American Revolution, but it changed what persuasion could do.

Artificial intelligence is a different kind of tool. The comparison to the printing press is useful only if we are precise about the difference. The printing press distributed argument. AI can administer public life.

AI is not neutral in public systems. It is shaped by the objective functions of whoever designs and deploys it. That sounds technical. It is not. It is a governance question. If a system is rewarded for savings, it will find savings. If it is rewarded for speed, it will produce speed. If it is rewarded for accuracy, fairness, access, and burden reduction, it has a chance of serving the public purpose citizens would recognize as legitimate.

The optimistic possibility is real. AI could make government more legible, contestable, and accountable. It could help audit expenditures at a scale no Inspector General office can currently reach. It could log rationales so administrative decisions are easier to understand and challenge. It could help synthesize citizen input, identify patterns of agency failure, detect conflicts of interest, and expose bottlenecks that hide in complexity.

The pessimistic possibility is just as real. A government that simply adds AI to its existing bureaucratic architecture will become faster at burdening citizens, more efficient at denying claims, benefits, or care before due process can catch up, and more sophisticated at defending bad decisions with algorithmic authority.

Speed does not fix a flawed system. It amplifies one.

I have not come to this concern abstractly. For the past three years, I helped manage a mobile wound care company that operates inside the Medicare audit and appeals system. Our clinicians treated patients whose wounds were not theoretical billing events. They were diabetic ulcers, surgical wounds, infections, and tissue breakdown that could lead to infection, amputation, or death if care were delayed long enough.

We built our documentation around the compliance guidelines as we understood them. Still, the audit letters came.

One Medicare contractor was tasked with the audit and issued unfavorable findings under one flawed theory. Our appeal would answer that theory. At the next level, a different Medicare contractor could uphold the denial under a different theory. The clinic remained inside the same case, but the target had moved. That is more than frustrating. It changes what evidence matters, what argument matters, and whether the appeal process can honestly be called a meaningful opportunity to respond.

Medicare's appeal process for fee-for-service claims has five formal levels: redetermination by a Medicare Administrative Contractor, reconsideration by a Qualified Independent Contractor, a hearing or review through the Office of Medicare Hearings and Appeals (OMHA), review by the Medicare

Appeals Council, and finally federal district court.¹³ That structure sounds orderly on paper. In practice, a provider can move through multiple contractors and adjudicative bodies before reaching the first level that feels meaningfully independent.

Aggregate OMHA data show a significant volume of favorable and partially favorable outcomes after contractors have already upheld denials below.¹⁴ For providers, that means correction often arrives late (on average, 10 months after the date of service, in our experience), and after considerable administrative cost, legal cost, cash-flow strain, and patient uncertainty.

My own research has focused on a more specific problem within that structure: rationale drift. Medicare rules allow a Qualified Independent Contractor to raise and develop new issues at reconsideration. At the same time, evidence front-loading rules can limit a provider's ability to introduce new evidence later. The result is a moving target. A denial may begin as a documentation issue, become an experimental-or-investigational issue, and then be sustained under a different policy framework altogether.¹⁵

Now imagine placing AI at the front end of that same system. In January of 2026, the Centers for Medicare and Medicaid Services (CMS) launched WISeR, a prior authorization process for selected treatments that uses enhanced AI and machine learning technologies, along with purported human clinical review to determine coverage.¹⁶ CMS has built in safeguards, and strong program integrity is a legitimate public goal. Wasteful spending is real. Fraud is real. But the governance question remains: what happens when denial speed increases faster than remedy speed?

A denial can arrive in days. The appeal still moves through the old machinery. If AI can deny care in three days, the appeal cannot take ten months and still call itself meaningful. A fast denial paired with a slow remedy is not due process improved by technology. It is administrative power with a digital accelerator.

This is not a Medicare-specific problem. Medicare is simply a place where the machinery is visible. The same question applies across housing, immigration, tax enforcement, education, benefits, criminal justice, procurement, and any other public system where government decisions affect people's lives. Will AI make these systems more accountable to citizens, or will it make citizens more manageable to systems?

VI. What the Legitimacy Audit Requires

Government is already adopting AI. That decision is no longer theoretical. Agencies will use it to process Medicare claims, review applications, detect fraud, allocate resources, write notices, summarize comments, analyze risk, and make recommendations that affect people's lives. Some of that will be done with good intentions. Many of the people working on these systems will sincerely believe they are making government faster, cheaper, and more effective. That may even be true in some cases.

That is what makes the problem harder. The danger is not always bad intent. WISeR is a useful example because its stated purpose is understandable. Medicare should not pay for wasteful or inappropriate care. Taxpayers should not be indifferent to fraud, abuse, or inflated spending. A government that cannot protect public resources will lose public trust for that reason too. But good intentions do not settle the governance question. They never have.

Government has a long history of building systems for one purpose and watching them produce something else. A program can begin with a defensible purpose and still create an indefensible structure. A payment rule designed to control costs can distort an entire market. An enforcement program designed to stop fraud can bury legitimate providers in years of appeals. A prior authorization model designed to protect public dollars can become, if poorly governed, a machine for delaying

necessary care. The first intention may be reasonable while the second consequence becomes intolerable.

That is the risk with AI in government. The danger is not only that AI will make mistakes. Humans make mistakes too. The deeper danger is that AI will make institutional mistakes faster, with more confidence, and at a scale no individual bureaucrat could manage alone.

Pair that with a government already vulnerable to special-interest capture, and the concern becomes sharper. AI can be deployed with good intentions and still produce bad outcomes. It can also be deployed with incentives misaligned with the public's best interest. It can protect the institution rather than the citizen. It can reward insiders, hide discretionary choices behind technical language, and make public systems harder to challenge precisely when they become more capable of acting on us.

That is how the next crown could work. Not as a king or a throne, but as a set of systems optimized by the people close enough to define their objectives. Systems operating inside institutions most citizens already struggle to see and trust. So, what does the alternative look like? Start with a thought experiment.

Imagine that AI is not first deployed as a tool for government to monitor citizens, deny Medicare beneficiaries treatment, screen benefits, flag risk, or accelerate enforcement. Imagine instead that the first great public use of AI is to help citizens monitor their government.

A citizen wants to know why a federal grant went to the same organization three cycles in a row. Today, that answer may be scattered across agency announcements, PDFs, budget justifications, lobbying disclosures, nonprofit filings, and committee reports. The information may be public in theory and nearly impossible to assemble in practice.

A reporter wants to trace a defense contract that doubled in cost after award. She may need to compare procurement records, inspector general reports, subcontractor data, campaign contributions, and prior employment histories of officials who later moved into the industry. Each piece may exist somewhere. The pattern may still remain hidden.

A small business owner wants to know whether a procurement program advertised as open competition actually reaches small firms. The business owner may need to examine award histories, qualification requirements, incumbent vendors, protest outcomes, and agency scoring criteria. Few small businesses have the time or staff to do that.

A Medicare beneficiary wants to know why care was delayed. What evidence did the system rely on? What standard did it apply? How many similar decisions were reversed? Who audits the model? How quickly can the decision be contested?

These are not exotic questions. They are ordinary accountability questions. The problem is that our public systems are not built to answer them in ways ordinary people can use. That is where AI could matter. The first great civic use of AI should be helping citizens see government more clearly and more efficiently hold public institutions accountable.

I do not mean replacing Congress, courts, inspectors general, journalism, public records laws, or elections. Those checks still matter. But each of them now operates inside a level of complexity that weakens its force. Federal spending runs into the trillions. Regulations span thousands of pages. Procurement records, lobbying disclosures, enforcement actions, court decisions, audit reports, agency guidance, and public comments are scattered across systems that most citizens will never search, and most reporters do not have time to examine fully.

Complexity has become a moat around power. AI could help overcome that moat.

A public AI accountability layer would not make a machine sovereign. It would give citizens a stronger instrument for seeing what public power is doing. It could compare what a program was created to do against what it actually rewards. It could identify agencies that repeatedly ignore inspector general recommendations. It could trace whether companies receiving public funds also spent money lobbying the agencies that awarded them. It could show when public comments were duplicated, coordinated, or dismissed. It could flag when an agency's explanation changes over time.

The purpose is practical: make the work of accountability less dependent on heroic individual effort. A reporter should not need six months and a data team to see a procurement pattern. A provider should not need years of appeals to obtain due process. A citizen should not need specialized legal knowledge to understand why a public decision was made.

This would require a different design philosophy from the one now emerging by default. Most government AI systems are being imagined from the agency outward. What can the agency process faster? What cost can be reduced? What risk can be flagged? What burden can be shifted away from staff?

Those are real questions. Agencies have real constraints. Public workers are often asked to administer complicated programs with outdated technology and insufficient capacity. Efficiency matters. But efficiency is not the same as legitimacy. The better first question is: What public purpose must this system serve, and how will the people affected by it know whether it is serving that purpose?

That is why co-creation matters. Public AI systems should not be designed behind closed doors by vendors, agency leadership, and procurement staff alone. The people affected by the system need to be involved before deployment, not after harm. Beneficiaries, providers, frontline public servants, auditors, civil rights advocates, small businesses, researchers, journalists, and ordinary citizens each see different failure modes. They know different edge cases. They can name burdens that a vendor demo will miss.

If a system is supposed to reduce improper spending, the public should help define what "improper" means and how accuracy will be measured. If a system is supposed to detect fraud, the public should know whether it detects fraud by powerful actors or only errors by those easiest to inspect. If a system is supposed to summarize public comments, the public should know how minority arguments are preserved rather than averaged away. If a system is supposed to improve service delivery, the public should know whether it reduces burden for citizens or merely transfers burden from agencies to citizens. This is why objective functions are not technical details. They are political choices.

An AI system optimized for savings will find savings. A system optimized for throughput will move cases. A system optimized for fraud detection will find suspicious patterns, whether those patterns represent fraud, poverty, disability, language barriers, complexity, or providers serving unusually difficult populations. A system optimized for agency self-protection will defend the agency.

A public AI system worthy of a republic must be designed around public purpose: accuracy, fairness, access, fiscal responsibility, burden reduction, transparency, and timely remedy. These values will sometimes pull against each other. That is not a reason to ignore them. That is the work of governing.

The constitutional system was built on a hard view of human nature. Power needed to check power because virtue alone cannot be trusted to govern the world. Paine understood this. The founders understood this. Checks and balances were not an insult to public servants. They were an acknowledgment that good intentions are never enough. AI should be approached with the same realism.

If government uses AI to see citizens more clearly, citizens need AI to see government more clearly. If agencies use AI to move faster, citizens need tools to contest faster. If public systems become more automated, public accountability must become more continuous. If power gains a new instrument, the people need a new check.

That is the thought experiment I keep returning to: AI as a new civic check on concentrated power. Not a fourth branch of government. Not a substitute for constitutional checks. A public audit layer. A way for ordinary people to examine institutions that have become too complex, too captured, too expensive, and too opaque to trust on faith. Such a system would not ask citizens to trust government because officials promise the tools are responsible. It would help citizens verify whether government deserves more trust.

Trust cannot be rebuilt through slogans about innovation. It will not be restored by agency press releases, vendor assurances, or Freedom of Information Act requests. Trust comes when people can see how decisions are made, challenge them when they are wrong, and observe that correction happens before harm becomes irreversible. The design choice is not whether AI will enter government. It already has. The design choice is whether citizens will be treated as subjects of these systems or participants in defining them.

Reading Common Sense 250 years after it was written, the thing that stays with me is not only Paine's argument against monarchy. It is the act of making the argument at all. The colonies had accumulated frustration for years. Paine gave that frustration a framework and a name. He helped people say precisely what was wrong and why it could not continue. That is the work now.

Audit before automation. Co-creation before deployment. Public purpose before institutional convenience. Remedies that move as fast as the harms they are meant to correct.

My children are growing up in a country where the institutions their generation will inherit are trusted by fewer people than at any point in living memory. At the same time, the tools to make those institutions more legible, auditable, and accountable now exist in ways no previous generation could have imagined. That is the opportunity. The failure to use it deliberately is the risk.

There is a point at which continued accommodation of arrangements we know are failing becomes its own moral problem. Hoping that passivity might eventually benefit us is not a strategy. It is a surrender.

As Paine said, "There was a time when it was proper, and there is a proper time for it to cease."

About the Author

Lance McNeill is the founder of Arclight Action, a civic accountability organization based in Austin, Texas working on AI governance in public-sector decision systems, and civic innovation. He served seven years with the City of Austin, founded and managed a mobile wound care practice, and holds a Master of Public Affairs (MPAff) from the LBJ School of Public Affairs at UT Austin.

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