

Political Transformation in America: Effectuating Real Democracy by a Voters' Rights Amendment

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Reversing the Supreme Court's gift of constitutional rights to corporations in Citizens United will not cure the political ills weakening the sinews of democracy that bind the United States. The nation was infected at birth and it will continue to be diseased until its government is transformed into one that is responsive to the needs and ambitions of ordinary people, irrespective of wealth or influence.

Although *Citizens United* unleashed the overwhelming power of the wealthy elite, corporations, and other special interest groups to purchase the major benefits of government while avoiding the burden of taxation, the danger presented by the power of money has been a risk to democracy throughout American history.

Thomas Jefferson hoped that "we shall crush in its birth the aristocracy of our monied corporations which dare already to challenge our government to a trial by strength, . . ." Almost two hundred years later, Franklin Roosevelt said, "We know now that Government by organized money is just as dangerous as Government by organized mob."

A number of organizations have attracted widespread bipartisan support in their efforts to overturn *Citizens United*. Even if they succeed in persuading Congress to enact an amendment depriving corporations of constitutional rights and if they convince three fourths of the states to ratify the amendment, the problems that existed the day before the decision was announced will remain and will continue to be as threatening as ever.

Legalized bribery in the form of campaign contributions will still influence the actions of elected officials; candidates will still avoid taking positions on critical issues and will ignore the concerns of voters; political parties will still enact policy "platforms" designed to attract voters and will ignore their promises once their candidates are elected, and voters will continue to be uninformed and turned off by elective politics.

If they are to ever achieve true representative democracy and the freedom and opportunity inherent in its promise, the People of the United States must *transform* their government, rather than to reform or restore it back to something which will not serve or protect their best interests.

Public Policy

The essence of politics is the formulation of policy, and the manner and means by which public policy is made and effectuated by laws and regulations defines the very nature of government.

The effectiveness of a democracy can be measured by the degree that its voters have an

influence in the development and articulation of government policy, either directly or through their elected representatives. Conversely, curtailment of that power results in an oligarchy or plutocracy, rather than a democracy.

The Existing Public Policy System.

Presently, political parties and candidates identify their concept of the issues confronting the offices sought, and they present their policies regarding the various issues. Citizens then cast their votes for the candidates they hope are best prepared to solve the problems they consider to be the most serious.

The current process presents a number of problems. Left to their own devices, politicians ignore the most critical issues and concentrate their resources and rhetoric on personalities and negative campaigning designed to lower the estimation of their opponents in the eyes of the voters. In addition, candidates studiously avoid taking any position on the real issues they will face, believing they will lose rather than gain votes by taking a stand.

Specifically, during presidential elections, the political parties construct “platforms” defining their proposed policies on the issues. These artfully drawn platforms are designed to appeal to the maximum number of voters, while retaining a sufficient degree of ambiguity to avoid all accountability in the future.

If the presidential platform was a blueprint for the construction of a residence, the house would be unattractive, unsafe, and uninhabitable. Even so, American voters continue to attend the open houses held by slick political salesmen, and more often than not they are forced to buy the lesser of two evils, with the ever diminishing hope that their purchase will actually live up to its promises.

The Politics of Wealth.

The development of meaningful public policy also suffers because the two main political parties have become virtually indistinguishable. They primarily rely on the same corporations, financial institutions and wealthy elite for major campaign financing, and consequently, irrespective of their “platforms,” they both remain beholden to the same narrow constituency and its special interests, rather than the health and welfare of those who cast the ballots.

David and Charles Koch hosted a billionaire summit conference in the last week of January at a golf resort in Southern California to plot strategy and raise money for the 2012 elections. This was not the first time the wealthy elite has united to make and control the U.S. political agenda, nor will it be the last.

America’s plutocracy did not suddenly pop into existence from another dimension. It is the dividend returned on a massive investment over the past 40 years by family foundations, such as those established by Lynde and Harry Bradley, John Olin, Sarah Scaife and Smith Richardson, and by individuals including Bunker and Nelson Hunt, Joseph Coors, Richard Mellon Scaife, and the Koch Brothers.

The centers, institutes, and foundations endowed and supported by corporations and the wealthy elite have come to very effectively formulate and market their agenda of privilege for every branch of the government. Burton Pines of the Heritage Foundation unabashedly

said, “Our targets are the policymakers and opinion-making elite. Not the public.”

One of the most effective of these groups has been the Federalist Society for Law and Public Policy Studies, which has successfully staffed a majority of the U.S. Supreme Court with its members. They have produced a series of decisions, including *Citizens United*, in collaboration with their wealthy and corporate sponsors in the class war being waged against the American people.

Special interest pressure on government does not come only from the right. The labor movement has made significant contributions of money and volunteers to the Democratic Party in the past, but the decline of labor unions over the past 30 years has reduced the influence of organized labor over the Democratic “platform.”

The Democratic Party has historically represented the interests of workers and the poor; however, both sitting and former members of the party now peddle their allegiance to corporations and the wealthy elite. The newsletter, *First Street*, recently published its top-ten list of Washington lobbyists. The top four were all former senators and congressmen from the Democratic Party.

Similarly, the Republican Party and the “Chamber of Commerce of the United States of America” no longer represent the needs and aspirations of the millions of small business owners in the United States. Two thirds of small business owners revealed in [a recent poll](#) that they have been hurt by *Citizens United*, and 88% viewed money as playing a negative role in politics.

Lobbyists.

The revolving door between the Capitol Building and K Street provides access to both sides of the aisle. Currently, there are 285 former members registered as congressional lobbyists, with many others, including Newt Gingrich, offering “strategic advice” or public relation services to corporate and special interest clients.

There are tens of thousands of registered lobbyists in Washington, D.C. representing thousands of corporations, trade associations and interest groups. These individuals will not be laid off or made redundant by a reversal of *Citizens United*.

Lobbyists have been working the corridors of power throughout the history of the United States, and they will continue to cut the line in front of ordinary people, as long as they are allowed to get away with it.

What then can be done to transform the government to one which provides the voters, of every political persuasion, with a stronger voice in the formulation of policy?

A National Policy Referendum

The concept of “policy” is widely misunderstood. Policy is simply a guideline or a path to a goal or objective. It differs from laws, rules and regulations, which are mandatory.

Moreover, a policy referendum differs substantially from the initiatives and propositions that voters often find on their state and local ballots. A policy referendum does *not* make law; it creates policy.

Through their answers to a series of referendum questions, voters can effectively establish policy guidelines to be followed and implemented by those they elect. If an elected official

fails to follow the people's policy, then he or she has to be prepared to justify the deviation at the next election.

Consequences.

A National Policy Referendum can produce a number of positive results:

First, the grassroots (and netroots) movement that compels the enactment of a referendum, whether by constitutional amendment or by congressional action will, in and of itself, transform the government. Once true representative democracy is effectuated, government will never again be the same.

Second, the referendum process will result in a transformation of apathetic voters of every political persuasion into a more engaged, informed and motivated electorate. Once the power to create policy is realized by voters, they will naturally become more questioning and inquisitive. Moreover, they will likely insist on civics classes in public schools to better prepare young people to evaluate and resist political propaganda and negative advertising in the future.

Third, Congress will be compelled to identify actual problems, rather than the profit-motivated issues promoted by their corporate sponsors in the military-industrial complex and the health care, financial, and petroleum industries.

In a representative democracy, it will necessarily be the responsibility of Congress to decide upon the most critical issues facing the nation during presidential elections; however, the Internet Age provides myriad opportunities for public participation in the process and for political parties to promote competing questions.

Fourth, candidates for all elective offices, particularly presidential candidates, will be forced to take a public stand on a range of real problems. Undoubtedly, politicians will try to lie and dissemble about their positions on issues, but much like witnesses under cross-examination in a court case, they can be forced to simply answer yes or no to the most important questions.

Finally, referendum voters will be much more inclined to study the issues, to confront their own prejudices and to challenge the positions of others before arriving at well-thought-out conclusions. Thoughtful answers to a policy referendum at the conclusion of an educational process are far more instructive and useful than quick answers offered during surprise opinion polls.

Irrespective of their intelligence, level of education, or station in life, ordinary people are legally required to file income tax returns each year, as the government dips into their pockets to fund its operations and to pay the salaries of their representatives. If people are smart enough to pay taxes and brave enough to die in the wars started by their government, they also possess the ability to decide public policy.

The collective wisdom of motivated and well-informed voters in a free society is a powerful force that will better protect its members against oppression by their own government and the people of other countries from the wars started for the financial benefit of corporate sponsors.

The People's Government

The sanctity of elections in a representative democracy is directly dependent upon the strength of voter turnouts, which in turn depends on the trust of voters that their vote will make a difference, and by the integrity of the ballot box, which insures that all valid votes are properly counted.

Voter Participation.

In the United States, voter turnouts are historically much lower than in most other established democracies, and they have been steadily decreasing since peaking at 65% in 1960. The low point was reached in 1988 when barely half of the eligible voters appeared at the polls. Since then, the turnout has bounced up and down depending upon ballot issues, the closeness of the election and whether voters felt their lives would be affected or changed by the result.

Even within the vagaries of turnouts, percentages are closely correlated with income, with 86% of people earning more than \$75,000 voting, as compared to 52% of those with incomes of less than \$15,000. Unsurprisingly, legislators are far more responsive to the issues that concern high-income voters.

The best way to eliminate or minimize these disparities in participation is to hold elections on a national paid voting holiday to celebrate the federal elections held every two years and to honor the voters, who *are* the most important element of a democracy.

A measure of the character of a person should not be which party, candidate or cause he or she supports, but whether or not the person actively participates in their government by casting a *wise* vote. Effective voting must become a sacrament in the nation's political religion.

Voter Suppression.

Fair elections are best guaranteed by large turnouts; however, increasingly, there are political strategies that seek to subvert the process by actively suppressing voter turnout by those of opposing viewpoints.

Rather than encouraging voters to support their position or candidate, campaigns engage in voter suppression efforts to discourage whole classes of people from exercising their right to vote.

Suppression can operate indirectly through legislative processes, such as enacting unreasonable photo identification laws making it more difficult or expensive for low income, minority or elderly voters to register or to cast ballots, or by directly intimidating voters by threatening challenges at the polling place.

Voter suppression can also take the form of mailings or telephone calls directing voters to the wrong polling place, by intentionally misleading voters about voting requirements, or by providing too few polling places in opposition precincts.

Legislative restrictions on registration or voting must balance the benefits of an increased voter turnout with the risk of voting fraud, and all forms of intentional voter suppression should be prohibited.

Computerized Voting.

It might appear on the surface that computerized voting could supply a modern and secure method of voting; however, evidence of its vulnerabilities continues to accumulate.

In addition to the facts that voting machines are manufactured and marketed by political partisans who refuse to disclose their operating codes, that the computers can be and have been easily hacked, and that voting machines are mechanically and electronically unreliable and often break down during elections, they do not produce an auditable paper ballot completed and verified by the voter.

Paper Ballots.

If American voters are to regain and retain control over their elections, they must refuse to use computerized voting machines or any other electronic ballot. Instead, voters must insist on hand-countable paper ballots upon which to record their choices.

Even still, paper ballots can be optically scanned and quickly counted, but most importantly, each ballot is, indisputably, evidence of an individual's vote and, collectively, paper ballots serve as a tangible symbol of democracy in action.

Write-in Voting.

Once in the voting booth, instead of responding like laboratory animals pushing a button in response to the stimulus of the latest ten-second television attack ad, voters should take time to carefully consider the issues and candidates presented on their ballots by the various political parties.

Once a decision is reached, each voter should have the choice of demonstrating his or her literacy and inherent political power by voting on the most critical issues *and* by clearly writing in his or her personal choice for president of the United States, whether or not the name is printed on the ballot.

So what if it takes a little longer to count, or recount, the ballots? Isn't delayed gratification a small price to pay for ensuring that voters control elections, rather than those who profit from elections?

If voter turnouts were to dramatically increase, and if only 15 to 25 percent of voters were to cast write-in votes, trust that the politicians would quickly register their willingness to accept every write-in vote naming them for any office of public trust and that they will be scrambling to ensure that all write-in votes cast for them are legally counted.

The Future.

Young Americans continue to be grievously wounded and killed in their nation's wars to defend a "government of the people, by the people and for the people." The question that must be answered now is what kind of government will these young people have in the future?

Will it be a despotic government enabled by lazy and easily misled voters, who foolishly rely on robots to count their ballots?

More likely, the People of the United States, of every political party, will prove once again they are smart enough to figure out they are being taken advantage of, and they will have the courage to do something about it. They just need to figure out what that “something” is.

A Voters’ Rights Amendment

Since its creation two hundred years ago, the People of the United States have traveled a long path toward achieving true representative democracy. Initially, only male property owners were allowed to cast ballots, but along the way the franchise has been extended, with a few exceptions, to all adult citizens.

With its decision in *Citizens United*, the Supreme Court not only reversed two hundred years of progress toward a democracy for all of the people, it slammed the door shut and handed over the keys to corporations and other moneyed interests.

Amending the Constitution.

There has been a groundswell of bipartisan opposition to *Citizens United*, and a number of organizations representing tens of thousands of voters have proposed constitutional amendments to overcome the decision.

Move to Amend is the best known and best organized of the opposition groups, and its proposed amendment aims to reverse the granting of corporate personhood and the equation of money and free speech ordered by the Court. Its proposal follows in the first three sections:

Section 1

The rights protected by the Constitution of the United States are the rights of natural persons only.

□

Artificial entities, such as corporations, limited liability companies, and other entities, established by the laws of any State, the United States, or any foreign state shall have no rights under this Constitution and are subject to regulation by the People, through Federal, State, or local law.

The privileges of artificial entities shall be determined by the People, through Federal, State, or local law, and shall not be construed to be inherent or inalienable.

Section 2

Federal, State and local government shall regulate, limit, or prohibit contributions and expenditures, including a candidate’s own contributions and expenditures, for the purpose of influencing in any way the election of any candidate for public office or any ballot measure.

Federal, State and local government shall require that any permissible contributions and expenditures be publicly disclosed.

The judiciary shall not construe the spending of money to influence elections to be speech under the First Amendment.

Section 3

Nothing contained in this amendment shall be construed to abridge the freedom of the press.

The V.R.A.

A Voters' Rights Amendment securing voter control over the government must not only reverse corporate personhood and provide for the control of money in politics, it must also clearly establish voter primacy as a matter of inherent constitutional right and it must include a solid foundation upon which to build a true and long-lasting representative democracy for future generations. Following is a working blueprint for such a structure:

Section 4

The right of all citizens of the United States to cast effective votes in all elections is inherent under this Constitution and shall not be denied or abridged by the United States or by any State.

Section 5

During the calendar year preceding a presidential election, Congress shall solicit public comment regarding the political issues that most concern the People.

Prior to the end of the calendar year preceding a presidential election, Congress shall adopt a joint resolution enumerating the 12 most critical policy questions that should be addressed by the next President and Congress.

Failure of Congress to adopt a joint resolution prior to the end of the calendar year shall result in the disqualification of all sitting members of Congress to be eligible for reelection.

Section 6

Federal elections conducted every second year for Senators and Representatives shall be held on a national voter's holiday, with full pay for all citizens who cast a ballot.

Federal elections shall be conducted on uniform, hand-countable paper ballots and, for the presidential election, ballots shall include the 12 most critical policy questions identified by Congress, each to be answered yes or no by the voters.

Paper ballots shall provide space allowing voters to handwrite in their choice for all elective federal offices, if they choose, and all such votes shall be counted.

Section 7

In balancing the public benefit of maximum voter participation with the prevention of voting fraud, Congress and the States shall not impose any unreasonable restriction on registration or voting by the People.

The intentional suppression of voting is hereby prohibited and, in addition to any other penalty imposed by law, any person convicted of the intentional suppression of voting shall be ineligible for public office for a period of five years.

Transformation

The United States Constitution once stood as a model for new nations; however, today it is viewed by many as an outdated and difficult-to-amend document that guarantees few rights, when compared to other established democracies.

There is an inherent right in a representative democracy to cast an *effective* vote, and a failure by the government to protect that right nullifies the electoral process.

By amending their constitution to ensure the primacy of voters and their right to control *their* government, the People of the United States will once again demonstrate an evolutionary model for democratic governments around the world.

Transformation of the United States government to a true representative democracy is no longer an option. It is a matter of survival!

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