

ESTABLISHING A VOTERS' BILL OF RIGHTS

And Codifying It in Our Constitution

Just Plain Out of Date

There is more than ample proof that our current federal government is no longer working as the Founding Fathers expected it to -- primarily because the underlying ethical base for conducting political business is no longer -- if it ever was -- sufficient to prevent corruption of the process. In fact, the Constitution does not expand sufficiently on the overall credo of the Declaration of Independence itself, that:

"We hold these truths to be self-evident, that all men are created equal, that they are endowed by the Creator with certain inalienable Rights, that among these are Life, Liberty, and the pursuit of Happiness."

For instance, we clearly do NOT have:

"an inalienable right to a fully functional, directly-elected, forward-looking, government representing the composite will of a well-informed participatory electorate, free from the avarice of its richest, nameless special interest cabals preying off an indifferent citizenry"

In addition, the Constitution is remarkably silent on many of the basic citizens' "rights" that ARE currently found and enforced by our Federal Government and which we now take for granted. For instance, where does the Constitution assert that all Americans are entitled to a common standard of education, or health, or minimum wealth, or national infrastructures for transportation, energy, communications, or even fresh water?

In all fairness, six years after the initial invention of the steam locomotive (for use in mines), and 25 years before the first horseless carriage with rubber tires, the Founding Fathers had no real grasp of the possible evolution of any national infrastructures. The

single exception is that the Constitution decrees that the Congress "shall have the Power.....to establish Post Offices and post Roads". Is that a right or an obligation -- and does it imply an obligation to maintain them once established? Surely, President Eisenhower's National Interstate and Defense Highways Act of 1956 was not Constitutionally-inspired as a network of modern post Roads!

The Primary Factors

This think-piece will not attempt to present the full indictment in all its gory details, but move directly to the three primary factors that must be restructured with the full force of a revised Constitution behind them:

- o The Constitution was predicated on the formation of a federal republic in which only the lower legislative body was elected. The metamorphosis to a democracy began over 100 years later, after the civil war, and during the second industrial revolution. It is not yet really complete (until Electoral College is eliminated). The importance of a fully committed electorate was neither foreseen nor since encouraged;

- o Less than half of potentially-eligible Americans now vote, and only a small share of those are well-informed on either the legislative issues or the legislative processes that exclude them. Even worse, well less than a quarter of eligible Americans participate in the primaries which choose the candidates, The majority of the missing voters is below 45 years old, and earns less than \$50K per year -- creating the elitist bias the Founders should have hoped to avoid. Furthermore, those who do vote find access to their "representatives" largely blocked by the greater importance of all the various, well-organized, special interest groups, many of them far outside the constituency supposedly being represented.

- o as for the Senators and Representatives that now comprise the Congress, they have long since learned that the better-funded candidate almost always wins in this now-mature age of sound bites from the various public media. And such political ads are not required to follow either the Truth in Advertising Laws passed by the Congress (to keep competitive businesses honest) or the Standards of Ethics Guidelines promulgated by responsible media representatives to level their own journalistic playing field.

This analysis will consider the following issues, and summarize with a specific Bill of Rights for Voters:

Part 1:

Who Is Representing Whom?

Democracy Requires Responsible Voters

Where Does Continuing Public Education Belong?

Part 2:

Technology Can Help Political Processes Keep Up with Population Growth

Don't Increase the Size of Congress, Increase District Subdivisions

One-Voter, One Vote – Modernize Electoral College Representation

Integrate Public Responsibilities and Public Schools

Part 3:

Serious Lack of Voter Awareness of Government Procedures – At All Levels

Modernizing the Process of Voting – and Opinion Gathering

Still Caught Between A Republic and a Democracy

Spelling Out Voter Rights – and Obligations – A Bill of Rights for Voters

Who Is Representing Whom?

Furthermore, while the “legislative calendar” has become more crowded -- and more complex -- and raising money for re-election campaigns has become the major “game” in Congress, the legislative "workweek" has dropped to three days. Members find virtually no time to stick around Washington, and get to know each other. Many no longer maintain residences in the capital. Could a large corporation survive if the senior management spent no time schmoozing, and learning to work with each other?

The net result is that what there is of an electorate has little or no access to their representatives except in large, organized, broad-based, special interest groups, and those representatives are too busy raising re-election money to care. And this is all Constitutionally-correct in an ethically-blind, 220-odd year old document, that failed to recognize, or define, the needs of a fully engaged electorate. The original Constitution was, in fact, moot on how the States should pick the legislators to send to Washington.

It is useful to remember that the Declaration of Independence preceded the invention of the telegraph by 60 years, the telephone by 100 years, and the first microchip (for digital electronics) by 180 years -- none of which events changed our Constitution one whit. In fact, one of the major reasons for changing our basic "bible" is the extraordinary change in the level, speed, capacity, and diversity of modern communications -- which, by any rational expectation, should make democracy work better, not worse -- unless, of course, the veracity of all that info exchanged can be compromised -- legally!!

Reigning in Congressional campaign financial shenanigans should be easier than obliging our citizenry to accept the responsibilities of democracy. After all, most special interest excesses are defined as improprieties in the business world, and our old-fashioned Constitution does recognize bribery as a high crime – for both the briber and the bribee. And the legal definition of bribery leaves little room for interpretation:

"The offering, giving, soliciting, or receiving, of something of value for the purpose of influencing the action of an official in the conduct of his or her public or official duties."

The definitions of slander and libel are no less explicit, and also date back at least to the 17th Century, if not Roman times. Even the notion of swearing allegiance to more than one higher authority (viz, the Grover Norquist scam) seems to be recognized as beyond the pale by Public Schools, the Boy Scouts, and most religions. Manipulation of federal budgets for nefarious reasons may be harder to prevent, but to the extent that the corporate world knows how to keep its own collective books, it shouldn't be that hard to bring the Congress into line – with domestic and international standards.

The fact that virtually all aspects of the American political process, from primaries to elections to legislative procedures, are not held to national and international standards for the conduct of commercial business seems incredible, and a serious indictment of both the Constitution and the democratic process. But it also suggests that the solutions do not lie in antediluvian documents but in applying contemporary business and academic practices that are accepted (and updated) nationally if not globally.

It should also be fully understood that the part of our election process for federal officials most vulnerable to corruption is the least public, least transparent, least accountable phase: that of selecting each political party's nominees to run as candidates in primaries or caucuses. If that process is subverted by special interest zealots, frequently well beyond the confines of any individual election district, extremists can become insinuated into the system, Many would claim this has led to the recent successful influx of both NRA and Tea Party absolutists that do not reflect the preferences of the true majority of their constituencies.

Democracy Requires Responsible Voters

The issues associated with somehow obliging our citizens to belly up to their democratic responsibilities from “cradle to grave” seem undeniably difficult, and topics not treated at all in the Constitution. In fact, there is nothing in that very overrated document to protect our voters from possible chicanery by their elected officials (such as lying to them).

Three separate factors are in play which could require separate -- but related – actions:

- a. consistent and complete education on the functions both of our complete election process, and of our legislative officials once elected (for students, new arrivals, and those coming late to their responsibilities);

b. responsible, non-partisan, “continuing education” of legislation currently in the pipeline and its probable impact; and, flowing the other way....

c. ...reliable and comprehensive collection and summary of the constituents' reactions to such pending legislation -- or the need for some other new legislation.

Where Does Continuing Public Education Belong?

Why should the education of our American youngsters fall anywhere but to our public school system, and why should it be any different for new, or late, arrivals? Some such information is currently provided to immigrants seeking citizenship. Oddly enough, only very few States require a meaningful "civics" education, and more or dropping out as other activities draw federal incentive funds.

On the other hand, there is a Federally-sponsored agency to study all new legislation and to estimate its costs and benefits. The Congressional Research Service (CRS), managed by the Library of Congress, employs about 600 analysts, and has an annual budget near \$100M. Clearly this is a well-functioning non-partisan Government agency that could be expanded to cover item b) above, and provide a fundamental service not only to the legislators, but to those the legislation would impact. Its 400-odd annual reports are, in fact, an underutilized treasure trove of relevant information on current issues of interest to the Congress suitable for high school/college use.

There are, of course, additional federal agencies charged with providing non-partisan analysis and cost/manpower projections of existing/proposed legislation. These include the Congressional Budget Office (CBO), and the Government Accountability Office (GAO). In conjunction with the CRS, the Library of Congress, and perhaps the National Archives, these agencies could easily accept a substantial role in education (both adult and schoolhouse) on both the background of the elective and legislative processes, and in animating the current issues of note.

Moreover, any of these agencies could provide a regular publication (online, of course) to stimulate creative debate on emerging topics potentially suitable for inclusion in our Constitution in the future. It should emphasize (and/or recreate) the necessity for our

foundational document to be a living document rather than a commemorative fossil. For instance, as mankind soon (20 years?) learns how to control the genetic composition of all living matter, do we need Constitutional (and/or global) controls on becoming our own Creators? Or, as we continue to perfect and use human digital implants connected directly to our nervous systems (and brains) to remotely control the actions of other humans or machines continents away, do we need Constitutional (and/or global) regulations on man's rights and/or obligations to control the life, liberty, and pursuit of happiness of others anywhere in the world?