

The U.S. Voters' Rights Amendment: People Making Policy

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The 2016 election just cost \$5 billion and produced two major candidates who were despised by a majority of the People.

*Given the choice between **Hillary Clinton** and **Donald Trump**, 45 percent of voting-age Americans did not cast a ballot, and only 46.5 percent of those who did vote choose Trump.*

Almost three million more voters selected Clinton over Trump, who prevailed only because of the archaic Electoral College. Elected by only one-quarter of the People, his policies, successes, and failures will affect everyone—including the 75 percent of voters who did not hire Donald Trump to be their CEO.

The U.S. Government Has Failed. Increasingly dominated by a plutocracy composed of corporations and the wealthy elite, the two-party electoral system of the United States is almost completely dysfunctional. The parties do not produce viable candidates for the presidency, and the candidates do not address the most critical issues facing the Nation. Without a meaningful choice, voters are forced to select the lesser of two evils, or they give up and don't vote at all.

Both of the major political parties are controlled by the same powerful corporate and financial interests, and the policies of both parties benefit their corporate and wealthy sponsors rather than the People. Effectively, there is but one political party, with two branches with differing social views vying for control of Congress and the White House.

A Voice of the People survey conducted following the 2016 election identified the success of Trump's promise to "drain the swamp." While 9 in 10 voters, overall, believed that "elected officials think more about the interests of their campaign donors than the common good of the people," 99 percent of Trump voters said "the government is run for big interests rather than the people." Once elected, Trump installed the wealthiest and most corporate cabinet in history.

The government and those seeking elective office deliberately deceive the People into acting contrary to their interests. Truth, honor, and fair dealing have no place in the political process—only raw power and the benefits it confers on the rich and powerful.

The last time a similar crisis prevailed was following the Revolutionary War when the Articles of Confederacy governed the new United States. George Washington and other founders recognized that an entirely new government had to be created if the Nation they had fought for was to survive. He believed there was a delicate balance between things being sufficiently bad enough to force a change and being too bad to allow a change. Out of

necessity, they created the Constitution and the Bill of Rights to transform their government into one that better served their needs. Americans are once again confronted with the same crisis.

Many different initiatives to repair various elements of the electoral system have been proposed, including the elimination of corporate constitutional rights. While efforts to eliminate corporate personhood and control campaign financing, would be beneficial, they would not ensure the right to cast effective votes—which is the essential requirement of a free and democratic republic.

The United States Voters' Rights Amendment (USVRA) is a comprehensive solution to these problems. Addressing the various issues that interfere with the ability of the People to cast effective votes, it will transform the government into a true representative democracy. The USVRA will reorient the priority of the government to the benefit of the People and their society.

People Making Policy. The whole concept of the USVRA stemmed from the idea that the People have an inherent right and ability to vote on the most critical issues facing them and their society, to articulate their own policies, and to elect the representatives who are most likely to follow those policies. This concept shifts policy formulation from the politicians to the People themselves.

From this, all other aspects of the USVRA evolved as being necessary to attain this goal. We will begin by examining what it means for the People to make their own policy, and in subsequent sections we will look at measures that transform that ideal into a reality.

Just as the law of supply and demand usually works to provide a product or service at the time and place it is needed, the collective wisdom of a group of informed and engaged voters is greater than that of any particular candidate seeking their vote. Irrespective of a candidate's intelligence, ethics, or qualifications, the voters' collective thinking will be more reliable and less subject to corruption.

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 political guidelines.* Initiatives and propositions may not be the best way to make laws, but a referendum is an excellent way to make public policy.

Through their answers to referendum questions, voters can effectively establish policy guidelines to be followed and implemented by those they elect. We have repeatedly seen how necessary laws on matters such as fair taxation, gun control, and women's freedom of choice are often defeated by small, but powerful special interests. With the opportunity for a full and complete public discussion, an overwhelming vote by the People would compel their representatives to act according to the quiet wishes of a large majority of the voters, rather than the demands of a small, but vocal minority.

The USVRA compels Congress to identify the most critical policy questions for the People to answer and to place these questions on the national presidential ballot.

Failure of Congress to adopt a joint resolution containing the questions shall result in the

disqualification of all sitting members of Congress to be eligible for reelection. In other words, all of them will automatically be out of a job if they fail to address the policy issues of concern to the People.

The Right of the People to Vote—Effectively. Did you know that United States citizens do not have a constitutional right to vote? As the result of a series of amendments, people of color, women, and young people over the age of 18 cannot be deprived of the right to vote because of their status; however, nowhere in the Constitution does it say that they or anyone else have a fundamental right to vote in the first place. This absence was clearly and bluntly acknowledged by the Supreme Court in *Bush v. Gore*, which awarded the presidency to George W. Bush in 2000.

The protection of voting rights for women was excluded from the Fourteenth Amendment in that it mentioned only “male inhabitants” of discriminating states. That omission was finally corrected by the Nineteenth Amendment in 1920; however, the 1972 Equal Rights Amendment—an attempt to secure full equality of all rights for women—failed to be ratified by the necessary 38 states by the deadline of 1979. The right to cast effective votes cannot be fully effective if half of the People (the women) do not have full and equal rights, which is why the Equal Rights Amendment is included in the USVRA.

The USVRA gives all citizens a constitutional right to an effective vote.

Maximum Voting Participation by the People. Universal voting is the ideal of a free and democratic republic. The USVRA requires that we make voting a national priority, and that we make it easy to vote. Imagine how this could look.

First, as a citizen, the state you reside in would automatically register you to vote, putting to rest any fears of voter fraud—which is extremely rare. Voter identification (ID) laws and other forms of voter suppression—which adversely affect the poor, powerless, and disadvantaged—are abolished.

Instead of rushing to the crowded polling places before or after work, a national voters’ holiday is declared so that everyone who votes receives full pay for the day. Once in the voting booth voters can take time to carefully consider the issues and candidates presented on their ballots by the various political parties, if they have not done so already.

The USVRA requires the states to register all qualified voters, and it punishes voter suppression. It mandates that federal elections held every two years be conducted on a national paid holiday.

Well-informed Voters. If the voters are to make critical policy decisions, they must be well informed. A truly representative government has to ensure that the People are supplied with truthful, unbiased, objective, and timely information regarding the political, economic, environmental, financial, and social issues that affect them.

Coexistent with the creation of the United States, the founders recognized the essential role of public education in its operation. One unrealized goal of President George Washington was the establishment of a national university to train future leaders. He regretted its omission in his farewell address, saying education was “one of the surest means of enlightening and giving just ways of thinking to our citizens. . . .”

The current emphasis on mandatory testing of math, science, and language in public schools has reduced the amount of classroom time available to discuss current events and political news. Under the corporate model, civic education and government studies have been largely eliminated from the core curricula.

Imagine if there was a national university that included all of the military service academies under its umbrella—so future military officers are first instructed about the nature and values of the government they will later learn to serve and defend. Moreover, the university would include other service academies, such as justice, education, health, nutrition and agriculture, energy, transportation, economics, science, government, and diplomacy, where students can specialize after first being instructed in the basic values of a free and democratic government.

The USVRA requires that all students be educated in the nature and responsibilities of representative democracy. It establishes the University of the United States—which will teach the values of liberty and justice upon which the nation was founded. It will be a place where students learn the nature and operation of a democratic republic and are provided the specialized training to professionally serve the needs of the Nation.

A National Paper Ballot for the People. If American voters are to regain and retain control over their elections, they must refuse to use computerized voting machines or any other form of electronic balloting. Instead, voters must insist on hand-countable paper ballots upon which to record their choices.

Not only can paper ballots be accurately counted (and recounted—if necessary), but most importantly, each and every ballot is, indisputably, documentary evidence of an individual's vote. Collectively, paper ballots serve as a tangible symbol of representative democracy in action.

Once a decision is reached, each voter can demonstrate her or his literacy by voting yes or no on the most vital policy questions. Moreover, each voter can demonstrate their personal power (if choosing to do so) by clearly writing in his or her choice for president and vice president of the United States and Congressional senators and representatives—whether or not the choices have been nominated by a political party and the names are printed on the ballot.

So what if it takes a little longer to count, or recount, the ballots? Wouldn't it be a good thing if pundits could not predict the outcome of elections before the polls have even closed? Isn't delayed gratification a small price to pay for ensuring that the People control elections, rather than those who currently bribe the candidates?

The USVRA requires that federal elections be conducted on uniform, hand-countable paper ballots, and—for the presidential election—ballots must include the twelve most critical policy questions articulated by Congress, each to be answered yes or no by the voters. Moreover, paper ballots are required to provide space allowing voters to handwrite in their choice for all elective federal offices—if they choose—and that all such votes be counted.

Popular Election of the President and Vice President by the People. Fearing an "excess of democracy," the founders of the United States created the Electoral College to choose the president and vice president instead of relying on direct elections by the People. Currently, all but two states award *all* of their electoral votes to the candidate who wins the

state's popular vote, rather than apportioning them by the number of ballots cast for each candidate.

Because Electoral College votes do not correlate with popular votes, twice in the last four presidential elections (2000 and 2016), the winner of the popular vote did not obtain a majority of votes in the Electoral College—thereby defeating the will of the People. Moreover, the Electoral College does not allow American citizens in Puerto Rico, the Virgin Islands and other U.S. territories a vote in the presidential election.

Inconsistencies in the presidential primary process occur because the voting and election processes have been left up to the states. Iowa—which chooses candidates by party caucuses—commences the process in early January of the election year and is followed by others states through June. The early states exert a disproportionate influence in the process, as the campaigns are often decided before primaries are held in the later states.

A uniform date for primaries would still allow the various states to have some flexibility in the type of primary system to employ, such as caucuses, open or closed primaries, or winner-take-all contests. It would also reduce the length and cost of the presidential elections.

The USVRA establishes a uniform primary date for all states and the date for the general election of the president and vice president. It provides that “The presidential and vice presidential candidates receiving the most popular votes by all citizens of the United States shall be elected.”

Only People Have Constitutional Rights. Several decisions by the Supreme Court have allowed corporations and the wealthy elite to take control of the People's government. The Supreme Court struck down election laws prohibiting corporations and labor unions from making independent expenditures and “electioneering communications.” Moreover, ruling that the laws violated First Amendment rights to free speech, the Court also struck down laws that set limits on campaign spending. In other words, the Court equated the spending of money with free speech. Those with the most money are allowed to shout the loudest—even if they are not real people.

There have been a number of initiatives brought forth to amend the Constitution as the only way to reverse the Court's actions; however, the best researched and most popular initiatives appear to be those by the Move to Amend organization.

Sections Four and Five of the USVRA are identical to the Move to Amend proposed amendments.

Under the USVRA,

“The rights protected by the Constitution of the United States are the rights of natural persons only.” Corporations “shall have no rights under this Constitution and are subject to regulation by the People, . . .”

The government will be required to “regulate, limit, or prohibit contributions and expenditures, to ensure that all citizens, regardless of their economic status, have access to the political process, and that no person gains, as a result of their money, substantially more access or ability to influence in any way the election of any candidate for public office or any ballot measure.”

The USVRA goes on to say that these provisions shall not be “construed to abridge the freedom of the press, which includes electronic and digital publication.”

Public Funding of Elections. Since 1976, taxpayers have been allowed to check a box on their tax return to divert three dollars of their income taxes to a matching fund for presidential elections. Subsequently, every presidential nominee used the public funds until George W. Bush opted out of the matching fund program in the 2000 primary, and Barack Obama opted out in the general election of 2008. Both Obama and Mitt Romney opted out in the 2012 general election—as each spent more than a billion dollars on the election. Only one primary candidate (Democrat Martin O’Mally) requested public funding in the 2016 presidential election.

A large percentage of the cost of political campaigns results from the widespread use of radio and television advertising. During the 2016 general election campaigns, more than \$4.4 billion was spent on television advertising. Most countries in the European Union, including Ireland and the United Kingdom, forbid the use of paid political advertisements on radio and television; however, political parties are provided free broadcast slots.

As the price they paid for using the public airways, American broadcasters were once required to provide equal time to opposing candidates in the public interest. The rule has become ineffective due to exceptions, including news programming—as occurred in the ratings-driven media frenzy over the publicity-seeking antics of Donald Trump during the 2016 campaign. Moreover, the Fairness Doctrine once required licensees to present controversial issues of public importance and to do so in a manner that was honest, equitable, and balanced. It was repealed by the Reagan administration in 1987.

Another reason why political campaigns are so expensive is because they are continual. As soon as candidates are elected, they immediately begin to raise money for the next election, or as they say, “dialing for dollars.” It is not unusual for presidential candidates to start actively soliciting campaign contributions several years before an election.

The USVRA provides a presumption in favor of public funding; establishes a public access, fairness doctrine, and equal-time rule for public broadcasting; and limits the period of active fundraising and campaigning to six months before an election.

Gerrymandering and Adequate Congressional Representation. Gerrymandering—in which politicians obtain an electoral advantage by the bizarre mapping of election districts to benefit one party over another—is in widespread use. The majority of congressional districts have been configured to ensure there are no serious challenges to incumbents.

The Constitution provides there shall be a minimum of 30,000 “Persons” for each member of the House of Representatives; however, it does not establish a maximum number. In 1790, the number of Persons represented in each district was 33,000. When the number of congressional seats was increased to the current 435 in 1911, each new district represented approximately 212,000 Persons.

The population of each congressional district is now around 700,000 Persons. The more than threefold increase in the number of constituents since 1911 makes it virtually impossible for voters to communicate with their representatives—absent generous financial contributions. On the other hand, simply mailing a single letter to each voter in a congressional district by a candidate could cost hundreds of thousands of dollars.

The USVRA prohibits gerrymandering and also reduces the number of Persons represented in each congressional district to 250,000.

Lobbying, Bribery, and the Revolving Door. Lobbyists bribe the People’s representatives by providing campaign contributions and other personal benefits and gifts. Their success depends upon the access they have to those they seek to persuade. The most successful are those who previously held the same or similar positions in government.

Existing laws and congressional rules attempting to regulate lobbyists are limited and ineffective because the Supreme Court has declared the practice to be an exercise of free speech and the right to petition for redress.

The USVRA places constitutional restrictions on lobbying—which it disallows as free speech and the right to petition—and it prohibits former representatives and government employees from engaging in lobbying for a period of time following such service equal to the period of such service.

Conflicts of Interest. Both the Senate and House of Representatives have developed rules of ethics governing conflicts of interest by congressional members and their staffs; however, the rules are almost meaningless as there are so many exceptions.

While the canons of the Code of Conduct for United States Judges prohibit them from hearing any matter “in which the judge’s impartiality might reasonably be questioned,” the U.S. Supreme Court has refused to apply the Code to the conduct of its own justices. The situation of Justice Clarence Thomas is a case in point. He participated in deciding a matter involving the Affordable Care Act, while his wife was an officer of Liberty Central and Liberty Consulting—organizations that actively opposed the act. It was also discovered that Justice Thomas had “inadvertently” failed to report his wife’s employment income of more than \$1.5 million from similar organizations over a 13-year period of time. Justice Thomas denied there was any conflict of interest in his deciding the case and refused to disqualify himself.

The USVRA disqualifies federal officials, congressional members, and all federal judges from participating in decisions regarding matters in which they have an interest.

We the People. It is time for all of us, irrespective of individual political persuasion—conservative, progressive, libertarian, green, or independent—to come together with a common purpose: to secure our right to an effective vote, thereby preserving our liberty. The United States Voters’ Rights Amendment can and will serve as a unifying force for all of the People to achieve a voice in their own government and to make a difference in their future.

Thus united, the People will restrain the power of the plutocracy and will *transform their government into something unlike anything ever achieved on Earth*. The United States government will become oriented to the society that elects it, and the needs, aspiration and well-being of the People will become paramount. The lamp of liberty will be refueled, and its light will once again shine brightly as a beacon of freedom for all the world to see.

The Constitution was created by “We, the People of the United States of America.” We are not powerless. We did it once, and we can do it again. We, this generation of modern and capable Americans, have the brief opportunity to again create a new Bill of Rights and to finally achieve the promise articulated by President Abraham Lincoln—a Nation of the

People, by the People, and for the People.

William John Cox is a retired public interest lawyer who filed a class action lawsuit in 1979 on behalf of all citizens of the United States alleging that the government was controlled by corporations and special interest groups and no longer represented those who elected it. As a remedy, he asked that a national policy referendum be ordered coexistent with presidential elections. He has continued to write extensively on policy and political matters, including [Transforming America: A Voters' Bill of Rights](#). His website is williamjohncox.com, and he can be reached at u2cox@msn.com.

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