

Who Should Formulate Policy in America, the People or the Politicians? The Essentials of “Good Government”

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Global Research, June 23, 2016

Region: [USA](#)

Theme: [Global Economy](#), [Poverty & Social Inequality](#)

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In the midst of what undoubtedly will be the nastiest and most expensive presidential campaign in American history, it is important to remember that the question is not so much whether a candidate is a good or bad person, but rather what should and will be the policies, objectives, and consequences of her or his administration? What do the People of the United States really want and expect their government to do on their behalf? Who should make political policy, the People, or the politicians they elect to represent them?

Founded as a republic in which representatives are elected to administer the government for the People, the United States has become increasingly more democratic as the vote has been extended from a few wealthy property owners to include most adult citizens. President Abraham Lincoln not only established that the United States could not be dissolved, but he also expanded the definition of its government from being *for* the People, to being *of* and *by* the People. Thus, it is the People themselves who have the inherent power to define *their* own government, rather than being forced to accept the kind of government offered by competing political candidates. In a democracy, it is supposed to be the people (*demos*) who have the power (*kratia*), rather than the politicians (*politikos*).

The Democrats and Republicans are currently nominating the two candidates with the highest unfavorable ratings in the history of presidential elections. Before hiring their next president, shouldn't American voters be telling the candidates what the task involves, rather than listening to the candidates lie about what they will do if they get the job?

Political Party Platforms

Currently, political policy, on the national level, is set forth in the platforms adopted by the major political parties at their presidential nominating conventions every four years. During the primaries, the competing candidates tout their proposals about what their party's platform should contain. Once they obtain enough delegates to receive the nomination, the successful presidential candidates take control of their political parties and the committees that draft the platforms. Conceptually, the American People vote for these competing party platforms, and the presidential candidates are supposedly pledged to follow these policies, if elected.

In truth—given the present merchandising approach to political campaigns—the party platforms are carefully designed as bait to sell the party's political package to the voters.

Once in office, however, successful candidates are free to switch from their advertised promises, which they usually do to the detriment of those who bought their product.

Hillary Clinton's website lists 31 key programs she will fight for as president—from curing Alzheimer's disease to teaching new workforce skills. Mislabeled as policy, these programs include improving access to affordable health care, preserving Social Security and Medicare, and reducing the cost of college. Although Bernie Sanders may push the Democratic platform committee toward adopting more progressive positions, the ultimate result of a Hillary Clinton presidency will be a continuation of the pro-corporate philosophy of the "New Democrats", such as her husband and President Barack Obama. This centralist orientation is largely indistinguishable from mainstream Republican policies in the critical areas of the economy, environment, and militarization.

Donald Trump's website offers a mishmash of proposals—also referred to as policies—including tax reform by reducing taxes, immigration reform by forcing Mexico to build a border wall, health care reform by repealing the Affordable Care Act, and compelling China to live up to its trade obligations by being a tough negotiator. Given his erratic nature, these proposals offer little or no guidance as to what a President Trump might actually do when confronted with real world problems, instead of the programming requirements of reality television.

Even with the best of intentions, these propositions—in the absence of well-considered policy guidelines—provide little direction in the event of changes of circumstance, such as another major terrorist attack, or increasing crime, riots, and racial violence resulting from economic failures. Most pertinent is the inability of political parties to adopt policies that actually benefit the People whenever beneficial policies conflict with the dictates of the wealthy elite and corporations who control the politicians in both major parties?

In many respects, the current political policy-making process treats American voters like children. Just as parents quickly learn to ask their young children whether they want green beans or carrots—rather than telling them to eat their vegetables—the electoral choices offered to voters by the major parties are different tastes of the same artificially-flavored political Kool-Aid.

Policy and Programs

The concept of policy is widely misunderstood. Policy is a philosophical guideline or a path to a goal or objective. It differs from laws, rules, regulations, and procedures, which are more mandatory. Although often used interchangeably—especially in politics—there is also a difference between policy, and the programs that implement policies.

President Franklin D. Roosevelt was the last big-picture political policy maker. His "New Deal" included a wide variety of government programs and lasted for decades, as the United States enjoyed its greatest period of political stability and economic progress. The platforms of subsequent presidents—Eisenhower's "Peace and Prosperity," Kennedy's "New Frontier," Johnson's "Great Society," Nixon's "Bring Us Together," Reagan's "Make America Great Again," Bush senior's "Kinder, Gentler Nation," Bill Clinton's "Putting People First," Bush junior's "Compassionate Conservatism," and Barrack Obama's "Change We Can Believe In"—have been marketing slogans primarily designed to peddle a variety of special-interest programs, rather than broad-scale statements of public policy. These political catchphrases are in the same category as Donald Trump's "Make America Great Again" and

Hillary Clinton's "Stronger Together."

While one could say that the New Deal was also a slogan, it was much more than a label for the presidential orders and government programs adopted pursuant to it. In response to the devastation of the Great Depression, the New Deal was a vision—expressed as a policy—which proposed a new contract between the People and their government. More than words, the New Deal actually provided relief for the destitute, recovery of the economy, and reform of the financial system.

Urging the United States to become an "Arsenal of Democracy" to help the Allies defend themselves against fascism and to unify the spirit of the American People, President Roosevelt looked forward to a world founded on the Four Freedoms of speech and expression, of worship, from want, and from fear. In January 1941—when Roosevelt identified these freedoms—the world was engaged in a great war against fascism which threatened every person on Earth. Today, fascism is once again rearing its evil head, and it is being fed by the fear tactics of reactionary politicians and the militarization of the government. Fascism is threatening an American society made vulnerable by social, environmental, and economic problems far beyond the comprehension of those who lived 75 years ago. At a time when the People desperately want peace and prosperity, they are being told by their presidential candidates that war and austerity are inevitable.

The Essentials of Good Government

Irrespective of culture or national origin, from the most ancient tribal-based settlements to the unimaginable societies of the future, there have been and will continue to be certain essential organizational functions required to preserve the integrity of the group. As basic public policy, good government must:

- Provide every child with equal access to nutrition, health care, and education;
- Provide economic security to ensure the ability of all parents to care for their families;
- Provide and enforce laws to guarantee equal opportunity and individual rights for everyone;
- Provide physical security to defend the society and its people; and
- Provide coordination of large-scale efforts to serve the public good.

The People Can Make Their Own Policy

If the American People are capable of earning their own living, raising their children, paying taxes, and being emotionally and physically maimed and dying in the defense of their Nation, aren't they smart enough to have a more direct say in the policies that govern their future and the destiny of their children? Have the money interests become so entrenched in both major political parties that the politicians no longer address the needs of the People? Are the People once again being taxed without representation? What, if anything, can be done? The United States Voters' Rights Amendment (USVRA) may provide an answer to these questions.

The USVRA is a comprehensive Voters' Bill of Rights intended to transform the United States

government into one that cares for and nurtures the many who elect it, rather than benefiting the few who bribe its representatives. Primarily, the USVRA guarantees—for the very first time—the right of all Americans to cast *effective* votes in all elections. In doing so, it:

- defines equal rights for women;
- maximizes voter participation and prohibits the suppression of voting;
- eliminates corporate personhood and controls political contributions;
- ensures public funding of elections and limits the lengths of campaigns;
- provides paid voting holidays and hand-countable paper ballots;
- improves political education and public information;
- eliminates the Electoral College; and it
- curtails lobbying and prohibits conflicts of interest.

Assuming the ratification of the USVRA—and the effectiveness of its provisions to ensure the quality of everyone’s vote *and* to improve the performance and dedication of their representatives—let us examine the policy-making provisions of the USVRA to see just how the People would go about making their own policy to guide their elected representatives.

Policy Formulation Under the USVRA

In order to finally actualize America’s representative form of democracy—and to transform its government—the USVRA provides the mechanism for the formulation of policy questions, *and* it prescribes the method by which the People vote on the issues.

While there is no way that the American People could—or should—presently trust their representatives to faithfully identify and formulate the most pressing political issues facing their Nation for the next four years, ratification of the USVRA presupposes that its adoption will only result from a mass, nonpartisan political movement. Thus, the future members of Congress will be far more disposed to pay attention to the needs and aspirations of an energized electorate than the present office holders. Even so, Section 10 of the USVRA directs Congress to solicit public comment “regarding the political issues that most concern the People” during the calendar year preceding a presidential election.

Prior to midnight on December 31st, Congress is mandated to adopt a joint resolution identifying the 12 most critical policy issues to be addressed by the next president and Congress. Recognizing that Congress might be reluctant to act as required, the USVRA punishes a failure to act by disqualifying “all sitting members of Congress to be eligible for reelection.” Is there any doubt that the members of Congress will act to save their jobs? Isn’t it far more likely that the questions they formulate will be more relevant to the American People than those currently being debated in the election of 2016?

Section 11 requires that federal elections be “held on a national voters’ holiday, with full pay for all citizens who cast ballots.” Moreover, all federal elections “shall be conducted on uniform, hand-countable paper ballots and, for the presidential election, ballots shall include

the twelve most critical policy questions articulated by Congress, each to be answered yes or no by the voters.”

Once the questions have been published, there will be a valid standard by which all political candidates in the United States can be evaluated in determining their qualifications to hold public office. While the present art of politics teaches candidates to never take a position on any question in order to avoid losing votes, the USVRA would not only force candidates to take concrete positions, but to defend them as well. Moreover, enactment of the USVRA will help avoid the intentional creation of volatile issues intended to excite fear voting.

At the same time—motivated by the USVRA and cognizant of the power of their vote—the People would be far more likely to think about the important questions facing the future of their Nation and to arrive at responsible answers.

Questions for a National Policy Referendum

Rather than responding to billions of dollars in negative advertising about the inadequacies of opposition candidates, a barrage of slick promotional propaganda concealing such deficiencies, and misleading party platforms, voters in the 2016 election should have the right to decide real issues. They should be asked if international trade pacts should be approved; if the cap on Social Security withholding taxes should be eliminated; if a supplemental national retirement system should be enacted; if solar energy should be collected in outer space to energize the national highways in lieu of a reliance on polluting petroleum products; and if the crumbling national infrastructure should be repaired and upgraded.

Those most affected by domestic policies should decide if everyone has a right to national health care; if paid maternity leave is to be provided by employers; if women have the freedom of choice in matters of childbearing; and if everyone has the right to marry whomsoever they chose.

Working people and small business owners are certainly qualified to decide if a national minimum wage should be guaranteed; if public education should be privatized; if the right to education should be extended through college; if all existing student loans should be forgiven; and if military spending should be reduced.

Concerned for the safety and security of their families, everyone should have the freedom to offer their opinion about ending the war on drugs; prohibiting private, for-profit prisons; and if the Second Amendment allows for the reasonable regulation of firearms.

Irrespective of one’s own political position on any and all of these questions, isn’t it far better for each individual’s personal happiness—and for the future of the Nation—if everyone is encouraged to understand and to advocate their differing point of view, and to vote their conscience?

Wisdom of the Crowd

Unlike public opinion polls—in which respondents often provide snap answers influenced by the last political advertisement they were exposed to—the answers to a national policy referendum would be much more deliberative. Moreover, unlike statutory ballot initiatives—which often produce unforeseen and regrettable outcomes—answers to a USVRA referendum would create policy to guide the making of a law, rather than the law itself. For

example, the People might vote overwhelmingly for universal health care, and then leave it up to Congress to work out the details.

It is estimated that more than 225 million Americans should be eligible to vote in the 2016 presidential election. With voter suppression taking place in many states, unfavorable candidates, and the possibility that millions of Sanders supporters and mainstream Republicans will boycott the election, the turnout could be less than 30 percent. The result might be a president chosen by fewer than 15 percent of the eligible voters. If, however, the People had the right and opportunity to make their own policy and to vote for those candidates who offer the best solutions to achieve their goals, voter participation could exceed all expectations, and the United States would evolve into a true democratic republic.

Would the policies resulting from a national policy referendum be responsible? The answer is an unqualified yes, and the reason is that the People—collectively—are much smarter than the most brilliant political candidates, or their panels of experts. The “wisdom of the crowd” can be easily proven. If one were to carefully count a large number of marbles and place them in a glass jar and then ask a group of 100, or even 1,000 people, to estimate how many are present, the responses will vary widely as participants make their best guess. On average, however, the crowd working together will almost perfectly identify how many marbles are in the jar. In the same way, 225 million voters would be much more likely to formulate wholesome policies—than the politicians who sell their positions of trust to the highest bidder.

Warning to Politicians

Given the opportunity, the American People are not only capable of charting their own future, but they are also smart, wise, and brave enough to seize the chance to do so. There is no alternative—the People of the United States of America will either take control of their own government, or their experiment in self government will ultimately fail.

The consent of the People to be governed should no longer be taken for granted.

William John Cox is a retired public interest lawyer. He filed a class-action lawsuit in the U.S. Supreme Court in 1979 alleging that the government no longer cared for the voters who elected it, and he asked that a national policy referendum be ordered as a remedy. He is the author of “Transforming America: A Voters’ Bill of Rights” and can be contacted through his website, WilliamJohnCox.com.

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