

The Shriveling of Democracy

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Contents

- [Whittling Down the Number \(...\)](#)
- [Who's On the Ballot? Who's \(...\)](#)

In highly autocratic countries, when elections occur they are often hijacked – or are basically staged mobilizations to legitimize a pre-determined result. In the United States, it's different — instead of stuffing the ballot box, it's the registration process and the nature of campaigning that ensures that the corporate candidates win.

The formality of democracy may be held sacred in the USA, but the substance is crumbling.

Those who run for national office — especially the Senate but now the House of Representatives too — increasingly come from a small range of the population, people who are themselves wealthy or have the capacity to attract corporate money to their campaigns. The average cost of winning a seat in the U.S. House of Representatives in 2008 stood at \$1.4 million and for the U.S. Senate \$8.5 million. During that campaign cycle, then-candidate Barack Obama raised \$745 million. For the 2012 presidential race alone, it is estimated that total TV advertising will amount to two billion dollars.

Two 2010 U.S. Supreme Court decisions, referred to as *Citizens United v. FEC*, eliminated restrictions on campaign funding for corporations, unions and wealthy individuals. The previous requirement that political action committee (PAC) money could only be spent on issues, not specific candidates, was eliminated. Additionally, the decision removed a cap on the amount of money that could be raised and spent on a candidate. The only separation between the candidates' campaigns and the PACs is supposedly they are barred from collaboration. That is, the candidates must not "request, suggest, or assent" to a Super PAC ad.

As we are witnessing, these rapidly growing Super PACs dominate the 2012 election cycle. A total of 805 groups have Super PACs that by the end of August received \$350 million. Restore Our Future, the Super PAC associated with Mitt Romney, paid an estimated \$4 million for attack ads against Newt Gingrich in Iowa alone and well before Super Tuesday had spent \$17 million. Before the Republican Party convention opened, it had raised almost \$82 million. Priorities USA, the PAC associated with President Obama, had raised nearly \$22 million — with one cool million contributed by SEIU. See the *Wall Street Journal's* "How Much Are Super PAC Spending?" [\[1\]](#) and Center for Responsive Politics's OpenSecrets.org [\[2\]](#).

Workers' Voice, the AFL-CIO PAC, raised \$3.7 million in 2011, \$2.2 million from the AFL-CIO treasury. It is estimated that unions will spend about half a billion on the 2012 presidential and congressional races, 20% more than they did in 2008. Although AFL-CIO President Richard Trumka vowed that unions would no longer be foot soldiers for the Democrats this year, the hard right's attack on public sector unions' collective bargaining rights caused them to reverse their position. While these sums are small potatoes in comparison to corporate involvement, hitching the unions to the Democrats will hardly stop the political offensive against workers' rights.

While providing millions to PACs, many corporations are able to avoid paying federal taxes by using loopholes, subsidies and off-shore tax havens. A recent study by USPIRG identified 30 Fortune 500 companies that spent almost \$250 million a year in lobbying while paying no federal taxes at all.

Whittling Down the Number of Voters

According to The Pew Center on the States, the registration system the individual states use is “inaccurate, costly and inefficient.” At least 51 million eligible voters remain unregistered. Among those who are, one out of every eight records is significantly inaccurate. Instead of all kinds of reactionary legislation currently being passed that makes it more difficult to register, states should be working to modernize the process through electronic registration such as Canada employs. Once on the voter rolls, the voter can check and update one’s record through a secure portal.

Given that one out of every eight people moved between the 2008 and 2010 elections, with an even higher proportion among the young, portability is a key requirement for 21st century voter registration. In the 2008 general election alone, 2.2 million votes were lost because of registration-related problems.

We have seen 1,000 bills introduced into 46 state legislatures over the past decade that tighten up voter rights in the name of preventing non-existent “fraud.” Despite the fact that over 21 million people eligible to vote (11%) do not have government-issued photo identification, 15 states require it. This includes four southern states (Alabama, Mississippi, South Carolina and Mississippi), which are awaiting clearance under Section 5 of the Voting Rights Act before their laws take effect. Of course those without photo ID are the homeless, the poor and the elderly, most often people of color. That is, they are penalized for their poverty. The Brennan Center for Justice estimates as many as 5.5 million African Americans lack the required documentation.

Recently five states limited early voting, two states ended “same day” registration, three limited voter registration drives. In Florida the League of Women Voters in Florida suspended their registration drives because the new law was intimidating and punitive toward volunteer registrars. Some states have reduced the number of polling places; Wisconsin even reduced the number of motor vehicle offices, where voter registration occurred.

The Electoral College has always been America’s “peculiar institution” in presidential elections. Each of the 50 states has electoral votes equal to its Senate (two apiece) plus House of Representative seats, plus three for the District of Columbia, making a total of 538. Residents of the major U.S. colony of Puerto Rico, although they are citizens, get no vote for President. Electoral votes go winner-take-all in each state’s election.

In recent times this weird setup hasn’t usually affected the outcome, but two modern presidential elections were blatantly stolen: in 1960 when the Richard J. Daley machine stuffed the Chicago ballot boxes to take Illinois for John Kennedy, and in 2000 when the Florida state government of Jeb Bush used voter suppression tactics, recount manipulation and U.S. Supreme Court intervention to steal the election for brother George W. (It was widely suspected that Ohio may have been stolen for Bush in 2004 too.)

Today, the Electoral College is no longer quaint but a real menace. With the use of modern sophisticated polling techniques and technology, critical “swing states” can be identified and just enough votes stolen through undetectable electronic voting machine fraud, “Voter ID” laws and the like to steal the whole election. As we saw in Florida 2000, just a few thousand votes can make the difference.

It would be essentially impossible, without getting caught, to steal a national election based on the popular vote where over 100 million are cast. But the anachronism of the Electoral College, combined with modern technology, makes this possible with little or no possibility of proving theft. The Electoral College needs to be abolished immediately – but this is next to impossible, as it would require a Constitutional amendment that needs the approval of $\frac{3}{4}$ (38 out of 50) state legislatures.

Another set of laws that disproportionately affects the African-American and Latino communities is the denial of voting rights by all states except Maine and Vermont —either permanently or temporarily — to those convicted of felonies. African-American men are convicted at seven times the national average and African-American women at four times the rate, often for nonviolent drug-related convictions under which crack cocaine is treated 100 times more severely than other drug offenses. (This has since been reduced to eighteen times more harshly, but those already convicted have not had their cases reviewed.)

In fact, the United States is the only country in the world where this is routine. Eleven states strip those convicted of felonies of voting rights, with some requiring an application process for restoration. Arizona permanently bars felons convicted of a second offense while Virginia applies a five-year waiting period for those convicted of drug-related or violent offenses. Even in the case of 13 states and the District of Columbia where the rights are automatically restored upon release from prison, this information is not widely known. Currently about 4.7 million Americans, more than two percent of the adult population, have been stripped of their voting rights. This, of course, has an impact beyond the individual — it weakens the power of the communities where ex-prisoners live.

Every decade, when the new census figures are released, states legislatures redraw districting for congressional and state legislative representation. From the beginning of the United States, this process has been a source of rewarding the party in power, memorialized in the word that reflects this reality: gerrymander. Given the 2010 election results, where Republicans increased their size in a number of state legislatures, the redrawing has become a battle: the proposed districts do not follow political and geographical boundaries, and generally favor incumbents.

This redistricting is particularly critical to protect or dilute minority voting rights. For example, in some states Black and Latino voters are packed into some districts, resulting in those voters having a few “safe” seats but less opportunity for representation overall. In other cases, a Black or Latino community is divided so that their chance at political representation is minimized. Civil rights organizations have presented alternative maps and have even sued under the Voting Rights Act.

In Michigan, the restricting was done in an attempt to get rid of two “safe” seats for African Americans. In the primary, one was eliminated.

A vibrant political democracy would be interested in expanding voter rights. Even before women won suffrage on the national level, women were often voting at local and state levels. Why not have all residents involved in voting at least at the local level of government? Participation and expansion of the political process should be the goal, instead of a perverse process where barely more than one third of the electorate votes.

By way of contrast, Paul Weyrich, founder of conservative think tanks such as the Heritage Foundation and American Legislative Exchange Council (ALEC) remarked:

“I don’t want everybody to vote. Elections are not won by a majority of people. They never have been from the beginning of our country, and they are not now. As a matter of fact, our leverage in the elections quite candidly goes up as the voting populace goes down.”

Who's On the Ballot? Who's in the Media?

Of course all these built-in mechanisms are compounded by the fact that U.S. elections are between two "mainstream" – that is, capitalist party – candidates. In the U.S. system, if you don't like either choice one feels forced to cast one's vote for whichever candidate is seen as the "lesser evil." Yet often the lesser evil carries out a similar neoliberal agenda as the greater one! Other parties are castigated for "taking away votes" from the rightful winner and are shut out of the media.

Opening up the election process should also include voters' rights to decide issues and not just candidates. It would encourage competition from other political parties, where the 99% could build a party that represents its interests. Such a process would stop the corporate financing of elections, and open up the media to a variety of viewpoints. It would institute an effective process of recall so that voters could remove those who do not serve the community. Instead of the "winner takes all" system, we could move (for example) to a system of Instant Runoff Voting, where one ranks the candidates. This allows the voter to cast a ballot for candidates that reflect the voter's perspective. If the first one doesn't win, one's vote then goes to the second on the list.

Even better is a system of proportional representation (PR) where a range of voices and ideas can be elected. The basic principle behind PR is that voters and political groupings deserve representation in proportion to their actual strength in society. In contrast to winner take all, where one person is elected, several serve, therefore better reflecting the community's variety of viewpoints.

But breaking the monopoly of the two-party system is not in the interests of the parties in power or their financial sponsors, so it will not be easily accomplished. The fact that voters only elect candidates, but don't debate and set the political priorities and the budget highlights the narrow range of the political democracy we currently have.

Recently governors in Wisconsin, Ohio, Indiana and Michigan signed draconian laws developed by rightwing think tanks. The most anti-democratic is Michigan's Public Act 4, which allows the governor to appoint an Emergency Manager over a city, town, county or school district under financial stress. With foreclosures reducing a municipality's ability to collect property taxes and a drastic cut in federal and state funding flowing back to cities and towns, almost every Michigan municipality is trouble.

Once appointed, the EM has the power to modify or reject collective bargaining agreements, outsource services, sell assets, suspend the salaries and duties of elected officials and even dissolve the unit. In other words, the governor has the power to appoint a dictator whose salary is to be paid by the school district or municipality and, if sued, will be legally represented by the state attorney general.

With Emergency Managers already appointed in Benton Harbor, Ecorse, Flint and Pontiac, Governor Rick Snyder had the state treasurer negotiate a consent agreement whereby Detroit city officials agreed to the appointment of a financial board that superseded their power. By giving over their power, more than half of Michigan's African Americans have been disenfranchised at the local level.

However I participated in a drive to place the Emergency Manager legislation on the November 2012 ballot. We turned in 216,000 signatures. It took three months to get the referendum certified because the moment it was, the law was suspended. State officials claim that the law then reverts to a previous one that provided an Emergency Financial Manager with fewer powers. Many of us believe that when the Emergency Manager law was passed last March, the previous law became null and void.

The battle for public opinion will be fought out around the November referendum. Those who support the EM law demonize Detroit and other post-industrial towns like Flint and Pontiac. We misspent our money. We elected irresponsible and corrupt officials. Of course there has been a lot of corruption, but that too is the way the system is designed. The problem is a structural one, as urban centers have been devastated; the military budget expands and states like Michigan that share revenues with cities and counties return proportionately fewer dollars.

EM legislation is an attempt to reconfigure local government through privatization, outsourcing and discontinuing public services and decent jobs. This corporate agenda seeks to reduce political democracy and the services the 99% needs when we need just the opposite—to expand democracy. Instead of the call for austerity, which means more layoffs and a greater concentration of power within the 1%, we need an economic democracy that prioritizes good jobs and empowers workers rather than the corporate elite.

Instead of allowing companies to close down businesses and remove equipment, why not allow them to leave only when they turn over the facility to the current work force and community? Let workers and the larger community retool for what is genuinely needed. Isn't it grotesque that the only jobs programs right-wingers come up with was are the ones that involve extracting and transporting the dirtiest fossil fuels? Their jobs programs remind one of Jack Benny's joke of being held up by an armed robber, who demands "Your money or your life?" Benny replies "Give me a minute to think about that."

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P.S.

* From Solidarity website, August 28, 2012:
<http://www.solidarity-us.org/site/node/3691>

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Footnotes

[1] <http://projects.wsj.com/super-pacs/>

[2] <http://www.opensecrets.org/pacs/superpacs.php>