

Democracy? By Bryan Brah

Ask the average American what kind of government we have, and many will say “a democracy.” Some may even say “Constitutional Republic.” Both answers are wrong. Despite the political indoctrination you got in your 7th grade civics class, this country is not, nor has it ever been “a democracy.” Democracy comes from the Greek *demokratia*, *demos* ‘the people’ + *-kratia* ‘power, rule’ and implies a government of the people. Even with the limited enfranchisement at the time, the voting population and physical size of this country in 1789 made it impractical if not impossible for every eligible citizen to vote on every issue facing the country. Furthermore a direct democracy is by any measure mob rule; whatever the majority decides is the law. So protect their narrow range of interests (read property) from the great unwashed masses and facilitate the operation of the government, our founding fathers established a constitutional republic. This is a representative form of democracy, whereby eligible voters select individual representatives to do their bidding in the government. The founding fathers divided this government into three branches and set them against each other in a “system of checks and balances.” Furthermore, they established a set of specific rights to protect individuals from the abuses of federal power. That was their plan anyway.

Even as it was originally conceived, this system had problems. The election of the legislature is fundamentally flawed. We elect our representatives via a single-member-district system where the candidate with the most votes wins the race. He need not have a majority of votes, just a plurality. Worse however is the fact that the greatest advantage of SMDs -- the accountability of representatives to specific groups of voters -- weakens with each successive election. The number of representatives in the U.S. House is frozen at 435, while our population is around 300 million and expanding. It doesn't take a mathematician to realize that each member of the house is responsible to about 700,000 citizens.

The situation in the Senate is worse. As originally conceived, U.S. Senators were elected by the legislatures of their respective states; this was intended to further limit the power of the federal government by reserving a portion of power to the states. This all changed in 1913 with the passage of the 17th Amendment, where senators were then elected by popular vote of the citizens of their respective states. This shifted the agenda-setting responsibility of the government from states to the federal government and essentially made the individual states clients of the federal government. Getting back to the (under)representation issue, now senators from the populous state of California each represent about 18 million people, while the senators from Wyoming each represent about a quarter of a million voters.

Combine these mathematical factors with voter statistics and the situation for democracy gets even grimmer. First off, of the 300 million citizens of this country only those over 18 are eligible to vote. For the most recent federal election this was around 220 million people. Next, not all of the voting-age-population is registered. Some are ineligible because of criminal convictions and some just aren't registered. This whittles down the number of registered voters to around 175 million. Finally, when election time rolls around, not all of those registered to vote do so. The turnout in the last presidential

election was around 122 million (less than 41% of the total U.S. population). In off-year elections, voter turnout is significantly lower. In the 2002 election, voter turnout was around 80 million, or less than 27% of the total population.

In general terms this means that in an election for a house seat, a candidate could be elected by fewer than 95,000 votes, or 13.5% of the people in the district in which he's running. In case you want to do the math yourself, here's how I got that number: 50.1% (a simple majority in a two candidate race) x 700,000 (the population of the district) x 27% (the percentage of the population that actually votes). When finally elected for a two year term, the representative will actually work between 130 to 300 days per session, per year. During these sessions he is expected to read and vote on bills that come before him. More often than not, however, he simply votes on the bills without knowing what they contain. If he's lucky, a lobbyist will write a summary directing him how to vote.

As originally conceived, the federal judiciary would serve as the interpreter of the constitution, deciding whether laws passed by congress were constitutional or not. In contrast to how the legislature is elected, however tenuous that may be, federal circuit judges, appeals judges, and Supreme Court justices are appointed for life by the president and confirmed by the senate (often amid storms of controversy). This process was designed to shelter these federal officers and keep them above the influence of politics, but has only succeeded in creating plum jobs where they can arbitrarily exercise power.

Beginning with the Supreme Court led by John Marshall, the federal judiciary began assuming powers from the states by asserting the supremacy of federal law over state law. This usurpation led to further excesses of Justices like William Brennan, who viewed the court not only as a law interpreting body but as a lawmaking body as well. The situation today is dire, with a federal judiciary actively participating in partisan politics and using your constitutional rights as bargaining chips in a political game.

Worse than both of these branches, however, is the executive branch. The founders designed it as the enforcement body of the federal government. They intended for the President to carry out the orders of the legislature, lead the military, negotiate treaties, appoint federal judges, and report the state of the union. By dint of assumption, usurpation, and the abdication of power by lazy legislators, the executive branch has become the tyrannical monster the founding fathers feared most in government. The legislature, rather than bother with taking an active role in deciding how this country is run, has given the President carte blanche in his execution of law. Under the fifteen executive departments, there are dozens of agencies, administrations, services, and commissions all under the control of the president. These executive sub-units have broad power to interpret the authority granted to them by the legislature. As a result they create tens of thousands of pages of laws, which dictate what you can and cannot do.

At this point in the essay, you probably expect me to tell you to get out and vote, rock the vote, voting is cool, etcetera, blah blah blah. Well, you're wrong. If you're not convinced by now that YOUR VOTE DOES NOT COUNT, then you need only recall the 2000 election, where the federal judiciary decided who would run the country. The only real way that you can influence who gets elected is if you spend a few hundred grand to buy ads attacking the opponent of the candidate you support. "Damn, that's depressing," you say. Well, yes and no.

Actually, it doesn't matter who's in office because all politicians are craven, base, self-important, vain, and power-hungry, they just look different so that we can tell them

apart. The trick is not to waste your time with the blue-hairs at the polling station (although you get to act indignant and self-righteous to all your non-voting friends when you do vote). You should instead concentrate your efforts on following legislation.

Write letters to your representatives letting them know how you want them to vote on certain bills and demanding explanations from them when they vote contrary to your wishes. It's also nice to stroke their egos occasionally with letters affirming your support for their actions when they vote in your favor. When I say letters, I don't mean email, or those stupid yellow cards the NRA asks you to sign and mail, I mean real typed, signed, sealed, and delivered letters. One firm (but polite) professional letter is worth a hundred emails, and skews the politician's view (in your favor) of what's happening back in his home district. Even if the SOB votes against your wishes, you'll at least have his justification that you can drag out at the next election as proof of his opposition to your cause.

While I'm not completely opposed to voting, it is particularly important to vote in local and state elections, following legislation at the federal level is the best way to make an impact. It takes a little more effort than turning the wheel on a rigged Diebold voting machine, but I guarantee you'll be able to sleep better at night knowing you did your best.