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Step 6: Right-To-Vote Amendment, Part 1

Back in 2001 then-State Senator Barack Obama was being interviewed on a Chicago public radio station when he said that “...generally the U.S. Constitution is a charter of negative liberties. It says what the states can't do to you, says what the federal government can't do to you. But it doesn't say what the federal government or the state government must do on your behalf.”

One of the things that the Constitution does not say the government must do is to guarantee your right to vote. Many people are surprised to learn that there is no affirmative right to vote in the U.S. Constitution. But it's true. Think of the two best-known voting-rights amendments to the Constitution, the 15th and the 19th.

The 15th Amendment says “The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.” It should say *male* citizens of the United States, since women were not allowed to vote until 1920, when the 19th Amendment was adopted. That amendment reads like this: “The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex.”

As you can see, both of these landmark amendments enshrine *negative* liberties, specifying that the government cannot get in the way of voting. But, like the Constitution in general, they avoid saying that the government should actively guarantee the right to vote. In that sense, the *next* voting-rights amendment to the Constitution may break new ground.

In the last Congress (in February 2017), a Resolution was introduced into the House of Representatives which proposes that we amend the U.S. Constitution so that it would affirmatively guarantee the right to vote. It was House Joint Resolution 74, and the amendment it proposes reads “Every citizen of the United States, who is of legal voting age, shall have the fundamental right to vote in any public election held in the jurisdiction in

which the citizen resides.” I call it the Right-To-Vote Amendment.

It was sponsored by Wisconsin Democrat Mark Pocan along with 37 cosponsors, all Democrats. It was sent to the House Subcommittee on the Constitution and Civil Justice, where it died. However, with sufficient popular support it may get new life in the new, Democratic-controlled House.

Since the U.S. Constitution gives control of voting policies and practices to the states, and since there is no right to vote in the Constitution, the experience of voting can vary widely from state to state. The Constitution does say that “the Congress may at any time by Law make or alter” the voting regulations enacted by the states, and the Congress sometimes does so—witness the Voting Rights Act of 1965.

But if the Constitution were to actually *guarantee* the right to vote for everyone, then voter suppression laws could be challenged in court on constitutional grounds. This would empower voting-rights activists enormously. Real democratic progress will not come through the courts—federal judges are political appointees, after all—but if the Constitution had language like the language proposed in this amendment, it would at least make it easier to challenge in court the worst of the voter suppression initiatives. But that's not the most important reason to support the amendment. The most important reason to support this amendment is the opportunity it provides to change consciousness.

The idea we are talking about here is called “universal suffrage.” Right now this is not a familiar phrase in this country, but building support for this idea could be a real tool in the service of human rights and democracy. And it's all because of that word “universal.”

In Part 2 of this article, in the next Nygaard Notes, I will talk about the importance of the word “universal” in our struggle to transform systems of domination. ♦

Greetings,

It's a short editor's note this week, as I'm running out of room. Meaning, in the paper edition, which has space limitations, unlike the infinity offered by online postings.

As I finish this 2018 revision of my "Seven Steps to Better Elections," I realize that the revised list will end with only Six Steps, the sixth of which appears in this issue of the Notes. The list could have 2 steps, or 18 steps, it doesn't really matter. In the next issue I'll tie off the final Step and conclude the series, with some thoughts on change and elections.

Post-election, the struggle continues. Let's struggle—and celebrate—together.

Nygaard

Breaking Out of the Thought System

We begin with a thought experiment: Picture in your mind the fashions of the 1970s (or watch any TV show from those years) and ask yourself: Did all those people independently decide to wear their lapels that wide? And why does no one wear bell-bottom pants in 2018?

People tend to follow the crowd, and not only in regard to fashion. And, like the fashions we adopt, ideas can also be popular or unpopular, and people often go with the crowd. That's understandable, as it takes some work—and much practice!—to think unpopular thoughts. And we often fall short in our efforts to incorporate unpopular or unfamiliar thoughts into our lives—as this essay is about to illustrate. This is important because ideas mean something, as our President reminds us nearly every day.

Now join with me as I cast my mind back to October of the year 2000, when in Nygaard Notes #89 I first published the essay I'm now revising, called "Seven Steps to Better Elections." It included Step 5: BAN DIRECT FINANCIAL SUPPORT OF INDIVIDUAL CANDIDATES. I suggested that people be allowed to donate to the candidate (or party) of their choice, but that all donations be funneled through an independent Election Commission, which would be required to disburse it to your chosen party/candidate—anonously. That way (I said), everyone gets to support whomever they like, and the recipient doesn't owe the giver anything, because they don't know who the giver is.

My proposal was based on the idea that by making political donations anonymous we would significantly reduce corruption.

Now I ask you to cast your mind back even further, back to the month of January of the year 2000, when in Nygaard Notes #56 I related the following story:

I was listening to Minnesota Public Radio, which was airing an interview with a local leader of a Political Action Committee, or PAC. He was responding to an accusation that money from groups like his has deformed and corrupted our political system. Here's what I heard him say in defense of the status quo:

We don't ever try to buy politicians in Minnesota because, frankly, I don't think they are "buyable." What we do is, we study their records and their statements. If we like what they are doing, we say to them, "Hey, we know campaigns are expensive, and we want to help you get your ideas out to the public." That's how we make our decisions on whose campaign to contribute to.

His story illustrates what I call the Investment Theory of Money in Politics. This theory says that the power of money in politics lies not so much in "buying" votes or candidates as in making it possible for "money-friendly" candidates and issues to prevail. This theory relies less on corruption and cynicism to explain our political system (which is the thinking that forms the basis for my Step 5 above), and more on a *market analysis* in which the monied classes *invest* in candidates if "we like what they are doing."

The year 2000 is not the only time I have argued against the reasoning upon which Step 5 is based. (My own reasoning, that is). In 2012 an opinion writer named Mike Meyers published a piece in my local daily newspaper headlined “Don’t Show Me the Money.” In it he urged us to “Imagine if the candidates themselves were prevented from knowing the identity of their benefactors. Might they behave differently toward ‘special interests’?” Meyers asked us to “Envision politics with government officials having no direct knowledge of who gave money to their campaigns.”

Do you get it? Meyers was basically proposing a version of my Step 5 proposal from twelve years earlier. Yet, when I discussed his proposal (also my proposal, although I didn’t say so) in these pages here’s what I said:

“Meyers’ point is that, if politicians didn’t know who financed their campaign, they would not be beholden to them. The widely-shared, and cynical, belief here is that politicians can be ‘bought,’ in the sense of getting them to do something in exchange for money. At the risk of appearing insufficiently cynical, I don’t think this form of corruption is that big of a problem. And the more we talk about this sort of corruption the more likely we are to miss the far bigger corruption that is at work in U.S. politics.”

Lessons Learned

What we see here is that I made a proposal in the year 2000 and then, when a very similar proposal appeared in my local paper a few years later, I argued against the proposal.

I’m offering up this example from my own work to illustrate just how hard it is to break out of the dominant thought system of a culture.

One of the dominant ideas in the U.S. thought system in regard to political (or any) corruption is the idea that Greedy Individuals Are the Primary Cause of Political Corruption. The companion idea is that Good People do Good Things and Bad People Do Bad Things. Even though I have made it my life’s work to examine my own thinking with an emphasis on breaking out of the dominant thought system... these individualistic ideas still got stuck in my head, and they are so deeply embedded that I didn’t even notice. I didn’t notice even after actively arguing against them in these very pages! And not only did they get stuck in my head, but I promoted them to my modest audience on several occasions (2000, 2002, 2004), which is about the last thing I want to do.

In this case, as in most, there is a counter-message, one that I think fits reality much better. And that is the idea that A Corrupt System Will Produce Corrupt Outcomes Regardless of the Intentions of Most Individuals in That System. This idea is very tough to keep in mind as it is so crazy-sounding to people—like me—who have been socialized in an individualistic culture. The idea that larger cultural forces are at work that can shape our thinking is an idea that is usually rejected by USAmericans, as it sounds like our own wishes and intentions do not matter. That’s nonsense, of course they matter. But the opposite idea is equally wrong-headed: that the decisions we make and the ideas we believe are solely the product of our individual hearts and minds.

There is a Thought System that has been constructed to justify and explain a certain kind of system, and if we don’t challenge the Thought System we won’t change The System. Long-term, structural change requires that large numbers of people come to accept new sets of ideas. Ideas are important.

Consider Ranked Choice Voting, which I talked about a couple of issues ago. By removing the incentive to vote “against” someone, an RCV system encourages candidates to articulate ideas and policies that will be likely to make them at least the second or third choice of most voters instead of only being the first choice of a rabid core, as is the case in our current system. Adopting a system of Ranked Choice Voting does not aim to get individual candidates to be more “civil” or less “negative.” It changes the rules, which changes the incentives, which will over time change behavior.

If we believe that corrupt individuals are the main cause of corruption in our political system, then we’ll spend our time trying to figure out how to keep individuals on the straight and narrow path. And when we fail we will likely become cynical and stop even trying to build a system that responds to human needs.

On the other hand, if we believe that politicians are capable of both good and bad, depending on the context and the conditions in which they live, then we will spend our time working to change the context and conditions in which we all live, so as to bring out the best in all of us.

So, for those who remember the original Seven Steps to Better Elections (who could possibly remember that far back?!), the original Step 5 has been discarded. It's been replaced by other Steps in the New and Improved 2018 list that aim to reduce the power of money in the election system. That's the key to success, not removing temptation.

When I started re-thinking Step 5, I thought the lesson was going to be "Question Authority." But the real lesson is: Keep thinking, keep learning. And don't believe everything you think. ♦

"Quote" of the Week: *"Some Citizens with Fewer Rights than Others"*

Voting is an American principle and a basic democratic right that should be protected, promoted, and practiced, which is why many people are surprised to learn that the U.S. Constitution provides no explicit right to vote. This leaves voting rights vulnerable to the whims of politicians, and some citizens with fewer rights than others.

That's what Step 6 in this issue of the Notes is all about. This "Quote" comes from the website of the excellent group FairVote: https://www.fairvote.org/right_to_vote_amendment

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