

HOW
WOULD
YOU
VOTE
IF YOU WERE
ALLOWED TO?

Experience the Power of
Direct Democracy and
Make Your Voice Heard

W. R. WILKERSON III

Civro's
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*For Thomas Paine,
author of the American Revolution,
and for my son, Will, who gave me
the idea of direct democracy*

Contents

Preface	vii
Introduction: Where We Are—Direct Democracy Defined	1
Abortion	7
Affirmative Action	9
Alcohol & Tobacco Prohibition	11
Amending the Constitution	13
Capital Punishment	15
Electoral College	17
Entitlements (Social Security & Welfare)	19
Foreign Aid	21
Foster Care	23
Free Speech	25
Gambling	27
Gun Banning	29
Illegal Immigration	31
Mandatory National Service	33
Medicaid	35
Military Spending	37
Narcotics Decriminalization	39
National Debt	41
National Identity Card	43
National Language	45
Pornography	47
Prostitution	49
Public School Funding	51
Separation of Church & State	53

Taxation	55
Terrorism & Antiterrorist Measures	57
Universal Healthcare	59
Voluntary Euthanasia	61
Take Action!	62
Voter Ballot	63
Appendices	
Razor Thin Victories and Other Close Election Calls	65
The Constitution of the United States	71
Amendments to the Constitution of the United States	87
The Declaration of Independence	99
Notes	105
Index	109
About the Author	111

Preface

I wrote this book for two reasons. The first is because of my frustration over the presidential election of 2000. In my opinion, it was in fact a decision, not an election. Our vote was hijacked by the Supreme Court, which made a decision for us. In truth, no Supreme Court, or any court for that matter, should interfere with a presidential election. I contend that given the option, Americans would have been delighted to revote on such an important issue rather than letting a court decide the matter.

But the real question for me is, where has all the fairness gone in our country? Is it right for courts to override the will and wishes of millions of Americans? Is this really democracy? I find it ironic that the very democracy we export—free and open elections in Iraq, for example—is the very democracy we fail to practice here.

The second reason I wrote this book is because our youth are gripped by a terrible wave of apathy concerning voting. I have a son in his early twenties who does not vote. When I ask him why he doesn't, his reply is always the same: "My vote doesn't count." And to a great degree, he is right. America's youth are staying away from the polls because they look around and see that key decisions are being made by the few, rather than by the millions. To them, voters are discounted when millions vote and a few overturn the voters' decision later.

W. R. Wilkerson III
April 2006

Introduction: Where We Are— Direct Democracy Defined

Democracy is America's most precious possession. So why is it that so many Americans feel disenfranchised and disconnected from their government? The answer is simple. Many Americans feel that our political and governmental system does not work for them. Most importantly, they feel that it does not hear their voice. As a result, many people don't even bother to vote because they believe their votes don't count. People have gone to the polls, cast ballots on issues they felt passionate about, and celebrated when their measure "won" only to see it overturned later by a single judge who was appointed, not voted, into office.

We pride ourselves that our system of government is based on fairness. But is it fair that a single judge can strike down a measure that millions have voted on? In 1994, for instance, 59 percent of the voters in California cast their ballots in favor of Proposition 187, a controversial measure to deny health benefits and education to illegal immigrants. On March 19, 1998, the measure was struck down by a single federal judge, Mariana Pfaelzer, thus denying the voters their prerogative. Clearly, fairness is something that cannot be determined by the courts or the government but only by the people.

The awful truth is that the people do not decide the outcome of many elections. The courts do. People don't make the key decisions that affect their lives. The courts do. Should the Supreme Court, or any court, be able to overrule the will and wishes of millions of Americans? That's a very good question. Lest we forget, nine judges, not the people of this country, decided the presidential election of 2000, when, in one of the closest elections in U.S. history, George W. Bush was declared the winner by a Supreme Court decision that ended the debate about 527 Florida votes that were to determine the state's 25 electoral votes. What

does it tell us when the presidency of the United States is decided not by voters but by a court? And what good does the will of the people do if our government and judges have the ability to overturn our votes and decisions?

Let's take a moment to briefly review how our system of government works and consider whether the system in place works for us. We vote for politicians who represent us. We give them "power of attorney" so that they can act on our behalf. They, in turn, pass legislation that becomes law in matters that affect our lives and well-being. Yet once the original voting into office is over, how many of us really feel we are consulted or included in this vital decision-making process? Once politicians are voted in, the voters who got them there are excluded from the legislative process. The majority vote does not necessarily become law.

We live in a bureaucracy, not a democracy. We live in a country ruled not by its people but by its politicians. Any government body that makes decisions on behalf of its people is essentially the ruling body. Two hundred ninety-eight million Americans are ruled by 9 Supreme Court justices, 100 senators, and 435 congressional representatives.¹ Politicians have ruled over us for more than two centuries. At issue is whether our government is functioning in our best interests.

Even politicians are often excluded from direct action because much in Washington is determined by committees and subcommittees. Committees and hearings are created for just about everything, all at great taxpayer expense. The way politics functions in our country is that problems are left alone until they become crises. When Hurricane Katrina devastated the population of New Orleans and surrounding areas, it became painfully clear that the Federal Emergency Management Agency (FEMA) was not functioning the way it needed to function. The Army Corps of Engineers had been asking for money for at least a decade to shore up the levee system surrounding New Orleans, which failed and resulted in uncontrolled flooding. By most estimates, rebuilding that city will cost taxpayers more than \$200 billion. The Army Corps of Engineers was asking for \$27 million.²

But what if we took that power back and made decisions for ourselves? What would our country be like? What would our lives be like?

THE POWER OF DIRECT DEMOCRACY

Many of our current issues—guns, healthcare, abortion—could be decided with a national vote. American citizens would identify the issues and then put them to a vote. Citizens would go to the polls and register their preferences. The ballot items with a majority vote would immediately become law and would remain law for ten years. It's that simple. This system would put an end to all the nonstop debating and bickering that often paralyzes our lawmakers. It would make voting citizens both the decision makers and the lawmakers. Once the people had spoken, their say would be final. This political system is called direct democracy. Congress can still debate and work out the details of issues like highway funding, but hot topics that need clarification—school prayer, medical marijuana, and abortion, to name a few—should be put to a citizens' vote.

In a direct democracy, the power belongs not to the politicians but to the people. After an election, no court or legal challenge of any kind is allowed. No single judge or group of judges can rule a vote unconstitutional. People can protest all they want, but once the votes are tallied, the decision is final and we must all live with the results for a decade. After a decade, the issue can be put on the table again.

The Swiss practice a form of direct democracy. Between 1892 and 2004, Swiss citizens put more than 240 initiatives to public referendum. The populace has been conservative, approving only 14 of the initiatives put before them; in addition, they have sometimes opted for versions of initiatives rewritten by government personnel.³

The United States has a sort of direct democracy at the state level. More than half the states, and many localities, provide for citizen-sponsored ballot initiatives or ballot measures. Nothing like this exists at the federal level, however.

THE ONLY VOICE THAT MATTERS

Politicians pass laws without consulting their constituents. They spend our money without consulting us. They lead us into wars without our consent. That our political system is set up in this fashion derives from the Found-

ing Fathers' belief that the citizens of this country needed safeguards when making their own decisions. In fact, citizens are capable of and should be making their own decisions on matters that affect them.

In the end, we have just one inalienable right: the right to decide our fate for ourselves. America belongs to its citizens. The Constitution is not an antique document but the will and wishes of the people. Our voice is the only voice that matters. If we don't like something, we can change it.

Politicians are public servants. They work for us; we do not work for them. If they are not doing their jobs to our satisfaction, it is time we do the work for ourselves. As my father used to say, repeating a familiar "go-get-'em" American adage, "If you want something done, do it yourself." So it is with legislation.

Many people will argue that national voting is unworkable because, outside of Switzerland, it has never been tested. But remember the definition of insanity: doing the same thing over and over again and expecting different results. We keep voting into office politicians who don't look after the public's will as the public would like. A highway bill gets stuffed with pork that shouldn't be there. If Louisiana needs an infusion of aid after Hurricane Katrina, money should be put aside for that purpose only, not earmarked via footnote for additional uses. Is "business as usual" in our political government better than a system untried?

Politicians are keenly aware that public opinion is sovereign in this country. But when it comes to action, public opinion doesn't count for much. On innumerable occasions, judges and politicians have failed to do the bidding of the voices they hear. The news media believe they are taking the temperature of the American public by conducting endless polls. But polling is not voting. What is true is that politicians and judges have disregarded our wishes on many occasions, deeming them unconstitutional. And while they hide behind the Constitution, the real question remains: What is more sacred, a 200-year-old document or the wishes of 298 million Americans?

The time for talking and arguing is over. Now is the time for action. Now you must vote on the issues yourself. You must demand that the outcome of your votes be made law for ten years. Protests and dialogue are always allowed. But once the votes are counted and tabulated, no court challenge, no judge, no politician, and no private citizen should overturn the wishes of the people of the United States.

You will not only participate in this process, you will be the process. For the first time in American history, you will be in charge of your own destiny. If you don't vote, your voice will not be heard. It's time to untie the legal and congressional knot that has a stranglehold on our nation. The decisions that affect our lives and our futures are too important to be left in the hands of politicians or the courts. Only we can speak for ourselves.

GET OUT YOUR PENS AND PENCILS

All this said, we have a lot of work to do, so let's get started. Get out a sharpened pencil. The following pages present the most significant and controversial issues concerning American citizens today. Each issue is described, and the arguments for and against are summarized. Record your own opinion under the heading "Choose One." I'm suggesting you make your choices in pencil first in case you change your mind. Once you've made your choices, record them in ink on the perforated ballot at the end of the book or on a photocopy of the voter ballot (see pages 63 and 64). Write your name and address on the ballot after you've finished voting and mail it to

The President of the United States of America
The White House
1600 Pennsylvania Avenue, NW
Washington, DC 20500

By doing this you are demanding that *your* president make your wishes into law. Remember that we elected this individual and, like it or not, he has to listen to us and take action. He must then take steps to make sure our wishes become law.