

DECIDING POLICY

ADOPT DIRECT DEMOCRACY OR REMAIN A REPUBLIC?

ADOPT DIRECT DEMOCRACY

ADVOCATE: Harlan Hahn, Professor of Political Science, University of Southern California

SOURCE: Testimony during hearings, "Voter Initiative Constitutional Amendment," before the U.S. Senate Committee on the Judiciary, Subcommittee on the Constitution, December 13, 1977

REMAIN A REPUBLIC

ADVOCATE: Peter G. Fish, Professor of Political Science, Duke University

SOURCE: Testimony during hearings, "Voter Initiative Constitutional Amendment," before the U.S. Senate Committee on the Judiciary, Subcommittee on the Constitution, December 13, 1977

Americans imagine they live in a democracy, but that is not precisely true. What Americans do have is a republic, a system of indirect democracy in which policy is made by elected representatives to whom the citizens have delegated their authority to enact laws.

This approach differs substantially from a classical democracy, a political system in which the citizenry decides policy directly through popular votes. In a direct democracy there are two voting processes to decide public policy issues. One is an *initiative*, which occurs when a policy issue is placed on the ballot by a public petition and then decided by the voters. The second procedure, a *referendum*, occurs when an issue is referred to public vote by the legislature. In the view of some scholars, a third direct democracy process is the *recall* procedure, whereby an elected official can be ousted from office in midterm (as occurred in October 2003 when the voters of California removed Governor Gray Davis and, in a simultaneous election, replaced him with Arnold Schwarzenegger). This has seldom been used, so our debate here will focus primarily on initiatives and referendums.

Direct and indirect forms of democratic government date to ancient times. The first known direct democracy existed in the ancient city-state of Athens for approximately 150 years beginning in the mid-fifth century B.C. The first republic was established in ancient Rome in 509 B.C. and lasted, at least in theory, for almost half a millennium until Octavian seized power in 27 B.C. and took the title emperor. During the 1,500 years that followed, democracy virtually ceased to exist, and did not begin to reemerge in a significant way until it did so in England and a few other places in Europe during the seventeenth century. The democracies that developed after that, including the United States, were almost exclusively republics.

There is no provision for initiatives or referendums at the U.S. federal level. The delegates to the Constitutional Convention of 1787 intended this lack of direct democracy. In part the exclusive reliance on elected representatives stemmed from the physical difficulties of voters gathering in one place in a horse and wagon era. The decision for a republic also resulted from the skeptical view of the public held widely among the delegates. Many had read the criticisms of direct democracy in Plato's *The Republic* (360 B.C.) and in Aristotle's *Politics* (350 B.C.), with Aristotle counseling that direct democracy promoted ochlocracy

(“mobocracy”) in which public passion swept away reason, and Plato warning that amid such turmoil, “tyranny naturally arises out of democracy.” The reflection of this negative view of the ability of the people to make their own choices was evident in the view of such delegates to the Constitutional Convention as Alexander Hamilton, who argued, “The ancient democracies in which the people themselves deliberated never possessed one good feature of government. Their very character was tyranny.”

Over a century later, public frustration with government unresponsiveness led to a movement during the Progressive Era of political reform to have the people reclaim some of the authority delegated to elected representatives. South Dakota amended its constitution in 1898 to permit direct democracy in some instances. Other states followed, and currently 23 states have some provision for initiatives, and they and 17 other states permit referendums in a least some circumstances. Indeed, state initiatives and referendums are relatively common. During the twentieth century, states decided 1,903 policy proposals by direct democracy. The voters enacted 41% of these proposals and defeated 59% of them. It is important to note that state laws enacted by direct democracy do not supercede the U.S. Constitution and the rights it protects and can be, and have been, struck down by federal courts.

Those who disagree with the skepticism of Hamilton and others in 1787 have made a number of attempts to bring the citizenry directly into the federal policymaking process. Such efforts have largely been in the form of proposed constitutional amendments, although not all observers believe that is necessary. Some of these proposals have been for a general initiative and referendum system, but other suggestions have been very specific. For example, Representative Louis Ludlow (D-IN) unsuccessfully proposed an amendment in 1935 that would have required a referendum before going to war in cases other than a direct attack on the United States, its territories, or its military forces.

The advocates presenting their view in this debate were part of one such concerted effort to amend the Constitution to allow for direct democracy. The petition to place an issue on the ballot would have required the signatures of a number of people equal to 3% of the voters in the previous presidential election, including voters in at least 10 different states equal to the 3% standard in that state. Initiatives would not have been allowed to declare war or amend the Constitution. Whatever the validity of the views presented to Congress by the advocates, the proposals suffered the fate of all such similar ideas: they failed.

A final bit of perspective is that there are numerous countries in which direct democracy is used in conjunction with, or as alternative to, legislative action. Switzerland is the country that most regularly practices direct democracy, and it is common for the Swiss to decide several issues a year by popular vote. During 2003, for example, Swiss citizens voted on 13 policy proposals. Among their other decisions, the electorate decided against raising taxes and making immigration easier and for life sentences for some sex crimes.

POINTS TO PONDER

- Think about Harlan Hahn’s argument about public political alienation and apathy and the potential impact of direct democracy on these ills. Do you agree?
- Keep in mind that no system is perfect. List the positives and negatives of both direct and representative democracy as you ponder this debate. Overall, is one greatly superior to the other?
- Consider the various views of the public’s wisdom evident in this debate and whether you agree with them.

Deciding Policy: Adopt Direct Democracy

HARLAN HAHN

One of the most critical problems currently facing America is a widespread and growing sense of public alienation. Millions of citizens not only fail to participate in the political process, but they also seem to lack confidence in the ability of governmental institutions to fulfill their needs and demands. In fact, there is mounting evidence which suggests that, if the American political system were ever to collapse, it might probably be destroyed not by violent upheaval but by the gradual erosion of public trust and support. Although political scientists have experienced difficulty in identifying the precise levels of public involvement which are necessary to sustain the political system, there is probably a threshold of participation below which democratic governments cannot function effectively. Without the commitment and support of a significant segment of the population, the political process could become inoperable. Hence, the question of alienation and efforts to resolve that issue are subjects which deserve priority attention by Congress.

In general, however, explanations for the growth of alienation usually are focused on the public, and their political leaders. The principal blame for this disaffection often is ascribed either to so-called popular “apathy” and indifference or to the inability of elected officials to provide effective leadership for political movements. Such interpretations neglect another significant factor—the institutional structure of the American political system. Millions of Americans may fail to become actively involved in the political process simply because they do not

feel that there are adequate opportunities presently available to express their sentiments or to make their influence felt. Although contemporary understandings of democratic theory certainly imply a need for more widespread political participation than existed at the time the Constitution was written, few institutional mechanisms or vehicles for the communication of political opinions by the public have been added since the document was ratified. The relative absence of institutional channels for the expression of public sentiments obviously must be included in the efforts to discover the sources of political alienation. The issue of alienation is not a topic which can be confined to the question of personnel. It is a subject which also compels us to consider the structural characteristics of the American political system.

My own research and study concerning political alienation suggest two other possible causes of the problem. Initially, it seems to me that the present operation of the American system of government does not provide an adequate basis for continuing involvement in the political process among large segments of the population. I am currently undertaking a study of the relationship between American politics and the everyday lives of average citizens. From this perspective, I am impressed more by the extent to which politics appears to be irrelevant to the daily lives of most people than by its relevance. Millions of persons spend each day concerned primarily with problems such as their families, their jobs, and their health: topics which they consider indirectly related to political deci-

sions, if at all. Moreover, if the average citizen is given a direct opportunity to voice his or her political beliefs, it occurs only intermittently. Elections, after all, are only sporadic or episodic events in the lives of most citizens. Few other vehicles are available to enable the people to express themselves between elections. By themselves, therefore, elections may fail to provide the foundation for the type of sustained and uninterrupted political activity which enables citizens to identify their personal aspirations in life with the goals of the nation in which they live.

Secondly, the mass media might also be appropriately included in any analysis of the sources of contemporary political alienation. Despite the beneficial role which the media have supposedly played in informing the American public, communications between the media and the public have tended to be a one-way street. The media not only have failed to translate the relationship between policy questions and the personal concerns of everyday life; but they also have tended to treat elections and other political controversies primarily as a contest in which attention is focused upon the identification of the probable winner rather than the substantive issues raised by opposing sides in the conflict. News transmitted by the media seldom has emanated from the masses rather than elite groups. Consequently, the media have had an important influence in transforming the public from active participants to passive spectators in the political process.

Obviously, political alienation is an extremely complex and multi-faceted question. Yet, the sources of the problem which I have mentioned here seem to suggest some approaches to a solution. First; attention must be directed at the institutions as well as the personnel in the American system of government. Some consideration might be given to the possibilities of

restructuring political institutions to permit increased public involvement in the policy-making programs as well as to the need for expanded political education and effective leadership. Second, a means must be found to encourage extensive political participation between elections and to allow the general public to place new issues and concerns on the national agenda. A foundation should be established as a solid basis for widespread political activity at the grassroots level. Finally, and perhaps most importantly, more political leverage must be provided for the American public. The people themselves must be granted an opportunity to overcome the alienation that has arisen within their midst by obtaining the tools and the resources necessary to support a continuous involvement in politics.

I am grateful for this opportunity to express my support for Senate Joint Resolution 67, the proposed constitutional amendment for a national initiative. I am convinced that the adoption of this amendment would represent a significant step toward the solution of many of the most serious aspects of the problem of political alienation. Perhaps most fundamentally, it would provide an additional vehicle for popular participation in the political process and an enhanced opportunity for the people to express their sentiments to public officials. Even though the experience of American states does not indicate that a large number of issues would be submitted to the electorate via the initiative process, I believe that the values contained in this amendment are so important that they outweigh any potential objections to its approval. By providing the American public with the institutional mechanism necessary to introduce policies independently, and on their own volition, significant progress can be made toward stimulating the widespread political participation which is essential to a healthy democratic society.

As a means of encouraging continuous public involvement in the policymaking process, the initiative possesses many advantages which cannot be found in other political institutions. Initially, the initiative process allows voters to concentrate their energies on those proposals which are of most immediate relevance and concern to them. Hence, one possible result of the adoption of the proposed amendment might be the creation of numerous grass-roots organizations attempting to qualify a wide variety of issues for the ballot. While some critics who lack a basic faith in the people may be apprehensive about a society which encompasses such diverse activities, those organizations would greatly multiply the number of available outlets into which citizens could channel their political energies. The value of the potential growth of political participation, which might result from the existence of groups seeking to promote various proposals, should not be underemphasized. Perhaps most critically, by granting citizens the ability to govern themselves without the intervention of other governmental actors, the general public may also acquire the self-confidence and the self-esteem needed to prevent the increasing development of alienation.

Furthermore, the use of the initiative offers a method of facilitating political participation in a manner which would not be distorted by the influence of vast sums of money. Although some opponents of the proposed amendment have argued that powerful and well-financed groups might emerge in an effort to control the initiative process, many of those potential problems undoubtedly could be avoided by the enactment of appropriate legislation to impose strict limitations on the expenditure of funds in initiative campaigns. Fundamentally, the initiative is a process which depends upon the investment of time and effort rather than money. In this sense, the initiative is an important

and useful vehicle for the overwhelming proportion of Americans who wish to advance their political objectives but who lack extensive economic resources.

The initiative also enables voters to confront public policy issues directly without the interference of parties, candidates, and other groups which sometimes seem to obscure and to complicate the decisions presented to the electorate. Voters frequently encounter difficulty in their efforts to match their personal preferences with the policy positions taken by parties or candidates because of the ambiguous manner in which campaign rhetoric is phrased. Moreover, even if they are successful in obtaining an almost perfect match between their own views and the opinions of candidates, they often complain that politicians do not keep their promises. The initiative and referendum eliminate many of these problems. In an election held in response to an initiative drive, attention can be concentrated on a single issue; and, if the initiative is approved, voters can be assured that the policy will be enacted. As a result, the initiative provides a means of circumventing many features of the political process which might otherwise impede political accountability.

In addition, the adoption of a national initiative might increase the political responsibility of elected officials and the mass media. As previously noted, the history of the initiative at the state level does not suggest that voters will be burdened by a large number of trivial or insignificant issues at the ballot box. But the threat of an initiative could be a powerful factor in stimulating an unresponsive legislature to act in accordance with the desires of the people. And the existence of many grass-roots organizations seeking to promote initiative campaigns may exert a critical influence upon the mass media, perhaps stimulating them to cover many policy questions and

controversies which might otherwise be neglected or ignored. In a democracy, one may not always agree with the wishes of the people or even with their definitions of a newsworthy issue. But the strength of a democratic society ultimately depends upon both the existence of a lively dialogue concerning alternative ideas and upon the ability of the people to communicate their opinions to major decision-makers. Providing citizens with a crucial vehicle for expressing their sentiments on their own initiative constitutes an important means of realizing those principles.

I am pleased, therefore, to have been accorded this opportunity to register my support for Senate Joint Resolution 67. Not only do I advocate the adoption of this amendment, but I also hope that it might lead to the consideration of additional measures to grant the American people increased power in the political process. Specifically, in the light of recent experience with a major national crisis and the difficulties of the impeachment process [Hahn is referring to the Watergate scandal and the

efforts to impeach and remove President Richard Nixon], I would urge that serious consideration be given to the addition of a provision for the recall of public officials to the initiative and referendum at the national level. Furthermore, with growing progress in technology, I wish that attention might be devoted to the creation of an interactive policymaking system which would enable the people to respond directly and instantaneously to the statements of national leaders and which would permit periodic advisory plebiscites on major political issues.

It would be a mistake to assume that popular rule is a static idea, enshrined permanently in the institutions created by the American Constitution. Instead, democracy is a dynamic concept, which must be continuously expanded and amplified. The adoption of the constitutional amendment for a national initiative and consideration of additional proposals to give the people an increased voice in their government would represent an important milestone in this historical progression.

Deciding Policy: Remain a Republic

PETER G. FISH

The legislative initiative under consideration by the subcommittee is a hoary reform proposal which seems to emerge from the political closet in the wake of political scandals. As the Progressives in the days of yore were consumed by what they perceived as rampant robber-baron-induced corruption of the American political system, so too, contemporary reformers...are concerned with the misdeeds of our public servants in both the executive and legislative branches. Their conduct has led states to [according to one U.S. senator], “a growing dissatisfaction with, and in many cases a serious distrust, of government by the very people who are its source of power and who elect its leaders.” American citizens feel alienated from their political system and helpless to affect its operation.

Then as now, the remedy proposed for curing this affliction of political anomie is more democracy. The elixir of political life at the moment is the legislative initiative. Tomorrow it may be the constitutional initiative or some other all-purpose reform from the old Progressive grab bag. Place power in the hands of the people, elude traditional political channels of the legislature and executive veto, and the established political institutions will be truly controlled. The people will reign as sovereign.

All direct democracy antidotes for the ills of government arise in stark contrast from the perennial tension between, on the one hand, the liberal, or constitutional doctrine that governments are established to protect certain fundamental rights and that their powers should be confined by specific restraints and the democratic doctrine; on

the other, that sovereign power is derived from the peoples’ consent and that popular participation serves to legitimize government. The more such popular participation, the more the people rule and the closer the proximation to true democracy.

CONSTITUTIONAL GOVERNMENT

As the *Federalist Papers* demonstrate, however, the Founders of this nation’s political system—a system which has endured through times of war and peace, plenty and scarcity—clearly rejected majoritarian democracy. As James Madison put it so well in *Federalist* 51:

But what is a government itself but the greatest of all reflection on human nature? If men were angels, no government would be necessary. If angels were to govern men, neither external nor internal controls on government would be necessary. In framing a government which is to be administered by men over men, the great difficulty lies in this: you must first enable the government to control the governed; and in the next place oblige it to control itself. A dependence on the people is, no doubt, the primary control on the government; but experience has taught mankind the necessity of auxiliary precautions.

To the end of governmental self-control, Madison argued in 51 for “so contriving the interior structure of the government as that its several constituent parts may, by their mutual relations, be the means of keeping

each other in their proper places.” Thus, as adopted in 1789 and further developed thereafter, a nonmajoritarian constitutional system of checks and balances, [a so-called] Madisonian democracy emerged. Its ingredients included the indirect election of the President, direct election of Representatives and, later, of Senators—all three from different constituencies; bicameralism, presidential veto power, congressional impeachment power and removal; presidential appointing power and senatorial confirmation power; presidential treaty negotiation and senatorial consent; differing House and Senate terms; and the two-stage constitutional amendment process. Subsequently, judicial review and decentralized political parties developed.

But Madisonianism rested not alone on the interior structure of government, but on exterior conditions as well. It depended on a theory of representation that Madison regarded as the distinguishing mark of republican government. As Professor Robert J. Morgan emphasized in “Madison’s Theory of Representation In the Tenth Federalist” (*Journal of Politics*, 974), Madison thought the advantage of a large as contrasted to a small republic lay in the recruitment of representatives from large heterogeneous districts. Consequently such public servants were likely to be independent of any single interest. With such representatives “Congress would more probably be insulated from localized factional struggles normally-occurring in some districts.” The fabric of federalism would thus differentiate the function of representatives. Those chosen to serve in the nation’s capital would serve the “aggregate interests of the nation.” Those selected for service in the state capitals would be chosen to represent local, even parochial, interests. Further, he asserted that though the size of the electorate might be large, the size of the legislature should be small. A well-proportioned

assembly would secure the benefits of “free consultation and discussion and assure the supremacy of reason over passion.” Had every Athenian citizen been a Socrates, every Athenian assembly would still have been a mob. A balanced government in terms of both the interior structure of government as well as in terms of representation fostered stability of the political system, the stability of which in turn depended chiefly upon the stability of the legislature.

As America approaches the bicentennial of the oldest written and still-functioning Constitution in the world, do we wish to destabilize a rather fragile political system which has received harsh assaults in recent years? Do we wish to bypass the Madisonian foundation of our Constitution in favor of direct democracy in a modern nation of more than 200,000,000 citizens?

THE LEGISLATIVE INITIATIVE

Proponents of direct democracy in the form of a national legislative initiative note its existence in two dozen states. But does that fact offer any insight into the operation of a national initiative? The present initiative states lie in the West, the Rocky Mountains and Upper-Plains states. But even in the direct democracy heartland, use of the initiative varies considerably.

A recent study of the use of the initiative in the State of Washington for the 60-year period 1914–1973 found that those supporting issues relating to public morals were most likely to sponsor an initiative, followed by sponsors of revenue and taxation measures, and last by sponsors of government reforms.

Through the initiative such sponsors could have an impact on the total population simultaneously with their single action rather than continuing program proposals. In fact, their proposals in Washington tended to affect a few groups rather than the whole population—civil servants,

sportsmen, welfare recipients, etc. And as the authors of *California Politics and Parties* observed, the initiative campaigns are very expensive and have become highly sophisticated. Only well-organized, rather affluent coalitions of interests can afford to pursue the kinds of professional public relations campaigns associated with most ballot measures. The campaigns are often bitter, emotional contests in which the voter is not likely to make a choice between carefully argued positions. Instead the voter is likely to be asked to respond to false images and half-truths.

On election day, Washington's total voter turnout has been in slow decline, although the proportion voting on initiative proposals has risen. The largest initiative turnout has occurred when issues of morals, business, or labor regulation are on the ballot, while the lowest takes place when complicated and abstruse taxation, revenue, and governmental structure and reform issues are to be voted upon. Thus initiatives tend to involve clear-cut, often emotional, issues such as clean air, coastal pollution, right to work, liquor control, and the like. Not surprisingly, political scientists have observed a fairly powerful association between high-use initiative states and strong interest groups, as well as weak, less disciplined and less cohesive legislative parties. However, the recent resurgence of the initiative in California may be related to legislative professionalization which restricts the old easy access to the legislature enjoyed by special interests.

CRITICISM OF STATE INITIATIVES

The foregoing summary of recent literature raises some important considerations:

1. While Madison sought a national self-controlled government fostering a broader public interest, the initiative appears to cut in the opposite direction and to promote pluralism with the pay-

offs going to intensely interested and well-organized groups in the polity.

2. The voters' cues are clearest in the election of chief state and national officials, but in initiative elections the cues would be obscure on some issues and overly simplified on others. To the extent initiative language is simplified, there is less likelihood of compromise language in the legislative tradition.
3. There is a real question whether the kind of sharp polarization of the electorate needed in initiative elections is conducive to stable government. To argue that issue-concerns on the part of the electorate are always desirable is to say that the electorate in 1860 constitutes a model for every year. Federalism, political parties, exterior and interior governmental structures work to mute such polarization, although all such elements failed in 1861. Conflict resolution is the function of republican government. Direct democracy in the garb of a national legislative initiative may well be a conflict stimulator rather than a resolution device.
4. However desirable some of the specific initiative proposals may be, one must query the long-term effect on political parties, balanced government, and federalism. In 1961 the people of Switzerland had the opportunity to endorse a national legislative initiative. By a vote of 409,445 to 170,842, they overwhelmingly rejected it largely because of fear that direct democracy would reduce the importance of the cantons and consequently their protection against federal government encroachments.
5. The national initiative is unnecessary. Even in the states, one political scientist found no correlation between the use of the initiative and a failure of the legislature to resolve conflicts among competing

interests. Nor did he find any correlation between voter frustration with the legislature and states making extensive use of the initiative. Finally, he found no evidence to support the proposition that high use of the initiative tends to occur in states with less innovative legislatures. And, given the expansion of the franchise and national voter-protection in recent years, combined with legislative redistricting, one wonders how much more can be done or should be done to further popular participation in government.

6. Citizens may be alienated, but the causes probably lie elsewhere than with the existing representational system. Perhaps it lies with the loss of community through demographic changes, population mobility, court-ordered reapportionment, and federal judicial and administrative activism. “One man, one vote,” and “every man a legislator” were popular slogans to be sure, but the solution, if one exists, may be not in more national participatory democracy, but rather in a restoration of power to neighborhoods, local communities, and states. It is in these political contexts that citizens’ votes and actual participation in the policy-making process can visibly count. To argue that a voter will feel less alienated if he or she can make national policy by casting one out of several million votes is to hold up a mirage. Political fragmentation, disillusion, and anomie are the likely consequences of a national legislative initiative.

PITFALLS OF S.J. RES. 67

As applied to the national government via S.J. Res. 67, the legislative initiative raises interesting prospects assuming about 2½ million valid signatures can be secured. Under it, the national electorate may initiate and vote on any law unless the law affects clauses 11 and 15 of the Consti-

tution, the war declaration and self-defense clauses respectively. But presumably the people could abolish the volunteer or draft system of military recruitment or set a manpower limit on the army under clause 12, or a nuclear submarine limit under clause 13. As no restriction is placed on initiative laws affecting appropriations, proposals could be adopted calling for a reduction of 25% from the appropriation of the Departments of Defense or Health, Education and Welfare received in the fiscal year preceding adoption of the initiative proposal. Thus money bills might still originate in the lower house, but that branch’s discretion would be decidedly limited even in the face of a foreign or domestic crisis not foreseen by the wise and virtuous citizenry at the time of the initiative vote. If the people may vote on laws affecting Article I, Section, 8, clause 3, the commerce power, then initiatives could threaten the Civil Rights Act of 1964 and 1968. Would such repeal or even a petition campaign to secure an initiative in that controversial subject be conducive to a stable political system? And congressional repeal of such an initiative or any other initiative measure could be prevented by a legislative minority of one-third plus one during the two years after adoption. Would certainty and predictability in the law be furthered by subsequent repeal after elapse of the two-year period, and thereafter inception of a petition-campaign to repeal the repeal legislation?

Finally, could a constitutional amendment proposal to establish a constitutional initiative be sent to the several state legislatures? No longer would two-thirds of both houses be required to amend the Constitution. If three-fourths of the states approved such a constitutional amendment, then any provision of the Constitution, including the First Amendment and the Equal Protection Clause, might be up for grabs.

National direct democracy via a national legislative initiative embodied in S.J. Res. 67 contains elements corrosive of balanced and stable government. The states may be ideal “laboratories for experimentation,” as Justice Louis Brandeis once said, but to conduct direct democracy experiments on a national scale could have serious conse-

quences for national security, for harmony among and between our citizens, and between diverse racial, religious, ethnic, and economic groups. In our society, and for a viable legislative process, S.J. Res. 67 should be returned to the closet of political antiquities from whence it came.

THE CONTINUING DEBATE: Deciding Policy

What Is New

Direct democracy remains alive and well internationally and in the U.S. states, but not at the U.S. national level. During 2004, voters in 34 states decided 162 statewide ballot issues. Among the proposals, the electorate in 13 states barred same-sex marriages, Californians agreed to fund stem cell research, the citizens of Colorado rejected a plan to proportionally allocate the state's Electoral College vote, and the people of Montana voted for and the people of Oregon against legalizing marijuana for medical use.

Also new are some ways of conducting direct democracy. These include, for example, Switzerland allowing some voting via the Internet in one 2004 referendum. Moreover, there is public support for direct democracy. Although the most recent national poll dates back to 1994, it found that 76% of Americans supported and 41% opposed a national referendum, with 11% unsure.

Where to Find More

A pro-direct democracy site with reliable data is the Initiative and Referendum Institute at <http://www.iandrinstitute.org>. Its director has published, M. Dane Waters, *Initiative and Referendum Almanac* (Carolina Academic Press, 2003). Also valuable is the National Council of State Legislatures', *Legislatures, Initiative and Referendum in the 21st Century*, available on the Web at <http://www.ncsl.org/programs/legman/irtaskfc/irreport.htm>. Also visit Teledemocracy Action News + Network at <http://frontpage.auburn.edu/tann/>, a page hosted by the Department of Political Science at Auburn University.

To learn more about the origins of direct democracy in the United States, read Steven L. Piott, *Giving Voters a Voice: The Origins of the Initiative and Referendum in America* (University of Missouri Press, 2003). Recent scholarship on various aspects of the use of direct democracy includes Mark A. Smith, "The Contingent Effects of Ballot Initiatives and Candidate Races on Turnout," *American Journal of Political Science* (2001), Daniel A. Smith, "Homeward Bound? Micro-Level Legislative Responsiveness to Ballot Initiatives," *State Politics and Policy Quarterly* (2001), and Caroline Tobert, John Grummel, and Daniel A. Smith, "The Effect of Ballot Initiatives on Voter Turnout in the American States," *American Politics Research* (2001).

What More to Do

Get very modern. Debate a national teledemocracy system. This would involve a procedure to sign an electronic petition to put a question on the national ballot and also to vote for or against the proposal from home. Both could be done using social security numbers and a readable thumb print on a home voting station. Yes, it would cost a few billion dollars to set up such a system, but then each B-2 bomber costs Americans \$2.1 billion. Do not get hung up on issues of fraud and reliability. The 2000 presidential election in Florida showed that manual systems are subject to problems too. The point is to ponder a system that could shift a substantial part of the decision making in the United States away from Congress and to "We the people." Would you favor this?