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Democracy in America?

By Richard Backus

Joel Hirschhorn in his most recent articles on OpEdNews has encouraged the American public to petition for a constitutional convention under Article V of the constitution in order to rectify the ever-increasing creation of laws harming the interests of the working classes of the U.S. His article, "An Open Letter to John Edwards" supported Mr. Edwards' opinion that America has become a country of two nations, the rich and the poor, which I call the Privileged and the People.

Many people believe that the Constitution of the U.S. established a democracy in which all citizens had an equal say in the running of the government and in the creation of suitable laws. This is simply not true. The Constitution simply set up a republican form of government based upon a separation of powers between congress, the judiciary, and the executive. Nowhere do the words "democracy" or "democratic" appear in this document, which is the sole basis of our federal laws. The word "republican" appeared only in Article 4 in the context of state's rights. The original drafters of the Constitution wanted a government selected and run by the landowners and other rich folks of that day. Only as an afterthought were any explicit rights of the working classes included when the Bill of Rights was added as a series of amendments to the constitution explicitly spelling out various rights for the general public. Unfortunately these "absolute" rights were limited, and excluded people of color and women from the franchise and various other civil rights. It took another 150 years or so for these groups to finally gain the franchise, after persistent demands by both groups. The amendments authorizing these rights had to be explicit because the lawmakers(and judiciary) were ignoring the constitution's implications inherent in the word "justice" which did appear in the preamble if not in the body of the Constitution. But these new amendments simply established the right of the public to "democratic election" of their choice of candidates(put up by moneyed interests). The closest any early document came to granting equality for all people was in the Mayflower Compact which stated very concisely what the Constitution failed to do, containing the phrase "just and equal laws". Unfortunately this phrase or anything like it did not appear in the Constitution. A major flaw was the omission prohibiting discrimination on the basis of class or occupation. This omission allowed the legislature to consistently pass laws directly favorable to the rich, and harmful to the working classes. Because they could obtain these benefits legally! We are now living under a plutocracy of the rich as resulting legislation have amply demonstrated. The lawmakers need not have paid any attention to the rights and interests of the working classes and have passed laws which were not at all "equal" favoring businesses and securities holders. Until the 17th amendment was passed in 1913 the general public had absolutely no control at all over any legislation(both houses must pass any proposed bill and the senate, prior to that time, was selected by state assemblies).

This article will explain why the constitution should be changed to better reflect a democracy concerned with the well-being of all its citizens. I will provide some examples of legislative changes which would in my opinion further perfect our constitution. There have been only 26 amendments of the constitution over a period of over 200 years. The first ten were passed immediately after the original document was created to correct the obvious omission of explicit protection of citizen's rights not specified in the original document. The two amendments related

to prohibition canceled each other out leaving only 14 actual changes to the Constitution to this date. That averages about one every fifteen years. If the Constitution were perfect, as much literature and opinion has subsequently implied, a lack of changes would appear to affirm it. But no document, person, or institution has ever in the history of the world proved to be perfect and sufficient during an extended period of a time. The truth is that those in power, having gained the most from its opportunities, don't want any changes. But there are serious reasons that dictate the need for change.

The Constitution was when the U.S. was essentially an agricultural society, with no extensive corporation interests and influences, no extensive trade, no large amount of financial capital, no cheap and efficient transport, and no extensive international communications (telephone, TV, or Internet). Especially significant was the shortage of resources (including especially manpower) available for an improving productive capacity, rather than the superabundance now prevalent in the world today. The underutilization of capital machinery and underemployment and unemployment of current manpower alone are causing and will cause in the future the major problems which will have to be faced by all the world economies. All the fancy economic principles which the rich use against the working classes currently are no longer valid because they were all based upon suitable employment available for all persons desiring it. That is no longer the case. Working people around the world, under globalization, are competing for the same limited jobs and only the low bidders are winning, resulting in an ever-increasing exploitation of the working classes because of their dire need of adequate wages to support their families.

The superabundance of financial capital allows something that was not afforded the founding fathers, the ability to apply tremendous money pressure in the political process. To deal with these entirely new institutions and circumstances the Constitution must change. The lesson learned from the necessity of including a Bill of Rights was that the constitution must explicitly spell out the basis of new laws protecting the rights of the working classes. So with that in mind I am proposing explicit changes designed to do just that.

1) Needless to say, money plays too big a role in the creation of new legislation. All one has to do to confirm this is to examine the laws that have been passed recently. NAFTA, CAFTA, TWO (and GATT), Immigration Laws (applicable to both legal and illegal immigrants) and all of the laws supporting globalization, are without doubt simply for the benefit of the shareholders of multinational corporations and have directly deprived American workers of their jobs. The "story" that American workers are ill-trained, lazy, and cannot compete productively with foreign workers is simply a convenient and insulting pretext for shipping work overseas. To make matters worse, these jobs are said to be only those requiring "low skilled" workers. The workers previously employed in the steel, auto, electronic, shoe making, etc. were all skilled workers. Just because they were classified as "blue collar" does not automatically imply low skill level. It does imply that these people were actually *working* and not just sitting behind a desk checking out their personal e-mail which a great part of the so-called "skilled" office and government workers are typically engaged in.

And what about the hi-tech multitude who have been cheated out of their jobs by the fraudulently created and implemented Immigration laws opening the doors to foreign workers? Are they presumed to be "low-tech" as well, needing to "retrain"? In any case, the "story" the businessmen (though their supporters, the congressmen) have been promoting for both blue and white collar displaced workers is that these people must retrain themselves for more skilled jobs. Excuse me, these groups were already skilled. And what hi-tech jobs are currently available for

these millions who would have to (once again) fork out thousands of bucks to qualify themselves for? The only fields I know of which are understaffed are those of various classifications of highly-paid health care related positions created as government monopolies only available to "friends-of-the-family". All this fraud has been created by the fact that money now completely controls all legislation. Campaign finance laws and term limits are long overdue.

2) Reform of the Supreme court is long overdue. Many laws have been created by congress which have completely exceeded their Constitutional jurisdiction(e.g.,recreational drugs use and abortion) and others directly violating legitimate state laws(i.e.,marijuana in California). The supreme court should as a matter of its Constitutional duty review all these laws without being coerced to doing so. The justices claim that they have only a limited time to review any laws because of an extensive work load. If the original supreme court had only 9 justices dealing with legal issues for a simple farm-based population of perhaps 13 million citizens, we now have a population of 300 million in a far more complicated society necessitating far more justices. Currently, out of thousands of requests for judicial review, less than 200 are determined yearly. The justices claim these cases have been chosen because they affect fundamental legal principles. This years cases included the Anna Nicole Smith case concerning the legal aspects of the marriage of a young woman to an older man and her expectation of receiving inheritance from his estate. I was shocked to learn that a young women would ever pursue an older man for his money! This is really startling news and obviously has important legal implications, but I would have thought that any issues of this matters would have been resolved when the first cases of this sort were encountered, about 3000 years ago.

One has to come to the conclusion that the other (not so important) lawsuits submitted for review during this period were not important enough to be considered for judgment by the court. So much for American justice! So I propose an increase in the number of justices to the extent that at least half of those cases presented to it must be reviewed. And considering the very obvious partisan politics practiced by the court(as exemplified by the 2004 presidential election in particular), it is time to make these offices subject to voter choice, and with time limits to their tenure. Surely there are more than 9 people in the entire U.S. capable enough to dispense legal judgment.

3) The president is hogtied in passing any legislation when his party is not in power. The opposition party doesn't want any meaningful and important legislation passed which would cast credit on the incumbent. This results in no substantive laws being passed in the interests of the public but gives comfort to the conservative elements of both parties who want nothing to change. In Great Britain this is not the case because the prime minister is simply chosen from the party in power and, when legislation proposed by his party is rejected, the government is changed to provide another which is more in accord with the legislation deemed necessary at the moment. The most important legislation of the Clinton administration(health care reform) was stymied and will continue to be so in the future because of this disgraceful practice. Something has to be done to rectify this.

4) I believe no new amendments will be allowed to pass designed to correct these patent legislative abuses because, as a consequence of money pressure, both parties as well as the executive are now serving the interests of the rich. Each wants to score points by being the prime mover behind legislation solely designed to benefit this group, and have no time or interest in issues important to the working- and middle-classes . F.Lee Baily said in an interview with *Newsweek* in 1967 "Can any of you seriously say the Bill of Rights could get through Congress today? It wouldn't even get out of committee". That is doubly valid with today's flood of capital

looking for influence. Both political parties are working on the same political campaign platform, which is the "status quo" or "family values" one so dear to the people who are now prospering. And there is absolutely no doubt about who is benefiting from the laws as they now stand. All one has to do is look at the widening income gap between the rich and the poor (which increasingly include the middle class). This is the absolutely indispensable reason and justification for a Constitutional Convention. The congress has not in the past, and will not in the future, pass legislation resolving health care problems, education reform, campaign finance reform, meaningful gun control laws, laws controlling corporate management abuses, or any other laws effecting the financial interests of its patrons. All recent laws have benefited the rich to the detriment of the working classes, and the entire government has been guilty of collusion.

These are but of a few of the major issues which should be address in any convention. I have quite a few more issues needed to be scrutinized in the interest of better government but hope you readers will assist me in pointing out other important ones needing attention.

The primary purpose in all proposed reform should be one of making the Constitution (and government) a democratic one. Abe Lincoln, in the Gettysburg address, spoke of a government "of (all) the people, by (all) the people, and for (all) the people". Today we have a government only "of (applicable to) the common folk, by the rich (or their supporter), and for (the benefit of) the rich" and supported (legally) by laws not unlawful with respect to the current U.S. Constitution but very definitely not in the interest of the working public!

It is imperative that these abuses be stopped. Only when we can wake up the general populace with concrete suggestions for changes benefiting them can we expect them to take an interest in any sort of action..