Can Technology Save
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by Tracy Westen

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Many years ago, United States Supreme Court Justice Oliver Wendell Holmes found himself on a train without a ticket. As he was fumbling through his pockets, the conductor came up and, recognizing the famous man, sought to reassure him. "Don't worry, Mr. Justice Homes," the conductor said. "I'm sure the Chesapeake and Northern Railway will trust you to mail them your ticket when you get home."

"Young man," Justice Holmes replied rather crossly, "The question is not, 'Where is my ticket?' The question is, 'Where am I going?'" [2]

Holmes' reply seems equally applicable to the future of American politics and government today.

Although most are not generally aware of it, the structure of America's system of government and electoral politics has changed substantially since its inception over 200 years ago, and it will no doubt continue to evolve and change over the coming century. In my view, however, changes in the structure of American government will accelerate in the near future under the pressure of two converging trends: *first*, the slow, but possibly irreversible, movement by the public away from historical reliance on institutions of "representative government" toward newer institutions of "direct" or "participatory" democracy; and *second*, the relatively sudden and dramatic emergence of new communications technologies—in particular, on-line, digitized, interactive multimedia—with the almost irresistible tendency to accelerate the movement from "representative" to "participatory" democracy.

At the same time, the new interactive media, while accelerating the movement toward decentralization in decisionmaking, may also help control and manage the changes in American politics in constructive ways. The essential question, therefore, is not how to stop these trends—I believe they cannot be stopped—but how to control their direction and pace in a way

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[2]   Possibly apocryphal story, found on the side of a Celestial Seasonings "Red Zinger" tea box.

that is consistent with our underlying democratic principles. How we adapt our democratic systems and structures to the frustrations over representative government and the pressures of the new technologies will pose a significant challenge during the coming few decades.

In answering the question, "Can technology save democracy?," it may be useful to begin by briefly charting the changes that have already occurred to America's system of government and politics and then discuss the growing dissatisfaction with the concept of "representative" government itself. This analysis of representative democracy is followed by an equally brief summary of relevant emerging communications technologies. Finally, a specific application of the new interactive media to improve the quality of political decisionmaking by both the public and elected officials is offered, and its implications for democratic theory are considered.

A American Government in Flux

Democracy is an interactive form of governance. Yet it cannot be described as consisting of any one set of principles or institutional arrangements, because the objectives and systemic functions of democratic governance change from era to era in response to changes in social needs and wants. This is particularly true in America—a country that has seen its form of government take many different shapes, ranging from representative government to populism to direct participatory democracy.

Change, therefore, is at least one important constant in American politics. The structure of American governmental institutions and political systems have dramatically evolved, and continue to evolve, in ways that touch virtually every element of governance. The following is a partial list of some of the important changes that have occurred since 1789.

1. Selection of Executive Officers

Popular Election of President's Electors. In 1789, the Founding Fathers sought to avoid the direct popular election of the presidency and established several institutional mechanisms for that express purpose. The president and vice president were to be selected by a majority vote of an electoral college, electors of which were to be selected by any method deemed appropriate by each state's legislature. It was believed that the legislatures themselves would choose the electors. Ten of the 13 states the legislatures did choose the electors; in three states (Pennsylvania, Maryland and Virginia) electors were chosen by a popular vote on a district-by-district basis (not statewide).[3]

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[3] New Hampshire attempted a popular election for presidential electors on a statewide ticket, but there were no established nomination procedures for candidates and so no candidates received a majority vote. State law at that time mandated that without a majority vote of the people, the decision would be left to the legislature.

Without any actual constitutional revision, all state legislatures had agreed to conduct statewide popular elections to select presidential electors by the middle of the 19th century. Sometime later in 1868, the Fourteenth Amendment, Section 2, of the Constitution was adopted, mandating the popular election of presidential electors (or a state's representation would be reduced in proportion to the denial of all white males 21 years of age who were excluded by the state from the selection process.)

States in which electors were chosen by the legislature generally did so as one body, rather than following normal legislative channels of negotiations between two houses. Occasionally, problems erupted. For example, the Senate in New Hampshire was ardently upper-class Federalist while the House was Anti-Federalist. If the two voted as one body, the Anti-Federalists would prevail. Accordingly, the Senate insisted on concurrent elections—the normal legislative process—so that it might veto actions of the House. The wrangle lasted for weeks until the midnight immediately preceding the official meeting of the Electoral College. Finally, the House relented so that New Hampshire would have a vote. New York was not so lucky. A similar squabble between the houses prevented New York from casting a presidential ballot and, for that matter, New York was also unable to agree upon choosing a United States Senator for several years.

This problem gradually disappeared with the virtually-direct election of presidential electors by the end of the 19th century.

Independent Electoral College. The Electoral College was envisioned by the Founding Fathers as a body of wise and noble men, who would sit together as a deliberative group, discuss the options for executive leadership and cast their ballots accordingly. Early in the nation's history, however, some states opted to bind the presidential electors. The idea of an independent Electoral College thus came to a complete halt with the development of party politics. Electors were specifically chosen by party leadership to cast ballots for specified candidates. The explicit intention of the Founding Fathers—not to allow direct election of the presidency—was fully reversed by the end of the 19th century.

The Vice President. The Vice President was originally to be chosen as the second largest vote getter of the Electoral College. Electors would cast two ballots for president—the one receiving the largest majority would become President, and the candidate receiving a smaller majority would become Vice President. Following the Jefferson-Burr debacle, the Twelfth Amendment was ratified in 1804, requiring electors to cast individual ballots for President and Vice President.[4]

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[4] George Washington was elected unanimously by the Electoral College in both elections. A unanimous election was never achieved by any other candidate.

2.   Presidential Governance

Term Limits for presidents. In 1789, a President was originally allowed to seek office for unlimited terms. The Twenty-Second Amendment to the U.S. Constitution, which limited the President to two terms in office, was ratified in 1951.

Presidential Veto. Although the Constitution grants veto authority to the President, it was originally envisioned only as a device for the President to protect the high office from encroachments by Congress and was not to be used to nullify normal legislation. In the first 40 years of American government, presidents vetoed only nine bills of Congress. Andrew Jackson was the first president to use the veto to further a political agenda. In contemporary times, Gerald Ford and George Bush set records for the number of vetoes issued.

"Advice and Consent. The Constitution establishes that the President must seek the "advice and consent" of the Senate for appointments and approval of treaties. President Washington, one of those responsible for that provision, viewed "advice and consent" as discussing the issue one-on-one with each Senator *viva voce* with no subsequent vote of the Senate as a whole. Over a period of years, the Senate eventually established its authority actually to vote on ("consent" to) confirmations and treaty approvals as a body. (The "advice" provision implies that the Senate may offer recommendations to the President, but the Senate has never done so to date.)

Routine Absences. In the early decades of American government, the President would routinely be absent from office two-to-three months of the year. This has clearly changed in the twentieth century.

Presidential Cabinet. A presidential cabinet conferring and advising the president is not established in the Constitution and evolved only unofficially. President Washington had only three cabinet-level departments—Department of State, Department of Treasury and Department of War. Jefferson and Hamilton were appointed heads of the first two departments, respectively, and Washington sought their advice only because they were his friends. The practice of relying on the advice of an official cabinet evolved with the number of departments and complexity of government. By the end of the 19th century, eight official departments of the federal government were established. Today, there are 13 executive departments. The presidential cabinet has now become an intricate part of the president's policy making apparatus.

3.   Congressional Governance

Federal Debt. In 1789, Congress passed a federal budget of $640,000 with a federal debt of more than $10 million. In 1929, the federal budget

amounted to $3.3 billion with a federal debt near $17 billion. In 1990, the federal budget amounted to $1,393 billion with a federal debt of $3,266 billion.

Part Time Congress. Although Congress was never considered a part-time legislative body, it met for relatively short durations in the early 19th century, expanding to a full-time governing body in the 20th century.

Popular Vote for Senators. Senators by constitutional law in 1789 were chosen by the state legislatures without a popular vote. The development of political parties had a profound impact on the selection of Senators (and every other political office). Party nominations for senators directly involved the public in their selection by the mid-1800s. The Seventeenth Amendment to the Constitution, ratified in 1913, officially created the direct election of all Senators.

Growth of Senate Power. In the early 19th century, the Senate was viewed as a ceremonial post and a minor House of Congress. Senators were selected by state legislatures as men of wealth and prudence who were expected to play an oversight role over the House of Representatives and not as a body to initiate legislation.[5] The Senate did not even have seats installed in its chambers for public viewing. The center of political gravity from 1789 to 1830 was lodged in the House. The Senate slowly became an active player in governance, culminating in the impeachment of Andrew Johnson. Today the Senate is widely considered the most prestigious and active house of Congress.

Income Taxation. Congress originally received only the power to levy poll taxes and real estate taxes. In 1913, the Sixteenth Amendment to the Constitution granted Congress the power to tax incomes as well.

Congressional Term Limits. Prior to 1789, the Articles of Confederation limited the terms of Members of the Continental Congress. Although term limits were not written into the subsequent Constitution of 1789, the practice of limiting terms was generally followed (much like the tradition George Washington set of no more than two terms for President, until Franklin D. Roosevelt breached the tradition in 1940 and paved the way for a constitutional amendment limiting presidential terms). By the late 1800s, members of Congress began extending their stay. In 1990 and 1992, voters in 15 states reinstated mandatory congressional term limits.

4.   Supreme Court

Expanded Meetings and Members. The Supreme Court also met only for brief durations in the early 18th century. Consisting of a Supreme Justice and five Associate Justices, the justices were paired up and assigned to preside over one of three Circuit Courts, requiring frequent

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[5]   James Madison on one ocassion remarked that being desirous of increasing his reputation as a statesman, he could not afford accepting a seat in the Senate.

long-distance traveling to the Circuit Courts. Congress expanded the number of Supreme Court positions to nine in 1869 and eliminated their duties to the Circuit Courts.

Expanded Courts. In 1789, Congress created the Supreme Court and two levels of inferior courts. Today, Congress has expanded the courts to create six types of lower courts in the federal system.

Expanded Authority Over Congress. In 1789, the Supreme Court had no established authority to nullify acts of Congress on the grounds of constitutionality. The Supreme Court first exercised this authority in 1803 in *Marbury v. Madison*. No other act of Congress was invalidated until 1857. The Supreme Court did not venture to review state legislative acts for constitutionality until the 1900s. Today, judicial review of all national and state legislation is customary.

5. Societal Institutions and Governance

Growth of Number of States. The United States consisted of 13 states in 1789, 48 states at the end of the 19th century and 50 states today.

Enfranchisement of Minorities. Blacks were denied the right to vote in 1789, granted the constitutional right to vote at the end of the 19th century, but virtually excluded from the franchise by property and literacy requirements (less than one black men in ten were allowed to cast ballots); today, universal suffrage is guaranteed by the Constitution and acts of Congress.

Enfranchisement of Women. Women were universally denied the right to vote in 1789; by the end of the 19th century, four states (Wyoming, Colorado, Connecticut and Utah) allowed women to vote; women's suffrage was finally guaranteed by the Nineteenth Amendment ratified in 1920.

Voluntary Army. The army was maintained through conscription in the 19th century and only converted to a volunteer army in the 1970s.

Political Parties. In 1789, political parties were scorned as "factionalism" and not a part of governance; by the "Revolution of 1800," political parties were officially created and sanctioned; by the mid-1800s, political parties were integral institutions in the recruitment of candidates, nomination of candidates, election of officeholders, congressional discipline, communications between officeholders and citizens, and the primary source of mobilizing voter participation. Today, new communications media, civil service laws, government-provided social services, campaign finance laws and the primary system have weakened national political parties to the level of presidential campaign committees.

B. Pressures for Change

American democracy tomorrow will not be the same as American democracy today. Signs of change in the political system are increasingly to be seen. Not the least of these changes is the increasing importance of money in the political process, the mounting public cynicism with representative democracy and the movement toward a participatory form of government.

1. Campaign Financing

Campaign finance trends exemplify the changes facing American democracy as a whole. Campaign financing problems are important, not just as a "good government" issue, but because they challenge the assumptions on which our system of democracy rests. Ultimately, they force us to ask whether, and to what extent, in a society in which money is so unevenly distributed, money should become the medium by which our elections, our legislation—indeed the democratic process itself—should be conducted.

Our current campaign financing practices are increasingly being seen by the public as a major threat to our democratic system. More than that, campaign finance problems are driving the public to invent a new system of direct or participatory democracy which may undermine, or even replace, the system of representative government which we have lived under for 200 years. Let me illustrate by briefly listing the five major trends that characterize campaign financing today—drawing on examples from California's state legislature:

First, campaign spending in legislative races has skyrocketed. Will Rogers once remarked that "Politics has got so expensive that it takes a lot of money just to get beat with." This is clearly true in California. Independent research by the California Commission on Campaign Financing reveal several alarming patterns.

Since 1958, the cost of running for office has risen over 4,000% -- that's a increase of 250%, every 2-year election cycle, for the past 30 years. Legislative campaign costs are rising four-times faster than statewide campaigns, and it's no longer a surprise to see $1 million-plus Assembly races and $3 million state Senate races. One Santa Monica Assembly race in 1992 cost $1.5 million. Thirteen Assembly districts saw spending over $1 million.

In 1958, the average candidate paid 9 cents per vote; in 1990, candidates were paying an average of $2.10 per vote. In some competitive races, candidates have paid up to $27 a vote. So the next time someone tells you "talk is cheap," ask him if he knows how much a session of the California legislature costs!

A second trend is the virtual extinction of the "small" contributor. In the idealized world of "Norman Rockwell," candidates travel from door to door raising small contributions from loyal constituents. In California, most legislators raise their money by telephone, and from a relative handful of large contributors.

The Commission's studies demonstrate that in California today, the average legislator raises 92% of his money from sources outside his district, only 13% from individuals, and only 4% in small amounts of $100 or less. In other words, virtually all of the average legislator's funding comes from organizations not individuals, from contributors who cannot vote, from sources outside his district, and in amounts that small contributors would never dream of.

The third trend, by contrast, is the growth of the large organizational contributor. About 50% of all the money state legislators now receives comes in amounts of $5,000 or more. Most of this, as many of you know, comes from businesses who are often told they must contribute to remain "competitive." Seventy percent, in fact, of all monies raised now comes from businesses and business PACs.

The fourth trend is the importance of money to electoral success and the widening advantages of incumbents. Challengers in California are now raising on average <u>less</u> money in actual dollars than they did 16 years ago. Assemblymen often out raise their challengers 14-to-1, and Senators out raise their challengers in some instances by as much as 63-to-1.

One result is a low turnover in legislative seats. In the 1980s, approximately 96% of all incumbents who sought reelection won their seats. In 1986, this figure rose to 100%. Even in 1992, the first election run under term limits, all 16 Senate incumbents who ran won their seats. The four open Senate seats were won by incumbent Assemblymembers who ran for the Senate.

The advantage of successful fundraising is also apparent in these open seat races. In the 1992 elections, for example, 92% of all the winners outspent their opponents.

A fifth trend is the importance of raising money in non-election years. Approximately one-third of all the money raised in a normal election cycle is raised in the non-election year, and of this 99.7% is raised by incumbents. It is difficult to argue that this money is given to support a favored candidate's reelection, since typically there is no announced challenger to an incumbent when the money is given and many incumbents have not even announced whether they will even run again (sometimes they don't). Typically, this money is given to gain "access" to an incumbent, or to influence the merits of specific legislation.

Challengers do not use off-year fundraising to build up a head of steam to challenge an incumbent. The opposite is true. Challengers raise virtually nothing until the election year heats up. Instead, incumbents use off-year fundraising to build "warchests" which often deter challengers from even thinking of running.

The Commission's studies of campaign financing in local elections—in cities and counties—shows similar trends.

- Costs in some cities (e.g., Santa Monica) have risen 1,300% in the past 10 years;

- In contributions from business, incumbents in small cities have a 7-to-1 fundraising advantage over challengers; in medium-sized cities (between 100,000 and one million) the incumbent's advantage is 67-to-1; and in large cities (over one million) it's 436-to-1;

- In large cities, candidates raise 84% of their money in non-election years, of which 94.5% is raised by incumbents, only 0.5% by challengers, and the rest by open seat candidates.

- Surprisingly, local candidates do not spend the bulk of their money communicating their positions on the issues to the voters. In large jurisdictions, candidates spend over 60% of all the money they raise on travel, entertainment, and donations.

Campaign financing problems even affect the judiciary.

- Spending in judicial races has jumped 2,000% in the past 16 years;

- Data also shows that the winner in judicial races typically outspends the loser by as much as three-to-one.

2.   Significance of These Trends

What do these trends mean? Several things—some obvious, some less apparent.

Excessive Time Fundraising. At a practical level, they mean, first, that candidates have to spend extraordinary amounts of their time raising money—in some instances more than 70% of their time—instead of meeting the voters, analyzing the issues and discussing their positions with the electorate. In California campaigns today, many candidates raise the money, while their campaign organizations and spokespersons discuss and design their positions on the issues.

Newcomers Deterred. Second, the large amounts of money necessary to achieve office in California effectively deter many talented newcomers from seeking office. Many who would like to serve are simply unwilling to devote years of their lives to a process of virtual full-time fundraising. To run for the lowest state office in California today, the state Assembly, requires a candidate to consider raising at least a half a million dollars—and that's if he or she is lucky. In some instances, it will take a million dollars or more.

Appearance of Corruption. Third, the sums of money raised create the appearance at least, if not the reality, that contributors are "buying" votes—obtaining legislative favors in exchange for financial support. No doubt there are many honorable public officials who would strenuously resist the suggestion that their votes can be purchased with campaign contributions. Yet the public flatly refuses to believe this, and the drumbeat of media stories alleging trade-offs and corruption, spiced by the occasional FBI sting operation and resulting criminal conviction, has reinforced their belief. In politics, appearance is often reality. And the public today is firmly convinced, with some considerable evidence, that the price of our current system of financing campaigns is a loss of integrity in our democratic institutions.

Two Separate Constituencies. A fourth, and less obvious, consequence of California's campaign financing trends has been the division of the electorate. Today, the average state legislator has almost two, entirely separate constituencies: those who vote for them, and those who fund their campaigns. During an election, the legislator is forced to listen to the opinions of the electorate. During the rest of his term, however, the voices of contributors are often speak the loudest and most persistently.

Oscar Ameringer once remarked that "Politics is the gentle art of getting votes from the poor and campaign funds from the rich, by promising to protect each from the other." In California today, legislators will vote the will of their electors on some issues and the will of their contributors on others—even if that conflicts with the wishes of a majority of their constituents.

Loss of Public Confidence. A fifth consequence of California's campaign financing problems has been a serious decaying of public trust in our state's institutions of government. It is relatively easy to document this loss of public confidence in government but more difficult to assess its long-term consequences. Like a cancer eating at the bones of the body politic, the damage caused by campaign financing problems is difficult to see and, once begun, more difficult to reverse. What we do not yet know is whether, and for how long, modern democracies can effectively function without the active moral support of the governed.

There is, of course, a general loss of confidence in government across the nation. In California, however, these figures are significantly worse.

In January 1990, a *Los Angeles Times* poll of California voters revealed the following:

- The California legislature has such a poor image that two out of three voters think it commonplace for lawmakers to take bribes. At a 2-to-1 ratio, most agree with the statement that "state legislator are for sale to their largest campaign contributors."

- Almost 3-to-1 believe that "state government is pretty much run by a few big interests rather than for the benefit of all the people." (Interestingly, the most trusting voters were from the Bay Area and Republicans; least trusting were from Los Angeles and Democrats.)

- Half the respondents said that state government pretty much ignores citizens, paying "not very much or hardly any attention at all to what the people think."

- One third believe legislators and executive branch members "got there by using unethical or illegal methods."

- When asked what the legislature's greatest problem was, a majority replied that "members are too tied to special interests through campaign contributions."

In May 1991, the *Los Angeles Times* reported that only 33% of the voters approved of the legislature's job. In August 1992, the *Times* reported that only 14% of Orange County voters thought the legislature was doing an adequate job.

In 1992, another statewide poll revealed new levels of discontent:

- 79% thought California was going on the "wrong track";

- 89% believed special interests had contributed so much campaign money the legislators were unwilling to vote against them;

- 89% said elected officials gave more attention to campaign contributors than they did to their constituents;

- 88% believe it's too easy for incumbents to get reelected because they have such a great advantage in raising campaign money;

- And 88% believed the way California's campaigns are financed is "a mess and needs to be fundamentally reformed." (Incidentally, it's worth noting that the public's support for term limits in the same poll only reached 78%—ten percent less than public support for campaign finance reform.)

In other words, the public links California's problems in governance directly to its problems with campaign financing.

C.   Emerging Shift from "Representative" to "Direct" Democracy

There is a sixth and further consequence of campaign finance problems that is ultimately more severe, potentially long-term and possibly irreversible. There is growing evidence that the campaign financing trends, along with other important changes, are beginning to alter the basic fabric of American governance.

One of the oldest debates in Western political theory is between advocates of a "representative" versus a "participatory" form of government.

Political thought can be divided into two major schools regarding this concept: the Platonic and the Aristotelian schools. These schools discussed the early, primary philosophical concepts that demarcate authoritarian from democratic theory. That primary concept—which I label the First Philosophy—is the notion of the accessibility of "the Good" (or Truth) to humanity.

The Argument Was First Presented in Metaphysical Terms by Plato and Aristotle. Both Plato and Aristotle believed that the universe was comprised of Matter and Form. Matter constitutes the physical existence; Form constitutes the essence that shapes matter into its sensible existence. For Plato, the Form is a universal essence beyond the realm of the material world and thus is not easily accessible to humanity. Understanding the true essence of anything can only be grasped by a few special intellects capable of seeing beyond the sensible world. In terms of managing a political society, the select individuals who comprehend the ideal *polis* should be given absolute power as Philosopher-Kings.

For Aristotle, the Form was not separable from the material world. Every sensible object contained both Matter and Form. Beauty, truth and justice are all Forms accessible to our senses. As such, every individual has the capability of comprehending the true essence of the universe, including the essence of a "Good" political society. An ideal polity for Aristotle is one that nurtures and develops the innate capabilities for comprehending the Good that is inherently in all of us—a type of democratic society.

Although Plato and Aristotle offered their views metaphysically, the underlying question of this "First Philosophy" is whether one believes that human beings innately possess relatively equal capacities for reason and comprehending the "Good," or whether some individuals are inherently superior in their reasoning capacities. A belief in a natural hierarchy among human beings—as offered by Plato, St. Augustine, and Alexander

Hamilton—justifies establishing a hierarchical political order. A belief in the relative equality of human beings—as offered by Aristotle, St. Aquinas, and Thomas Jefferson—warrants establishing a democratic political order.[6]

The First Philosophy Defines the Ideological Conflict Over the "Best" Model of American Government. In American society, the First Philosophy was encapsulated in the ideological division between Alexander Hamilton and Thomas Jefferson. Hamilton envisioned himself an aristocrat. He was not an aristocrat by birth—far from it. He was born into poverty in the West Indies but soon accumulated a fortune through marriage into a wealthy family and subsequent investments.

Alexander Hamilton

Hamilton's fundamental world view was distrust of human nature. He believed that human nature is driven by selfishness and an absence of self control. The only possibility for salvation of a civilized society is to rely on the better judgments of those who have demonstrated superiority in reason. For Hamilton, that demonstration of superiority was the successful acquisition of wealth. Wealth for Hamilton was a sign of merit. The inequality of wealth was an affirmation that human beings are not inherently equal; some people possess superior skills and reasoning powers and thus are better capable at handling business in particular and governance in general.

As Hamilton once wrote: "It is a harsh doctrine, that men grow wicked in proportion as they improve and enlighten their minds. Experience has by no means justified us in the supposition that there is more virtue in one class of men than another. Look through the rich and the poor of the community; the learned and the ignorant. Where does virtue predominate? The difference indeed consists, not in the quantity, but kind of vices, which are incident to the various classes; and here the advantage of character belongs to the wealthy. Their vices are probably more favorable to

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[6]   Saint Augustine and Saint Aquinas carried the First Philosophy into religious thought. Instead of using a metaphysical model, both scholars developed a religious model of whether knowledge of "the Good" is accessible to humanity. For St. Augustine, the universal Truth of God is distinct from human nature. There exists a Kingdom of Heaven, which contains the Truth, and the Kingdom of Earth, which contains all the inherent evil of human nature. Only a chosen few can come close to understanding true Christianity and this is achieved through "Illumination," not human reason. Consequently, St. Augustine supported an extremely repressive political regime in which those who are "Illuminated" as to God's Truth are vested with absolute political power.

    Saint Thomas Aquinas believed, like Aristotle, that God's Will (or "the Good") is part and parcel with human existence. He embraced Aristotle's Ethics and argued that we can know God through human reasoning. St. Aquinas favored a democratic orientation to politics in which humans are free to exercise and develop their capacity to reason and thus their ability to love God.

the prosperity of the State than those of the indigent, and partake less of moral depravity."[7]

Hamilton proposed an ideal polity consisting of rule by the wealthy class—an aristocracy. He repeatedly expressed a preference for the English monarchical form of government rather than democracy.[8] A republican form of government was for Hamilton a pragmatic compromise between his inclinations for an aristocracy and the democratic demands of the new nation. The American Revolution—which Hamilton supported for economic reasons—had too deeply entrenched a democratic spirit among the citizenry which could not be reversed. But Hamilton set his sights on bringing down unregulated democracy as envisioned in the Articles of Confederation and replacing it with a strong republican form of government dominated by America's economic elites.

But even republicanism worried Hamilton as being an inadequate check on the will of the masses: "I said that I was affectionately attached to the republican theory. This is the real language of my heart, which I open to you in the sincerity of friendship; and I add that I have strong hopes of the success of that theory; but, in candor, I ought also add that I am far from being without doubts. . . . If this will not permit the ends of government to be attained under it, if it engenders disorders in the community, all regular and orderly minds will wish for a change, and the demagogues who have produced the disorder will make it for their own aggrandizement. . . . That there are men working with Jefferson and Madison who have this view, I verily believe; I could lay my finger on some of them. That Madison does not mean it, I also verily believe; and I rather believe the same of Jefferson, but I read him upon the whole thus: 'A man of profound ambition and violent passions.'"[9]

At the Constitutional Convention in Philadelphia, Hamilton unveiled his compromise republican model of government. State governments, if not abolished altogether, would function only as administrative units under a strong central government. The central government would consist of a two-house Congress. He conceded that the people should be represented in one House. But this popularly-elected House would be checked by a co-equal Senate of the wealthy class, whose members would be chosen for life in the same manner as the British House of Lords. The executive was to be an "elected monarch," chosen for life by Congress.

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[7] Alexander Hamilton, Speeches on the Compromises of the Constitution, June 21, 1788.

[8] James Madison reported that Hamilton "had no scruple in declaring . . . that the British government was the best in the world; and that he doubted much whether anything short of it would do in America." Charles Tansill, ed. *Documents Illustrative of the Formation of the Union of American States* (Washington: Government Printing Office, 1927), p. 220

[9] Alexander Hamilton, Letter to Colonel Edward Carrington, 1792.

Although the proceedings of the Constitutional Convention were kept secret from the public and the press, accounts later written by the delegates suggest that a compromise plan principally drafted by James Madison formed the basis of the new constitution. While Hamilton and other delegates effectively raised the specter of anarchy and fear of uncontrollable mob rule in governance, Madison (guided in part by correspondences from Jefferson) raised the concerns of tyranny and fear of an uncontrollable ruling elite.[10] A series of checks and balances were drafted into the final constitution that attempted to address both fears. These checks and balances included:

- Separation of powers between three branches of government.

- Separation of congressional powers through bicameralism.

- Overlapping authorities between the branches of government.

- Separate constituencies between congressional members, senators and the executive branch.

- Indirect elections—electoral college.

- Staggered terms (House, 2 years; Senate, 6 years and one-third up for election every 2 years; President, 4 years).

- Life tenure for the judiciary.

Thomas Jefferson

Just as Hamilton viewed Jefferson as an enemy of the new nation, Jefferson viewed Hamilton in exactly the same light. Like Plato and Aristotle before them, both men held opposite world views on the ideal polity that seemed irreconcilable. George Washington, lacking much philosophical training, remained for a long time neutral between the competing visions of governance and embraced both Hamilton and Jefferson as his closest advisors.

At times, Washington seemed truly baffled by the animosity between Hamilton and Jefferson and tried desperately to tread the middle ground as both advisors lobbied for Washington's favor. Hamilton maintained that Jefferson was disrespectful of law and order and flirted dangerously with "rule by mob." Jefferson pressed Washington to be suspicious of Hamilton's loyalty to the American Revolution and America's republican government. In the end, Hamilton won out over Jefferson. The event that finally swayed Washington into Hamiltonian principles was Shay's Rebellion.

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10   After learning of the composition of the 55 delegates to the Constitutional Convention in Philadelphia, Jefferson wrote Madison expressing his worry that the convention resembles "an assembly of demi-gods."

When the Revolutionary War ended in 1783, those who financed and/or speculated on the American forces wanted their debts repaid with interest. At that time, taxes were disproportionately focused on land, thus heavily burdening landowners and farmers. The Whigs that dominated the Massachusetts State government dramatically increased taxes in order to honor the state debt. Almost instantly farmers in Worcester, Hampshire, and Berkshire counties—encompassing nearly three-quarters of the state—rallied in conventions to draft resolutions calling for lower property taxes. When the Whig-dominated legislature refused, armed mobs of farmers waged an unorganized rebellion against court houses and government institutions through most of the western counties. Their primary objective was to end the practice of imprisoning debtors (who outnumbered criminals in prison by three-to-one) and to prevent farm foreclosures. Under the leadership of Daniel Shays, a Bunker Hill veteran, farmers stormed a government arsenal at Springfield in 1878 and lost four lives. State militiamen counterattacked and captured many of the rebels, including Shays. The Whig government intended to execute the rebels, but state elections intervened. Voting turnout tripled as the electorate swept the Whigs out of power in the legislature and replaced the Whig governor with John Hancock. The new government granted amnesty to all rebels, released most debtors from prison and lowered property taxes. Although applauded by Thomas Jefferson, these actions alarmed Whig sympathizers nationwide, who then launched a long-term campaign to alter the form of government—a cause championed most of all by Alexander Hamilton.

The Articles were particularly favored among the rank-and-file revolutionary soldiers, farmers, workers, and less-endowed citizens. These groups comprised roughly 80% of the nation's population but owned only 20% of America's wealth. For most of these people, the Revolution was a hard-earned opportunity to end executive usurpation of authority by placing government at the local level where their voices could be heard and their votes have an impact.

It was among this constituency of farmers and common folk, along with a smaller gathering of idealistic political elites, that the philosophy of Thomas Jefferson was received most warmly. Although not always consistent in his writings, Jefferson's normative world was based on the concept eloquently written in the Declaration of Independence, that "all men are created equal" and vested with the unalienable rights of life, liberty and the pursuit of happiness. Being equal and without claim to encroach on the rights of others, Jefferson's just society was that which disperses authority through citizen control of government; provides sufficient economic means to each of its members to preserve their independence; nurtures the participation of its citizenry in order to safeguard their freedoms; and guarantees the right of rebellion against abusive government.

The philosophical positions between Hamilton and Jefferson had become polarized under Washington's unity government. They stood

diametrically opposed on the fundamental questions of human potential, equality, political participation, property rights, and the role of government. Each camp came to represent different interests in society: Hamiltonian federalists, the men of wealth and property, especially from urban manufacturing centers, and those who viewed human nature with suspicion; the Jeffersonian faction, the people of limited wealth, especially the agrarian population, and those who believed in a basic equality of wisdom and virtue.

Throughout the bout between Hamilton and Jefferson during Washington's administration, Hamilton moved deftly to overshadow Jefferson's influence. He had already invented the legislative caucus in 1790 and used it with increasing effectiveness to influence congressional votes. Jefferson responded likewise, generating voting patterns in the Second Congress that closely followed the factional divisions. Hamiltonians had secured a monopoly on the press in the capital area until Jefferson responded and financed a competitive newspaper.[11] Hamilton also spearheaded the practice of electioneering strategy that helped secure federalist congressional candidate victories in several key districts.

Perhaps Hamilton did not realize the significance of this last lesson to Jefferson. Hamilton and Jefferson had been dueling for political dominance at the elite level for more than a decade. Hamilton's natural constituency gave him a substantial advantage in establishing a dominant faction among the men of wealth and property that represented federal government. Jefferson managed his populist coalition surprisingly well, but in the end Hamiltonian federalists clearly monopolized the halls of federal government and the White House.[12] Following Washington's unanimous reelection to a second term, Thomas Jefferson felt ineffective in office and decided to retire to his estate in Monticello.[13]

Hamilton remained convinced that Jefferson, even in retirement, posed a threat to the national government. Hamilton became increasingly alarmed by the emergence of Jefferson's factional organization into formal opposition to the administration. In the spring of 1794, Hamilton saw an opportunity to rally George Washington firmly in the federalist's camp and to take decisive military action against the excesses of democracy. After

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[11]   Using congressional patronage, Jefferson hired Philip Freneau as a government clerk expressly for the purpose of running a Democratic-Republican newspaper, the *National Gazette,* to compete with the federalist press.

[12]   George Washington had increasingly come to be perceived as aligning with the federalist faction. Nevertheless, when Washington toyed with the idea of not running for a second term, both Jefferson and Hamilton frantically encouraged Washington to stay in office. Alexander Hamilton distrusted Vice President John Adams, the likely successor. Thomas Jefferson realized that Adams was adamant about the federalist philosophy well beyond the moderation of Washington. George Washington was unanimously reelected to a second term.

[13]   Thomas Jefferson retired to his Monticello estate in 1793. For the next three years he contemplated and wrote, never straying more than seven miles from home.

Congress adopted additional excise taxes on agricultural products and whiskey,[14] angry mobs of farmers assaulted excise officers Pennsylvania, Maryland, Kentucky and the Carolinas. Hamilton beseeched Washington to confront the rebellious mobs with all the superior glory of a national militia. Both Washington and Hamilton rode at the head of a 12,500-man federal army to quell once and for all these opposition mobs. They rode from state to state for weeks, but could not find a rebellion. The "rebels" had simply melted away. There were no casualties and a total of 20 prisoners were captured. Two men eventually were convicted of treason, but Washington pardoned both, saying that one man was a "simpleton" and the other "insane." Hamilton was disappointed in his hopes of implicated Jefferson in the Whiskey Rebellion. Jefferson could not resist offering a satirical account: "an insurrection was announced and proclaimed and armed against, but could never be found."[15]

Jefferson was propelled out of retirement when the Republican faction of Congress, under the stewardship of James Madison, ran Jefferson against federalist John Adams for president. The 1796 election followed the unanimous election victories of George Washington. The notion of campaigning had not really been accepted at this point. Neither Jefferson nor Adams actively sought the presidency; the rousting of votes was left to congressional caucus members and state and local political leaders. Adams won a narrow victory, giving Jefferson the vice presidency.

The federalist administration of John Adams was tumultuous and finally ended in the creation of America's first cohesive political parties. Politics became increasingly "partisan." Positions in government at the congressional level as well as cabinet posts were tied more and more to factional strife.[16] Federalists began to view their dominance over national government as a natural order and perceived criticism as incitement to overthrow the U.S. Constitution. A number of repressive measures were enacted to quell opposition to the federalist government. At first, these

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[14]   Whiskey developed into a primary medium of exchange on the frontier. Denied the use of the Mississippi River for transportation by the Spanish, the only way farmers could move their corn and wheat to market was by wagon. Whiskey was much more valuable and less bulky than agricultural products and so many farmers converted their grain into whiskey to simplify the over-land trek.

[15]   Jefferson's satirical account of the over-reaction by Hamilton and Washington in the Whiskey Rebellion centuries later inspired another anti-war slogan: "What if they gave a war, and nobody came."

[16]   One factional squabble in the House of Representatives nearly pushed Alexander Hamilton in a duel with James Monroe. A clerk of the House, John Beckly, had been dismissed from his post because of a strong allegiance to the Jeffersonian camp. A year earlier, Beckly was secretary of a congressional committee that secretly investigated false claims about Hamilton embezzling funds from the U.S. Treasury. (The false claims originated from a disgruntled husband of a woman whom Hamilton had an affair.) Beckly privately released documentation of the allegations to the press. Hamilton thought that James Monroe, also a member of the investigative committee, had been responsible for the leak and intended on challenging Monroe to a duel. Aaron Burr, of all people, intervened and prevented the gun battle.

measures targeted immigrants, a small flow of people who more often than not sympathized with Jeffersonian-Republican demands.[17] Later, the federalist administration implemented the Sedition Act as a second step in its anti-Republican campaign. A citizen could be fined, imprisoned or both for "writing, printing, uttering or publishing" false statements or any statements that might bring the government "into contempt or disrepute." The government made considerable use of the Sedition Act, harassing Republican congressmen and editors right up to the election of 1800.[18] The conflicting views over human nature that had originally created the factional dispute between Hamilton and Jefferson now degenerated into a display of repressive political power.

The harshness of the factional dispute made the organization of political parties entirely necessary for Thomas Jefferson. On the level of congressional elites, Hamilton's factional coalition outflanked the Democratic-Republicans. Jefferson turned his resources into mobilizing the electorate in order to reshuffle the membership of Congress into something more palatable to the Jeffersonian persuasion. Electoral mobilization required an extensive party apparatus, complete with partisan programs, electioneering strategies, and symbols of party loyalty.

The presidential election of 1800 witnessed the development of Jefferson's political faction into an organized political party that practiced mass electioneering strategies. While the federalists enjoyed a natural appeal among the propertied persons most involved in politics at the state and national levels, and expended efforts at organizing their legislative caucuses, Jefferson's Democratic-Republicans extended their energies beyond legislative caucuses to the mass electorate. For the first time, Jefferson had put an election platform in writing that was distributed around the country as an appeal to voters. Republican party machines in Virginia, New York, New Jersey and other states rallied voters to the polls on behalf of Jefferson electors. Additionally, the Republicans utilized their organizational prowess for campaigning on behalf of congressional and legislative candidates as well. The result was a boost in voting turnout from an average of 24% of the white male population from 1792-1798 to 39% in

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[17]   Three federalist immigration measures in particular helped solidify immigrant support for Jefferson's emerging party. The Naturalization Act extended the residency requirement from five years to 14 years. The Alien Act granted the president authority to oust any alien without a hearing who resided in the country less than two years. The Alien Enemies Act allowed the president to expel or imprison any aliens in the event of war.

[18]   Enforcement of the Sedition Act began with Congress Member Matthew Lyon of Vermont, the only Republican in Congress from New England. After writing a letter to a newspaper calling Adams a power monger, he was sentenced to four months in jail. Lyon was reelected to Congress while still serving time in federal prison. Over the two year life of the Sedition Act, 25 editors and printers were prosecuted and convicted, though later pardoned and their fines returned by the incoming Jefferson Administration.

1800, rejuvenating Republican representation in state and national government and squeaking Thomas Jefferson through as president.[19]

The schism between Hamiltonian federalists and Jeffersonians Republicans had become so intense that Jefferson labelled his election the "Revolution of 1800." Thomas Jefferson described the intensity of the moment when he wrote that the "revolution of 1800" was "as real a revolution in the principles of government as 1776 was in its form." Jefferson's election not only swept asunder the aristocratic assumption of natural rulers portrayed by the federalists, but it also marked the first peaceful transition in political leadership between two fiercely competitive factions. Furthermore, the period signaled the full-fledged birth of the American party system.

The First Philosophy is the argument, based on a view of human nature, that has persisted since Greek times. On one side are those who envision human beings as fundamentally unequal in their capacities to reason and to grasp truth and virtue. On the other side are those who see human beings as fundamentally equal in their capacities to reason and to whom knowledge of "the Good" is accessible. From these premises of human nature, conclusions on the form of the ideal polity arise—an hierarchical society (representative) or egalitarian society (participatory).

Most models of the ideal polity provide for a certain amount of blending of values and institutions between the two schools of thought. A critical factor in determining how much "blending" involves the constraints and limitations imposed by the external environment. Economic prosperity,

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[19] Thomas Jefferson and Aaron Burr, both candidates affiliated with the Republican party, tied in the electoral college with 73 votes each. The federalist candidates John Adams and James Pickney placed third and fourth with 65 and 64 votes, respectively. The tie sent the selection of president and vice president between the two leading candidates to the House of Representatives. Aaron Burr initially had agreed with republican strategists to accept the vice presidency, but Republican electors miscalculated an cast the tie vote. Burr still expected the vice presidency when the matter was turned over to the House, but federalist representatives attempted another blow at their lifelong enemy and supported Burr for president. Burr became silent on the matter, letting Congress know that he would be willing to accept the presidency without necessarily antagonizing fellow Republicans. After 35 ballots, federalist Representative Bayard of New Jersey agreed to cast the deciding vote in favor of Jefferson in exchange for a pledge not to purge all federalists from civil service and not to abandon American neutrality in the war between Britain and France. Aaron Burr then acquiesced to the vice presidency.

Aaron Burr remained aloof from the Republican party and its programs. He found increasing support within the extreme wings of the federalist party and soon plotted with Senator Timothy Pickering of Massachusetts to lead a northern federalist secession from the union. They considered the election of Burr to New York's governorship vital to their scheme. But after a scathing denunciation by Alexander Hamilton, who distrusted Burr and despised the secessionist talk, Burr lost the gubernatorial election and was also dropped by the Republicans as Jefferson's vice presidential candidate. Bitter and dejected, Burr killed the philosopher-king of the federalists in a duel in 1804 and was forced to flee from warrants issued for his arrest in New York and New Jersey.

war, communications technology and the like will effect what is humanly possible in society, despite one's perspective on human nature.

There is today emerging a perceptible movement toward participatory democracy. And what is the status of this debate today? If we look carefully, we can begin to see a slow but profound shift away from traditional forms of representative government toward newer forms of "direct" or "participatory" democracy. At least three trends suggest this movement.

Campaign Contributions. First, campaign contributions themselves—although often described as a form of electoral support for favored candidates—can be seen as a direct attempt to affect the outcome of specific legislative controversies without waiting for the next election. The public, at any rate, views campaign contributions as a form of direct democracy, available to those with the means to make them and unavailable to most of the rest. The number of Political Action Committees, campaign funds and other attempts to organize the giving of political money is steadily increasing, as more and more individuals and organizations believe the way to achieve their specific objectives is through campaign contributions.

Public Opinion Polls. A second trend is the growth of public opinion polls and elected representatives' increasing reliance on them. From 1970 to 1990, the number of public opinion poll questions asked by 13 major news organizations in the United States rose 4,700%. Add to this the growth in radio talk shows, political faxes and organized pressure groups and it seems clear that we have now invented the technology to allow the average person—or, the "randomly selected, stratified representative" of the average person—increasingly to influence directly the day-to-day decisions of their elected representatives. Most officeholders today will not take the "leadership" on a significant public questions without first consulting the polls to see if the public will follow. (In fact, one sometimes gets the feeling that the only reason we have elections is to find out if the polls were right.)

Ballot Initiatives. But the third trend, particularly in California, is the most dramatic: It is the striking and increasing reliance of citizens on ballot initiatives—the purest form of direct democracy. Between the 1960s and the 1970s, the number of initiatives placed on the ballot in California tripled, then doubled again in the 1980s, and by the end of 1992 was already half way toward the 1980s mark. In 1988 and 1990, for the first time in California history, individuals and organizations spent more money to persuade the public to vote on ballot initiatives than they spent lobbying the legislature to vote on legislation.

Over a 12-year period, spending on ballot initiatives rose 1,200%—from $9 million in 1976 to a high of $127 million in 1988. Two-thirds of all the money raised in the 1990 and 1992 elections was contributed in amounts of $100,000 or more, and one-third of that money was given in amounts of $1

million or more. Contributions in amounts of $100 or less dropped to 3%; contributions of up to $1,000 comprised only 6% of the total.

After a two-and-a-half year study of the ballot initiative process, the California Commission on Campaign Financing concluded that "an emerging culture of democracy by initiative is creating in California a new and fourth branch of government, the electorate," and that increasingly the people are by-passing the legislature and enacting legislation directly. Because this movement circumvents the normal checks and balances of representative government, it represents a clear shift away from the cautious policies of Alexander Hamilton toward the more populist ideologies of Thomas Jefferson.

D.   Communications Technology and Voter Information

Throughout history, technology has always impacted the scope and structure of the political system. As we enter the 21st century, the importance of technology to politics will become more evident. The emerging interactive communications technologies, in particular, are especially suited to accommodate the movement toward participatory democracy.

Since its inception, television has been a dominating institution in American life. From its beginning as a mass medium, television has often been characterized as creating passive viewing audiences who simply receive whatever information or entertainment is placed before them. Many view this one-dimensional communications technology as having a detrimental effect on American politics.

About 25 years ago, a distinguished bi-partisan Commission of the Twentieth Century Fund warned:

> *The sharply rising use of television and radio broadcasting by presidential candidates in the United States poses serious problems that affect politicians, the parties, the voters, and the very fabric of our democratic process.*

Since then, these problems have worsened:

- *Campaign financing problems have become more severe.* As the costs of paid media have skyrocketed, candidates have been forced to spend more time raising money and less time discussing relevant issues. The resulting fundraising pressures have skewed electoral outcomes, tilted toward incumbents over challengers, deterred talented newcomers from seeking elected office and increased both the appearance and actuality of legislative corruption.

- *The informational component of political communication has diminished.* Political advertising is too often shallow, trivial,

distorted and devoid of relevant information. Thirty-second negative ads or "hit pieces" seek out and exaggerate minor flaws in opponents' records. Paid political messages emphasize attacks over issues, personalities over reforms.

- *Public attitudes toward public officials have deteriorated.* In 1964, about 62% of all Americans said government could be "trusted to do the right thing." In 1993, only 14% shared that level of trust—indeed, over 50% of the voters in some states now believe their legislators are "taking bribes." National voter turnout has dropped from 63% in 1960 to about 50% in 1990, the lowest of any industrialized democracy, and local voter turnouts in some elections have dropped below 10%. How well democracies can continue to function without the widespread support of the electorate remains to be seen.

As the 21st century approaches, however, new developments in television and communications technology are likely to have a very different impact on the political system. Through the course of the next few years, the television viewer will be more interconnected and interactive with the television screen. America is about to join a national "electronic information superhighway" which will make possible new forms of citizen participation in elections and governance—and fundamentally reshape democracy as we know it.

The word "revolution" is overused, but there is no question that we are on the verge of a profound and fundamental change in the way Americans:

- Vote and participate in government;

- Educate themselves and their children;

- Obtain health care;

- Transact their business;

- Engage in and train themselves for employment; and

- Obtain their entertainment.

These changes will be driven by a "revolution" in communications technology which is occurring now. Hundreds of private companies— Apple, ATT, TCI, Microsoft, 3DO, Hewlett Packard, Scientific Atlanta, Time Warner, Nintendo, U.S. West and others—have begun to design, develop, produce and install what will become a new, national, multi-billion dollar, interactive, multimedia communications network. The capabilities of this new electronic "information superhighway" will first be apparent on CD/ROM and laser disks. By 1996, multimedia technology will begin to be available "live," on-line, to selected businesses and homes via

high-speed optical fiber or coaxial cable links to an enormous range of video and data bases.

This technology is now imminent:

- In 1991, 5.6 millions miles of fiber optic cable had been installed in the United States; in 1994, it will rise to 16 million miles; by the year 2000, 40 million homes will be linked to a fiber optic network. (*Newsweek*)

- Each one of the seven regional bell operating companies has plans to enter video delivery in some fashion. (*Los Angeles Times*)

- Technological breakthroughs are arriving at a faster pace than anyone had anticipated. The construction of enormous digital "servers," for example—hard disks capable of storing over 10,000 full-length motion pictures—has recently been announced.

- A number of companies will have interactive multimedia test systems operating next year. These include Ameritech in Chicago, Viacom in Castro Valley, California, Time Warner in Orlando, Florida, Bell Atlantic in Alexandria, Virginia, PacTel in Milpitas, California, and U.S. West in Omaha, Nebraska.

- The number of home computers with CD-ROM drives has quadrupled during the past year. The Internet is gaining a million users a month. (*Los Angeles Times*)

- *New Media* magazine predicts that "Digital technology will eventually change cable television from a system based on the broadcast TV model to a high-bandwidth system more akin to logging onto CompuServe. At first, digital compression and fiber optics will simply offer more channels, but eventually the interactive backchannel for the user to the system's video servers will take up more and more of the bandwidth. Gradually, broadcasting will diminish. Instead of switching between multiple channels streaming into your home, you'll make specific requests for information and perhaps upload your own multimedia data for other system users."

- A recent study reported in *Electronic Media* (August 23, 1993) reports that *"consumers overwhelmingly want interactive television and they want to use the medium to talk back to politicians and the press. . . .* Moreover, 81 percent said they would use interactive TV to voice opinions on political and social issues, while another 71 percent wanted to use it to comment on news coverage of events." (Emphasis added.)

The new communications technologies will change the ways in which we live. They will increase the capacity of American's communications networks a thousand-fold. They will combine television, graphics, animation, voice, data and print into one seamless format; enable users to move between these different visual formats effortlessly; allow instantaneous interactions at great distances; transform business and educational practices; change the nature of social interactions; and, above all, transform the American political system.

Five technological developments have made this "revolution" possible:

- *Digitization*—the conversion of all information into a digital format, enabling voice, video, music, pictures, graphics and data to be accessed and manipulated instantly via new electronic equipment (computers, TV sets, telephones and cable converters combined);

- *Compression*—the squeezing of this digitized information into smaller and smaller electronic spaces, enabling, for example, two hours of full-motion video to be placed on a CD/ROM, along with hundreds of pages of explanatory text;

- *Optical fiber*—the "spun glass" medium which can carry over 10,000 television channels, as well as all the world's video, voice, data and print, and deliver it into homes and businesses at the speed of light;

- *Optical switching*—the process of interconnecting new multimedia technologies, allowing anyone to "dial up" any video, voice or data source in the world, retrieve it and interact with it at leisure; and

- *Digitized servers*—the high capacity computers which can store and manipulate enormous amounts of digitized data, including images and full-motion video, and make those data instantly available on-line to anyone dialing them up.

The impact of these technologies will be profound:

- *Media will proliferate*—A number of companies are building interactive multimedia systems which will be operational in 1994 or 1995. In addition, two direct broadcast satellite companies are planning to become operational in 1994 with over 100 channels each; telephone companies are asking for legal permission to deliver hundreds of voice-video-data channels to American homes; and cellular companies are hoping to make all of this technology portable. And computer companies, software manufacturers, cable television systems and on-line networks are

proposing alternative "PC networks" which will distribute data and videos to tens of millions of home computer users

- *Viewers will become active instead of passive users*—viewers of this new multimedia technology will be able to change angles, scripts and even actors in entertainment programming; choose between millions of different video and data sources; and sift their way through a new universe of instantly accessible on-line information.

What is not yet resolved, however, is who will control this new medium, how much access to it will cost, whether it will be public or private, who will fund it, whether candidates will want certain data hidden (e.g., sources of campaign contributions), and whether that data will be disclosed. Many important policy decisions will be required over the next decade—by Congress and state and local governments—to resolve these important questions.

E. An Experiment in Interactive Electoral Democracy

The Center for Governmental Studies is creating a prototype for what may become the new electronic political communication system of the next few decades. This project has the potential substantially to enhance the ability of Americans to participate directly in their system of democratic self-government.

1. *Project Description*

The Center—with the participation of AND Interactive Communications, the Electronic Frontier Foundation, private foundations and other private and public organizations—is creating an electronic, interactive, multimedia voters pamphlet. A working prototype, which will illustrate the technology for one candidate and one ballot measure contest, will be ready in July 1994. After testing and refinement, a working demonstration model will then be prepared and placed into at least one of several broadband test sites currently being constructed—possibly in time for a 1994 state election.

The video ballot pamphlet will allow voters to access, in a multimedia format, full-motion video candidate statements, press conferences, endorsements, TV ads, issue statements, opponent rebuttals, newspaper stories, TV newscasts and campaign contributions.

The prototype multimedia voters pamphlet will be demonstrated using a computer, hard disk and television monitor. Later, it will be placed in broadband "test beds" in 1994 and distributed on illustrative CD/ROM prototypes. The project design will be studied and refined in 1995 (with the help of university researchers) and then launched on a national scale in the 1996 Presidential election.

The project will experiment with the potential of the new media to improve political communication in the coming decades. It will attempt to determine whether the use of interactive multimedia will

- Allow voters to cast more informed ballots in elections, better understand contemporary political issues, express their opinions more easily on a range of current questions and communicate with each other about political issues.

- Encourage state and local officials to develop video ballot pamphlets in future elections.

- Increase voter participation and encourage young and new voters to participate in the electoral process.

- Stimulate Congress to create on-line "video 800 numbers" allowing political candidates and voters to communicate over this new network free of charge.

2.   *An Illustrative Scenario*

The working prototype will allow voters to participate in the following election scenario:

- A voter will be offered an opening menu on his or her TV/computer screen. Choices would include "1994 Election," "Current Issues," "Town Hall Meeting," "Government" and "Courts";

- A "click" on "1994 election" will display choices: Governor, U.S. Senator, Congressman, state legislators, judges, city council, ballot measures, etc. A "click" on "Governor" will further display:

  - Opening video statements by all candidates;

  - Video statements on up to 10 specific issues by each candidate;

  - Rebuttals from candidates on those issues;

  - Videotaped endorsements from up to 5 individuals or organizations selected by the candidates;

  - All the candidates' TV, radio and print commercials, with easy access to newspaper "truth boxes" commenting on the accuracy of those commercials;

  - Videotapes of candidate press conferences;

- Excerpts from television newscasts covering the candidates;

- On-line access to print materials (newspaper and magazine stories, editorials, research on election issues) on the campaigns;

- Campaign contribution data listing the top five contributors;

- Biographical information on candidates—education, voting records, achievements;

- Electronic bulletin boards for voters to communicate with each other and express their comments; and

- Access to "Project Vote Smart" and other organizations with candidate information.

- A voice activation feature (built into the remote control unit) will allow users to speak a candidate's name ("Governor Wilson") and an issue ("crime") and have that candidate's statement on crime instantly appear;

- A simultaneous translation feature will allow users to obtain voiceovers of candidate statements in Spanish, Chinese or other languages.

Under the prototype system, any candidate would be able to "download" video, print, voice and data into a pre-prepared, non commercially-operated, multimedia data base, and any citizen could access that data—without access costs to either candidates or voters.

3. *Impact on the Quality of Voter Information*

An important question is whether the new interactive multimedia technologies can "save democracy" by reinvigorating it with an improved quality of citizen participation and electoral decision making. Initial research on *The Democracy Network*, the Center's interactive multimedia political communication prototype—including primarily subjective assessments of the impact the use of the prototype has had on electoral decision-making of non-randomly selected individuals and voters— suggests the technology has the capacity substantially to change the nature and quality of the individual voter's electoral decision making process.

The following are ways in which interactive multimedia information systems initially appear to change the processes by which individuals make their electoral decisions:

(1) *By changing the "intentionality" of the communicative exchange.* In the typical radio or TV-driven communication between

candidate and voter, the voter hears or sees a 30-second political commercial designed to capture and hold the voter's—somewhat unwilling and possibly resistant—attention. The context for the communication is one in which the <u>candidate initiates</u> the message, inserts it into some other program (e.g., a "newscast") that is in fact sought out by the listener or viewer, and uses that message to apprise the voter of the candidate's merits. The voter, on the other hand, often views the message as many other commercial messages are viewed—as a possibly necessary but not terribly welcome intruder on the program being watched. The psychological environment for this communication might therefore be characterized as one of viewer "passivity," "resistance" or even "suspicion."

The interactive process appears to be quite different. Here, <u>the voter initiates</u> the communicative exchange: the voter expends his own energy to obtain useful information (instead of suspiciously resisting the proffered information); the voter's attention is intensified (instead of distracted, as in the TV-mediated experience); and the voter tends to become impatient with generalities or evasions (since the voter is expending his own time to obtain information quickly and efficiently).

The result of this is a surprisingly different communicative exchange. Voters seeing "TV-type" messages are often "put off." Because they are seeking specific information, they are irritated if they do not find it quickly. This altered "intentionality," we believe, will place pressure on candidates to present much more specific and direct campaign messages, and to avoid generalities and bromides.

(2)   *By allowing voters to control the <u>time</u> of the communication.* In the TV-mediated environment, the candidate (or, more accurately, the candidate's media buyer) chooses the time in which the voter is exposed to the candidate's commercial message. Candidates with more money are able to purchase more ads and thus reach more voters with their message. In the interactive environment, however, voters can review statements made by the various candidates when they want to, at their own initiative and convenience. This increases the likelihood that the voter will receive the information he wants.

Some underfunded candidates, for example, never have the resources to reach the voters. In an interactive system, however, every voter will at least have the opportunity to watch even the lesser candidates (e.g., for Secretary of State, or Superintendent of Education) when and if they choose to do so.

(3)   *By allowing <u>horizontal comparisons</u> of candidates.* In an interactive voter information system, voters can compare candidates "horizontally"—that is, by watching all the statements from all the competing candidates for a specific office on a specific issue side-by-side. Voters tend to expect more information from such side-by-side

comparisons, and we suspect candidates will be forced to respond by inserting more substantive content into their interactive presentations.

(4) *By allowing <u>vertical comparisons</u> of the same candidate.* In an interactive system, voters can click a button and see everything in the system on one particular candidate. For example, a voter can opt to see a candidate's opening statement, statement on crime, statement on the economy, television ad, news interview, news story, questions and answers from other voters, campaign finance records, and so forth. This allows the viewer to obtain a significantly powerful "gestalt" of a candidate by seeing all that candidate's statements and positions in any order the voter might choose.

(5) *By expanding the <u>time period</u> in which voters can review candidates' positions.* Interactive technologies, because they have the ability to store and retrieve candidates' statements over time, allow the voters to review <u>changes</u> in the candidates' positions over time. A voter, for example, might want to see how a gubernatorial candidate's positions on the death penalty have changed during the course of the election.

(6) *By giving voters <u>multimedia</u> information.* Some voters tend to rely on print for their information, although most reportedly rely on television. Interactive technologies allow the voter to receive both full-motion video and text in a seamless format. A voter, for example, might watch a candidate's statement on the economy, then view a more detailed position paper on the screen, then have it instantaneously transmitted to his fax or e-mail number.

(7) *By letting voters review the <u>statements and questions of others</u>.* Voters are often limited by a number of factors in their perceptions of candidates—by their own background, culture, ethnicity, economic status, religion or age. The ability of a voter to watch the <u>questions</u> of others, and to watch the responses of individual candidates, has the interesting potential to increase the voter's perspective on the issues in the campaign. Watching a Hispanic student express his fear that budget cuts in the state college system may prevent him from getting his degree, for example, has the capacity to explain to the voter that many Hispanics are dedicated students, and that they too have concerns over the future of education in the state. It appears that voters may make better decisions if they are able to witness other people's concerns through the equivalent of an electronic video bulletin board.

(8) *By letting voters <u>review their own decisions over time.</u>* Interactive multimedia allows voters to compile their own "scrapbooks" of relevant information and review them at their option. Under the proposed system, a voter can earmark specific statements of candidates or pieces of factual information that seem particularly relevant and place them in a special file. The voter can then review them later, either in the order in which they were placed in the file or in some other order determined by the

user. The value of this process is that it allows voters to become more reflective <u>about their own decisions</u>. It helps them see what seemed important to them early in a campaign, and it allows them to see how their concepts of importance change over time.

(9) *By forcing candidates to become <u>more substantive</u>.* The proposed system will allow candidates to insert a position on "immigration," for example. If only one candidate tapes a position on such an issue, the voter will see only a blank box ("no statement supplied") for the other candidates. This menu structure will thus create an incentive on candidates to supply positions on all the relevant issues. The failure to respond will not commend itself to the average voter. A natural result will be more issue specificity in campaigns.

(10) *By reducing the <u>financial disparities</u> in candidates' spending.* Currently, if one candidate raises ten times as much money as his opponent, that candidate will buy ten times as much media. In a multimedia system, the voter chooses how much of a candidate's material to watch. Thus, even if one candidate raises significantly more money than the others, the voters will not necessarily watch the wealthier candidate's materials more than they watch the materials of that candidate's opponents. This factor alone could have a revolutionary impact on the unequal distribution of money in a campaign.

(11) By giving minority candidates <u>greater visibility</u>. In the multimedia system, a minority candidate may appear next to an incumbent governor—and look just as good and be watched just as much. This also has, however, the potential disadvantage of possibly fragmenting political parties and encouraging a proliferation of candidates and parties.

(12) *By increasing <u>voter participation</u>.* Currently, participation for many voters is not cost effective—that is, it is very hard for a voter to obtain the information he or she wants when they want it. A voter may be primarily concerned about schools, for example, but the television ads aimed at that voter may all be stressing "crime." A voter's inability to obtain information about the issues the voter cares about can be alienating. With interactive technologies, however, a voter can go directly to the issue category of "education," compare the candidates, and make a decision. This feature has the potential disadvantage, however, of allowing voters to make their decisions on the basis of single issues.

(13) *By <u>exposing</u> voters to <u>contrasting viewpoints</u>.* Interactive systems also have the capacity <u>automatically</u> to expose voters to all the candidates and all the issues unless the viewer overrides the pre-set viewing sequence built into the software. Thus, under one possible system, a voter would choose the "elections" portion of the system and it would automatically give the voter the opening statements of all candidates for a particular office, then automatically give them the candidates' statements on crime, then on the economy, and so forth. In other words, the system's

"default mode" would be . . . television. The viewer can chose just to watch and make no other viewing choices, or, alternatively, override the default mode and select any candidate or issue of interest.

F.   Conclusion: Can Technology Save Democracy?

The ancient debate over the nature of the "Good" government will once again appear on the national agenda. Americans appear to be losing confidence in the "representative" form of democracy and they seem to be demanding more direct involvement in elections and the policy making process. It is certainly possible that the movement toward some form of participatory democracy is irreversible.

Today's American voters may not fully conform to Jefferson's (or Aristotle's) ideal democratic citizen, but they offer the potential for substantially improving the quality of the voters' electoral decisions. Unlike the communications technologies of the past, interactive media not only provides voters with potentially massive amounts of useful political information—including video "impressions" of candidates' character as well as "data" concerning their records and platforms—but it also encourages voters to compare and contrast candidates and issues, to think about their own decisions, and to deliberate in a new manner.

Technology itself cannot save democracy. That task in the end will be determined by the spirit and skills of the people themselves. But technology can provide the electorate with the ability to make improved decisions.

In the next few decades, we may all have the chance to become Founding Fathers (and Mothers?), inventors of a new hybrid form of participatory democracy which will chart a course between the unthinking will of the mob and the potential elitism of representative government. The new media place in our hands a powerful tool of democracy—or autocracy.