Midterm Elections, Direct Democracy, and Legitimacy

written by JP Miller | November 17, 2014

If any group of United States citizens can claim a mandate in the midterm elections than it must be the millions of eligible voters who abstained from voting. It is a common excuse when discussing U.S. midterm elections to argue that voters do not participate in the numbers that accompany elections in a presidential election year. However, blaming the low 2014 election turn-out on a historical trend is incomplete and deceptive. There was new and identifiable voting trends in the 2014 midterm elections. According to *The Center for American Progress*, boycotting midterm elections is much more a function of disillusionment than the absence of a "wow" factor that the Presidential elections produce, "… because voting is an expression of hope, a belief that a citizen's input into the system will yield social dividends. Or viewing it from another perspective, politicians rarely offer disillusioned citizens reasons for optimism. Lacking hope, those voters do not show up at the polls because they believe nothing politicians say or do makes life better for them." The old and tired argument that ties the election directly to the President's popularity polls or that of various candidates is simply not good political science.

In the last two presidential election cycles around 130 million citizens of voting age turned out. That was an electoral achievement as the poor, minorities, independents and the left-wing political base of the Democrats turned out in the confident hope that their vote was essential and worthy. In the last midterm elections four years ago 91 million voters cast ballots which was 42% of eligible voters—a historically high number. Yet, the 2014 midterms saw only 36% of eligible voters at the polls. This is a significant outlier considering the relative numbers of eligible voters who refused to participate and stay home. Only 83 million voters cast ballots. As a result, the Republicans won the senate and increased their advantage in the house in an election year that saw the lowest turn-out since 1942 when the US was in the middle of World War II. This is clearly not a mandate for the Republicans and hardly a significant rejection for the Democrats. It is merely a triumph for the two-party or duopoly system which managed another theft of the election while over 60% of eligible voters refrained from voting. Election boycotts and voter disillusionment was a palpable element to the elections. Sixty percent of eligible US citizens indirectly voted for "none of the above" or rather were inordinately disillusioned and voted for systemic change instead of rubber stamping the usual suspects. Hardly a triumph for US style democracy and never a vote of confidence for a government that cannot even now claim legitimacy. Election boycotts are a tradition in so-called third-world countries where frequently the results are pre-determined by fascist regimes and rigged elections of one candidate or one party preferred by the elite class often with the interference of the US. Does this sound familiar? This is exactly what the recent elections in the US mirror.

Also, we cannot forget the efforts of the neo-cons to prevent willing voters the chance to cast a ballot by creating impediments to voting by implementing barriers much like we saw in the 1960's. According to Danielle C. Belton of *The Root*, "…the reason so many of the working poor don't vote is that certain politicians have made sure it's as inconvenient as possible for them." Indeed, this election cycle saw several barriers to voting, including long waits, strict ID laws, and the potential for increased use of provisional ballots among minorities. Belton concludes that if voting were easier and more egalitarian, politicians would "suddenly have more citizens to answer to—citizens who want different things and can't be ignored."

Any way one looks at the 2014 midterm elections, the results are pathetic and a result of

unprecedented spending by the rich, corporate influence, and most likely many eligible voters' rejection of the system itself. Hence, the lowest turnout since 1942 hints at an illegitimate government. The legitimacy of any government comes from electoral participation in the form of individual engagement, significant majorities, the creation and maintenance of survival strategies, and a set of clear and acceptable ideas in the form of platform that the electorate can identify and accept. The candidate or party must set forth a strategy that can be approved or rejected. This is exactly what didn't happen. The most significant question championed by the mass media for the mid-term elections was approval or disapproval of the Obama presidency. This is simply not true according to exit polls but a successful ploy by the Republicans and some Democrats. It was more an approval or disapproval of the whole governmental system and its ability to provide a strong state within a strong society. (See Joel S. Migdal, *Strong Societies and Weak States: State-SocietyRelations and state capabilities in the Third World* 1988).

Leaving the debacle of the 2014 midterms aside, the most promising results of the elections was a trend towards a more direct democratic society. "This tired argument, that direct democracy is tantamount to "mob rule," is nothing more than archaic bourgeois propaganda. The arguments which, after little support if any at all is provided, conclude that "those who own the country ought to govern it," as John Jay opined, or that the system should "protect the minority of the opulent against the majority" rabble masses, to quote James Madison, the main framer of the United States constitution, are clearly exploitive, authoritarian and vulgar apologetics for elite, highly concentrated centers of power and wealth, whereby said centers of wealth and power are protected over and against the "rabble masses," who are "too stupid to govern."

Direct Democracy is gaining traction as referendums and initiatives are forming what Jefferson and the Greeks before him called "pure democracy". This is a significant development across the U.S. as communities; individual states and municipalities bypass the local legislatures and vote on such social questions as medicinal marijuana, gay and lesbian rights, minimum wages, and taxation levels. As the Denver Green Party reports, "One interesting twist we saw nationwide was the approval of progressive policy positions from ballot initiatives, including four blood-red states passing minimum-wage hikes at more than 50% approval at least (Alaska, Arkansas, South Dakota and Nebraska). While Massachusetts voted in a Republican governor, they also approved mandatory paid sick leave. Similarly, Amendment 67 ("personhood") was soundly rejected by Colorado voters at 65% to 35%, which had to include Republican voters as well in order to reach that vote total. It would appear that Republican voters are not quite the social conservative, anti-women people that the Udall campaign painted them to be. This would also explain why Bob Beauprez was basically non-committal about any social issue, saying that his personal views went one way but that he would respect the law." Although, it is discouraging that some legislatures, recognizing usurpation of their powers, quickly voted to require super-majorities to pass these referendums. Florida's legislature is one example. The majority of voters approved the legalization of medicinal marijuana with a 58% approval vote but the initiative failed due to the required super-majority (60%) laid on it by the legislature. More of this legislative behavior can be expected as support for direct democracy grows across the nation.

As I mentioned above, the legitimacy of a political body whether it be the entirety of a national government, individual state or a local board of commissioners is dependent on various factors. The midterm elections certainly brought this discussion to the forefront. The historically low level of voter engagement whether it be registered voters or non-registered voters (both eligible voters) was a particularly grievous hit to the perceived legitimacy of the entire body politic. The end round use of direct democracy as a mechanism to establish political policy certainly hints at the dissatisfaction of voters and their inability to cause political change through representative government.

The use of the Republican and Democratic parties of the popularity of the president as a rallying cry

while never supplying a coherent platform for voters to approve or disapprove shows the disdain politicians have for voter intelligence. The voters were never given a chance to choose based on policy differences among the two parties. This is significant in that the two-party system has melded into a uniparty. Policy differences are slight and obfuscated for purposes of elections based on personality cults and attack advertisements. Corporate money and influence through lobbyists gives the elite class the ability to write their own policy which becomes law through the weak government.

This leads us to the ability of the government to address the needs of the governed through recognizable survival strategies. According to the weak state, strong society theory of Migdal, the US government is unable to perform its task under the constitution. Clearly, the midterm elections showed us that the various governmental bodies are unable to respond to the electorate and the country as a whole. The governed are beginning to use direct democracy to address policy themselves while the Congress and state legislatures are well behind the progressive choice of its constituency.

The time for a more direct, socialist democracy is here. It is clearly evident that representative democracy in a world of corporate bullying and unlimited moneyed interests is unable to provide for the welfare of its citizens and provide even a semblance of policy choice. As evident through the nation-wide use of initiatives and referendums, perhaps the political divisions in U.S. society are not as strong as we are lead to believe. Many suggest that voting on policy through the internet, where many more voters can express their choice, is the future of democracy.

The U.S. government has lost its legitimacy and hence its ability to govern at all. In the face of weak and corrupt political representation we must revolt by working to set aside ineffectual representative democracy. Continuing the trend towards community initiatives and referendums is a strategy that can remedy a weak government. These initiatives are a hint of a more socialist, inclusive governmental system that can provide systemic change. Wherever direct democracy takes root in the United States, perhaps we have a chance of taking back what representative democracy has stolen—that most cherished right of political speech.