

A Modern Defense Of Democracy

-by Harry Lehmann, Co-Founder, T B I

The best way to protect democracy at this juncture is to retain a *tangible ballot*: To insist upon a revision in the election laws so as to prevent a mere computer touch screen from being defined as a ballot, which of course it is not.

We can't have a fair democracy unless we have a fair vote. Just like any other counting process, you can't trust what you can't audit. The people can't trust the vote unless ordinary citizens can, through the press, and independent auditors, witness and thereby audit the counting process. That is one of the serious problems with pure DRE touch screen voting. In order to protect the counting process from "hackers," of whom we are taught to be afraid, the counting process (the computer codes used for assessment of outcome by vote), are not only proprietary, they are held *secret*. **With touch screen, we are moving from a "secret ballot," to a "secret count."**

With a tangible ballot, we can recapture an open count of our votes. This effort is utterly non-partisan; our interest is not how you vote, but solely that your vote can be honestly counted, which requires a tangible ballot. A free and open count of our votes is the foundation of our democracy.

There is a lot of lip service paid to the word "democracy." The over-use of a word can cheapen it, and detract from it's originally intended meaning. This is especially true when those who use the word do not match word and deed, and there's been a lot of that going around, lately, and also in the past.

What remains sacred, today? Is there something in this idea of democracy which makes it an inherently sacred grail, always worth grasping for?

Is democracy important? Most of us would say that democracy is important, but what would we say beyond that? Our Bill Rights has served us well for two hundred years. Those Rights were set aside to the people to protect against oligarchy. So, democracy seeks balance between the individual and the State.

Democracy is also a healthy mental state, in that none of us need to be overwhelmed every day by some belief that our lives are overshadowed by our “betters.” Democracy involves meritocracy; that a person of less than noble birth may yet live a noble life, and may even obtain wealth, and pursue happiness.

So, personal liberty is an important reason for democracy. Historically, we would look, amongst many others (such as Federalist Paper Number 57) to the work of John Locke in this regard. *More modernly, we need only think of the worst dictators of the last century to see the value of democracy in terms of values for the people.*

Democracy is always “in trouble.” In America, our democracy arose out of The Enlightenment, which, while held back by legacy forces in Europe, blossomed in the New World, and was codified in The Constitution of the United States.

Yet, some of those of the very greatest wealth and power, in fairness certainly not all, have longed to a return to more Feudal days, so that they might be once again treated as hereditary nobility.

It is an oddity of our system, as it has most recently operated, that those who have been least challenged by the difficulties of livelihood, and thus have the least experience in facing the tough decisions of life, death, risk, and making a payroll, have sometimes been inappropriately placed in positions of the greatest possible power. We should feel compassion for all people, including those least prepared for power. Having said that, we have seen many examples in recent decades of a decline in the value assigned to the rule of the people, and a commensurate increase in the respect shown for “top down,” rule.

B. F. Skinner, a behaviorist who influenced American thought in the 70's and many others since have argued that we should not be concerned about the “voice of the people,” and should rather rely upon the skills of “Controllers” who will look after civilization. This argument goes that, since the survival of the species may be at stake, we should go, as Skinner phrased it in the title to his book, go “Beyond Freedom and Dignity.”

Fair enough, the people sometimes believe in silly things. Yet both history and current events are studded with examples where narcissistic rulers have ruined

many lives. Democracy is the answer to that. It is the best answer we have, and this is not just a matter of philosophy, it is a matter of empirical proof.

In political philosophy, the historic answer to those who favored the feudal approach (inevitably, of course, those who were comforted by it) was Rousseau, with the idea of The General Will, which said that the informed decision of the largest number of people would produce the best decisions for civilization. We have all seen the damage that can occur when too much power goes to too few hands. But is this just a romantic ideal, or is there some basis for it in reasoned thought, and maybe even science?

Michael J. Mauboussian is a respected Wall Street scholar and investor, is an adjunct professor at Columbia Business School. As discussed in a March 11, 2006 New York Times article, called *The Future Divined By the Crowd*, every year, he has a group of students predict who will win in major categories of the Oscar nominations. In 2005, their pick was right three fourths of the time. That by itself is amazing, since there are so many contenders for each category. But there is a more important insight buried in that data, which is that the group always did better, in predicting outcomes, than any individual in it. As the referenced New York Times article states, out of the 47 students in the group, only one matched the accuracy of the consensus. And as the article further explains, referencing the Iowa Electronic Market, run by the University of Iowa: “The consensus almost always beats the polling data.” Thus, Rousseau, with General Will, “got it right,” *and that majority determined predictive decisions will strongly tend to be qualitatively better than the decisions of any one individual.*

Thus, when we defend democracy, we are not “just” defending the rights of individual citizens, **we are defending the quality of decisions made by the civilization itself.** Maybe that’s why our government in America has lasted so long. Democracy is not just good for the individual, it is crucial to the society.

How did we get to this point? First, California state law, through our Legislature, re-defined the word “ballot” to include the touch screen in a touch screen voting system. Perhaps this legislation was not without the support of the major players in the voting machine field. Secondly, after the 2000 Florida Presidential race, the federal Congress passed the Help America Vote Act. While innocent in its language, this has led to the adoption of Direct Record Electronic

voting (DRE) in many jurisdictions, with no real “ballot,” ever being touched by a voter. The entire huge country of Australia uses paper ballots for major elections; the mere fact that something is new does not mean that it is better. While it is clearly essential that electronic or mechanical voting assistance machines be available to those who particularly need them, a tangible ballot should result.

For example, if a group of folks in power, regardless of stated philosophy said they believed that the National Security was at stake, the temptation, once we have entered the realm of *software mediated election outcomes*, to influence of election outcomes by improper means would be strong indeed. This is especially true Given the long history of human events, where, including in this country. The issues are neither purely Republican nor purely Democratic, from the Senate race in Texas in 1948, to questions concerning the Illinois vote in 1960, through the Watergate taint on an election result what was otherwise clear in 1972, to more recent events in Florida in 2000, and Ohio in 2004. It is not suggested here that one side or the other was right in each of those contests; merely that there was a rational basis for complaint in each case, and that the greater the study, the greater that point will be understood, which emphasizes the historical need for an objective means of vote outcome measurement.

The most dangerous part of pure electronic voting is that, after the process called an “election,” there is nothing left over, no footprints, no record, no means of finding out, after the vote, what really happened.

Beyond that very dark point remains the fact that large scale mistake, such as by hacking, is not a paper tiger, it could happen. The machines and software have been shown, no surprise, to be capable of mistake. The recent actions of California’s Secretary of State underline these points. Other useful sources of information will be found on our Tangible Ballot Initiative website.

TBI is not about parties; for example, the Tangible Ballot Initiative is supported a wide cross section of people; supporters include from Liberals who are also Democrats, Decline to State independent voters like the undersigned, and also Republicans, including Conservatives and persons of libertarian outlook. All cordial people are urged to support this effort; find out how on the TBI web site.


We have approached the brink of losing our system of democratic decision

making, and its salvation should be of interest to all conscientious persons. The purpose of TBI is to help pull us back from that brink.

Trust in elections is central to trust in government. Even if one discounts the scenarios of hackers or planned outcomes achieved by electronic means, trust in the system will be enhanced by a well managed tangible ballot system. With a tangible ballot, in the instance of a close race, there is something to count.

Please help us to work for the re-invigoration and continuance of democracy, by supporting the California Tangible Ballot Initiative.

Respectfully,

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Harry V. Lehmann