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Do Elections Guarantee Freedom?

by James Bovard

Elections are sometimes portrayed as practically giving people automatic “remote control” on the government. Elections kindly provide a chance for people to pre-program the government for the following years. The government will be based on the popular will, regardless of the ignorance of the populace or the duplicity of the government.

President Lyndon Johnson declared in 1965 that “the vote is the most powerful instrument ever devised by man for breaking down injustice and destroying the terrible walls which imprison men because they are different from other men.” But the fact that voting rights helped undermine Jim Crow restrictions on blacks did not prevent the government from ladling new restrictions and burdens on all citizens. During the election campaign the prior year, Johnson had promised, “We are not about to send American boys 9,000 or 10,000 miles away to do what Asian boys ought to be doing to protect themselves.” The fact that parents could vote for or against Johnson did nothing to stop him from betraying his promise and sending their sons to die.

In his 1989 farewell address, President Ronald Reagan asserted,

“We the People” tell the government what to do, it doesn’t tell us. “We the people” are the driver — the government is the car. And we decide where it should go, and by what route, and how fast.

But the American people did not choose to “drive” into Beirut and get hundreds of Marines blown up, choose to run up the largest budget deficits in American history, provide thousands of anti-tank weapons to Ayatollah Khomeini, or have a slew of top political appointees either lie or get caught in conflicts of interest or other abuses of power or ethical quandaries between 1981 and 1988.

On the eve of his 1992 election debacle, President George H.W. Bush told a Texas audience,

And tomorrow, you participate in a ritual, a sacred ritual of stewardship.... With your vote, you are going to help shape the future of this, the most blessed, special nation that man has ever known and God has helped create. And so, look at your vote — especially the young people — look at your vote as an act of power, a statement of principle.

Yet few of the people who voted the following day were making a statement of principle in favor of permitting the president to deploy troops (or additional troops) abroad on his whim (as Clinton did in Somalia, Haiti, Bosnia, Kosovo, and elsewhere), permitting the government to waive the Posse Comitatus Act and use military equipment against American civilians (as happened at Waco), or permitting the government to vastly increase its surveillance of the American people. Yet voting in the 1992 election was still “a statement of principle,” regardless of how much the winner scorned the voters’ principles.

Two days after his 2004 reelection victory, President George W. Bush declared,

When you win, there is a feeling that the people have spoken and embraced your point of view ... and the people made it clear what they wanted.

But did voters on November 2 “consent” to the destruction of Fallujah in the following weeks? Did they consent to the nomination of a Homeland Security czar who was openly hostile to any criticism of politicians? Did Bush’s National Rifle Association supporters consent to his nominating a man for attorney general who advocated far more federal restrictions on gun ownership? Did voters consent to the illegal wiretapping of the chief of the UN International Atomic Energy Agency, as the Bush administration sought to discredit and remove an impediment to a U.S. war on Iran? If Bush had made “ending tyranny everywhere via preemptive U.S. military attacks” the theme for his fall 2004 campaign, he very likely would have lost the election. Instead, he downplayed this notion — until his second inaugural address.

The only way to suppose voters consented to such government actions is to assume they granted Bush boundless power to use as he sees fit. But this is the type of consent given by people who forfeit their rights and accept a court-appointed guardian to run their lives.

Absolution through election

Politicians routinely invoke elections as absolutions. Shortly before his second inauguration, a journalist asked Bush, “Why hasn’t anyone been held accountable, either through firings or demotions, for what some people see as mistakes or misjudgments” on Iraq? Bush replied,

Well, we had an accountability moment, and that's called the 2004 election. And the American people listened to different assessments made about what was taking place in Iraq, and they looked at the two candidates, and chose me, for which I'm grateful.

An election victory expunges all abuses from the official record. Unfortunately, the more ignorant and negligent the citizens, the easier it becomes for winners to invoke their election victories to shroud their abuses.

In the aftermath of the November 2004 election, the refrain from both politicians and editorial pages was that the result of the voting showed the "will of the people." But was it the will of the people to have to choose between George W. Bush and John Kerry, or between Al Gore and Bush, or between Bill Clinton and Bob Dole? (Third-party candidates provided good protest votes but could not block career politicians from office.)

That is like saying that it was the will of the Bulgarian consumer in communist times to choose between an unreliable, ramshackle Trabant from East Germany and an unreliable ramshackle Skoda car from Czechoslovakia. Many American voters felt as frustrated by their choice of presidential candidates as did Eastern Bloc car shoppers in the 1980s. The fact that voters expressed a preference for Bush or Kerry proves nothing about either candidate's being the will of the individual voter.

King Louis XIV of France declared, "Kings are absolute lords and naturally enjoy the full and free disposal of all the possessions of their subjects." The only way that the 2004 election could exonerate all of Bush's first-term actions is if voting levers are naturally vested with absolute power over everything. Voting levers cannot legitimize violations of rights unless voters and election winners have the right Louis XIV claimed for kings to use and abuse everything in the nation.

Electing our despot

The average American voter had no recourse on November 2, 2004, to make the federal government obey the Constitution or keep the peace. But this was the same situation the voters faced on November 7, 2000, November 5, 1996, and November 3, 1992. Instead, each voter was merely asked to personally consecrate the continued violations of the highest law of the land by whoever won. The current system of government is structured so that voters effectively have to vest near-absolute power in someone. This is simply how the rulers and the establishment have fixed the game. Any choice that would deny nearly boundless power to the rulers is kept out of the sunlight by the powers that be.

Bush's reelection symbolized that the Constitution is now far less of a restraint on presidential powers. The torture scandal, the power to nullify all rights by using the enemy combatant label, and other gross abuses of power were not major issues in the 2004 presidential

campaign. Thus, the first-term abuses became the starting line for the second-term abuses. Bush's reelection made clear that a president's proclaimed goals could exonerate his methods — thus largely obliterating many of the safeguards built in by the Framers of the Constitution. But elections based on the winner's receiving unlimited power are based on far different principles than are elections in which winners remain subservient to the Constitution and the law. This is the difference between voting for a master and voting for a chief law-enforcement officer. America is far closer today to what the Framers dreaded — “slavery by constitutional forms.”

The more power that voting levers confer, the more unreliable elections become as a mode of governance. Instead of being antibiotics for the body politic, elections become simply another quack cure.

French historian Marc Bloch noted that, during the Middle Ages, “the notion arose that freedom was lost when free choice could not be exercised at least once in a lifetime.” The only freedom many people sought was to pick whose “man” they would become. Medieval times included elaborate ceremonies in which the fealty was consecrated. With current elections, people are permitted to choose whose pawns they will be. Voting is becoming more like a medieval act of fealty — with voters bowing down their heads and promising obedience to whoever is proclaimed the winner.

What if being permitted to choose a master once every four years is the primary “freedom” left? Are citizens merely choosing whose vassal they will be? Many citizens today behave like slaves who spent their time wishing for a good master, rather than scouting up information on runaway routes.

America was born as a republic — with limited-government powers, carefully crafted checks and balances, and distinct roles for the people, for legislators, for judges, and for the executive branch. Many Americans these days are content with “democracy” — regardless of how much of the strength and safeguards of the original Constitution have been lost.

“Representative government” is a phrase far less prone to induce mass delusions than is democracy. “Democracy” sounds like automatic pilot — that the government will serve the people simply because that is part of the mission statement. In contrast, the term “representative government” sounds more hit and miss. There is no transcendence in the term “representative government” — nothing to make people believe that government bureaus magically fulfill the rhetoric of presidential speech writers. Representatives are merely representatives, not incarnations of the General Will or the voice of God. Instead, they are usually simply people who preferred the pursuit of power to other ways of making a buck. Even when representative government works tolerably well, it is difficult to inspire the representatives to do much more than hustle for their own reelection.

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