

NATIONAL INITIATIVE

TIME-LINE

1972 - 2005

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A Thumbnail History

--compiled by:

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1972 - National Initiative Antecedent # 1: ***Citizen Power: A People's Platform -***

In his first term as U. S. Senator (AK 1969-81), Mike Gravel authored and published, *Citizen Power*. There he stated: “As both an elected public official and a private citizen, I have become increasingly distressed over the continuing exclusion of the people from any meaningful role in our governmental, economic, and social power structures. At the same time, I have become acutely aware of the rising dissatisfaction and crumbling patience among citizens constantly frustrated in efforts to participate in decision-making processes which directly impinge on their lives.”¹ In expressing trust in the people as lawmakers, Gravel proposed in an appendix: “A Model Constitutional Amendment for Initiative and Referendum.” The message of *Citizen Power* stands as a clear harbinger of Mike Gravel’s later development of “National Initiative for Democracy.”

1977 - National Initiative Antecedent # 2: ***Voter Initiative Constitutional Amendment Proposal -***

In his second term, Senator Mike Gravel co-sponsored the 1977 *Voter Initiative Constitutional Amendment* introduced into the 95th Congress, 1st Session as S. J. Res. 67, Although the proposal-- inspired by the pioneering public citizen efforts of Ed and Joyce Koupal

¹Gravel, Senator Mike Gravel, *Citizen Power - A People's Platform*, (New York: Holt, Rinehart, 1972), p. ix

of *People's Lobby*² --failed to make it out of committee, Gravel's co-sponsorship at this early date further testifies to his abiding belief and trust in the people as lawmakers.

1988 - National Initiative's Conceptual Beginnings

_____The National Initiative--as a full blown project--had its conceptual beginnings in the fall of 1988 while Mike Gravel--now a private citizen--was living with his wife on the Monterey Peninsula in California. As the principal speaker at a coalition celebration of Human Rights Day on

Dec 10, 1988, Mike Gravel laid out what he had come to see was the *problem and solution* in the contemporary crisis in governance at every level of politics. At state and nation-state levels Gravel affirmed the heart of the problem is representative grid-lock and government under the control of (corporate) special interests.³ Its solution is the People with a national initiative enabling them to act as a "Legislature of the People" in every governmental jurisdiction. At the global level Gravel described the heart of the problem as more basic: the absence of a true rule of law, i.e., the absence of a democratically ratified constitution and government. Globally there exists only the so-called rule of law of "real politick," i.e., power politics. The key to the solution at both levels, Gravel affirmed, is the People--acting as a body of sovereign democrats directly enacting and making law rather than merely acting as a body of mendicant democrats--begging, pleading and petitioning their representatives. The primary political tool for the people to act as sovereign democrats is initiative law-making.⁴ Gravel's further realization was that unless and until the People address this issue in a direct legislative way the solution to the problem will not come about--in the foreseeable future.

1989-93: Emergence of a Band of Supporters and Incorporation

In the wake of Mike Gravel's continuing efforts at disseminating his ideas on this matter in public and private gatherings, a coterie of supporters developed. The most activist supporters emerged among members of the World Federalist Association in California, Illinois and Missouri. These activists, in turn, provided the impetus for Mike Gravel to develop a plan of action to address the issue of the absence of direct participation of the people in lawmaking at the national and global levels at the same time. (This approach was later discovered to be politically too ambitious.⁵) A visible outcome in 1992 was the formation of the National Initiative's first incorporated expressions in "One World" and "Philadelphia II."

² People's Lobby was created by Ed Koupal in 1968 in California and served as, arguably, the leading group in introducing advanced techniques for effective, low-cost citizen signature gathering campaigns in qualifying initiatives for state ballots in California and a number of other western states.

³ The nation-state exception is Switzerland where, since 1848, representative government has been structurally interlocked with and, effectively, subservient to the People because they enjoy procedures of initiative and referendum, i.e., procedures of direct popular lawmaking. (See: Fossedal, Gregory A. *Direct Democracy in Switzerland* New Brunswick: Transactions Publications, 2002)

⁴ Technically, referendum, while enabling the People to vote directly on proposed legislation, is a political tool of *representative* government. For in its formulation and management, a referendum is the handcraft of representative, not direct popular government.

⁵ See tactical shift in 1996 below.

1993-1994: “Philadelphia II” - A Proposed Citizen Law to Be Enacted State-by-State

In accord with its double purpose the proposed law--when enacted, state-by-state through the initiative process, -- would have 1) established initiative lawmaking in each state; 2) established a federal agency then called “American Electoral Association” to administer citizen lawmaking nationally and in all the states; and 3) issued a popularly legislated national call to a world meeting to discuss the issue of global governance. As a citizen initiative, “Philadelphia II” was then first filed in Missouri on October 28, 1993 and in California on November 1, 1993. In Missouri the effort, while adequately financed, was thwarted by the Secretary of State’s initial refusal to issue a ballot summary which adequately expressed the content of “Philadelphia II.” After suing the Secretary of State, the sponsors, in an out of court settlement, received an adequate ballot summary. However four of the six months’ window for gathering signatures was consumed in this legal process. This, in turn, forced the Missouri sponsors nearing the deadline to discontinue funding the effort having acquired only half the necessary number of signatures. In California the sponsors were stymied by lack of funding for conducting a successful signature gathering campaign to qualify the Philadelphia II Initiative petition for the ballot

1994-1996: Refiling the “Philadelphia II” Initiative in Washington--and Suing

Because there would be no off-year elections in Missouri and California in 1995, the sponsors of “Philadelphia II” decided to file the initiative petition in the state of Washington where an off-year initiative election was possible. There in contrast to the sponsors’ experience in Missouri and California, the Attorney General in Washington--after the Secretary of State approved the petition as to form--refused to issue any ballot summary. The sponsors again sued. The case, with the cooperation of the Attorney General, was referred directly to the Washington state Supreme Court. Before the court Mike Gravel, though not an attorney argued the sponsors’ case on October 27, 1995 *pro se*. On February 26, 1996, in *Philadelphia II v. Gregoire* (128 Wn.2d 707), the Court granted to the sponsors a procedural victory but substantive defeat. The court agreed with the petitioners’ plea on the procedural aspect in affirming the Attorney General should have issued a ballot summary as its Constitution mandated. However on the merits of Philadelphia II’s case, the Court sided with the Attorney General in agreeing the substance of the Philadelphia II initiative did not qualify as state initiative matter. Consequently on June 28, 1996 the sponsors of Philadelphia II appealed to the United States Supreme Court. After its filing brief received designation as *Mike Gravel v. Christine O. Gregoire* (No. 96-21) for *certiorari*, a U. S. Supreme Court hearing was denied in October 1996. Thus the sponsors of Philadelphia II had won a battle but lost the war in Washington State.

1996: A Jurisdictional Tactical Shift in the Wake of Litigating Experience

The experience of having to sue for access to the state initiative process in two of three states where the sponsors filed the Philadelphia II Initiative prompted Mike Gravel with the board of directors to make a major shift in jurisdictional tactic. The National Initiative was

restructured as a *direct* national election--the first in our history. Thus the state-by-state approach to national enactment--adopted in 1993--was abandoned. Additionally inclusion of a call for the convening a plenipotentiary world meeting to discuss global governance was dropped from the proposal. The re-crafted document was renamed: "United States Initiative." In conjunction with this development, the non-profit educational California corporation, "One World," was renamed, "Direct Democracy."

1996-2000: Searching For Funding - Re-crafting the Proposed Law - Center-staging Civic Maturation

_____The political action of directly advancing the quest for a national initiative experienced a multi-year hiatus in deference to efforts at finding a way to fund the national project. Accordingly in light of his life and experience in Alaska, Mike Gravel concentrated in a multi-year effort of negotiating for the purchase of the "Four Dam Pool." The "Pool," then and still today, consists of four state-built and -owned hydro-electric producing dams which serve the southeast sector of Alaska. Gravel's plan was to create a consumer stock ownership corporation constructed on the basis of Louis Kelso's economic theory. If the plan had succeeded the citizens of Alaska being served by the Four Dam Pool--with no personal financial risk--would have acquired a one-half stock ownership of the Four Dam Pool. At the same time, Mike Gravel as chief consultant in this capital venture stood to receive a financial commission--which he intended to apply in funding the NI4D project. After some three years of negotiations the venture finally failed. Likewise during this period efforts to elicit funding from foundations and/or wealthy individuals were also pursued--but also without success.

Concomitant with efforts at seeking funding, Mike Gravel and the board continued the re-crafting of the document. Reflecting this less conspicuous process, the "United States Initiative" was renamed: "Direct Democracy Initiative" in 1999. Also at this time an advanced insight about a national initiative of major significance surfaced That is to say....

...From the earliest calls--by populists and progressives at the turn of the twentieth century as exemplified, in the People's Party Platform of 1896 ⁶ for a national initiative, this political tool was seen merely as a means of *reform of representative government*. Accordingly resort to its use was advocated only as *a substitute measure*. Something to be resorted to but *only occasionally*. That is only when representatives failed to respond on issues widely supported by the People. This limited understanding is still widely held today. However Mike Gravel and the sponsors at this time came to see a national initiative more fundamentally as an *advance* in democratic government. More specifically they came to see initiative more fundamentally as a *structural prerequisite for the civic maturation of the polity*. As a result they now champion a national initiative as a political tool to be statutorially incorporated and utilized

⁶ A plank in the People's Party platform of 1896 read: "We favor a system of direct legislation through the initiative and referendum, under proper Constitutional safeguards." Johnson, Donald Bruce and Porter, Kirk H., *National Party Platforms - 1840-1072* (Urbana: Univ. of Ill. Press, 1973) p. 105

as an *ordinary* tool of democratic government advancing a civically mature polity. This is precisely the way the Swiss have been ‘doing democracy’ for the past 150 years!⁷

Since there was a near complete lack of published constitutional literature thematically embodying this appreciation,⁸ the sponsors of National Initiative, in mid-1999, approached constitutional scholar, Alan Hirsch⁹ for a law journal article--on the constitutional grounding of a national initiative. Working independently, Professor Hirsch’s effort at this challenge resulted in the 2002 article: ‘Direct Democracy and Civic Maturation,’ published in *Hastings Constitutional Law Quarterly*.¹⁰

2001: A Finalized “National Initiative” Proposal & Introduction of Website

_____A finalized stage in the development of the proposed legislation was reached in 2001 in the break-out of the “National Initiative” into two concurrent pieces of proposed legislation: “Democracy Amendment” and “Democracy Act.” That is to say it was decided at this juncture by Mike Gravel and the board that registered voters would be provided with two initiative proposals to be enacted by a single vote: an amendatory proposal and a statutory proposal interlocked with each other. The *sponsor of this double proposal* now became “*The Democracy Foundation*”-- a new public citizen body incorporated in the state of Virginia. The corporate body designated *to conduct the national election* on Democracy Amendment and Democracy Act became “*Philadelphia II.*”

On September 22, 2001 the National Initiative website was unveiled. Limited funds permitted Mike Gravel to hire but a minimum of professional technical expertise in constructing the website. The website, as a result, left much to be desired. Fortunately, David Parrish, an information technology expert with a long-standing dedication to the introduction of direct democracy into representative government visited National Initiative’s website. In subsequently contacting Mike Gravel, Parrish indicated he could help to improve it. Promptly a leap to the current stage of National Initiative’s website sophistication was brought about by David Parrish. Sadly, David Parrish while working to the very end as our sole Information Technology person lost a five-year battle with cancer at the end of 2002.

⁷ See: Fossedal, Gregory A., *Direct Democracy in Switzerland*, (New Brunswick: Transaction Publish., 2002)

⁸ A noteworthy exception to this statement is the 1996 *Economist* magazine article of Associate Editor, Brian Beedham entitled: “Full Democracy - It means government by the people, as we are the people,” (Dec. 21, 1996)

⁹ It was Akhil Amar who was first approached for a law journal article--on the constitutional grounding of direct popular lawmaking. Because of the load of his professional commitments and family obligations, he recommended for this task Alan Hirsch, his co-author on the book *For the people - What the Constitution Really Says About Your Rights*, (New York: Free Press, 1998).

¹⁰ Hirsch argues in this article: “One oft-stated goal of democracy is the growth of individuals. Hence, the double meaning of “*self-government*,” in the course of participating in public affairs, individuals become more complete people (or “*selves*”) with richer lives. The converse is equally true: if self-government promotes better, more mature selves, so too the latter makes effective self-government possible. Unless citizens develop sufficient knowledge, independence, and public spiritedness, they cannot handle the responsibilities of self-government.” Vol. 29: 2, Winter 2002, p. 185 at pp. 209-210

2002: The Democracy Symposium - The Vetting of “National Initiative.”

Thanks primarily to People’s *Lobby*; funding was made available to convene a two and one-half day symposium “to vet the document.” This symposium was held in colonial Williamsburg, VA in mid-February, 2002. Some nineteen scholar-presenters were selected on the basis of their published record on various aspects of the National Initiative. The presenters, in turn, were positioned on one of four panels in accord with each presenter’s area of expertise....

...The panel of presenters on constitutional issues associated with a direct popular enactment process was: Akhil Reed Amar (Yale Univ.), Richard Parker (Harvard Univ.), Ronald J. Allen (Northwestern Univ.), and Edward M. Gaffney, Jr. (Valparaiso Univ.). The panels of presenters on constitutional issues associated with the People’s use of citizen-initiatives were: Mark Graber (University of Maryland), Mark Tushnet (Georgetown Univ.), Alexander Keyssar (Harvard University), and William T. Mayton (Emory Univ.). The panel of presenters on legal, political and practical issues arising from the specific legislative procedures incorporated in the Democracy Act were: Craig Holman (New York University), Robert Stern (Ctr. for Govt. Studies, Los Angeles), Todd Donovan (Western Wash. Univ.), Caroline J. Tolbert (Kent State Univ.) Paul Jacob (Citizens in Charge, U. S. Term Limits). The panel of presenters on political science ramifications of the legislative partnership between the People and their elected legislators that will be created by the enactment of the National Initiative were: Kenneth Warren (St. Louis University, The Warren Poll), Brian Beedham (The Economist), Gregory A. Fossedal (Alexis de Tocqueville Inst.), Ted Becker (Auburn Univ.), Christa Slayton (Auburn Univ.), M. Dane Waters (Initiative & Referendum Institute).

Each was required to prepare a scholarly paper and submit it before hand. Thus at the beginning of the symposium the full text of the presenters’ papers--in a loose leaf bound format--was given to all who took part--nearly 100. (These papers are available at the National Initiative website: www.ni4d.us - Resources) In addition to the record of the presenters’ papers, the proceedings of the symposium were documented via video and written transcriptions of presenters’ formal oral presentations and committee of the whole discussions. No formal resolutions, however, were presented nor sought. Rather the views expressed and debated at the symposium enabled the sponsors and others interested to convene for a two day work session during the summer of 2002. At this gathering the two pieces of concurrent legislation--section by section and provision by provision of the National Initiative--were finalized for presentation to the People.

September 17, 2002: Formal Announcement of Voting on “National Initiative.”

On September 17, 2002--the annual anniversary date of the final day of the Constitutional Convention in Philadelphia in 1787 (which convention we refer to as “Philadelphia I”)--the sponsors and guests gathered at the historic Old Tavern in Philadelphia to formally announce the beginning of voting on “National Initiative.” Adding an historical touch to this event were re-enactors of the constitutional framers, James Madison and James Wilson and also Thomas Jefferson (who was in France as United States ambassador during the Constitutional Convention). These historic individuals at the nation’s “Philadelphia I” event--through the re-

enactors--offered toasts to this "Philadelphia II event," this *second peaceful revolution*--two-plus centuries later.

2003: Internet Voting Begins June 1, 2003

After the death of David Parrish, a step-son, Michael Grant--as expert in information technology as his father--came forward. He took over the role that David had to surrender. In a most timely way Michael Grant set up and today manages the step-by-step process for citizens to register and to vote on National Initiative via internet. This registration and voting process is presented to all who come to the National Initiative website. (Go to: www.ni4d.us)

Two things are to be particularly noted about the National Initiative election. First, the sponsors have made it a feature of voting on National Initiative that voters enjoy the right *to change their vote*--at any time during the multi-year duration of this election. This will foster a more deliberative choice on her/his part. Second, as of the 2004 Presidential elections, it will now take upwards of 66 million registered voters voting for the National Initiative to permit Philadelphia II to declare the National Initiative enacted as the law of the land. Will the American people vote for a national initiative if presented with the opportunity to do so? Significant empirical data suggests they will.....

... The Roper Center for Public Opinion Research at the University of Connecticut has been collecting the results of public opinion polls on Americans' stand on directly participating in lawmaking since 1937. Their database empirically shows a vast majority of the American people today are in favor of a national initiative. Thus the sponsors of National Initiative are confident a great majority of voters will vote for the procedure to amend the Constitution and statutorially establish policy and make laws directly--precisely what National Initiative offers the opportunity to bring about.

2004: Plan Adopted for Financially Sustaining the Election Process

Estimating the cost of the National Initiative election will be in the range of the cost of a Presidential election, the sponsors have adopted a simple and direct pay-as-we-go approach to financing the entire election. The funding plan: after voting at the internet site, voters are being asked to make a financial contribution in any affordable amount. Additionally the sponsors are counting on a significant number of contributors being willing to do so on a reoccurring basis. Specifically, contributors are asked to commit to an automatic monthly modest contribution in the amount of \$1 to \$5... or more. If but 20% of those voting join this pay-as-we-go approach ample funds will become regularly available to sustain the voting effort to completion.

2005: Intensified Approach to Leading Activists - Writing Projects

In the wake of a Presidential election which has given rise to allegations of fraudulent vote counts in several states, the questionable reliability of electronic voting machines and ensuing lawsuits, Mike Gravel is now intensifying efforts to get the attention of some leading political activists. Specifically he hopes to get some such individuals to step back and become

aware of the systemic handicap built into our representative government: the absence of the statutory procedure for the People to directly legislate to bring about reforms that representative government has a demonstrated track record of failure in bringing about. Unlike Switzerland where a national initiative and referendum procedure has been a part of government for the past 150 years, our exclusively representative government is locked in the clutches of corporate special interests which make representatives as a body incapable of satisfactorily addressing systemic reform. (See: 1972 above: the words of Senator Mike Gravel in *Citizen Power*.)

In conjunction with this outreach, Mike Gravel has prepared a 12 paged document entitled: 'Let's Change the Government: *By empowering the people as lawmakers.*' This white paper is posted at the National Initiative website: www.ni4d.us. It articulates seminal ideas for a book Gravel intends to write.

Concomitantly, Donald H. Kemner, the corporate secretary, is working on a manuscript to make available the work product of the 2002 Democracy Symposium. (See: above: 2002: The Democracy Symposium - The Vetting of "National Initiative.") Additionally he is writing a critique of the presenters' papers in an effort to bring appreciation of the development and substance of National Initiative *beyond* that realized at the Democracy Symposium. The manuscript is planned for completion and then publication by late 2005.

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