

## Chapter Nine

### Policy from the People : Recent Developments in the USA and Canada

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Most Australians have some familiarity with the American experience of direct democracy as expressed through citizen-initiated referenda (CIR), which have become a regular feature of Federal and State elections in the United States. Less familiar is the growing tendency of the American Republican Party and Canada's new Reform Party to refer their general formation of policy to the court of public opinion – to make representative democracy live up to its name in the policy sphere. It is this tendency in particular which I wish to examine here.

The mood of American politics has become very anti-Washington over recent years. The political centre is perceived by a majority of voters as a fountainhead of false values where career politicians give effect to elite agendas, and as the preserve of minorities and special interest groups. This reaction against a Washington whose policies have consistently flown in the face of the will of the majority of electors largely explains the recourse at the State level to citizen-initiated referenda. Issues which have moved from Washington, which did not want to know about them, to the States, where they have gone onto the ballot through the CIR process, include term limits, which I will consider below, property rights, parental rights, and eliminating reverse racial discrimination. According to Grover Norquist, chairman of Americans for Tax Reform, a conservative group which employs the initiative process to undermine tax-and-spend policies, "All of these are issues where you have 70 per cent to 80 per cent support of the people and almost no support among political elites."

It is thus not difficult to understand why the Republicans, in the run-up to the mid-term elections of last November, made such a point of dissociating themselves from Washington and identifying instead with popular sentiment on such issues. The dividends of defining Washington as the source of false values are seen in the results of the elections, which gave the Republicans control of both the House and the Senate.

In the months preceding these elections, the House Republican leadership under the direction of Newt Gingrich developed their "Contract with America", a promise to introduce, in the first ninety days of a Republican-dominated House and Senate, a set of ten bills based on their careful reading of what a majority of Americans were signalling they wanted.

We might remind ourselves of what these ten putative bills stipulated. They provided for: (i) a mandatory balanced budget (this has recently failed to pass the Senate, and a related bill, offering the President a line-item veto on Congressional money bills, has also run into Senatorial opposition); (ii) Congressional term limits (this has now run into some trouble in the House, where there seems little agreement on a precise formula); (iii) an attack on burgeoning crime through measures including truth-in-sentencing, making punishment severe enough to deter criminals, requiring convicted criminals to make restitution to their victims, taking the distribution of federal law-enforcement funds away from Washington bureaucrats and putting it in the hands of local law-enforcement officials, and streamlining the deportation of criminals who are aliens; (iv) a "Personal Responsibility Act" ending payments to unwed mothers under 18 (and under 21 if each State so elects), and requiring welfare-recipients to work an average 35 hours per week or enter a work-training programme; (v) tax incentives for child-adoption, and the strengthening of parents' rights in their children's education; (vi) a middle-class tax cut; (vii) a credible anti-ballistic missile system; (viii) prohibition of foreign command of U.S. forces; (ix) drastic cuts in capital gains taxes and other incentives to business; and (x) assorted legal reforms such as "loser pays" to discourage the wantonly litigious.

For the first time, a victorious Republican Party came in to Congress with a highly specific and immediate legislative programme. Though it has since become clear that far more than 90 days will be needed to give it legislative effect, there is little doubt that many of its provisions will become law over the next two years. One might note here that un-funded federal mandates, while not a specific target of the Contract, seem to be on their way out – another sign of the steady whittling away of Washington's power over the States.

The Contract with America, then, was simply a series of policy pledges. Several weeks before the election it was signed by 300 House Republicans in the most public place in America, on the steps of the Capitol building before the cameras of the television networks. What I think is most interesting about it, however, is the way in which it had been developed and refined over the preceding months by close reference to the views and opinions of ordinary Americans across the nation's heartland. It was the first time the Republicans had sourced their policies at the grass roots.

For instance, the proposal to limit the number of terms a Senator or Member of the House can serve in Congress – essentially a drive to create citizen-legislators in place of career politicians – reflects the results of numerous recent citizen-initiated referenda on the issue in a swathe of States which have voted to limit the tenure of their federal representatives.

Just in these last elections, a further six States had CIR initiatives mandating federal term limits on their ballots, and every one of them was passed, most by wide margins of around two-to-one (Nevada went 70%– 30%; Massachusetts, liberal home of that archetypal career politician, Edward Kennedy, voted the measure very narrowly). If Washington is seen by most Americans as a club of self-serving career politicians and bureaucrats with unrepresentative agendas, then the obvious cure is short-term citizen-legislators who will make policy reflect the democratic will of the people who elect them. As Gingrich has put it, "The long experiment in professional politicians and professional government is over, and it failed".

One might note here that term limits have also been voted in numerous States to limit the length of time county and State executive officials can serve, and around half of American cities with populations above 250,000 now have term limitations on their mayors and city councils. Public opinion polls have shown that over two-thirds of Americans nation-wide, and in some States up to 80 per cent, support term limits on elected representatives. According to one study of the trend:

"It is not terribly difficult to explain the widespread popularity of term limits. The current wave of interest in term limitation began in the late 1980s as voter frustration with the nation's legislatures escalated and as term limitations gained heightened visibility in the national media. The seemingly endless tales of corruption, scandal, neglect, and malfeasance coming out of the United States Congress and a variety of State legislatures fuelled the popular demand to impose term limits so that legislative careerists can be replaced with 'citizen-legislators' and end the stalemate of 'permanent government'".

The Contract's gestation involved tapping into popular sentiment on this and other key policy issues, and included polling and focus groups as well as mutual consultation among Republican constituencies across the fifty States. One of the movers behind it was Tom De Lay from Texas, who has pointed out that the issues were chosen on the basis of their power "to energise Republican voters", and deliberately excluded divisive issues such as abortion. Then the ideas were trialled on candidates and American voters through the summer months of 1994 to establish which ones had the greatest public appeal. One of the Republican pollsters employed was Ed Goetas. From the polling he did, he says, "The one thing that jumped out was that voters were looking for a mechanism to hold elected officials more accountable. The most important thing about the Contract is the accountability of signing a pledge."

As well as polling ordinary voters, the Republicans polled their own candidates, who were asked to rank issues according to whether they liked each idea and whether its inclusion would help or hurt their own election prospects. Working groups then sifted out the issues of least concern, put

those of most concern into legislative language, and carried out further consultation with business and trade associations, mostly Republican in sympathy – as DeLay says, "Anybody who was interested. Ralph Nader was not there."

The message of the Republicans throughout the campaign was essentially "Power to the People", a phrase John Lennon never intended to be used by conservatives. Gingrich told one rally, "Our liberal friends place their trust in the government to reshape the people. We're prepared to place our trust in the people to reshape the government". This neatly encapsulates the mood of an electorate fed up with being tutored by a political establishment bent on making them over rather than representing them.

In this election, the Republicans were closely in tune with prominent conservative media personalities like Russ Limbaugh, a no-holds-barred, technically brilliant and aggressively comic articulator of anti- Washington, anti-elite, pro-mainstream sentiment who appears nightly on national television, and Pat Buchanan, a Congressman and television and radio personality who takes the conservative side on the nightly verbal sparring match, "Crossfire". More significantly, the Republicans tapped into the nation's religious heartland, gaining the overt support of the powerful Christian groupings which make up the Christian Coalition. The Coalition, while mainly evangelical, embraces a wide spectrum of the devout from Pat Robertson, founder of the Christian Broadcasting Network, to prominent traditionalist Catholics. According to Ralph Reed, Christian Coalition's executive director, "One of every three voters was someone who attends church regularly, who is socially conservative". The Democrats, according to Reed, "badly miscalculated how to handle" this important segment of the electorate, and tried to "marginalize and stereotype these voters and their leaders".

On November 11, three days after the election, Newt Gingrich addressed the Washington Research Group Symposium and reiterated a central theme of the campaign: "It is impossible to maintain civilization with 12-year-olds having babies, with 15-year-olds killing each other, with 17-year-olds dying of AIDS, and with 18-year-olds ending up with diplomas they can't even read." He made the point that "those who argued for counter-culture values, bigger government, redistributionist economics and bureaucracies deciding how you should spend your money were on the losing end in virtually every part of the country." He defined his preferred leadership model in four words:

"They're not a hierarchy, all the words are equally important, but there's a sequence that matters. It's a very direct sequence: Listen, learn, help, and lead. You listen to the American people, you learn from the American people, you help the American people; and in a rational society, if people know you'll listen to them, learn from them and help them, they want you to lead them." This is no mere old-fashioned political hyperbole, but a radically new philosophy on how policy should be sourced and developed.

Recent Canadian experience confirms the trend to direct democracy as a North American rather than merely a United States phenomenon. Through the seventies and eighties, Ottawa dutifully followed Washington in legislating elite agendas and taking care of special interest lobbies, tutoring its hard-taxed citizens in the expensive civics of the welfare-state and the multicultural society. The politicians and the bureaucrats knew what was best, and the electors took their medicine without much grumbling. Up to the present day, Canadians have had a grand total of three national referenda referred to them in the course of their entire history.

But in the early nineties the national mood began to change, rapidly. By the end of 1993 the political landscape had been fundamentally altered. The national elections of late October that year were a watershed. The ruling Progressive Conservative Party, which together with the Liberal Party represented the political establishment, the Ottawa-knows-best mentality, was reduced from 155 seats to just two seats in the House of Commons. The reasons included their hated consumption tax and a growing middle-class tax revolt, anti- NAFTA feeling, the perception that the Progressive Conservatives were moribund, and above all, the fact that there was a new conservative alternative, the Reform Party, which presented itself as decisively anti-

Ottawa establishment. The Liberals (centre-left) won with 178 seats (formerly 79), benefiting from the division of the small conservative vote, much of which went over to the new Reform Party. The official Opposition is now the Bloc Quebecois with 54 seats (formerly 8). The Bloc's interests, however, are focused on Quebec and the securing of some form of sovereignty for that province. The "real" opposition party, in the sense of a party with a national basis and focus, is the Reform Party with 52 seats (formerly 1).

Reform is a mass-base party (110,000 active members, 1993, and rapidly rising) of social conservatives led by an evangelical Christian, Preston Manning, who carefully avoids importing religion into his speeches. It "draws people who feel they've been marginalised by a chattering class of intellectuals and bureaucrats", as one observer put it, and it has a policy of avoiding any linkage to special interest groups.

The party was formed in Winnipeg in October, 1986, at a convention of dissatisfied members of the Progressive Conservative Party and others, each of the 301 delegates paying a C\$200 registration fee to give the new party a modest financial base. Its greatest strength is in the resource-rich West and mid-West, where it draws on a tradition of regionalist protest against Ottawa which, under Canada's system of fiscal transfer (or "equalisation") of revenues, takes from these provinces far more than it returns to them. Manning's father, Ernest Manning, was Alberta's second Social Credit premier, from 1943 to 1968, but the Reform Party's ideological roots go back to the old Progressive Party, which enjoyed Federal Opposition status in the 1920s on a platform advocating a more direct democracy, free trade, and the nationalization of railways.

Unlike that party, Reform advocates reducing state participation in the economy to the very minimum, and unlike Social Credit, Reform does not challenge the present financial system. As a social-conservative party, Reform supports humanitarian concerns but wants to see most activities in this area re-financed. Part of its appeal is to anti-Quebecois sentiment – "let Quebec either secede", Reform says in effect, "or, preferably, stay in Canada but without any of the special privileges it seeks." Outside Quebec this message is extremely popular. It might be noted that Reform did not bother to run candidates in Quebec.

Having a clear critical dynamic, focused on the corrupt Ottawa establishment, was of the first importance to Reform's recent success. In this, as in so many other ways, this party has a similar focus to the United States Republican Party in its present mood. And like the Republican Party, Reform developed its policies by close monitoring of the national mood and of majority feeling on all of the key policy issues. The Party conducts referenda amongst its own membership before embarking on major new initiatives, such as its expansion eastwards into Ontario in 1991. And before policies are accepted by the Party they are debated and voted on by Party members.

The resulting policies, which gave Reform its electoral appeal, include the following:

A draconian attitude to the deficit and the national debt. Manning advocates cutting the deficit to zero in three years, which would involve reducing government spending by C\$19 billion over that period as the result of measures outlined below. Once the deficit had been eliminated there would be tax cuts. One may compare the policy of the Republicans to introduce a constitutional amendment mandating balanced budgets. Frugal housekeeping has strong electoral appeal. Since the election Reform has constantly challenged the Government to cut its spending programmes ever more deeply, rather than, as in some other democracies, crying foul every time the Government proposes cutting some item of government-funded assistance. During the campaign the party promised that while it remained in Opposition, it would raise four questions every time a money bill was put to Parliament: "Is it necessary? How much is it going to cost? Where are you going to get the money? and, Why don't we spend less?"

Giving over to the private sector as many functions as possible (including Petro Canada and Canada Post, for example). Government would manage any remaining publicly-funded enterprises, but not operate them. It would cut at least 25 per cent off subsidies to Crown

corporations like the Canadian Broadcasting Service. The government should have no role in job-creation apart from clearing obstacles for the private sector.

Shifting the remaining state power wherever possible from Ottawa to the provinces. Until now, in Canada, as in Australia, Federal powers have always been on the increase, a tendency backed in our case by the High Court. Again one notes the affinity with the current Republican programme to take power from the centre and bring it closer to the electorate.

Changing the rules to allow Government backbenchers to vote with Opposition MPs to defeat spending bills without triggering an election. Manning sees this as an insurance policy for voters: "We think Canadians have reservations about giving anybody, especially a traditional party, a blank cheque", he says. Removing the no-confidence element from parliamentary voting would allow MPs to vote according to the feelings of those they represent, rather than always having to vote according to the party line. Parliamentary votes would more closely reflect the mood of the electorate on the matters under debate. According to Manning:

"The treatment of every motion in most of our legislatures and Parliaments as confidence motions . . . is a convention which could be changed simply by a policy statement by the Prime Minister, Premiers and most of the legislatures at the beginning of the session."

Giving voters the right to recall their MP if the MP fails to represent their views adequately. "So you don't trust politicians?", Manning asked during the campaign. "Here is our money-back guarantee: we'll put the power in your hands to fire your elected MP." Recall is the Party's single most popular policy plank, according to its direct-mail surveys, and certainly its most constitutionally radical, and one may expect it to be implemented should Reform win the next Canadian elections. As the Party says in its advertising literature, "Recall will obligate MPs to listen to their constituents between elections."

Cancelling government subsidies for special-interest groups. This policy goes straight to the heart of voter sentiment, which is in revolt against the power and influence of unrepresentative groups who have learned to regard Ottawa as their milch-cow.

Pulling the government out of unemployment insurance, and letting employers and employees fund it themselves. This policy reflects that same concern shown by the Republicans for making people more responsible for themselves.

In general, allowing each person to be the major provider of his or her own basic needs, including most social services and medicare. This means, in effect, that more social services should be user-pay, and that relatives and private charities should bear more of the welfare burden.

In view of massive unemployment, slashing immigration from 250,000 a year to somewhere between 100,000 and 150,000, the size of the intake being based on economic needs, and the policy to be racially neutral.

Putting certain tough issues, like capital punishment, perhaps, and possibly abortion, to referendum.

Not giving any government seal of approval to homosexuals, abortion-on-demand, and political correctness generally. "Reform", Manning told one rally, "refuses, and continues to refuse, to be intimidated by the extremists of political correctness".

In addition, Reform would abolish the policy of official bilingualism.

Several of these policies reflect a strong anti-Ottawa sentiment, and in this lies the real secret of Reform's appeal. In view of the popularity of the anti-Washington and anti-Ottawa planks in the Republican and Reform platforms, it seems extraordinary that in Australia the Liberal Party, until now, has not even contemplated presenting itself as anything but an integral part of the Canberra establishment.

That in the run-up to the elections Reform was continually attacked by individuals and groups clearly associated in the public mind with the Ottawa establishment probably helped boost the party's vote. At the same time Manning frustrated the desperate "extremist" charges of his foes by cutting the party's ties with those two or three members who came out with statements which

could be viewed as extreme. As a result of this, and the impression of reasonableness Manning projects, scare campaigns waged against Reform in the media by politically-correct newspaper editors, television commentators and special interest groups turned out to be counter-productive. Since their entry into the Canadian House of Commons, Reform have taken the opportunity to assail the Liberal Government on any issue where that Government's legislative programme seems to run in the face of public opinion. On election night, Preston Manning made a promise on national television that "Whenever the government proposes any major public policy initiative, we will act as the democratic conscience of Parliament, asking: Were the people truly consulted? What do the people think? Do the people approve or disapprove of this course of action?"

More generally, the Reform Party's MPs have made it their business in the current Parliamentary session to initiate a continuing debate on the whole theory of political representation. The terms of this debate were succinctly put by Preston Manning in a recent article in the Canadian Parliamentary Review, titled "Obstacles and Opportunities for Parliamentary Reform."

"Some people will say that they want their MP to represent their views on a particular issue in the Parliament, particularly when there is a consensus in the riding as to what that view should be. This is the so-called 'delegate view of representation.' The other thing people say is that they expect politicians to keep their promises and implement the program on which they sought public support in the first place.... This is the so-called 'mandate theory of representation'.... The third thing people say is that they expect you to use your judgement on the issues that come up in the Parliament, particularly on issues that were not anticipated during the election – the so-called 'trusteeship theory of representation.'....

"Now it seems to me that the challenge for modern democratic parties and institutions is to integrate these three into one coherent theory of representation and develop guidelines for voting in caucus and voting in Parliament in accordance with that model.

"Reformers in the 35th Parliament have been asking questions of the Prime Minister and others, as to what their view is of representation in Parliament. It is clear from the answers that are given that there is no coherent, comprehensive, single theory of representation, even among the members of the same party. But in the theories that are held, the party line and the judgement of the individual member are given much more weight, in most cases, than the views of the constituent....

"Nobody is talking about government by referendum, but we are talking about more frequent consultation of the public through this mechanism than we have done in the past.... If you propose recall mechanisms, you are accused of advocating virtual anarchy, as if Members are going to be recalled every month.... I say, 'No, you are talking about a mechanism that has threshold levels, and protective devices.' It would be used essentially in extreme cases and is mainly used as a threat.... If you mention freer votes, you are often accused of wanting to undermine the whole concept of Cabinet responsibility and responsible government [whereas] you are just talking about a little more freedom for Members to vote their constituents' wishes, particularly when that happens to conflict with the party line or with their personal position."

In its most recent thinking on the referendum issue, the Reform Party seems to be inclining to two distinct types, the binding and the advisory. Referenda would coincide with national elections and might also be held on some fixed mid-term date. There would be the minimum of restrictions on 'educational campaigns' to do with referendum issues, double-majority decisions would be required on most referendum questions, and the current preference seems to be for a 3 per cent minimum of electors' signatures to initiate a referendum. The Party is working hard to develop a mechanism for recall which is proof against abuse. Within the Parliament, the Party has developed the practice of forming "cluster groups" of MPs, each group assigned to probe a particular area of policy and formulate strategic guidelines upon it.

Interestingly, unlike so many Western political parties, Reform is not dominated by lawyers. In fact, of its 52 MPs, only one is a lawyer. They come from a wide, very representative range of

professions and occupations, including farmers, foresters, fishermen, physicians, businessmen, realtors, economists, professors and teachers, broadcasters, accountants, retired military officers, and so on.

One Canadian political scientist describes Reform as "the politics of post-modernism". Unlike most forms of post-modernism, which is always associated with the aesthetics of the left, and with cultural elites, the Canadian politics of post-modernism are conservative and radically democratic. They contrast with the modernist politics of the elite, of centralism, the welfare state and the multicultural society which still dominate Australia, but which in Canada "no longer seem viable to a large number of voters".