

Voters Turn Down "None of the Above"

Early in the campaign, Proposition 23, the "None of the Above Ballot Reform Act" had very favorable poll numbers. But by election day things were much different. "None of the Above" was convincingly rejected by the voters in the March 2000 California elections. "It's really a Catch-22," commented FOE Chairman Al Shugart. "You can't get enough voters to turn out to vote for legislation that helps more voters to turn out."

FOE Executive Director Chris Shugart reflected on the campaign, "'None of the Above' was a good idea. But convincing others that you have a good idea is always an uphill task. In spite of the opposition, Proposition 23 may have been the only completely honest initiative on the ballot. There

was no hidden agenda, no back room politics, and no moneyed interests at stake. Moreover, it was fantastically uncomplicated and could have been implemented virtually without cost."

FOEPAC Executive Director, Teri Erickson was surprised by the results. "Our polls showed that when voters understood the fact that "None of the Above" votes would be tallied and reported, the initiative had a majority of support." She speculated further that, "The Secretary of State's one sentence description of the "None of the Above" ballot option may have misled voters into believing their votes wouldn't count at all. Most of the press chose to further this misconception. In the end, our efforts to counter this slant were unsuccessful."

In spite of the election setback Teri insisted, "This ballot proposition is just a small part of what Friends of Ernest does. FOE will continue its work to increase interest in government systems and voter turnout." Chris echoed Teri's sentiments. "Our purpose remains unchanged. Friends of Ernest will continue its efforts to encourage voters to avail themselves of the political process."

Chairman Al Shugart believes that Prop. 23 may come back to haunt voters in the November elections. "In November, voters will say 'where is "None of the Above" when we need it?" He added, "Hopefully, our treasurer Calvin won't be permanently scarred by the defeat. A permanently scarred Basset Hound is not a pretty sight." ■

"None of the Above" Option Appears in the Form of Potted Plant



Ficus plant brings to voters a new choice.

The campaign is called Ficus 2000. That's ficus, as in the popular house and garden plant. Michael Moore, creator of the campaign, is encouraging America to enter and vote for their favorite ficus plant for political office. He says, "In a country where the majority no longer vote, writing in Ficus will give the disenfranchised voter a chance to cast a vote for "None of the Above."

Moore is better known as the independent film maker who made the satirical documentary "Roger and Me," and is also the creator and host of the cable TV show "The Awful Truth." According to Moore, "I'm doing this because the American people no longer show up to vote. The majority of the people feel they have no choice."

According to Ficus 2000, there are currently a dozen or so states where citizens are attempting to get their plants onto the ballot. Candidates have been reported seen in Texas, Georgia, and Pennsylvania where one ficus plant traveled the district on a "listening tour."

FOE Executive Director Chris Shugart is skeptical. "I sent them some very relevant advice concerning what sort of pitfalls they would likely run into. But I didn't get any response. I think it's an indication that in this country there's two kinds of politics. There's real-world politics that has specific goals and seeks tangible results. The other is entertainment politics where the outcome is irrelevant as long as it's amusing. Knowing Michael Moore, I suspect Ficus 2000 represents the latter." ■

Back To Basics

A Message From The Executive Director, Chris Shugart

During election times it's not unusual to find people declaring how they want more from their government: more services, more options, better performance, and so on. When these desires aren't met, it causes many to advocate alternatives to the present system—a system that many believe has broken down.

There's certainly no shortage of political alternatives out there. Anybody and everybody with a new and different idea (and often a web site) is claiming to have a solution. Some have suggested that Friends of Ernest is part of this alternative new wave.

Although we understand the desire for change from our current political condition, Friends of Ernest should not be considered, in a strict sense, an "alternative" political organization. We're not necessarily new and different; and we're not seeking untried or unusual solutions. Really, we're not asking for much. Just a workable responsible government that ordinary citizens can understand and deal with.

Unfortunately, our current government has become a complex

bureaucracy that is exorbitantly expensive to run and very difficult to control. They continue to pass more laws, implement more regulations, and create more programs costing more money. Yet the problems that government tries to solve through legislation continue and persist. It's no wonder that so many people don't bother to vote.

Politicians always seem to be the world's worst problem solvers. You'd never consider hiring one to fix your leaky plumbing. Rather than fix the leak, a politician would add more pipes and re-route the leak somewhere else. Then he'd charge you a lot of money for it. And what you would now have is an expensive, over-elaborate plumbing system that, well, leaks. Oh, and if you try to fix the leak now, the extra plumbing just made it that much more difficult and expensive to fix.

There are certainly those in this country that are convinced that our political system is out of order—that it's leaking, so to speak. Usually the first thing they do is blame the inept politicians. But we as citizens must realize our own complicity in this. Not



enough of us vote. And those of us who do, often tend to be lazy about it.

Too many voters are unwilling to take the necessary time to examine the issues, much less learn how our system of government is supposed to work. Add to that a complacent acceptance of everything we hear and read, and it should come to no surprise as to why we never get what we want from our government. We don't have a clear enough idea of what we want in the first place. And even if we did, we don't have the necessary information in order to get it. And so we continue to vote for the same old politicians and continue to get the same old government.

If we want a better government, it's going to be up to us to become better voters.

It's time to get back to basics. This is what Friends of Ernest is really about. FOE was founded on a vision of fairness, honesty, ethics, and common sense. These are hardly far-out concepts. You'd have to say they're pretty basic. Instead of trying to "reinvent" government, as many politicians say they're trying to do, FOE believes in simply getting back to a few fundamental principles.

We could start with the Constitution. That's about as basic as you can get. We have a very workable system of government as laid out in the U.S. Constitution. But when voters and politicians don't understand it, they can't get it implemented. How can our government be effectively run if the

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About Friends of Ernest:

In November 1996, Ernest, Al Shugart's 110 lb. Bernese Mountain Dog ran for U.S. Representative as a write-in candidate in California's 17th Congressional District. Al's plan was to provide a vehicle for voters to express their displeasure with the current state of the political system and at the same time, get it recorded.

Although the public responded with enthusiastic support, the political establishment remained unmoved. Ernest was disqualified merely for being a dog.

After the election, Al was determined to provide a voice for dissatisfied voters everywhere.

Friends of Ernest became an accredited citizens watchdog group dedicated to getting voters actively involved in their government.

We believe in the Constitution and believe it should be read, understood and applied.

We believe that more people should vote while at the same time have a good understanding of who and what they're voting for.

We believe government facts and figures should be clear, reliable, and easy to understand so that voters can make informed opinions and decisions.

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most basic policies of our country aren't thoroughly known and understood?.

Then there's economics. If you don't understand how money works, then you can't make informed decisions concerning fiscal policy. And we're not speaking of the complex economic theories one might find enshrined in some ivory tower university. We're talking about basic everyday economics—the kind that anybody that earns and spends money needs to know. If politicians are going to spend our money (and if nothing else, it's the one thing they'll always do), then we should have a working knowledge of not only how our country makes money, but how it spends and uses money.

Above all, FOE strongly believes in the concept of common sense. This covers a lot of ground, but it's essentially simple. Some things work and some things don't. Not because the "experts" say so, but because of simple observation. It leaks or it doesn't leak.

Genuinely good ideas have nothing to do with politics, and everything to do with results. This is why we believe that it's important that government facts and figures be accurate, and understandable. Clear and reliable statistics are the only gauge we have to determine how well our government is performing.

In order to solve the problems of government (or any problem for that matter), we need reliable and useful information from which to start. To this end, Friends of Ernest will continue to sift out the facts from the opinions.

For better or worse, our government is what we've made it—ultimately, a result of how we vote, or our negligence to do so. If our government is as bad as many think it is, it's only because we've made it that way, and we continue to tolerate it. The equation is simple: bad voters equals bad government.

If government is to change for the better, then it's the voter that must make the first move. ■

FOE Grapples With New "High Tech" Government Filing System

The Fair Political Practices Commission recently implemented an electronic filing system which was designed to increase access to campaign and lobbying disclosure information. The revised system is the result of state legislation that now requires political action committees to fill out electronic forms in addition to the currently required paper forms.

For FOE legal counsel Teri Erickson, the new system has proven to be less than efficient. While the previous method of required filing took approximately one hour, the added e-filing has added ten hours to the process. According to Teri, much of the difficulty involved dealing with computer problems involving a state approved filing service. Such vendors have been issued licenses by the state

for the specific purpose of providing this new electronic filing service to political proponents. (The law prohibits political organizations from submitting e-filing themselves.) Consequently, FOE's first filing cost an additional \$600.00.

The second FOE filing required thirteen additional hours of professional time just to deal with the state-approved service. The additional cost came to \$1,158.45. In a letter to FPPC Commissioner Karen Getman, Teri pointed out, "The FPPC is requiring FOEPAC to spend \$1,758.45 for something it can do itself in an incredibly short time. You discourage participation in the political process when you require compliance with silly regulations that only the big organizations can easily comply with."

Ernest Inspires Punk Rock Group

They're still in high school, not old enough to vote, but they support voting for Ernest. Sometimes things happen in odd ways that can't be predicted. It goes like this: Vicki Wiget, who works for Al Shugart, has a son who has a girlfriend, who has a brother who started a rock band. The girlfriend, who met Shugart, received a "Vote for Ernest" button and showed it to her brother.

If you're still following this, the brother who saw his sister's button was told that Ernest was a dog who ran for Congress. Upon learning this, the brother thought he had a name for the brand new rock band he helped form just a couple of weeks before. And that's how three teenage musicians became Vote For Ernest.

The brother, to be exact, is Jordan Poytress and he goes to Fowler High School in Fresno. He's both the leader and main songwriter of a band he describes as "Christian Punk." As the story goes, three guys just sort of got together and started playing. The band was formed. According to Jordan, Vote for Ernest "sounded like a cool name for a band." As cool a name as any, if you consider some of the West Coast punk bands Vote For Ernest has performed with, such as Noggin Toboggan, Watashi Wa, and Freeto Boat.

Currently, the band is going through some changes. They're not even called Vote For Ernest any more. Jordan cites problems with the drummer which has led to reorganization, not only with personnel, but with their sound as well. Jordan says they're going for a softer sound now. Such are the unpredictable ups and downs of the life of a musician, subject to the ever-changing styles and trends that are every bit as fickle as political opinion polls. But sometimes that's just how things happen. ■

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From the Rooftop



Protest Vote?

by Chris Shugart

One thing you can say about Americans: They love a good protest. Dissent is such an essential element of the American psyche that the founders put it first on the list of the Bill Of Rights. Take a dozen people and put signs in their hands and parade them in front of some government building and you have an instant news story. It doesn't even matter what the issue is.

I was thinking a lot about this in light of the protest demonstrations that accompanied the Republican and Democratic conventions. My sense is, in spite of the publicity they generated, the protests accomplished very little on a political level. And I'd say the same thing about the World Trade Organization protest in Seattle in December 1999, as well as the protest in April 2000 against the International Monetary Fund and World Bank.

These demonstrations were large, bringing together thousands, and in some cases, tens of thousands of people. Yet in the end I doubt much was accomplished. Now, I'm not here to throw cold water on the civilly disobedient or anyone who chooses to exercise their right to assemble and petition the government for a redress of grievances. But I would point out that these demonstrations, in the eyes of the political establishment, didn't represent any sort of voter constituency. For the most part, they were probably ignored.

Of course public protest is often more than just an attempt to influence public policy. Political activists constantly speak of "raising awareness" of a given issue. But raising awareness doesn't necessarily change voter behavior in a measurable way. Public protest is also a way to gain publicity for an issue. But again, if that doesn't

translate into votes, politicians have no reason to pay attention, in spite of what they might say about "being sensitive to the issue."

One group that's been recently effective in the arena of political activism is the Christian Coalition. The reason is simple: They've been successful in presenting their organization as a voting constituency that supports certain candidates over others. Labor unions traditionally have always had similar success³/₄and essentially for the same reason. The political clout of the senior citizen's lobby, the AARP is well known. When the AARP speaks, the politicians listen.

On the other hand, it was never clear if the convention protesters were even registered voters. Their political agenda was even less clear. There were people supporting gay rights, workers rights, animal rights, abolishing the death penalty, campaign finance reform, environmental reform, nuclear weapons control, and on and on. It was a smorgasbord of individuated special

interests and political agendas so lacking in a consensus that there was no way of knowing for sure what they stood for, much less know what sort of candidate they might endorse. If anything, they were making a statement that there weren't any candidates that they could endorse to begin with. So, in spite of all the attention the protests generated, there was little indication of any generally agreed upon issue or candidate. There was no constituency that could be factored into election numbers.

The Republican and Democratic conventions have come and gone. The presidential elections will proceed. People will go to the polls. A lot of people won't. Political consultants will take polls and make predictions. And in the end, I'll wonder if any of the protesting had an effect on anything. It's true that protest demonstrations get media attention when they happen. But do the politicians really pay attention? I can't say for sure, but I guarantee you they pay attention to their votes. ■

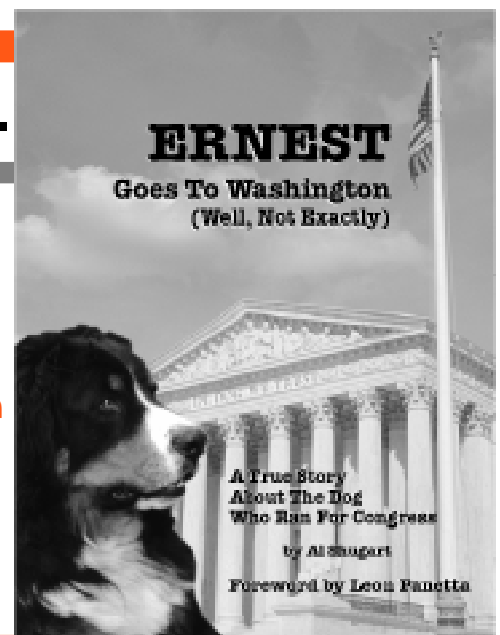
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Common Sense

by Al Shugart



Nothing astonishes men so much as common sense and plain dealing.

—Ralph Waldo Emerson

I want to report a crime by a public official. I took part in it, so I guess it's a conspiracy.

Some time ago I was returning from a trip to Guatemala. At customs, the agent and I figured out that the tariff on goods I was bringing into the country, above the citizen's allowance, came to \$7 and some change. It seemed about right to me, but the agent furrowed his brow.

"You know," he said, "It's going to cost the department a hell of a lot more than \$7 to process this. Let's just forget it."

I was stunned. "I can't believe it," I said. "A government employee who uses common sense!"

He laughed. It was more of a chuckle than the diabolic laughter of a master criminal.

Later I thought about what might happen if his superiors found out about his decision. Would they reprimand him. Fire him? Send him to jail?

He himself hadn't profited, and he'd actually saved the government some money, but he'd skirted the letter of the law. He was guilty of using common sense.

About 20 years ago, the meaning of words in a business contract were interpreted as "what a reasonable person would say." I felt comfortable with that kind of thing. I felt if I ever had to go to trial, there'd be reasonable

people on the jury and the judge would be reasonable. Now, in an era where lawyers quibble over the meaning of what "is is," I'm not so comfortable. Today we're awash in legalisms, and we're drowning. We've become so dependent on the particulars of process that we've lost sight of general goals.

Laws can't solve all our problems. But every time a problem arises, we seem to pass a new one. That's one of the messages in *The Death of Common Sense: How Law is Suffocating America*, a thought-provoking book by Philip K. Howard.

"We should stop looking to law to provide the final answer," Howard writes. "Law can't think, and so law must be entrusted to humans and they must take responsibility for their interpretation of it."

That's where common sense comes in. It's not a cut-and-dried proposition. It goes beyond factual knowledge, requiring reason, judgment and balance. And when we use it, we assert ourselves as humans by taking responsibility for our actions.

So, what kills common sense? Why do we abandon reason in our daily lives and in our legal system? Two likely assassins come to mind: 1) inflexible rules or laws; 2) agendas.

In the category of inflexible laws, consider mandated sentences, including California's three-strikes law, the toughest in the nation. Under it, only one of the three felony convictions needed for the three-strike sentencing to kick in has to be a violent crime. Do we really want to give 25-year sentences for stealing a bike or a slice of pizza? Those things have happened, because the judges had no discretion in the cases.

We call them "judges," because they're meant to use judgment—common sense. It's not a perfect system,

but if judges prove injudicious, we have ways of getting rid of them, from voting them out to impeaching them.

In the category of agendas, I put the trial process itself, both in criminal and civil law. With conflicting agendas, the opposing sides seek neither truth nor justice; each seeks only to convince a jury that their client is right.

Is there a better solution? I think so. Mediation is one step. It attempts to establish communication between opposing parties. (And I believe lack of communication causes most of the problems in the world.) Unfortunately, mediation is often not binding. If it fails, then you're off to court, where a jury will decide the issue. And, as the poet Robert Frost wrote, "A jury consists of twelve persons chosen to decide who has the better lawyer."

Another sort of agenda corrupts our political campaigns: the platforms of our political parties. Can every person in a party have the same views on every issue? Obviously not. But candidates who want the party's backing had better espouse the party line, and common sense be damned.

Dictatorship by agenda can affect any organization, which is why I'm an independent, politically and otherwise. As an independent, whether it's in religion, politics, social issues, or anything else, you have to use common sense. You have to abandon zealotry for reason and balance. You have to take responsibility and think for yourself.

The other day in Santa Cruz I noticed a bumper sticker on a VW bus I was following. You've probably seen one like it. It said, "Skateboarding is not a crime." For some reason it reminded me of my co-conspirator at customs, and I thought of a new bumper sticker I'd like to see: "Common sense is not a crime." ■





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