



FRIENDS OF THE MIDDLE **NEWSLETTER #18 — NOV. 16, 2011**

Welcome to always lively political discussion and whatever else comes up.
<http://www.FriendsOfTheMiddle.org> FriendsOfTheMiddle@hotmail.com

[INDEX: Click here.](#)

Three Paths Toward Remaking Our Republic: How What's Broken Can Be Fixed

(posted by Steven W. Baker / SteveB, Nov. 16, 2011)

"The Constitution is not an instrument for the government to restrain the people, it is an instrument for the people to restrain the government — lest it come to dominate our lives and interests." — Patrick Henry

"The Constitution of the United States is not a mere lawyers' document: it is a vehicle of life, and its spirit is always the spirit of the age" — Woodrow Wilson

"The Constitution does not grant rights, it recognizes them" — Jason Laumarki

Congress is broken, at least for now. And even when it isn't broken, whom does it serve? Not the nation as a whole, or we would surely prosper (even with business "cycles").

Granted, after the 2012 elections, things might be different than at the present time, will probably be different, but it looks extremely unlikely to me that the nation's majority (How large? We need to determine.) can coerce Congress into fixing its own messes.

Please allow me to present what I see as a possible way forward, three in fact, without worrying too much for now what monumental effort any one step might require.

Tell me it's dangerous to make changes. I say the changes have already been made and must be undone. I don't consider "doing nothing" or "more of the same" to be paths toward anything but continued destruction of the middle class and our very way of life.

And please don't tell me it's impossible to fix this mess! Look at our history. Look how far we went. I believe we can do it again. I want to do my small part.

The First Alternative Path Forward — "Take Out the Trash Next November!" or "Recycle Congress in 2012!"

As many of you know, I have long advocated for campaign finance reform. I believe the corruption has to be stopped before much useful can ever get done. The interests of the people are not being served by government, which has gotten used to taking a very short-term view (the next election) of the world, our nation, and its

problems. Our leaders seem to have lost any longer-term goals, such as helping to sustain our manufacturing base in a dog-eat-dog world.

Government somehow forgot, or was paid to forget, that when jobs are lost (especially manufacturing jobs), it is the workers who are most affected. But we all lose. The government loses because taxes don't get paid and families might need to be taken care of or retrained. Communities lose. The rich lose, because now there are people camping in the streets, and the government needs even more money from them because the whole economy ain't right and there's this huge national debt, excuse me.

What government owed to business and to the people was a gigantic effort to find a way to keep jobs and manufacturing in America. If that meant not pleasing our Chinese overlords with sweet trade deals, so be it. But government put forth almost no effort at all. So it all trickled away...just like the railroads did...and Rome's Empire.

But you see how much thought and time Congress is giving to reforming itself and the Campaign Finance laws. Zero. So the people must get the attention of our politicians, especially the ones in Washington, DC.

Up until now, the alternative I will describe here has been "Plan A" of my "hidden agenda" to save America.

Oh...in less dramatic terms, you ask? ...OK...I will describe my plan to try to make things better by bringing more democracy back to America. Still sounds a little grand, but there it is, all laid out there.

And "Take out the trash!", in case you haven't gotten the emails circulating, means to get rid of the bad U.S. Congressmen (at least) in the next election.

Beginning with the 2008 elections, I have advocated my extended version of this concept — throw out all sitting U.S. Congressmen in the next election! All of them must go. Every single one. All of them must be un-elected, if you will. Starting immediately. Good and bad. Both parties. The good ones can run again next time.

I'm not completely sure, but I don't think this action would have to be done at the local level. At least that would not be the initial focus.

The purpose is to send a clear message to Congress. To wake them up. To let them know who their boss really is. I'm pretty sure this would do it. Their actions would tell us if we have their attention, or if they still have their heads stuck in the money pile.

There is now way to execute this plan half-way. That won't send the desired message. Congress has drifted far, far from the people. it is going to take quite a powerful jerk on the tether to shift their direction.

The First Alternative, in a little more detail, might look something like I described last year:

1. The political attacks and lies need to stop. The rhetoric needs to be toned down. We have serious problems to solve, without really the means necessary for the solutions. Instead of taxes, education, immigration, foreign policy, regulation, free-trade, our too many of our politicians are shouting about masturbation and socialism [at the time this was written —SteveB]. When I was young, politicians would argue, but with respect, with the knowledge that, in reality, they were on the same side. That attitude seems to have died and must be resurrected. We have to stop being ugly, brutal, stupid people. At least a little bit. We've done it before, why not again?
2. Every incumbent must be turned out of office, every election (good or bad)! Despite what I said about the learning curve, above. The good ones can run again after sitting out a term. They'll be the better for it.
3. No. 2 has to be done as religiously as possible across the country until we somehow shake things up enough (but not too much, democracy is, after all, fragile) to make our elected representatives comprehend who their bosses truly are. We, the people. Not big business, not the special interests.

Maybe it would only take one election to win back control of the country for the people. Maybe it would take more than one election. But, finally, we would surely reach a point where the system has somehow shed enough corruption to actually be able to function like a democracy. We will know we have reached this bright future when the following measures are taken by the new government:

1. Completely revamping campaign finance law. End the corrupt power of big business, the military, and special interests. This problem is easily fixed if the will is there. [But the Citizens United case might make things difficult for a Congress passing laws the Supreme Court might declare unconstitutional.]
2. Getting the lobbyists out of the Houses of Congress and the White House and into some special governmental "fact finding" bureaucracy. That ought to keep them out of trouble. They can only communicate openly to Congress, the President, etc. and the rest of us via the internet.
3. Completely ending all "swinging door" opportunities between regulators and what they regulate. Anything else, as is the case in all three of these points, is simply rank corruption of the worst kind.

OK, now that we have established, by law, a reasonably rational, non-corrupt government, at this time and not prior to this time, we can start to solve our huge national problems. Now we can actually put our democratic, open-fair-public-debate, solve-the-problem-on-the-merits system to work for us. Now we have the means to do it once again...the means we had at one or more times in history and let be take from us by men consumed by ambition and greed. But everything is a cycle.

We badly need a fairly elected, truly representative Congress and President in order to be able to figure out the solutions to our problems, with the mandate of the people. We need to let true democracy work, even though no one can predict the exact outcome of that process. We essentially haven't seen that process work in this country in a generation. Now it's getting hard to remember.

Oh, I know, this uncertainty is very unsettling to a businessman. He'd rather rig the system so he knows the results up front, like big campaign contributions can do. The corruption takes away that uncertainty and allows him to create more jobs—probably in China. Nothing like a politician in the ol' back pocket, eh, Jack?

The Second Alternative Path Forward — Occupy Wall Street

I think this movement has accomplished a lot. But I think it is, for now, about at the end of what it can do. The strategy of protest is an important tool in our arsenal, but, alone, unless millions go into the streets and stay there (not likely or desirable), I can't see this going any further, for now. But if people keep getting more and more angry, ugliness could prevail, now or next summer or the summer after. If I were a rich Republican, I might be thinking about how to prevent this chain of occurrences by a little appeasement now, before it's too late.

Not a threat, just my professional (as a former, one-time member of a mob) opinion.

I mean, I would love to see the Age of Aquarius and the Summer of Love burst out all over again, only with an Arab Spring kind of edge on it. But I see it as a course fraught with hazard and something that probably won't come about anyway. And how do you steer that ship? Maybe the rudder will be found...

The Third Alternative Path Forward — Amend the U.S. Constitution

I believe I am a true conservative for simply practical reasons—if something works, especially something important, like a banking system or an economy or a Constitution, LEAVE IT ALONE! It's that simple, but beautiful, hillbilly logic. "If it ain't broke..." I really hate to open the Pandora's box of Constitutional Amendments, but if we have to, we have to.

Conservative. When leading a platoon, a tribe, or a country, I'd seek to minimize risk. Period. (And carry 100% backup of essential systems, but that's another topic in itself.)

I have been thinking about Constitutional Amendments since all those emails were making the rounds during the 2008 and 2010 elections, mainly touting term limits and eliminating special Congressional privileges. Most people I know thought these sounded like good ideas. I have my doubts, but the subject was raised and validated, as far as I was concerned. It's certainly "on the table" as a potential strategy for citizens to change the government, for citizens to fix a corrupt government. This was my thinking, resting on top of my fear and trepidation at the thought of even touching the "American Bible".

Then, in January, the Supreme Court, 5-4, voted to release the flood gates to political corruption in the case of Citizens United. The Supreme Court left few options for truly fixing the campaign finance corruption and the endless cycle of elections and nearly continuous campaigning. Few options short of amending the Constitution. No "Congressional Reform Act" will work. Our venerable Constitution has been circumvented...

(I wonder if the current Supreme Court thinks corporations are "people" to the degree that they should be allowed to possess firearms? Should they be eligible for welfare if they don't do very well? Food stamps? Can the corporate entity commit murder, or would it always be some person within the corporation? You get my point. CORPORATIONS ARE NOT EXACTLY PEOPLE! But not even individual people should be allowed to corrupt the system with their money.) Now, next year, Obamacare will face its own Constitutional challenge.

Regardless of what you might think about this Amendment process, let's take a look at how Constitutional Amendments offer one viable path for citizens to take back their government. This is how Amendments are proposed and ratified as specified in Article V (<http://usgovinfo.about.com/od/usconstitution/a/constamend.htm>):

A. To Propose Amendments

1. Two-thirds of both houses of Congress vote to propose an amendment, or
2. Two-thirds of the state legislatures ask Congress to call a national convention to propose amendments. (This method has never been used.)
3. *(see proposed 28th Amendment below) A majority of voters in two-thirds of the states vote to propose an amendment or to ask Congress to call a nation convention to propose amendments. These state-wide referendums must be completed within seven years.*

B. To Ratify Amendments

1. Three-fourths of the state legislatures approve it, or
2. Ratifying conventions in three-fourths of the states approve it. This method has been used only once — to ratify the 21st Amendment — repealing Prohibition.
3. *(see proposed 28th Amendment below) A majority of voters in three-fourths of the states approve it in a national referendum to be held along side the next national, election after an Amendment has been proposed. Only one proposal at a time may appear on the ballots.*

The Supreme Court has stated that ratification must be within "some reasonable time after the proposal."

Beginning with the 18th amendment, it has been customary for Congress to set a definite period for ratification. In the case of the 18th, 20th, 21st, and 22nd amendments, the period set was 7 years, but there has been no determination as to just how long a "reasonable time" might extend.

Of the thousands of proposals that have been made to amend the Constitution, only 33 obtained the necessary two-thirds vote in Congress. Of those 33, only 27 amendments (including the Bill of Rights) have been ratified."

The Third Alternative requires a specific strategy, just as the First Alternative does. There are many possibilities, but I will describe how the people might take the most power, how government could move toward more democracy in the future, instead of toward less, as has in my lifetime.

1. We might need to expand the "Un-Elect" strategy (described under the First Option, above) to include state legislatures, if that is necessary for the people to take control. This should be easier than taking control of the U.S. Congress. We need enough power in state legislatures for the following (#2) to take place.
2. 2/3 of state legislatures must be convinced to request Congress to call a Constitutional Convention. I like this option because I'm pretty sure we need multiple amendments, more than one anyway. There is no sense in taking a one-at-a-time approach, though if necessary, #28 (as proposed below) is the Amendment that essentially gives the people the keys to their future. A Convention would provide a good forum for democratic action and compromise. At least, it worked at the original Constitutional Convention, where the Founding fathers created their masterpiece, second only to the Declaration of Independence. I don't know what, if any, amendments might come out of the Convention, but I have listed as many as I can find or think of. #28, #29, and #30 (as proposed below) are, I feel, the most important, in that order. If the Convention could pass only one, it should be #28 or #29.
3. Amendment #28 would have to be ratified by 3/4 of state legislatures or state ratifying conventions.
4. The beauty of Amendment #28 is that, after it is ratified, further Amendments can be proposed and ratified by popular vote, though the bar remains quite high. This way, Congress can be effectively bypassed. The people own their Constitution.

Why this strategy? Congress is too partisan and corrupted by money and power to propose the needed Amendments. The proposal and ratification processes need to be made more democratic. The states are p*ssed-off about a lot of things and might be happy to assist with both parts of the process, especially if given some input. Hey, that's how honest politics works!

I compiled my list of possible Amendments, from emails making the rounds, from discussions with some of you, and from some of my own ideas. I don't know what the Convention and the people would ultimately conclude. Maybe they would decide to leave the old document alone.

But, as you can see...there are possibilities...and it's interesting to think about. Except for the first three Amendments, I haven't given a lot of thought to the exact order they should be in. I have also left many details to be sketched by the Constitutional Convention (with lots of input from the people) and maybe you.

Which Amendments do you think are keepers? Can you think of more to add?

I SEE THE SOLUTION TO OUR PROBLEMS IN LESS CORRUPTION, IN MORE AND BETTER DEMOCRACY, MORE IN LINE WITH THE ORIGINAL CONSTITUTION. AND, SINCE WE HAVE LEARNED WE CAN'T TRUST OUR POLITICIANS, LET'S GUARANTEE IT WITH: "THE SECOND BILL OF RIGHTS".

Because of the possible risks involved in modifying the Constitution and, essentially, changing our government, the emphasis needs to be on rights, not powers, except to limit them. Or to extend the power of the people (such as the First and Second Amendments presently do).

Many of these rights are implied in the Constitution and are now embedded in case law. They are the law of the land. But only so long as the Supreme Court deems them to be legal rights guaranteed by the Constitution. And there's, unfortunately, no guarantee of that. We are talking here about matters of the highest stakes. The control of our nation and its future.

It can be done! As someone says in an email making the rounds: "The 26th amendment (granting the right to vote for 18 year-olds) took only 3 months & 8 days to be ratified! Why? Simple! The people demanded it. That was in 1971...before computers, before e-mail, before cell phones, etc. Of the 27 amendments to the Constitution, seven (7) took 1 year or less to become the law of the land...all because of public pressure."

SO LET'S GET OUT THERE & GET STARTED AMENDING NOW!

PROPOSED AMENDMENTS TO THE U.S. CONSTITUTION: "THE SECOND BILL OF RIGHTS"

#28.* Amending the Constitution by Popular Vote (the "Power to the People" Amendment):

The people have the right to this.

No matter which Amendment you feel is most important, this is the one that must be passed first, if the people are to take back control of the government.

The popular vote (see above) can be used to propose and approve Constitutional Amendments. This Amendment would apply to any additional Amendment proposed any time after this amendment was proposed, not approved. This proposed Amendment must be the first to be ratified (under the existing Constitution). Then other Amendments proposed by the Constitutional Convention, if there are any, can be ratified by popular vote. These or further Amendments can also be proposed by popular vote after the 28th is ratified.

#29.* Election Reform:

The people have a right to this. Complete election accountability. The right to fair and honest elections.

Signed, Thumb-Printed Paper Ballots for All U.S. Elections. No Electoral College. Easy Voter Registration w/National ID for all citizens, rigorous penalties for election fraud.

I don't trust anything else. And these ballots must be kept for 100 years.

As SteveG says, "All federal elections follow the same process and use the same equipment as well as having a paper trail."

The President will be selected by national popular vote. The idea of an Electoral College will cease to exist. If one candidate doesn't win a majority, there will be a run-off.

#30.* Campaign Constraints and Campaign Finance Reform:

The people have the right to fair and honest elections.

Contributions, the length, and amount of money than can be spent on campaigns must be severely limited.

Perhaps any and all campaign contributions, given in any way, greater than \$100 (adjusted for inflation) should be illegal. Maybe campaigns should only be three months long, with no television ads.

Part of this Amendment would go hand in hand with proposed Amendment #37 on Personhood (below) and these remarks by Eli Dimitru (<http://blogs.alternet.org/beyondwords/2010/01/28/constitutional-amendment-picks-up-speed-sort-of/comment-page-1/>):

"I wrote earlier about the most effective way to deal with the recent Supreme Court ruling allowing corporations to spend unlimited amounts of money on political campaigns is a Constitutional Amendment clarifying that money is

not speech, and is therefore subject to regulation. I see now that both MoveOn and Public Citizen are taking up the cause of passing a constitutional amendment to "reverse" that Supreme Court decision. Unfortunately, they are backing an amendment that ensures that corporations stay in power. Their amendment states that First Amendment rights belong to natural persons and the press and do not apply to for-profit corporations. However, the press is mostly owned by for-profit corporations, so right there that amendment contradicts itself. The problem isn't freedom of speech. Everyone should have freedom of speech, including corporations. The problem is equating money with speech. Money is not speech. A dollar bill is not pro-abortion or anti-abortion. It carries no message, no idea, no information. It is not speech at all. Money is power. Money is a method of transferring energy. We need a Constitutional Amendment clarifying that money is not speech, and is therefore subject to regulation."

We and many countries have had good government without term limits; no good government can exist anywhere when it can be bought and sold!

The difference in the helpfulness of the two (term limits vs. campaign finance reform) is night and day. Why waste time with an amendment that doesn't solve the problem? Our problem is corruption. Nothing else.

When are people going to get it? Why else would the Democrats and Republicans be so similar in policies actually implemented? They both are owned by the rich!

#31.* No Lobbying or Severe Limits on Lobbying & Regulatory "Revolving Doors":

The people have the right to honest, fair, not corrupted, not bought or sold, simple elected representation. That's what our original Constitution guarantees. Lobbying and the swinging doors between government regulatory agencies and company work must be made illegal.

From an email making the rounds: "All contracts with past and present congressmen are void effective 1/1/11. The American people did not make these contracts with congressmen, congressmen made all these contracts for themselves." I believe this amendment is what they had in mind with their fuzzy wording.

#32.* Judicial Selection and Terms:

The right to a fair and impartial judiciary.

I think we need more guarantees here, and make sure the judiciary is not politicized, but I'm not sure of the details yet.

#33.* Mandatory Balanced Budget:

The people have the right to be free from debt, except where absolutely necessary. No more budget tricks.

Phased-in over several years, taking into consideration the economic conditions at the time each phase is to be implemented. There are better uses of the people's money than paying interest on the national debt. Except in the direst of emergencies, (probably only in the cases of declared war or severe, years-long recession or depression) federal budgets must be balanced. The printing press must be shut-down.

From an email making the rounds: Warren Buffett, in a recent interview with CNBC, offers one of the best quotes about the debt ceiling: "I could end the deficit in 5 minutes," he told CNBC. "You just pass a law that says that anytime there is a deficit of more than 3% of GDP, all sitting members of Congress are ineligible for re-election."

#34.* The Right to Privacy:

Include here: Women's Equal Rights (dangerous in the workplace?), Gay Marriage (dangerous in the bedroom?), Decriminalization of Drug Possession (dangerous in the workplace/streets?).

Spelled out this time: a private person's conversations with his/her doctor or lawyer are strictly confidential, as are his medical and legal records. Access to this information is treated in the same way as unreasonable search and seizure. Only spelled-out this time. Unreasonable searches, including wiretapping, etc., will be more explicitly stated than ever before.

#35.* Innocent Until Proven Guilty:

I don't trust the government. Let's try to guarantee this one. Can you believe this one is not in the original Constitution?

Perhaps include here or separately a provision to reinforce that a person can only be tried once for a crime. If a criminal court finds a defendant not guilty, that defendant cannot be then re-tried in a civil case. If a defendant is found guilty in a criminal court, then there could be damages warranting civil actions, which would be allowed to proceed.

Criminal guilt would always be by a reasonable doubt? I leave the lawyers to wrangle over this one.

#36.* Separation of Church and State:

We are a secular nation. Let's spell it out.

#37.* Personhood:

You are a person when you have finished your first trimester as a fetus. Until then, you are part of your mother's body. The Bible does not contradict this in any way, shape, or form. You never cease to be a person until you die. Corporations are not citizen-type person, but their special type of personhood must be defined here. Spell-out the rights of corporations and how they are different than people. (The wording must be designed to give lower status to corporate entities.)

And as Eli Dimitru continues from #30, above (<http://blogs.alternet.org/beyondwords/2010/01/28/constitutional-amendment-picks-up-speed-sort-of/comment-page-1/>): "At the same time, we need another Constitutional Amendment clarifying that corporations are not persons under the law. Corporations are chartered by our government, and are therefore creations of our government. Our government, our creations. We the People have every right to regulate our creations."

#38.* Torture and the Death Penalty:

No government, government entity, or representative or employee of the government shall have the right to impose torture or death upon any person, except the military in times of war.

#39.* Immigration & Citizenship:

Citizens have the right to a secure border and lawful immigration procedures.

There should be a rock-solid national identification card for all citizens and rock-solid green cards for legal immigrants for people to be able to access government services of all kinds, including education, welfare, healthcare, and voting.

Being born in America does not grant citizenship if your mother is illegally in the country or in the country as a tourist. Why not? No illegal immigrants or tourists have the right to any government benefits, nor do they have the right to give birth to American citizens.

#40.* Congressional Royalty (as in acting like little Kings) Prohibition Amendment / Healthcare:

The people have the same rights as Congressmen. Congressmen have no more rights than the people.

good wording needed here...

This is really what the emails making the rounds mean by: "No Tenure / No Pension: A congressman collects a salary while in office and receives no pay when they are out of office. Congress (past, present & future) participates in Social Security: All funds in the Congressional retirement fund moves to the Social Security system immediately. All future funds flow into the Social Security system, Congress participates with the American people. Congress can purchase their own retirement plan just as all Americans. Congress will no longer vote themselves a pay raise. Congressional pay will rise by the lower of CPI or 3%. Congress loses their current health care system and participates in the same health care system as the American people. (Or, at Ben's suggestion: 'The Congressional health care system shall be made available to all citizens.') Congress must equally abide by all laws they impose on the American people."

One email making the rounds puts it like this and calls it "The Congressional reform Act of 2011": "Congress shall make no law that applies to the citizens of the United States that does not apply equally to the Senators and/or Representatives; and, Congress shall make no law that applies to the Senators and/or Representatives that does not apply equally to the citizens of the United States."

From another email making the rounds: "The congressional health care system shall be Medicare, with the same benefits afforded current Medicare-eligible citizens. Medicare will be made available at cost to US citizens as an alternative to private for-profit carriers. Children (under 21) whose citizen parents do not have insurance are covered by Medicare until they reach majority."

From another email making the rounds: "No one has been able to explain to me why young men and women serve in the U.S. Military for 20 years, risking their lives protecting freedom, and only get 50% of their pay. While Politicians hold their political positions in the safe confines of the capital, protected by these same men and women, and receive full pay retirement after serving one term."

#41. Term Limits:

I'm against them.

I suppose it could be argued that this proposed Amendment concerns the right to fair and representational government, but I don't think it can be proven that term limits brings us any closer to that ideal.

To me, it's a red herring of the Tea Party to keep inexperienced, easily-controlled Congressmen on Capitol Hill.

Term Limits: 12 years only, one of the possible options below (from an email making the rounds):

- A. Two Six year Senate terms
- B. Six Two year House terms
- C. One Six year Senate term and three Two Year House terms

I think an amendment to totally stop all campaign contributions of more than \$100, and to severely limit lobbying and revolving regulatory doors are much more important than term limits, etc. I also think we need amendments forcing balancing the federal budget except for dire emergencies, guaranteeing the right to collective bargaining, separation of church and state, and the right to innocence until proven guilty are just as important as term limits.

From a person called "Engineer" (<http://news.yahoo.com/greek-deputies-set-back-key-austerity-bill-072341947.html>):

"The problem with one term [or term limits, to whatever extent] is they have absolutely no incentive to do anything but steal, they aren't coming back, they don't give a crap about getting anything done, don't have to worry about reelection...so they fill their pockets and scoot or don't do anything at all." And given the complexities of the law, no matter how much everyone might want it made simple, simplicity seems always to be beyond our grasp, therefore, you need smart, motivated, well-educated, experienced people to do the job. Without becoming corrupt, which does not happen in every country— Google it—but does happen in the US, because we allow it."

"Term limits might be good, but not enough. Also, there's a long learning curve to becoming a good legislator, a breed you don't see much any more." —SteveG

I say the 22nd Amendment should be repealed. I'm tired of having lame ducks in office. The power of the Presidency is the power he can show in an election. If there is no election, there is no power and our system fails.

#42. Popular Election of Presidents/Vice Presidents:

The President will be elected by national popular vote. The idea of an Electoral College will cease to exist. If one candidate doesn't win a majority, there will be a run-off.

Maybe include with general Election reform Amendment.

#43.* The Right of Workers to Collectively Bargain (The "Business" Amendment):

Unions need a guarantee of the right to exist, organize and negotiate. Any alternative is a form of slavery. If corporations are people, so are unions, and cannot be aborted. No CEO, chairman, or officer should be able to make more than 100 times what is paid to the lowest-paid employee of the company. No employer can hire illegal immigrants or they face stiff penalties.

#44.* Free Trade Only:

No more bad, unfair trade deals. "Free" trade must be a thing of the past. All foreign goods produced for a lower labor cost and lower environmental protection cost than American-produced goods must have a sales or value added tax imposed upon them at their Point of Sale equal to the difference in these costs. This will create a level playing field and allow American manufacturing to recover. If they want to do the same thing to our exported goods, so be it.

#45. (from Ben) Lawyer Prohibition Amendment:

"A law degree would exempt those seeking office from eligibility to server in the Congress of the United States. But that's probably wishing for too much. I grant that someone who has studied law might have lots to contribute in writing it, but the concentration of lawyers in Congress also institutes a powerful and non-representative lobby, inherently. No occupation or philosophy should dominate Congress intrinsically."

I think Ben is right. Having Congress dominated by one profession produces a distortion and a diminishing of representation of the people.

#46. Anti-Flag Desecration:

I'm against it, but have listed it in the interest of fairness and completeness. Surely it conflicts with the First Amendment. If burning a flag (an evil act, I agree totally) is illegal because patriotism in some people is such a strong force that they might reasonably react violently to such a display, then I say they had better tone that patriotism down a notch. That's what would be destructive in this case — the passion of patriotism. This passion created us and sustained us as a nation, but it can also cause harm.

#47.* Recall of Congressmen:

The right to fair and honest representation.

59% of respondents gave "yes" or "leaning yes" assessments in the poll.

Proposed Constitutional Amendment with Poll, by leftover:

July 2, 2011, (<http://www.dailykos.com/story/2011/07/02/990828/-Proposed-Constitutional-Amendment-with-Poll>)

"Like many on this site I am really tired of playing the rigged game of politics practiced in the U.S. Congress.

There are no easy fixes.

Amending the Constitution is certainly not easy, except when Congress is feeling the heat.

The (1971) Vietnam Era 26th Amendment that gives 18 year olds the right to vote is one such case. The nightly news carried pictures of the coffins of our fallen soldiers and pictures of college students taking to the streets chanting "Old enough to die, old enough to vote". From start to finish the 26th amendment was passed by Congress and ratified by the States in record time.

We have a real problem in Congress. Put as simply as possible our Congressional delegates are more beholding to their corporate and wealthy donors than they are to the voters who put them in office.

This is just wrong. (Something of an understatement I know.)

After rejecting several other avenues for putting things right, I have concluded that our best near term opportunity is to advocate to Amend the U.S. Constitution.

The title** says it all.

The States' right to recall their U.S. Representatives and Senators.

**Just in case the title doesn't make it clear, what I am proposing is an Amendment that gives you the voter the right to circulate or sign a petition that places an up down vote on the ballot asking "Should Senator FogBottom be recalled from office?".

I won't propose language or mechanics here.

If you are unfamiliar with recalls here is a link (PDF sorry) to how recall elections work in California.

California recall process: <http://www.sos.ca.gov/elections/recall.pdf>

I picked it because I am familiar with the process.

Other States may have better processes, we just need to pick the one that we think is best as a template.

Practically speaking the amendment would need to specify the recall and election process or invite every state in the union to mess it up."

#48.* Equal Rights of Women:

Or include with #34, The Right to Privacy.

#49.* Gay Marriage:

Or include with #34, The Right to Privacy.

A well-written Privacy Amendment could solve many problems. Here's one possibility even under the current Constitution, let alone under a good Privacy Amendment: a person does not have to tell the government what sex they are. Sex is something that can change. It should be whatever a person wants it to be. Whatever they want to say it is. So if a government office inquires of two getting married if one is a man and one is a woman, and one of the men lies. The government has no right to strip search him to verify. The government has no right to even ask the question.

#50.* Free Public Education:

The right to an education.

K-16.

#51. English as the Official U.S. Language

Or not.

* RIGHTS under "The Second Bill of Rights" (above)

| Amendment | Date Proposed | Status | Subject |
|--|----------------------|---|---|
| Congressional Apportionment Amendment | September 25, 1789 | Still pending before state lawmakers | Apportionment of U.S. Representatives |
| Titles of Nobility Amendment | May 1, 1810 | Still pending before state lawmakers | Prohibition of titles of nobility |
| Corwin Amendment | March 2, 1861 | Still pending before state lawmakers | Preservation of slavery |
| Child Labor Amendment | June 2, 1924 | Still pending before state lawmakers | Congressional power to regulate child labor |
| Equal Rights Amendment | March 22, 1972 | Expired 1979 or 1982 (some scholars disagree — see main article), though possibly still able to be ratified as deadline has previously been extended and deadline was not placed in the Amendment's text. | Prohibition of inequality of men and women |
| District of Columbia Voting Rights Amendment | August 22, 1978 | Expired 1985; cannot be revived as the deadline was in the amendment's text. | D.C. voting rights |

"Six amendments have been passed by Congress and proposed but then did not get ratified by the appropriate number of states' legislatures. Four of these amendments are still technically pending before state lawmakers, one has expired by its own terms, and one has expired by the terms of the resolution proposing it (though that expiration is disputed)." — Wikipedia (also see: http://en.wikipedia.org/wiki/List_of_proposed_amendments_to_the_United_States_Constitution)

Don't forget to "Take out the trash next November!"

FotM NEWSLETTER #18 (Nov. 16, 2011)—HYPERTEXT INDEX

| DATE-ID | TIME | FROM | SUBJECT/TITLE |
|-----------------------------|-------------|-------------|---|
| 20111116-00 | | SteveB | Three Paths Toward Remaking Our Republic: How What's Broken Can Be Fixed by Steven W. Baker / SteveB |
| 20111115-01 | 09:51 | Pam | Re: Letter from an Employer (reply to SteveG, FotM Newsletter #17) |
| 20111115-02 | 10:09 | SteveG | Re: Letter from an Employer (reply to Pam, above) |
| 20111115-04 | 10:29 | Pam | Re: Letter from an Employer (reply to SteveG, above) |
| 20111115-09 | 16:06 | Art | Re: Letter from an Employer (reply to SteveG, above) |
| 20111115-03 | 10:11 | SteveG | "Supreme Court to Decide Health Law's Fate in Spring" |
| 20111115-07 | 10:39 | Pam | Re: "Supreme Court to Decide Health Law's Fate in Spring" (reply to SteveG, above) |
| 20111115-08 | 12:44 | SteveG | Re: "Supreme Court to Decide Health Law's Fate in Spring" (reply to Pam, above) |
| 20111115-05 | 10:30 | Pam | Re: "The FDIC Fights Back Against BofA..." (reply to Dale, FotM Newsletter #17) |
| 20111115-06 | 10:32 | Art | Re: "The FDIC Fights Back Against BofA..." (reply to Dale, FotM Newsletter #17) |
| 20111115-10 | 16:54 | Art | "Republicans Aren't Closing the Deal with Voters" |

| | | | |
|-----------------------------|-------|-----|--|
| 20111115-01 | 09:51 | Pam | Re: Letter from an Employer (reply to SteveG, FotM Newsletter #17) |
|-----------------------------|-------|-----|--|

North Carolina. Wouldn't you know.

| | | | |
|-----------------------------|-------|--------|---|
| 20111115-02 | 10:09 | SteveG | Re: Letter from an Employer (reply to Pam, above) |
|-----------------------------|-------|--------|---|

I do not think this was real.

| | | | |
|-----------------------------|-------|-----|--|
| 20111115-04 | 10:29 | Pam | Re: Letter from an Employer (reply to SteveG, above) |
|-----------------------------|-------|-----|--|

As a former English teacher, I can spot a fake from a mile away. This has all the hallmarks of being written by a ghostwriter with an agenda.

| | | | |
|-----------------------------|-------|--------|---|
| 20111115-03 | 10:11 | SteveG | "Supreme Court to Decide Health Law's Fate in Spring" |
|-----------------------------|-------|--------|---|

"Supreme Court to Decide Health Law's Fate in Spring" by Matt Taylor, *The National Memo*

Nov. 15, 2011, (<http://www.nationalmemo.com/article/supreme-court-obama-healthcare-clarence-thomas-fate>)

On the same day that a national survey showed a majority of Americans and independent voters now back the idea of an individual mandate to purchase health insurance, the Supreme Court on Monday agreed to the Obama administration's request for expedited review of the Affordable Care Act, his signature health care law that faces a litany of challenges from Republican attorneys general and conservative groups, setting up a showdown that will likely determine the reform's fate between March and June of next year.

Fresh off a conservative U.S. appeals court led by a Ronald Reagan appointee deciding that the legislation's requirement for essentially all Americans to purchase health insurance is a legitimate exercise of congressional power, the nine-member high court has effectively decided to wade into the 2012 presidential campaign.

CNN released a poll showing a majority of Americans — and independent voters — now support the idea of requiring people to purchase health insurance, perhaps (ironically) because Republican presidential contender Mitt Romney has been plugging it at the state level in nationally-televised debates and interviews.

With Justice Clarence Thomas's wife actively participating in the Tea Party, and Justice Elena Kagan having served as Obama's solicitor general in 2009 and 2010, the potential for one or more justices to recuse themselves makes the case that much more interesting.

What's more, the timing could not have been worse for Justices Antonin Scalia and Thomas, who spoke just the other day at a conservative legal event funded in part by one of the firms hoping to wipe out the new law.

| | | | |
|-----------------------------|-------|-----|--|
| 20111115-07 | 10:39 | Pam | Re: "Supreme Court to Decide Health Law's Fate in Spring" (reply to SteveG, above) |
|-----------------------------|-------|-----|--|

Here I go again, but I just have to say it: if we had single-payer, universal coverage the health care issue would disappear. Every legal resident of the U.S. should be covered by a national policy, administered regionally. Illegal residents should have access to clinics—for the benefit of their neighbors if for no other reason. People all over the country are having to re-tool and start new careers. Insurance company employees can do the same thing. We desperately need to eliminate the bloat that clogs our present system, streamline and modernize, focus on wellness, and begin with our need for a comprehensive system. Then figure out how to pay for it.

It's too bad Truman couldn't make this happen. It's too bad Nixon couldn't. Johnson did what he could with Medicare and Medicaid, and everyone loves it (except you-know-who). How about that?! Ask citizens of virtually all other developed countries with national health care and see if they'd change their system for ours. If you find anyone who says "yes," I'll buy you a steak dinner. (Hypothetically.)

| | | | |
|-----------------------------|-------|--------|---|
| 20111115-08 | 12:44 | SteveG | Re: "Supreme Court to Decide Health Law's Fate in Spring" (reply to Pam, above) |
|-----------------------------|-------|--------|---|

Part of the problem with the health care system costs are the systems – if you look at the system used by Mayo Clinic and a few others the costs are really low. In Crawfordsville, IN a community of 15,000 there are two MRI's within 500 yards of each, two x-ray facilities within 500 yards, two outpatient surgery units within 500 feet, and two medical labs plus another medical lab across town. Oh yeah, 7 pharmacies. Not very efficient Hospital aligned with St. Francis and MD;s aligned with St. Vincent hospital group. Again, not very efficient.

| | | | |
|-----------------------------|-------|-----|---|
| 20111115-05 | 10:30 | Pam | Re: "The FDIC Fights Back Against BofA..." (reply to Dale, FotM Newsletter #17) |
|-----------------------------|-------|-----|---|

I pretty much agree with you here. I go back to one of my earlier posts where I said (quoted someone, forget who) people are more likely to disagree about how the world works than about basic values. I think that's what's

going on here. You come from a pro-business perspective; I come from a more pro-govt. perspective. I deplore the illegal, unethical behavior that is all too common in both, but, in general, I believe, at least, in the political system we have. I am more skeptical about corporate CEOs because they never get voted out. They just get big bonuses. There's bad on both sides; there's good on both sides. I have tremendous sympathy and admiration for small-business owners. I can't think of many things scarier than starting a business. I'm much too risk averse to ever contemplate it. So when I see my son or my former in-laws creating businesses out of nothing, I am totally impressed. It's the corporate giants who have let us all down. Tighten the enforcement of regulations and prosecute some of the SOB's whose greed clouded their judgment and their ethics—I wouldn't argue with that. The Obama administration wants to HELP small businesses. Obamacare would help, as would Obama's tax proposals. Small business is where our salvation lies, I believe. I think starting a business will become a trend, just as sustainability and eating local have. My daughter will soon lose her job as a case manager for the ARC because of govt. budget cuts. I am encouraging her to start her own business providing elder care for the disabled. Sometimes I think that goat farm I once planned to have might have been a good idea after all. I admire entrepreneurs. I want to see a business climate that encourages them. I believe the Republicans are being disingenuous when they say Obama stands in the way of that.

| | | | |
|-----------------------------|-------|-----|---|
| 20111115-06 | 10:32 | Art | Re: "The FDIC Fights Back Against BofA..." (reply to Dale, FotM Newsletter #17) |
|-----------------------------|-------|-----|---|

As usual, well said and well articulated. You make good points across the board. Still I do believe there will always be a conflict between the human urge to do good and the business urge to make more profits. I also strongly agree with you that we need to hold people responsible. I am not a lawyer but I do not believe corporations should be treated as people, if it allows the real decisions makers to hide behind that and never actually be held accountable.

Good discussion. Thanks.

| | | | |
|-----------------------------|-------|-----|--|
| 20111115-09 | 16:06 | Art | Re: Letter from an Employer (reply to SteveG, above) |
|-----------------------------|-------|-----|--|

Pardon me, but what drivel. There is a very good book out, maybe many of you have already read it, titled "That Used To Be US" by Thomas Friedman and Michael Mandelbaum that I am about halfway through. Although I had intended to finish it before making a recommendation, I'll go ahead now and recommend it highly to all. It is an excellent explanation of where we are today and why. Instead of sniveling and whining, Mr. Crowley might want to read that book instead.

By the way as a young Lieutenant and even Captain I made about initially \$270.00 per month and worked easily 80 hours a week including Saturdays and most Sundays, so I have a hard time generating a tear for Mr. Crowley's past efforts.

| | | | |
|-----------------------------|-------|-----|---|
| 20111115-10 | 16:54 | Art | "Republicans Aren't Closing the Deal with Voters" |
|-----------------------------|-------|-----|---|

Assume everyone by now has seen the latest Cain interview. Holy Smokes, he may be dumber than Perry. All the civilized world must be laughing at us. Embarrassing. Good piece below, THAT I DID NOT WRITE. I think speculating for the future in politics is a dangerous business, but, as we hear more and more from the Republicans, maybe it does not resonate so well.

"Republicans Aren't Closing the Deal with Voters" by Eugene Robinson, *The Washington Post*

Nov. 14, 2011, (http://www.washingtonpost.com/opinions/republicans-arent-closing-the-deal-with-voters/2011/11/14/gIQAr5wKMN_story.html)

Unemployment is at 9 percent, the housing market is moribund, "consumer confidence" is an oxymoron, and three-fourths of Americans believe the country is on the wrong track. So how is it that President Obama leads each of his likely Republican opponents in the polls? And why on earth is the gap widening rather than closing?

It's simple: Voters are paying attention to what the GOP field is saying — not just the applause-line attacks on Obama but what the candidates propose to do about the economy. The more they talk, the more discouraged the electorate seems to become.

This should be the Republicans' election to lose. They seem well on their way.

An NBC-*Wall Street Journal* poll last week showed Obama beating Mitt Romney — his most formidable opponent — 49 percent to 43 percent. That is not a huge advantage, but the trend is in Obama's favor. Last month, the same poll had the president leading Romney by just two points; in August, Obama was only one point ahead.

Surveys show Obama basically wiping the floor with anyone else. A couple of months ago, the GOP was able to take solace in the fact that, in a hypothetical matchup between Obama and a generic, unnamed Republican, polls showed the president narrowly losing. But the most recent surveys show that Obama has pulled even with "Not Obama" and perhaps nosed into the lead.

The Republican field has utterly failed to develop a convincing narrative about the economy. The candidates act as if widespread disappointment with the performance of Obama and the Democrats will be enough to win the election. But voters are being given every reason to suspect that GOP policies will make things worse.

Look at the crisis in the housing market. No economic blow has been felt more widely than the collapse of real estate values, with up to one-quarter of homeowners now "underwater" on their mortgages, meaning they owe more than the property is worth. Banks need to clear a huge backlog of foreclosures, meaning that downward pressure on prices will continue. Banks that once showered consumers with no-questions-asked loans have tightened lending rules to the point where upstanding citizens with only minor blemishes on their credit records are turned away.

The Obama administration's response has been weak and ineffective. So what do the Republican candidates say? Rather than blast the president for doing too little to help beleaguered homeowners, they blast him for even trying.

This was the consensus view at Wednesday's debate in Michigan. Romney said the Obama administration has tried to "hold off the foreclosure process, the normal market process," and he promised that, if elected, he would do "almost the exact opposite of what President Obama has done."

Asked if he would just let foreclosures proceed, no matter the impact, Romney answered with a question: "Exactly what would you do instead? Have the federal government to go out and buy all the homes in America? That's not going to happen in this country. Markets work."

Obama has been criticized for being cool and unemotional, but Romney makes him seem volcanic. You can imagine the former governor putting his arm around a homeowner who has just been evicted and saying, "Don't cry. Markets work."

The point isn't that Republicans are lousy at feeling your pain. We knew that. It's the policies that matter — and Republican candidates are offering nothing new.

Their prescription for the ailing economy is familiar: tax cuts and deregulation. Nobody likes to pay taxes, and nobody enjoys having to follow a bunch of rules, but people aren't stupid. They do recall that we tried these measures under George W. Bush and ended up with a crisis that almost plunged us into a second Great Depression.

According to polls, voters agree with the Democrats on major issues such as ending the Bush tax cuts for the wealthy and preserving Social Security and Medicare. They agree with the Republicans that the government should spend less but seem increasingly doubtful that any of the GOP candidates would trim the budget in an intelligent and compassionate way.

Michele Bachmann's call to make Obama "a one-term president!" doesn't automatically get the big response it used to. Simply being Not Obama isn't enough. The Republican candidates are trying to sell a bunch of old trickle-down economic policies without even dressing them up in new rhetoric, and it looks to me as if voters aren't buying.

—Friends of the Middle,
Steven W. Baker (SteveB), Editor/Moderator

You can subscribe to this free, no-obligation, daily Newsletter filled with lively, intelligent discussion centered on politics and government, but ranging to anything members feel is important, interesting, or entertaining. To subscribe, use the form on our website or blog, or simply reply to this email with "Yes" or "Start" in the Subject line, then add our email address (below) to your Contacts or Safe list. To opt-out, reply with "No" or "Stop" in the subject line.

Welcome to all our new members who may be here for the first time. We want to hear from YOU! To submit your comment, you can use the form on our website or blog, or reply to this email with your two cents worth. Be sure to sign with your desired user name.

Your email address will always be kept strictly confidential.

Feel free to forward this Newsletter to anyone you know on the Right or the Left, though your motives might be different in each case. Regardless, PASS IT ON! Help keep your friends and acquaintances informed and thinking.

<http://www.FriendsOfTheMiddle.org>
FriendsOfTheMiddle@hotmail.com

original material ©2012 Steven W. Baker, all rights reserved