



THE VIEW

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THE RETURN OF THE REPRESENTATIVE GOVERNMENT DEBATE

BY
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The retirement of a Supreme Court Justice and the Tea Party Tax Day protests have served to push the debate over the uniquely American form of representative democracy back into the center of the debating table. Justice John Paul Stevens, as many expected he would do, announced his impending retirement from the nine-member United States Supreme Court. Democrats dreaded this announcement because Justice Stevens is one of the four remaining progressive voices on the Court. As is usually the case when such a vacancy occurs a good part of the early debate centers on the demographics of the Supreme Court and the degree to which its membership should represent the make-up of the nation's citizenry as a whole.

Meanwhile in other parts of Washington and in venues all over the country on Thursday April 15 the Tea Party movement shifted into high gear. Their now familiar message includes such statements as "Take back our government!" "The government isn't listening to us!" and of course the title slogan "Taxed Enough Already!" – the new age battle cry replacing the Revolutionary War phrase, "No taxation without representation."

At the heart of both of these divergent debates is the issue of the nature of representative democracy. By fits and starts the founding fathers happened upon a fairly unique form of representative government. Over time, the notion evolved that people who shared certain characteristics should be represented at the policy making table. Thus, all citizens regardless of race, gender, religious or economic background would have a chance to be represented under one big policy umbrella. Being represented in such a formal way is often referred to as one means made available for conventional participation. The alternative is unconventional participation. The more opportunities to engage in conventional participation the less likelihood that citizens would feel the need to engage in unconventional participation. Unconventional participation comes in many forms, including peaceful demonstrations, boycotts, rallies, and even more unruly activities where lives or property are threatened. Short of violence or the advocacy of the violent overthrow of the government

most unconventional participation is zealously protected by the Constitution. By the latter years of the 20th century all citizens of all genders, ethnic backgrounds, and religions had gained the right to vote and also to have a chance to be represented by office holders or to hold office themselves. This approach to representative democracy has permeated all levels of government from Congress and federal agencies, to the States and their governing entities, to local government elected and appointed bodies such as city and county councils and park commissions and school boards.

Now back to the Supreme Court. Should the court appear to represent the face of the nation's diverse population? Remember the importance expressed by many that newly appointed Justice Sonja Sotomayor should be confirmed as an acknowledgement of the growing Hispanic population in this country. The "Catholic seat" came into being by virtue of the appointment of the first Catholic justice Roger Taney of Dred Scott Decision fame. The same was true of the "Jewish seat" with the confirmation of Justice Louis Brandeis. The appointment of Justice Thurgood Marshall effectively established the African-American seat, now ironically occupied by the staunchly conservative Justice Clarence Thomas. But in some startling respects the Supreme Court is lacking in diversity where religion is concerned. With the retirement of Justice Stevens there are no Protestants among the remaining justices! There remain six Catholics and two Jews on the Supreme Court. Furthermore, don't look for any education bios from "earthy" state universities. All of the justices are either Harvard or Yale alumni.

Why include the Tea Party crowd in this discussion of representative democracy? In a very timely poll conducted by the New York Times/CBS News polling organization and published in the April 15, 2010 issue of the New York Times we get a glimpse at the make up of the group that decries its taxation without appropriate representation. The poll discovered that 89% of the Tea Party members are white and 59% of them are male. In addition, 75% of Tea Party affiliates are over the age of 45 and 37% have a college degree as compared to 25% in the population as a whole. Furthermore, 63% get their news from Fox News and 52% say that in "recent years too much has been made of problems facing African-Americans."

In summary, this is perhaps a group that feels less of a need for government services than others do. The Tea Partiers believe that their hard-earned dollars are being taken in the form of taxes to provide services that they do not want, and thus they conclude that no one is sitting in Congress who represents their opinion. This is a classic case of frustration at not being represented in the policy making bodies of government, thus leading to unconventional participation in an effort to be heard. This same strategy was employed effectively during the Civil Rights era of the 1950's and 60's and the Viet Nam era anti-war demonstrations. Just as was the case in those days, should sufficient remedies to the complaints voiced by the Tea Party materialize at the ballot box, the signs and rallies will become the stuff of nostalgia.

Representative government and free speech American style continue to work.



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