

LECTURE #17 – AMERICAN POLITICS & ELECTIONS

Today we do our final lecture on what I call American politics and elections - the US political and election system of democracy. How do we get people elected in America and into our government? Every first Tuesday of every November is Election Day in America. It's not a complete holiday where everyone takes off work, but everyone is allowed to come to work late. Everyone is expected to take off at least one hour early if they have not voted that morning to get to their place of polling, their place of election, to vote because it's considered a very important right in America. Even though we haven't come to what many other democratic nations have done to where they either A) fine people and charge them if they don't vote or B) pay them to vote., America considers elections very important. So on the first Tuesday of every November I go in my home state of Florida to vote and I will go to vote for the following offices: First are federal offices. If there's a president running – and there's not one running this coming November 2007, it's next year that I will be voting for President. At the same time I will be voting for US Senate, the next highest office. After that the next highest office is the US Congress – I will vote for one representative – my representative in Washington DC. So I would have 3 federal matters to vote for and very rarely is there anything else federal to be voted upon. A President, a Senator and a Congressman at most, but there are many other offices to be elected. In addition to federal offices, we have numerous state offices. There will be a governor to be elected every 4 years, so every 4th election I will be voting for a Governor. In addition to Governor, there is a state legislature – the elected officials in the state are in a legislative body in the state capital. In my state of Florida I would have not only a Governor to vote for, I would have a Senator to elect to the legislature who passes state laws, and I would have a representative to elect to the state legislature. In addition to that, there are local governments. I have a county government where I would be voting for a mayor of the county and a commissioner of the County Commission. The Mayor and the County Commissioner pass laws that have to do with highways, taxes, bonds, beaches, parks, many very important laws. In addition to the county election in the electoral system, I will be voting for a county School Board with officials who spend probably the most money of any local government in the US on our school children for education. We spend a lot of money in the schools in my state and in most states. The School Board officials are separately elected democratically elected officials who decide what books to buy, what policies to adopt, what Superintendent is going to be hired to run and manage the school system. They establish very important things about the school: property to buy – they buy and sell land for schools when they decide to open new schools, they establish policies for teachers' salaries, they establish policies for sports and athletics at the schools and competitive athletics between the schools, so there are some very important things that the School Board does. That's a local government election. The local government is the County, the School Board, and then the City, the municipality,

that one lives in. I live in the City of Miami, a municipality, so I will again be voting for a mayor of the City of Miami and a Commissioner on the City Commission of Miami – that is the body that enacts all the zoning rules that decide how high buildings can be, how close to each other they can be, how many parking spots are necessary for every building. Those zoning laws are very important just like the zoning laws should have or could have limited the height to which the gazprom building in St. Petersburg was built, because the zoning laws or land use laws limit what can be done.

Because I am in Russia and not in Miami this November 2007, I received an absentee ballot to mail all my votes in to be counted with the people who vote on election day.

And so we have numerous officials who are elected democratically. I told you in the first session we had, and I've mentioned it several times since, America is a very business oriented country and believes that free enterprise is our main description of our country and government, and we are less likely to call ourselves a capitalistic form of government than we are to call ourselves a free enterprise form of government that is democratically elected. We expect all our democratic officials to follow the principles of free enterprise, although we have 2 parties in America – the Republican Party and the Democratic Party. The Democratic Party is the one our last President, Bill Clinton, was from and the Republican Party is the one our present President, George Bush, is from. The Republicans are more likely to be in favor of free enterprise and less government – keep government out of business and let business take care of itself and very little regulation. The Democrats are more likely to be in favor of more regulation of business, less free business enterprise and less free enterprise. Supposedly, the Democrats are in favor of more welfare, more help to the poor, elderly, disabled, and the veterans, to try to increase their benefits through government. Republicans are more likely to be in favor of keeping government out of welfare and making people be self reliant and able to pay for themselves, and to save money to help themselves. This is not quite true anymore as far as the division between Republicans and Democrats because just 10 years ago when Bill Clinton was President, both Congress and the President rolled welfare back and made it much smaller and started phasing out welfare from the American system and making the welfare state much less dependant on government. They did things such as requiring poor people who receive welfare to first show that they had tried to find jobs or show they tried certain jobs and they couldn't work, before they could receive welfare – and this by Democrats who traditionally receive the votes from poor people on welfare.

In the US we have a federal government where we elect a President and US Congress, Representatives and Senators. We have 50 different states and each one has a Governor and a State Legislature with state Senators and state Legislators elected. They are the ones who will pass laws like the ones we talked about for tort reform to limit the amount of money that a hospital or doctor can be

sued for. The people complain and think that too many doctors are being sued and losing too much money and doctors are going out of business and don't want to help people anymore because they're being sued too much for too much money. There are many states that have limited the amount of money you can win in a suit against a doctor for negligence or for making a mistake. It used to be that you'd see \$100-200 million judgments against hospitals and doctors for medical malpractice because that's how much people suffer when a doctor makes a mistake and a person can't walk for the rest of his life or is in a wheelchair for the rest of his life. But there are many states, such as the large state of Texas, which recently passed a limit of \$250,000 on the amount of money any individual could win and collect from a doctor, from a hospital, or from any insurance company that insured groups of doctors and hospitals and medical care takers and care givers.

The third level of elections in government in the US is Municipal, cities, - very important. It's important for two reasons: 1.) your professor, John Ritter here, was a city attorney at one time. I was the legal director of the entire law department of all the lawyers advising the City of Miami Beach, a popular tourist city and a very wealthy city in Miami on the ocean, which has many hotels and offices, and more tourist money and tax money than many cities have. To me, being the head of a city and the legal director of a city where I advised other elected city officials, the Mayor and city Commissioners, this was very important. I must have had 10 boards – a zoning board, a city art museum, a city housing agency. All of these agencies were local government agencies that I advised as the legal advisor, so local government can be very important. The local officials sometimes say they are very unhappy and they always want to move up to more important things because local government, especially at the city level, is in charge of the streets – they have to make sure the streets are paved. They are in charge of the water, sewers, trash and garbage. Not too many people want to be in charge of sewers and garbage. Garbage and trash pickup is a municipal concern – obviously a very important one. We all know that many people say the most important person who designed the city of Paris, one of the great cities of the world, is the person who designed the underground sewer system in Paris over 200 years ago. That was a brilliant system and one that has been imitated all over the world by large cities to keep cities clean and to allow them to have many people living together in crowded conditions.

As you know, registered voters can vote for the different offices and officials and most of you have probably seen that those officials, once there is an election, are elected many times by a voting machine. The people walk in and press the buttons on the voting machine and the voting machine registers the votes for those peoples. But when there is a dispute, what happens? We see that the biggest dispute in American history over elections occurred 7 years ago when George Bush and Al Gore were running for president against each other – a Republican against a Democrat. They ran against each other and it turned out there was almost no difference between the votes. There were 100 million votes and each one had 50 million and something votes. The way the system worked, it came

down to just about the last 500 votes in my home state of Florida as to which one won. Numerous rules about how to decide whether the votes were valid or not or whether they could even be counted or not were litigated, went into court, were the subject of court decisions, court cases, trial lawyers and went all the way to the US Supreme Court as to whether you could recount the votes, whether it was necessary to count votes where holes weren't punched completely in the voter cards, and where the ballots were improper. The subject of absentee ballots was important because with a 500 vote difference, whoever won the state of Florida was going to win. That case took 2 weeks to litigate through the courts of Florida all the way to the US Supreme Court – a 1-3 year legal battle for the average lawsuit, 2 weeks for Presidential election. Elections are some of the quickest, speediest types of lawsuits to go through the courts. They can be done quite fast and quite quickly. They went right through the Florida Supreme Court, two levels in Florida, and a third level to the US Supreme Court in Washington to decide the case of Bush vs. Gore, which George Bush won by a ruling that they were not able in Florida to recount the ballots and to decide that certain ballots were valid and certain ballots were not, because if that had been done it may have decided the election in favor of Al Gore because many of the ballots that were not counted were actually ballots which should have and would have been counted as more votes for Al Gore.

This goes back to the rule we talked about on the very first day of class – some people would say that it is more important that a rule be decided than it be decided correctly. I'm not sure I agree with that. I think it's more important that a rule be decided correctly, but I think it is very important that there be certainty in the law. Americans, as much as they were upset that there had to be a decision like this – that the US Supreme Court had to make a 5 to 4 decision, 9 judges on the court, 5 of them deciding that George Bush was the winner, and 4 of them deciding Al Gore was the winner, were happy that there was a legal system of going to court, first to the State of Florida Supreme Court, and then appealing to the US Supreme Court to decide such an issue and that system of deciding the law and who won the election was what we would agree on and there would not be a resort to bullets, to rifles, to soldiers, or anyone else saying that they are going to ignore the election, as we know has happened in many countries, especially in South America, just to the south of us. So even though many people are unhappy that Bush won and many people are unhappy with the policies he's adopted, everyone in America is glad we had a system we could rely on in our Constitution to decide by means of courts and judges on how a disputed, close election should be decided.