



# The People Speak – A Proposal

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## I. Introduction

This proposal addresses one of the most vexing conundrums of politics: toxic, attack-style political campaigns that operate with impunity and pull everyone and everything down to the lowest common denominators, sullyng our democracy. New civic engagement technology and community infrastructure is proposed here.

The People Speak, as proposed, will never endorse candidates or issues, and is designed to be inclusive, transparent, and nonpartisan. Its domain will be to uphold the rules of engagement for the conduct of local political campaigns in the electoral process.

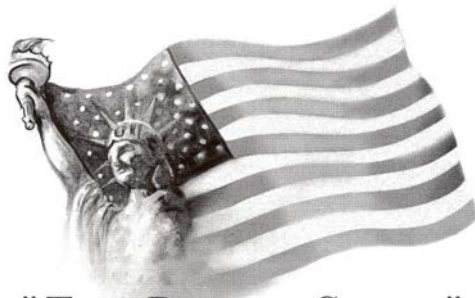
The People Speak will be based locally, but it will have the potential to self-replicate and interconnect, and thus the potential to become a regional, state, and national movement.

### **The Microcosm Moves The Macrocosm**

The People Speak program is based on leveraging the power of a margin of high propensity voters – called Frontline Voters here – for the purpose of influencing and determining the way local political campaigns are conducted. The People Speak does not require critical mass to succeed with its leveraging strategy; rather a remarkably modest margin of voters acting in concert, through a program of rewards and consequences, can compel all candidates and their campaigns to adhere to community values and agreements in the conduct of local political campaigns.

Every electoral contest has a leverage point, defined here as the margin of votes that can re-order the outcome of an election, usually in the range of 10%-15% of the votes cast in a competitive election. See the Addendum section for election results during nearly a decade in San Jose, California. Although the leverage point can vary, sometimes rising a bit higher than 15% of the total votes cast, and sometimes dropping lower than 10%, the range of 10%-15% of total votes cast is demonstrably a powerful leverage point in competitive local elections.

In a major city like San Jose, California, with one million residents, the leverage point for many city council races over the past decade ranged mostly between 1,000-3,000 votes (again, the number of



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votes needed to change the outcome), and occasionally rose to 4,000-5,000 votes. This was in 10 council districts that averaged 100,000 residents each. Recent mayoral elections during the same period were decided with 6,000-7,000 vote margins – in a city with one million residents. The leveraging power of The People Speak is based on mobilizing the margin of voters that a candidate cannot do without in a competitive and contested race.

Pragmatically no political campaign will be able to afford to lose or put at risk the margin of Frontline Voters mobilized by The People Speak. Therein lays the power of Frontline Voters who act in concert through The People Speak program to define the rules of engagement on the campaign field, and to compel adherence to their community-driven program through a strategy of rewards and consequences.

The greatest impact of The People Speak program will be in competitively contested elections, particularly when an incumbent official is not seeking re-election (usually due to being termed out of office), thus opening the field to a truly competitive race. It is contested elections where the likelihood of toxic, attack-style campaigns dramatically rises, to the point of assurance that the usual and sickening campaign nastiness will be unleashed.

### **New Agent On The Field, Representing “We The People”**

Typically during a campaign season, the players on the field are the candidates and their campaign organizations, including paid consultants, kitchen cabinets/strategy teams, campaign field staff, and more. Notably absent during an election is any similarly organized team on the field that represents “We The People”, equipped with the resources for campaigning and the capability to engage with the electorate and all the players on the field. As the new player on the field, The People Speak will have the ability to engage in public outreach, media/public relations, direct mail, web presence, voter contact/communication, and grassroots community outreach.

Strategically and effectively, The People Speak will fill a power vacuum on the playing field of an electoral race, in a sense bringing the sheriff to town where previously there was only the shoot’em up Wild West. Through The People Speak program, an unprecedented new agent representing “We The People” will come onto the field with a rapid response capability and the unique mission of upholding the community’s rules of engagement for all campaign players on the field.

There is a reason why contested campaigns rapidly devolve downward, even with the best of intentions by all or most candidates. All it takes is one win-at-any-cost campaign consultant and his candidate to unleash the first low-blow shot, typically taking something out-of-context and insinuating more than the facts actually substantiate. The evidence is abundant that such negative tactics draw criticism, but net out to the benefit of the perpetrators because there are no significant consequences to moderate this behavior. That well-known reality triggers a response in-kind from the campaign being attacked,



because the evidence shows that counter-punching is the only way to contain or minimize any damage. From that point onward, the whole campaign process begins to rapidly spiral downward.

Now, with a referee on the field and a sheriff in town through The People Speak, a campaign that has been zinged is most likely not to engage in a downward spiral if they see the other campaign being held accountable and subjected to public consequences through the program of The People Speak. There will be real and immediate consequences to those that do not abide by community agreements for the conduct of political campaigns, as established through The People Speak program.

## **II. A Program of Rewards and Consequences**

The People Speak is based on a program of rewards and consequences. A perennial frustration of candidates and their campaign organizations is that voters are inattentive or minimally attentive, right up to the last few weeks and days before an election, when the stakes are highest and when highly pressured decisions have to be made regarding the conduct of a campaign. Although campaigns begin mobilizing months in advance, often a year or two in advance, it's difficult to get the attention of the electorate until the eve of an election. Thus, one of the strategic rewards for a participating campaign will be to foster, through The People Speak program, a crucial early relationship between their candidate and a margin of voters we're calling Frontline Voters in this program.

Frontline Voters, enrolled into a series of concerted actions by The People Speak program, will commit themselves to an extraordinary state of alertness and attentiveness toward each participating candidate's campaign. Earlier than most voters – thus the term “Frontline Voters” – they will minimally participate with two relationship-building actions (see below), one leveraging action to confirm their presence and field readiness, and an overriding role of holding all players on the field accountable through their “The People Speak” team that will be on the field during a campaign season.

### **TWO RELATIONSHIP-BUILDING ACTIONS BY FRONTLINE VOTERS**

#### **1. Receive and Study a Substantive Packet of Candidate Materials**

Participating Frontline Voters with The People Speak program will agree to receive a substantive packet of information from each participating candidate and actually read the material carefully and thoughtfully. This special information packet will need to arrive with the authorized logo of The People Speak imprinted on the mailer as evidence of the candidate's participation in the program of The People Speak. With this mailer, a candidate will not be restricted to slogans and sound bites, but will be able to communicate with more substance about who the candidate is and what the candidate stands for.



Participating Frontline Voters will pledge to hold on to these early campaign materials for easy reference as the campaign progresses, and at least until after the election is concluded. Therefore, this will be a high-yield mailing targeted to a crucial margin of Frontline Voters that are made accessible through The People Speak program. Without The People Speak, the average voter will tend to toss a typical campaign mailer into the wastebasket with barely a glance, a reality readily acknowledged by campaign professionals.

## **2. Attend a Candidates Forum**

Most voters never personally experience a candidate. Frontline Voters will agree to attend at least one community forum sponsored by The People Speak to hear candidates live and see them in person. The People Speak will promote a format for these candidate forums that gives maximum flexibility for the candidates to present their message and then interact with voters. This will be in contrast to interest-group oriented forums where limited air time is consumed by issues that are more narrowly-focused.

The intent of these candidate forums will be especially for non-aligned voters to interact with the candidates. A format of screened written questions submitted from the audience and a neutral moderator/facilitator will help support the intention of these candidate forums, to not have limited air time captured by persons already promoting or opposing a specific candidate, but rather to maximize the interaction between the candidates and genuinely unaligned voters.

These special forums will be open only to candidates who have signed on to participate in the program of The People Speak.

## **A LEVERAGING ACTION BY FRONTLINE VOTERS**

The Frontline Voters of The People Speak will also respond with a key leveraging action to demonstrate their mobilized state as a key part of the electorate. The action is to “boomerang” the literature of a nonparticipating campaign. This will be another way to persuade and compel any hesitating, procrastinating, or recalcitrant campaign to sign-on to the program of The People Speak.

**“Boomerang” All Errant Literature:** If a campaign sends out *any* direct mail piece that doesn’t have the authorized logo of The People Speak, our Frontline Voters agree to not even read such literature. However, they will be specifically instructed not to throw the literature away. Instead they will mark the errant literature with a huge X on its front page, signifying it is being rejected, and then clearly sign their name there. Our Frontline Voters will then return the errant literature, not to the campaign that mailed it, but to The People Speak. In this manner, The People Speak will accumulate extensive prima facie evidence that its base of Frontline Voters is fully alert, engaged, responsive, and on purpose. An



errant campaign will be made fully aware, first hand, of their boomeranged literature. Again, Frontline Voters will be the opposite of the usual disengaged electorate, the opposite of what political campaigns are accustomed to dealing with.

With this leveraging action, The People Speak will demonstrate to an errant campaign that they just wasted serious money on direct mail to a highly mobilized base of Frontline Voters who are enacting the program of The People Speak, and in the process also incurred a measure of distrust among those crucial voters toward their candidate. This will be unprecedented. No political campaign will ever have had the experience of having their literature boomerang back, via the Frontline Voters of The People Speak, and having their direct mail investment not only fail to reach their audience, but actually accomplish a demonstrated negative result for their candidate. The errant campaign will learn that it is relating to an alert and engaged citizenry through the Frontline Voters of The People Speak, and will experience firsthand that the sheriff is in town and the campaign referee is on the field.

### **III. A Community Court of Public Opinion**

The People Speak program will institute a grassroots process called the “Community Court of Public Opinion.” This will be a community process that can be requested by a candidate who is being publicly accused in some manner. Through this mechanism and process, a candidate can request a hearing before members of the community to respond to a campaign attack. Via this community process, an issue and accusation will heard in an impartial and nonpartisan community conversation, and a candidate will be given a substantive community opinion and judgment regarding the matter.

#### **Five Steps for Community Court of Public Opinion**

There will be five steps to the process of hearing a campaign-related issue brought by a candidate or an interested member of the community. The entire process will be public and transparent, accessible to all interested parties.

- Step 1. Accusation Presented
- Step 2. Candidate’s Response
- Step 3. Community Inquiry
- Step 4. Community Opinion/Judgment
- Step 5. Community Opinion/Judgment Promulgated

#### **Step 1: Accusation Presented**

It’s crucial to clearly set forth both the explicit and *implicit* accusation being made against a candidate. Typically, it’s the *implicit* accusation that has the most toxicity and power in terms of attack-style



politics, namely the insinuations and innuendoes that are inherent in accusations made by political adversaries.

### **Step 2: Candidate's Response**

The response to an explicit and implicit accusation will be given by the accused candidate in an informal community conversation that is an opportunity to set forth and reveal important context. Additionally, if relevant and accepted by the participating citizens in this process, the candidate will be able to present three character witnesses through this process of the Community Court of Public Opinion.

### **Step 3: Community Inquiry**

The community inquiry will delve more deeply into the matter, seeking to know, from a grassroots community perspective, the relevant aspects of the issue. This inquiry will be an informal community conversation, not a legalistic process.

### **Step 4. Community Opinion/Judgment**

The participating citizens in a Community Court of Public Opinion process will render their opinion and judgment. Even if there may be some degree of legitimacy to an accusation, the Community Court of Public Opinion process will seek to discern and establish its context and significance.

### **Step 5: Community Opinion/Judgment Promulgated**

The community opinion and judgment that is reached regarding a campaign accusation will be actively promulgated to the local media, civic and grassroots organizations, and more extensively as deemed necessary. Accused candidates will also be able to use the results of this process as they campaign.

The underlying basis for attack-style politics is an expedient, aggressive, and false standard of perfectionism that exploits partial and out-of-context information for the purpose of partisan advantage, and which has little to do with truth or a genuine understanding of an issue. The Community Court of Public Opinion process is intended to create a new context for community conversations and public perceptions of campaign matters to counteract the expedient and dehumanized dynamics of political attack campaigns.

Through the processes of the Community Court of Public Opinion the people of the community will be relating with candidates as the fallible human beings they (and we all) are. Grassroots leaders will be able to listen for and discern a candidate's authenticity and integrity.

It may very well be that most accusations heard in a Community Court of Public Opinion process will



be judged as not having sufficient significance, certainly not to the level that a campaign opponent would want to spin it. A new and powerful reference point will be established through this community process which local media, civic and grassroots leaders, and the general public can refer to, creating a new center of gravity that re-contextualizes campaign accusations and frames them around higher, more authentic community values.

#### **IV. A Community Wisdom Council**

The People Speak program will convene a Community Wisdom Council that will be the guiding body for this crucial community enterprise. Its work will be transparent, open, and accessible. Although its conversations and processes will include interactions with many others, it is the sitting members of the Community Wisdom Council who will anchor the processes and the program of The People Speak.

Ideally, the majority of Community Wisdom Council members will be upstanding citizens who are not typically allied with candidates, political allies, political networks, or political organizations, but rather who are honorably known for their participation in other realms and the broader life of the community.

#### **V. A New Campaign Credo, By The People**

As a campaign season approaches, part of what will be sought is that every prospective candidate will agree to sign-on to the program of The People Speak. Such a request will be difficult to refuse, because it will be coming from the voices and powers of the community, including clergy, neighborhoods leaders, and other civic lights of the community.

By the time all the key contenders are on the field during a campaign season, The People Speak will have been the vehicle for arriving at a set of community agreements regarding the conduct of local political campaigns. Representatives of The People Speak – civic and grassroots leadership that represents the soul and conscience of the community – will duly meet with all candidates and their campaign organizations before the onset of the peak campaign season. These community leaders will clearly inform each candidate and campaign organization of what they want to see and what they don't want to see in the conduct of campaigns during the campaign season.

A Campaign Credo specifying the community's guiding principles and values for the conduct of political campaigns will be generated by the local community, and will be one of the outcomes of this unprecedented effort to influence and determine the conduct of local political campaigns.



## **VI. Levels of Engagement**

### **Voter Outreach and Education**

Voter education and enrollment of high propensity voters into the ranks of The People Speak as Frontline Voters will be the ground level work carried out in all electoral districts with an upcoming election. This will always be the foundational work of The People Speak program. Although some election cycles will have strong incumbent office holders and no serious competition, enrolling Frontline Voters in those districts will lay the groundwork for a future election cycle that will be competitively contested (usually when an incumbent is termed out of office in that district).

### **Engagement Level #1: Good Faith Advisory, Then Warning**

If the Community Wisdom Council subjectively judges that a particular candidate's campaign is out of integrity with community agreements regarding the conduct of local political campaigns, The People Speak will initiate an advisory communication and then a warning to an errant campaign in this 1<sup>st</sup> Level of Engagement.

Advisory Communication: This will be a direct communication to a campaign that says "Caution! Alert! You need to work with the many people of the community who are allied in this great enterprise to change how political campaigns are conducted in our community. The People Speak logo, duly authorized, is crucial for your voter communications, signifying your cooperation and collaboration with this broad-based community effort!"

Warning: "You are crossing the line. You are being warned." The People Speak will call for a direct meeting between an errant candidate's campaign and representatives of the Community Wisdom Council, with the intent of enrolling the errant campaign into The People Speak program, or alternatively warning them that they are greatly at risk of public opposition from key sectors of the community through The People Speak.

### **Engagement Level #2: Active Opposition From The People Speak**

The 2<sup>nd</sup> Level of Engagement in this program is extremely serious. It calls for The People Speak to engage in escalating steps of opposition toward an errant campaign, in response to violations of community values and the campaign ground rules being upheld by the Frontline Voters of The People Speak.

The processes of The People Speak are grassroots and relationship driven, and based on the collective wisdom of participating members of the community. It is on that basis that The People Speak will



advise an errant campaign that they have violated what they were asked not to violate, and now The People Speak will emerge publicly as an adversary to that campaign. *The errant campaign will experience that when they have The People Speak as an adversary, it will be of great consequence.*

In this 2<sup>nd</sup> Level of Engagement, The People Speak will initiate a highly focused, campaign-oriented approach to communicate not only with its base of Frontline Voters, but also to the entire base of high propensity voters in an electoral district. Its message to the voters will be that a fundamental community agreement has been violated and the errant campaign is operating out of integrity with the people of the community; therefore the local community, through The People Speak program, is hereby opposing that candidate's campaign.

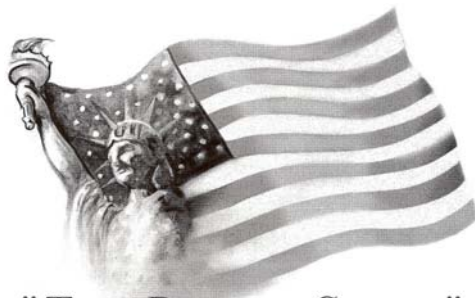
In its opposition, The People Speak will have the capability to engage a full range of options, including press conferences and other media outreach, targeted direct mail, volunteer mobilization, public rallies, and other communication strategies. The result will be a worst case scenario for any candidate's campaign, which is to be faced with mobilized, credible, influential grassroots opposition to their candidacy. The People Speak will become the worst nightmare to candidates and political operatives that violate community agreements regarding the rules of engagement for local campaigns.

### **Engagement Level #3: Shunning – And a Path to Reconciliation**

Shunning is the ultimate sanction in the arsenal of The People Speak, intended for those who are repeat offenders and egregious violators in the field of local political campaigns. If such players refuse to enter into a partnership with the community through The People Speak program, which represents the highest aspirations of the people of the community, they will be actively shunned.

This will be a very serious business, the process of shunning. The local leadership of The People Speak will publicly denounce the perpetrators and call for others to cease doing business with them. Community goodwill and business goodwill is relationship capital that drives community enterprises and the transaction of community affairs. The relationship capital of the perpetrators will be publicly devalued in the same manner that the marketplace sanctions violators of community standards for any enterprise. No entity is an island, and no one can thrive when the local community and marketplace has forcefully denounced one's community and business practices.

However, there must always be a way back, a path of reconciliation. When a perpetrator acknowledges that they violated the community trust, and newly enters into a genuine partnership with the community through The People Speak program, the repentant individual(s) and entity will be welcomed back to an honorable place in the life of the community.



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### **Independent Expenditure Committees**

A common way for campaigns to launch the seamy side of their business is to outsource it to “independent expenditure committees” that legally are separate entities, ostensibly with no connection to the candidate’s campaign, even though the candidate’s campaign benefits from the toxic, attack-style hits on opponents that are unleashed through these third party entities. Countering, neutralizing, and stopping these ostensibly independent committees will be more challenging, but The People Speak can achieve success with a focused and sustained effort. The tactical and strategic key will be to exercise leverage in a broader context.

First and foremost, The People Speak will press for a credible public repudiation of a campaign hit piece by all concerned parties. If Candidate A is benefitting from a scurrilous third party attack on Candidate B, then The People Speak will seek a credible public repudiation of the attack by Candidate A. The People Speak will also strongly press Candidate A to endorse the community’s opinion and judgment of the issue/accusation in play, as rendered through the Community Court of Public Opinion process, which sets forth the issue with more context, accuracy, and truth, and which addresses both the explicit and implicit aspects of the accusation. Consequently, a campaign that has been hit by a third party attack will be able to use the work of The People Speak to neutralize the false and toxic aspects of the attack, as it conducts its own campaign communications.

As may be required, The People Speak will also engage in community outreach, public relations, voter communication, and other campaign activities to neutralize and deflate a seamy attack launched by an independent expenditure committee. Voters will be cautioned to disregard accusatory messages from the perpetrating entity, and to seek more accurate information from The People Speak and other credible sources. They will also be asked to “boomerang” any violating literature back to The People Speak.

It occurs often now that special interest groups in the community, which are otherwise established and respectable (union groups and chambers of commerce are two primary examples), are resorting to using hired guns through independent expenditure committees to do dirty campaign work that will benefit their preferred candidates. In such instances, The People Speak will take on these otherwise honorable groups and hold them to account in the same manner that everyone else on the playing field is being engaged and held to account. Again, no entity is an island and no group can thrive when the local community is forcefully denouncing their civic and business practices. Such otherwise honorable organizations will be unable to withstand formidable grassroots opposition, and will likely cease and desist when faced with sustained negative publicity unleashed through the power of The People Speak.

In the case of shadowy, quasi-anonymous groups that engage in seamy campaign tactics through independent expenditure committees, The People Speak will engage in persistent queries and sleuthing



to determine the actual individuals that are functioning behind these committees. It will seek to know the pattern of relationships that are implicated and at cause for these violations of the public trust, and to publicly expose them. Local journalists typically do not pursue such background information, instead merely acting as consumers and conduits for the campaign hit pieces.

Initially, a major investment in rapid response resources by The People Speak will be needed to persuade the usual players in local political campaigns that it's not worth their while to engage in the same old practices being rejected by the local community. But once the initial battles are successfully fought and new standards are strongly introduced and anchored, it is anticipated that the culture of political campaigning will ultimately and inexorably shift to reflect the higher vision of the local community. The same level of heavy investments that were required in early phases of The People Speak program will no longer be necessary.

## **VII. Ranking Electoral Contests for Allocation of Resources**

In The People Speak program model, electoral contests are ranked into two fundamental categories for priority allocation of resources: Category 1 races that are competitive, contested elections, and Category 2 races that are not competitively contested.

### **Category 1 Race: A Competitive, Contested Election**

In this category there is usually no incumbent in the race (typically due to being termed out of office), thus all but ensuring that there will be a contested and competitive election, with at least two strong candidates in close contention, and often more than two strong contenders during a primary election.

A variation of the typical Category 1 race is when an incumbent elected official *is* in the race, but the incumbent is facing a serious challenge for another term in office, thus creating a competitive and contested race. However, an incumbent elected official being seriously challenged at midterm (prior to being termed out of office) tends to be an infrequent-to-rare occurrence.

### **Category 2 Race: An Election That Is Not Competitively Contested**

In this category there is usually an incumbent elected official who is easily being reelected to another term of office, and has no opponents, or only 2<sup>nd</sup> and 3<sup>rd</sup> tier challengers who lack a base to compete effectively. The incumbent official typically wins overwhelmingly in the primary election. The basic thrust of The People Speak program for this Category 2 type of race is to engage in a program of voter education to enroll high propensity voters into the ranks of The People Speak as Frontline Voters. This will lay the groundwork for an inevitable future election cycle when there will be a competitively contested race, typically because an incumbent elected official is termed out of office.



An infrequent variation of a Category 2 Race is when there is *no* incumbent elected official in the race, however one contender in the field emerges as the overriding consensus choice of the community and electorate, usually resulting in an outright win during a primary election or an overwhelming win in a run-off general election against dramatically weaker candidates.

The intent of The People Speak program is to allocate greater resources to Category 1 races where there is a competitively contested election. It is when an election is in true contention with strong competitors that the gloves tend to come off and the worst of political campaigning is foisted upon the community. Thus, it is these types of races where The People Speak has the greatest opportunity to shift the political culture and transform the local political landscape, by demonstrating the power of Frontline Voters and the key elements of The People Speak program.

## **VIII. Planning & Feasibility Grant**

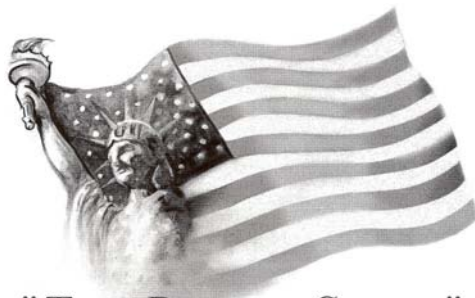
The purpose of a Planning and Feasibility Grant is to lay the groundwork for the launching of a pilot project of The People Speak in San Jose, California. Outreach work will be conducted to grassroots neighborhood leaders, citywide civic leaders, and a sampling of high propensity voters to enroll supporters for The People Speak program. A Community Wisdom Council for this program will be identified and convened, and the processes of the Community Court of Public Opinion will be developed and established. A preliminary draft of a community Campaign Credo will be produced, reflecting the local community's principles and values for the conduct of local political campaigns (to be finalized during the 2010 campaign season, based on real time experience).

This planning and feasibility work will include identifying the level of support that can be mobilized in the way of local volunteers, dues-paying members, local donors, and other resources for the full launch of The People Speak program at a future point.

Through a Planning & Feasibility Grant, a compelling value proposition will be fully demonstrated for all potential donors, with an identified grassroots and civic base of support, and the early mobilization of this base for the full implementation of The People Speak program in a future election cycle.

### **PROSPECTS FOR BECOMING SELF-SUSTAINING**

With start-up funding, a successful pilot program of The People Speak in San Jose, California stands an excellent chance of attracting ongoing funding from local sources. So many civic leaders and major donors to political and civic causes are weary of the way campaigns are carried out in this community. If they see something with the capability to transform how local political campaigns are conducted, they will become the sustainers of it.



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Additionally, once this program is anchored with the electorate, it is anticipated that The People Speak program will be able to significantly expand its financial base of support with citizens willing to make annual membership donations to The People Speak in support of this politically unique and transformational program. An annual community fundraiser will also be a part of this effort, targeted to the civic-grassroots community and the base of Frontline Voters, in support of The People Speak.

## **IX. J. Manuel Herrera, Founder and President/CEO**

J. Manuel Herrera, an elected official in San Jose/Silicon Valley, envisions the transformation of the public square in our communities and an emerging 21<sup>st</sup> Century politics that is whole, generative, and personally transformative.

Manuel is a Trustee for the East Side Union High School District in San Jose, California, first elected to the Board in 1990. Manuel's career is in public policy and administration, working with city managers, elected officials, and nonprofit agencies. He has been a legislative aide on Capitol Hill and in the California State Legislature, a Silicon Valley Democratic Party official, and an Executive Board member for the California State Democratic Party.