Affirmative: Accountability

By Mark Csoros

Resolved: In democratic elections, the public’s right to know ought to be valued above a candidate’s right to privacy.

This case centers around the need for democratically elected officials to be accountable to the people who elected them. The value of accountability should be easy to defend, because the train of logic is pretty ironclad: democratic elections exist so that people can govern themselves through elected representatives, and that process both requires and fosters accountability.

The secondary argument here is that valuing the public’s right to know increases accountability. This is also a pretty simple link to prove. It’s difficult to hold someone – especially a politician – accountable if you don’t have enough information about them. With regards to democratic elections, the way that citizens learn about their representatives, and thus hold them accountable, is through the public’s right to know.

The applications for this case are centered around the medical records of elected officials, and they range from the general (nine U.S. Presidents may have suffered from mental illness that affected their job performance) to the specific (Grover Cleveland’s oral cancer) and from the clearly established (Edith Wilson running the country after President Woodrow Wilson’s stroke) to the somewhat speculative (that John F. Kennedy’s undisclosed back problems indirectly caused his assassination). The common theme of these applications, however, is that citizens need to know things about their leaders in order to hold them accountable, and that shocking information has been hidden from the voting public before. Effectively combining the principle of electoral accountability with vivid examples of what happens when a candidate’s privacy gets in the way of that principle is the best path to victory with this case.

Affirmative: Accountability 3

DEFINITIONS 3

Democratic Elections 3

Right to Know 3

Privacy 3

VALUE: Accountability 3

Definition 3

Reason to Prefer: Primary Goal 3

CONTENTION 1: The Right to Know Increases Accountability 4

Accountability Requires a Well-Informed Electorate 4

Informed Voters Increase Accountability 4

Candidates Must Disclose Some Medical History 5

Integrity and Authenticity Require Disclosure 5

Disseminating Information Increases Accountability 5

Personal History is Key 5

CONTENTION 2: Overvaluing Privacy Decreases Accountability 6

Information Deficits can Weaken Accountability 6

Undisclosed Incapacities 6

Application: Candidate’s Medical Histories 7

Grover Cleveland’s Cancer 7

Edith Wilson’s “Presidency” 7

FDR’s Fatal Ailments 7

JFK’s Extraordinary Medications 8

JFK’s Undisclosed Condition Aided in Assassination 8

U.S. Presidents and Mental Illness 9

Negative Counter-Brief 10

Good Governments Impartially Protect Rights 10

The Founders Feared Majority Tyranny 10

Mandatory Disclosure Chills Political Participation 11

Disclosure Decreases Electoral Participation 11

Disclosure Doesn’t Inform Citizens 12

Political Tactics, not Voter Information 12

Disclosures can Prejudice the Electorate 12

Works Cited 13

Affirmative: Accountability

Democratic elections fulfill the fundamental promise of democracy: that every bit of a government’s power is derived from the consent of the governed, and that every citizen has the opportunity to give or withdraw that consent every time they approach the ballot box. Because I believe in accountable government and the consent of the governed, I stand Resolved: that in democratic elections, the public’s right to know ought to be valued above a candidate’s right to privacy.

DEFINITIONS

Democratic Elections

Former U.S. Ambassador to the United Nations Jeanne Kirkpatrick, November 1982. “Democratic Elections and Democratic Government”; Presented at a conference held by the American Enterprise Institute and the U.S. Department of State. <https://www.jstor.org/stable/20672013?seq=1>

“Democratic elections are not merely symbolic legitimations or collective affirmations. They are competitive, periodic, inclusive, definitive elections in which the chief decision-makers in a government are selected by citizens who enjoy broad freedom to criticize government, to publish their criticisms, and to present alternatives.”

Right to Know

Oxford’s Lexico Dictionary. “Right-to-know”  <https://www.lexico.com/en/definition/right-to-know>

“Of or pertaining to laws or policies that make certain government or company records available to any individual who can demonstrate a right or need to know their contents.”

Privacy

Cornell Law School’s Legal Information Institute. “Right to Privacy” <https://www.law.cornell.edu/wex/right_to_privacy>

“The right not to have one's personal matters disclosed or publicized; the right to be left alone.”

VALUE: Accountability

Definition

Cambridge Dictionary. “Accountability.” <https://dictionary.cambridge.org/us/dictionary/english/accountability>

“the fact of being responsible for what you do and able to give a satisfactory reason for it, or the degree to which this happens.”

Reason to Prefer: Primary Goal

The primary goal of democratic elections is to hold elected officials accountable. Trust in government, effective use of voting rights, elected officials’ mandate to govern, wise governance, all these things require that elected officials are accountable to the citizens who elect them. Because accountability is so foundational to democratic elections, it should be the value chosen to be the foundational goal of this debate round.

CONTENTION 1: The Right to Know Increases Accountability

Accountability Requires a Well-Informed Electorate

Ph.D of Economics Alicia Adsera, and Ph.D.s of Political Science Carles Boix and Mark Payne, 2003. (Adsera is a research scholar and lecturer at the Princeton School of Public and International Affairs. She holds a Ph.D. in Economics from Boston University, and in 2003 was an assistant professor in the Department of Economics at the University of Illinois at Chicago. Boix is a professor of Politics and Public Affairs at Princeton University. He holds a Ph.D. in Political Science from Harvard University, and in 2003 was an associate professor in the Department of Political Science at the University of Chicago. Payne is research analyst for the Internal Revenue Service. He holds a Ph.D. in Political Science from Ohio State University, and in 2003 was a consultant at the Inter-American Development Bank.) “Are You Being Served? Political Accountability and Quality of Government”; The Journal of Law, Economics, & Organization, Vol. 19, No. 2. https://www.princeton.edu/~adsera/JLEO.pdf

“How well any government functions hinges on how good citizens are at making their politicians accountable for their actions. Political control of public officials depends on two factors. First, free and regular elections allow citizens to discipline politicians – the credible threat of losing office in the next period compels policy makers to respond to the voters’ interests. Second, and equally important, the degree of citizen information curbs the opportunities politicians may have to engage in political corruption and management. The presence of a well-informed electorate in a democratic setting explains between one-half and two-thirds of the variance in the levels of government performance and corruption.”

Informed Voters Increase Accountability

The International Growth Centre, 2018. (The International Growth Centre is a global, research-driven think tank that aims to promote sustainable growth in developing nations. From its base at the London School of Economics, the IGC directs a global network of world-leading researchers and in-country teams in Africa and South Asia, and works closely with partner governments to generate research and policy advice on key growth challenges. The IGC is partnered with the University of Oxford and is majority funded by the UK Foreign, Commonwealth and Development Office.) “Election debates to increase political accountability”; IGC (note: this article is undated, but in-text references demonstrate that this article was written during or after 2018). https://www.theigc.org/impact/election-debates-to-increase-political-accountability/

“Following the success of the 2012 study in Sierra Leone, the IGC partnered with the National Electoral Commission, the Political Parties Registration Commission, and major political parties to assess the feasibility of scaling up the project in the run-up to the 2018 elections in Sierra Leone. Additional IGC projects hosted both intra- and inter-party debates, with the latter MP debates broadcast on various television channels and across 40 radio stations. The IGC also used these newly developed links to run workshops with political parties on “the economic challenges political party manifestos must address”, which provided information on issues such as private sector development and urbanisation. Findings from Ghana were presented to the National Democratic Institute and have triggered conversations on the design of similar programmes in the future. These projects have implications for other developing countries and how they can improve their democratic engagement and increase government accountability. Findings suggest that low-cost means of showing debates across communities can play an important role in aiding the deliberation of voters and consequently strengthening young democracies.”

Candidates Must Disclose Some Medical History

Robert Streiffer, Alan P. Rubel and Julie R. Fagan 2006 (Robert Streiffer is Professor of Philosophy and Bioethics at the University of Wisconsin, Madison; Alan Rubel is an associate professor in the Center for Law, Society & Justice at the University of Wisconsin, Madison; Julie Fagan is Clinical Associate Professor of Medicine at the University of Wisconsin Women's Health Center and serves on the hospital ethics committees for both the University of Wisconsin Hospital and Meriter Hospital) “Medical Privacy and the Public's Right to Vote: What Presidential Candidates Should Disclose” <https://doi.org/10.1080/03605310600860825>

“Our purpose in this paper is to make it clear that candidates are morally required to waive their right to medical privacy concerning a very specific set of medical conditions. Although others have asserted a moral duty to disclose (See, e.g., Annas, 2000), the literature contains very little discussion of the basis for that requirement. We argue that it is based on the same deep democratic principle that supports the public’s right to vote, namely, that those who govern do so only with the consent of the governed. Concerns about the medical privacy of candidates must be subordinated to that democratic principle.”

Integrity and Authenticity Require Disclosure

National Review Institute Senior Fellow Kathryn Jean Lopez, 2011. (In addition to her senior fellowship, Lopez is the director of the National Review Institute’s Center for Religion, Culture, and Civil Society. She is also editor-at-large of National Review magazine and a nationally syndicated columnist.) “Integrity and Authenticity”; the New York Times https://www.nytimes.com/roomfordebate/2011/05/15/when-political-campaigns-turn-private-lives-public/integrity-and-authenticity

“There is a connection between how we live our private lives and the long-term success of our foundational institutions. So we should care. It matters. It’s about integrity and authenticity. It’s who we are. Clearly, with the news media beast constantly in need of feeding, our inquiries can get out of hand. But it’s not odd, or new, to want to know and be able to trust our leaders — not just nationally, and not just in politics. And it even makes foundational sense.”

Disseminating Information Increases Accountability

Ph.D. of Economics Yukihiro Yazaki 2017. (Yazaki received his Ph.D. from Aoyama Gakuin University College of Economics. He has published numerous journal articles on political accountability and the role of the media in disseminating information). “Newspapers and political accountability: evidence from Japan”; Public Choice Vol. 172. https://link.springer.com/article/10.1007%2Fs11127-017-0444-x

“The mass media provide the electorate with information about incumbent politicians’ performances, among other things. Based on such information, the electorate votes retrospectively either for or against incumbents at elections. Politicians, thus, become more closely aligned with the electorate’s interests. Among various media outlets, newspapers are a vital source of information about governmental performance. As discussed below, recent empirical studies find positive effects of local newspapers on local political accountability.”

Personal History is Key

**Political Campaign Expert Dan Schnur, 2011. (Schnur** is a professor at the University of Southern California’s Annenberg School of Communications, and at the University of California – Berkeley’s Institute of Governmental Studies. He is the founder of the USC/LA Times statewide political poll, the former director of the Jesse M. Unruh Institute of Politics at the University of Southern California, and the former chairman of the California Fair Political Practices Commission. He was the communications director for John McCain's 2000 presidential campaign, and was a longtime adviser to Gov. Pete Wilson of California.) “Why Personal Biography Matters”; The New York Times https://www.nytimes.com/roomfordebate/2011/05/15/when-political-campaigns-turn-private-lives-public/why-personal-biography-matters

“When Americans vote for a member of Congress or a state or local official, we're essentially electing a stack of policy positions. But when we select a president, we're investing our trust in a man or woman we want to lead us. We're looking not only for agreement on the issues but for an emotional connection that allows us to place our trust in another human being. That's why the personal biography - and personal transgressions - of presidential candidates are so much more important to us than those of other politicians.”

CONTENTION 2: Overvaluing Privacy Decreases Accountability

Information Deficits can Weaken Accountability

The International Growth Centre, 2018. (The International Growth Centre is a global, research-driven think tank that aims to promote sustainable growth in developing nations. From its base at the London School of Economics, the IGC directs a global network of world-leading researchers and in-country teams in Africa and South Asia, and works closely with partner governments to generate research and policy advice on key growth challenges. The IGC is partnered with the University of Oxford and is majority funded by the UK Foreign, Commonwealth and Development Office.) “Election debates to increase political accountability”; IGC (note: this article is undated, but in-text references demonstrate that this article was written during or after 2018). https://www.theigc.org/impact/election-debates-to-increase-political-accountability/

“Well-functioning democratic structures and strong political governance are central to economic development. However, a lack of information about elections in younger democracies can weaken the accountability of elected politicians and, consequently, decision-making. Our research has found that giving voters access to information through debates between rival candidates can significantly improve their knowledge and increase democratic participation.”

Undisclosed Incapacities

Duke University researchers Jonathan Davidson, Kathryn Connor, and Marvin Swartz, 2006. (Davidson is a Professor Emeritus of Psychiatry and Behavioral Sciences at Duke University, and received his M.D. from University College, London. Connor is the Research Director of the Anxiety and Traumatic Stress Program at Duke University and an Associate Professor in the Department of Psychiatry and Behavioral Sciences at Duke University, she received her M.D. from the University of Maryland. Swartz is a Professor of Psychiatry and Behavioral Sciences at Duke, a member of the MacArthur Foundation Research Network on Mandated Community Treatment, and received his M.D. from Tufts University) “Mental Illness In U.S. Presidents Between 1776 and 1974: A Review of Biographical Sources”; The Journal of Nervous and Mental Disease, Volume 194(1) https://ovidsp-dc2-ovid-com.ezproxy.lib.utexas.edu/ovid-a/ovidweb.cgi?QS2=434f4e1a73d37e8c50b21927d035aa274402f92de64a36b5541d00349e6af6f9f229f348e6f58dbfdd9d82475326a05e36f0811dbcaf30be9129fea004228bd2ccc01686396b610a57b0899dd97a3766606abccdebfeeea128a44bfa71f19c44f988fab679dae86615b69358f86aaa6696d69e6d3b0022cdf1e04e21823320e9c070f8c942309c52992e28512e8f81d1baa9da000f22a4e258fb0176fd6f9741a42c6cfa519edee3df80b9d8b12f5c0ac30a2e379989204f49a50db4214ed315883ee729cc994ea5fcc57af8f753d5aa5f335255b23baa3d7562aca800c565aafa915f14171c31f3d75dfcc6d48dad9da3961f667bf9572b6255bcdbaae0be989c58880c17a45b0c6b2e4ec0b662d0392718785146b69b0cad211c4e63fb06fd76650cad52bcbf30845656c36675ee6cf79e98fff4cf4f9d99eac97ab62cb89bcdf1f14467b00402dedcdf24fca82ca1849d166fe838abe6

“Mental illness and potential loss of insight regarding the illness also raise the specter of the President or his staff failing to disclose or resisting a determination of incapacity. While this provision of the 25th Amendment has never been invoked, the Vice President and Cabinet may declare the President incapacitated, and the Vice President then temporarily serves as Acting President unless contested by the President and arbitrated similarly by a vote of two thirds of both Congressional Houses. Understandably, the 25th Amendment sets a high threshold for nonconsensually removing a US President due to mental or physical incapacity. The possibility of a partisan attempt to remove a President clearly requires careful safeguards. At the same time, in certain instances-for example, President Wilson's impairment after a stroke-attempts may be made to conceal potential incapacity. Given the extensive powers of the President the apparently fairly common occurrence of mental illness, and the potentially devastating impact of impaired judgment due to mental illness, perhaps an additional mechanism to initiate a politically neutral examination of the President's capacity should be considered.”

Application: Candidate’s Medical Histories

Grover Cleveland’s Cancer

CNN Medical Producer Sandee Lamotte, 2015. (Lamotte works at CNN as the field producer for Chief Medical Correspondent Dr. Sanjay Gupta and Senior Medical Correspondent Elizabeth Cohen, and as a writer for CNN.com. She is the founder of Health Trust Media LLC., a company that specializes in communicating healthcare information to patients, and has held several director-levels roles at WebMD.) “Do voters have the right to know presidential candidates' health histories?”; CNN https://www.cnn.com/2015/12/14/health/presidential-candidate-health-disclosure/index.html

“History reveals an astounding list of hidden truths when it comes to the health of the commander in chief. One of the most unusual was Grover Cleveland's 1893 coverup of his oral cancer surgery. He smuggled a surgeon and his team onto a friend's yacht to remove a tumor from the roof of his mouth. Cleveland emerged from his "fishing trip" a week later. No one knew what had happened for nearly a quarter-century.”

Edith Wilson’s “Presidency”

CNN Medical Producer Sandee Lamotte, 2015. (Lamotte works at CNN as the field producer for Chief Medical Correspondent Dr. Sanjay Gupta and Senior Medical Correspondent Elizabeth Cohen, and as a writer for CNN.com. She is the founder of Health Trust Media LLC., a company that specializes in communicating healthcare information to patients, and has held several director-levels roles at WebMD.) “Do voters have the right to know presidential candidates' health histories?”; CNN https://www.cnn.com/2015/12/14/health/presidential-candidate-health-disclosure/index.html

“Woodrow Wilson had suffered several strokes while he was serving as president of Princeton, years before he ran for president, Post said, but never revealed his medical history to voters. In 1919, while campaigning for the Treaty of Versailles, "he suffered a massive stroke, but they concealed it and just said he was under the weather and no one was informed," Post said. "So we've already had the first woman president, his wife Edith. In fact, she was to have said 'I don't know why you men make such a fuss, I had no trouble running the country while Woody was sick.' "

FDR’s Fatal Ailments

CNN Medical Producer Sandee Lamotte, 2015. (Lamotte works at CNN as the field producer for Chief Medical Correspondent Dr. Sanjay Gupta and Senior Medical Correspondent Elizabeth Cohen, and as a writer for CNN.com. She is the founder of Health Trust Media LLC., a company that specializes in communicating healthcare information to patients, and has held several director-levels roles at WebMD.) “Do voters have the right to know presidential candidates' health histories?”; CNN https://www.cnn.com/2015/12/14/health/presidential-candidate-health-disclosure/index.html

“While the public knew Franklin Delano Roosevelt was wheelchair-bound due to polio when he ran for the fourth time, they did not know he had advanced heart disease and hypertension, believed to have contributed to the cerebral hemorrhage that killed himmonths into his final term.”

JFK’s Extraordinary Medications

Presidential Historian and New York Times Bestselling Author Robert Dallek, 2013. (Dallek has written more than a dozen historical books and been featured in many major media publications. He is an elected fellow of the American Academy of Arts and Sciences as well as the Society of American Historians, where he has served as president in 2004. He is a member of the Society for Historians of American Foreign Relations, and an emeritus professor of history at UCLA. Dallek currently teaches at Stanford University's Stanford in Washington program in Washington, DC) “The Medical Ordeals of JFK”; The Atlantic https://www.theatlantic.com/magazine/archive/2013/08/the-medical-ordeals-of-jfk/309469/

“Together with recent research and a growing understanding of medical science, the newly available records allow us to construct an authoritative account of JFK’s medical tribulations. And they add telling detail to a story of lifelong suffering, revealing that many of the various treatments doctors gave Kennedy, starting when he was a boy, did far more harm than good. In particular, steroid treatments that he may have received as a young man for his intestinal ailments could have compounded—and perhaps even caused—both the Addison’s disease and the degenerative back trouble that plagued him later in life. Travell’s prescription records also confirm that during his presidency—and in particular during times of stress, such as the Bay of Pigs fiasco, in April of 1961, and the Cuban missile crisis, in October of 1962—Kennedy was taking an extraordinary variety of medications: steroids for his Addison’s disease; painkillers for his back; anti-spasmodics for his colitis; antibiotics for urinary-tract infections; antihistamines for allergies; and, on at least one occasion, an anti-psychotic (though only for two days) for a severe mood change that Jackie Kennedy believed had been brought on by the antihistamines.”

JFK’s Undisclosed Condition Aided in Assassination

Presidential Historian and New York Times Bestselling Author Robert Dallek, 2013. (Dallek has written more than a dozen historical books and been featured in many major media publications. He is an elected fellow of the American Academy of Arts and Sciences as well as the Society of American Historians, where he has served as president in 2004. He is a member of the Society for Historians of American Foreign Relations, and an emeritus professor of history at UCLA. Dallek currently teaches at Stanford University's Stanford in Washington program in Washington, DC) “The Medical Ordeals of JFK”; The Atlantic https://www.theatlantic.com/magazine/archive/2013/08/the-medical-ordeals-of-jfk/309469/

“Lee Harvey Oswald killed Kennedy before the president’s medical ailments could. But the evidence suggests that Kennedy’s physical condition contributed to his demise. On November 22, 1963, Kennedy was, as always, wearing a corset-like back brace as he rode through Dallas. Oswald’s first bullet struck him in the back of the neck. Were it not for the back brace, which held him erect, the second, fatal shot to the head might not have found its mark.”

U.S. Presidents and Mental Illness

Duke University researchers Jonathan Davidson, Kathryn Connor, and Marvin Swartz, 2006. (Davidson is a Professor Emeritus of Psychiatry and Behavioral Sciences at Duke University, and received his M.D. from University College, London. Connor is the Research Director of the Anxiety and Traumatic Stress Program at Duke University and an Associate Professor in the Department of Psychiatry and Behavioral Sciences at Duke University, she received her M.D. from the University of Maryland. Swartz is a Professor of Psychiatry and Behavioral Sciences at Duke, a member of the MacArthur Foundation Research Network on Mandated Community Treatment, and received his M.D. from Tufts University) “Mental Illness In U.S. Presidents Between 1776 and 1974: A Review of Biographical Sources”; The Journal of Nervous and Mental Disease, Volume 194(1) https://ovidsp-dc2-ovid-com.ezproxy.lib.utexas.edu/ovid-a/ovidweb.cgi?QS2=434f4e1a73d37e8c50b21927d035aa274402f92de64a36b5541d00349e6af6f9f229f348e6f58dbfdd9d82475326a05e36f0811dbcaf30be9129fea004228bd2ccc01686396b610a57b0899dd97a3766606abccdebfeeea128a44bfa71f19c44f988fab679dae86615b69358f86aaa6696d69e6d3b0022cdf1e04e21823320e9c070f8c942309c52992e28512e8f81d1baa9da000f22a4e258fb0176fd6f9741a42c6cfa519edee3df80b9d8b12f5c0ac30a2e379989204f49a50db4214ed315883ee729cc994ea5fcc57af8f753d5aa5f335255b23baa3d7562aca800c565aafa915f14171c31f3d75dfcc6d48dad9da3961f667bf9572b6255bcdbaae0be989c58880c17a45b0c6b2e4ec0b662d0392718785146b69b0cad211c4e63fb06fd76650cad52bcbf30845656c36675ee6cf79e98fff4cf4f9d99eac97ab62cb89bcdf1f14467b00402dedcdf24fca82ca1849d166fe838abe6

“Of 37 Presidents between 1776 and 1974, 18 (49%) exhibited features suggesting psychiatric disorder, 14 of whom experienced one disorder, while four experienced two or more. In one instance (Wilson), raters unequivocally agreed on the existence of pathology, but disagreed as to whether it was best classified as anxiety or depression. The most common disorder was unipolar depression (N = 9), followed by anxiety (N = 3), alcohol abuse or dependence (N = 3), somatoform disorder (N = 1), bipolar I disorder (N = 2), bipolar II disorder (N = 1), paranoia secondary to cerebrovascular accident (N = 1), and breathing-related sleep disorder (N = 1) (President Wilson was not included in this count). Episodes occurring during presidential office were noted in 10 instances (J. Adams, Pierce, Lincoln, T. Roosevelt, Taft, Wilson, Coolidge, Hoover, Johnson, and Nixon). In all cases except T. Roosevelt, there was evidence to support the conclusion that symptoms interfered with effectiveness or performance.”

Negative Counter-Brief

To counter this Affirmative case, you’ll want to focus on two things: that democracies are designed to protect minority rights, and that supporting the public’s right to know doesn’t necessarily improve the outcomes of the democratic election process.

Regarding the first point of focus, you need to emphasize that one of the key goals of democracy, and therefore one of the key goals of democratic elections, is to prevent the interests of the majority (i.e. the public’s right to know) from infringing upon the rights of the minority (i.e. a candidate’s right to privacy). Infringement upon minorities’ human rights is exactly what democratic elections are designed to prevent, so the Affirmative stance that violations of candidates’ privacy are necessary to the democratic process should be treated as blatant hypocrisy.

 Secondly, you should argue that knowing more about a candidate isn’t a surefire way of increasing electoral accountability. Disclosure can have a chilling effect on political participation, and the extra information gained doesn’t necessarily lead to better choices at the voting booth. This second argument is furthered in the Negative case “Good Governance.”

Good Governments Impartially Protect Rights

James Madison, 1792. (Madison was one of the Founding Fathers of the United States, authored the Bill of Rights, and is known as “The Father of the Constitution.”) “Property”; University of Chicago Press https://press-pubs.uchicago.edu/founders/documents/v1ch16s23.html

“In a word, as a man is said to have a right to his property, he may be equally said to have a property in his rights. Where an excess of power prevails, property of no sort is duly respected. No man is safe in his opinions, his person, his faculties, or his possessions. Where there is an excess of liberty, the effect is the same, tho' from an opposite cause. Government is instituted to protect property of every sort; as well that which lies in the various rights of individuals, as that which the term particularly expresses. This being the end of government, that alone is a *just* government, which *impartially* secures to every man, whatever is his *own*.”

****The Founders Feared Majority Tyranny****

**Professor Emeritus of Political Science at Yale University Robert A. Dahl, February 2020.** (Dahl was Sterling Professor Emeritus of Political Science at Yale University. He earned his Ph.D. in Political Science from Yale, and authored several books, including ‘Democracy and its Critics,’ ‘A Preface to Democratic Theory,’ and ‘Pluralist Democracy in the United States.’) “Democracy”; The Encyclopedia Britannica https://www.britannica.com/topic/democracy/Factions-and-parties#ref796551

“The fear of “majority tyranny” was a common theme in the 17th century and later, even among those who were sympathetic to democracy. Given the opportunity, it was argued, a majority would surely trample on the fundamental rights of minorities. Property rights were perceived as particularly vulnerable, since presumably any majority of citizens with little or no property would be tempted to infringe the rights of the propertied minority. Such concerns were shared by Madison and other delegates at the Convention and strongly influenced the document they created.”

****Mandatory Disclosure Chills Political Participation****

**Public Policy Analyst Dick M. Carpenter II, 2007.** (Carpenter serves as the director of strategic research at the Institute for Justice. His research has been published in numerous academic journals, and he holds a Ph.D. in Educational Leadership and Innovation from the University of Colorado.) “Disclosure Costs: Unintended Consequences of Campaign Finance Reform”; The Institute for Justice https://ij.org/wp-content/uploads/2015/03/DisclosureCosts.pdf

“We found that mandatory disclosure appears to enjoy support among citizens—until the disclosed information includes their own personal information—“disclosure for thee, but not for me”: More than 56 percent of respondents opposed disclosure when it includes their name, address and contribution amount. Opposition rose to more than 71 percent when an employer’s name must be disclosed. This opposition translates into a lower likelihood of becoming involved in political activity through donations, meaning that mandatory disclosure “chills” citizens’ speech and association. A majority of respondents would think twice before donating to a ballot issue campaign if their name, address and contribution amount were disclosed. An overwhelming plurality would think twice before donating to a ballot issue campaign if their employer’s name were revealed. When asked why they would think twice, respondents cited, among other things, privacy and safety concerns, fear of retribution, and the revelation of their secret vote.”

Disclosure Decreases Electoral Participation

Ph.D. Ray La Raja, 2011. (La Raja is an expert in political parties, interest groups, campaign finance, elections, political participation, American state and local politics, public policy and political reform, and is a professor of political science at the University of Massachusetts Amherst. He holds a Ph.D. in Political Science from UC Berkeley, and a Master’s Degree in Public Policy from Harvard University’s Kennedy School of Government.) “Does Transparency of Political Activity Have a Chilling Effect on Participation?”; Presented at the 2011 Meetings of the Midwest Political Science Association, Published by Harvard University. https://projects.iq.harvard.edu/files/cces/files/la\_raja-\_transparency\_of\_political\_activity.pdf

“Overall, this analysis demonstrates that disclosure has a chilling effect on participation. The experiment regarding political donors and petition signers indicates that some individuals are less likely to participate when they believe their actions are public. The subtle cue that donations above a certain threshold will be disclosed causes individuals to reduce the amount of their contribution. Moreover, the results show that disclosure appears to affect small donors rather than large donors. The results for sub-groups are less conclusive but merit further scrutiny. The study suggests that women appear more sensitive to disclosure than men. When cued that their acts would be public, they were more likely to drop the level of contributions and refrain from signing a petition. This finding supports previous research about women being more conflict avoidant (Ulbig and Funk 1999) and more reluctant to express political opinions (Djupe 2009; Rae Atkeson and Rapoport 2003). Cross pressured groups are also potentially vulnerable to the 21 dampening effects of disclosure. Moderates decreased participation in both experiments compared with extreme ideologues, and union members appeared to do so with respect to political contributions. Future research might explore the effect on other potentially cross-pressured groups. The findings should spur policymakers to reconsider the cost-benefit trade-offs for disclosure policy, particularly for campaign finance.”

Disclosure Doesn’t Inform Citizens

**Public Policy Analyst Dick M. Carpenter II, 2007.** (Carpenter serves as the director of strategic research at the Institute for Justice. His research has been published in numerous academic journals, and he holds a Ph.D. in Educational Leadership and Innovation from the University of Colorado.) “Disclosure Costs: Unintended Consequences of Campaign Finance Reform”; The Institute for Justice https://ij.org/wp-content/uploads/2015/03/DisclosureCosts.pdf

“Not only are there serious costs associated with disclosure, it’s a regulation devoid of the benefits typically touted by proponents, namely “better,” more informed voters: A little more than a third of respondents knew where to access lists of campaign contributors or took the time to read such information before voting. Therefore, citizens appear to know nothing about a law they strongly support and appear uninterested in accessing the information it produces.”

Political Tactics, not Voter Information

Opinion Editor at The Guardian Megan Carpentier, August 2015. (At the time of publication, Carpentier was the Opinion Editor at the Guardian, where she was the Deputy Opinion Editor from April 2014 to January 2015, and a writer from February 2016 to November 2016. She helped launch and is currently the Editor of THINK, NBC’s first-ever opinion platform, and holds a graduate MSFS degree in International Business and Public Policy from Georgetown University). “Medical Records Must Stay Private - Even For Prospective Presidents”; The Guardian https://www.theguardian.com/commentisfree/2015/aug/07/presidential-candidate-medical-records-discrimination-transparency

“Is it germane to a candidate’s fitness for office if he sought treatment for, say, cocaine abuse in the 80s? Are records of a man’s hair plugs fair game? A Viagra prescription? If someone wants to bomb bomb bomb, bomb bomb Iran, do we need to make sure that’s depression talking rather than just an abhorrent neoconservative ideology? Speculating about it has gained traction because it’s worked, and the sleaziest of campaign operatives hopes it will again.”

Disclosures can Prejudice the Electorate

Harvard Law School Graduate and health ethics expert George J. Annas, 1995. (Annas is the William Fairfield Warren Distinguished Professor at Boston University, Director of the Center for Health Law, Ethics & Human Rights at Boston University School of Public Health, a member of the Department of Health Law, Policy and Management at the School of Public Health, and a Professor at the School of Law and School of Medicine. He is author or editor of 20 books on health law and bioethics, a member of the National Academy of Medicine and a Fellow of the American Association for the Advancement of Science, and the co-founder of Global Lawyers & Physicians, a NGO dedicated to promoting health and human rights. He has a Bachelor’s degree in Economics, a Master’s degree in Public Health, and a J.D., all from Harvard) “The Health of the President and Presidential Candidates — The Public's Right to Know”; The New England Journal of Medicine <https://www.nejm.org/doi/full/10.1056/NEJM199510053331420>

“Third, and perhaps most important, there is an entire new set of tests — genetic tests — that will soon become available and will be able to make at least some probabilistic, though not definitive, estimates of the odds of a person's having certain diseases, such as early-onset Alzheimer's disease, breast cancer, and colon cancer. These tests have the potential for much mischief in presidential politics. Their results could be used to play to the fears and prejudices of the electorate, even though by themselves they cannot accurately predict how good or bad a President will be or whether the person will be able to do the job. Everyone will die, and if they live long enough will die of a genetically influenced disease, because we all carry at least some genes predisposing us to death and mental disability. It would be pointless and distracting to search for those that evoke the most fear in the electorate, since this is a reflection not of the fitness of a person for the presidency but of our own fears of death and disability. A good rule to adopt now is for candidates (and their physicians and advisors) to put the results of genetic tests off limits in any disclosure of the health status of a candidate or of a President.”

Works Cited

1. Former U.S. Ambassador to the United Nations Jeanne Kirkpatrick, November 1982. “Democratic Elections and Democratic Government”; Presented at a conference held by the American Enterprise Institute and the U.S. Department of State. https://www.jstor.org/stable/20672013?seq=1
2. Oxford’s Lexico Dictionary. “Right-to-know”  https://www.lexico.com/en/definition/right-to-know
3. Cornell Law School’s Legal Information Institute. “Right to Privacy” https://www.law.cornell.edu/wex/right\_to\_privacy
4. Cambridge Dictionary. “Accountability.” https://dictionary.cambridge.org/us/dictionary/english/accountability
5. Ph.D of Economics Alicia Adsera, and Ph.D.s of Political Science Carles Boix and Mark Payne, 2003. (Adsera is a research scholar and lecturer at the Princeton School of Public and International Affairs. She holds a Ph.D. in Economics from Boston University, and in 2003 was an assistant professor in the Department of Economics at the University of Illinois at Chicago. Boix is a professor of Politics and Public Affairs at Princeton University. He holds a Ph.D. in Political Science from Harvard University, and in 2003 was an associate professor in the Department of Political Science at the University of Chicago. Payne is research analyst for the Internal Revenue Service. He holds a Ph.D. in Political Science from Ohio State University, and in 2003 was a consultant at the Inter-American Development Bank.) “Are You Being Served? Political Accountability and Quality of Government”; The Journal of Law, Economics, & Organization, Vol. 19, No. 2. https://www.princeton.edu/~adsera/JLEO.pdf
6. The International Growth Centre, 2018. (The International Growth Centre is a global, research-driven think tank that aims to promote sustainable growth in developing nations. From its base at the London School of Economics, the IGC directs a global network of world-leading researchers and in-country teams in Africa and South Asia, and works closely with partner governments to generate research and policy advice on key growth challenges. The IGC is partnered with the University of Oxford and is majority funded by the UK Foreign, Commonwealth and Development Office.) “Election debates to increase political accountability”; IGC (note: this article is undated, but in-text references demonstrate that this article was written during or after 2018). https://www.theigc.org/impact/election-debates-to-increase-political-accountability/
7. Robert Streiffer, Alan P. Rubel and Julie R. Fagan 2006 (Robert Streiffer is Professor of Philosophy and Bioethics at the University of Wisconsin, Madison; Alan Rubel is an associate professor in the Center for Law, Society & Justice at the University of Wisconsin, Madison; Julie Fagan is Clinical Associate Professor of Medicine at the University of Wisconsin Women's Health Center and serves on the hospital ethics committees for both the University of Wisconsin Hospital and Meriter Hospital) “Medical Privacy and the Public's Right to Vote: What Presidential Candidates Should Disclose” https://doi.org/10.1080/03605310600860825
8. National Review Institute Senior Fellow Kathryn Jean Lopez, 2011. (In addition to her senior fellowship, Lopez is the director of the National Review Institute’s Center for Religion, Culture, and Civil Society. She is also editor-at-large of National Review magazine and a nationally syndicated columnist.) “Integrity and Authenticity”; the New York Times https://www.nytimes.com/roomfordebate/2011/05/15/when-political-campaigns-turn-private-lives-public/integrity-and-authenticity
9. Ph.D. of Economics Yukihiro Yazaki 2017. (Yazaki received his Ph.D. from Aoyama Gakuin University College of Economics. He has published numerous journal articles on political accountability and the role of the media in disseminating information). “Newspapers and political accountability: evidence from Japan”; Public Choice Vol. 172. https://link.springer.com/article/10.1007%2Fs11127-017-0444-x
10. Political Campaign Expert Dan Schnur, 2011. (Schnur is a professor at the University of Southern California’s Annenberg School of Communications, and at the University of California – Berkeley’s Institute of Governmental Studies. He is the founder of the USC/LA Times statewide political poll, the former director of the Jesse M. Unruh Institute of Politics at the University of Southern California, and the former chairman of the California Fair Political Practices Commission. He was the communications director for John McCain's 2000 presidential campaign, and was a longtime adviser to Gov. Pete Wilson of California.) “Why Personal Biography Matters”; The New York Times https://www.nytimes.com/roomfordebate/2011/05/15/when-political-campaigns-turn-private-lives-public/why-personal-biography-matters
11. The International Growth Centre, 2018. (The International Growth Centre is a global, research-driven think tank that aims to promote sustainable growth in developing nations. From its base at the London School of Economics, the IGC directs a global network of world-leading researchers and in-country teams in Africa and South Asia, and works closely with partner governments to generate research and policy advice on key growth challenges. The IGC is partnered with the University of Oxford and is majority funded by the UK Foreign, Commonwealth and Development Office.) “Election debates to increase political accountability”; IGC (note: this article is undated, but in-text references demonstrate that this article was written during or after 2018). https://www.theigc.org/impact/election-debates-to-increase-political-accountability/
12. Duke University researchers Jonathan Davidson, Kathryn Connor, and Marvin Swartz, 2006. (Davidson is a Professor Emeritus of Psychiatry and Behavioral Sciences at Duke University, and received his M.D. from University College, London. Connor is the Research Director of the Anxiety and Traumatic Stress Program at Duke University and an Associate Professor in the Department of Psychiatry and Behavioral Sciences at Duke University, she received her M.D. from the University of Maryland. Swartz is a Professor of Psychiatry and Behavioral Sciences at Duke, a member of the MacArthur Foundation Research Network on Mandated Community Treatment, and received his M.D. from Tufts University) “Mental Illness In U.S. Presidents Between 1776 and 1974: A Review of Biographical Sources”; The Journal of Nervous and Mental Disease, Volume 194(1) https://ovidsp-dc2-ovid-com.ezproxy.lib.utexas.edu/ovid-a/ovidweb.cgi?QS2=434f4e1a73d37e8c50b21927d035aa274402f92de64a36b5541d00349e6af6f9f229f348e6f58dbfdd9d82475326a05e36f0811dbcaf30be9129fea004228bd2ccc01686396b610a57b0899dd97a3766606abccdebfeeea128a44bfa71f19c44f988fab679dae86615b69358f86aaa6696d69e6d3b0022cdf1e04e21823320e9c070f8c942309c52992e28512e8f81d1baa9da000f22a4e258fb0176fd6f9741a42c6cfa519edee3df80b9d8b12f5c0ac30a2e379989204f49a50db4214ed315883ee729cc994ea5fcc57af8f753d5aa5f335255b23baa3d7562aca800c565aafa915f14171c31f3d75dfcc6d48dad9da3961f667bf9572b6255bcdbaae0be989c58880c17a45b0c6b2e4ec0b662d0392718785146b69b0cad211c4e63fb06fd76650cad52bcbf30845656c36675ee6cf79e98fff4cf4f9d99eac97ab62cb89bcdf1f14467b00402dedcdf24fca82ca1849d166fe838abe6
13. CNN Medical Producer Sandee Lamotte, 2015. (Lamotte works at CNN as the field producer for Chief Medical Correspondent Dr. Sanjay Gupta and Senior Medical Correspondent Elizabeth Cohen, and as a writer for CNN.com. She is the founder of Health Trust Media LLC., a company that specializes in communicating healthcare information to patients, and has held several director-levels roles at WebMD.) “Do voters have the right to know presidential candidates' health histories?”; CNN https://www.cnn.com/2015/12/14/health/presidential-candidate-health-disclosure/index.html
14. Presidential Historian and New York Times Bestselling Author Robert Dallek, 2013. (Dallek has written more than a dozen historical books and been featured in many major media publications. He is an elected fellow of the American Academy of Arts and Sciences as well as the Society of American Historians, where he has served as president in 2004. He is a member of the Society for Historians of American Foreign Relations, and an emeritus professor of history at UCLA. Dallek currently teaches at Stanford University's Stanford in Washington program in Washington, DC) “The Medical Ordeals of JFK”; The Atlantic https://www.theatlantic.com/magazine/archive/2013/08/the-medical-ordeals-of-jfk/309469/
15. James Madison, 1792. (Madison was one of the Founding Fathers of the United States, authored the Bill of Rights, and is known as “The Father of the Constitution.”) “Property”; University of Chicago Press https://press-pubs.uchicago.edu/founders/documents/v1ch16s23.html
16. Professor Emeritus of Political Science at Yale University Robert A. Dahl, February 2020. (Dahl was Sterling Professor Emeritus of Political Science at Yale University. He earned his Ph.D. in Political Science from Yale, and authored several books, including ‘Democracy and its Critics,’ ‘A Preface to Democratic Theory,’ and ‘Pluralist Democracy in the United States.’) “Democracy”; The Encyclopedia Britannica https://www.britannica.com/topic/democracy/Factions-and-parties#ref796551
17. Public Policy Analyst Dick M. Carpenter II, 2007. (Carpenter serves as the director of strategic research at the Institute for Justice. His research has been published in numerous academic journals, and he holds a Ph.D. in Educational Leadership and Innovation from the University of Colorado.) “Disclosure Costs: Unintended Consequences of Campaign Finance Reform”; The Institute for Justice https://ij.org/wp-content/uploads/2015/03/DisclosureCosts.pdf
18. Ph.D. Ray La Raja, 2011. (La Raja is an expert in political parties, interest groups, campaign finance, elections, political participation, American state and local politics, public policy and political reform, and is a professor of political science at the University of Massachusetts Amherst. He holds a Ph.D. in Political Science from UC Berkeley, and a Master’s Degree in Public Policy from Harvard University’s Kennedy School of Government.) “Does Transparency of Political Activity Have a Chilling Effect on Participation?”; Presented at the 2011 Meetings of the Midwest Political Science Association, Published by Harvard University. https://projects.iq.harvard.edu/files/cces/files/la\_raja-\_transparency\_of\_political\_activity.pdf
19. Opinion Editor at The Guardian Megan Carpentier, August 2015. (At the time of publication, Carpentier was the Opinion Editor at the Guardian, where she was the Deputy Opinion Editor from April 2014 to January 2015, and a writer from February 2016 to November 2016. She helped launch and is currently the Editor of THINK, NBC’s first-ever opinion platform, and holds a graduate MSFS degree in International Business and Public Policy from Georgetown University). “Medical Records Must Stay Private - Even For Prospective Presidents”; The Guardian https://www.theguardian.com/commentisfree/2015/aug/07/presidential-candidate-medical-records-discrimination-transparency
20. Harvard Law School Graduate and health ethics expert George J. Annas, 1995. (Annas is the William Fairfield Warren Distinguished Professor at Boston University, Director of the Center for Health Law, Ethics & Human Rights at Boston University School of Public Health, a member of the Department of Health Law, Policy and Management at the School of Public Health, and a Professor at the School of Law and School of Medicine. He is author or editor of 20 books on health law and bioethics, a member of the National Academy of Medicine and a Fellow of the American Association for the Advancement of Science, and the co-founder of Global Lawyers & Physicians, a NGO dedicated to promoting health and human rights. He has a Bachelor’s degree in Economics, a Master’s degree in Public Health, and a J.D., all from Harvard) “The Health of the President and Presidential Candidates — The Public's Right to Know”; The New England Journal of Medicine https://www.nejm.org/doi/full/10.1056/NEJM199510053331420