

Digital Citizens' Bill of Rights

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"[A] bill of rights is what the people are entitled to against every government on earth, general or particular, and what no just government should refuse."

—Thomas Jefferson December 20, 1787

Democratic systems of governance are about to undergo significant, even seismic, changes. These changes will not involve such comparatively simple questions as “Who will be our next President or Prime Minister?” or “Will current political parties retain their control of basic institutions?” The impending changes are more fundamental. They will involve deeper, more structural shifts that will move nations away from their traditional reliance on “representative democracy” toward newer, emerging forms of “direct democracy.” The current revolution in communications technologies will play a catalytic role.

New democratic institutions will alter the rights and responsibilities of citizens as well. The time may now be right to begin to articulate a new Digital Citizens' Bill of Rights, which would define basic rights and benefits of all citizens in the digital age, protecting them against electronic abuses of government power, and empowering them to participate more actively and effectively in the activities of democratic governance.

The following is a draft listing of basic principles that might be included in an ultimate “*Digital Citizens' Bill of Rights*.”

1. Right to Information

- Right to identify the name, title, contact information and duties of each elected official directly responsible to each citizen (e.g., a citizen should be able to access an online government database, enter his/her address and identify their city councilmember, county supervisor, state assembly member, etc.)
- Right to obtain elected officials' voting records and positions on range of issues
- Right to access full-texts of all government research online and, where feasible, through other media (TV, Video-on-Demand)
- Right of access to online search engine to locate government research
- Right of access to government information in multiple languages where appropriate (e.g., English & French in Canada)

2. Right to Transparency

- Right to view online agendas of all upcoming governmental meetings
- Right of notification (e.g., e-mail, text message), upon request, of specific upcoming governmental decisions (e.g., citizens would indicate they are interested in specific issues, and city council would e-mail them notification a week before issues are considered, so citizens can participate in public hearing or comment by e-mail)
- Right to access online streamed and/or archived video coverage of public government decisions (e.g., video coverage of city council, state legislature), via TV, the Web or Cable TV/DBS/Cellular Video-on-Demand retrieval systems

3. Right to Petition

- Right to access software that will allow citizens to transmit their opinions on pending issues to government officials
- Right to expect that information transmitted to elected officials electronically will not be ignored (officials will log comments, respond in timely manner, etc.)
- Right to participate in periodic, online, non-binding government-initiated public opinion polls, to express opinions on major items pending before local, regional, state and national governments (e.g., government would conduct public opinion polls, post the results, and publicly respond through committee hearings, legislative resolutions, etc.) (alternative to binding ballot initiative)

4. Right to Vote

- Right to vote online in manner that is private, secure and accurate
- Right to sign online petitions to qualify citizen initiatives for the ballot, in jurisdictions which utilize the ballot initiative process
- Right to receive voter information on all candidates for elected office and ballot measures in textual and/or video formats via the Web, Internet or Cable TV/DBS/Cellular Video-on-Demand retrieval systems

5. Right to Privacy

- Right to inspect any information collected by government and to correct it for errors or omissions
- Right to prevent government and private vendors from selling, disseminating or making public any private information collected by government, where that information personally identifies specific citizens

6. Right to Access

- Right of universal access to government information and services via the Internet (e.g., free government supported public points of access through libraries, kiosks, etc.)

- Right of access to government via electronic technologies (e-mail, Internet) should exist irrespective of age, gender, race, income or disability (e.g., voice activation for blind, sub-captioning for deaf)
 - Right to receive free government-supplied e-mail addresses and accounts
 - Right to explicit governmental policies designed to keep Internet access costs low (tariffs, antitrust enforcement policies against media monopolization, etc.)
- 7. Right to Assemble**
- Right to create or join online communities and forums without constraint
 - Right to privacy in online memberships
- 8. Right to Freedom of Expression**
- Right to free and uncensored personal communication without governmental intervention
 - Right to free and uncensored communication in un-moderated public forums or networks
- 9. Right to Online Services**
- Right to enter into government transactions (e.g., income tax filing) or obtain government services (e.g., auto registration) online
 - Right to obtain online answers to specific questions relating to government (e.g., hours of park operation, ways to obtain camping permits)

Historical Note

Bills of Rights have a long and storied history. They have been used to erect legal bulwarks against excessive uses of government power, as well as articulate important civil liberties and freedoms that should not be infringed by government.

The English Magna Carta (1215) established protections against arbitrary and unjust rule by the king and established the concept that the powers of government could be limited by specific principles in a written document.

The English Bill of Rights (1689), a precursor to the U.S. Bill of Rights, ended the concept of the divine right of kings, limited the powers of the king and subjected the crown to the rule of law as enacted by Parliament. The English Bill of Rights included major provisions respecting petition and speech:

“That it is the right of the subjects to petition the king, and all commitments and prosecutions for such petitioning are illegal;

That the freedom of speech and debates or proceedings in Parliament ought not to be impeached or questioned in any court or place out of Parliament.”

Virginia Declaration of Rights (1776) was used by Thomas Jefferson in the Declaration of Independence and copied by a number of other colonies. It provided, among other things:

“That the freedom of the press is one of the great bulwarks of liberty, and can never be restrained but by despotic governments (Section 12).”

New Hampshire Bill of Rights (1783), inspired by Virginia, and similar to a number of other colonial bills of rights that protected basic liberties against encroachment by government, provided, for example:

“The people have a right, in an orderly and peaceable manner, to assemble and consult upon the common good, give instructions to their representatives, and to request of the legislative body, by way of petition or remonstrance, redress of the wrongs done them, and of the grievances they suffer.”

U.S. Bill of Rights: The draft constitution submitted to the states for ratification contained relatively few civil rights protections. Thomas Jefferson, then Minister to France, wrote James Madison expressing alarm over “the omission of a bill of rights . . . providing clearly . . . for freedom of religion [and] freedom of the press . . .” President George Washington, in his first inaugural address, urged Congress to propose amendments that offered “a reverence for the characteristic rights of freemen and a regard for public harmony.” Congress responded by proposing 12 amendments, 10 of which were ratified in 1791 and became known as the Bill of Rights. The first of these reads:

“Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.”

The articulation of these rights occurred at crucial moments in history and served as important steps in the formation of modern democracies. The time may now be appropriate to begin to articulate a new Bill of Rights for citizens in the age of digital governance.

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