

A POST-ELECTION NOTEBOOK
by Michael Ventura
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Incompetence. Though one may wonder and moan about how long it took, this November our republic behaved like a republic. The people overcame gerrymandering and a \$100 million GOP spending advantage to repudiate incompetent Republican government. Whether anti-GOP voters cited corruption, health care, Iraq or the economy, their basic beef was incompetence. In 2004 many of these voters proved willing to tolerate lies, torture, bribery, a crippling deficit and the betrayal of the Bill of Rights. But this November that old-timey American pragmatic streak asserted itself. A majority drew the line when folks could no longer refuse the conclusion that their rulers are incompetent. This was in no way a moral stance. Most Americans would approve the war if they thought they were winning and tolerate corruption if they thought they were prospering. They're neither winning nor prospering; incompetence finally tried their patience. The gutting of our Bill of Rights didn't show up as a major election issue; these voters weren't fighting for their liberty. They were fighting for their sanity -- the right to live in a half-way sane land in which government materially benefits the majority of the people.

Which is why we who are devoted to liberty and justice for all should not expect much in the next two years. The people spoke and the Democrats listened: They want material benefits. (Hey. Who doesn't?) Democrats intend an increased minimum wage and health care reform -- boons that surely come under the heading of "justice for all." But revising the PATRIOT Act and the Military Commission Act are on no politician's agenda. Democrats don't want to run on that platform in '08, especially against John McCain.

It's the Bill of Rights, stupid. Nevertheless, third-party true-believers who insist that there's no difference between Democrats and Republicans are living, emotionally and politically, in another decade. During Bill Clinton's administration they were right. But the Bush administration has demonstrated one crucial difference between the parties. Democrats may vote for laws like the PATRIOT Act that gut the Bill of Rights; they may fail to filibuster a travesty like the Military Commissions Act; but Democrats do not *initiate* laws that abolish our freedoms. If that's not an important distinction, I can't imagine what would be. If we are again to live in a country where (under the law) all citizens are free, the great political task is to re-establish the primacy of the Bill of Rights. These last six years have proven that this will never happen under Republican government. Third parties are too weak to make it happen. Democrats, God help us, are our only bulwark against the Bill of Rights' further erosion. They won't reinstate it fully, for now; but, playing to their base, they're unlikely to let it slip further. While that situation continues, I am once again a Democrat. As an anti-capitalist and an anti-imperialist, this pains me. But to allow Republicans to win for the righteous pleasure of a third-party vote is to further endanger the Bill of Rights, and the Bill of Rights must come first -- because without it there will be nothing else.

Vigilance. By all accounts, and with very few exceptions, this was an honest election. So there are now a spate of editorials and op-eds about how "the system worked" and the "doomsayers" who worried about it are not to be taken seriously, blah-blah-blah. The system worked because we remembered what it takes to make it work: vigilance. The gross malfeasance and outright chicanery of 2000 and 2004 were not repeated because *everyone was watching*. There were thousands of on-site observers. Scores of lawyers were standing by, ready to be dispatched by both parties to any voting-place that looked suspicious. Unlike 2004, TV news was eager to swoop down on infractions. Also unlike 2004, the Internet has become a virtual alarm system. If vote-counts hadn't matched exit polls this time, the scrutiny would have been too hot to handle. Therefore if voting-machine manufacturers wanted to stay in business they had to keep it clean, for all eyes were on them. The system failed to work when we forgot that vigilance is part of the system. If we forget again, we'll again get what we deserve whenever we take liberty for granted.

Rumsfeld. Whatever else they are, Bush and Rove are first-rate political manipulators. They

knew they were in trouble and they gambled that if they played to their base, outspent Democrats by \$100 million, and depended upon their organizational advantages, they'd win. Tiny margins in many important races proved them almost right. If they'd sent Donald Rumsfeld packing in, say, August or September, they might very well have won. But, as has been widely reported, Cheney was adamant that Rumsfeld stay. Since Bush famously resists admitting mistakes, he too likely wanted Rumsfeld to stay. Denials and spins aside, the Bush-Rove strategy was likely this: If they win, Rumsfeld and Cheney win; if they lose, best absorb the loss by giving the voters Rumsfeld's head on a pike. His replacement by the pragmatist Robert C. Gates is a bigger victory for sanity than many realize. The reasons are many, but these are not the least:

The Military Commissions Act gave the Secretary of Defense tremendous power. Section 948a.1.A.ii: An unlawful enemy combatant may be "a person [foreigners are not specified; a person can be anyone] who... has been determined to be an unlawful enemy combatant by a Combatant Status Review tribunal or another competent tribunal established under the authority of the President or the Secretary of Defense." In addition, last December 29th the Associated Press reported "a Bush administration revision of plans for Pentagon succession in a doomsday scenario" in which "Rumsfeld's most loyal advisers [who are Cheney acolytes] moved ahead of the secretaries of the Army, Navy, and Air Force." Under Rumsfeld, if worse came to worst the shots would be called not by experienced strategists but by Rumsfeld-Cheney fantasists. With the appointment of Gates, it's widely reported that the Pentagon's Rumsfeld-Cheney boys can expect pink-slips. Finally: During his tenure Rumsfeld defied the Goldwater-Nichols Act of 1986 which "requires the senior man in uniform to have direct access to the president" [*The New York Times*, Nov. 10, p.31]. Bush rarely heard from the generals. He heard from Rumsfeld. This unprofessional and unlawful practice will also end. And, praise be, Cheney will no longer have powerful allies at the Pentagon. Rumsfeld's exit is the election's greatest achievement. The Pentagon will again be run by professionals. The last six years have proven that, as far as world peace is concerned, practical imperialists are preferable to fantasy-enthralled fanatics.

That our military almost religiously respects civilian rule is rare in history and is a quality to be admired. Welcome the professionals back, then do your small-r republican best to keep them in check.

Impeachment. There's been lots of Internet chatter about impeaching George W. Bush. But if Bush is impeached who becomes president? Answer: Dick Cheney. Read the Constitution. The vice president has no executive authority and cannot be held responsible for anything the White House orders. There is no legal ground for holding the vice president responsible for giving advice that the president transforms into an order. It's the president's order, no matter what. Unless caught breaking the law, the vice president is untouchable. George W. Bush richly deserves impeachment, but impeach him and you'll have President Dick Cheney. Which is why no Democratic leader is talking about, or will talk about, impeachment.

Obama-Leibermann. Ah, Barak Obama. I ask you, how can you trust a man who never says anything that can possibly offend anyone? Forget, just for a moment, that Obama is half African and half Anglo-American, and that the guilty secret racist within our white liberal and moderate electorate would feel oh-so-righteous voting for him. Forget, just for a moment, that Obama is charismatic and eloquent. Then compare the substance of Obama's speeches with the substance of Joe Leibermann's. There's barely any difference. Quoth Obama [*The New York Times*, Nov. 5, p.4WK]: "If the Democrats don't show a willingness to work with the president, I think we could be punished in '08." Yet the same Democrats who want to axe Joe Leibermann are flocking to Barak Obama. I'm with my pal and former colleague Ginger Varney, who said of Senator Obama, "He's Joe Leibermann with an altar-boy appearance!"

Montana's Democratic Senator-elect Jon Tester: "I'm a firm believer in the middle class. I think they built this country and they need to be empowered to rebuild it." [MSNBC's Hardball, Nov. 9] That will be the Democratic Party's policy through the '08 election. If they can deliver, what remains of the Bill of Rights will be more or less safe for a while -- if such a dangerous

document (freedom is always dangerous) can ever be said to be safe.

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