Back Road to The White House

Independents and The 2008 Election

The Texas Two-Step

Partisans Beware: California’s Prop 77 Goes to the Voters
neo-independent (nēˈō in də pendənt)

adj. 1 of, or pertaining to, the movement of independent voters for political recognition and popular power __ n. an independent voter in the post-Perot era, without traditional ideological attachments, seeking the overthrow of bipartisan political corruption __ adj. 2 of, or pertaining to, an independent political force styling itself as a postmodern progressive counterweight to neo-conservatism, or the neo-cons
Here’s a question I’d like to ask every independent in the United States of America: If there are so many of us (35% say they’re independents rather than Democrats or Republicans), why do we have so little political power?

There probably is no one answer to this question. Actually, there may be 35 million different ones. Independents are like that. The Neo-Independent (whose subscriber base is somewhat under 35 million) was created to foster such a national dialogue. “Back Road to the White House” is a piece of it — at the level of independent leaders, activists and journalists. I’m eager for many more voices to join the conversation.

I hope this issue provides support and “framing” (to use a term popular in political circles these days) to Jeremy Gragert and George Penn in Wisconsin, Jeremy Moody in
Editor’s Note continued

Maryland, David Cherry in Illinois, Sarah Bayer in Massachusetts, Dave Ellis in Oregon, Jason Olsen in California, Mike Telesca in Connecticut, Bob Miller in Florida, Betty Ward and Jerome Holden in New Hampshire, Jeannette McCoy in Virginia, Al Bartell and Mike Pickering in Atlanta, Wayne Griffin in South Carolina, Ernest Crawford in North Carolina and so many other independents who are working hard – not just to answer my question, but to do something about it. This issue is dedicated to all of you.

A personal note on the passing of ABC News anchor Peter Jennings. Peter and I worked together almost 35 years ago, when he was first trying to shed his pretty boy image (boy, was he pretty!) and become a serious correspondent. I was a desk assistant at the time, which was the lowest-paid job in the place – so low that network brass talked freely around you because you basically didn’t exist. In 1972, Peter was sent to Munich to cover the Olympics – a “soft” assignment which he wasn’t altogether thrilled about, but which unexpectedly turned into the biggest hard news story of the year when “Black September” terrorists seized and then killed a group of Israeli athletes ten days into the Games. Peter was well versed in Arab politics (which made him controversial in the business) and threw himself into covering this stunning turn of events.

Not long after the hostage-taking, Peter did a live feed from a studio in Munich, recapping what had happened. I was in the newsroom with the execs who’d come down to watch the broadcast. Peter was sitting on the set, giving a vivid account of the story, complete – as I recall – with singular insight into the motivations and modus operandi of the terrorists. It was riveting. No one spoke until one of the top guys made a strange, sort of guttural, sound. “Oh my god,” he exclaimed. “Peter’s not wearing any socks!” All eyes zoomed in on Jennings’ bare ankles, visible between his pricey loafers and pant cuffs. “What the hell is wrong with him?” they grumbled.

This was my journalistic introduction to how to cover an international crisis: Whatever’s going on, wear your socks. Peter Jennings, of course, survived the sock crisis and, unlike the situation in the Middle East, went on to bigger and better things. I also went on to what I’d like to think are better things, like working in a movement to change the culture of politics and policymaking. These days it’s actually getting a little bigger, too.

Rest in peace, Peter Jennings. For the rest of us, let’s keep going, with or without our socks.

Jacqueline Salit, Executive Editor
editor@neoindependent.com
<table>
<thead>
<tr>
<th>Page</th>
<th>Title</th>
<th>Author(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Editor’s Note</td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>Letters &amp; Credits</td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>The Texas Two-Step</td>
<td>Jacqueline Salit</td>
</tr>
<tr>
<td>11</td>
<td>Partisans Beware: California’s Prop 77</td>
<td>Phyllis Goldberg</td>
</tr>
<tr>
<td>14</td>
<td>Independent President in 2008?</td>
<td>John P. Avlon</td>
</tr>
<tr>
<td>16</td>
<td>Back Road to the White House</td>
<td>Jacqueline Salit</td>
</tr>
<tr>
<td>23</td>
<td>Mr. Smith Leaves Washington</td>
<td>Harry Kresky interviews outgoing</td>
</tr>
<tr>
<td></td>
<td>FEC Commissioner Bradley A. Smith</td>
<td></td>
</tr>
<tr>
<td>30</td>
<td>The Centrist Theory Cannot Hold (but the rest is pretty interesting!)</td>
<td>Jacqueline Salit reviews John P. Avlon’s</td>
</tr>
<tr>
<td></td>
<td>Independent Nation: How Centrists Can Change American Politics</td>
<td></td>
</tr>
<tr>
<td>33</td>
<td>Talk/Talk</td>
<td>Fred Newman and Jacqueline Salit take on the</td>
</tr>
<tr>
<td></td>
<td></td>
<td>talking heads</td>
</tr>
<tr>
<td>47</td>
<td>Granite State Indies Refuse to “Repent”</td>
<td></td>
</tr>
</tbody>
</table>
Open Primaries?

Your readers are sophisticated enough to handle the whole truth. The Spring 2005 issue, on page 9 and again on page 42, says something that is not true. I know you can do better. Every registered voter in California can vote in the party primaries for public office. Yet page 9 and page 42 say they can’t.

Richard Winger
San Francisco, California

We are happy to elaborate. Since January 1, 2001 California has had a modified closed primary system, in which unaffiliated (“decline to state”) voters may only participate in a primary election if they are authorized to do so by an individual party’s rules and the secretary of state is duly notified. Ballot status parties (there are currently seven) have until 135 days prior to a primary election to provide a written notice to the secretary of state indicating that they have adopted such a rule. Since the next primary elections will take place on June 6, 2006, the parties have until early next year to decide whether, and how, unaffiliated voters will be allowed to participate.

For California’s decline to state voters, in other words, voting in a primary is not a right but a privilege that each party is free to extend or withhold as it sees fit.

The Neo-Independent welcomes letters from readers. Letters should be concise and must include the writer’s name, address and telephone number to verify authorship. We cannot guarantee publication and reserve the right to edit for length and clarity. Please send letters to: editor@neoindependent.com or Letters, The Neo-Independent, 302A West 12th Street, #140, NY, NY 10014.
Living in Austin, the capital of Texas, Linda Curtis is 200 miles from the blue waters of the Gulf of Mexico. But she still knows a sea change when she sees it. And according to the founder of Independent Texans, the Lone Star State is awash in one. “We estimate that more than a third of Texas voters are independents,” Curtis says. “That’s 4.2 million people. It’s a political force that is coming to have real power in this state, and that’s going to change the way politics is done.”
The concept behind Independent Texans is surprisingly simple. “It’s really a fusion tactic,” Curtis explains, referring to the practice – currently banned in Texas – whereby political parties can cross-endorse candidates, which allows them to appear on the ballot on multiple lines. With the vote totals on all lines aggregated, endorsements by second and third parties can produce the margin of victory. This practice is legal in the state of New York, for example, where independents – under the auspices of the powerful and controversial New York Independence Party – have elevated themselves into a significant and sought after force, particularly after providing Michael Bloomberg’s winning margin in the 2001 New York City mayoral race. Republicans and Democrats receive the IPNY’s line in exchange for backing political reforms, which further empower independent voters.

Since Texas bans fusion (the Supreme Court upheld the right of states to do so in 1997), Independent Texans employs the fusion strategy – but without a party. “It works for us for a number of reasons,” says Curtis. “For one thing, most independents don’t like parties – that’s why they rejected the Democrats and Republicans in the first place. So when you invite folks to join an association of people who don’t like parties, they might initially think you’re crazy but when you explain the power that independents have because we are swing voters, it starts to make sense.”

— Linda Curtis, Independent Texans
explain the power that independents have because we are swing voters, it starts to make sense."

Curtis’ approach is also starting to make sense to a mix of political players on the Texas scene, some of whom are marshalling their resources for the 2006 gubernatorial run.

One of the biggest partisan boondoggles to afflict Texans recently is a bipartisan plan to place tolls on roads that are already funded through a tax on gas. “It’s a classic case of the politicians saying ‘My way and the highway,’” says the ever-fiesty Curtis. “But Austinites weren’t prepared to accept what is, in effect, a double tax.” Curtis credits Sal Costello, the founder of the Austin Toll Party.com, with mobilizing public sentiment into a vibrant citizens’ movement to stop the “double tax” toll plan. That’s how the two organizers met. Now they are working together to shape Texans’ natural populism into a more independent and sophisticated political tool.

“I’ve spoken to many frustrated Texans who voted Republican to keep taxes low, but now Governor Rick Perry is showering them with a new tax plan by tolling public freeways,” says Costello. “You’ve got Democrats and Republicans pushing these freeway tolls, which are an open-ended tax where unelected people set the rates. Our job is to educate people that voting party line is not going to fix this. They need to vote the person, not the party.” Costello has been influenced by Curtis, who helped him bring the anti-toll efforts on line. Costello says that they are “creating independent thinkers” and believes that there is “real momentum” to the political shifts now underway.

Perhaps the most resonant impact independents are having is in the set-up for the 2006 gubernatorial race. State comptroller Carole Strayhorn has announced that she will challenge fellow Republican Rick Perry, who
Linda Curtis and Texas IT’ers Gerardo Cárdenas (l.) and Lucretia Krause (r.) visiting with Kinky Friedman at his ranch
Jacqueline Salit

is seeking reelection, in their party’s primary next year. Independent voters will figure prominently in that open primary (any voter can cast a ballot) – a fact that has hardly escaped the notice of Strayhorn and her campaign manager (and son), Brad McClellan. “Independent voters care about fiscal responsibility, the openness of the process, and being able to vote on the important issues,” says McClellan, who has met with Curtis and who believes that Independent Texans could play “a huge role” in the gubernatorial contest.

That Strayhorn, a Republican officeholder, would challenge a sitting governor from her own party is a testament to the change that Curtis believes is underway. Because Texas holds open primaries, independent voters could decide the winner of the Republican contest – which means, McClellan points out, “you win the race.” The goal of the campaign, he says, is “to turn the March 7 open primary into a general election.” Predicting that the primary could produce “a record turnout,” he is making a pointed appeal to independents. “Texas belongs to no special interest and to no particular party,” McClellan says.

To underscore Strayhorn’s commitment to empowering independent voters, her campaign manager stresses the candidate’s support for statewide Initiative and Referendum, an issue that Curtis has lobbied her to support. “I&R is a key tool for anti-partisan political reform because it allows the voters to do an end run around the legislature,” Curtis argues. “With the legislature as partisan as it is – whichever party has the majority uses it for their own advantage – you’ve got to get outside the box to make a difference.”

McClellan says he thinks that Texans “should have the right” to I&R. Indeed, he contends that I&R was a popular cause for the Texas Republican Party – including for former governor, now president, George W. Bush. But, he says, Governor Perry has abandoned that cause and in the process has “done more damage” to the Republican Party than anyone McClellan can name: “You can’t govern through threats and intimidation. Government can’t be about pay to play – it’s got to be what’s best for all Texans.” Independents “may not be a majority player,” he adds, “but can express power in a tight race.”

Curtis founded Independent Texans in 2001 after the collapse of the national Reform Party. “The experience of the Reform Party taught me three things,” says the longtime activist, who cut her teeth in independent politics as a national organizer for Lenora Fulani. (Having run twice for the presidency as an independent, Fulani

“Texas belongs to no special interest and to no particular party.”

— Brad McClellan, Strayhorn campaign manager
subsequently brought her closest supporters – Curtis among them – into a novel coalition with the Perot movement that eventually spurred the creation of the Reform Party.) “First, it taught me that you can create coalitions of independent voters on the left, center and right because the fight for grassroots democracy and political reform unites people beyond ideology,” Curtis explains. “Second, it taught me that if you create this coalition, you’d better have it run democratically, from the bottom up, because if it’s run from the top – as Reform was – it can be manipulated and taken over by partisan types. And third, it taught me that being independent means having no partisan predilection. You’ve got to be willing to go anywhere, to play all sides, in order to gain recognition for America’s independents.”

Curtis is so non-dogmatic that after she spearheaded a successful Austin campaign finance referendum to impose a $100 contribution limit for local races, she has since campaigned for its repeal – having discovered that the “reform” favors entrenched politicians and disables insurgents and independents. A political progressive with roots in the women’s health movement, Curtis outraged the liberal feminist establishment when she joined forces with Fulani (who seems to have the liberal/left in a permanent state of outrage); she did it again when she and Fulani joined forces with the Perot movement to found the Patriot Party and subsequently with Perot himself in establishing the national Reform Party.

“Rick Perry is very unpopular because he’s such a gross snake-oil salesman for the state’s mega-business interests,” Curtis says. “Nevertheless, Strayhorn needs independents to win. And she’s savvy enough and gutsy enough to reach out to Independent Texans to build the necessary bridges.”

But Strayhorn is not the only candidate for governor who recognizes the emergent power of non-aligned voters. Several months ago, country western singer-turned-mystery writer-turned-political iconoclast Kinky Friedman announced that he would run for governor of Texas as an independent. Curtis has already met with Friedman’s campaign manager, Dean Barkley, a veteran of the independent movement who won ballot status for the fledgling Minnesota Independence Party in 1994 and went on to manage Jesse Ventura’s upset independent gubernatorial run in 1998. Curtis and Barkley know each other from their Patriot Party and Reform Party days.

After serving a highly publicized 40 days as a U.S. senator (Ventura appointed him to serve out the term of Paul Wellstone after his untimely death in a 2002 plane crash), Barkley has been largely quiet on the national independent scene. What made him get back in the game? He met Friedman in Minneapolis during a book tour not long after Friedman announced his plans to run for governor. “I asked him some simple questions, like why are you doing it, and he answered them the right way,” says Barkley. “He was really disgusted with what politics had become and he wanted to try to do something to fix it. So his motivations were honorable. I see a lot of similarities between what Kinky could bring to a campaign and what Jesse could bring to a campaign. So I decided to give it another shot. Thought we’d revolutionize Texas, like we did Minnesota, and show the world that it can be done.”

Does Curtis’ perceived “sea change” in Texas politics mean there will be greater receptivity to an independent like Friedman?

“Texas is really not a whole lot different from most parts of the country,” Barkley explains. “I think people have just been absolutely disgusted with the partisan-ship and the inability of our elected officials to get their work done. And I think they’re absolutely at their wits’ end and they’re looking for a viable alternative. And the only secret, if there’s a secret, is to supply them a viable alternative and you can win elections now.”

Barkley expects that the Republican primary “will be a nice bloodbath.” He’d prefer to have Kinky run against Perry because “we think Perry is more beatable.” And the Democrats? “Quite frankly, we’re not worried about what the Democrats are going to do.”

Curtis, on behalf of Independent Texans, is completely focused on what independent voters are going to do. “We’re in a good position,” she says. “We have several months until the candidates formally file. That’s time for Independent Texans to expand our membership, to educate the public about the need for nonpartisan governance and political reform and to interact with the candidates who are seeking our support and build those connections. We might do a ‘Texas two-step,’ and have one strategy for the primary and another for the general election. Whatever we do, it will have to help the independent movement grow.”

"\textit{"}
The August 12th decision by California’s Supreme Court that Proposition 77 should go before the voters in the special election scheduled for November 8 was the dramatic climax to an extended, no-holds-barred fight waged by Democratic Party loyalists to keep it off the ballot. Now that the state’s highest court has ruled definitively that the proposed constitutional amendment to reform California’s process for drawing district lines belongs on the ballot – more than 950,000 registered voters signed petitions in 2004 to put it there – the unusual coalition that supports Prop 77, which has been quietly forming over the past few months, is gearing up to conduct a leave-no-stone-unturned “Yes” campaign from one end of California to the other.

When newly elected Governor Arnold Schwarzenegger announced his intention in the spring of 2004 to put state legislators out of the redistricting business in favor of a panel of retired (and presumably nonpartisan) judges, howls of protest quickly arose from defenders of partisan interests distraught over the impending termination of their beloved gerrymanders – those misbegotten, bizarrely misshapen entities devised for the sole purpose of packing them with the number of registered Democrats or Republicans necessary to guarantee that the parties retain, term after term after term, their respective seats.*

But another voice – the Committee for an Independent Voice, which represents California’s three million unaffiliated (“decline to state”) voters – was also making itself heard. Jim Mangia, the CIV’s Los Angeles-based co-chairman, wrote to applaud the governor for seeking “to put an end to California’s rigged election system” and to urge the inclusion of independents, who had supported the unprecedented recall of his predecessor and been key to Schwarzenegger’s own subsequent election: “Independents must be at the table in all future redistricting decisions if the reform is to be genuine,” Mangia said in the letter. He added that CIV was eager to work with the governor “to craft an effective message that can galvanize independent voters and counter the intense opposition and propaganda launched by the two major parties to defeat political reform.”

“I am pleased that I can count on your organization’s support in reforming California,” Schwarzenegger would respond. “As a state we must undo the 2000 redistricting plan whose goal was to protect incumbents rather than keeping [our] communities’ best interests in mind. As you know, my plan will take the power away from the politicians and give it back to the people.”

But the political establishment – with high-ranking Democrats leading the charge – was determined that Proposition 77 should not go before the voters. On
July 8, state attorney general Bill Lockyer, a Democrat, announced that he had filed suit to have Prop 77 removed from the ballot on the grounds that the wording submitted to the secretary of state was different from what had appeared on the petitions. It was (the result of a clerical error) but, as a variety of ballot access experts and attorneys believed, in slight rather than “substantial” ways that made no difference to the meaning or intent of the language.

“This isn’t a matter of principle,” attorney Roman Buhler, a member of the Prop 77 legal team, observed at the time. “They’re prepared to disenfranchise the voters because they don’t want the policy. They’re afraid that if it gets to the voters, they’ll lose.”

Meanwhile, Buhler and Ted Costa, the executive director of the People’s Advocate, Inc., which led the petitioning drive for Prop 77, were reaching out to CIV, recognizing that independent voters would be a critical component of the electoral mix that could be expected to vote Yes on November 8. A registered Republican – “I don’t have the guts to register independent...I’m going to hang in there and fight these bastards” – Costa noted that “independent voters in California aren’t just a small group of people. That’s why the two parties court them.”

Mangia, who for the past two decades has been in the forefront of efforts to build a broad-based, independent third force in American politics, is convinced that independent voters are the key to political reform. “A political reform initiative can’t pass without the overwhelming support of independents,” he says flatly. “That’s becoming recognized. CIV is positioned to lead the way in that recognition. We know how to speak to independent voters – because we’re independent! independents hate partisanship. I think it’s very positive that the sponsors of Prop 77 sought us out.”

Over the last several months CIV volunteers have been polling California’s decline to state voters to ask their opinions of Prop 77. Harriet Hoffman, the organization’s statewide coordinator, reports that a majority of independents who were familiar with the proposed amendment are in favor.

This didn’t surprise Buhler. “I think most independents will support it because they’re the ones who are frozen out,” the attorney said. “They’re the forgotten voters...
in the current system...This is a referendum on change, on reform. The people who will support the initiative want competitive elections, and a more accountable legislature in Sacramento. The people who won’t support it are satisfied with how things are now.”

Hoffman, who began her political life as an activist in the civil rights and the anti-war movements, is convinced that the sort of electoral alliance envisioned by Buhler – one that cuts across the traditional boundaries of ideology and party labels – is the key to reform: “In recent years, politics in America has become so extremely partisan and corrupt that ordinary people can’t have an impact. If we’re going to open up the political process we have to bring all kinds of people together.”

On July 14, as the legal battle over the status of Prop 77 was coming to a head, the CIV sought to enter the fray by filing a request in Superior Court to become an “intervenor” in the case. The request was denied, but the move did not go unnoticed. A week later, on July 21, Mangia was invited to fly to Sacramento with Bill Mundell, the software entrepreneur who chairs Californians for Fair Redistricting – the group of businessmen responsible for raising the substantial sums of money needed to drive the initiative process – to attend the first court hearing on the Lockyer lawsuit, which resulted in a ruling for the plaintiff that was subsequently upheld on appeal.

“Naturally, we thought it was a great decision,” Mundell says of the state supreme court’s ruling that Prop 77 belonged on the ballot. “It was a victory for democracy and for the 951,000 voters who signed the petition. The California Supreme Court has always held the right of initiative as the most precious part of the democratic process, and it once again reinforced that paramount right. It’s not the first time that we’ve seen minor differences in versions of an initiative. For 75 years the courts have ruled in favor of ‘substantial’ [versus ‘strict’] compliance.” It’s in the context of that tradition, Mundell observes, that “...the two lower court decisions were really aberrations.”

The members of Californians for Fair Redistricting are newly “energized” by the supreme court victory. “We see it as much more than a component of the governor’s reform agenda,” Mundell says. “It’s potentially the second act of the revolution that the people initiated two years ago” when they voted for recall. “We don’t think Californians should have to suffer one more election cycle that’s so blatantly unfair and so blatantly disenfranchises millions of voters.”

It is Mundell’s “hope and expectation” that Schwarzenegger will do “what he hasn’t done to date,” which is to use his “star power” and his “tremendous franchise” to become the public face of Prop 77. “That would really speak to the significance he places” on the amendment, Mundell says. “He got elected on a reform agenda. He views this as a showcase for his reforms. This is the one he wanted, the one he spoke out about so eloquently...For him to be truly successful, this has to be passed overwhelmingly.”

Which is where the independent voter comes in.

Mundell calls the campaign a “golden opportunity” for independents. “Independent voters have views across the ideological spectrum,” he notes. “But there is one thing that unites them – the desire for reform that opens up the political process...If independent voters can lead the way in approving this measure in California, it makes [every other reform effort] easier. It’s a perfect showcase nationally, to say ‘Enough with the stranglehold.’ Independents can clearly make the campaign. Outreach to the independent voter is essentially the critical strategy. We don’t think we can win without that outreach. The incumbency class is either going to come out against this by lobbying heavily...or by trying to subvert the process in less obvious ways. The best strategy is to go to that core of independent voters who are less likely to be influenced.”

“We’re thrilled,” Mangia said jubilantly when the supreme court decision was announced. “Prop 77 is a crucial democracy reform, and we’re ready to do whatever it takes to bring independent voters on board.” What about the charge that the Republicans will benefit from the enactment of Prop 77? “Of course they will,” says Mangia. “But independents have to stand for whatever is best for the people. You can’t fight partisan politics by doing partisan politics. You’ve got to be independent of all that.”

Notes

* Gerrymandering (the term, but not the practice) was invented by political opponents of a 19th-century governor of Massachusetts, Elbridge Gerry, whose party, the Jeffersonians, carved up the state’s electoral districts in its own favor in an effort to retain control of state politics; to describe the repugnant political animal that resulted, they joined the governor’s name with that of the lowly salamander. In 1811 Gerry was elected James Madison’s vice president.

Phyllis Goldberg is writing a biography of the postmodern philosopher and political organizer Fred Newman.
Independent President in 2008?

John P. Avlon

The hypothetical horse race leading up to the 2008 presidential election has so far ignored the pivotal influence of the fastest-growing group of voters in America — independents.

Over the last 10 years alone, their ranks have increased almost 300% in states that register voters by party. This massive rejection of politics as usual has been papered over by Karl Rove’s play-to-the-base strategy and Howard Dean’s manic equal and opposite reaction. But if the two parties insist on rejecting independent voters by nominating polarizing conservative and liberal candidates, 2008 could be the year that a strong centrist independent is elected president as part of a bipartisan national unity ticket. It is an unlikely but not at all impossible scenario.

For example, if the Democrats cannot resist the temptation to nominate Hillary Clinton, and establishment social-conservatives pull their strings in the primary to put the Senate majority leader, Bill Frist, on the ballot, a large number of moderates from both parties and independents would demand an alternative. The Democrats so far lack a national candidate who commands respect across party lines, but Republicans have both Mayor Giuliani and Senator McCain.

Not coincidentally, Messrs. Giuliani and McCain are consistently the two leading candidates among Republicans and voters nationwide in the Marist poll. They campaigned tirelessly for President Bush in 2004 and are working to build bridges within their party, but they are bitterly opposed by some members of the far-right for being too moderate. The key question of the 2008 election will be whether this minority will be able to exert an effective veto before the general election.

The two-party system is set up to make successful independent candidacies difficult. Such a campaign would be few serious candidates’ first choice — it is
far tougher to win the presidency without the existing infrastructure of a party. But with Americans offered a variety of choices in every other aspect of their lives, being required to choose between the lesser of two evils in elections is losing its common sense relevance.

The two parties like to dismiss or distort the growing number of independents because it makes their job easier. To this end, states don’t have consistent rules regarding party registration, and in many states voters are lumped in as unaffiliated if they ask to be registered as independent. Regardless, taken as an aggregate, the shift toward independents is startling, even in the politically saturated opening states of the presidential primary contest.

In the first caucus state of Iowa, 38% of all voters are now not registered with either the Democratic or Republican party, while in the pivotal first primary state of New Hampshire, in which Mr. McCain beat then-Governor Bush by 19 points, 85% of new voters have been registering independent. South Carolina’s subsequent primary is notoriously conservative, but both Governor Mark Sanford and Senator Lindsay Graham backed the maverick centrist Senator McCain against the Republican establishment’s wishes in 2000 — and their influence has only advanced in the intervening years.

A glance at the shifting election demographics nationwide gives a good sense of how grassroots politics in the information age have shifted even as the parties stick to the old industrial age playbook.

In the nation’s fastest-growing and most populous state, California, the Democratic Party lost 7% of its registered voters over the past four years and the Republicans lost 5%, while the ranks of independents increased 30%. In the archetypal battleground state of Florida, the number of unaffiliated voters has increased to almost 1.9 million today from 527,000 in 1994. Likewise, in Pennsylvania, independent voters have increased to 925,000 in 2004 from 381,000 in 1994. In New Jersey, unaffiliated voters now make up 58.7% of the electorate. This trend is evident in the shifting face of the South as well — in North Carolina, the number of unaffiliated voters has increased to well over a million in 2004 from 294,000 in 1994. It can also be seen in the Southwest, where independent voters in Arizona have grown to 655,000 from 214,000 since 1994. In addition, 41% of college undergraduates are self-identified independents.

In the next election cycle of 2006, at least two potentially significant gubernatorial candidates are planning to run as independents — Virginia state senator Ross Potts and Texas’s country musician turned comic novelist Kinky Friedman, who has brought on the campaign manager of Jesse Ventura’s successful 1998 independent campaign to serve as governor of Minnesota.

In the new issue of the Atlantic, James Fallows writes a cover-story memo to a 2016 frontrunning third-party presidential candidate, driven to office by a political dynamic described as: “Democrats can’t win, and the Republicans can’t govern” — especially on the issue of fiscal responsibility, which in this futuristic scenario has led to protracted economic depression. It recalls circumstances that spurred the last serious independent candidacy for president by Ross Perot in 1992. Mr. Perot called together a broad coalition of fiscal conservatives, government reformers, and Republicans nervous about the growing influence of the religious right. He led both Bill Clinton and then-President Bush in polls before briefly dropping out and then stumbling back into the race, finishing with 19%.

This original one-fifth of the electorate and its growing number of inheritors are still politically homeless — in fact, their grievances have gotten worse. The party that reaches out to them can realign politics to their benefit for decades to come. But if they fail, in the name of playing to their base, they may unleash a profound backlash and series of events that ushers in a new era in American politics.

**John P. Avlon** is an associate editor of The New York Sun, where he is also a columnist. He was formerly the chief speechwriter for Rudolph Giuliani, the mayor of New York City from 1994-2001.
Amidst the constant political chatter about the 2008 presidential race – Will Hillary run? Can McCain get the Republican nomination? Is Jeb Bush next in line for the throne? – there is occasional speculation about an independent presidential candidacy in 2008. Jesse Ventura, Louis Farrakhan, Ralph Nader and even John McCain have either been mentioned or proffered themselves as prospective independent contenders.

But once the name is floated – usually under a headline like “Ventura Weighs 2008 Indie Bid” – the story itself is paper thin, largely because the analysts have little or no idea of how an independent presidential candidacy actually takes shape. (The independent movement itself can be less than swift on this matter, too.) This is partly a function of the fact that, between elections, the media pundits don’t attend to the independent movement. They believe that ongoing life exists only in the major parties – that the independent terrain is the political equivalent of Mars.
But there is life in the independent political movement, including stirrings around the 2008 presidential race. While you don’t need a telescope or a microscope to see them, you can’t use a major party lens either. For one thing, the parties involved are too small. For another, much of what now goes on in the independent movement – whatever survived the implosion of Ross Perot’s Reform Party, the political schizophrenia of the Greens, and the stagnation of the Libertarians – exists outside national parties altogether. That said, the movement as a whole, including its “anti-party” or non-party elements, has begun in various ways to turn its attention to 2008.

Carol Miller was one of several initiators of Ralph Nader’s independent presidential bid in 2004. A high-profile leader of the New Mexico Green Party and a respected figure in the national party, Miller was among those who urged Nader to run in 2004 – not as a Green, but as an independent. “Rising above parties” was the objective, says Miller, who had hoped that the Greens would nominate Nader, thereby entering into a coalition broader than the party itself. The Green Party nominating convention, however, rejected the Nader candidacy, instead choosing David Cobb, a Green Party member (unlike Nader), after a hotly contested convention – a “fundamentally undemocratic” affair, according to Miller. At the time of the nomination Miller contended that “Cobb represents a political capitulation away from an independence from the two corporate-controlled parties.” She was referring to Cobb’s “safe states” strategy, whereby voters were encouraged to vote for the Green presidential candidate only in states where the outcome between John Kerry and George Bush was already predetermined.

Do the bad feelings about the Greens’ choice of Cobb persist today? The “healing” isn’t complete, Miller acknowledges. But, she adds, “I’m very forgiving.” And the convention process itself? “A group has been convened for 2008 that wants to change the rules,” says Miller, referring to Greens for Democracy and Independence, a national caucus-style network cultivated by Nader’s 2004 vice presidential candidate, Peter Camejo, also a Green. “It’s a reform movement,” Miller explains, that seeks to change the delegate selection process to bring it more in line with the principle of one person, one vote and to reaffirm the Greens’ “complete independence” from the Democratic and Republican parties.
Failing to bring the Green Party as a whole into the Nader camp (though Miller is quick to point out that many Green leaders broke ranks with their own party and endorsed Nader’s bid) was not the only stumbling block for the independent candidacy, she observes. “I thought it could work, but part way through we began to run into trouble.”

Trouble took the form of the one-note media: “They had only one story – how it was going to affect John Kerry,” Miller recalls. “It was the wrong story. The wonderful platform was the story, but you couldn’t get it out.” And, as if the myopic media coverage wasn’t bad enough, the ballot access problems were daunting. “It’s a rigged electoral system,” she charges.

The Nader campaign was the target of a frontal assault by the Democratic Party, which sought to remove him from the ballot wherever possible. Not only were the campaign’s petitions challenged, but the very form of the candidacy – a coalesional design that knit together state parties and activists allied with Choosing An Independent President (ChIP), the Reform Party’s six ballot lines (unlike the Greens, Reform endorsed Nader), and independent candidate petitions – came under attack in Florida, New Mexico and Pennsylvania. The anti-coalition lower court rulings were overturned on appeal but, Miller notes, if independents “get squeezed” into the form of the two parties the independent movement will suffer.

Miller rejects a fusion strategy – in which independent voter associations or parties endorse major party candidates – as “too limited.” She argues that while independents endorse Democrats, “they never endorse us. It’s not bi-directional.” The idea of across-the-board fusion – where independents choose candidates from the range of options, including Republicans – seems to be a non-starter for the Green leader. But, well aware that third parties now attract under 2% of the vote nationally although 35% of Americans say they are independents, she is concerned that the major parties are out to capture the independent vote: “I’m worried that John McCain, a hawk, has been anointed the independent. Every time his name is mentioned, it’s ‘the independent, John McCain.’”

Miller also imagines continued hysteria on the part of the Democrats in 2008. Recalling that in 2004 it was Anybody But Bush, in 2008, Miller predicts, “It’s going to be Anybody But Anybody.”

Was the decision by many Green leaders to back Nader, despite the party’s endorsement of Cobb, a signal that they prefer coalesional strategies rather than a more narrow and limited party strategy? Miller doesn’t think so. “Nader was the best candidate and we weren’t willing to take a vacation,” she says of the Green leaders who went with him. “Our party did not choose the most qualified candidate – so we supported the best candidate.”

For the moment, Miller remains committed to the Green Party, although she says the New Mexico Greens are currently appraising their relationship to the national party to see whether and to what extent it embraces the Camejo-led reform movement.
Fred Newman, the political philosopher who conceived and launched the Choosing An Independent President (ChIP) initiative in 2003, was a major Nader backer in 2004. In 2000 Newman, together with longtime colleague Jim Mangia, a former national secretary of the Reform Party and today a leader of California’s Committee for an Independent Voice, invited Nader into Reform’s national primary to run against Pat Buchanan. (Nader turned the offer down.) Skeptical about the Greens’ current debate, Newman asks: “Why are they having a debate about the Democratic Party at all? You have to have a justification for having a new party or a new movement. The issue is not whether you do or don’t work with the Democrats, or the Republicans – or ChIP, for that matter. You work with whomever you choose to work with. The issue is what you stand for. If you stand for something that is inconsistent with the Democrats and Republicans, then you don’t have these debates,” he adds. “You only have these debates if you stand for nothing. You have petty fights if you can’t find a deeper moral reason for being together.”

Newman is less concerned with the Greens’ seeming identity crisis – “As long as they’re fixated on who they should and shouldn’t work with, they’re just as partisan as any Democrat or Republican” – than he is with what he calls a “fixation on a doctrine of centristm” in the independent movement. Given the polarization in American political life, he observes, 2004 was a year that centristm should have taken hold – if there had been a basis for it. “Notice that none emerged,” he points out. “To me that counts as evidence that the American people are not interested in a ‘center.’”

But wasn’t the Kerry campaign, which lost by only three million votes, an effort by the Democratic Party to become more centrist? “The Kerry campaign was a fanatical campaign,” Newman responds. “‘Anybody But Bush’? ‘The Republicans are evil’? These are fanatical conceptions.”

In 2004 the independent movement struggled at the margins. Under pressure from within and without, the independent vote dropped from its high-water mark in 1992 – Ross Perot’s 20% – to under 2% of the national vote for all the independent presidential candidates combined. But Newman does not see those results as signaling the end of the movement. “If ’04 was the end of anything, it was the end of centristm,” he says. “Perotian, Weickerian, Venturan – every brand of centristm. It doesn’t follow that the doctrine that takes its place is extremism. That dichotomy is not fruitful. There has to be some moral value expressed by independents for them to become a mass movement. I don’t think the independents have found it yet.”

Independents gather at 2000 Anti-Corruption Awards in New York City. (l. to r.) Dean Barkley; Fred Newman; Independence Party of New York chairman Frank MacKay; Cathy Stewart, New York county chair, IPNY; Jim Mangia; Jacqueline Salit; former New York state senator Pedro Espada; IPNY state committee member Lenora Fulani.
What was achieved for independents in the 2004 presidential cycle? “There were some modest, but important, moves,” Newman says. “In 2000 we were effectively working to bring Nader and Buchanan together in the Reform Party. But the egos were too big – except when it came to national television, when they not only appeared together but were friendly! The Reform Party virtually destroyed itself and the Greens got caught up in their usual sectarianism.” And the lessons learned? “We had to forget about the big shots and go back to the grassroots, to the handfuls of people who hung in, and reconstitute a political movement out of those handfuls. ChIP has done that and continues to do that. That was key to bringing people together in a Nader campaign that produced over 450,000 votes. And for 2008 it’s key because independents at the base need to be in a position to shape the future of the movement. You could get a major, or a ‘major minor,’ candidate running for president in 2008 outside the two parties. If independents don’t have their own infrastructure and their own vision, they’ll be forced to the sidelines of their own movement.”

Newman, who was instrumental in landing the New York Independence Party’s 2004 endorsement of Nader – the candidate polled nearly a quarter of his national vote total on the IP line – continues: “We have to work hard at the base to bring independents together, even as we engage the question of ‘together to do what?’”

What do independents stand for as the 2008 presidential race takes shape? “There has to be some kind of moral paradigm that is manifest in everything we do,” Newman argues. “The closest we’ve come so far, in my opinion, is We don’t want to be divided by partisanism. America doesn’t fight wars that way. We don’t put people from the blue states in one barracks and the red state people in another. But government and politics are almost entirely about partisanship and that’s what independents are reacting to. I think the moral paradigm we’re looking for is some form of ‘we’re all in this together’ without excluding the rest of the world, and that ‘independence means independent of partisan politics.’”

As Newman, Mangia and others involved in refining the ChIP strategy continue the work of building infrastructure that simultaneously expresses and creates the voice of independent voters, Dean Barkley, the strategist credited with Jesse Ventura’s independent gubernatorial win in Minnesota in 1998, also refutes the idea that the independent movement is finished.

“My counter is that the best thing that the third-party movement has going for it is the abysmal failure of the other two parties,” Barkley observes dryly. “They aren’t going to change their ways. They’re only worried about maintaining power just to be in power, not to do what’s right for the country. We’re in a stupid war in Iraq that doesn’t seem to have any end in sight. I think that the two parties are just absolutely doing a wonderful job of resurrecting the potential for independent candidates again. I guarantee if John McCain decided to run for president as an independent, he’d win. I don’t think he has the guts to do it, but he’s one example of someone who could pull it together.”

“You only have these debates if you stand for nothing. You have petty fights if you can’t find a deeper moral reason for being together.”
— Fred Newman
If the two parties, by virtue of their self-aggrandizement at the expense of the country, are “resurrecting” opportunity, how does Barkley think the independent movement can take advantage of that opportunity? “They’ve got to learn from our past mistakes. It can’t be built with just a singular person. It’s got to be starting with people who want to actually make a difference and do the hard work of organizing.”

Adds Barkley, in Texas to manage his next independent gubernatorial campaign – Kinky Friedman recently threw his cowboy hat into the ring (see “The Texas Two-Step,” p. 5) – “I’ve already got them thinking about building a strong alternative party in Texas. That’s what you’ve got to do. Minnesota, New York, still have pretty viable parties. They’re both surviving. We’ve got pockets here and there, but we put the Perot thing together in nothing flat. It can come out of nowhere very quickly, if you get the right circumstance...The question is, can those who have done this in the past help put together something that’s going to last a little bit longer than Perot’s personality? That’s the question.”

Can you get independents to coalesce? “The only way it’s going to work in ’08 is if you find the charismatic candidate, I hate to say it, that can get people excited,” says Barkley. “I don’t think there’s any way that we’re at the point now that we have enough state organization and whatnot that we could come together with someone who’s literally unknown and do anything other than make a token showing.” But with the right candidate, Barkley predicts, “it could take off so quickly that you’d have a hard time keeping up with it.”

For Carol Miller, the independents’ growth trajectory is through a party-building process. For Fred Newman, it has to do with developing both grassroots infrastructure and a “moral paradigm” that gives expression to the meaning of political independence. For Dean Barkley, it’s about a candidate who can galvanize a base. At the moment, 2008 may seem far off. But these tactical and philosophical questions and clashes are already in the mix. That a movement with such tremendous – some would say revolutionary – political potential is addressing them is, arguably, a healthy signpost on the back road to the White House. Stay tuned.
Mr. Smith Leaves Washington

Harry Kresky interviews outgoing FEC Commissioner Bradley A. Smith

Bradley Smith completed his term as a Federal Election Commissioner this year. He has chosen not to seek a further term but, instead, to return to teaching law.

Smith was one of those rare government officials willing to challenge the conventional wisdom. His views on campaign finance regulation raise fundamental issues concerning who benefits from limits on spending for political speech and activity.

As can be seen in the interview which follows, Commissioner Smith has an understanding of and concern with the obstacles faced by independents and minor parties in the current political arrangement. At the same time, he believes that parties play a positive role in the political process and has reservations about efforts to regulate their conduct or limit their participation through such reforms as nonpartisan elections. In this regard, his views differ from mine and those of many other independents who believe that political parties, with all the privileges conferred upon them by the constellation of institutions that shape the electoral process – the courts, the media, and election regulators like the FEC – are an impediment to the transformation of our political culture, in which partisan advantage too often takes precedence over the public interest.
I think you will find the dialogue that follows of interest.
—Harry Kresky

**HK:** In the past few years there’s been an even bigger push towards campaign finance regulation, with McCain-Feingold the most well known. What’s your assessment of McCain-Feingold? How it’s working, or not working?

**BS:** What we’re seeing in the wake of McCain-Feingold is the start of what I call the meltdown of the system. There really needs to be some major re-thinking, even if it doesn’t go entirely in the deregulatory direction that I have espoused. For example, one result that we’re already seeing is the rise of the documentary movie. There were at least a half dozen documentaries produced in the last cycle for the purpose of influencing the election. The law includes an exemption for the press, but on the face of it, that exemption doesn’t apply to movies, or to books. Even so, it’s inconceivable to me that we’re really going to censor movies and books. Even so, it’s inconceivable to me that we’re really going to censor movies and books. And I think that my colleagues will all agree that they have to be protected by the press exemption. But we gave it to Michael Moore for Fahrenheit 9/11.

Well, what are we saying? That the criteria are that if you’re well established and have a lot of corporate support for distributing your film, you get the press exemption, but if you’re small, a newcomer, you don’t? That seems backwards. The idea is that we want to limit corporate influence.

I think we’re beginning to hit the end game. And the most obvious would be the shift of activity to independent “527 organizations.” Now there’s an effort to limit these independent groups. But do we really want to limit these groups which are, by definition, operating independently of the campaigns? Again, we’re now saying here are independent groups of citizens operating separately from a candidate – the Swift Boat Veterans would be a great example. They needed a large contribution to get off the ground. But they had thousands of very small contributions and raised millions of dollars. Why would we want to silence a group that really did consist of a large number of very, very ordinary citizens other than that you didn’t like what they were saying, which doesn’t seem to me to be a very good reason? It’s often the people who are most ignored, most out of the power system, who need that single large donor to get them sort of jump started.

**HK:** Can you tell our readers about your background?

**BS:** I grew up in suburban Detroit, an area that’s called Down River, which is the largely blue collar side of town. My dad was a public school teacher, though, he was not a blue collar worker. I had a fairly normal, average, 1960s middle class upbringing. I went to college in Michigan, served for a time in the State Department, and did a few other jobs before finally attending law school. I went to undergrad at Kalamazoo College, went to law school at Harvard, practiced law for a couple of years, and got into teaching in 1993.

**HK:** I looked at an article in the *Catholic University Law Review*, based on a speech you gave shortly after you were appointed to the FEC in February of 2002. You wrote:

The end result is that regulation has helped the powerful who have the resources to cope with it, and created an ever more distant political class of fundraisers, consultants, accountants, and lawyers who know how to negotiate the web of restrictions and limits on political activity...But for the average person – or even the typical rich person – and for most smaller businesses, union locals, and decentralized associations, political giving is the primary method they have of participating in politics. And as we have seen, the political activity of grassroots groups often suffers most when we start regulating their activities.

What was it like to join the main electoral regulatory agency with that set of views?

**BS:** I think it’s important, not only in this agency, but in any agency, that portions of the law not be turned over entirely to zealots. It’s good if somewhere in the attorney general’s office there are people who have some skepticism about the wisdom of drug laws and how far we should go in enforcing them. Most of us would think it’s good that if in U.S. attorneys’ offices or county prosecutors’ offices we would have some people who are a little more oriented toward defen-
Harry Kresky

dants’ rights. In other words, we shouldn’t say that only people who are gung-ho – let’s enforce this at any cost – are who we want in positions of power enforcing the law. I think that’s true of almost any law. And I think, in that respect, I’ve been a valuable voice on the Commission. I think I was appointed largely because there were people who felt that the Commission was getting out of control.

**HK:** Have you been able to have an impact in that regard?

**BS:** I think I have. I made it a very high priority to increase due process protections for respondents here. The arguments, for example, were that we didn’t need to worry about due process because in the end we had to go to court and people could get all the due process they need. And as a constitutional matter…that’s probably right. But I thought it had gotten out of hand here and one of the things I pointed out was, first, as a practical matter, 98% of our cases never get to court, including cases in which we find violations. Campaigns don’t have the resources to do that. If they’ve been defeated or if they’re minor parties, they certainly don’t. If they’re major candidates who’ve been elected, they don’t want to be going into court in the middle of their next campaign with constant newspaper headlines. So when we issue a penalty, the overwhelming majority of people do take it and settle the case. I argued that if we treated people more fairly, if they sense they’re being treated fairly, cases would take less time to resolve and we could actually focus on punishing offenders. The actual fines we’re assessing are going way up. They used to say the punishment is the process. My philosophy is that if you violated the law, the punishment is the punishment and the process will be fair. So I think I’ve done that. I think I’ve helped some people think about the law in new ways.

**HK:** Have you been able to have an impact in that regard?

**BS:** I sometimes hate to say this but, if anything, I’m probably more deregulatory than I was when I came in. We see letters from grassroots people, campaign volunteers, saying, I can’t believe you’re doing this to me. I volunteered for this candidate, now you want to fine me $4,000 and I don’t have that money and this is incredibly complex and I did the best I could. That’s really a problem! Major groups like the Sierra Club can cope with it. But every little podunk group around the country is now a corporation, a 501c corporation, and they get roped into this regulatory scheme.

**HK:** People tend to think of the FEC as a dry bunch with a dry mandate. Has anything funny ever happened at a Commission meeting?

**BS:** I don’t know about funny things happening, though most of the commissioners have a pretty good sense of humor. I’ll give you a story. It might be more semi-tragic than funny, however. We had some folks down in Texas a few years ago. There was a man named Harvey Bass who owned an appliance store. And Harvey took one of the big crates his appliances come in and he painted a homemade sign on it. It had a number of terrible things about George Bush and concluded at the end, “Save Our Nation, Vote Al Gore for President.” And so then some other folks in town, this being the Texas Panhandle, a Republican area, they decided they were going to make their own sign. It was going to be bigger and better. So they bought a huge, billboard-size piece of wood, and they got a cotton trailer to mount it on and they hired a professional sign painter to paint a sign that eventually said, “Save Our Nation, Vote George Bush for President.” And then they parked it across the street from Harvey Bass’ appliance store, in their own words, “so he’d have to look at it every day.” A complaint got filed against them. Usually our system weeds out such little cases. But this one somehow got through the system, got activated, and eventually came to the Commission with the General Counsel’s recommendation that we find “reason to believe” that they had violated the law. They hadn’t put the disclaimer on the sign. And, you know, eventually the Commission just decided we were not going to even send these guys a “reason to believe” finding, let alone penalize them, which I think was the right decision. But as a legal matter, they clearly had violated the law. Moreover, we only looked at the disclaimer issue. There were several other potential violations. I once calculated all of the things that they might have done in violation of the law, and came up with potentially $40,000 in fines or more.

**HK:** The FEC, as do many state and local election commissions, has party affiliation or major party membership built into its structure. In other words, at the FEC it’s three Democrats and three Republicans. Should the Congress consider structuring the FEC along more nonpartisan lines?

**BS:** Well, the problem with going along more nonpartisan lines is that there’s still going to be political appointments and at some level I don’t really know how you get around that. It would be an interesting dynamic if you set the Commission, instead of having no more than three members from any one party out of six, you could have no more than two from any
Mr. Smith Leaves Washington

one party out of six, and see who would get those extra seats. I think this kind of direct bipartisan divide, which is true of a lot of commissions, does have an alienating effect on a small segment of the population — that is, those who not only are not Republicans or Democrats, but independents, who don’t really identify with those parties, and people who are members of small parties. What they see is clearly we’re not up there and we don’t have the protection. I think that’s a relatively small segment of the population, but I don’t think it’s totally insignificant.

HK: Although it does seem that at least the number of Americans who self-identify as independent is growing.

BS: There’s a lot of people who self-identify as independent, but I think most of them tend to vote Democratic or Republican fairly reliably and aren’t really that concerned when they see that the Commission has a certain number of Republicans and a certain number of Democrats. I think you’re talking about a much smaller group of independents who for example would also entertain voting for minor parties, or whatever you want to call them – I’ve never come up with a satisfactory term – parties other than Republicans and Democrats.

HK: In New York state, which is a state with a long history of partisan politics, approximately two and a half million voters, when they register, check a box that says “I do not wish to enroll in a political party.” Do you think that there’s some more basic change taking place relative to people’s perceptions of and people’s lack of identification with the party system and that there’s some imperative to do something about that?

BS: I think increasingly people feel like the parties are not as responsive as they ought to be. That’s why I don’t like artificial tools that help the major parties make sure that they don’t get challenged by a new movement. The concerns you raise, the concerns that the Independence Party and all third parties have, are very valid. It’s important that we not let the two major parties entrench themselves so that they can’t be challenged, because that is a sure way to lead to public disenchantment with the whole government.

HK: If you study the FEC’s attempts to accommodate and relate to minor parties, there’s still a party bias in the regulatory structure.

BS: Very much so.

HK: In your experience on the Commission, have there been instances where you felt that partisan im-

“It’s important that we not let the two major parties entrench themselves so that they can’t be challenged, because that is a sure way to lead to public disenchantment with the whole government.”
operatives were really driving a particular situation or a particular decision?

BS: I want to say off the top that for the most part, no. I think the commissioners work hard to keep their partisan identities out of things. And I think that most cases are pretty easy. I mean the law is what the law is and there’s not a lot of room for maneuvering. On the other hand, you know, this is part of the problem with regulating politics. I mean, commissioners are human and I think there’s a natural tendency to be a little more suspicious of the other side’s activity. I think there is a bit of a tendency sometimes for commissioners to say, Well, I have my doubts about this case, but it’s their ox being gored. I’ll let them see if they want to raise the issue. So I do think that there can be some partisan inclination. I don’t want to overstate that. I don’t want to have that taken out of context. But it is a problem. And it’s a problem with regulation. Of course, we know that most complaints are filed by opponents trying to limit the other side. I like to do a little multiple choice test where sometimes we pull up a case and I’ll describe the facts of the case for a group and I’ll say: Now, why do you think the complaint was filed? Do you think it was filed because the complainant thought that the respondent was corrupt? Do you think it was filed because the complainant was concerned that this would create the appearance that he was corrupt? Or do you think the complaint was filed because he wanted to silence his political opponents? And we know what the answer is, almost all the time.

HK: One of the things that I found interesting is that, in a whole series of Supreme Court cases, and other cases as well, the parties have successfully asserted their First Amendment rights as parties to defeat efforts to curb their power. The most recent instance is the overturning of California’s open primary. Do you think that political parties have the same First Amendment rights as individuals?

BS: Individuals have a right to associate and by and large I believe in strong rights of political parties to shape their own membership, to limit who participates in their primaries, and that sort of thing. I do think that the court’s jurisprudence in this area is shifting – it seems to be sort of seat-of-your-pants jurisprudence a lot of the time. And what they sort of do is that if they think something should be legal, then they say: Well, parties are private groups and they have rights to do whatever they want. And if they want to uphold the law, then they say: Well, parties kind of fulfill a public function, so they’re public groups and the state can regulate them. And the reasoning more follows the result rather than leading to a result.

HK: In ballot access cases the standards are also very mushy.

BS: Yes, and I’ve been very critical of the state laws that restrict ballot access and also court decisions upholding those laws.

HK: In my most recent encounter with some of these issues, I served as counsel to the 2004 Nader campaign in a couple of ballot access fights, New Mexico and West Virginia in particular. And I followed fairly closely the whole effort by the Democratic Party – I think it was planned and coordinated – to keep Nader off the ballot in as many states as possible, with some success. It also drained a lot of resources. And it made me think whether or not there’s a role for something like anti-trust law, anti-monopoly law, in the area of electoral politics.

BS: There might be. You know one of the odd things about the Nader ballot access situation is that if the Democrats are spending money to keep Nader off the ballot in a complex, coordinated effort, it’s not at all clear that it’s illegal in any way under campaign finance laws. They are not contributing to Nader’s campaign, and they can spend their own campaign funds as they want. But let’s suppose the Republicans might think, We might want Nader on the ballot to siphon off what they see as being likely Democratic votes. If the Republicans start spending money to get Nader on the ballot, now they have arguably made an in-kind contribution to the Nader campaign. So it would be legal for the Democrats to work to keep him off but not for the Republicans to work to put him on. Absent campaign finance regulation, there would be a natural check on this type of dirty campaigning – one major party may try to keep Nader off, but for the same reasons the other will balance that by trying to put him on. But under the campaign finance laws, that counter-weight goes missing.

HK: Very interesting.

BS: I don’t know quite how you would enact a broader anti-trust law there. I think the key thing is it should just be, as we talked about earlier, easier for independents and third-party candidates to get on the ballot.

HK: In your wonderful book, Unfree Speech, you point out that money plays a positive role in the electoral process by allowing political outsiders to offset the institutional advantages of the insiders – party apparatus, trade unions supporting incumbency, and so on. In New York City, in his first election effort, Michael Bloomberg had to spend $75 million in 2001
“I think it’s important, not only in this agency, but in any agency, that portions of the law not be turned over entirely to zealots... I think I was appointed largely because there were people who felt that the Commission was getting out of control.”

to offset the institutional advantage of the Democratic Party, the heir of Tammany Hall. Bloomberg had to spend $75 million to become competitive and in fact won by a tiny margin. Yet for many Americans the problem in politics is perceived as big money. Why is that?

BS: I think it’s because most people don’t give it a lot of thought. You see somebody giving big, big money and you feel like I can’t give that money and get the ear of a congressman, and it’s not fair. It seems vaguely un-democratic. It’s only when you begin again thinking through how money works in the system that it changes a bit. An example of outsiders would be Gene McCarthy organizing the anti-war campaign in ’68. It had a popular image of college students trudging through the snow, handing out literature, and that’s just great grassroots democracy. What people don’t realize is that the popular image was backed up by millions of dollars in huge contributions from a handful of people who got that campaign started. Somebody once said about the great Mahatma Gandhi that it cost a lot of money to keep him living in poverty. And to some extent that’s a little bit true of campaigns, too. It takes a lot of money to run a grassroots campaign. When Ross Perot went out in the early ’90s, I think he single-handedly forced the question of the national debt onto the agenda. And Perot, in spending his millions, was really representing millions of Americans who felt that neither of the parties was dealing with this issue – they didn’t have a way to force it on the agenda. None of the vested interests seemed to really find it in their interest to take on the deficit. Ross Perot did.

HK: In the Nader campaign there was a series of attempts by the Democrats in Pennsylvania, New Mexico and Wisconsin to re-interpret “sore loser” statutes to prevent a candidate who qualified as a party candidate – in this case Nader in Michigan as the Reform Party candidate – from running as an independent in Pennsylvania, Wisconsin and New Mexico. Ultimately, the courts rejected this argument. However, if that attempt had been successful it would have dismantled the means by which the FEC has allowed independent candidates to accumulate ballot access in enough states to make a difference, to get pri-
mary matching funds and so on. We asked the FEC to take some position on this, but it didn’t. Do you think, in light of that situation and other potential such situations, the main federal electoral agency might play a more pro-active role?

**BS:** Well, in an abstract sense it might. But in the concrete sense, we just really are not in a position to act on that. As commissioners, we do a lot of work meeting with groups of foreign elected officials who come here. I think they’re always surprised that we don’t have any real kind of central election authority. We have to ask ourselves the question, do we want a central election authority? As much as problems are created for small parties now, if we had a central election authority, it might be a barrier for them all across the country. You might have even more of an incentive to box out small parties. We just don’t really know. And I just don’t know how that would play out. So I tend to be kind of skeptical of transferring authority for the election system over to the national level. I just think that makes it all the more likely to be taken over for partisan purposes.

**HK:** Congress probably has the power to establish minimum ballot access requirements, or maximum ballot access requirements, for federal elections. It could make them uniform as well. What do you think about that?

**BS:** I would think that the power is there in the Constitution. It has the power to change the time, place and manner of choosing the senators and the congressmen, right? And that’s been interpreted as giving the authority to regulate campaign finance. I’d have to think that Congress could probably pass a statute saying that if a person turns in 1000 signatures they qualify for the ballot for Congress or the Senate. It’d be interesting to see how a court would rule, but I think there’d be a very strong argument there. I think there’d be a strong argument that Congress could set requirements for a presidential candidate being on the ballot.

**HK:** Would you be in favor of uniform federal standards?

**BS:** That would depend on what they were. It puts us back to that federalist question. You might come out better, you might come out worse...If we had federal standards I would think I would want to limit that only to presidential races, which are national. A myriad of state laws creates real problems for minor parties to cope. I think when you start talking Senate and con-

**BS:** What are your plans for the future?

**HK:** I’m going back to teaching at Capital University Law School in Columbus. I like teaching law a great deal. I did not seek out this appointment. It’s been a great experience to do, and I’ve been honored to have done it, but my term ended in April and it’s time for me to go back to doing what I love.

June 30, 2005

Notes

1. McCain-Feingold (the “Bipartisan Campaign Reform Act”) was enacted by Congress in 2002. The Act imposes limits on contributions to political parties and on spending for broadcast, cable or satellite disseminated communication on behalf of a clearly identified candidate for federal office during a 60-day period before a general election or 30 days before a primary.

2. “527” refers to Section 527 of the Internal Revenue Code. It allows individuals to contribute an unlimited amount to organizations that function independently of parties and candidates, and allows those organizations to spend unlimited amounts on advertising that does not directly advocate the election of a particular candidate. Such organizations have been used to re-route money that was given to the parties prior to McCain-Feingold. There are, of course, many indirect ways to advocate for a candidate, such as attacking his or her opponent.

3. Commissioner Smith is referring to the requirement that campaign advertising contain a statement about who paid for it.

4. So-called “sore loser” statutes are designed to prevent a candidate who loses a party primary from running as an independent for the same office within that state. In 2004 lawyers for the Democratic Party asked the courts to reinterpret these statutes to prevent a presidential candidate who was running on a party line in one state from running as an unaffiliated independent in another state. Traditionally independent presidential candidates have had to “mix and match” in this way in order to maximize the number of states in which they could appear on the ballot.

*Harry Kresky is counsel to the Committee for a Unified Independent Party and to the Independence Party of New York. During the past 20 years he has represented independent parties and candidates in matters before the Federal Election Commission as well as in federal court and state courts in New York and elsewhere.*
The Centrist Theory Cannot Hold (but the rest is pretty interesting!)

Jacqueline Salit

INDEPENDENT NATION
How Centrists Can Change American Politics
By John P. Avlon
500 pp. Three Rivers Press. $14.95

Business Week magazine recently ran an article headlined “Independents are Having Buyer’s Remorse,” which reported a growing disillusion on the part of America’s independent voters with the agenda of President George W. Bush. According to a Gallup poll cited in the article, only 31% of independents see “a clear plan for Iraq” coming out of the White House, while 60% believe that “the U.S. invasion was a mistake.” GOP intervention in the Terri Schiavo case was unpopular with independents, too. In addition, Business Week reports that “only 31% of independents say Congress is in touch with their concerns.”

These trends are not necessarily new, but Business Week attaches particular importance to them. Independents will be a crucial factor in the 2006 mid-term and 2008 presidential elections, raising questions about whether the Republicans can maintain their appeal to independents and whether the Democrats can take advantage of an emergent rift. The bottom line, however, is that when partisanship gets in the way of good governance (as it almost always does) independents don’t like it. That accounts for the simultaneous drift away from the GOP and the seeming inability of the national Democratic Party to benefit from it.
Avlon tends to equate “centrism” with “independence,” which is a little like equating apples and orangutans – they’re really different species. Avlon tends to equate “centrism” with “independence,” which is a little like equating apples and orangutans – they’re really different species. He defines centrism as “the most effective means for achieving the classic mission of politics: the peaceful reconciliation of competing interests.” Here I would disagree. “The peaceful reconciliation of competing interests” is what a democratic government is supposed to do. It’s the failure of government – so thoroughly in thrall to special interests, including the parties themselves – to do so which is driving more and more Americans towards independence and away from the partisan culture parties engender.

In Independent Nation Avlon reports that “the number of self-identified independents has doubled in the past fifty years.” In his article “Independent President in 2008” (see p. 14) he calls the massive shift away from party alignment to self-identifying and/or registering as independent “startling.” And it is. Arguably, we’re just now seeing the tip of the iceberg. Someone as attuned to this process as Avlon is should be willing to drill down below the gloss of “centrism” with which he paints Americans who consider themselves independents. When he highlights the anti-establishment appeal of some independent “electeds” – as he does in the chapter on Weicker, Ventura and King – he gets a little closer to the independent impulse at the grassroots.

I don’t know what Avlon thinks of the GOP strategist Karl Rove, but Rove’s own insights about independent voters go much deeper than his own. New Yorker writer Nicholas Lemann once asked Rove how he thought about reaching out to “centrists,” and Rove exclaimed: “There is no middle!” In a subsequent conversation with Lemann, Rove amplified his views about independent voters. “Middle is the wrong word. The ‘unattached’ is a better way of putting it. Because to say ‘the middle’ implies that they are philosophically centrist in outlook, and they aren’t. Some of the people who are unaffiliated are on the left. Some of the people who are unattached are on the right. Some of the people who are unattached are hard to characterize philosophically at all on the traditional left right continuum.”

I do know what Avlon thinks of independent movement strategist Fred Newman. Avlon doesn’t like...
The Centrist Theory Cannot Hold (but the rest is pretty interesting!)

him. Newman, an ardent anti-centrist, would in many respects agree with Rove. “I can’t imagine that if the Founding Fathers were sitting in this room, looking to come up with a revolutionary conception around which to build an independent movement or a third party, that I couldn’t win them over to a view that the conception had to be extremist, not centrist,” says Newman. “I might not even have to win them over — they were revolutionaries, after all. If you showed the Founding Fathers the way the parties operate, they’d see immediately that you can’t have democracy in that kind of system. Under the circumstances, it’s got to be wrong to consider positioning an independent movement ‘in the middle’ between Democrats and Republicans. Who wants to be ‘in the middle’ of that?”

Newman, a self-described postmodern Marxist (and contributing editor of the Neo), was recently featured in a front-page New York Times article, “In New York, Fringe Politics in Mainstream.” Avlon has urged that Newman – together with his colleague Lenora Fulani – be removed from their positions in the New York Independence Party (Newman holds a minor party position, but has important influence over the party’s direction), largely on the grounds that they violate Avlon’s code of Centrism.

Ironically, though, it was Newman, Fulani and their closest allies in the party who were the driving force behind what Avlon himself acknowledges have been among the Independence Party’s most significant achievements – its legal and political victory in opening up the party’s primaries to the state’s 2.4 million non-aligned voters, persuading New York City Mayor Mike Bloomberg to pursue a revision of the city’s charter that would have provided for nonpartisan municipal elections, and backing a lobbying campaign to protect the open primary rights of independent voters in New Hampshire.

Avlon is more than entitled, of course, to his likes and dislikes. Sometimes, though, they “don’t permit you to think clearly,” as Giuliani so aptly said of partisanship.

In 2004, Avlon and I spent an hour or so discussing independent politics. At the time, the Choosing An Independent President (ChIP) process I stewarded led to the Independence Party’s decision to support Ralph Nader’s presidential bid. Avlon doesn’t like Nader either, and thought his candidacy was unhelpful to the independent movement. He preferred John McCain instead. Thinking as clearly as I could, I pointed out that McCain wasn’t running. I can only build with what I’ve got, I told him.

Avlon seemed momentarily moved by that argument. He was also interested to learn about the political machinations surrounding Nader’s decision to run as an “independent independent,” i.e., as a coalitional candidate, rather than repeating the strategy of his 2000 Green Party candidacy. When Nader came to New York at Fulani’s invitation in late October to speak at an Independence Party event at the Emmanuel AME Church in Harlem, Avlon was there. He wrote a somewhat edgy column about it, but he was the only member of the New York City press corps to cover it in any depth.

Months later he wrote another column about the campaign to defeat the New Hampshire legislation that would have eroded the longstanding tradition of allowing independents who had voted in a party primary to “re-declare” themselves independent as soon as they exited the voting booth. We won that fight. As far as I know, Avlon was the only journalist outside New Hampshire to cover the story. He appreciated both the significance of what a local organization of independent voters could do and the fact that preserving independents’ open primary rights could turn out to be critical for the 2008 Republican and Democratic presidential primaries.

Independent Nation is a book worth reading. More importantly, John Avlon is a writer worth watching. The times they are a-changin’ in American politics, and independents are both cause and effect. Avlon sees that more than most, though he probably doesn’t like Bob Dylan either. [NEO]
Several years ago, Jacqueline Salit and Fred Newman took to watching the Sunday morning political talk shows (most often NBC’s lineup: *The Chris Matthews Show, Meet the Press*, hosted by Tim Russert, and *The McLaughlin Group*) and talking about them afterwards. Salit, once described by *Talkers Magazine* as “one of the nation’s leading and most articulate experts on third party and independent party politics,” and Newman, recently profiled in a front-page article in *The New York Times*, blend their respective sensibilities as a political operative and a postmodern philosopher as they review the TV talk show circuit each week.

The first of these conversations to go public did so in the winter of 2003 and quickly attracted a following of readers eager to listen in on Salit-Newman’s gossipy deconstruction of what the political insiders were saying – and not saying – about the issues of the day. Distributed to a broad network of Committee for a Unified Independent Party (CUIP) supporters and contributors and activists in the national Choosing An Independent President (ChIP) network, *Talk/Talk* is read by about 1,000 activists and opinion-makers in independent politics every week.

*Talk/Talk* is available at http://www.cuip.org
In February of 2005 President Bush visited several countries in Europe in an attempt to mend relations with those allies that had taken a dim view of America’s unilateral war-making in Iraq. His trip ended in the Slovakian capital of Bratislava, where he met with the Russian president, Vladimir Putin.

SALIT: Bill Safire and Pat Buchanan seem to have opposite takes on Bush’s meeting with Russian president Vladimir Putin. On Meet the Press, Safire said that he was “disheartened” and “dismayed” by Bush’s interactions with Putin, because even though Bush is supposedly pushing for extending democracy, when he got in a room with Putin, he blinked.

NEWMAN: He didn’t think Bush went far enough.

SALIT: Exactly. He said Bush wimped out.

NEWMAN: Buchanan thought he went too far.

SALIT: Exactly. He argued that it’s not in America’s interests to be publicly alienating an important ally like Russia.

NEWMAN: Buchanan is a great believer in the nation-state, as he said.

SALIT: So where do you fall on the Putin meter?

NEWMAN: On the one hand I think that these talks are symbolic, which is fine. There’s nothing wrong with symbolism. Where I fall is that there’s a generalized assumption that these kinds of talks – and the
commentary about them – are equivalent to what it is that’s happening. But, it seems to me, they have very little to do with what’s happening. They’re the descriptive language that different people in different contexts use, whether they’re reporters or television commentators or presidents or prime ministers. The gap between language and reality, if you will, is so great that my commenting on their commenting on their commenting simply adds to that. But that is the world we live in and I think, ultimately, something needs to be done about that. Now, can that happen? I think so. Will it happen? I hope so. When? How? Those are more difficult historical questions. But if you want to judge the Bush-Putin meeting relative to where we are in the process of what’s going on right now, I’d say it wasn’t a disaster. That’s the standard. If you keep something from being a disaster, it’s okay.

SALIT: If part of the point, politically, was simply to put Bush on a tour of Europe and meet with these various heads of state and break out of the arrogant isolationism that the U.S. has been practicing during his first term...

NEWMAN: Who knows what they’re actually up to? After all, the media coverage prevents you from knowing what they’re really up to. So it’s difficult to speculate on what they’re really up to. If you look over a longer term at their actions, you might gain a glimpse of what they appear to be up to.

SALIT: *Meet the Press* had a segment with the three *New York Times* columnists, Bill Safire, Maureen Dowd and Thomas Friedman.

NEWMAN: Murderers’ Row, so called.

SALIT: Murderers’ Row. There were some interesting points in the discussion. Friedman described the Great Liberal Project of the day to be building democracy internationally, and particularly building democracy in the Middle East. There was some dialogue about the war in Iraq, and they, of course, each had different
positions on the war. Maureen Dowd said humorously that she realized that “going to war because you have to” is “so 20th century”; that the rule for the 21st century is that you go to war because you want to. However, she argued, that opens up a kind of moral and political and philosophical can of worms, namely does the end, i.e., democracy in the Middle East, justify the means?

**NEWMAN:** And the answer that’s now given is _It depends whose end it is._

**SALIT:** Let me ask a sort of Morality 101 question: Can you ask that question? Can that question be asked anymore? Does the end justify the means? Does that question have meaning?

**NEWMAN:** Well, it has meaning, but the hard questions are: How much? The degree of it? Who’s articulating it? Is it all relative? Is there some appeal to an absolute? It’s a very rapidly changing world in which we live, and we don’t quite know where it’s going, so everyone is functioning as a hard-core pragmatist. That’s not new for this country. The question is not whether it does or doesn’t have meaning. That’s not a statement you can make in this world and that’s indicative of what’s going on. That could turn out to be a very good thing; it could turn out to be a very bad thing. You don’t know how it’s going to turn out. Meanwhile, there’s no well established set of conventions, including language conventions, for saying anything about that which is even remotely honest.

**SALIT:** I think Safire would agree with the statement you just made that the world is going through rapid historical changes. He pointed to the history of unlikely or unexpected events like “Nixon Goes to China,” and “DeGaulle in Algeria.” The specific one on the table now, of course, is “Sharon Leading the Withdrawal from the Settlements.” As he said, Sharon, the last man in the world you would expect to take that initiative, turns out to be the one who does. So is that just about Sharon and who he is, the particular set of circumstances that occur under his watch in Israel and the context of what’s happening in the Middle East? Or is there something else – is there a new pattern of some kind?

**NEWMAN:** Here’s the point, and I’m using broad categories here. In a way, what they’re saying, meaning all of these people who are concerned with world affairs, is, _We got it all wrong. Modernism got it wrong, and now we have to correct it._ That could turn out to be a wonderful thing, in my opinion, if the corrective moves in the direction of a greater openness, greater understanding, greater democracy, in the best sense of the word. Or the correction could move things towards an intense authoritarianism for making decisions. It’s right on the line now. The spokespeople for the authoritarian direction, the more reactionary direction, are better spokespersons than the ones who would like it to go in a more positive direction, which is unfortunate. But that’s the deal, that’s the reality. Where’s it going to go? I don’t think we know. That doesn’t mean we stop working. We do the things we can do. But the overall context is the one that I just described. So if you’re looking for an evaluation of whether this is a good situation or a bad situation, it’s neither. It’s an opening. What’s going to happen within that? Well, that’s what’s on the table throughout the world, and certainly in this country.

**SALIT:** To go back to our Murderers’ Row crowd for a second, Tom Friedman would say, _Yes, and there are positive developments that are going on that are very significant in this regard. In Iraq, they just had an election…_  

**NEWMAN:** Oh, come now. How could that be regarded as a positive thing? What is he saying it indicates? How many people voted?

**SALIT:** 60% of the eligible population.

**NEWMAN:** So his conclusion is large numbers of people in Iraq are standing up for democracy. How does he know they’re standing up for democracy? Isn’t it just as reasonable that they’re standing up to get the Americans out of there? Who knows what they’re standing up for? We’ll find out what they’re standing up for as we move along. I don’t know what they’re standing up for. They don’t know what they’re standing up for. Friedman is a good example of this “person on the cusp” kind of thing. He’s very smart in certain ways and an idiot in other ways, it seems to me, and often both at the same time. You can’t discern how important these things are, because they’re _becomings_ – they’re happening, they’re things that are becoming. Now he, of course, can’t write that day after day, week after week, in his column. He has to have “answers.” But those aren’t answers based on anything philosophically sound; they’re answers based on the pragmatic considerations involved in writing articles for his newspaper.
SALIT: I was going to say that they’re based on writing about Iraq and Lebanon and the Middle East from the vantage point of what Times readers would like to hear.

NEWMAN: Or what they don’t want to hear. It doesn’t make a difference.

SALIT: Given the points you’re making, it’s kind of hard to talk about all this.

NEWMAN: I don’t think it’s hard to talk about all of this. What’s required is that you have to give continuous consideration to the way you’re using language and how it functions and the overall context in which you’re talking. In one sense, I do agree with you. It’s hard to talk if you’re going to persist in talking the same way that we all talked during other kinds of periods. Yes, that’s hard to do, so you have to try to do something else. For myself personally – this is why I’m an independent. Because it’s hard to do anything resembling sincere, developmental, human responsive politics in the duopolistic system of the Democratic and Republican parties. You can’t accomplish anything. So that’s why I’m an independent. That’s part of my trying to find a way to talk which makes sense. That’s what it is, in my opinion, to be an independent. If you’re not working on that – if you became an independent so that you can advocate for abortion or against abortion, or for this or against that – you are, in my opinion, a fool. And moreover, you came to the wrong place, from my point of view. If you’re there because you want to struggle with what it is to create a dialogue, an action, an activity, which is continually cognizant of the fact that we’re in this particular historical period, then independence is the place for you. But I guess I’m not in agreement that it’s hard to talk. Have you noticed that you or I are having trouble talking?

SALIT: No. I’m agreeing with you. The conversation has to include talking about how it is that things are being talked about.

NEWMAN: Yes. But to me, that’s as practical as pointing out that if you have a little baby and he or she is only a year old, you have to consider how you’re talking to that little baby as opposed to talking to a 30-year-old adult. That’s the way in which that’s true. You have to attend to the context, whether it’s a narrow context or a big context.

SALIT: Here’s one direction the current national conversation is going. It’s a set of questions. Is building democracy — that is, putting pressure on governments and societies internationally to democratize, good for a) those countries, b) the world, c) American interests?

NEWMAN: I don’t think there is a generalizable answer. You’re going to have to deal with it situation by situation, divided into at least those three, and then each of those three into probably three more, and each of those three into three more. That’s part of what I think the shift is about. Easy philosophical, utilitarian answers to those kinds of questions are not applicable. So you’re going to have to do more. Is it the case that the Republicans have taken the lead on the question of democracy, on Middle East peace, and so on and so forth? Yes, they have. Does that mean that they were right? No, because there’s a very complex relationship between what had been done before and what’s taking place now. But if what you’re into is figuring out, in a partisan fashion, who is right, who is wrong, then you’ll come up with no answers. You’ll talk, you’ll make noise, but you won’t come up with anything resembling not just an answer, but anything interesting, important, developmental, to say about what’s going on. That’s not a context in which you can do that. Some people are obviously having a very hard time giving that up. There are structural institutions which make it all the harder to do that, which is why those institutions have to be dealt with.

SALIT: If you look at the panel on Meet the Press, you had one person – Safire – who was for the war; one person – Maureen Dowd – who was against the war; and one person – Tom Friedman – who sort of flips back and forth.

NEWMAN: He sort of is the war.

William Safire is a New York Times columnist and political pundit with a decidedly Republican bent.

Pat Buchanan, a former speechwriter for Richard Nixon and erstwhile presidential candidate, is a McLaughlin Group regular who is ideologically doctrinaire but not consistently partisan.
“It doesn’t make any difference if you’re a liberal or a conservative. The issue is being attuned to how and where the world is, what we’re doing right now.”

SALIT: True enough. So now the war has happened. The war is not exactly over but it’s sort of over, and now there’s a nation/democracy-building project going on in Iraq. And they are having discussions about the current situation and what’s unfolding and what to do now. Here’s my question: Are the conversations completely determined, are they overdetermined, by what their prior positions were on the war?

NEWMAN: Well, again, what is that supposed to mean? What does “overdetermined” mean? What does “determined” mean? People are going to have to deal with these situations without an appeal to that kind of language, which is, after all, the language of the righteous, which is all about right or wrong. It’s hidden behind the cloak of metaphysics. It’s not a question of not having to find answers to things. It’s a question of having to find new language and new criteria for evaluating all these kinds of things. Which doesn’t mean that people don’t have different views. There are differences of opinion, but having differences of opinion is also going to have to be worked out in new kinds of ways. It’s easy to take the conservative position that “we just have to deal with what’s going on now.” This is an aside, but I thought Russert was truly offensive to Dowd today. I thought he was as sexist as the day is long. He was talking to the two men as if they know something serious, they can talk about the war, and what she can talk about is...

SALIT: Hillary’s and Condoleezza’s outfits or the Academy Awards.

NEWMAN: Hillary’s outfit or the Academy Awards. That’s what was left for her to talk about. But Tim Russert is really a prime example of what I’m talking about. He wants to find out, in any given hour, who’s right and who is wrong. People like him are going to be the first to become irrelevant, in my opinion. It doesn’t make any difference if you’re a liberal or a conservative. The issue is being attuned to how and where the world is, what we’re doing right now. Looked at in its most positive way, that’s indicative of the extent to which the world is becoming more independent overall. I take that to be a great plus. The question then becomes, or a question becomes, what’s going to become of independents? Which takes us back to a basic question. The world could go neo-fascistically off to the right. It could go off to the left in some bad way. Or, it might not go anywhere at all. It might create a whole new set of evaluative categories, even as we’re in the process of living our lives and doing what we’re doing. Is that the avenue that I favor? Yes, it is. Will that happen? I don’t know. That’s a hard avenue.
SALIT: Why do you say that’s a hard avenue?

NEWMAN: Well, most people don’t want to work that hard. Everyone wants to say, Well, why can’t we find some convenient set of evaluative categories and use those to judge this and that? Well, you can. There’s plenty of them around. There’s thousands and thousands of years of history of endless evaluative categories that you could opt for. So that’s easier than making up new ones and being creative.

SALIT: When you say you think the world is going more independent, obviously you’re not saying that as a narrow political category.

NEWMAN: Independence is not a narrow political category. I thought that was our official position.

SALIT: It is. What are some of the features of that independence – as you see them?

NEWMAN: I can give something resembling what I take to be evidence of it. For example, what are Putin and Bush doing talking to each other at all? Forget what they’re saying to each other. Pat Buchanan gets all worked up about this and says Bush pushed him too much. But Pat talks as if there’s really an alternative. Pat, who is utterly metaphysically controlling, both as a person and in his beliefs – this is right, this is wrong – talks as if that’s how everything happens. But you can’t do whatever you want. You do what you’re able to do given the context of a whole bunch of factors, including how the world is transforming. On this score, Putin made an interesting statement. I have no illusions about who Putin is – he’s a KGB officer and I have no love of that. But part of his statement to Bush and the world was: In case you haven’t noticed, I live in a country where we actually made the transition to what even you have recognized as democracy without any outside intervention at all. We did it on our own. That’s got to be paid attention to. That’s an important statement to make.

SALIT: I agree with that.

NEWMAN: And an important fact of historical life. Those are the kinds of things that are happening in lots of places. The Democrats are reeling from the fact that their 50-year-old self-assurance about how this was a “this kind” of country, always to be Democratic, is nonsense. Politically, things are moving all over the place, and I think that’s good. But that leaves open the question of where things are going to go in the face of things moving all over the place. That’s the interesting question. Look at what’s happening in China; look at what’s happening in Europe. Pat Buchanan, who still lives his life in the 16th or 17th century, says he’s for nation-states, and he doesn’t want a united Europe. But there is a united Europe. What’s the difference what Pat wants? I’ve been writing recently about the philosopher Richard Rorty and how he talks about how he has no interest in Truth. My critique is to say, “What’s the difference what your interest is? What does that have to do with Truth, what you’re interested in or not interested in?” The world is having to learn that these things, that history, has a life of its own – not in some Hegelian metaphysical sense, but it is the case that history does have a life of its own. Does that mean that it determines things? No, it’s no more god-like than God is. But it is a very significant feature of the world in which we live. You have to pay attention to what’s happening, and not confuse it with what you want to have happen. Pat hasn’t picked up on that yet, because that’s easily three centuries beyond where he’s living. But the liberals are no better. The liberals tend to think things are wonderful as long as it goes the way they want it to go. As soon as it goes in another direction, they say, Oh, this is very very bad. The liberals say, Well, what if the independents decide in favor of such and such, and I don’t like that? They take that to be a serious argument against including independents. They might as well be saying, What if the slaves commit crimes if we free them? That’s roughly their position. As long as everybody’s good and does what they want, things will be fine. That’s not how the world is. I guess I’m an eternal optimist though, because in some ways I think people all over the world, at some level or another, are beginning to get that. But that’s not a resolution of anything. That just creates a new set of issues for all of us, for the world, to deal with – on a personal level, on a social level, on a political level, on an international level.
In the spring and early summer of 2005 partisan mudslinging rose to fever pitch, with each side – personified by the Republican leader of the House, Texas congressman Tom DeLay, and Democratic Party chairman Howard Dean – impugning the other’s moral and ethical qualifications for public service.

SALIT: Big topic on The Chris Matthews Show was the popular rejection of extremism and ideology. A number of commentators said there are more and more indications that the American people want moderation on the issues.

NEWMAN: Nonsense.

SALIT: Nonsense? How so?

NEWMAN: Well, the premise of the whole question is all wrong. It seems to me that the extremes, if you want to call them that, the people who are activists, who are involved in and seem to care about political issues – since that’s what the extremes are – have gone into electoral politics. That’s as true of the Right as it is of the Left. Therefore, almost by definition, the extremes are already becoming more moderate. What these pundits appear to be looking for is the invisible Center, but the Center does not, did not, and will not hold.

SALIT: Let me see if I can break that down a little bit, but without being reductionistic.

NEWMAN: Feel free.
SALIT: Okay. In discussing the unpopularity of extremists and extremism among the American people, the commentators are talking about Tom DeLay on the one side and Howard Dean on the other side – the people you might call ideologues, you might call them extremists, you might call them partisans...

NEWMAN: But you surely can’t call them unpopular.

SALIT: DeLay or Dean.

NEWMAN: Right. Dean almost stole the Democratic Party nomination for the presidency of the United States. DeLay is the majority leader and Mr. Powerhouse in Texas. So what are they talking about? How are they unpopular?

SALIT: Alright. I’ll make the commentators’ best case. They point to a number of factors. One. The polls show that a majority of Americans, 70% or something like that, say they favor what the polling questions describe as moderate solutions to problems facing the country. Two. They would, for example, point to the poll that shows that only 33% of Americans think that Congress is doing a good job.

NEWMAN: Right, but people need to understand that when the polls show that they’re looking for moderate solutions, the word that most Americans are responding to is “solutions,” not “moderate.”

SALIT: Okay.

NEWMAN: They’re looking for solutions. “Moderate solution” is a redundancy. Solutions are, by definition, moderate, given the American system.

SALIT: Because they’re compromises.

NEWMAN: Because there are checks and balances. That’s the operative definition of “moderate.”

SALIT: Um hmm.

NEWMAN: And they’re not seeing any solutions. Problems are growing and there are fewer and fewer solutions.

SALIT: Okay. I think that the commentators would put the emphasis on the term “moderate” in the term “moderate solutions” in interpreting where the American people are coming from, and you’re putting the emphasis on “solutions.”
NEWMAN: The commentators are in their own little world in Washington, D.C.

SALIT: I agree with you, they’re in their own world.

NEWMAN: Is penicillin a “moderate” solution?

SALIT: No, it’s a solution. So what’s the meaning to them, to the commentators, of extolling the virtues of “moderate” and “moderation”?

NEWMAN: I don’t know. I think it probably has to do with a conception of the limitations of what they can or can’t get published or on the air or something like that.

SALIT: Um hmm.

NEWMAN: And they always turn to the American people to say: Oh, we’re supported by the American people.

SALIT: Right.

NEWMAN: But what is a “moderate solution”? I don’t even know what that means.

SALIT: Well – I’ll give you what they would offer up as an example. Here’s what they would say a moderate solution is. Take the situation at Guantánamo. There’s a lot of controversy about what’s going on at Guantánamo, the standard of prisoner treatment, what the Americans are gaining from having Guantánamo. There’s been a firestorm about this issue. Democrats who have criticisms of Guantánamo are looking for opportunities to attack the Bush administration. They point to detention without charges. Disappearances. They describe it as the modern-day Gulag. Senator Dick Durbin says it’s like the Gulags. It’s like the Nazis. It’s like Pol Pot. So you have that on the one side. Then you have the administration, also known as the Republicans, on the other side, insisting that Guantánamo is key to our national security. The vice president says it will never be closed, that we’re complying with the Geneva Conventions, there’s no issue here. Okay. So then you have John McCain. He comes on Meet the Press and he talks about Guantánamo. He says Durbin has to apologize, that those historical analogies are incorrect and inflammatory and they do an injustice to the people who were victimized in those situations. And, he adds, it is a serious problem that Guantánamo is operating in the way that it is, that there are prisoners who have been there for two to three years whose cases have never been adjudicated, that we probably are going to have to let some of these people go because we have no substantive charges against them. That might mean that they come back around to attack the United States again, but you have to weigh that against the extent to which the current situation at Guantánamo is allowing the terrorists to recruit even more widely throughout the Middle East. So, roughly speaking, McCain’s presentation is what you would call a “moderate solution.”

NEWMAN: It’s not a solution at all. What’s changed? Nothing changes. What they don’t want to speak to and address is that there are systematic dysfunctions within the overall arrangement of things, that there’s a paralysis. Decisions aren’t getting made. There’s a pileup of bad decisions, bad policies and dysfunctionality in the system, and they don’t know what to say and do about that. That’s the situation.

SALIT: Okay. Howard Fineman from Newsweek and others on The Chris Matthews Show would agree with that last statement that you just made. And they would say the cause of that is ideology, ideology-driven politics, they might even say partisanship.

NEWMAN: Right. So how do you get rid of that?

SALIT: Well, they don’t address that at all. Their solution is, in effect, to support the American people’s demand for solutions, for “moderation,” for some kind of counterweight to the ideology-driven gridlock.

NEWMAN: But the system is designed to generate exactly what we have, so where does that analysis leave you?

SALIT: Okay.

NEWMAN: Unless you’re willing to change that, what does it mean to utter those words? It’s like saying, We’ve created this system which depends on the common decency of ordinary people. But what if ordinary people are not fundamentally decent? What is your system then?

SALIT: That’s an important point. Take the debate over the Patriot Act. The U.S. Attorney General, the FBI, intelligence and law enforcement agencies get up and say: Well, we need these provisions of the Patriot Act – the right to get people’s records – because there are situations where we’re conducting investigations, and we basically need the same subpoena powers that exist in the criminal realm. So you’re an American citizen, you say: Well, gee. That doesn’t seem unreasonable, to give law enforcement those powers. They should be able to investigate terrorists on American soil because that’s a real problem, and people flew planes into the World Trade Center, etc. Why not do that? At the same time, though, people are uneasy about doing
that because they don’t have trust in the authorities that they are giving power to. They don’t have trust that the government will conduct itself in the best interests of the American people, whether it’s in these kinds of civil liberties realms, or whether it’s in dealing with the global warming problem, or whatever.

NEWMAN: And so?

SALIT: That’s a big problem. That’s a big cultural problem.

NEWMAN: It’s not a big problem. It’s nothing. What does it mean?

SALIT: It means that you have a bigger problem on your hands than just needing to come up with “moderate solutions.”

NEWMAN: Then what kind of solution is the “moderate solution” solution?

SALIT: It’s invoking that there exists, that you can “return” or “progress” to, a system that is based on people doing the right thing.

NEWMAN: How? How do you do that?

SALIT: That’s my point. That’s my question. How do you do that?

NEWMAN: Well, you can’t do it. It can’t be done. So what’s the point of raising it?

SALIT: Well, from their point of view, they have to say something. They’re on television, and there are all these problems in the country.

NEWMAN: There are lots of things to say. A lot of significant people throughout Western history have said things about this, a lot of philosophers have said things about this, a lot of political thinkers have said things about this. But the notion that you can effectively come up with whatever you’re going to come up with on a weekly basis, on a circumscribed half hour television show with two commercial breaks, is meaningless and preposterous. For you, for me, for anybody. But, you know, that’s where the country is at. There’s no apparatus for going forward developmentally with solutions. It doesn’t exist.

SALIT: Um hmm.

NEWMAN: They should talk about baseball. They should talk about sex. They should talk about whatever they want to talk about, but there’s a paralyzed apparatus, and there’s no basis for supposing that you can go forward developmentally and solve these kinds of problems. So the Gang of 14 gets together and says: You know, this might be a circumstance where what we would do is destroy both of our parties, so let’s make an agreement so we don’t destroy both of our parties. And that’s taken to be progressive. It’s not progressive, because the problem is the parties! So, how can you call that progressive or moderate or any other kind of solution? It’s crazy.

SALIT: McCain himself said something like: We were at the precipice and we pulled back.

NEWMAN: But the precipice is what?

SALIT: Well, the “we” was the two parties at the precipice. The precipice is maintaining sufficient credibility with the American people to be able to govern. The precipice is a severe governmental meltdown.

NEWMAN: And people becoming even more disgusted with the parties, which they are.

SALIT: Yes.

NEWMAN: And continue to be.

SALIT: Yes.

NEWMAN: It’s like how the American people are becoming disgusted with the war. The American people don’t want to fight wars. That’s why the government is 40% off in their enlistment into the volunteer army. The Iraqi people don’t want to fight wars. A small handful want to take advantage of that, but by and large, the people don’t want to fight wars. So there’s a disconnect here. They’re talking like they’re going to fight in Iran, they’re going to fight in North Korea, they’re going to threaten Syria, they’re going to do this, they’re going to do that, the Iraqis are going to fight this. Who wants to do the fighting? The only people who want to fight are the terrorists.

SALIT: A number of people, including Pat Buchanan and McCain, analogized the moment we’re at in Iraq to ’67, ’68 in the Vietnam War. Eleanor Clift said you really can’t analogize Vietnam and Iraq, because Vietnam was a fairly inconsequential country in a part of the world where the U.S. didn’t have strategic interests.

NEWMAN: A lot of people in that part of the world didn’t think it was very inconsequential.

SALIT: I know. Not to mention that it was very significant in terms of the geopolitical struggle between
the U.S. and the Soviet Union and China. But she made that point, and then she described Iraq as the war that we can’t win, but we can’t afford to lose. But both McCain and Buchanan were making different points, which was that they were talking about where the American public is at relative to its support or lack of support for the war, and analogizing this moment to what you might call the early stages of the anti-Vietnam War movement.

**NEWMAN:** To what end are these analogies being introduced, as you see it?

**SALIT:** I presume that they’re projecting that public disaffection with the war is going to grow, and that Bush is going to be forced to execute a withdrawal because public opinion is turning on the war.

**NEWMAN:** The public, including Pat Buchanan, hasn’t been supportive of that war for a very long time. Bush will do whatever the hell he wants, because he’s doing it for reasons which have nothing to do with what the public wants.

**SALIT:** Um hmm.

**NEWMAN:** I mean, there’s a disconnect there, so why would you offer those analogies? Why would you take public opinion into account at all in determining U.S. foreign policy, when public opinion has little or nothing to do with U.S. foreign policy?

**SALIT:** That’s true, but they would argue that the president had public opinion behind him for what it was that he was doing, even though he didn’t go to war because there was public support for going to war. He went to war for all the reasons that he went to war, but he was able to muster public support for that.

**NEWMAN:** I think that’s putting the cart before the horse or something like that. The president went to war because he was banking on having a small advantage in terms of public opinion. It’s not as if he listened to public opinion on the war. It was that he thought he could get away with the war given that he was slightly more popular than whatever clown the Democrats were going to put up. The politics is what’s fundamental, not the policies.

**SALIT:** Yes.

“...There’s a pileup of bad decisions, bad policies and dysfunctionality in the system, and they don’t know what to say and do about that. That’s the situation.”

Is Penicillin a Moderate Solution?
NEWMAN: I don’t see any evidence to indicate that the American public has ever been wildly enthusiastic about this war, including well before we found out that there were no weapons of mass destruction. I think that a large portion of the American public recognized that it didn’t appear to have very much to do with them.

SALIT: Do you think that to the extent the public supported the war, it bought the argument that we have to do this because of the international security situation and the need to protect the interests of America, even if they don’t like the idea of going to war and don’t want to be at war?

NEWMAN: Are you asking, Is the American public vulnerable to hearing that propaganda and buying in on it because they’re frightened and Washington is playing to those fears? Yes. If you took that away and had something resembling an unbiased reaction, I don’t think you’d get 10% support for that war.

SALIT: Did you have an overall impression of McCain on the Russert show? He was on for an hour.

NEWMAN: I don’t understand why. My impression of McCain, as far as I had one at all, was that he and his advisors are busy trying to figure out what they can accomplish given his substantial media popularity. They’ve stopped generating iconoclastic and interesting new ideas in order for him to start to figure out how he can cash in on this. Maybe he can. Maybe he can’t. I don’t know. Someone’s got to run for president as a Republican in 2008. Well, I think McCain thinks that he’s got a better chance than Rudy Giuliani, because once you start looking at Giuliani, it turns out he has a very liberal agenda. McCain is somewhat more varied. McCain looked like a man running for office today.

SALIT: I thought so, too. Somebody observed on The Chris Matthews Show that the decline of the American political process has gotten to the point where there’s no governing anymore, just campaigning. Do you feel close to that description?

NEWMAN: I’ve been using it for about 15 years now.

SALIT: Well, it just made it onto national TV.

The United States maintains a naval base at Guantánamo Bay in Cuba, where most recently prisoners taken in the course of the military operation in Afghanistan and the Iraq war have been detained and interrogated.

Gulag is an acronym for the former Soviet Union’s notorious system of forced labor camps, where tens of thousands of people were sentenced for the ostensible purpose of having their political attitudes “corrected.”

Pol Pot was the prime minister of Cambodia (Kampuchea) between 1976 and 1979 and the leader of the country’s ruling Khmer Rouge party. He is widely blamed for having imposed a reign of terror in which as many as two million Cambodians died.

The Geneva Conventions are a series of internationally agreed-upon rules for acceptable conduct during wartime, including the treatment of prisoners of war.

During the recent stalemate over the confirmation of certain Bush administration judicial nominees – Democrats threatened to delay a vote indefinitely by means of the extended debate known as a filibuster (the word comes from the early 19th century Spanish and Portuguese pirates, filibusteros, who held ships hostage for ransom), while Republicans threatened to use their majority vote to do away with the time-honored procedure entirely – a “gang” of 14 Republican and Democratic senators reached a compromise that allowed both parties to save face.

Eleanor Clift, a contributing editor at Newsweek magazine, acts as the liberal standard bearer on The McLaughlin Group. Week after week she does battle with fellow regulars Tony Blankley and Pat Buchanan; interestingly, Clift and Buchanan often agree in a kind of pundits’ left/right coalition. Clift and Blankley never agree.
Granite State Indies Refuse to “Repent”

Independents in New Hampshire, called “undeclared” voters, have had the right to vote in party primaries since 1910. The way it worked could not have been simpler: On Election Day undeclared voters walked into their polling places, declared a party affiliation, voted in that party’s primary, walked out and “undeclared” themselves again.

Last spring, however, the state assembly tacked a bipartisan-supported amendment onto a routine housekeeping bill, H.B. 154, which would have compelled independents who voted in a primary to wait 90 days before they could reassert their undeclared status. The sponsor of the amendment, Mt. Vernon’s William O’Brien, a Republican, openly acknowledged that the purpose of the legislation was to protect the interests of the parties.

With undeclared voters making up 42% of New Hampshire’s electorate, no one can get elected without the independent vote. State legislators on both sides of the aisle assumed that they could get away with their highhanded treatment of a crucial voting bloc because undeclared voters had no voice, no visibility, no recognition.

Enter the Committee for a Unified Independent Party, which reached out to thousands of undeclared voters around the state, who by and large had not even heard that H.B. 154 was on the verge of becoming law but were virtually unanimous in their opposition once they got wind of it. Irate independents were soon
Granite State Indies Refuse to “Repent”

bombarding their state senators with emails and letters of protest and publishing opinion pieces in the press.

“I felt bullied when I first heard about the bill,” recalled Jerome Holden, a sign maker. “I felt that my rights were being taken away,” said schoolteacher Betty Ward. “I held those rights dearly, and still do, and I felt I had the right to be registered however I wanted to be registered. No one has the right to tell me how to be.” As leaders of the newly formed New Hampshire Committee for an Independent Voice (NH-CIV), Holden and Ward helped organize more than 300 “undeclareds” to sign on to a statement opposing the bill, which Holden read into the record at the public hearing held by the Internal Affairs Committee of the state senate.

“I felt that if I wasn’t red or blue I didn’t exist,” Ward recalled of her experience – her first – as an independent advocate. “I was on the outside of the ‘club.’ I felt they really didn’t want to hear from us. They used incredibly partisan language. It wasn’t inclusive at all. People don’t all look alike. We don’t all come from cookie cutters [marked] ‘D’ and ‘R.’”

Nevertheless, some members of the state senate got the message. “We’re talking about the rights of American citizens to vote,” said Martha Fuller Clark, a Democrat. “We should be promoting processes that encourage people to participate. It’s clear that lots of New Hampshire voters treasure their identity as independents – 42%. They have chosen to assume their roles as undeclareds because they want to reserve the right to vote for the best candidate in whatever party.”

Bowing to the pressure brought to bear by the NH-CIV on behalf of New Hampshire’s independent voters, the Internal Affairs Committee subsequently decided not to send the bill to the senate floor, thereby allowing H.B. 154 to die a quick and quiet death.

“A thinking person would say what one of the testifiers said...This is the first in the nation primary, and it gives the nation a feeling about what the independents will do,” Holden commented afterward. “If you take that out, that’s it. You won’t get a feeling for what they’re going to do – and then you will be surprised.”

“This was not a voice of one. It was the voice of many,” Ward points out. “That’s what made the difference...It’s amazing the force of a collective voice, and how the ears of the ‘club’ members perk up. That’s the lesson I’ve taken away.”

On May 20, 2005, not long after H.B. 154 was defeated, the Concord Monitor, published in the state capital, ran the incisive cartoon by Mike Marland.

“Whether you call them swing voters, persuadables or undecideds, in a 50/50 nation, the people in the middle of the electorate have all the power. Soon they’ll have a magazine to call their own, too:

THE NEO-INDEPENDENT

You have the power. Now, get the magazine.

Visit www.neo-independent.com or call 800-358-9116
SUBSCRIBE TODAY!

—Folio: First Day*

*newsletter of the magazine industry
becoming (bē kumˈin)