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# NEO- INDEPENDENT

T H E P O L I T I C S O F B E C O M I N G



The Color of the  
Independent Movement

JACQUELINE SALIT

## neo-independent (nē'ō in də pen'dənt)

**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

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COVER PHOTO: DAVID BELMONT

### A Welcome Voice

I have read different magazines with varying levels of satisfaction. Some, like *National Review*, *The Nation*, *The New Republic*, *Liberty*, and *The Weekly Standard*, seem to not really speak for that person who, as Robert Frost might say, “decides to walk the road less traveled.”

I think your magazine is a welcome addition. As things get more and more partisan, there needs to be a publication where there is room for the voice of independents. For a while I was able to obtain *The Communitarian Review*, and enjoyed the synthesis of ideas and perspectives presented there. Sadly that magazine no longer publishes.

As a registered Democrat, I volunteered to work for Mayor Michael Bloomberg’s election. As a social worker/writer/poet, employed by a voluntary hospice program here in New York City, I do have an interest in social justice issues/political issues. Realizing that politics involves how power is used to make decisions, it is my belief that the more informed we are holistically, the better able we can then act as an informed electorate.

*Frank Attanasia, LCSW  
New York City*

*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@neo-independent.com or Letters, The Neo-Independent, 302A West 12th Street, #140, NY, NY 10014.*

### Defining “Independent”

As a charter subscriber, I am now prepared to say “so far so good.” Some articles take a while to want to read. One reason is that the magazine, though glossy/ritzy, is rather dull, which is good. I want to become less influenced by sensory manipulation. The other is I tend to savor that which I enjoy.

The comment that I have, which is really a question, goes to the very definition of an “independent.” Though I agree somewhat with Newman in “Talk/Talk” that things are moving all over the place, stuff is evolving, what do we really know and so on and so on, I would like as a reference point to know how you intellectuals are defining “independent” and the “independent movement.”

You asked where are the 35%. Actually, you said: “Why do we have so little political power?”

People who say they are independent are really saying they are not active in either political party. Yet I am sure your data will find that they vote for “republicrats.”

Some say they feel left out. Their lack of participation may be voluntary. It really doesn’t matter. But that is why you cannot find them.

Now, the intellectual independent has given up. They are the “Cultural Creatives,” doing the things in their communities that they wanted government to do but realized over time that “it ain’t gonna happen.”

As a 54-year-old black female, I consider myself a radical. I do not even know what that means any more, but I do know that those who are really in charge could care less who is in power – because they control the money...whatever the hell that means anymore. See, I really do agree with Newman.

*Sadie Moore Stewart  
Cleveland Heights, Ohio*

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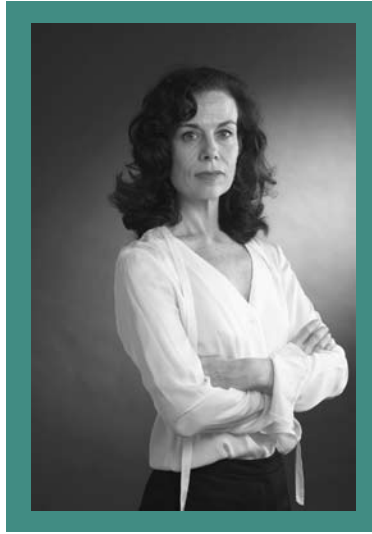
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## EDITOR'S NOTE

### THE COLOR OF THE INDEPENDENT MOVEMENT

The color of the independent movement has been controversial since the very start. Though the media rendered an image of the angry white male to define the independent voter, beginning in 1992 – when Ross Perot first ran for the presidency – those inside the movement know the true story to be otherwise. The “radical white middle” and the disaffected black and Latino Democrat is an electoral alliance with the potential to rock the political world. Indeed, some would argue that it already has.

Almost every significant American political upheaval that brought forth a new party or parties (however short or long lived) revolved around issues of race and racial equality. The most famous, of course, was the birth of the Republican Party in 1854. The Republicans, in contrast to the Whigs and the Democrats, opposed the extension of slavery to the new western territories. As Abraham Lincoln observed in his 1858 campaign for the U.S. Senate against Stephen Douglas, “The sentiment that contemplates the institution of slavery in this country as a wrong is the sentiment of the Republican Party.” Lincoln lost that contest, but two

years later was elected president of the United States as the Republicans supplanted the pro-slavery Whigs.

Socialists and other left parties opposed segregation and Jim Crow in the first half of the 20th century, but these movements did not yield a more representative electorate. When those efforts finally hit the mainstream, the results were shattering. In 1948 Hubert Humphrey, then the mayor of Minneapolis, introduced a civil rights plank into the Democratic Party platform. The southern Democrats (known fittingly enough as the Dixiecrats) bolted to back segregationist Strom Thurmond, who ran for the presidency as a States’ Rights Democrat, winning 39 electoral votes and nearly costing Harry Truman the White House. Twenty years later, Alabama segregationist and former Democratic governor George Wallace deserted his party as punishment for engineering the passage of the Civil and Voting Rights Acts of 1964 and 1965. Wallace ran for president on the American Independent Party ticket, carrying five southern states; Humphrey, by then the vice president, lost the presidency to Richard Nixon. After 1964 black voters turned almost entirely



to the Democrats, abandoning the allegiance to the Republicans that they had maintained since the end of the Civil War. Yet almost at the moment that the Democrats became the party of black America, it went into a slow decline as the dominant partisan power in American politics.

Both the Republican and Democratic parties are tied deeply – in complicated, often conflicted ways – to race, racism and the political marginalization of black America. How could it be otherwise? The evolving (some would say devolving) relationship between America's political superstructure and black America is at the core of our nation's history. That relationship, though legally resolved by the 13th, 14th and 15th Amendments to the Constitution, by the landmark U.S. Supreme Court decision *Brown v. the Board of Education* in 1954 and by the passage of the Civil and Voting Rights Acts 40 years ago, is not politically resolved. And the independent movement – as it has emerged on the American scene – reflects that lack of resolution.

Most political insiders, including those in black circles, identify one figure as the key link between independent politics and black America. She is Dr. Lenora Fulani, a developmental psychologist originally from Chester, Pennsylvania, based for the last 30 years in New York City, who became the first African American and, not incidentally, the first woman to access the ballot in all 50 states in a presidential run. She ran twice as an independent, the first time in 1988, when she polled a quarter of a million votes, most of them coming from inner city communities and campuses.

The Reverend Al Sharpton, probably America's foremost contemporary civil rights activist, a Democratic presidential contender in 2004 who is contemplating another run in 2008, says of Fulani:

You know, I've known Dr. Fulani for a long time. And she and I have agreed to disagree on any number of issues. But you know, there is a growing sense of independent voters in this country, any poll shows that. And one of the things that I think that a lot of the media here misses, is Dr. Fulani rightfully is one of the pioneers of that, particularly in the African American community...Twenty years ago, when they started talking about independence, most people in African American political circles thought they were crazy. Now there is a growing trend. I think that we've got to give her credit for at least being persistent.

It was Fulani who first put the issue of including black voters in the independent movement on the table. In 1992, not long after her second presidential run was underway, Perot went on the *Larry King Show* and ignited the independent populist explosion that at its high point put Perot at 42% in the polls in a three-way race for the White House. Perot's advisors reached out to Fulani's campaign associates for advice on ballot access and Fulani spoke by telephone to Tom Luce, Perot's close friend, advisor and lawyer.

During the Democratic National Convention in New York that summer, Perot met privately with Jesse Jackson. On the last day of the convention, Perot called a hasty press conference to make a bombshell announcement: he was dropping out of the race because the Democratic Party had "revitalized" itself.

In shock, the legions of Perot activists convened an emergency conference in Dallas. Fulani's national field director, Cathy Stewart, attended the meeting, urging the participants to remain outside the two-party grid despite Perot's mysterious abdication, and to join with the Fulani campaign to pursue an independent Rainbow. Perot, however, got back into the race. He never hit 42% again, ultimately polling 19% of the vote. Exit polling showed him with 7% of the black vote.

Meanwhile, Fulani's connection to the Perot movement developed at the base. She was invited to speak at a meeting of Perot backers in ultra-conservative Orange County, California and received a standing ovation when she called for bridge-building between the overtaxed and the underserved in the interest of an independent political movement that included black America. (She did not, however, receive a "standing ovation" from the American Left. Far from it. Leftists cast the Perot movement as neo-fascist and Fulani as a collaborator for connecting herself to it. Their diatribes, however, were only a thinly veiled attack on the idea that black voters could form new alliances outside the Democratic Party.)

By 1993, the Perot-backed United We Stand, America (UWSA) was organizing independents into a non-party lobby. But some Perot leaders wanted to move beyond lobbying to the creation of a new political party. Propelled by key Perotistas – Nicholas Sabatine, Jr. of Pennsylvania and Ralph Copeland of Virginia – a Federation of Independent Parties (FIP) began to take shape under the stewardship of Dr. Gordon Black, a political scientist and pollster for Perot who was based in western New York. Black and Fulani had several

meetings. He appeared to be intrigued by Fulani's vision of an independent movement that would be inclusive of African Americans; in his published writings Black had argued that America needed a "centrist" third party, which would draw liberals from the GOP and moderates from the Democrats, leaving black voters to capitalize on the potentially greater influence they could exercise in a down-sized Democratic Party. However, under pressure from liberal academics and Democrats, Black denied Fulani an invitation to the FIP founding conference in Kansas City.

Her exclusion would have guaranteed that the Perot legacy would be a "whites-only" one but for the fact that Nick Sabatine had been chosen by the FIP to lead its process through to the founding of a new independent party. A small-town lawyer with a passion for balanced budgets, an immutable sense of fairness, and a belief that history was being made by the Perot voter, Sabatine formed a friendship with Fulani, her political guiding light, Fred Newman, and this writer in the months following the Kansas City launch. The FIP rules conferred recognition on delegations to the founding convention based on demonstrable on-the-ground support. Fulani's following among black activists – like her connection to networks of gay and progressive activists – was both broad and deep. Consequently in 1994, when the founding convention of what came to be named the Patriot Party was held in Crystal City, Virginia, black (along with gay and progressive) representation was visible and substantial. Whereas the "top-down" machinations surrounding the new independent movement pushed in the direction of racial exclusion, up-from-the-bottom organizing provided a course correction.

Sabatine was elected chairman of the Patriot Party. (Gordon Black and four other delegates from New York walked out after the convention voted overwhelmingly to remove the word "centrist" from the party's description because of its implied exclusiveness.) The newly elected national executive committee had three persons of color among its six members.

For the next year, the Patriot Party acted on its mandate of lobbying within the broader Perot/UWSA movement to convince Perot to run again and to use this second candidacy to form a broad-based national independent party. Sabatine and Fulani traveled to Dallas in the summer of 1995 to attend a UWSA convention, and organized a huge rally of third partyists. Three months later, Perot announced plans to create a new national party, said he might run as its candidate,

and kicked off a statewide party registration drive in California with Fulani ally Jim Mangia doing some of the heavy lifting.

Perot's main political advisor by that point was Russ Verney, formerly the executive director of the New Hampshire Democratic Party. Verney's tasks included the wooing and management of the organized forces participating in the Reform Party effort, among them the Patriot Party. Verney attended a meeting of Patriot Party leaders in Virginia to offer guarantees of a fair and democratic process inside the fledgling party. He also met privately with Fulani, Newman and me, offering assurances that Perot was committed to opening the party to the black community.

Perot went on to become the 1996 nominee. (He bested former Colorado Governor Dick Lamm in an open national primary by two to one.) That summer, the Patriot Party dissolved itself into Reform and Perot went on to poll 8% of the vote. The party was formally constituted in 1997 in Kansas City, where a highlight of the convention was a reception hosted by the Black Reformers Network, a caucus-style association created by Fulani to elevate the African American presence inside Reform. More than 300 Reformers attended the gathering, many of them white; they came partly in solidarity and partly out of curiosity.

For Fulani, the issues of racial diversity and up-from-the-bottom democracy went hand in glove. As one of the party's best known champions of empowering and rewarding party activists who were actually building Reform's base (as opposed to cutting deals in Perot's name), she became notably popular with the party's most active and independent-minded state leaders. At Reform's national convention in Dearborn in 1999, she polled 45% of the vote in a head to head match-up for vice chair against Perot's handpicked candidate.

Soon, however, the party was riven by factionalism. Verney (on Perot's behalf) and later Pat Buchanan (on his own behalf) sought to muffle dissent and democracy inside Reform; together they managed to drag it, kicking and screaming, first to the right, and eventually into oblivion.

The Reform Party, which under the influence of Fulani and others made itself hospitable to African Americans, never actually achieved any depth at the base among black voters. But the Independence Party of New York, which became a ballot status party in



PHOTO: GERRY EVERETT



*Lenora Fulani (r) and Independence Party members*

1994 in the early high tide of the Perot movement, did sink deep roots in the black community. Those roots proved to be so significant that the Independence Party's black leadership catalyzed an historic shift by African American and Caribbean American voters in the 2005 New York City mayoral election (See *The Black and Independent Alliance*, p. 11).

The story of black voters' rise to prominence in the Independence Party is narrated in detail in the complaint to the U.S. Justice Department reprinted on p. 19, so it need not be retold here.

Suffice it to say, however, that since the one-term election of Jesse Ventura as governor of Minnesota in

1998, the most significant event in the history of the national independent movement so far is the black electoral revolution of 2005 in New York City. That revolution has, however, provoked a backlash of considerable proportions, involving major Democrats and Republicans together with Independence Party state chairman Frank MacKay and other turncoats within the independent movement who have attempted to dismantle the New York City Independence Party – home base of the party's membership of color – and to dismiss its black leadership. These “whites only” independents have undertaken to satisfy the major parties' strategic perspective: that black people are better off when they “stay in their place.”

There is little question but that the Democrats and Republicans will be better off under those circumstances. There is no question, though, that black and other minority voters exert much more power if they are independent, rather than the political property of a single party.

If the aim of the independent political movement – whether it takes the form of a party or a federation, a coalition or a voter association – is to reverse the deterioration of American democracy and to repel the tyranny of partisanship, it must include and empower all who would join in that cause. The color of the independent movement has to do with race and racial parity. And it also has to do with the red, white and blue that signify American ideals of radical democracy and resistance to unchecked authority. To lead that kind of movement, the independents must *be* that kind of movement. We must stand for liberty and justice for *all*.

Jacqueline Salit, Executive Editor  
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# Redistricting Movement Learns Some New Lines

Anti-partisan political reforms are popular with voters.  
There's only one problem – politics is too partisan  
to get them passed.

Phyllis Goldberg

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**B**ill Mundell blames it on the money. More specifically, the prime mover behind Californians for Fair Redistricting – the group of mostly Republican high rollers who funded the petitioning drive that put Prop 77 on the ballot last year, only to watch it go belly up on Election Day – says that while partisan opponents were deploying truckloads of money along with rhetoric to ensure its demise, members of the business community were inclined to keep their hands in their pockets.

“There is no natural special interest, no constituency, for redistricting reform,” the affable software entrepreneur explains, referring to the executive suite crowd. “Creating a fair and competitive system, while virtuous, cuts into pre-existing relationships...They *like* incumbency. They give money to both sides of the aisle.” As for the parties themselves, Mundell notes that “...the Democratic Party was dead set against redistricting reform because they perceived any increase in competition as bad for them...they’re in control now. The Republican Party, which had only one way to go – up – tends to get completely controlled by the incumbents themselves.”

Following the last census, the parties came up with an arrangement that allowed the Democrats to retain their majority status in the legislature; in return, Republican officeholders were given what amounted to a ten-year warranty on their jobs. “They were happy with the deal that was struck in 2000, which ensured that they would have a seat,” Mundell says. “They weren’t ambitious about creating more Republican seats. It was the same thing in Ohio.”

He is referring to the defeat of Issue 4, like Prop 77 a proposed constitutional amendment to make redistricting a less partisan business. Although half a million-plus Ohio voters signed petitions to put this ill-fated cousin of Prop 77 on the ballot last November, it got voted down by more than two to one. Ohio is California’s political alter ego: there it is Republicans who hold a majority in both houses of the state legislature and dominate its congressional delegation. Reform Ohio Now (RON), the coalition backing the package of reforms, including Issue 4, that went before Ohioans last November, was made up largely of Democrats (although it also included a few former Republican office-

holders). Much of the sound and fury directed at Issue 4 emanated from the Republican Party, while members of the Democratic Party establishment – like their Republican counterparts in California – sat on their hands, presumably in the hope that “the other side” would take care of business for both of them...which it did.

“The other side was very good at confusing the voters,” says Jeff Rusnak, who acted as a strategic consultant to RON. “I don’t think voters saw this as a partisan issue...They didn’t understand what it was. In Ohio, unlike California, citizen-led initiatives aren’t a common occurrence...They’re very unusual. People weren’t voting on redistricting but on a whole package – including campaign finance reform, early voting, and administration of elections. We never got to the point where people were really focused on redistricting...What we were pushing for with Issue 4 was an independent process that would remove the politicians from the redistricting process. We said: ‘Hold the politicians accountable.’ The opposition’s slogan was: ‘Keep the politicians accountable.’ By the end they were acknowledging that there was widespread corruption...But they argued that this was only creating another bureaucracy, likely to have loopholes. Do I think they were effective? Yes...”

**J**im Mangia is the co-chair of California’s Committee for an Independent Voice (CIV), which vigorously supported Prop 77 and is part of the coalition behind a new citizen-initiated redistricting reform that its backers hope to place on the ballot in November of 2006. The coalition includes *theRestofus.org*, CalPIRG, the Mexican American Political Association, and the People’s Advocate, which conducted the massive petitioning drive for Prop 77.

Mangia believes that last year’s defeat was produced by the perception among voters, especially independents, that Prop 77 was at root a partisan maneuver dressed up to look like a reform – a ploy by Governor Arnold Schwarzenegger to shift the balance of power in California by opening up more seats in the state legislature and Congress to fellow Republicans: “Frankly, his support was the kiss of death.” In 2004, Mangia explains, “Schwarzenegger was elected as an

independent. But he’s governed as a partisan – unlike Bloomberg in New York, who not only campaigned as an independent but generally governs as one. So while many people here liked the idea of redistricting reform, by the time we got to the election their attitude was: ‘a plague on both your houses.’”

It was Mangia who orchestrated the highly unusual “cross endorsement” of Prop 77 by Rusnak and Reform Ohio Now and of Issue 4 by Mundell and Californians for Fair Redistricting. Accompanied by Mangia, Mundell flew to Columbus to appear with RON leaders at a press conference promoting Issue 4; a few days later RON’s Dr. Richard Gunther, a professor of political science at Ohio State University, reciprocated by flying to Sacramento, where he joined Mundell, Ted Costa of the People’s Advocate, and CIV leaders in a press conference to talk up Prop 77. In our era of extreme partisanship, these were rare occasions: reform-minded Democrats and Republicans going up against the partisans in their own parties.

It wasn’t enough to win the day, in either state. But Rusnak thinks the mutual endorsements “...demonstrated that this is a national issue and a national problem, not something that’s unique to Ohio or to California...and that people all over the country are addressing.”

“Redistricting should be conducted as a nationwide campaign,” political scientist Gunther argues. “Otherwise, diddling the lines in a single state is basically what we’re doing now, for partisan advantage. The only way to create a powerful nationwide movement in favor of electoral fairness is to correct for gerrymandering in both Republican- and Democratic-dominated states. We need to get broad agreement in favor of stopping the pendulum in the middle, rather than just pushing it to the other extreme when we get the chance.”

What was Mangia’s purpose in bringing together the two groups of reformers?

“The public debate surrounding both initiatives was so partisan,” he says. “All the attacks on Prop 77 were based on the claim that it was ‘really’ a Republican power play, and all the attacks in Ohio came down to the charge that Issue 4 was a Democratic power play. I knew it not to be the case in California. That doesn’t preclude the possibility that some of those supporting it were engaged in a power play. But it was an authentic effort for political reform. I hoped that bringing together the perceived power grabbers – Republicans in California,

Democrats in Ohio – could dispel some of the false advertising. And I think it had that impact...you saw much less of that in the media coverage afterwards.

“There was another reason as well. I thought it was important to demonstrate, publicly, that independents have a particular role to play in going up against partisan political activities – that independents can bridge that partisan divide. I wanted to show that independents know something about how to ‘work and play well with others.’”

**O**n the day after Election Day last year, Jeff Rusnak’s telephone rang. It was Speaker of the House Jon Husted, a Republican who – like most members of his caucus – had opposed Issue 4, calling to say that he wanted to talk about redistricting reform. Negotiations began, and continued on a regular basis, to craft a bipartisan bill that would establish a redistricting commission made up, Rusnak says, of “...some mix of Democrats, Republicans, and independents...no plan could be approved without some support from each.” In mid-March, however, redistricting was moved to a back burner, other issues having captured the attention of Republican leaders (and, no doubt, the enthusiasm of some of their colleagues in both parties). But Rusnak is still “hopeful” that an acceptable redistricting initiative – one stipulating that competitiveness in elections must be a significant criterion in determining district boundaries – will appear on the ballot in November.

Meanwhile, in California, State Senator Alan Lowenthal, a Democrat, is sponsoring a bill that would turn redistricting over to a nonpartisan commission with independents among its members. The bill’s proponents are hoping that enough of Lowenthal’s colleagues in both houses of the state legislature will vote for the proposed constitutional amendment to put it on the ballot in November, thereby avoiding another onerous and very costly petitioning drive. As for the governor, whose taut physique belies his sagging popularity, Schwarzenegger “...is adamant that he doesn’t want another citizens’ initiative on the ballot,” says Mundell. “He’s very focused on the legislative solution. He believes – and I agree – that voters are suffering from ‘petitioning fatigue.’”



*Mundell (r?) and Mangia*

Perhaps. Or maybe the governor, running hard for reelection, would prefer to stay above the fray this time; better to let Democrats and Republicans in the state legislature come up with an initiative that both sides can live with and vote it onto the ballot on their own.

But the legislative solution isn’t easy for legislators to swallow. Lowenthal, for example, has vowed to resist efforts to candy-coat his bill with a rider that would extend term limits, thereby compensating John and Jane Incumbent for confiscating their map-drawing crayons; that is, guaranteeing them job security by other means. No doubt California voters (who, like the vast majority of Americans throughout the country, are in favor of term limits) would smell this particular rat a mile away.

Still, the process – part battling, part bartering – proceeds, inside and outside the Ohio and California state legislatures. No one likes a cynic. But you have to ask: Why have *any* beneficiaries of the existing approach to redistricting become proponents of reform, seemingly overnight?

“I think they see that there are some problems,” Rusnak says of the Republican leadership in Ohio. “They did admit the system wasn’t working. They just didn’t like our solution to it.”

Mundell is inclined to believe that California lawmakers are simply bowing to the political realities that

were exposed in the battle over Prop 77: “Right now the catalyst for the creation of a political solution in the legislature is the enormous amount of money that was spent. That shone the light very brightly. Eighty percent of the state’s editorial boards endorsed Prop 77. In Ohio it was similar...At the end of the day, what got exposed was that the existing system is corrupt, and effectively disenfranchises voters. The legislatures are forced to create a different outcome. In California it’s much more difficult to create the types of deals that were created in 2000, when the Democrats and Republicans got together and agreed to defraud the voters.”

In other words, dividing up the election spoils (in advance, yet!), as they did after the 2000 census, was over the top – even for them.

And where do independent voters come in? “For any issue to pass in Ohio, you need to form a coalition that includes independents,” Rusnak observes. “Independents are the largest bloc of voters. I do think you need to frame the message to independents.” Why does the message to independents need to be custom-made? “They are less likely to respond to a partisan message,” Rusnak says bluntly. “I shouldn’t be out there screaming that the Republicans in Ohio have made a mistake. The minute you put party labels on something, independents tend to tune you out. They don’t want to hear the bickering between the Democrats and the Republicans. Their attitude is: ‘Let those two fight it out.’”

“Who benefits from redistricting reform?” Bill Mundell answers his own question: “The wider electorate. The question is – how do you finance something like that? With a handful of enlightened individuals, interested in doing the right thing, who become the source of financing the broader interests of the electorate? But redistricting reform almost always gets outspent by the national parties. Their intent is to obfuscate the issue, which they do by saying: ‘This is a Republican Party power play,’ or ‘This is a Democratic Party power play.’ With the money they have, they end up dominating. If we were to do it again, we’d create a broad-based, grassroots financial contribution base and not rely on deep-pocketed individuals. They come and they go – and at the end of the day they’re not a match for the parties.

“The other thing we’d do differently?” Mundell has clearly given this one a lot of thought. “...The core organized constituency for redistricting reform is the independents. If more effort had been spent targeting independents, a lot more of them would have come out...and they could have made the difference. They would have seen the claim of partisanship as just that. I would have said: ‘We should not target Republicans or Democrats...We should only target independents.’ Big money was focused on brainwashing the parties’ rank and file. We should have ignored that base and focused all our financial resources on the independent base... and I think we would have a different outcome.” NEO



PHOTO: ROBERT LEVY

**Phyllis Goldberg**  
*is writing a  
biography of  
the postmodern  
philosopher and  
political organizer  
Fred Newman.*



*In November of 2005, New York City Mayor Michael Bloomberg won reelection with 59% of the vote. The Republican/Independent (he ran on two ballot lines) defeated Democrat Fernando Ferrer in a city where the Democratic Party has a 5 to 1 voter registration advantage and racial minorities are in the majority. Besides his famous personal fortune, what was the secret to Mike's success?*

# The Black and Independent Alliance

Jacqueline Salit

As with all things that are *becoming*, you never read about them in the newspapers. But something new is becoming in New York City politics. What is that new political reality? Its starting point is the long-awaited revolution in the black vote. In 2005, 47% – nearly half – of black New Yorkers broke away from the Democratic Party and voted for the independent Republican Michael Bloomberg. This shift was chronicled only briefly in the spasm of always conservative post-election analysis, perhaps with the hope that the old ways of municipal politics will reassert themselves. The basic rule of political thumb in New York City is that blacks are not wanted by the Republican Party and therefore can be thoroughly neglected by the Democratic Party. New York City's political class has been happy with this arrangement, and was startled to see it disrupted – even if it helped reelect Mike Bloomberg.

Still, the “disruption” is whispered about in the corridors of power (among the political class), as is the Independence Party (IP) total for Bloomberg – 75,000 votes – meaning that one out of every ten voters cast their ballot for Bloomberg as an independent. One City Hall reporter exclaimed to me that the IP vote for Bloomberg was significantly higher than it had been in 2001. Yes,

I replied, 26% higher – though he (the reporter) had not (and still hasn't) written a word about it.

These two interconnected Election Day results – the revolution in the black vote and the increase in the Independence Party vote for Bloomberg – reveal the matrix of a new political paradigm: a becoming. They show the coalescence of two under-represented – arguably, under-enfranchised – constituencies who share an interest in nonpartisan reform of the political process itself.

## THE BLACK ELECTORAL REVOLUTION

The story of how Mike Bloomberg, a white billionaire Republican, received the support of 47% of the city's black voters itself has many starting points. Not least is the mayor's first campaign in 2001, when, near the end of the Democratic Party primary process, Mark Green's campaign (employing traditional Democratic Party racialist tactics) attacked Green's then primary opponent, Fernando Ferrer, for having the support of Al Sharpton. Twenty-five percent of black voters responded by backing Bloomberg's long-shot election bid.



But another starting point (a very well kept secret) in this tectonic shift took place in the earliest stages of planning the mayor's reelection campaign. Already forecasting in the summer of 2004 that Ferrer would be the Democratic nominee, the mayor's inner circle and the mayor himself believed it inevitable that the vast majority of black voters would go for the Democrat. Some even questioned whether he could match his 2001 showing of 25% of black voters, since they believed that vote was an anomaly, and the appeal of a majoritarian (though imaginary) coalition of color – the vaunted Latino/black alliance – would prevail.

I was at some of those early meetings and I argued a very different view. The black vote for Bloomberg in 2001 was, in part, a revenge vote against Mark Green's racist insults. But it had another dimension as well. Bloomberg ran in 2001, not only as a Republican, but also as the candidate of the Independence Party. Independence leader Lenora Fulani campaigned for Bloomberg in the majority black districts of the city, building a network of support for him well before the Green/Ferrer/Sharpton melodrama played out. This activist network agreed that they would benefit politically by acting – and voting – more independently. The events at the end of the Democratic primary reinforced that, and the two trends combined to bring Bloomberg his 25%. I argued to the mayor and his inner circle (I'm a little moon that orbits his inner circle) that the black vote in 2001 was some complicated mix of paying back and looking forward: that is, paying the Democratic Party back for its vulgar racism *and* looking forward to a new political modality – independent voting.

My argument to the mayor and his advisors in the summer of 2004 was that the 2001 experience – and the percentages it produced – could be cultivated and built upon. I argued that in the black community there was a discernible dissatisfaction with the Democratic Party that was ongoing and a decade-long trend toward independence. Backed up with organization and leadership talent of the kind the Independence Party brought to the table, we could upend conventional expectations with respect to the black vote. At the time, there was not much receptivity to this perspective.

As the campaign got underway some six months later, there seemed to be little change in the Bloomberg camp's attitude toward the black vote. Bloomberg wanted to continue his partnership with the Independence Party. The IP vote in 2001 – 59,091 – had been his margin of victory. His advisors saw IP's vote-getting value in its special access to the party's 95,000 regis-

trants, with the IP line identified as an “escape hatch” mainly for white Democrats who would prefer not to vote for Bloomberg on the Republican line. The idea that IP would play a vital, if not catalytic, role in shifting the black vote was not considered, though IP strategists – myself included – believed it surely would.

Nonetheless, with assistance from the Bloomberg camp, the Independence Party began to “drill down” into its base, a cross-section of white independents – who span the ideological divide from left-of-liberal to conservative-and-then-some – and younger black and Latino voters who'd rejected the expected Democratic Party affiliation. Phone banking, surveys and outreach to independents yielded more detailed information about the extent to which these voters valued political reform and saw the Independence Party as the key vehicle for achieving it.

Meantime, in the beginning of 2005, Fulani set out to assemble what she called the “Bloomberg on C” Coalition, a network of black and Latino community leaders – mainly Democrats. These activists – a mix of clergy, small business entrepreneurs, educators, police and corrections officers, sanitation workers, Democratic district leaders – bought in on two ideas: One was that the mayor deserved reelection. The “added value” argument was that voting for Bloomberg as an independent gave the black community a new source of leverage. Voting for Bloomberg on Column C, the Independence Party line (hence the name “Bloomberg on C” Coalition), made a statement – not just about the independence of the candidate, but about the independence of the voter.

Fulani's question to these leaders was: Did the black community want to assert its political independence in order to improve its political position? The enthusiasm for Fulani's “Bloomberg on C” strategy cut across class lines. Poor and middle class, welfare and homeowner – the appeal of voting for the nonpartisan Bloomberg gained traction. It soon became clear that, at the very least, this outreach immunized Bloomberg against the Republican stigma, making him acceptable to vote for – even on the Republican line. Beyond that, it introduced a new modality of voting – on Column C, the Independence Party line – as a way to draw attention to the black community's greater political independence.

As the “Bloomberg on C” effort was taking root, the Bloomberg campaign began its survey of hundreds of thousands of New Yorkers, creating its now famous database with a new set of postmodern “meta-categories”

which defied the traditional race and neighborhood-based paradigms of Democratic Party-style campaigns. Bloomberg's strategists were, in their own way, doing battle with identity politics, promoting the mayor's record of achievement on the merits, without invoking the more traditional categories of political persuasion. In the course of these surveys, they began to see what the Independence Party, Fulani and the "Bloomberg on C" Coalition had already discovered (and inspired): Bloomberg was appealing to a cross-section of black voters on a significant scale.

Naturally enough, the Bloomberg campaign moved to adjust its game plan, bringing on black advisors with links to the Democratic establishment. The press conference launching the Bloomberg campaign's "African Americans for Bloomberg" featured high-profile non-political black celebrities, such as restaurateur Bea Smith and fashion model Iman. Magic Johnson came on board, too. These were not political heavyweights – in fact, most of them weren't even city voters. Nonetheless, the press conference was a clear signal that the Bloomberg campaign had come to believe that the black vote was in play.

The first public measure of the depth of support that had been generated for Bloomberg among black voters came in a Marist poll two weeks after Fernando Ferrer won the Democratic primary. The Marist survey showed that 53% of black voters backed Bloomberg.

Some Bloomberg advisors told me they did not believe the numbers. But apparently they did feel confident enough in their black support to decline having the mayor participate in a televised debate at the Apollo Theatre in Harlem in early October.

The black Democrats, mortified by the Marist poll, struck back. Al Sharpton, who had kept a low profile during most of the campaign (apart from vocally supporting Bloomberg's West Side stadium deal, which Ferrer ferociously opposed), critiqued Bloomberg for disrespecting the black community. The campaign defended itself, saying Bloomberg didn't want to debate so early, the broadcast partner (NY1) did not have a large viewing audience, etc. Some of Bloomberg's major black endorsers, notably the Rev. Floyd Flake, criticized the decision and hoped the mayor would change his mind.

The "Bloomberg on C" Coalition responded directly to Sharpton. Fulani appealed to the black community to choose "record over rhetoric" and not succumb to



PHOTO: ERROL ANDERSON

*The author with Mayor Bloomberg*

knee-jerk nationalistic appeals of the sort Sharpton was offering. The "Bloomberg on C" Coalition staged a large informational picket outside the Apollo on the night of the debate, where Fulani emphatically endorsed the "electoral revolution" underway in the black community – a revolution manifest in the 53% showing in the polls.

A few days after the Apollo debate, a new set of polls showed Bloomberg's support among blacks holding at 48% while 72% said Sharpton's criticism made little difference to them one way or the other.

Bloomberg's ultimate performance among black voters on Election Day was the result of multiple factors. Bloomberg's message of fairness, progress and independence penetrated deeply. The Independence Party, the "Bloomberg on C" Coalition and Fulani served to validate Bloomberg in the black community. They were the unpaid, unacknowledged voices for a new black empowerment strategy. They helped to remove the stigma of voting Republican and produced votes for the mayor on both lines as a result of the credibility they gave him.

On Election Day the Independence Party and the "Bloomberg on C" Coalition fielded a vote-pulling operation targeted to the black community. In districts where they worked, up to a third of Bloomberg's vote was cast on Column C. Citywide, one out of every eight black voters pulled the Column C lever.

It is worth noting that the media-generated controversy surrounding IP and two of its principal leaders, Lenora Fulani and Fred Newman, had no impact on the vote. For all the charges of anti-Semitism and divisiveness leveled against Fulani and the IP, this media campaign failed to peel away voters or to disrupt the most significant (and independent) black/Jewish coalition in decades. Bloomberg polled 70% of the Jewish vote and 47% of the black vote.

Top echelon black and Latino Democratic Party leaders have already done the math and noted that if the Independence Party had endorsed Democrat Fernando Ferrer, rather than Bloomberg, the 249,000-vote gap between the two candidates could readily have been closed. Since both Bloomberg and Ferrer are social liberals, and much of the IP vote came from black and white socially liberal areas, it is fair to surmise that IP's 75,000 votes could have been swung to the Democrat. That would have produced a 75,000-vote deficit for Bloomberg and 75,000 votes in the plus column for Ferrer, narrowing the gap to fewer than 100,000 votes. One estimate assumes 300,000 black voters cast ballots in the mayoral election, and that they split down the middle between Bloomberg and Ferrer. But if the IP and "Bloomberg on C" leadership were out of the Bloomberg camp, leaving him without the "street credibility" he needed to persuade black voters to desert the Democratic candidate, the mayor's ability to compete for African American voters would have been severely impaired, much as he originally expected it would be.

This shift on the part of black voters away from the Democratic Party introduces another serious challenge: with whom are black voters now to ally?

The key alliance that crystallizes from the 2005 results is a black and independent alliance, an electoral partnership between independent (largely white) voters and African Americans. This new coalition is distinct from the black/liberal coalition, which is now defunct (witness 16 straight years of Republican mayors) and the black/Latino coalition under the auspices of the Democratic Party, which never had a real chance of succeeding (witness the defeat of Fernando Ferrer). Together, black voters and independent voters are in a position to drive an agenda with the second-term Bloomberg administration and with candidates in upcoming races. The work now is to define that reform agenda and map out the strategies for pursuing it.



PHOTO: EROL ANDERSON

*"Bloomberg on C" Coalition at City Hall*

### THE INDEPENDENT VOTER

Independent voters themselves fall into several different categories. In New York City, there are just under 95,000 members of the Independence Party. (The size of the IP registration base totally eclipses that of other minor parties. The Conservative Party has 22,894 New York City registrants, and the Working Families Party 10,755.) There are approximately 750,000 non-aligned independents – voters who indicate that they do not wish to enroll in any political party. There is also a third category of independent voter – namely those who are registered as Democrats or Republicans, but who choose to vote for a cross-endorsed candidate as an Independent when they have the option to do so. For example, independent-minded Democrats voted for Bloomberg as an Independent not simply because they didn't want to vote for him as a Republican, but because they wanted to assert their own political independence. New York Republicans who voted for Senator Charles Schumer, a Democrat, on the IP line in 2004 (he polled 216,198 votes on the IP line) or for Attorney General Eliot Spitzer in 2002 (he polled 256,915 votes on the IP line) wanted an alternative to their own party's choice of candidate. The Independence line gave them that choice.

Registered independents, while spanning the ideological spectrum from left to right, share a concern about the nature of the political process itself. They are reform-oriented, anti-clubhouse and anti-corruption.

Bloomberg's joint efforts with the IP identified him both as a reform mayor and as a reform candidate. In 2003, Bloomberg and the IP partnered in an effort to pass nonpartisan elections. Though the measure failed, it helped to "brand" Bloomberg as a genuine anti-clubhouse reformer and IP as the sole political party willing to put a wholesome democratic process ahead of its own narrower interests, since the adoption of nonpartisan elections would take away IP's power to cross-endorse in city contests.

A breakdown of the IP vote for Bloomberg in November in some key "culturally liberal" areas shows an increase from 2001 of as much as 150%. In these districts, independent voter registration is growing at a more rapid rate than Democratic and Republican registration. At some polling sites on the Upper East Side the IP vote for Bloomberg was higher than the vote for the Democrat. These are also districts where the growth and depth of IP's infrastructure has made it possible to reach many more independent voters and to mobilize them on behalf of particular candidates. Taken together, these independent and independent-minded voters now constitute a critical constituency for reform in New York politics. (They and the Independence Party have been a crucial factor for reform-minded Republican candidates who have to overcome a five to one Democrat to Republican registration advantage.)

### THE BASIS FOR THE BLACK AND INDEPENDENT ALLIANCE

The black community has been in need of a new electoral partnership for some time. The black/liberal coalition, long a source of black political power, imploded in 1993; Mayor David Dinkins sought reelection but was deserted by enough white liberal voters to turn City Hall over to the Republicans for the next 16 years, thereby marginalizing the black community until this year's seismic shift. The much advertised black/Latino alliance – organized under the auspices of the Democratic Party – has never materialized, largely because the identity politics-based political paradigm of the Democrats does not produce consensus or coalition; it produces racial polarization, competition and antagonisms among different groups, including (for obvious reasons) between Latinos and blacks who are competing for the same "welfare state" dollars.

While politically and culturally very different, black

voters and independent voters share an interest in breaking out of traditional, partisan and ideologically over-determined policymaking. Reforms like nonpartisan elections would empower independent voters to participate in first-round, often decisive voting, from which they are currently barred. Nonpartisans would likewise free black voters up to make fluid alliances (e.g., Bloomberg on C) that reflect their interests. For example, as long as the Democratic Party maintains control over the black vote and the teachers' union maintains control over the Democrats, black voters are effectively prevented from backing candidates who support education reforms they'd like to see enacted – such as school vouchers. A nonpartisan system would liberate them to create new alliances with independents and even conservative whites in favor of candidates who reach out to them on the basis of support for the voucher option.

Similarly, the current education system is based on a very narrow and, some would argue, outdated pedagogical framework, with limited insights into the capacity for human development, generally speaking, and youth development in particular. The black and poor communities – most in need of a developmental model in order to close the achievement gap – are the most disadvantaged by a political structure that does not permit developmental innovation. Rearranging the power dynamics, as a black/independent alliance has the potential to do, opens the door to a variety of new coalitions for developmentalism in education, in health and mental health care, in economic and cultural projects and in overall urban planning.

For independents, the partisan gridlock in Albany (and Washington) is a frustrating roadblock to the nonpartisan merit-based governance they want. That political parties increasingly legislate based on what's best for themselves and not for people – for special interests, not for progress – is a major factor driving New Yorkers toward political independence. No wonder the Independence Party is the fastest growing party in the state.

The days of "anomaly" Republican mayors are over. A new era of competitive citywide elections, prefigured by Rudy Giuliani, has been re-defined by the Bloomberg victory. The growth of the Independence Party and its role in cultivating political mobility among black and other traditional Democratic constituencies is key. The 47% of the black vote for Mike Bloomberg and the 75,000 votes on the Independence line – in other words, the black and independent alliance – is the base from which a new and independent reform movement can now operate. **NEO**



# ...And Justice for All?

## Independents File Voting Rights Complaint with the U.S. Department of Justice

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*The passage of the Voting Rights Act by Congress in 1965 marked the legislative culmination of the mass movement for civil rights and, as well, the completion of the shift of the African American vote to the Democratic Party. Texas Democrat Lyndon Baines Johnson, who won the 1964 presidential election in a landslide over Barry Goldwater, broke ranks with white segregationist southern Democrats like Strom Thurmond, Lester Maddox and Orville Faubus, who led and benefited from a de facto whites-only voting system in the Deep South. Less than 20 years earlier the U.S. Supreme Court had invalidated the de jure all-white primaries conducted by the Democratic Party in the southern states. Smith v. Allwright, 321 U.S. 649 (1944).*

*Since the Civil War, the federal government had been given (although it did not always accept) the responsibility of ensuring that African Americans, no longer slaves, would be accorded the rights guaranteed to other American citizens by state and local governments. While the federal government's record in this respect has been less than perfect, in the fields of employment, education, housing and voting it has provided important legal weapons in the fight for equal treatment and opportunity.*

*The Voting Rights Act outlaws the “denial or abridgement of the right of any citizen of the United States to vote on account of race or color.” A particularly powerful – and controversial – legal instrument is contained in Section 5 of the Act, which requires that no change in voting procedures in any covered jurisdiction shall take effect until a court has issued a declaration that it will not deny or abridge the voting rights of minorities.\* The concern underlying the pre-clearance requirement is that there are many, many ways to deprive racial minorities of their voting rights – not only literacy tests and poll taxes, but more subtle methods, such as relocating polling places to make it more difficult for minority voters to reach them. Thus, meaningful protection means putting the burden to demonstrate non-bias on the state or locality making the change, rather than requiring persons negatively impacted on by the change to demonstrate bias.*

*Covered jurisdictions include entire states that, prior to the passage of the Act, maintained “tests or devices” that restricted minority voting rights – Alabama, Alaska, Georgia, Louisiana, Mississippi, South Carolina and Virginia. In addition, coverage can be extended to particular counties. Three counties in New York are covered: the Bronx, Kings (Brooklyn) and New York (Manhattan) counties.*

Alternatively, the change can be submitted to the U.S. Department of Justice and, if the Department does not make an adverse finding in 60 days, the change can take effect.

In 1996 the U.S. Supreme Court considered the question of whether or not changes implemented by political parties that impact on the electoral process were covered by the Voting Rights Act and, therefore, had to be pre-cleared. The court held that they were, on the theory that the parties have been delegated critical functions by the states, including the right to nominate candidates and ensure them a place on the general election ballot. *Morse v. Republican Party of VA*, 517 U.S. 186 (1996).

Voting rights issues have until now almost always occurred within the context of the major parties. After all, they control the state and local legislative bodies which have the power to make the changes that the Act is designed to scrutinize. Further, it is the major parties which nominate the candidates who “matter,” i.e. who have a chance of winning.

The complaint which follows is, if not the first, then one of the few instances where the actions of a minor party gave rise to significant voting rights concerns. There are several reasons for this. First, there is the emergence of the independent voter. In 1965, when the Voting Rights Act was passed, approximately 90% of Americans identified with one of the major parties. By 2006, that percentage had dropped to less than 66%, with one-third of all voters self-identifying as independent. In the state of New York, for example, 2.2 million voters have checked a box on the voter registration form next to the statement “I do not want to enroll in a political party.” Another 325,000 have enrolled in the Independence Party. Further, New York is one of the few states that permits fusion, meaning that a candidate can run on the ballot line of more than one political party. In statewide and in New York City-wide elections (as well as in competitive local districts), the Independence Party line can be the margin of victory. Therefore, what goes on within the Independence Party directly impacts on the outcome of elections.

The full details of the events which led to the filing of a complaint to the Justice Department about Voting Rights Act violations perpetrated by the state leadership of the Independence Party of New York, together with accomplices and instigators in the two major parties, are contained in the complaint itself, which begins on page 19. They include: the disbanding of duly constituted and duly elected local county organizations in New York City, where the vast majority of the party’s black, Latino and Asian voting and registration base reside; and the recall of two complainants, Dr. Lenora Fulani and Dr. Jessie Fields, both of

them African American, and both key figures in the effort to create independent political alternatives to the Democratic Party for black voters, from the party’s state executive committee, along with others allied with them.

The complainants are asking the Justice Department to look at how major party players – Attorney General Eliot Spitzer (currently a Democratic Party candidate for governor), Senator Hillary Rodham Clinton, and State Senator Joseph Bruno, the Republican majority leader of the state senate – have induced the state leadership of the Independence Party to restructure that organization so as to prevent party leaders and organizations in New York City from participating in the nomination of candidates for public office. New York’s fusion system provided them with the necessary leverage, as the Independence Party’s status and position on the ballot depend on how many votes its candidate for governor gets in the November election. Party leaders believe that their prospects will be greatly enhanced by having Mrs. Clinton and Mr. Spitzer at the top of the ticket. It is argued that the impact of what they have done impedes efforts by complainants Fulani and Fields and others across the country to organize African American voters to vote independently, rather than for Democratic Party candidates.

The complaint asks the Justice Department to examine the power dynamics between the major parties and a minor party in a fusion state and how they impact on minority voting rights.

The complaint is reproduced here as filed with the Justice Department, except that the description of the parties has been abbreviated due to space considerations.

— Harry Kresky



**Harry Kresky** is counsel to the Committee for a Unified Independent Party. 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.



## PARTIES

*Following is a brief description of the parties – complainants and respondents – named in the Justice Department complaint.*

### COMPLAINANTS

**Lenora B. Fulani**, an enrolled member of the Independence Party of the state of New York and of its State Committee, and – until her recall earlier this year – a member of the party's state Executive Committee.

**Jessie A. Fields**, an enrolled member of the Independence Party of the State of New York and of its State Committee, and – until her recall – a member of the state Executive Committee.

**Al Bartell**, an independent candidate in Georgia for Lt. Governor and a leader of Georgia's IMove (Independent Voters).

**Sarah Bayer**, the chair of the Massachusetts Coalition of Independent Voters.

**David Cherry**, the leader of United Independents of Illinois.

**Wayne Griffin**, the chair of the Independence Party of South Carolina.

**Jim Mangia**, the co-chair of the California Committee for an Independent Voice.

**Audrey Mowdy**, the chair of IMove in Georgia.

**Ron Parker**, a longtime civil rights activist, now involved in the efforts of Georgia Independent Voters to realign the black electorate.

**Rosemary Whittaker**, the initiator of the Maine Committee for Independent Voters.

**Committee for a Unified Independent Party, Inc.** (CUIP), a not-for-profit organization under Section 501(c)(4) of the Internal Revenue Code that seeks to further the development of a non-ideological independent political movement.

### RESPONDENTS

**Frank M. MacKay**, an enrolled member and the chair of the Independence Party of New York, and the chair of the Suffolk County Independence Party.

**Thomas Connolly**, an enrolled member of the Independence Party, a vice chair of the state Independence Party, and the chair of the Rensselaer County Independence Party.

**Frank Morano**, an enrolled member of the Independence Party who was voted onto the state Executive Committee following the recall of Dr. Fulani, Dr. Fields, and three other members.

**Hillary Rodham Clinton**, the junior U.S. Senator from New York and an enrolled member of the Democratic Party.

**Eliot Spitzer**, the attorney general of the state of New York and an enrolled member of the Democratic Party.

**Joseph L. Bruno**, the Majority Leader of the New York State Senate and an enrolled member of the Republican Party.

UNITED STATES DEPARTMENT OF JUSTICE

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LENORA B. FULANI, JESSIE A. FIELDS,  
AL BARTELL, SARAH BAYER,  
DAVID CHERRY, WAYNE GRIFFIN,  
JIM MANGIA, AUDREY MOWDY,  
RON PARKER, ROSEMARY WHITTAKER,  
COMMITTEE FOR A UNIFIED INDEPENDENT  
PARTY, INC.,

Complainants,

—against—

FRANK M. MACKAY, THOMAS  
CONNOLLY, FRANK MORANO, HILLARY  
RODHAM CLINTON, ELIOT SPITZER,  
JOSEPH L. BRUNO

Respondents.

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## INTRODUCTION

Recent years have seen the beginnings of a significant shift in the political alignment of black voters. Long considered the most loyal constituency of the Democratic Party, black voters have begun to consider other options, to self-identify as independents, and to vote in significant numbers for candidates and parties other than the Democrats. Complainants ask the United States Department of Justice to investigate whether the actions of respondents which have the effect of limiting the political mobility of African Americans<sup>1</sup> violate the Voting Rights and Civil Rights statutes [sic], 42 U.S.C. Sec. 1973 *et seq.* and 42 U.S.C. Secs. 1983 and 1985. For these statutes to be given their full and intended effect they must guarantee and protect voting rights no matter how those rights are exercised and must be available to insure that African American voters are permitted to seek new political options unimpeded by conduct such as that complained of here.

Complainant Fulani and her colleagues in New York have worked to build New York's Independence Party and to make it a viable option for those African

American voters who no longer wish to be aligned with the Democratic Party. In recent years this effort has focused on winning the support of African American voters in New York City to elect (in 2001) and re-elect (in 2005) Mayor Michael R. Bloomberg, who ran on both the Republican and Independence Party lines, and to support reforms such as nonpartisan municipal elections, which would weaken the control of the Democratic Party clubhouse and the party system generally. Others of the complainants support Fulani's efforts and have worked to effect such a realignment nationally and in their respective states.

In order to blunt complainant Fulani's efforts in New York, respondents effected a recall of Fulani and others aligned with her from positions as officers and members of the State Executive Committee of New York's Independence Party and have moved to disempower locally elected leadership in Bronx, Kings and Queens Counties. The latter amounts to a restructuring of the party that must be pre-cleared under 42 U.S.C. Sec. 1973c.

Respondents Clinton and Spitzer undertook this intrusion into the internal affairs of the Independence Party to protect the hegemonic position of the Democratic Party among African American voters. Respondent Bruno, through his agent Thomas Connolly, undertook this intrusion to assure that the Independence Party would aid him in maintaining a Republican majority in the State Senate. In pursuing their unlawful efforts to protect the Democrats' longstanding political monopoly over African Americans and their quest to maintain Republican control over the Senate, respondents have misused New York's unique fusion system, in which minor parties are permitted to run major party candidates on their ballot line. Here respondents have attempted to make the state's most significant minor party, the Independence Party, an instrument for their illegitimate objectives.

## FACTS

### The Political Realignment of African American Voters

1. It is common knowledge that most black voters have self-identified as Democrats. According to national polls done by the Joint Center for Political and Economic Studies between 2000 and 2004, between 63 percent and 74 percent of the total black population self-identified as Democrats. In many elections, it is common for 85-90 percent of black voters to vote for the Democratic candidate.
2. According to the Pew Research Center, the percentage of blacks who self-identify as independents rather than as either Democrats or Republicans is now 30.9 percent, up from 14.8 percent in 1997. Among younger African Americans, as much as 40 percent now identify as independents.
3. In the 2001 election for mayor of the City of New York, Michael R. Bloomberg, running on the Independence Party and Republican Party lines, secured approximately 25 percent of the African American vote and the Independence Party provided his margin of victory.
4. Mr. Bloomberg won the 2001 election for mayor by 35,000 votes and received 59,091 votes on the Independence Party line, 4 percent of the total vote.
5. Beginning in December 2004, Fulani assembled a vigorous campaign to urge black voters to support Bloomberg for re-election and more specifically to cast their vote for him on the Independence Party line, Column C.
6. Pre-election polls consistently showed Mr. Bloomberg with equal or more support than Fernando Ferrer, the Democratic Party candidate, among African American voters.
7. In 2005 Mr. Bloomberg won re-election and received 74,715 votes on the Independence Party line, 6 percent of the total.
8. Post-election exit polling by Pace University in conjunction with several New York media outlets estimate that Mr. Bloomberg secured 47 percent of the African American vote. *The New York Times* described the Bloomberg victory thusly: "Supporters as well as independent analysts saw Mr. Bloomberg's success as a triumph of competence over the ideology, ethnic politics, and partisan appeals that defined Mr. Ferrer."<sup>2</sup>
9. The election results reveal a new voter coalition. Political analyst Jacqueline Salit wrote of the Bloomberg election "The key alliance that crystallizes off of the 2005 results is a black and independent alliance, an electoral partnership between independent (largely white) voters and African Americans...Together, black voters and independent voters are in a position to drive an agenda with the second term Bloomberg administration..."<sup>3</sup>
10. Since the 1980's, complainant Fulani and others of the complainants have worked in the electoral arena with the goal of bringing about a political re-alignment in which African American voters avail themselves of independent political options, become an independent constituency that can fully leverage political power on their own behalf and overcome their status as the most taken-for-granted constituency of the Democratic Party.
11. In furtherance of that goal complainant Fulani and others of the complainants have participated in the building of independent political alternatives to the two major parties, including the New Alliance Party, the Patriot Party, the Reform Party, and the New York Independence Party.
12. Complainant Fulani has run for office and supported campaigns designed to attract African American voters to those organizations and to persuade their members and leaders to reach out to African American voters.
13. Others of the complainants have participated in these efforts.
14. In 1994 complainant Fulani joined with a group of white supporters and advisors of Ross Perot's 1992 presidential campaign in upstate New York to win le-

gal ballot status for the New York Independence Party. This campaign was successful and the Independence Party quickly became the state's fastest growing and most significant minor party.

15. Within the Independence Party, complainant Fulani and those working with her have continued to seek to further the objectives described in paragraph 10 above.

16. This created conflict with certain other Independence Party leaders, including some members of the founding group from upstate New York, who saw the party as a vehicle for primarily white centrist voters. Most clearly articulated by pollster Gordon Black, one of the earliest architects of the Independence Party, this concept rested on leaving black voters in the Democratic Party and recruiting white Democrats to join with white Republican moderates in the Independence Party.<sup>4</sup>

17. Complainant Fulani and her supporters articulated an alternative vision for the Independence Party as one of racial inclusion and reform-oriented populism, bringing together a cross-section of New Yorkers who have a shared interest in reforming government and the electoral process. Fulani's view came to be accepted over time, particularly as the party's base and success in black areas grew, New York City being a prime example.

18. In or about 1999 complainants Fulani and Fields joined forces with Independence Party members from across New York seeking to democratize the structure of the Independence Party, to unhinge it from the top-down control concentrated in the hands of upstate party operatives, and to insure that the party maintained its integrity and independence.

19. In 2000, in an alliance with respondent MacKay and other leaders of the Independence Party, Fulani and her colleagues restructured the Independence Party to place political power in the hands of local county organizations, including decisions regarding which candidates to support for local office.

20. This was accomplished by allowing local party leaders to establish Interim County Organizations (ICO's) even if they were unable to meet the stringent requirements of New York Election Law for the establishment of autonomous county committees.

21. In 2001, and again in 2005, the five counties that comprise the Independence Party organization in New York City gave the party's line to Michael R. Bloomberg in his campaign for mayor. The Independence Party was crucial to Bloomberg's fortunes. It provided his

margin of victory in 2001 and in 2005 catalyzed the "electoral revolution" in which 47 percent of black voters who traditionally vote for Democrats, instead voted for the mayor.

22. The Independence Party organizations in New York City antagonized the Democratic Party leadership by aggressively urging African American voters to vote for Mr. Bloomberg on the Independence Party line.

23. Complainant Fulani was instrumental in the effort to convince African American voters to support Mr. Bloomberg, including offering them the opportunity to vote for him on the Independence Party line.

24. In the months leading up to the 2005 mayoral election, Fulani organized a coalition of African American leaders, most of whom were enrolled Democrats, to support and campaign for Mr. Bloomberg on the Independence Party line. The battle over the black vote in the context of the mayoral election was intense. Major national black Democrats such as the Rev. Jesse Jackson, Rev. Al Sharpton, and Senator Barack Obama campaigned in the black community for the Democratic nominee. These spokespersons urged black voters to "stay on their side of the field."

25. On the eve of the 2005 election New York's leading African American newspaper ran an article headlined, "Polls note changes in African American vote."<sup>5</sup> The opening paragraph of the article stated:

African Americans, who have historically voted Democratic, are no longer a block to be taken for granted, according to a recent Marist Poll and polling results from Quinnipiac University.

The polls collectively indicate that in the New York City mayoral race, 53 percent of Blacks were considering voting for someone other than a Democrat. Mayor Michael R. Bloomberg is running in Column "C" on the Independence Party line, the third largest party in New York State. Bloomberg is also a registered Republican.

26. Fusion thereby has become a powerful tool for politically realigning or dealigning core constituencies of the major parties.

### New York's Fusion System

27. New York is one of a handful of states allowing fusion, a system in which a candidate for public office can run on more than one party line. Votes for that candidate on each line are aggregated.

28. Therefore, in an election in which the candidates of the two major parties are closely balanced, the nomination of a minor party can be crucial.

29. Under Sec. 6-120 of the New York Election Law, a party must authorize a member of another party to run on its line.

30. In statewide elections this is accomplished by majority vote of the party's state committee.

31. The state committee also has the authority under Sec. 6-104 of the Election Law to designate a candidate to be on its ballot in a primary election (or if there is no primary contest, then in the general election) by 25 percent vote of its state committee, thereby obviating the need to meet New York's onerous petitioning requirements.

32. In the case of candidates who are members of another party, however, it is still necessary to obtain the majority vote authorizing such a designation.

33. The fusion system in New York necessarily plays a role in minor parties maintaining their party status and in the relative ranking among them.

34. In order to achieve and maintain party status and, thereby, to be able to participate in the fusion process as described above, a party's candidate for governor must receive 50,000 votes in each election cycle.

35. Moreover, position on the New York State ballot is determined by the number of votes a party polled for its candidate for governor in the last gubernatorial election.

36. Given the disparity in power between major and minor parties, minor parties often seek to have a major party candidate run on their line – most particularly for governor – to insure the maintenance of party status and to maximize prospects for achieving the best ballot position.

37. Given this disparity in power, the courts of the State of New York have attempted to protect minor parties against manipulation by the major parties and interference in their affairs:

However objectionable the principles or policies or management of a particular party may be to one who is not a member thereof, as long as its actions are lawful, it is entitled to function, free from unwarranted interference with or intrusion into its affairs. It is entitled to equal protection of the laws.

If its management is objectionable, that is an

internal matter for the party members to dispose of; if its principles and practices are objectionable, we can trust to the good sense of the American voter to take care of such matters in an orderly fashion at the ballot box on election day.

*Zuckman v. Donahue*, 191 Misc. 299, 408 (Sup. Ct. Albany Co. 1948); *modified on other grounds*, 274 A.D.2d 216 (3d Dept. 1948); *aff'd*, 298 N.Y. 627 (1948). (Concerning Democratic Party interference in the internal affairs of the American Labor Party).

38. This principle has been reiterated in the cases of *Wydlar v. Christenfeld*, 25 N.Y.2d 719 (1974); *Rose v. Smith*, 220 A.D.2d 922 (3d Dept. 1995).

39. The Independence Party, as the state's largest and most successful minor party, is particularly sought after as an additional ballot line by major party candidates.

40. Further, the Independence Party has a direct relationship to New York's 2.2 million non-aligned voters (those who check the box on the registration form next to "I do not wish to enroll in a party"), having opened its primary to these voters.

41. The Independence Party is unlike traditional minor parties which have maintained a small enrollment in order to better control the use of the party's line to influence the major party toward which they regularly orient. (The Independence Party has 331,295 registered members, while the Conservative Party has 155,092 and the Working Families Party has 30,391.)

42. The Independence Party has been distinct from other minor parties in that it has not oriented towards a particular major party, whereas the Conservative Party has oriented towards the Republican Party and the Working Families Party has oriented toward the Democratic Party.

43. The Independence Party has designated and nominated candidates for statewide and local office who are Republicans, Democrats, members of the Independence Party and non-aligned.

44. Further, until the events giving rise to this complaint, leaders of the Independence Party have stated the intention to become a major party, thereby replacing either the Democratic Party or Republican Party from that status inasmuch as under New York law there can be only two major parties.

45. It is the preference of both major parties to keep the Independence Party small, and predictable



to keep African Americans within the Democratic Party and to maintain white, upstate dominance of the Independence Party.

46. On information and belief respondents MacKay and Connolly are working in concert with the other respondents in an effort to accomplish these objectives.

### **The Structure of the Independence Party**

47. In addition to the local control reform described in paragraphs 18 through 20 above, a rule was enacted which allowed for recall of officers and members of the Executive Committee of the state Independence Party to be effected, without cause, by a 55 percent vote of the party's State Committee.

48. Voting at the State Committee is by weighted vote with each delegate casting the number of votes (in person or by proxy) that the Independence Party's candidate for governor received in the last election in the district that delegate represents.

49. B. Thomas Golisano, the Independence Party's candidate for governor in all three elections in which it ran candidates, oriented his campaigns towards predominantly white areas of upstate New York with the result that the State Committee vote is heavily weighted against residents of New York City.

50. For example, a State Committee member from Monroe County (where Golisano's business is located and near where he lives) casts between 4,176 and 20,574 votes while one from Bronx County casts between 306 and 1,699 votes.

51. New York City has the largest concentration of African American voters in the state, and three of its counties are covered by Section 5 of the Voting Rights Act.

52. Of the 34 African Americans on the Independence Party State Committee, 32 are from the counties in New York City, including the counties covered under Section 5.

### **Respondents' Actions to Manipulate Fusion for Illegitimate Ends**

53. For a candidate with presidential ambitions such as respondent Clinton, a place on the ballot line of the Independence Party is of great value as a means of connecting to independent voters, an increasingly important swing constituency in national politics.

54. The Pew Research Center reports that approximately one-third of American voters self-identify as independents.

55. Given the dynamics of fusion in New York State,

having proven vote-getters such as respondents Spitzer and Clinton at the top of the ticket in a gubernatorial year is of great value to a minor party.

56. Navigating the needs and desires of major party candidates can be treacherous for a minor party.

57. On or about April 13, 2005 complainant Fulani appeared on the cable TV station NY1 where she expected to be interviewed by host Dominic Carter about the Independence Party. Two days prior to her appearance, Mayor Bloomberg had appeared with Fulani at the annual gala of her youth charity, The All Stars Project, at Lincoln Center, where \$1 million was raised from the business community for the All Stars programs.

58. Instead of interviewing her about the Independence Party, Carter confronted her with a statement from a theatre review written in 1989 of an Off-Off-Broadway play in which she wrote the Jewish people "had to sell their souls to acquire Israel and are required to do the dirtiest work of capitalism – to function as mass murderers of people of color – in order to keep it" and insisted that she disavow the statement as anti-Semitic.

59. Complainant Fulani responded that she did not consider the statement to be anti-Semitic and, further, that Mr. Carter's approach to the subject did not allow for serious discussion of important issues concerning U.S. and Israeli policy in the Middle East.

60. In the days following, leaders of the Democratic Party ramped up a campaign to pressure Mr. Bloomberg to refuse to run on the Independence Party line.

61. While Mr. Bloomberg stated that he found complainant Fulani's statements "reprehensible," he continued to seek the Independence Party line and became its nominee.

62. The New York City Independence Party stated that the party took no positions on the Middle East or foreign policy and that individual members of the party have the right to their opinions.

63. In the weeks that followed, respondent Chairman Frank MacKay expressed his public disagreement with complainant Fulani's statements but also contended that they were inconsistent with the views and positions of the Independence Party, despite the fact that it has long been the practice and policy of the Independence Party to not take positions on foreign policy.

64. On or about April 16, 2005 a spokesperson for respondent Spitzer told the media that he would evaluate complainant Fulani's role in the Independence Party in deciding whether to seek its line in 2006.



*Members of the People of Color Democracy Caucus of the Independence Party of New York in Albany, New York. March 25, 2006.*



PHOTO: DAVID BELMONT

65. Respondent Spitzer had a prior history with the party, including the New York City wing of the party, having appeared at the latter's public events on two occasions. In 2002, Spitzer ran on the Independence Party line in his campaign for Attorney General, polling 256,915 votes.

66. Moreover, in his efforts to cultivate a positive relationship with the leadership of the Independence Party, respondent Spitzer had met with complainant Fulani and certain of her colleagues at the home of Fred Newman and Jacqueline Salit, members of the Independence Party State Committee.

67. Two such meetings took place, the first on or about May 17, 2002, and the second in or about December, 2003.

68. At these meetings, there was discussion of the need to repair the rift between the Democratic Party and the Independence Party's New York City leadership, in particular complainant Fulani.

69. Respondent Spitzer, due to his interest in cultivating Independence Party leadership in order to receive the party's endorsement in 2006, expressed an interest in doing so and, in particular, indicated that he would discuss this with respondent Clinton, who had antagonized party leaders by actions in her 2000

run for the U.S. Senate.

70. During her first campaign for the U.S. Senate, respondent Clinton sought guarantees from the leadership of the Independence Party that she could have the Independence Party line without having to face an Independence Party primary against then New York City Mayor Rudy Giuliani, an enrolled member of the Republican Party, who was then contemplating a run for U.S. Senate.

71. Respondent Clinton was told that she would receive no such guarantee. Nonetheless, she appeared at an Independence Party candidate forum in Buffalo in April of 2000 but stated that she would not seek the line because of the "extremist" views of complainant Fulani and the party's association with Republican Patrick Buchanan.<sup>6</sup> Party leaders, including respondent MacKay, publicly criticized Senator Clinton for her efforts to dictate terms to the party. It was this rift that respondent Spitzer in 2002 and 2003 had said he would attempt to repair.

72. On or about July 5, 2005 a spokesperson for respondent Spitzer stated that he would not accept the Independence Party line if complainant Fulani was involved.

73. On August 12, 2005 respondent MacKay was

quoted in the *New York Daily News* that complainant Fulani would play no role in the selection of statewide candidates in 2006.

74. Respondent Connolly joined with respondent MacKay in this effort to disempower the New York City Independence Party to curry favor with respondents Clinton and Spitzer.

75. This was a distinct change from MacKay's previous position when he urged all candidates seeking the Independence Party line in statewide elections to meet with complainant Fulani and other Independence Party leaders aligned with her in New York City.

76. In an editorial entitled "Is this the End of Lenora" on September 12, 2005, the *New York Post* stated:

But sources within the party say that McKay (sic) has come under pressure from the camps of Sen. Hillary Clinton and Attorney General Eliot Spitzer (both of whom would like to run next year on the Independence Party line) and from some upstate Republicans to purge the party of its Fulani taint. Will he have the votes to do so? We'll know in a few days.

As for Mike Bloomberg, he'll probably breathe a sigh of relief – though he doesn't deserve to.

For he has been deep in bed politically with Lenora Fulani.

77. On September 6, 2005 respondent MacKay wrote to members of the State Committee of the Independence Party initiating recall of complainant Fulani and those aligned with her to be voted on at the upcoming State Committee meeting on September 18, 2005.

78. The letter alluded to charges of "bigotry and hatred" made against the Independence Party as a result of the "disturbing social commentary" by Fulani and her allies and efforts to "continue to portray themselves as the leadership of the Independence Party..."

79. Enclosed with the letter were copies of a number of newspaper articles and letters to the editor about complainant Fulani's controversial 1989 remarks.

80. The packet did not contain the newspaper articles about the conditions set by respondents Spitzer and Clinton for taking the Independence Party line, nor did the letter contain any mention of them.

81. At its September 18, 2005 meeting the State Committee voted to initiate recall and to recall complainant Fulani and those aligned with her from their positions.

82. A motion to divide the question and vote on each person separately was defeated.

83. The weighted vote to recall was 74 percent in favor and 26 percent against.

84. Other persons were then elected as a slate to take over the offices and seats on the Executive Committee from which complainants were recalled, one of whom was respondent Morano, now a close ally of MacKay with ties to both the Republican and Democratic Parties, and who has operated on MacKay's behalf in New York City where he resides in Richmond County, one of the City's five counties.

85. As a result of the recall all but one black person was removed from the Executive Committee. All Jewish members of the Executive Committee were removed. All but one member from New York City, where an estimated 85 percent of the party's black membership resides, were removed.

86. Respondent MacKay chaired the meeting and cast his vote, and that of the proxies he held, against Fulani and her allies on each question as did respondents Connolly and Morano.

87. An editorial in the November 5, 2005 issue of the *New York Times* noted that respondent MacKay has little say over the operation of the New York City party, and stated that:

The state organization finally ousted Fulani from its executive committee in the face of boycott threats by state politicians.

The December 7, 2005 issue of the *New York Post* stated:

A number of high profile politicians, including Sen. Hillary Clinton, have said they would not seek Independence support if Fulani played a major role in the state party.

88. On information and belief, subsequent to the November, 2005 mayoral election respondents MacKay, Connolly and Morano in furtherance of the objectives described herein, and in light of the significant showing by the New York City Independence Party in the mayoral election and the political realignments manifest therein, embarked on a plan to disenfranchise the Interim County Organizations in Bronx, Kings and Queens Counties, in violation of the rules of the Independence Party and requirements of New York law.

89. These counties have the largest minority populations in New York City.

90. At a meeting of the Independence Party State Committee on February 4, 2006, respondents MacKay,

Connolly and Morano organized the passage of a resolution that placed the Bronx, Kings and Queens County organizations in a form of receivership whereby all decisions as to authorizing and nominating candidates in those counties would be controlled by the State Executive Committee.

91. Recognizing that such action is in violation of the existing party rules, said respondents took the position, ratified by the Independence Party State Committee, that the resolution effecting the aforesaid, “shall have the force and effect of a party rule.”

92. The sole articulated basis for this action was that the leaders of these county organizations were aligned with complainant Fulani and shared her views.

93. On information and belief, no effort has been made to obtain pre-clearance of this change in party structure as required under 42 U.S.C. Sec. 1973c.

94. Respondents MacKay, Connolly and Morano were unable to move against New York and Richmond Counties in that way because leaders there had organized autonomous county committees under the election law.

95. However, on February 12, 2006 respondent Morano attempted to displace Sarah Lyons, Chair of the Richmond County Committee and an ally of complainant Fulani.

96. The following day the *New York Post* ran an editorial entitled “Losing Lenora,” that stated, *inter alia*:

What’s behind the “Dump Fulani” drive? Most likely, the party fears for its future. It has to attract 50,000 votes in November to keep its permanent line on the ballot, and Democratic front-runner Eliot Spitzer reportedly has told the party he won’t accept its nod if Fulani remains a key player.

97. On February 20, 2006, the *Rochester Democrat and Chronicle*, in an article entitled “Golisano’s decision leaves party at crossroads; Independence Party now facing decisions on its political future” reported that Ms. Clinton is now looking favorably on the Independence Party and that Mr. Spitzer is “encouraged by the steps the party has taken.”

## LEGAL CLAIMS

### Count 1

98. The actions of respondents were designed to and had the effect of reconfiguring the leadership of the Independence Party. The objectives were to make it

acceptable to respondents Clinton, Spitzer and Bruno by removing from leadership complainant Fulani and others. Fulani and others have sought to and contributed significantly to the weakening of the hold of the New York State Democratic Party on African American voters; presented the Independence Party as a better alternative for them; and worked to maintain the Independence Party as free of undue influence and intervention by the Republican and Democratic Parties.

99. The actions of respondents were designed to and had the effect of disempowering the counties in the City of New York with the largest minority populations.

100. In so doing, respondents hope to keep the Independence Party a predominantly white party and keep African American voters within the Democratic Party.

101. Two of aforesaid counties, Bronx and Queens, are covered counties under 42 U.S.C. Sec. 1973b.

102. Respondents have acted under color of state law insofar as their actions have attempted to and have had the effect of determining the outcome of the process by which the Independence Party designates, nominates and authorizes statewide candidates to run on its line in the 2006 election.

103. The actions of respondents are actionable under 42 U.S.C. Sec. 1983 as violative of complainants’ First Amendment freedom of association under the U.S. Constitution and their right to equal protection of the law under the Fourteenth Amendment of the U.S. Constitution to participate in the political process and further political objectives including, but not limited to, seeking to increase the participation of African Americans in the Independence Party.

104. They also constitute a “denial or abridgement of the right of any citizen of the United States to vote on account of race or color” under 42 U.S.C. Sec. 1973 *et seq.* inasmuch as they are intended to and have the effect of limiting the political mobility of African American voters by reconfiguring the leadership of the Independence Party to make the party inhospitable to them.

105. Traditionally, these statutes have been used to secure a place for African Americans within the Democratic Party.

106. However, if their intent – insuring the political rights and freedom of African American voters – is to be fulfilled it is imperative that they be construed and applied to secure the rights and protect the efforts of these voters to seek other political affiliations.

107. Moreover, the actions of respondents have

altered the manner in which candidates of other parties for statewide office seek the Independence Party's designation from one where leaders of the party from all areas of the state were courted to one where leaders in New York City, most of whom are aligned with complainant Fulani and are reaching out to the African American community, are bypassed.

108. Further, the actions taken to disempower the county organizations in Bronx and Queens counties, which amount to a restructuring of the Independence Party by severely curtailing local autonomy, and which respondents MacKay, Connolly and Morano characterized as having the force and effect of a party rule, are illegal inasmuch as they were undertaken without pre-clearance pursuant to 42 U.S.C. Sec. 1973c.

## Count 2

109. The integrity of the fusion system as it exists in the State of New York depends on the autonomy of the political parties that participate in it.

110. Without such autonomy, fusion is arguably a mechanism for manipulating the voters of the state of New York who are tricked into supporting the agenda of a major party through the vehicle of a seemingly independent minor party.

111. Such autonomy is of particular importance in light of the growing block of non-aligned voters, many of whom look to the Independence Party for leadership even if they do not choose to join.

112. In the actions complained of respondents have compromised the autonomy of the Independence Party by seeking to transform it from an independent organization competing for the votes of African Americans (and others) into one whose voting base and decision-making process is compatible with and strengthens the respective interests of the Democratic Party and the Republican Party, circa 2006.

113. Moreover, such actions limit the political options of African American voters in violation of 42 U.S.C. Sec. 1973 *et seq.* and 42 U.S.C. Secs. 1983 and 1985.

## Count 3

114. As the elected Chair and a Vice Chair of the Independence Party and a member of the Executive Committee of the state Independence Party respondents MacKay, Connolly and Morano have a fiduciary duty to act in the interests of the Independence Party.

115. In colluding with respondents Clinton, Spitzer and Bruno as set forth herein, respondents MacKay,

Connolly and Morano have breached that duty by acting at the behest of and in the interests of other political parties, the Democratic and Republican Parties.

116. By so doing, they have led a reconfiguration of the leadership of the Independence Party and a restructuring of the party organization to make the party inhospitable to African American voters.

117. At a time when African American voters are seeking other political options than the Democratic Party and, for many, options that are independent of both major parties, the actions of respondents MacKay, Connolly and Morano, as set forth herein, constitute an abridgement of the civil and voting rights of African Americans both within and outside of the Independence Party.

**WHEREFORE** complainants respectfully request that an investigation be opened and appropriate findings be made and remedies implemented to vindicate complainants' rights and those of African American voters under the applicable statutes, regulations and judicial holdings.

Dated: New York, NY  
February 28, 2006

Respectfully submitted,  
Harry Kresky  
Gary Sinawski  
Attorneys for Complainants

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## Notes

1. In this complaint, the terms "Black" and "African American" are used interchangeably and are meant to include Caribbean Americans as well.
2. "Democrats Are Locked Out of City Hall for 4 Straight Terms," by Patrick D. Healy, *The New York Times*, November 9, 2005.
3. "The Black and Independent Alliance," by Jacqueline Salit, January 2, 2006.
4. Black, Gordon S., and Benjamin D. Black, *The Politics of American Discontent: How a New Party Can Make Democracy Work Again*, New York, NY: John Wiley & Sons, Inc., 1994.
5. *Amsterdam News*, November 3-9, 2005, p.6.
6. For a brief period which ended in June, 2000, complainant Fulani, a major leader in the national Reform Party in addition to her role in the Independence Party, endorsed the effort of Mr. Buchanan to become the nominee of the Reform Party for President of the United States. The Independence Party of New York never endorsed Buchanan.



When the history of the United States in the early 21st century is written, it may well have a chapter on “The War Between the Parties and the People.” The author might begin by pointing out that, despite the institutionalization of the two-party system, by the turn of the century a plurality of Americans (38%) were identifying themselves as independents rather than as party loyalists. Our hypothetical historian might go on to mention that in 2006 an overwhelming majority (65%) did not believe that Congress had either the will or the capacity to cure itself of the endemic political corruption that periodically erupted in an epidemic of “pay to play” influence-peddling virulent enough to capture the attention of the media and the courts. A call for redistricting reform that reverberated throughout the country, a rash of high-profile independent candidacies, the stunning defection from the Democratic Party by 47% of black voters in New York City’s 2005 mayoral election...these were among the signs of the times when, our historian of the future might say, the two major parties were coming to be viewed not as expressions of American democracy but impediments to it.

Back to the present. Scenting danger, the major parties have fought back with a vengeance, trying to bully independent voters back into the fold – or to make participation so difficult that they’ll drop out, like the tens of millions of Americans who simply don’t vote at all. But independents aren’t backing away from the fight; instead of giving in, they’re standing up and speaking out. Below is a sample of letters written by independents around the country to their local newspapers and elected officials.

## OREGON

*In the summer of 2005, when Ralph Nader’s independent presidential candidacy provoked Democratic Party stalwarts here to paroxysms of fear and loathing, state legislators enacted a law (HB 2614) to prevent voters who participate in partisan primaries from signing independents’ nominating petitions. Oregonians will have the opportunity to undo the damage of this restrictive legislation by voting for “One Ballot, One Oregon,” an open primary initiative which will be on the ballot this November. The following letters appeared in The Oregonian on February 10, 2006. David Ellis and Brad Fudge are two of the founding members of the Oregon Committee for an Independent Voice.*

## The Oregonian

### Elections: Deflate power of party politics

*The Oregonian* is to be congratulated for finally recognizing the growing disenfranchisement of the half-million Oregonians who refuse to register with any party (“Oregon independents: On the outside looking in,” Feb. 3).

We are not simply undecided voters but people who are disgusted by the ugly partisanship that characterizes politics at both the state and national levels.

Oregonians from throughout the state, led by the Committee for an Independent Voice, fought last summer to prevent the passage of House Bill 2614. Our loss is due entirely to the efforts of both the Democratic and Republican leadership.

The open primary initiative promises to combat the setbacks of passage of HB 2614. It doesn’t give special rights to independent candidates but provides a level playing field for all candidates.

And as candidates begin to recognize and respond to the demand of independents (and many Democrats and Republicans) to open up politics, we will begin to see legislators who are committed to the needs of Oregonians, not the needs of parties.

DAVID V. ELLIS, Oregon Committee for an Independent Voice, Northeast Portland



Under the “One Ballot, One Oregon” ballot measure, all Oregonians get to decide who will represent them in Salem. All candidates for office are placed on a single ballot with the top two vote getters in each race moving on to a runoff in the general election. [See [www.oneballot.com](http://www.oneballot.com)].

Passage of this ballot measure may well break the gridlock in the Oregon Legislature by allowing voters to choose between party extremists and moderates.

The passage of House Bill 2614 last session effectively restricted our choice to only members of the Republican and Democratic parties. “One Ballot, One Oregon” allows voters to vote for the best candidate regardless of party affiliation. Wouldn’t it be nice to elect politicians who would work toward finding real solutions to Oregon’s problems rather than bickering over party politics?

BRAD FUDGE, Fairview

## MAINE

*The following letter, from Rosemary Whittaker of South Portland and Ron Wappler of Freeport, appeared in the Portland Press Herald on February 4, 2006. Rosemary and Ron are with the Maine Committee for an Independent Voice.*

## Portland Press Herald

### Switching political party shouldn't mandate election

We feel compelled to respond to House Speaker John Richardson's call for special elections when a representative defects from his/her party ("Switch parties, face new election?" Jan. 10).

Candidates who are elected to office are representing the people who voted them into office.

If they listen to their constituency and vote in support of the people who elected them, then they are doing their job.

They are not there to represent their party.

The party is only the vehicle they use to run for office.

In Maine, 42 percent of voters are unenrolled, so many who elect our representatives are nonpartisan but expect their voices to be heard and expect to be represented in Augusta.

If elected officials want to leave the party they are affiliated with while they are in office, they have the right to do so.

Special elections should not be held.

Representatives should be judged by how they are voting and whether they are representing the will of the people who elected them — not by the party with which they are affiliated.

## ARIZONA

*Lana Cudmore, a supporter of the Committee for a Unified Independent Party who lives in Mesa, wrote this letter to Secretary of State Jan Brewer on February 6, 2006.*



Dear Secretary of State Brewer:

Although I am a registered Democrat, I'm concerned that the new voter registration form seems to hinder independent voter registration, and I write to urge that it be changed.

Prior to the passage of Proposition 200 in 2005, the voter registration form stated "specify party preference — if none, check box." Voters could check the box and declare their independent status. The new form, however, deletes "If none, check box," apparently only allowing voters to "specify party preference."

Prop 200 did not require this change in the form — it appears that partisan politics may have played a role. One Republican Party office holder was quoted as saying that the old registration form made it too easy for voters to register as independents. He added that with the new registration form, "those numbers *aren't* going to continue to grow." (*Maricopa Monitor*, November 15, 2005)

As I understand it, twenty-five percent (25%) of Arizona voters are not registered into any party — and that number has been steadily increasing over the last decade. These citizens are making the statement that they don't like partisan politics.

The Arizona Election Code mandates that the Secretary of State prescribe the voter registration form. I strongly urge you to change the form to allow voters to designate their independent status by including the box for people to check "none" when asked to specify their party preference. I look forward to hearing from you regarding this issue.

Sincerely,

Lana Cudmore  
Mesa



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, trained at Stanford University in analytic philosophy and today the architect of numerous political, cultural and business projects, blend their respective sensibilities as a political operative and a postmodern philosopher as they review the TV talk show circuit each week.

## Talk/Talk



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. *Talk/Talk* is read by 1,000 activists and opinion-makers every week.\*

\**Talk/Talk* is available on the website of the Committee for a Unified Independent Party, [www.cuip.org](http://www.cuip.org)

# It's Not a Story, It's America

Sunday, December 25, 2005



PHOTO: ROBYN BECK/AFP/GETTY, 2005

*New Orleans After Katrina:  
Lucendia Jones and her grand-  
son come home for the first  
time since the hurricane.*

**SALIT:** Ted Koppel and Tom Brokaw were on *Meet the Press* with Tim Russert for a year-end review. They talked about Hurricane Katrina and, at one point, Koppel said that one of the difficulties for journalists in the Katrina situation is that you can't go into a crisis saying the government is not prepared to handle it. You have to go in with a presumption that there is a level of competence and commitment to responding in an honest fashion. And then, in the case of Katrina, it turned out that the government was completely un-

prepared. Later Brokaw said that the experience in the aftermath of Katrina was a metaphor for our political culture, which he described as the "culture of blame." They're both talking about the issue of government responsibility and how that is breaking down. Your thoughts about this question?

**NEWMAN:** It's hard to say. It's good to hear them talking about these things. At the same time, I don't have much to say about it because these are things

that many relatively intelligent progressives have been saying for 50 years. So it doesn't come as great news to me. It's somewhat interesting and slightly startling to see them talked about by network anchors on commercial television. But I don't have a lot to say substantively about them because I've thought about these issues all my life.

It was mentioned that if New Orleans had been a dominantly white, middle class town this never happens. And it's clearly the case. And it's never going to be repaired, the city is never going to come back, it seems to me. It's just a transparent picture of how poverty, particularly relative to African American people, has not been seriously touched in New Orleans or, indeed, the rest of this country. There are still sections of New York City where people have been living in dire poverty for 40 or 50 years. And nothing much has been done about it.

**SALIT:** The immediacy of this problem – that the country saw on their television sets – was intense. Yet neither of them suggested that the country and the government can learn from this and move forward.

**NEWMAN:** No, the issue is deep-rooted racism and an anti-poor culture. Exposing that doesn't change it. Any more than Koppel saying that "the real issue in the Persian Gulf is oil" will lead Bush to acknowledge that's true. No way.

**SALIT:** Of course.

**NEWMAN:** All these pictures of New Orleans on television are not going to lead politicians and power brokers to change their attitudes and perspective on racism. Something's going to have to happen, something long and extended and deep – on the ground – to turn that around. Not a bunch of pictures on television.

**SALIT:** Part of what they're describing is that there are many ways in which our country and our society are profoundly alienated from the things that are happening. On one hand, you can know these things are happening, you can see these things are happening, and yet you can't really engage them. As you say, Koppel can tell the story of the history of U.S. involvement in the Persian Gulf for the last 50 years and the coup against Mosadegh, U.S. support for the Shah, the Shah being overthrown...

**NEWMAN:** Do you know what's interesting about exposing these things? It's that they're accepted as basic and fundamental features of how this culture works.

It's not a question of "exposing" them. Everyone knows of them. No one wants to *do* anything about them. So how do you change the wantings of a whole society? That's a fairly deep structural change that's required, to change the wantings of the whole society.

**SALIT:** Russert asked Brokaw and Koppel what, in their view, was the most under-reported story of the year. Brokaw answered that it was the erosion of the industrial economy in the United States. Koppel said that the most under-reported story was the lack of quality health care available to most Americans in a country which has the most sophisticated, most developed, most scientifically advanced health care possible. Then Russert, in characteristic Russert fashion, goes to the fiscal version of these issues and says something like: "Well, we've all tried to report on the Social Security problem, the pension problem, etc. and so forth. But how do you make those stories interesting to people? How do you get people's attention? Because, you talk to people about this and their eyes glaze over." Koppel says something like: "The way you have to deal with that is you have to personalize it and you have to bring it down to these individual stories. And that's how you make it real for people." Which is kind of a crazy thing to say, since it's real for people that it's real for.

**NEWMAN:** The two things Brokaw and Koppel picked – they're not stories. They're not stories at all. There's no story there. How can they be the most under-reported stories when they're not stories at all?

**SALIT:** What do you mean they're not stories?

**NEWMAN:** They're America, they're not stories. Stories, from their point of view, are when something happens and they can convey that their exposing of it, their telling of it, could make a difference. That's what a story is.

**SALIT:** Right.

**NEWMAN:** So they're not stories. That's why they're not covered. In the 2000 presidential race, Pat Buchanan talked about the destruction of the manufacturing base in this country. He couldn't get three words in on it, on television. He ran a whole presidential campaign on that. Did Brokaw try to get him into the presidential debates? There's no health care story, either. The position of American big business is, essentially: *We have to maintain certain profit levels for this country to be the richest country in the world. To do that, we can't afford to give the kind of health services and so forth that they give in Europe.* End of story. And that's the story. No story. It's our country.

**SALIT:** Brokaw talked about a longing on the part of the American public for “pragmatic solutions” and for “moving forward.” He identifies that what you have to do to get there, in the broadest terms, is that you have to get beyond partisanship. In his construct, this means that you have to get the partisans to work together better because what the American people want is for the partisans to fix problems and to stop spending so much time on whatever the partisan politics are that they’re involved in.

**NEWMAN:** How does he know what the American people want? Who told him? Does he have a direct line to the American people? My position is: Give the American people some options and then you’ll be able to tell what the American people want. You can’t judge what somebody wants on the basis of, essentially, zero options.

**SALIT:** He also made the point that you have to create some kind of environment where you can say to people: *You don’t have to give up your ideology and your beliefs, but you have to come together to fix problems.*

**NEWMAN:** What if the core of your ideological beliefs is partisan politics?

**SALIT:** Right.

**NEWMAN:** I guess then you do have to give up your ideology.

**SALIT:** That’s a good point. Koppel said, as many people have, that there will be a next terrorist attack in the United States. And that’s the point at which you *can’t* have any debate about civil liberties and how you balance security and civil liberties. His argument is that’s why it’s so critical that we have this debate now. “Now” being, presumably, a time that’s in between terrorist attacks and when there’s not an overpowering reaction to that.

**NEWMAN:** I don’t see much to that argument. Do you? I don’t think the question is *when* you have that debate. It’s whether we can have a serious debate on U.S. foreign policy and its relationship to terrorism and all these issues. That’s the serious debate to have now. Not eavesdropping. There’s no real debate on that. Besides, they’re going to do whatever the hell they like anyway on that score. They always have. And they always will.

**SALIT:** Exactly.

**NEWMAN:** They’re professional liars and schemers. So that’s what they do. And I’m not even objecting to that. I’m just saying that’s what they are.

**Dr. Mohammed Mossadegh**, the democratically elected prime minister of Iran between 1951 and 1953, was overthrown in a coup backed by the U.S. and Great Britain. He was replaced by Mohammad Reza Pahlavi, who brought back the monarchy and assumed the old title of **Shah**. In 1979 the Shah of Iran was forced into exile and the fundamentalist Ayatollah Ruholla Khomeini became the country’s leader.

**Michael Bloomberg** was elected to a second term as mayor of New York City in 2005. (See “The Black and Independent Alliance,” p. 11, for more details on the coalition that elected him.)

**Senator Charles Schumer**, a Democrat, is the senior U.S. Senator from New York.

**Ariel Sharon** was elected the prime minister of Israel in 2001. Formerly the leader of the right-wing Likud Party, in 2005 he broke away to found a new “centrist” party, Kadima, which won the largest number of seats in the Knesset in the March 2006 election. Sharon suffered a massive stroke in early January and remains totally incapacitated.

**Larry O’Donnell**, **Tony Blankley**, and **Pat Buchanan** are all *McLaughlin Group* regulars. O’Donnell, MSNBC’s senior political analyst and an executive producer and writer of NBC’s *The West Wing*, is a proponent of Democratic Party Moynihan-style liberalism. Blankley, the editorial page editor at the *Washington Times*, served as press secretary to Newt Gingrich during his tenure as Speaker of the House of Representatives; he is an avid White House ally. Buchanan, a former speechwriter for Richard Nixon who has sought the Republican nomination for the presidency and in 2000 was the Reform Party’s presidential candidate, is consistently ideological but not inevitably partisan.

**SALIT:** Koppel talked about the degradation of the political culture. He and his wife recently watched the movie *The Candidate*, which is one of his favorites. Robert Redford stars and basically the story is this guy who's an idealist runs for statewide office in California. He spends the first half of the campaign speaking the truth and then his poll numbers shoot up. The second part of the campaign is all about his advisors telling him that he has to stop doing that because now he could really win. And that's how things go in politics. Basically, there's no way out of the fly bottle. And, as he said, it's impossible for anyone to speak their mind and not be ripped to shreds by some PR machine.

**NEWMAN:** Doesn't that movie conclude with him actually breaking with his advisors and getting himself killed? I'm not mixing up movies, am I?

**SALIT:** You are mixing up movies. Maybe you're thinking of *Bulworth*. Because I think in *Bulworth* there's an assassination, or an attempt. But in this one, Redford actually wins the election at the end of the movie.

**NEWMAN:** Who starred in *Bulworth*?

**SALIT:** Warren Beatty.

**NEWMAN:** Oh, right. In a way, that was the alter-ego story, which I think might be more accurate.

**SALIT:** Yes. On *The McLaughlin Group*, the "Big Winner of the Year" was awarded by Larry O'Donnell to New York City Mayor Mike Bloomberg. O'Donnell said that he predicted after the first election that Bloomberg would be extraordinarily popular by the time of his second election, which was borne out by the 20-point win. John McLaughlin gave Bloomberg the "Best Politician" award, citing the same result. Were you surprised to see the Bloomberg win featured on national TV?

**NEWMAN:** No, it's a big city. It's a big story. It's not the real story. And no one bothers to inquire as to what the real story is. But it's a big story, by their standards.

**SALIT:** How would you describe, in the broadest terms, what the real story is?

**NEWMAN:** The far bigger story, frankly, and this might seem totally self-serving – maybe it is – is the black and independent voter alliance, which is what his popularity is all about. And which is what his re-election is all about, in my opinion.

**SALIT:** You don't think popularity explains the whole thing, as Larry O'Donnell would have us believe?

**NEWMAN:** Well, something has to explain popularity.

**SALIT:** Exactly. Chuck Schumer got the "Most Stagnant Thinker" award from Pat Buchanan.

**NEWMAN:** I could go along with that.

**SALIT:** And McLaughlin gave the Democratic Party, as a whole, a collective "Stagnant Thinker" award for failing to come up with a strategy to take advantage of the unpopularity of Bush and the Republicans. I take it you could go along with that, too.

**NEWMAN:** Yeah, although I don't know if I quite go along with the "stagnant thinking" category because it presumes they're thinkers.

**SALIT:** True enough. And your comments on Buchanan's award for "Worst Politician" going to Howard Dean as the "gift that keeps on giving"?

**NEWMAN:** I liked what he said about that, which is that the Republicans are working overtime to make sure that Dean stays in because they can't afford to lose him.

**SALIT:** He's a valuable public punching bag.

**NEWMAN:** Exactly.

**SALIT:** Your comments on Tony Blankley's award for "Most Original Thinker" to Ariel Sharon?

**NEWMAN:** I think it was a good play.

**SALIT:** On Sharon's part.

**NEWMAN:** Yeah. Everybody's becoming more and more aware that what you've got to do – throughout the world – is go independent. You told me the other day you've been hearing from different labor groups that are going independent.

**SALIT:** Yes.

**NEWMAN:** But that's where it's going. It's all going independent. Bloomberg went independent. He wins the "Big Winner" award. Sharon goes independent. He wins the "Most Original Thinker" award. Dean goes back to the Democratic Party. He wins the "Biggest Loser" award.

**SALIT:** Exactly.

**NEWMAN:** Enough said.

**SALIT:** OK. Thanks a lot. **NEO**



# Decisions and Uprisings

Sunday, March 19, 2006

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**SALIT:** It's the three-year anniversary of the U.S. invasion of Iraq. Would you say, at this point in the war, that the decision has been made to get out and now the issue is how to get out and how to spin getting out?

**NEWMAN:** Yes. That's always what the decision amounts to, in any given case. How to do it and how to characterize it is what decisions mean.

**SALIT:** I was focused on the fact of the decision, that the decision's been made.

**NEWMAN:** You're saying a decision has been made?

**SALIT:** Yes.

**NEWMAN:** The making of the decision is in process, so it's a little hard for me to agree with what is effectively a static formulation – one that suggests it's been signed, sealed and delivered. But I think the clearest sense in which it's been made is that the American people have made it. We've got various bureaucrats, elected officials, spin artists and others who are doing a lot of talking, talking, talking. But the American people have made the decision that the war is over.

**SALIT:** I agree.

**NEWMAN:** They made the decision that the war is over. They made the decision that the U.S. lost it. They made the decision and now the people in charge should, at a minimum, try to figure out how to clean up

the mess that they've created. The decision means that the people who made the mess in the first place are now empowered to clean it up.

**SALIT:** And that's what they're working on.

**NEWMAN:** Yes. That's the nonpartisan effort you see on television. And it can get kind of ugly when the people who made a big mess are empowered to clean it up. But who else could clean it up?

**SALIT:** John McLaughlin made the point, which I thought was kind of appealing, that one of the clear signs that you're at the "clean-up" stage of a process is when former Secretary of State James Baker is brought in to do something. A blue ribbon commission has been put together, with Baker and Lee Hamilton as co-chairs. It's coming out of Congress, as opposed to the White House or the executive branch. It's going to do some kind of independent study of the war, how the war has gone, the impact of the war on Iraq, on the American people, and so forth.

**NEWMAN:** Um, hmm.

**SALIT:** McLaughlin's point is that Baker's job is to provide the motivation for the exit, actually a rationale for the exit, and, specifically, to do it in a way that saves the reputation of the House of Bush, the Bush dynasty.

**NEWMAN:** If we had a more intelligent group down

**Lee Hamilton**, a Democrat, served for 34 years in Congress representing Indiana's Ninth District. He was the vice chairman of the National Commission on Terrorist Attacks Upon the United States.

**Newt Gingrich** was the Speaker of the U.S. House of Representatives from 1995 to 1999. He is credited with having led the so-called Republican revolution that ended 40 years of Democratic majority rule in the House.

The *Contract With America*, a document published by the national Republican Party (though written with extensive input from Perot pollsters) in the final weeks of the 1994 congressional campaign season, outlined the party's commitment to shrinking the size of government, lowering taxes and stimulating entrepreneurial activity, and implementing a set of political reforms designed to stem the power of incumbency. When the Republicans gained a majority of seats in the 104th Congress, the Contract was hailed as a triumph for Gingrich and the American conservative movement.

in Washington – and there's not much intelligence down there, in my opinion – what they would do is call in the Independence Party to clean it up.

**SALIT:** Okay.

**NEWMAN:** That would be the more sensible play.

**SALIT:** And why is that the more sensible play? What does the Independence Party "clean-up" look like?

**NEWMAN:** Well, that's how you come up with a reasonable accounting of what happened and plan for going forward. Of course, that would require recognition of the Independence Party as a national force, which it is. But that would be the sensible thing to do. That's what we suggested, after all, when there was an impasse in 2000. Let the independents work it out, with the recognition that it's going to be either a Republican or a Democrat that wins. The independents could play that kind of role. But the Democrats and Republicans are so insecure, de-

spite the fact that they control virtually everything, that they wouldn't even let independents play that role. That's a measure of how insecure they are.

**SALIT:** I thought that part of the role that the independents would play in the exit strategy and the "clean-up" would be to address the issue of re-connecting the American people to our democratic process.

**NEWMAN:** I don't think that's what I'm talking about.

**SALIT:** Okay.

**NEWMAN:** We're going to have to win *that* on the ground. We're not going to get called in by the Democrats and Republicans to do that. I'm talking about literally cleaning up the mess and coming up with a resolution, a nonpartisan resolution, to this specific problem. You could give Ralph Nader a call and say: *Why don't you set up a commission of independents and give us a way to deal with this.* But I don't think we can use it, in partisan fashion, to get our issues won. Those we're going to have to win on the ground.

**SALIT:** I see your point.

**NEWMAN:** Baker, on the other hand, is obviously partisan. Baker is required to come up with a solution, and use his credibility, which allows Bush to win.

**SALIT:** Exactly.

**NEWMAN:** That's what he's there for.

**SALIT:** That's interesting.

**NEWMAN:** Other countries have independents, even if they're not in power. They have reputable independents. They have their reputable nonpartisan people who can play a role in a time like this. But not in this country.

**SALIT:** And play some kind of role in a national reconciliatory process, where you come to terms with a crisis. Our country has been through something of a crisis in this whole situation.

**NEWMAN:** Yes.

**SALIT:** To go back to your point earlier, that the American people have decided that the war is over. We have elections coming up at the end of the year, six or seven months away. Some political analysts are arguing that the mid-term elections are going to be a referendum on the war.

**NEWMAN:** Um, hmm.

**SALIT:** I'd be interested in knowing your thoughts on this. I go back and forth on this question. What is the relationship between the kind of political/social process that's been going on since we got into Iraq, and what happens in the elections? It's not that they're unconnected. But it's less than clear how they will be connected. The political pundits talk about them being connected in a very linear fashion: *Seventy percent of the American people oppose the war. That means that X number of Republicans are going to lose their seats in Congress, or are likely to lose their seats in Congress.* Meantime, though, a number of people have remarked that even though the opposition to Republican policy with respect to the war is very, very high, the polls are not showing a significant amount of trust in the Democratic Party's ability to formulate policies with which the American people feel comfortable relative to the war, etc.

**NEWMAN:** And why would they? After all, people aren't genetically bipartisan.

**SALIT:** True enough. Anyway, my question was how do you think about the connection between "the decision having been made" and the elections? Are they largely independent variables? How do they interconnect?

**NEWMAN:** It'll be a factor. Each congressional race has its own personality and personalities. It's like analyzing anything else. If you analyze a pattern, don't make the mistake of thinking that's the same as the analysis of some particular thing which comes under the rubric of the pattern. That's not how it works. It's silly to think that. So will the pattern lead to a switch in who controls the House of Representatives? It wouldn't be a bad bet, though I don't know if it's going to happen. What about on the Senate side? I think a change is less likely. In part, because the attitudes of the American people towards the House and the Senate are quite different, in my opinion. The American attitude towards the Senate is that it's a body of "wise men," who actually turn out to be quite stupid. I think these negate each other and so people don't care about it that much. The House – and it was intended this way by our Founding Fathers, and it still holds up, to some extent – is more reflective of the current attitudes of the people in a given congressional district. It's also the case that everybody in the Senate supported the war. Not so in the House. I don't know if that's a huge factor, but it's a small factor. So, it's certainly more likely to be reflected in the House than in the Senate.

**SALIT:** When the House changed hands in 1994, two years after Bill Clinton was first elected, the Perot movement was a very powerful force on the scene. Gingrich put together the *Contract with America*, and there was a huge shift in the composition of the House. The Republicans didn't just win the majority by a small margin. At that time, there was a palpable and identifiable, not just a *sentiment*, but one could say a *movement*, which you could see in the Perot movement and the term limits movement against entrenched bureaucratic control and corruption. And so in the Republican leap in '94 it seems, to me at least, you got a connection between what the particular candidates ran on in their local districts and this broader movement, this anti-incumbent phenomenon in the country. Now, I don't want to confine you to a "compare and contrast" kind of analysis here, but you have large-scale dissatisfaction and unhappiness with the war...

**NEWMAN:** With the war and, by extension, with the American posture and attitude in foreign policy...

**SALIT:** Okay. So that's there. You can see it in the polls and you can read it in different ways. But there hasn't been what you might call a traditional expression of that dissatisfaction in recent years. There wasn't a major independent presidential candidate who garnered x% of the vote for a sweeping change in foreign policy. In 1994, there was what you might call, in traditional political terms, a momentum for change in the existing traditional political structures. One might argue that you don't have that this time. How do you think about that?

**NEWMAN:** You have a kind of contradiction in terms in the formulation of your question. You never have a "traditional uprising" of that kind. Uprisings are opposed to the tradition. So, they're never traditional. Moreover, you can't patternize uprisings and say: *Is this an uprising like that uprising?* No, uprisings have their own unique qualities. The uprisings of the '60s had a certain look. And the uprising of '94, the Gingrich uprising, had its own distinctive characteristics. And this one has its own also. But I think there's a serious statement being made now. Where does it appear? Well, it's not in a one million person march on Washington. It's every day of the week on the Internet. That's where the march is taking place. It has different elements and causes and effects and so on. But I think there is a discernible turn against Bush, for example. I mean Bush has been an enormously popular figure, and had a lot of things going for him. And then the American people took a hard look at it and said: No,

*we're not supposed to be invading countries because we choose to. That's not who we are. That's not our history. People all over the world don't like us for it. And, even if they are French, we still have to pay attention to that.* The Bush policies affect hundreds of millions of people. After 9/11, there was a lot of sympathy and Bush put that together to make his moves. But, on reflection over time, I think the American people not only came to see – that's too passive a formulation – but *felt* they might want to make a statement. And they'll make that statement in a way which is quite particular to what the statement is and where the country is at, at a given time. So, might it happen in the mid-term elections with a big shift in the House of Representatives? It might. And, if it does, that will be the form of this – call it revolutionary – process. And I don't quite agree that what's going on has been without some of the things that looked slightly more traditional. The independent movement has carried on. The Dean campaign continues in *MoveOn.org* and elsewhere. That was a good campaign. That was a populist campaign. He didn't win, because he's a crazy man. And, in some ways, Perot didn't win because he's a crazy man, too. But those are other factors. Dean was a spokesperson for the mass, but he couldn't handle it, couldn't do it. And he was up against a lot of hardball forces, but he couldn't carry it. He did, at least, force the Democrats into a convention in Boston where 92% of the delegates – I keep repeating this fact, because it's so important – didn't support the war, but they voted to nominate a candidate who did. It exposes that contradiction which, in turn, adds and continues to add to the process.

So, there are some things going on. Do they look like 1968? No. But 1968 doesn't look like 2006. No surprise there. But there's some stuff going on. Will it manifest in this particular way? We don't know. It's still six or seven months out. A lot of things are going to go down. But at this moment, it looks like it might. And would that be a revolution? Yes. It would be a revolution. Not just against the war in Iraq, but about how we got there and the doctrines that Bush and his people, the neo-cons and Cheney, articulated to justify it. It will be a

serious revolutionary critique of those doctrines, more than even of the war. And these are very popular people. And that's what the country is like. Yes, the Right has a huge influence and the neo-cons and Cheney and Bush came in around that. And they articulated these new doctrines. And, despite their power, my read is that the American people are saying: *Gone too far, we don't want to go there.* How will that get expressed? It's being expressed already by lots and lots of people. Will it be expressed in some mass political form like the congressional elections this year? Maybe. Maybe not. But maybe yes.

**SALIT:** If that is the way it plays, naturally the Democrats are going to claim that as a victory and a validation for them.

**NEWMAN:** I suppose so.

**SALIT:** Under that set of circumstances, what new contradictions or pressures does that set up for the Democrats?

**NEWMAN:** What new contradictions?

**SALIT:** Or pressures. Being in control of the House is different from being an opposition force inside it.

**NEWMAN:** Just because the American people have rejected a central and core component of what the Republicans had to offer – the war in Iraq – doesn't mean the Democrats have created anything positive. They're still left without that. People will raise the question of what they stand for. They still have to figure out what the answer to that is, if they want to maintain power and build power and build consensus. I don't know where they go, because they keep running up against the specter of "socialist." I'm not even talking about using the word "socialist." I'm talking about national health care. I'm talking about some kind of national housing plan, some national energy plan, about progressive taxation. Stuff like that. But their feeling is, if they go there, they're going to bury themselves again. Maybe yes, maybe no. I don't know.

**SALIT:** Thank you. **NEO**

*Letters continued from page 2*

### Beyond Predictable

I was pleased to have been one of the silent listeners during last night's national conference call.\*

You asked what is "wrong with the political process?" I'm sure there are books to be written on that subject, but my short answer is the two parties are wrong. We live in an age where the discord between the two parties is little more than smoke and mirrors. If the full spectrum of political ideas is similar to the visual spectrum, then modern politics allows the choice between green-blue or blue-green or, more specifically, socialism with a nod to fascism or fascism with a nod to socialism. Freedom, the freedom to be who we are and keep most of what we earn, seems to be off the table.

You asked "how are they threatened by us being able to declare ourselves as independents?" My answer is that they (the two parties) want us to have an identity because with an identity we are more predictable. This seems evident in the way the Democratic Party in New York is responding to the growing prevalence of independents in the African American community.

Lastly, I want to ask about the presidential debates. Without inclusion in the debates, independent candidates have little chance of being treated seriously. There is an organization, *opendebates.org*, whose goals seem to be compatible with our own.

*Gary R. Schor  
Aventura, FL*

### History Lessons

I just want to express my relief in knowing that something is starting to take shape. I was in the '90s a state financial chairman for Perot's start-up for the Reform Party. There is a huge bloc of voters here.

Ross once referred to a giant sucking sound in this country. And it has almost sucked the life out of the middle class.

Upon a visit to Washington a few years ago, I stood in the Jefferson Memorial and read the words on the walls. These are simple but powerful thoughts as to who we can be in this country. When our Constitution was written by the Founding Fathers, it reflected not all the ills of humanity at the time. But it did try to prevent history from repeating itself in this new world, such as providing for freedom to worship but yet no religious-based government. History is a great teacher if we can start to learn from it.

I remember several years ago listening to a writer who said that if the Russians ever collapsed economically we would turn upon ourselves from within. That is exactly what is happening right now.

I would like to help in any way possible in the state of Ohio or anywhere else.

*Rick Huffman  
North Lewisburg, Ohio*

\* As the political director of the Committee for a Unified Independent Party, Jacqueline Salit hosts a bi-monthly conference call for independent activists around the country.

THE  
NEO-  
INDEPENDENT

SUGGESTED READING LIST  
TO COME



TEXAS ARTICLE HERE

# becoming (bē kum'in)

**vi.** **1** coming to be **2** growing to be; changing or developing into by growth