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# THE POLITICS OF BECOMING

# The Saturated Center

JACQUELINE SALIT

# INDEPENDENT VOTERS: ARE THEY THE DECIDING FACTOR?

# THE YEAR IN INDEPENDENT POLITICS

DAVID BROOKS · THOMAS FRIEDMAN · FRANK LUNTZ · PEGGY NOONAN and more...

# 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



### EDITOR'S NOTE

I was busy reading the results of exit polls from the November 7th elections and glanced up at the TV. The story of Defense Secretary Donald Rumsfeld's resignation was breaking and I put down my papers to digest the news. It certainly wasn't a shock. A day earlier Americans had repudiated the Iraq war policy and given Bush and the Republicans, to use W.'s own term, a thumping. To save his presidency — and his party's chances of holding the White House in 2008 — Bush had to show Rumsfeld the door. Everyone knew that, especially the politicians who'd lined up to call for Rummy's head weeks earlier. It was an open secret that a thumping would lead immediately to a dumping.

Rumsfeld's departure brought back a sudden reminiscence of the Vietnam-era anti-war movement, when SecDef Bob McNamara was also a symbol of an imperialist adventure gone bad. President Lyndon Johnson was dumped by his own party in 1968, at the height of the conflict. America was discovering its new anti-war heart. Fighting fascism in World War II was a moral cause. Fighting communism in Korea quickly became a forgotten one. Vietnam was a turning point for this country – evident in how deeply it polarized and inflamed the nation. After Vietnam, Americans did not want to go to war and every president knew it. When the American military engaged, it did so quickly, surgically and, wherever possible, without ground troops — meaning, without casualties. Though the dominant, conservatized culture had officially pronounced the 1960s dead, buried and misguided, it was nonetheless the case that America had become a country loathe to go to war.

But Bush's neo-cons — oddly enough, the extremists in a circle of political thinkers who came originally from the Left — wanted to remake America and Americans as warriors. And for a time, actually a short time, a slim majority of Americans allowed Bush and the neo-cons to have their fingers on the button. So off to war we went, with a compliant Democratic Party going along every step of the way. They heartily joined in the national chorus that tried to humiliate and marginalize opponents of war.

But a funny thing happened on the way to Fallujah. American body bags were back on our TV screens and suddenly we had to deal with the issue of whether we really wanted to go down that road again. Yes, we'd lost 3,000 Americans on 9/11. Must we compound that

### Editor's Note continued

loss with a war that was quickly proving to be unaffordable and, worse still, unwinnable?

Americans looked to our elected political leaders for an answer, but nobody said a word. And so, as has often been the case throughout U.S. history, ordinary Americans — with no special title and with no political label — began to speak out. You saw these independents surface in 2004 in support of Howard Dean's anti-war presidential bid. Then you saw them crushed by the party machine, which counseled caution and chose to run a pro-war candidate who would simply manage our presence in Iraq more competently. The Democrats' bid for power failed.

But the independents kept on coming. You heard their voice in the polls that showed them turning against the war and you saw them propel Ned Lamont to a brief but signal victory in Connecticut, where anti-war independents who voted in the Democratic primary (it was an open primary) coupled with black voters to topple Joe Lieberman.

Lieberman would go on to win reelection on an independent line — but not before the Democrats had gotten the message. If there was a serious shot at taking Congress – and given the disastrous state of the Iraq situation there damned well better be – the Democratic Party was going to have to restyle itself as an opposition force, ready to challenge Iraq policy, and go after those independent voters who had been beating the anti-war drum for more than two years. And it did.

CNN's Bill Schneider credits independents — who broke two-to-one for Democrats — with the Democratic Party taking control of Congress. He's right to do so, but he does not credit independents with defining the issue that drove the realignment. That's not unusual. How many articles have been written about the 1994 Republican Revolution which omit that the GOP accomplished its takeover of the House by deftly recasting itself in the mold set by the Perot movement two years earlier? Too many.

Independents had a good year. Closer to the American people than the major parties are, they helped voters find their anti-war voice. They showed the neo-cons the door. They developed some grassroots organization, "or-dained" new rank and file leaders in dozens of states, attracted some quality candidates, and won some fights to keep the independent movement multi-racial and inclusionary. They even brought some old independents back into the game and got them talking to one another for the first time in years.

Electing an independent president may be much further down the road. But independents are already demonstrating their power to define and drive issues that reshape the major parties and their agendas.

The Democratic Party owns Congress for the moment, but it does not own the American people. Nor does the Republican Party. The independent movement may not yet be strong enough to take our country back. But it is strong enough, at the very least, to give our country back its heart.

Jacqueline Salit, Executive Editor

COVER: JACQUELINE SALIT ON FOX NEWS' FROM THE HEARTLAND, OCTOBER 7, 2006

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### Independent Politics in a "What's Next?" World

Jacqueline Salit

Republican and Democratic party leaders are studying their political fortunes. The Democrats took the House and the Senate. The proverbial political pendulum has swung, but where? After all, the Democratic Party won control of Congress with an anti-war message, but arguably the party remains a supporter of the Iraq war – a critic of President Bush's execution of it, not his decision to conduct it.

T

Howard Dean, who rose to national prominence as an outspoken opponent of the war only to find himself cast aside by party elders, has presumably been vindicated. But the vision and direction of the Democratic Party remain murky. This much is known, however: It was independents, protesting early on against the rush to war, fueling the surge for Dean's dark horse 2004 presidential campaign, and speaking out against the bipartisan consensus backing the Bush policy, who made the war in Iraq the defining issue. The Democratic Party was compelled to follow their lead, building its outreach to independent voters in the process. By the time Election Day rolled around, with 65% of independent voters opposing the war in Iraq, independents had become the deciding factor: They voted two-to-one in support of Democratic congressional candidates.

The Republican majority inaugurated with Ronald Reagan's presidential win in 1980, which climaxed (perhaps) in the George W. Bush trifecta (GOP control of all three branches of government) was the product of a visceral reaction to the limits reached by New Deal liberalism. Unresolved racial conflicts, the advent of globalization, the collapse of communism, the marginalization of organized labor, intractable poverty, and the long-term detrimental effect of identity politics frayed the traditional liberal alliance beyond repair. Clintonism (per Bill and perhaps soon enough per Hillary) was as much an effort to bury the moribund liberal coalition as it was to salvage it. The Democrats had to "do in" their principles to save the party. That strategy cost them the White House in 2004.

The Republicans, for their part, are profoundly weakened by the neo-cons' disastrous Iraq policy, together with ethics scandals revealing – surprise, surprise! – that men who are in a position to take bribes often do and that men (gay or straight) who are in a position to use their power for sex often do that, too.

But America's citizens grew uneasy with the direction of the country, and none more so than America's independents. It was independents who established that the war was the issue; the Democrats co-opted that issue and made it work for them. But since the Democrats and Republicans share power – even when one or the other dominates – can the newly energized Democrats connect in any lasting way with the majority of Americans who feel that they themselves have become outsiders in their own government, no matter who controls Congress or the White House?

### II

Peggy Noonan, a former Reagan speechwriter and now contributing editor of *The Wall Street Journal*, surveyed the national political scene in June when she considered the question of whether America might be ready for a third party. (See p. 9.) Challenging a pervasive notion that should a third party emerge it will be located at the middle because the two parties are ideologically polarized at the left and at the right, Noonan wrote in "Third Time":

> The problem is not that the two parties are polarized. In many ways they're closer than ever. The problem is that the parties in Washington, and the people on the ground in America, are polarized. There is an increasing and profound distance between the rulers of both parties and the people – between the elites and the grunts, between those in power and those who put them there.

In other words, Noonan sees the divide as vertical, not horizontal:

I don't see any potential party, or potential candidate, on the scene right now who can harness the disaffection of growing portions of the electorate. But a new group or entity that could define the problem correctly – that sees the big divide not as something between the parties but between America's ruling elite and its people – would be making long strides in putting third party ideas in play in America again.

Noonan's column was occasioned by the launch of Unity '08, an Internet-based blueprint for an intervention into the 2008 presidential election with a bipartisan ticket molded out of the presidential primaries in early '08. (Think John McCain/John Edwards running as bipartisan independents after Bill Frist clinches the Republican nomination and Hillary swamps her competitors in the Democratic primaries.) Observing that the "partisanship has gotten deeper as *less* separates the governing parties in Washington," Noonan concludes that if a political strategy focuses on reconstructing a "center" it will skip over the deeper ills afflicting American political life.

Some of the talk in and around independent politics this year has pronounced partisan polarization to be "the problem" and bipartisan unification to be the solution. *We have to find ways to bring the parties together* is the mantra. Alternatively, *We have to go beyond parties* à la Joseph Lieberman's faux independent campaign, where the need to go beyond parties became Lieberman's winning theme only after he lost his own party's primary.

As the unpopularity of the two-party system grows, voters are becoming open to, even anxious for, alternatives. A new *Wall Street Journal*/NBC News poll showed that 42% of voters called themselves "independents," while 28% self-identified as Democrats and 24% as Republicans. Republican (and former Perot) pollster Frank Luntz recently found that 81% of voters would consider backing an independent presidential candidate "who is not tied to the Washington political establishment but can point to a record of results. He (or she) will say 'no' to the lobbyists and special interests but still have the financial means to run a serious national campaign." Luntz goes on to assert that there's "only one person in America who fits the bill: New York City Mayor Mike Bloomberg." (See p. 13.)

Bloomberg has some unique characteristics, not least that his election (twice) and his ability to govern in a nonpartisan, anti-special interest way, was facilitated by a coalition catalyzed by independents and the Independence Party, whose voters provided his margin of victory in 2001. The Bloomberg Revolution, as his 2005 reelection victory has come to be known, forged a new coalition of independents, reform-minded Republicans, non-sectarian Democrats, and black and Latino voters looking for a way out of their blank-check contract with the Democratic Party. An unprecedented 47% of black voters broke with the Democrats to back Bloomberg and 30% of Latinos joined them, even with a Latino, Fernando Ferrer, heading the Democratic ticket against Bloomberg.

Far from unifying or "transcending" the major parties, as current conventional wisdom suggests is the recipe for a viable independent presidential campaign, in the New York scenario Bloomberg took over the Republican Party (his wealth and the fact that the Republicans were near-dead in the city were key factors here), allied with the Independence Party, and *split* the Democratic Party. Projecting Bloomberg's trans-partisan popularity into a possible independent presidential run requires an accurate reading of his new coalition – with a black and independent alliance at its core – and what it produced on the ground in New York City.

### Ш

Unlike Mike Bloomberg, Al Sharpton seems to want to run for president. Not surprisingly, however, his considerations are different. Bloomberg is an independent, a man without a national party, and that is no small part of his political appeal. Al Sharpton is a Democrat. He ran in the Democratic presidential primaries in 2004, securing a position as a nationally known progressive black leader, and in many ways supplanting Jesse Jackson as the country's preeminent living civil rights figure. Now his party is coming back into power, and with that power comes a new set of political dynamics.

Nationally, Illinois Senator Barack Obama has become the Democrats' biggest celebrity other than the Clintons, with Time magazine's cover promoting his bona fides to be the nation's first black president and Obama himself openly contemplating a run. Harold Ford Jr.'s high-profile Senate run in Tennessee elevates his standing as a national black political figure, even though he did not win. Obama and Ford do not come from the left and civil rights traditions that shaped, at least in part, Sharpton's evolution as a political figure. And even black establishment figures who do trace their political lineages back to those traditions - like Harlem Congressman Charles Rangel and Detroit Congressman John Convers, now ascending to the chairmanships of the House Ways and Means and Judiciary Committees, respectively - will feel extreme pressure from the national party to weigh their words, their subpoenas, and their power carefully. No insider - white or black - wants to be perceived as hurting the Democrats' chances to take the White House in 2008. While his peers move even further inside, Sharpton is thus uniquely positioned in national Democratic politics as the progressive African American outsider.

Perhaps the delicacy of Sharpton's role is most acute in New York, his home base and a testing ground for the twists and turns of his political career. He went from street organizer to premier electoral politician in New York State, transforming himself from a much reviled agitator to a kind of Agitator-Without-Portfolio, whose annual celebrations honoring Dr. King draw personal appearances by Hillary Clinton, Governor-elect Eliot Spitzer, Mike Bloomberg, and numerous other notables.

Sharpton's situation is challenging here because the Democrats now taking control



Reverend Al Sharpton

of New York after 12 years of Republican rule under presidential hopeful George Pataki – Spitzer and Clinton – are seeking to triangulate the party: to shore up its connection to upstate white blue collar and upscale white suburban voters while holding on to the black vote with minimal concessions to the latter. The Democrats intend to lock down control of New York for eternity, while Clinton and Spitzer, both with presidential ambitions, go in hot pursuit of the Holy Grail of national politics – crossover appeal. An independentminded militant like Sharpton could end up a fading star in that triangulated universe.

But Sharpton has constructed his position carefully, and not without some savvy. He is cultivating his connection to independent voters and the independent movement. He joined forces with the independent-minded "blogosphere" to back Ned Lamont in the Democratic primary against Joe Lieberman in Connecticut, delivering 55% of the black vote which, together with anti-war independents, put Lamont over the top. And while Spitzer and Clinton made a play to disempower the New York City branch of the Independence Party, which elected Bloomberg and peeled 47% of the black vote away from their party's mayoral candidate (see p. 27), Sharpton stays publicly connected to America's leading black independent, Lenora Fulani. (She and Sharpton have known each other, and periodically partnered, for more than 20 years.) Fulani is a powerful figure in the New York City Independence Party and she remains a principal target of the Democrats' wrath. Sharpton recently featured Fulani (and this writer) as guests on his popular New York radio show The Hour of Power, where the discussion highlighted the current and future status of the Independence Party and the independent political movement.

Sharpton grasps that the newest and most potent coalition in New York City politics is the black and independent alliance – the one that sent Mike Bloomberg to City Hall and empowered him to become the only viable independent presidential candidate in the United States of America; it is the force that may also elect New York's next mayor when Bloomberg leaves office after 2009.

### IV

Even the most attitudinally conservative commentators are conceding that there is a paradigm shift underway in American politics of unknown - even unknowable - dimensions. Two weeks before Election Day, New York Times columnist David Brooks opined that we are entering "The Era of What's Next," when traditional liberalism and traditional conservatism are being rendered obsolete. (See p. 12.) "Process will come to the fore," says Brooks, noting: "If you look at the political landscape, identification with the Republican Party is falling but identification with the Democratic Party is not rising. Instead, there is a spike in the number of people who do not identify with either." Of course, the political polls to which he is referring never discover those who don't identify with "identity" at all. But that is a subject for another time.

Brooks' chronicle of the end of traditional ideological framings is based on his recognition that America is moving onto new political terrain. The ways in which we defined ourselves (or allowed ourselves to be defined) no longer apply. Who we are as a country, as a people, is not who we were. But who and what we are becoming, politically, is up for grabs.

Fifteen years ago the distinguished psychologist and postmodernist Kenneth Gergen described the breakdown of individual identity in his landmark book *The Saturated Self: Dilemmas of Identity in Contemporary Life*, arguing that "both the romantic and modern beliefs about the self are falling into disuse, and the social arrangements that they support are eroding." Gergen paints a vivid picture of how "social saturation" – the advent of a culture in which advances in technology, mass communications and transportation saturate individuals with information, experience and points of view – has changed, indeed eroded, our understanding of the human self. He believes that there is a new postmodern culture "in the making," one in which "persons exist in a state of continuous construction and reconstruction" and "the center fails to hold."

While Gergen's observations were largely social and psychological, his insight about an unraveling of the center has important political consequences, too (as he himself recognizes in his later writings). American politics is in the midst of a sea change, the era of what's next, as Brooks puts it. In that kind of "continuous construction and reconstruction," the center cannot hold despite the frantic search for a "center," or a place "in the middle," by some elites who can see that the system is in serious need of repair.

One of the most glaring indicators of that breakdown is the fact that independent voters are now well more than a third, closing in on half, of the electorate. In America, all politics is colored by whether a state is blue or red, Democrat or Republican. And the end of the 2006 campaign came down to intense speculation about how the independents were going to "break." That's what John Kasich wanted me to tell him on Fox News' *From the Heartland*. That's what all the consultants and analysts were scrutinizing: *Who can get – and hold – the independents? They used to tilt right, now they're tilting left*.

Nationally, the independents "broke" two-to-one for the Democrats. But even that statistic fails to record the more fundamental dynamic that independents defined a new political landscape and the Democrats came after them. Their aggressive push gave the Democrats the two-to-one margin. So what do independents want? A restructuring of the political process to close Noonan's divide between "the elites and the grunts." The independents forced both parties to close that divide on the war policy: Donald Rumsfeld has resigned and the Democrats defeated the neo-cons. Get some populist democracy in the picture, we grunts believe, and you'll have policies that are closer to what the American people want. Then the era of what's next will be one in which the American people, not the partisan elites, determine what kind of country we are going to be. NEO

# 2006 The Year in Independent Politics

In our results-driven culture, including politics, of course, what happens on Election Day is all-important (at least to the partisans for whom it's the only day that counts, literally and figuratively). Independents, however – regardless of which candidates they prefer, or where they stand on particular issues – are just as concerned with the other 364 days of the year. What matters to them isn't simply <u>what</u> happens, but <u>how</u>. Here, then, are some snapshots of independent candidacies, parties and issues from around the country, taken in the run-up to Election Day.

 ${f T}$  he spring witnessed a flurry of speculation on the part of some of the country's most widely read journalists regarding the possibility, desirability, and viability of a third party in the United States. Two of the most intriguing speculators were three-time Pulitzer Prize winner Thomas Friedman, who has been writing about foreign affairs for the New York Times since 1995, and Peggy Noonan, who was a special assistant to President Ronald Reagan and chief speechwriter for the first President Bush in 1988 when he was a presidential candidate; she is currently a contributing editor of the Wall Street Journal. David Brooks. a conservativeleaning op-ed columnist for the New York Times, followed up in late October with his own look into the politics of the future.

### The Wall Street Journal

### **Peggy Noonan**

# Third Time: America may be ready for a new political party

JUNE 1 — Something's happening. I have a feeling we're at some new beginning, that a big breakup's coming, and that though it isn't and will not be immediately apparent, we'll someday look back on this era as the time when a shift began.

All my adult life, people have been saying that the two-party system is ending, that the Democrats' and Republicans' control of political power in America is winding down. According to the traditional critique, the two parties no longer offer the people the choice they want and deserve. Sometimes it's said they are too much alike — Tweedledum and Tweedledee. Sometimes it's said they're too polarizing — too red and too blue for a nation in which many see things through purple glasses.

In 1992 Ross Perot looked like the breakthrough, the man who would make third parties a reality. He destabilized the Republicans and then destabilized himself. By the end of his campaign he seemed to be the crazy old aunt in the attic.

The Perot experience seemed to put an end to thirdparty fever. But I think it's coming back, I think it's going to grow, and I think the force behind it is unique in our history.

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This week there was a small boomlet of talk about a new Internet entity called Unity '08 - a small collection of party veterans including moderate Democrats (former Carter aide Hamilton Jordan) and liberal-leaning Republicans (former Ford hand Doug Bailey) trying to join together with college students and broaden the options in the 2008 election. In terms of composition, Unity seems like the Concord Coalition, the bipartisan group (Warren Rudman, Bob Kerrey) that warns against high spending and deficits.

Unity seems to me to have America's growing desire for more political options right. But I think they've got the description of the problem wrong.

Their idea is that the two parties are too polarized to govern well. It is certainly true that the level of partisanship in Washington seems high. (Such things, admittedly, ebb, flow and are hard to judge. We look back at the post-World War II years and see a political climate of relative amity and moderation. But Alger Hiss and Dick Nixon didn't see it that way.) Nancy Pelosi seems to be pretty much in favor of anything that hurts Republicans, and Ken Mehlman is in favor of anything that works against Democrats. They both want their teams to win. Part of winning is making sure the other guy loses, and part of the fun of politics, of any contest, of life, can be the dance in the end zone.

But the dance has gotten dark.

Partisanship is fine when it's an expression of the high animal spirits produced by real political contention based on true political belief. But the current partisanship seems sour, not joyous. The partisanship has gotten deeper as *less* separates the governing parties in Washington. It is like what has been said of academic infighting: that it's so vicious because the stakes are so low. The problem is not that the two parties are polarized. In many ways they're closer than ever. The problem is that the parties in Washington, and the people on the ground in America, are polarized. There is an increasing and profound distance between the rulers of both parties and the people — between the elites and the grunts, between those in power and those who put them there.

On the ground in America, people worry terribly — really, there are people who actually worry about it every day — about endless, weird, gushing government spending. But in Washington, those in power — Republicans and Democrats — stand arm in arm as they spend and spend. (Part of the reason is that they think they can buy off your unhappiness one way or another. After all, it's worked in the past. A hunch: It's not going to work forever or much longer. They've really run that trick into the ground.)

On the ground in America, regular people worry about the changes wrought by the biggest wave of immigration in our history, much of it illegal and therefore wholly connected to the needs of the immigrant and wholly unconnected to the agreed-upon needs of our nation. Americans worry about the myriad implications of the collapse of the American border. But Washington doesn't. Democrat Ted Kennedy and Republican George W. Bush see things pretty much eye to eye. They are going to educate the American people out of their low concerns.

There is a widespread sense in America—a conviction, actually—that we are not safe in the age of terror. That the port, the local power plant, even the local school, are not protected. Is Washington worried about this? Not so you'd notice. They're only worried about seeming unconcerned.

More to the point, people see the Republicans as incapable of managing the monster they've helped create — this big Homeland Security/Intelligence apparatus that is like some huge buffed guy at the gym who looks strong but can't even put on his T-shirt without help because he's so muscle-bound. As for the Democrats, who co-created Homeland Security, no one — no one — thinks they would be more managerially competent. Nor does anyone expect the Democrats to be more visionary as to what needs to be done. The best they can hope is the Democrats competently serve their interest groups and let the benefits trickle down.

Right now the Republicans and Democrats in

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Washington seem, from the outside, to be an elite colluding against the voter. They're in agreement: immigration should not be controlled but increased, spending will increase, etc.

Are there some dramatic differences? Yes. But both parties act as if they see them not as important questions (gay marriage, for instance) but as wedge issues. Which is, actually, abusive of people on both sides of the question. If it's a serious issue, face it. Don't play with it.

I don't see any potential party, or potential candidate, on the scene right now who can harness the disaffection of growing portions of the electorate. But a new group or entity that could define the problem correctly — that sees the big divide not as something between the parties but between America's ruling elite and its people — would be making long strides in putting third party ideas in play in America again.

Peggy Noonan is a contributing editor of The Wall Street Journal. She was a special assistant to President Ronald Reagan from 1984-1986 and chief speechwriter for the elder George Bush in 1988 when he ran for president.

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### The New York Times

### Thomas L. Friedman

# Let's (Third) Party

MAY 3 — What would OPEC do if it wanted to keep America addicted to oil? That's easy. OPEC would urge the U.S. Congress to deal with the current spike in gasoline prices either by adopting the Republican proposal to give American drivers \$100 each, so they could continue driving gas-guzzling cars and buy gasoline at the current \$3.50 a gallon, or by adopting the Democrats' proposal for a 60-day lifting of the federal gasoline tax of 18.4 cents a gallon. Either one would be fine with OPEC.

So, to summarize, we now have a Congress proposing to do exactly what our worst enemies would like us to do — subsidize our addiction to gasoline by breaking into our kids' piggybanks to make it easier for us to pay the prices demanded by our oil pushers, so that we will remain addicted and they will remain awash in dollars.

With a Congress like this, who needs Al Qaeda?

Seriously, there is something really disturbing about the utterly shameless, utterly over-the-top Republican pandering and Democratic point-scoring that have been masquerading as governing in response to this energy crisis. The Republicans are worse, because they control all the levers of power and could move the country if they proposed a serious energy policy — but won't.

"We used to say the system is broken because it won't respond until there is a crisis," said David Rothkopf, author of "Running the World," a history of U.S. foreign policy. But now it's really broken, "because the system can't even respond to a crisis!" What to do? I'm hoping for a third party. The situation is ripe for one: America is facing a challenge as big as the cold war — how we satisfy our long-term energy needs, at reasonable prices, while decreasing our dependence on oil and the bad governments that export it — and neither major party will offer a solution, because it requires sacrifice today for gain tomorrow.

Combine a huge leadership vacuum on a huge issue with an Internet that has proved itself as an alternative platform for organizing, financing and energizing a political campaign outside the Washington establishment, and you have the makings of a credible third party.

I would not call it the "Green Party" — the name's been taken, and it connotes an agenda that is too narrow and liberal. Today's third party has to be big, strategic, centrist and forward-looking — something like the "American Renewal Party," something that frames the energy issue as critical to restoring American strength and wealth, not just conservation.

Energy really is key to American renewal — from stimulating more young people to study math and science, to bringing down the trade deficit by decreasing our dependence on imported oil, to bringing down the fiscal deficit by raising gasoline taxes, to improving U.S. competitiveness by making us leaders in clean technologies, to restoring U.S. global respect by leading the fight against climate change, to advancing democracy by finding alternatives to oil and thereby weakening some of the world's worst regimes, who are using their oil windfalls to halt the spread of freedom.

"There is an opportunity here for someone who will seize it," said Micah Sifry, author of "Spoiling for a Fight: Third-Party Politics in America." That someone would have to be a more emotionally stable and energy-focused Ross Perot type. Because, added Mr. Sifry, "if the issue of the day in 1991-1992 was the ballooning budget deficit that we were not dealing with, then the issue today we are not dealing with is the energy and environmental catastrophe that awaits the next generation. It is as much a mortgaging of our children's future as the deficit issue. It needs the right leader, though."

Like someone who will tell the truth: The only way Americans are ever going to enjoy relatively cheap gasoline again is if we raise the price now with a gasoline tax — and fix it at that higher level for several years — so investors know that it is not coming down, and therefore it makes economic sense for them to make the long-term investments in alternative, renewable sources of energy. That is the only way to break our oil addiction and ultimately bring down the price.

Yes, our system is rigged against third parties. Still, my gut says that some politician, someday soon, just to be different, just for the fun of it, will take a flier on telling Americans the truth. The right candidate with the right message on energy might be able to drive a bus right up the middle of the U.S. political scene today — lose the far left and the far right — and still maybe, just maybe, win a three-way election.

*Thomas Friedman has been foreign affairs columnist at* the New York Times *since 1995. He has won the Pulitzer Prize three times.* 

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### The New York Times

### **David Brooks**

# The Era of What's Next

OCTOBER 26 — WOOSTER, OHIO — Sometimes liberalism is dominant and sometimes conservatism is dominant, but sometimes there is no dominant ideology.

Between 1932 and 1968, liberalism dominated American politics. The big accomplishments were liberal accomplishments — Social Security, Medicare, the civil rights movement. Even if Republicans sometimes held the White House, the general drift of things was still to the left.

Between 1980 and 2006, conservatism was dominant. The big accomplishments were conservative accomplishments — the defeat of communism, the reinvigoration of the economy through deregulation, tax reform and monetarism, the rebalancing of the culture to emphasize family, work and individual responsibility. Even if Democrats sometimes held the White House, the general drift of things was to the right.

But in some eras there is no dominant political tendency. The 1970s were such a period. That decade was marked not by a change in political winds so much as by disillusionment and a scrambling of political categories. People who once had been liberals drifted away. Voters became cynical about politics itself. The pendulum swung not only from left to right but from politics to antipolitics. Jimmy Carter promised a break from the normal methods of political life.

We're about to enter another of those periods without a dominant ideology. It's clear that this election will mark the end of conservative dominance. This election is a period, not a comma in political history.

That's clear not only because Republicans could lose their majorities, but for several other reasons. First, conservatives have exhausted their agenda. They have little new left to propose and have lost their edge on issues like fiscal discipline and foreign policy. Second, conservatives are beset by scandals, the kind of institutional decay that afflicts movements at the end of their political lives. Third, the Reagan coalition is splintering, with the factions going off in wildly different directions.

Fourth, there is no viable orthodox conservative candidate for the 2008 Republican presidential nomination. Orthodox conservatives like Allen, Frist and Santorum are fading, and only heterodox figures like McCain, Giuliani and Romney are rising.

If you look at the political landscape, identification with the Republican Party is falling but identification with the Democratic Party is not rising. Instead, there is a spike in the number of people who do not identify with either. People correctly perceive that neither party has a coherent agenda this year.

In the near term, the candidates who thrive will be those who offer a new way of politics. This might be the maverick independence of McCain, or the ostentatiously deliberative style of Obama, or it could be the manner of somebody whom none of us are even thinking about. Candidates who seem conventional will have a tough time. This includes Hillary Clinton.

Process issues will come to the fore, issues that have to do with the way politics is conducted. So will issues of character and decision-making style. George Bush's secretive and declarative method will soon seem archaic — like the silent picture acting style in the age of sound. Instead, voters will look for candidates as interactive as the technology around them.

The center of political gravity will shift. In the liberal era, the urban Northeast dominated the landscape. In the conservative era, it was in the South and in bedroom communities like those in Southern California. In the coming era, the center of gravity will move to the West and the Midwestern plains, and to the pragmatic, untethered office park suburbs sprouting up there.

The people who will be most important are those who can most precisely identify the new era's defining problems. The first is the continuing rise of Islamic fundamentalism. It's clear the categories of the nation-state era — rollback and containment — are not working to reverse extremism, but what will? The second big problem is entitlement spending and the stultification of government.

The third challenge is the emergence of China and India — seizing the opportunities afforded by those new workers, mitigating the pain associated with tougher competition and managing the fiscal imbalances. The fourth is the growing importance of cognitive skills and cultural capital, the need to surround people, especially children, with stable relationships if they are to flourish.

One party will become distracted by passing squalls, but the other will focus on those issues. Then, a new period of dominance will begin.

David Brooks' column has been appearing on the Op-Ed pages of the New York Times since 2003. A former senior editor at the conservative Weekly Standard and a contributing editor at Newsweek and the Atlantic Monthly, he is the author of Bobos in Paradise: The New Upper Class and How They Got There and On Paradise Drive: How We Live Now (And Always Have).

*Originally published in* The New York Times, *October* 26, 2006. *Reprinted with permission*.

Journalists have been speculating for months about the possibility of an independent presidential run by New York City mayor Michael Bloomberg. Wealthy, popular and out-of-the-box, his advisors have stoked talk of a "Bloomberg Scenario" in 2008. Will he or won't he?

### **New York Post**

### Frank Luntz

# The Man in the Middle's Time Has Finally Come

SEPTEMBER 14 — When almost half of Americans say they're "mad as hell" at politics and politicians, you have the makings of an electoral groundswell.

When 81 percent of Americans say they'd be willing to consider voting for an independent candidate for president, you have the makings of a political revolution.

Okay, the rhetoric may be a bit overheated, but the American electorate is hot, angry and now, for the first time, afraid. We were always sure the future would be better than the past, but no longer.

The national mood is not just anti-incumbent, and it is not just anti-Republican.

Thanks to a whole lot of federal failures — Katrina, illegal immigration, wasteful spending, perceptions of economic stagnation and political corruption — we have become anti-Washington.

A credible presidential independent will be someone who is not tied to the Washington political establishment but can point to a record of results. He (or she) will say "no" to the lobbyists and special interests but still have the financial means to run a serious national campaign. Such a candidate will attract considerable attention and perhaps some serious votes. There's only one person in America who fits the bill: New York City Mayor Mike Bloomberg.

A little history is in order. Back in 1992, Ross Perot, my client, hit the pinnacle of independent candidacies when, for a very brief moment, he reached nearly 40 percent in the polls and an advantage over a sitting president and a popular challenger. Sure, it didn't last, but winning 19 percent of the vote was nothing to sneeze at.

So how does Bloomberg succeed where Perot failed? First, Bloomberg has actual governmental experience of the most challenging kind — running the New York City bureaucracy. Second, he has run and won twice as a Republican in a very Democratic city. He knows how difficult a national election can be, and he is unlikely to experience a political meltdown. And third, Bloomberg isn't cheap. In both elections, he spent freely and embraced the ugly underbelly of politics — media consultants, strategists and pollsters like me — needed to win.

Right now, Bloomberg would grab 17 percent of the vote in a hypothetical race against Rudy Giuliani and Hillary Clinton. And he receives 21 percent of the vote in a contest against Sen. John McCain and Clinton. These are already big numbers for a man whom only 40 percent can identify as the current mayor of New York.

Make no mistake: We are still more likely to say the words "madam president" than we are to elect an independent. Rudy Giuliani is still the hero of 9/11 and a more viable presidential candidate. But for the first time in almost 100 years, an independent candidate — the right independent candidate — has the opportunity to be a genuine player on the political stage.

Dr. Frank Luntz is a national pollster and political commentator. He has worked for Rudy Giuliani, Ross Perot and Mike Bloomberg.

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### The New York Sun

### Josh Gerstein

# Ballot is Open if Mayor Opts For Campaign

JUNE 15 — Mayor Bloomberg won't have much trouble getting on the ballot as an independent presidential candidate in 2008 if he chooses to mount a campaign, a leading authority on ballot access rules said yesterday.

"As long as he starts early enough, there really is no barrier to him, if he wants to do it," the editor of *Ballot Access News*, Richard Winger, said. "New Yorkers always think it's really tricky because it's so tricky in New York, but it's not so tricky in the rest of the country. You need a lot of signatures, but it's not tied up with teeny weeny technicalities the way it is in New York."

Mr. Winger said the number of signatures needed to get on the ballot nationwide could be as high as 700,000. A more precise figure will not be known until after elections this fall. Low turnout this year could cause the threshold for 2008 to drop, the access expert said.

Mr. Winger said Mr. Bloomberg would have an easier time getting on the ballot than a Texas businessman, Ross Perot, who captured 19% of the vote in 1992 and 8% in 1996. "Bloomberg does have that big success not only in business, but in government," Mr. Winger said. "He's much better positioned than Ross Perot."

Mr. Winger said one major obstacle to a presidential bid by Mr. Bloomberg is the requirement that candidates score at least 15% in public opinion polls to qualify for televised debates. "The big challenge for him is not ballot access. It's getting into the debates," Mr. Winger said.

Discussions about the viability of a Bloomberg presidential campaign have been fueled in recent weeks by the mayor's regular visits to Washington, his public statements on national issues, and comments by the mayor's top political aide, Kevin Sheekey.

Over the weekend, Mr. Bloomberg stoked the speculation by discussing his presidential prospects with guests at a fund-raiser for Rep. Christopher Shays, a Republican of Connecticut. According to a report in a Norwalk, Conn., newspaper, *The Hour*, the mayor said his wealth could fuel a run for the White House, but he also mused about the challenges he would face as a candidate not satisfactory to those at both ends of the political spectrum.

"Running as an independent candidate would be a daunting thing," Mr. Bloomberg reportedly told guests at the Sunday night dinner. At one point in the evening, he flatly denied interest in the presidency, but he went on to say that any candidate for the office would make such a denial at this stage, *The Hour* reported.

An unsuccessful independent candidate who drew about 7% of the vote in 1980, John Anderson, said yesterday that he is intrigued by the talk of a Bloomberg presidential bid. "It poses an interesting possibility that he could be the standard bearer for a new body of political thought that wants to get rid of the monolith of the two-party system," Mr. Anderson told *The New York Sun.* "It's going to take really a very dynamic and kinetic kind of candidate to make these arguments and to get these people to listen. Bloomberg is pretty well-spoken and makes a good impression on television. If he really wanted to put his mind to it, I certainly wouldn't discount the idea."

Mr. Anderson said Mr. Bloomberg could tap into a "reawakening" of interest in breaking the two-party paradigm in national politics. The former presidential candidate pointed to greater percentages of new voters registering without selecting a political party and to drives in various states and localities to institute so-called instant runoff voting, which can boost independent political hopefuls by allowing citizens to rank candidates in order of preference.

However, Mr. Anderson cautioned that some looking for a truly independent candidate might greet Mr. Bloomberg warily. "His policies have attracted the support of Democrats. He's probably going to have to gently disengage from the idea that he is simply a Democrat in disguise and that he's posing as an independent to mask what's in his heart of hearts," the former lawmaker and presidential candidate said. "He's going to have to come up with fresh, creative ideas not now identified as being of Democratic origin or Republican origin."

Mr. Anderson also said Mr. Bloomberg would have to assure voters he was not on a money-fueled "vanity kick," as some concluded was the case with Mr. Perot. "He was so idiosyncratic personally and caught up in Ross Perot, period. Bloomberg would have to demonstrate he has a larger vision than just Michael Bloomberg," the former congressman said. According to some political analysts, an independent candidate could stand a better chance in 2008 than in prior years because the Internet is eroding some of the advantages of the established political parties. That's one of the ideas behind a proposal to hold an online political convention,



Michael Bloomberg

dubbed "Unity '08," at which millions of voters would nominate an independent presidential candidate.

A former Republican political consultant who is spurring the effort, Douglas Bailey, said Mr. Bloomberg would be a logical fit for the virtual convention. "If he were to win that competition, he would have something going for him other than his money," Mr. Bailey said. "It makes his money less of an issue, while still being an extraordinary asset for him."

Asked what the real-world impact of such a nomination would be, Mr. Bailey said, "The army that puts you onto the ticket is the same army that can put you on the ballot."

A manager of presidential bids by Ralph Nader in 2000 and 2004, Theresa Amato, warned that Mr. Bloomberg's wealth would not be sufficient to rebuff attacks from the Democratic and Republican establishment. "We were challenged at every conceivable level in any battleground state," she said. "Anyone, no matter who they are or how much money they have, will face difficulty being able to get on the ballot as an independent or third-party candidate."

Josh Gerstein is a staff reporter for The New York Sun.

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Christu Mihos, Republican, а announced that he was running for of Massachusetts as an governor independent in March of this year. The state's independents - those not enrolled in either of the major parties – comprise 49% of the Massachusetts electorate, making them the state's largest bloc of voters; this was the constituency that Mihos said he hoped to represent. On Election Day he received 7% of the vote as Democrat Deval Patrick became the first black governor of Massachusetts. Meanwhile, voters rejected a proposition spearheaded by organized labor and the Working Families Party to lift the state's ban on fusion, 65% to 35%. The editorial below summarizes the appeal made by the Yes-on-2 campaign.

### Telegram & Gazette (Massachusetts)

### **Shaun Sutner**

# Ballot Question Would Change Elections: A number of parties could list same candidate

SEPTEMBER 28 — WORCESTER, MA — Besides choosing a governor and other statewide elected officials on Nov. 7, voters will also decide on a ballot question that could dramatically change the shape of future elections.

Question 2 on the general election ballot would substitute "fusion voting" for a 100-year-old law that requires primary election candidates to be enrolled in only one political party.

Under the new system — which is modeled after the voting approach used in New York and used until the early 1900s throughout the country — candidates could be nominated by more than one party or political desig-

nation and have their names appear on the ballot several times, once for each nomination. Votes would be totaled to determine the winner of the election.

For example, current Democratic gubernatorial nominee Deval L. Patrick could also be endorsed by the Green-Rainbow Party and a hypothetical Working Families Party. His name would appear on the ballot three times, allowing supporters of the other parties to vote for him.

Backers of the question collected 70,530 certified signatures last spring and summer and have raised more than \$243,000, much of it from big labor unions such as the Service Employees International Union, which donated \$20,000 to the cause in August.

The Mass Ballot Freedom Committee, which is campaigning for a yes vote on the question, plans to raise another \$250,000 to go toward television advertising in the two weeks leading up to the election, according to Ben Healey, a spokesman for the group.

Mr. Healey said fusion voting would allow minor parties to flourish and give more influence to voters and supporters of issues such as union rights, the environment or even lower taxes. He said, for example, that the measure would not only benefit liberal groups such as the unions that are backing the question, but that conservative activists could also start a party similar to New York's Conservative Party, which wields significant influence in that state.

"This is not left, right or center," Mr. Healey said. "It gives a voice to folks who have felt marginalized by the current system. This is a way to get more voices in the system and to allow politicians to be held to their campaign promises."

In an interesting note on the ballot campaign, one of its key supporters is Rand Wilson, a candidate for state auditor who has timed his campaign to coincide with the ballot question.

Mr. Wilson is running under the Working Families banner. If he attains at least 3 percent of the vote against Auditor A. Joseph DeNucci, he and his nascent party would become an official party under Massachusetts law, as it is in New York. If Question 2 passes, the party could have its own ballot line and endorse major party candidates.

A group that opposes the binding ballot question has formed, but has not yet raised any money, according to Denis Kennedy of the state Office of Campaign and Political Finance.

### 2006: THE YEAR IN INDEPENDENT POLITICS

However, voters will be presented with a dissenting view on the ballot, written by state Rep. Anthony W. Petruccelli, D-Boston, House chairman of the Joint Committee on Election Laws.

"A 'no' vote on this question will protect voters from confusing ballots and prevent candidates from having their names appear on the ballot more than once for the same office," Mr. Petruccelli's statement reads. "This change is only a benefit to fringe political parties and designations at the expense of voters."

There are two other state ballot questions voters will decide on in the general election.

The most high-profile of the three is Question 1, which would allow local alcohol licensing authorities to issue licenses to food stores to sell wine.

It is supported by large supermarket chains, which have helped contribute more than \$2.4 million to the Massachusetts Association for Consumer Convenience in Wine Sales. An opposition group funded largely by liquor stores and distributors has dumped more than \$2.5 million into a campaign to preserve the current system.

Question 3 would allow licensed and other authorized providers of child care in private homes under the state's subsidized child care system to bargain collectively with the relevant state agencies.

Shaun Sutner is a staff writer for the Telegram & Gazette.

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### **Boston Globe**

### Scot Lehigh

# Mihos Presses Healey

SEPTEMBER 25 — A FUNNY thing happened at the forum last night.

Republican Kerry Healey spent the evening trying to highlight differences with Democrat Deval L. Patrick but as she did, she found independent candidate Christy Mihos nipping just as determinedly at her own heels. Indeed, for almost every point the lieutenant governor scored against Patrick, Mihos registered one against her, tagging her as someone late to the game on the Big Dig and part of an ineffective administration on Beacon Hill.

At times, Mihos seemed almost like Patrick's ally, offering much harsher criticism of the Republican nominee than the Democrat did, and keeping Healey off balance, despite her attempts to ignore or make light of his charges. Meanwhile, the presence of Green-Rainbow Party candidate Grace Ross also helped Patrick, with her lefty take on the issues making him seem more moderate.

Credit Healey with being dogged. Her task isn't easy: Behind, she must stake out clear distinctions with Patrick and make those differences appear important enough for moderates to abandon him. That means being direct, but without seeming off-puttingly negative. And she made progress, hitting differences on matters like instate tuition and driver's licenses for illegal immigrants, an income tax cut, merit pay for teachers, more charter schools, and the need for balance on Beacon Hill.

If this race turns on persona, Patrick will win. Having suffered on the wrong side of the stature gap four years ago, the Democrats have the candidate who appears the most seasoned and experienced — and who has the most comfortable and appealing manner. Those are advantages to savor.

No wonder, then, that Patrick seemingly wants to keep this campaign at a vaguer, more conceptual level of collaborative leadership, inspiration, and hope, rather than to dwell on nitty-gritty matters where people disagree.

His point that illegal immigration needs a federal solution is a good one. Still, on licenses for illegal immigrants and in-state tuition for their children, he will probably have to spell out exactly what he is talking about, and be more persuasive, than he was last night. Similarly, though his point about the fees raised by the Romney-Healey administration was effective, if he has a plan for property tax relief, he needs to let voters in on it.

As for Mihos, he has reason to be pleased. Now, this race is not going to turn on who was the most attentive watchdog on the Big Dig. But in the first debate, at least, the independent candidate was someone to be reckoned with.

Scot Lehigh is a columnist for the Boston Globe.

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### 2006: THE YEAR IN INDEPENDENT POLITICS



### CALIFORNIA TEAMIN'

California's independent voters, according to The Wall Street Journal, "may well be the key to the political future." They helped Arnold Schwarzenegger win reelection in November after he revived the antipartisan theme of his dramatic "recall" victory over former governor Gray Davis.

Still, it is Schwarzenegger's challenger, Democrat Phil Angelides, who may be more in touch with where independents are heading.

Angelides was endorsed by Independent Voice, an association seeking political recognition for California's 3.6 million independent voters. Even more significant than his support for its political reform package was Angelides' endorsement of IV's role in empowering independents to transform themselves from "swing voters" to an organized political force acting in its own interests. "Angelides has established himself as the 'political reformer' in this year's election," IV's Los Angelesbased co-chair, Jim Mangia, wrote in an op-ed piece that appeared in the Sacramento News and Review on October 26. "As important, he has established a precedent in California, recognizing that respect for independents is critical for any elected official seeking statewide office. The moves by Angelides are a major step in independent voters' attempts to influence the political process, to win elected officials over to the need for democratic reforms of our political system, and to establish themselves as a powerful, unified and organized political constituency."

A week before the election Angelides paid a visit to St. John's Well Child and Family Center in south Los Angeles, where Mangia is the chief executive officer. Pictured above are candidate Angelides (left) with host Mangia. The withdrawal of Ben Westlund, a Republican state legislator in Oregon who became an independent candidate for governor, from the race, prompted the editorial below. Westlund continues to fight by other means: having changed his registration from Republican to independent, he's seeking to establish an independent caucus in the state legislature to represent the 24% of Oregon voters who are non-aligned.

### The Register-Guard (Eugene, Oregon)

### A Register-Guard Editorial

# Lightning Didn't Strike

AUGUST 13 — Ben Westlund knew from the start that his campaign for governor was a long shot. The state senator from Bend needed lightning to strike - a result from the May primaries that would cause Democrats or Republicans to flock to his independent candidacy, an event or issue that would boost his name familiarity, or something that would make him a magnet for campaign contributions. But the lightning needed to strike before now, and it hasn't. On Thursday Westlund pulled out of the race.

Westlund said he didn't want to be a spoiler — a candidate who had no chance of winning but might throw the November election to either Democratic incumbent Ted Kulongoski or Republican challenger Ron Saxton. His withdrawal reduces the chances that Oregon's next governor will be elected with less than a majority, and in that respect Westlund has performed a service.

Westlund was elected to the state House of Representatives four times and to the Senate once as a Republican, but quit the party earlier this year. He no longer felt comfortable with the social conservatism of the GOP, but wasn't ready to sign on to the Democratic Party's agenda. Westlund has lots of company — as of June, 427,250 Oregonians were registered as non-

affiliated, or independent, voters. That's 22 percent of the electorate, and among Oregon's young voters, independents outnumber Republicans or Democrats.

Yet Westlund's campaign never caught on. One reason is that the election process remains under partisan control. Independent candidates must obtain petition signatures to gain a place on the ballot. The 2005 Legislature complicated the signature-gathering task for independent candidates. Indeed, Westlund still had not formally qualified for the ballot by the time he withdrew, though preliminary verifications suggest that his campaign had collected enough signatures.

As long as the petition hurdle remained in front of him, Westlund had an asterisk beside his name. That prevented him from focusing on increasing his name recognition and raising money. He couldn't break into Kulongoski's and Saxton's league in either respect: Few Oregonians outside his Senate district know who Westlund is, and he raised only about \$300,000. Some legislative candidates will be spending more than that.

The results of the May primary elections made it harder for Westlund to gain traction. Neither major party nominee is a polarizing figure; each won his party's nomination by defeating less centrist opponents. Kulongoski and Saxton have left little room in the middle for an antipartisan campaign such as Westlund's.

Yet it still seems possible that under slightly different circumstances, Westlund might have had a chance. There's a constituency in Oregon for a candidate who combines a libertarian approach to social issues with a strong commitment to providing education and health care. Even Westlund's least popular positions, such as his willingness to consider a sales tax, might not have been a liability if voters perceived him as being ready to speak his mind without first consulting the polls. Those 427,250 independents, along with quite a few Democrats and Republicans, are looking for someone who can break free of a style of politics that seems increasingly stale and unresponsive.

It didn't happen this year. The barriers to an independent candidacy are high, and this year's gubernatorial race did not develop in a way advantageous to Westlund. But that constituency is still out there, and one day it will find a leader.

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### 2006: THE YEAR IN INDEPENDENT POLITICS



### **TEXAS REUNION**

The implosion of the national Reform Party during Pat Buchanan's failed 2000 presidential run produced a strong centrifugal effect, driving various forces within the party away from independent politics and from one another; some key Reform leaders had not spoken in six years. Linda Curtis, the founder of Independent Texans, continued to organize independents after 2000. Having helped to persuade Republican state comptroller Carole Keeton Strayhorn to run for governor as an independent, Curtis took the opportunity of Strayhorn's campaign to reach out to – and reunite – some of Reform's major players. They joined her in Dallas just before Tuesday's election to endorse Strayhorn. Pictured at Northway Baptist Church, the site of an early poll (from left to right): Russ Verney, a trusted Perot advisor and the first chairman of the national Reform Party; Linda Curtis; Paul Truax, a founder and state chairman of the Texas Reform Party; Carole Keeton Strayhorn; and Dr. Pat Choate, Perot's vice presidential running mate in 1996. **S**enator Joe Lieberman, a Democrat who lost his party's nomination because of his support for the war and decided to run as an independent, was reelected, but not without controversy surrounding the authenticity of his sudden conversion and the meaning of independence.

### **New Haven Register**

### Mary E. O'Leary

# Group Wants Joe Off Ballot

SEPTEMBER 9 — An organization claiming to represent independent voters complained Friday that there was a "fatal flaw" in U.S. Sen. Joseph I. Lieberman's petition as a third-party candidate that necessitated his removal from the November election ballot.

But the secretary of the state's office said the "flaw," the missing name of the applicant, was not required by law and the petition stands.

The application for nominating petition submitted July 10 to the secretary's office failed to identify the applicant who filed on Lieberman's behalf.

"Consequently, Mr. Lieberman's disembodied submission does not meet the requirements of Sec. 9-453b of Connecticut Election Law," wrote Jacqueline Salit, in a letter to Secretary of the State Susan Bysiewicz.

Salit, political director of the Committee for a Unified Independent Party, accused Bysiewicz of applying a stricter standard on this issue when Michael Telesca sought approval for a party name and petitions for a statewide slate for the Independent Party.

Dan Tapper, spokesman for Bysiewicz, said attorneys in the office found that the candidate's name, a signed statement by him and the name of the party, Connecticut for Lieberman, was all that was mandated by law.

He said they required Telesca to identify himself on his application for petitions because there were other parties in the state with the words "independent party."

"There is mounting concern among independent voters in Connecticut that Mr. Lieberman's so-called 'independent candidacy' is a fraud on the voting public. He is not an independent, but is rather a Democrat who availed himself of an escape hatch in state election law allowing him to reinvent himself as an 'independent-in-name-only' candidate after he lost his own party's primary," Salit wrote.

Lieberman, the three-term incumbent, lost the Democratic primary for Senate to Ned Lamont by 10,000 votes.

Tammy Sun, spokeswoman for Lieberman, said his candidacy is "not about party labels."

"Some days, our opponents call Joe Lieberman a Republican, and other days they call him a Democrat. The only consistent thing about our opponents is that they are inconsistent," she said.

"Joe Lieberman is focused on how we can move forward together as a state regardless of party affiliation," she said.

Mary E. O'Leary is Topics Editor for the New Haven Register.

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In Texas, the Republican governor, Rick Perry, was reelected. The two independent gubernatorial candidates, Carole Keeton Strayhorn and Kinky Friedman, got a combined 30% of the vote, with 18% going to Strayhorn. A prominent Republican — she had been the state comptroller in the Perry administration before bolting — Strayhorn, and Friedman, a humorist, novelist and singer, elevated the profile of anti-corruption independent politics in the state.

### **Quorum Report**

### Harvey Kronberg

Independents Could Really Shake Things Up in November AUGUST 14 — Last week, two events underscored why the next 90 days leading up to the November election are going to be exceptional.

First, three-term incumbent U.S. Sen. Joe Lieberman, D-Connecticut, lost the Democratic primary to political newcomer Ned Lamont and promptly declared that he would run as an independent. Not surprisingly, most of the Democratic officeholders that had endorsed him demonstrated their party loyalty by shifting their allegiance to Lamont.

But the largest political party in Connecticut is actually not a political party. It is self-identified independent voters. If Lieberman can raise the money, analysts think he is still the favorite in November.

Connecticut and Texas don't usually have much in common. But this year, both will have well-known, reasonably well-funded candidates running in statewide elections as independents. Former Democrat Joe Lieberman will be battling his party's establishment much as former Texas Republican Carole Strayhorn will be battling hers.

I don't mean to disrespect independent candidate Kinky Friedman. He has his core supporters and they may prove to be significant, but history suggests that it is a combination of TV, radio and direct mail that generally closes the sale with voters in the final weeks. Victory will require winning one out of three voters. For the moment at least, Friedman has not demonstrated the kind of fundraising ability needed to reach out and touch unconvinced voters.

But two states fielding credible independent statewide candidates with long political histories is, to say the least, unusual.

The second theme of the week was, of course, the British disruption of an alleged terror plot to blow up airplanes that may have been only days away from execution.

Republicans are quietly jubilant. If the word that describes the next election is "Iraq," current polling indicates the U.S. House and perhaps even the Senate could return to Democratic control. But if the word characterizing the election is "terror," Republicans are in much better shape.

Still, almost two out of three Americans believe the country is heading in the wrong direction and that a robust economy has done them little good.

We know two things. One, voters are deeply unhappy. And two, as in the case of Ross Perot, independent candidates are usually a symptom of something important, not a long-term solution. It's going to be a volatile 2006 election paving the way for what could be an even more volatile 2008.

Harvey Kronberg is a political commentator based in Austin, Texas. He is the editor of The Quorum Report, an online political newsletter.

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The Independence Party of Minnesota, which gained permanent ballot status in 1994, was the vehicle for Jesse Ventura's successful gubernatorial bid four years later.

### **Roll Call**

### **Stephanie Woodrow**

# Independence Party Seeks Power in a Post-Ventura Era

JULY 11 — Four short years ago, the Minnesota Independence Party had an incumbent in the governor's mansion, the controversial but universally known Jesse Ventura, and very bright prospects heading into the fall election.

Things didn't quite turn out as planned: The 2002 gubernatorial nominee, former Democratic Rep. Tim Penny, who had been leading in some polls, took just 16 percent of the vote and finished third. Longtime party activist Dean Barkley spent six weeks in the Senate as the replacement for the late Sen. Paul Wellstone (D-Minn.), but he then largely faded from view.

But in what party leaders concede may be a rebuilding year, Independence candidates still are poised to make a difference in races up and down the ballot in 2006.

### 2006: THE YEAR IN INDEPENDENT POLITICS

"This is an exciting year for the Independence Party of Minnesota," party communications director Laura Knudsen said. "We have outstanding candidates for U.S. Senate, U.S. House and statewide offices. We believe Minnesota's Independence Party will have a great impact on the November elections."

This fall will be the first time the party has had a full statewide slate of candidates. Barry Casselman, a Minnesota-based political commentator, said party leaders are employing a "very innovative" strategy, running all of their candidates as a team. With one campaign manager and one campaign office for all of the candidates, Casselman said, they are changing how elections are run.

"They are the party of significant reform and change in the state," he said. "The Independence Party is stressing a drastic reform of state government."

Inspired by Ross Perot's presidential campaigns, the Independence Party originally was called the Reform Party. Its biggest success by far was in 1998, when Ventura, the professional wrestler and radio personality who was mayor of suburban Brooklyn Park, defeated then-St. Paul Mayor Norm Coleman (R) and then-state Attorney General Skip Humphrey (D). Ventura received 37 percent of the vote, to Coleman's 34 percent and Humphrey's 28 percent.

The party's nominee in the race to replace retiring Sen. Mark Dayton (D) is Robert Fitzgerald, a 30-yearold public access TV organization executive director, who recently defeated two other candidates at the state party convention.

Fitzgerald is going around the state in a 20-year-old school bus he spent a weekend converting from running on diesel fuel to running on grease.

With friends at a handful of restaurants, Fitzgerald is fueling up by taking the grease and dumping it into his bus. Restaurants often have to pay for the grease to be taken away, so it's beneficial for everyone. He said right now he has a "stockpile" of grease.

"It's absolutely a cost issue [but] it also helps with some of our platform issues," he said.

Using the slogan "We're making haste with waste" for "well under a dollar a gallon," Fitzgerald said his bus gets roughly six miles to the gallon because it's a diesel bus.

"He's putting his money where his mouth is," Knudsen added.

Whether Fitzgerald can make much of an impact in the high-stakes, high-cost Senate matchup between Rep. Mark Kennedy (R) and Hennepin County Attorney Amy Klobuchar (D) remains to be seen. But if the race is as close as pundits expect, even a small showing could make a difference.

Party leaders and independent observers are higher on Tammy Lee, the Independence candidate in the 5th Congressional district.

Lee, an executive at a travel company, was communications director for Humphrey's failed 1998 gubernatorial bid and also was press secretary for Sen. Byron Dorgan (D-N.D.).

She is running in a heavily Democratic district. But the Democratic primary to replace retiring Rep. Martin Sabo (D) is likely to turn nasty, and Lee could be a plausible alternative for disaffected Democrats and other voters.

Lee "is a force to be reckoned with," Knudsen said. "She knows politics. She knows media. She's already fundraising. If anyone can find the money, it's her."

Also running under the Independence banner is 6th district congressional candidate John Binkowski, a 27year-old construction project manager and graduate school student. That open-seat race between state Sen. Michele Bachmann (R) and nationally known child safety advocate Patty Wetterling (D) is also expected to be close, and Binkowski could be a factor.

"There is enormous potential here for some very interesting results in November," Casselman said.

Still, the party's chief focus will be on the gubernatorial race, and its candidate, Peter Hutchinson, has plenty of stature. He is a former state finance commissioner and a one-time superintendent of the Minneapolis public schools.

He will square off against incumbent Gov. Tim Pawlenty (R) in November, with state Attorney General Mike Hatch the likely Democratic nominee.

Fueling Independence leaders' optimism is that a substantial percentage of Minnesotans have voted for an Independence Party gubernatorial candidate. Of the state's 5 million population, 900,000 have voted for an IP gubernatorial candidate once, and 400,000 twice. Knudsen estimates the party's base to be about 400,000. According to a May 16 poll by the Minnesota *Star Tribune*, only 54 percent of Minnesotans identify themselves as Republicans or Democrats, leaving 46 percent of the state's population without a major party association and room for a third party to move in.

Republicans gleefully are predicting that Hutchinson will damage Democrats' attempts to knock off Pawlenty.

"We feel that Peter Hutchinson is going to have a lot of appeal to Democrats because he's a true liberal," said Mark Drake, a spokesman for the Minnesota GOP. With Hutchinson running, Drake said, "it's like having two Democrats in the race."

But Jess McIntosh, a spokeswoman for the Minnesota Democratic-Farmer-Labor Party, expressed confidence that the Independence Party would not hurt Democratic candidates in the fall.

"We don't see a resurgence of the Independence Party in Minnesota," she said. According to McIntosh, in a recent gubernatorial poll, only 6 percent to 8 percent of those surveyed wanted someone from a party other than the DFL or Republican.

She added the DFL is "thrilled" about its Congressional candidates: "The DFL is offering the best alternatives to the GOP corruption and scandals."

But Casselman said the Democrats have some reason to worry.

"The presence of the Independence Party makes it very hard for the Democratic Party to get elected," he said. "It doesn't look very good for the Democrats considering we have very serious [Independence Party] candidates for all of the statewide offices."

In the Congressional races, Casselman doesn't see any of the Independence Party candidates winning, but said "they can affect the outcome between the Democrats and the Republicans...The Independence Party will have a tremendous impact for the third election in a row."

Roll Call has been publishing news, opinion, and analysis about congressional legislation, elections, and politics since 1955. The newspaper appears Monday through Thursday while Congress is in session and once a week during recess.

Stephanie Woodrow is a staff writer for Roll Call.

*Reprinted with permission from* Roll Call, *July 11, 2006. Copyright 2006 Roll Call. All rights reserved.*  Helen Blocker-Adams, an African American businesswoman, is part of the emerging circle of black activists in Georgia entering the arena of electoral politics as independents. The only independent on the ballot in the entire state this year, Blocker-Adams polled 32.8% against the Democratic incumbent.

### The Augusta Chronicle

### Mike Wynn

People Need Choice, Blocker-Adams Says: Independent tries to unseat Democrat

AUGUST 12 - It has been a numbers game for Helen Blocker-Adams since she announced in March her intentions to run as an independent for the state House District 120 seat.

Some examples:

- 978: The signatures of valid registered voters from District 120 needed to qualify to run for the seat.
- 1,556: The number of signatures she got on her petition.
- 126: The days it took Ms. Blocker-Adams and her volunteers to collect the signatures before a July 11 deadline...

"These people saw me in tennis shoes, casual slacks, T-shirts, very little makeup, perspiring, hair not all perfect. They saw me," she said. "They saw a person who was willing to go door to door and talk to them, regular folks to regular folks."

...The genesis for her latest political campaign began with a series of phone calls shortly after her failed mayoral bid last November. She ran a strong third among four candidates, garnering a surprising 23 percent of the countywide vote in her first shot at public office...

### 2006: THE YEAR IN INDEPENDENT POLITICS

"People are sick of the partisan politics," Ms. Blocker-Adams said. "To have somebody who is at least willing to listen to all sides of the issue without just making a decision based on their particular party, I think people are crying for that."

..."Running as an independent, I'm independent," she said. "I'm not beholden to a certain group who's going to say to me, 'OK, Helen, you need to do this because the party says so, or this special interest says so.' No, I'm going to listen to all of it, and that's a big difference between me and my opponent..."

Mike Wynn is a staff writer for The Augusta Chronicle.

*The above excerpt is printed with permission from* The Augusta Chronicle.

After a state court of appeals in Florida upheld his exclusion from televised gubernatorial debates, Reform Party candidate Max Linn made a federal case of it – and won. Linn went on to poll 2% in the election.

### St. Petersburg Times

### Jennifer Liberto

Defying Convention is Candidate Linn's Style: The Reform Party gubernatorial candidate revels in startling stunts and brash remarks OCTOBER 31 — Max Linn's appearance in the second televised gubernatorial debates Monday was a surprise, thanks to a last-minute federal court order, and the self-made millionaire and financial planner made the most of it.

Viewers got a taste of an unusual and outspoken — some would say brash — Reform Party candidate whose platform defies convention.

Linn, 47, is a millionaire financial planner from Treasure Island with a penchant for outrageous political stunts. At a popular North Florida political event, the Wausau Annual Possum Festival, he tossed a possum into the air as a diversion so he could snatch a microphone and make a political speech. It worked until the organizers shut his power off.

Linn spent most of the Monday night opportunity lobbing bombs. Three times, moderator Chris Matthews corrected him for breaking debate rules.

Both candidates are empty suits, Linn said, but he saved his harshest words for Republican Charlie Crist.

"I know you've been trying to avoid me all year long, but you happen to have two opponents now," said Linn, a longtime Republican who switched parties to run for governor. "I'm over here, Charlie. Do you see me? Or are you still ignoring me?"

If he came off as a bully, he made no apologies.

"Chris Matthews was not playing hardball, he was playing softball," Linn said Tuesday. "And I had to help him."

He said his attention-grabbing behavior proved useful Tuesday morning, when he started receiving numerous calls, Web site hits, media interviews and pledges of support from all over the country. "It's very clear that we won the debate," he said.

Linn considers himself a mix between a libertarian and an old-school Republican. He's the only candidate against the death penalty and against any amnesty for illegal aliens. Like the others, he won't support gay marriage, instead favoring civil unions.

His plan to solve the insurance crisis includes forcing Citizens Property Insurance Corp. to drop homeowners who own homes worth more than half a million dollars, excluding the land beneath them.

He wants to freeze insurance premiums at 2005 rates statewide. And he wants to charge all property insurers a "fee or assessment, not a tax," to offset Citizens' deficits. The goal is to do away with Citizens altogether and to stick it to insurance companies.

"They're still going to make plenty of money, but they're not going to ride on the backs of middle-income people," he said.

As for property insurance, Linn plans to cap at 5 percent annually any increase in property taxes for rental and business properties.

He aims to allow Save Our Homes, which caps tax increases for homestead homeowners at 3 percent, to become portable for seniors over the age of 55 who are downsizing into smaller homes.

And he wants to revamp the homestead exemption so that the first \$25,000 worth of home value is taxed, but the next \$100,000 is tax-exempt.

Under that plan, residents with homes worth \$50,000 and less would see a tax increase but anyone with a home worth more than \$50,000 would see a tax reduction. "Under my plan, everybody pitches in a little bit, but we give tax relief to most homeowners."

*Jennifer Liberto is a staff writer for the* St. Petersburg Times.

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 $oldsymbol{A}$  year-long political fight inside the Independence Party of New York pitted state chairman Frank MacKay and his allies upstate against the IP organization in New York City. MacKay orchestrated the recall of Lenora Fulani and five other New York City leaders from the party's executive committee. But subsequent efforts to disenroll 137 party activists were thwarted in the courts, while more than 4,000 IP members throughout the city's five boroughs joined county committees - the vehicles for local control, a founding principle of the party – and thereby prevented a takeover of the New York City organization by MacKay and other state leaders.

### **New York Daily News**

### **Errol Louis**

# War of Independence

AUGUST 25 — The long-running battle for control of the Independence Party is creating a new chapter in the arcane annals of New York election law. The contingent of the party led by Lenora Fulani just discovered that petitions were submitted to challenge hundreds of the party's county committee members in the five boroughs. It's not clear who filed the petitions, but insiders suspect Fulani rival Frank MacKay.

The petitions would set up hundreds of write-in primaries for the obscure committee positions. In cases where no vote was cast, the seats would be declared vacant — and if enough vacancies were created in a county (or borough), the entire committee would be dissolved.

Harry Kresky, an election lawyer affiliated with Fulani, says he expects to have the petitions declared invalid in federal court. But the affair provides an interesting road map to those bent on killing off minor parties — a fact that should concern leaders of the Working Families and Conservative parties.

Errol Louis is a columnist for the New York Daily News.

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### **Ballot Access News**

### **Richard Winger**

# Fulani Supporters Win Control of New York City Independence Party

SEPTEMBER 17 — At the New York primary on September 12, allies of Lenora Fulani recruited thousands of candidates to run for Independence Party county committees in each borough of New York City. It appears that enough of them were elected, so that Fulani forces will control the Manhattan, Queens, Brooklyn and Staten Island committees. Earlier this year, the anti-Fulani statewide party leadership dissolved the Queens, Brooklyn and Bronx county committees. However, the state leadership cannot dissolve county organizations if they are "properly constituted" (meaning they elected precinct committeemen in a majority of precincts at a primary election). Therefore, all of these county (borough) organizations will be revived, except for the Bronx one.

Fulani allies are still far from having a majority of the state committee, however.

*Richard Winger is the editor and publisher of* Ballot Access News.

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### The New York Amsterdam News

### **Richard Carter**

New York Post Vendetta vs. Lenora Fulani Plumbs New Depths

OCTOBER 5-11 — "You can always get people interested in the crucifixion of a woman." — Aline McMahaon, "Five-Star Final" (1931)

Everyone knows Bill Clinton is an unrepentant egomaniac. C'mon, ya'll, admit it. This has been clearly demonstrated the last few weeks by his out-of-control assaults on the media. Indeed, Clinton has behaved like a spoiled, finger-pointing child who refuses to acknowledge the documented shortcomings of his presidency.

As a matter of fact, cunning conservative bombthrower Anne Coulter, in a TV interview last weekend, gleefully described Clinton as nothing more than "a horny hick." In this regard, of course, you have to consider the source. Still, someone should tell Hillary's loquacious husband to zip it.

Yet, with all the attention given Clinton's brazen brow-beating of Fox News Channel's Chris Wallace, after the brouhaha over the impeached ex-president's boneheaded attempt to kill the *The Path to 9/11* movie on ABC, it's worth noting that the media can be equally ham-handed. And the media, good or bad, always has the last word.

A clear example is the right-wing *New York Post*'s ongoing vendetta against Dr. Lenora Fulani, whose inspired leadership of the New York City Independence Party almost singlehandedly got Michael Bloomberg elected and reelected mayor. In recent weeks, *Post* attacks on Fulani have descended to new lows of vitriol and bad taste.

Fulani continues to be skewered by this scurrilous scandal sheet for all manner of alleged transgression. In its effort to reduce her political influence, the reactionary *Post* has called Fulani an extremist, anti-Semite and quasi-Marxist. It also denigrates her long association with her mentor, Fred Newman, founder of the East Side Institute for Short Term Psychotherapy, where she is a social therapist, and has questioned her operation of a tax-exempt, inner-city charitable arts group, the All Stars Project.

The *Post* has long had it in for Fulani. This includes its odious editorial writers and off-the-wall columnists such as John Podheretz, Andrea Peyser and Steve Dunleavy. I omit Adam Brodsky, one of my ex-colleagues at the *New York Daily News*, whom I always liked. Lightweight columnists such as Linda Stasi and old bag gossipers Liz Smith and Cindy Adams are much too shallow and far too trivial to even consider.

So why, you might ask, do I read this revolting rag? Simple: The *New York Post* is the enemy and I like to know what the enemy is thinking. And in the interest of journalistic full disclosure, the paper's witty headlines and strong sports section are the best in town.

The *Post*'s latest outrageous attempt to bring down the brilliant Dr. Fulani was its vicious lead editorial of Sept. 17, headlined "Mike's Ugliest Ally." To wit:

"What is it with Mayor Bloomberg and the odious Lenora Fulani anyway? Despite pleas of a host of elected officials, local, state and federal, the Bloombergcontrolled Industrial Development Agency last week approved a \$12.75 million tax-exempt bond-financing project for the questionable All Stars project run by Fulani and her political Svengali, so-called therapist Fred Newman.

"As one internal document obtained by the *Post* read, All Stars' purpose is 'first and foremost revolutionary, not aesthetic.' For example, the program produced a play blaming Hasidic Jews for the 1991 Crown Heights riots, riots that Fulani has labeled a 'clear exercise of power' by 'Black leadership' against 'right-wing Zionists...'

"Bloomberg has long tried to have it both ways when it comes to hate-mongering Fulani and her mentor, Newman, a cultist who approves of sex between therapists and their patients. Mayor Mike publicly condemns Fulani's bigoted public remarks, like her description of Jews as 'mass murderers of people of color,' and dismisses her as 'just one member' of the Independence Party, which provided him with a crucial ballot line." The lengthy editorial went downhill from there. It concluded thusly: "Mike Bloomberg's unbroken alliance with Lenora Fulani, of which the IDA's vote was but the latest shameful example, remains a serious stain on a largely estimable record."

Well, from where I sit, the *New York Post's* ongoing smear campaign against this majestic, politically astute, scholarly Black woman remains a serious stain on its record as a trustworthy mainstream newspaper.

As an unabashed admirer of Dr. Fulani, I again take strong exception to the unwarranted public criticism she has been receiving over comments she made in 1989 regarding Jews and the state of Israel. This is the underlying reason she and five others were removed from the executive committee of the Independence Party a year ago.

At that time, Fulani told the party's state committee: "I am not an anti-Semite. Anti-Semites hate Jews. I've spend the last 25 years working closely with Jewish colleagues and friends. My mentor, Fred Newman, is a Jew. Michael Bloomberg, the mayor of New York City, whose campaign I am vigorously supporting, is a Jew. One of my closest advisors, Jackie Salit, is a Jew. Many of the volunteers and supporters of my youth program are Jewish. My record on these partnerships and this bridge-building is clear cut."

Finally, the *New York Post* attacks Fulani because she is a strong, no-nonsense Black woman. So strong she makes the city's political establishment and lockstep white news media nervous. The *Post* is steeped in anti-Black, institutional racism. This boisterous, bigoted newspaper gives objective journalism a bad name. For shame.

*Richard Carter is a columnist for* The New York Amsterdam News.

*Reprinted with permission from* The New York Amsterdam News.

# The Party v. the People

A New York Judge Weighs In

The inaugural issue of the Neo contained an article entitled "Independents at the Gates: Are the Courts Ready to Limit the Power of Political Parties?"

This past summer New York State Supreme Court Judge Emily Jane Goodman gave her answer, ruling that Independence Party Chairman Frank MacKay did not have the right to expel 134 members of the party because of statements two of them made in the 1980s about Jewish history and Middle East politics.

Judge Goodman's decision, reproduced below, found that while their statements were controversial, neither Fred Newman nor Lenora Fulani nor Independence Party members associated with them violated any principle of the Independence Party.

MacKay and his lawyers invoked a long line of legal precedent holding that a party had a right to take steps to preserve its ideological integrity. The rationale for this position, so at odds, it seems, with the freedom of speech, belief and association guaranteed Americans under the First Amendment to the U.S. Constitution, is that parties also have First Amendment rights. Much damage has been done to our body politic by the major parties' aggressive assertion of this right: this has included filing lawsuits to strike down legislation instituting nonpartisan elections, as well as legislation allowing candidates to run simultaneously on more than one party line (fusion).

Judge Goodman's thoughtful decision cuts through the constitutional smoke screen set up by the proponents of "party uber alles," and distinguishes between principle and political expedience.

- Harry Kresky



Harry Kresky, along with co-counsel Gary Sinawski, represented the respondents in the disenrollment case that went before Judge Goodman.

SUPREME COURT OF THE STATE OF NEW YORK COUNTY OF NEW YORK: I. A. S. PART 17 -----X FRANK MACKAY, et al., Petitioners, Index No. 109502/06 -against-GWEN MANDELL, Et al., Respondents. -----X EMILY JANE GOODMAN, J.S.C.:

he Independence Party of the State of New York, a political party (Party), moves by its State Chairman, and by members who reside in Queens, to expel or disenroll the Respondents in this proceeding, who are registered to vote as New York County Independent Party members. Also named as Respondents, are the Board of Elections in the City of New York and the New York State Board of Elections and, in each case, the Commissioners thereof. The latter Respondents have not appeared and, accordingly, take no position in what is an intra party, non-governmental dispute, the results of which would nevertheless be binding on the Boards. Petitioners move under the authority of Election Law Sect. 16-110(2), which allows for disenrollment by order of the Supreme Court,<sup>1</sup> following compliance with certain statutory procedures. The Court is mindful of this State's policy of avoiding Court involvement in the internal affairs of political parties, and a "legislative choice not to involve the courts in determining Party 'principles.'" Rivera v. Espada, 98 NY2d 422 [2002]

The Respondents do not contest the jurisdiction of this Court except that all but five — Jessica Marta, Barbara Taylor, Omar Ali, Guy Kloppenburg, and Elaine Block — reserve their right to challenge the personal service of this petition and the standing of Queens members to initiate the proceedings which concern New York County. However, although such proceedings would normally be brought by the New York County Committee Chair, in this case she is one of the Respondents.

Prior to the commencement of this proceeding, Petitioners held a "hearing" at a local hotel, at which it was determined that the Respondents should be removed from the Party for not being in sympathy with the principles of the Party. This was not on the basis of having failed to qualify for lines on the election ballot, failing to file County Committee officers, or other such lapses, but as the result of an investigation into the words and philosophies of the Respondents. Specifically, the purpose was to investigate Respondents as being "disloyal, unsympathetic with party philosophy, racist, anti-Semitic and of practicing hatred policies." The main objects of the investigation and hearing, and of this litigation, are Dr. Lenora Fulani and Dr. Fred Newman; the other individual respondents are said to be "in concert" with the statements and actions of the pair. The complaint alleged that Respondents support an ideology that "promotes anti-Semitism, denigrates various religious and ethnic groups and people of color," and promotes "the practice of politics of hatred and bigotry," and such members, therefore, are not in sympathy with the principles of the Party.

Following the hearing, in which the Respondents chose not to participate, the complaint was "substantiated." That is, the appointed hearing officer, who is also one of the Petitioners, (see *Rivera v. Espada*, 3AD3d 398 [1st Dept 2004]) found that "statements by Drs. Newman and Fulani are racist and anti-Semitic...corrupt and disloyal to the principles of the Independence Party of New York," and that their Party membership should therefore be revoked.

It is fundamental that both the Constitution of the United States, and the Constitution of the State of New York, guarantee freedom of speech and association to both Petitioners and Respondents.<sup>2</sup> Just as individuals are free to express their thoughts, ideas, and opinions, it has also been held to be the right of an organization, to determine its participants and associates under certain limited circumstances. *Ancient Order of Hibernians v. City of NY and St. Patrick's Day Parade Committee, Inc.*, USDNY, Southern District of NY, 814 F. Supp. 358 (1993).

However, unlike *Hibernians, supra*, in which membership in an organization was limited to persons meeting very specific and clearly communicated Catholic religious requirements, such as the frequency and timing of taking communion, and in which the United States District Court (Southern District, NY), found Hibernians properly excluded from the St. Patrick's Day Parade, ILGO, Irish Lesbian & Gay Organization, as not sharing the values and commitments of the Hibernians.

Here, there are no enunciated standards or requirements for persons registering in the Party. Party enrollment in this State is accomplished by checking the box of one's choice when registering to vote. Election Law Sect. 5-300.

The statements attributed to Fulani and Newman which many would consider odious and offensive were made by them in 1989 and 1985 respectively, and not in their capacity as Independence Party members or officers in the Party which did not even exist at the time. Attaching these to motion papers in another simultaneous proceeding in Kings County, does not reiterate or republish the statements, making them current, and Petitioners' argument that it does is frivolous.

Just as there is no litmus test for joining or registering in the Party, there are no specific standards for removal except whether it is "just." Election Law 16-110(2)

No evidence has been submitted to this Court that Respondents did, in fact, violate the principles, or have taken any action that would establish that these individuals fit the description attributed to them during their membership. While the Court is not going to speculate on the motive for bringing this Petition now, approximately 20 years after the utterance of the offending statements, nor whether it relates to future candidates and endorsements, nor whether it is designed to attract candidates who might otherwise decline, it appears to be more political than philosophical. Yet the Court, is called upon to review subjective beliefs and philosophies. While I am vigilant about anti-Semitism or racism in my own environment, that I, or others, might find the statements uninformed or distasteful is useless to Petitioners' position, when I have not been presented with any statement made, or evidence of conduct acted upon, in the last 20 years, which supports the Petition. Moreover, as to the 134 members said to be acting in concert, there is no evidence whatsoever of their being out of sympathy with the principles of the Party. "...[t]he court's role is to ensure that the ... Chair reaches a decision on the basis of sufficient evidence and does not consider inappropriate factors." Rivera v. Espada, supra. Even in Rivera, where an elected official publicly and repeatedly denounced the Democratic Party to which he belonged and from which disenrollment was sought, the Court of Appeals held that it would have to be clearly established that statements [made outside the legislature] denouncing the Party would be sufficient to support the rare event of disenrollment.

The Petitioners have not met their burden under Election Law Sect. 16-110(2) and therefore, the Petition is DISMISSED.

The application to disqualify Respondents' counsel Harry Kresky and Gary Sinawski is untimely as it is contained in a reply although it could have been raised in the initial moving papers since Petitioners' counsel James E. Long, refers to them in his Order to Show Cause, as the attorneys for the Respondents, and was aware of that role during the entire process is moot.

This constitutes the Decision and Order of the Court.

Dated: August 11, 2006

ENTER:

J. S. C.

### EMILY JANE GOODMAN

<sup>1.</sup> I have been elected to the judiciary three times and have never sought nor accepted the endorsement of the New Alliance Party (described in this litigation as the predecessor party of the Respondents) or the Independence Party and do not intend to do so in the future.

There is no allegation of government restrictions on speech or association in this proceeding.

Are you one of those political junkies who can't wait to get up on Sunday morning to turn on the TV so you can hear your favorite pundit

# Talk/Talk

opine? Or do you find the blahblah-blah of the talk shows long on pomposity, short on relevance, and altogether something of a turn-off? Either way, you may enjoy tuning



in to *Talk/Talk*, wherein each week *Neo* editor Jacqueline Salit and the postmodern philosopher Fred Newman deconstruct and attempt to make new meaning out of what the talking heads are talking (and not talking) about.\*

The talk in *Talk/Talk* most often centers on NBC's Sunday morning talk show lineup: *The Chris Matthews Show, Meet the Press*, and *The McLaughlin Group*.

\*The most recent *Talk/Talk* is available every week on the website of the Committee for a Unified Independent Party, *www.independentvoting.org*. An archive of previous transcripts is also located on the site.



Talk/Talk

# The Obama Drama

### Sunday, October 22, 2006

**SALIT:** *The McLaughlin Group* devoted a lot of its discussion to the war in Iraq. The panelists agreed that the war is unwinnable. Pat Buchanan said: "We're headed for defeat in Iraq." Perhaps the biggest flashpoint was the discussion of remarks by Defense Secretary Donald Rumsfeld last week where he predicted, or prescribed – since he's in charge of what happens there – that there's going to be some kind of amnesty program put in place to pacify the sectarian fighting. Buchanan responded, "Well, if that's true, that's an argument for ending the war right now. If our guys are there getting killed by people who are going to get amnesty, we should get out tomorrow." Your thoughts?

**NEWMAN:** Our guys were always there getting killed by people who were going to get amnesty. That's nothing new. As was pointed out in the show, it wasn't as if we didn't give amnesty to many of the Nazis and to Hirohito's followers. So, that's nothing new.

### SALIT: True.

**NEWMAN:** It now has become clear to Bush and all the politicians that this is another American loss of another American war. As always, the people saw it happening first. The politicos came to it later on.

**SALIT:** In the wrap-up at the end, John McLaughlin quoted Richard Haas, president of the Council on Foreign Relations, as saying: "The American era in the

Middle East is over," a position McLaughlin appears to hold to as well. Would you agree with that?

**NEWMAN:** Surely it's been dramatically transformed. To what extent, we'll see. So long as U.S. oil companies are involved in Middle East oil production and consumption, the American influence in the Middle East is not over. But there's been a dramatic shift in the U.S. position worldwide, and surely so in the Middle East.

**SALIT:** Then there's the domestic political picture that arises, in large part, out of these international changes and how the American people are responding to them. All the analysts are predicting a shift in control of the House to the Democrats, and possibly the Senate as well. The shift is premised, first and foremost, on Iraq.

**NEWMAN:** The Bush Republicans, which means virtually all Republicans, have made the Iraq war and all that goes with it the centerpiece of their political platform and philosophy. And it's becoming increasingly clear to absolutely everybody that the war is a failure.

**SALIT:** To take a little bit of a closer look at the dynamic on the Republican side for a second, Eleanor Clift said: "The basic thing we're looking at here in terms of how they're doing in the midterm elections is that the Republican coalition has fallen apart." Tony Blankley added that though he wouldn't describe the overall sit-

PHOTO BY CHIP SOMODEVILLA/GETTY IMAGES

uation in the same terms as Clift, he thought that was true and the fundamental reason for it is that there's no leadership on the scene that can hold that coalition together. In other words, it's a complicated coalition to weave together and hold together. His argument was Ronald Reagan was able to do that through the strength of his leadership and Newt Gingrich was able to do that through the strength of his leadership, but there's no figure now, including, presumably, Bush, who can hold that coalition together.

**NEWMAN:** It's hard to hold the coalition together when the premise on which you were holding it together has been proven to be a failure. It's not just an abstract or subjective issue of whether you've got the pizzazz to hold it together. If you're president of the United States or a major leader in Washington, you hold something together on the basis of what you do and how it turns out. They did Iraq and it hasn't turned out well.

**SALIT:** A side argument is that what you have here is a situation where the Christian conservatives are upset because their agenda hasn't been realized and that's fraying the Republican coalition. Peter Beinart of *The New Republic* argues in response that the Bush administration has been good for the evangelicals, because of the Supreme Court appointments, the stem cell issue, etc.

**NEWMAN:** That's true. Except Bush and Congress spent \$360 billion so far in prosecuting a war that everybody is now describing as a failure. That doesn't satisfy the conservatives.

**SALIT:** True enough. Let's switch over and talk about the 2008 presidential race – another big topic on the shows. One focus point was Barack Obama, now a potential presidential contender in 2008. He was a guest on *Meet the Press* and was the subject of a lot of the dialogue on *The Chris Matthews Show*. Bob Novak commented that Obama's popularity is a measure of the resistance within the Democratic Party to a Hillary Clinton candidacy. In other words, Obama is so popular with the Democratic base because people don't like the other options. In particular, they don't like Hillary.

**NEWMAN:** That's probably a factor. I don't think it's *the* factor, but I think it's a factor for some people.

**SALIT:** Obama is on a book tour and on a campaign tour for the Democratic congressional candidates. Here are some of the things he said on the show. I'm inter-

ested in hearing your reactions. Number one, he says Americans are not an ideological people, that we're mostly pragmatic. Basically, where the country is at right now, he asserts, is that you've got to move beyond ideology and you've got to address real problems in real time in real ways. He argues that it's time to get beyond the ways in which issues were defined by the 1960s. He said "We don't want to re-litigate the 60s," that many issues that were popular, that the interests and interest groups that were defined in the 60s, have run out of steam and that we've got to move beyond them.

NEWMAN: I think Barack Obama is an interesting and clearly a progressive person and he's proud of his progressivism. But, in my opinion, it's a bit bizarre for Obama to suggest that 60s issues have run out of steam at a point when the country is getting ready to throw out the Republicans because of their support for an imperialist war. It would be far more reasonable to say that many issues raised in the 60s haven't yet gained steam, not that they've run out of steam. The fundamental concerns of the 60s are vet to be realized. That seems very clear to me, so I don't agree with him there. And, I don't want to get into a philosophical debate with Barack Obama, but to say that Americans are not ideological, they're pragmatic, is to say that Pragmatism is not an ideology. That's incorrect. It is. Now, is that just a trivial philosophical point? No, I don't think so. I think one has to realize that Pragmatism is an ideology, and that frequently things are done in the name of a Pragmatic ideology, rather than in the name of pragmatism with a small "p." So, I don't agree with him on that at all.

**SALIT:** What do you mean by doing things in the name of a Pragmatic ideology?

**NEWMAN:** That such and such policy is the pragmatic way and that's the American way, as opposed to applying principles like what would work best for the American people. You can invoke pragmatism as "the American way" as an alternative to even considering whether it's what's best for the American people.

**SALIT:** Obama said progressives have as much or more of a stake in fiscal conservatism as conservatives do. Since progressives believe that government programs have to deal with social ills and inequities, it's progressives who have to demand that money that's spent by the government be spent on programs that are effective.

**NEWMAN:** It's all relative. Yes, of course, progressives have an interest in the money being well spent on

the things that they like and not on the things that they don't like. And the conservatives have a similar commitment, only for different things.

**SALIT:** Obama was on the cover of *Time* magazine last week. Joe Klein, who wrote the *Time* cover story and who traveled with him and saw him with a variety of different kinds of crowds – black and white – said that he thought that one of the reasons that Obama is so popular is that he is black, but he doesn't put the pain of the black experience in the face of white Americans, and so white people are grateful for that.

**NEWMAN:** I don't know if they're grateful enough to elect him president.

**SALIT:** Okay. Clarence Page put it perhaps somewhat more acidly when he said: "Finally, the Democratic Party got a black spokesperson for the party that's not Jesse Jackson or Al Sharpton."

**NEWMAN:** But the follow-up question, which nobody, including Page, bothered asking was: *What are they going to do with Jesse Jackson and Al Sharpton?* 

**SALIT:** It's not as if Sharpton and Jackson have only three people that follow them.

**NEWMAN:** Right. What's Obama going to do if they're not standing up there on the stage with him? No one's dealing with that, yet.

SALIT: At least not publicly.

**NEWMAN:** It's well and good that he was the editor of the *Harvard Law Review*. But how many black Americans even know what the *Harvard Law Review* is...or care?

**SALIT:** What you're saying is straight-ahead and concrete and it stands out to me because a lot of the discussion about Obama is on a very abstract plane. The commentators ask questions like: "Can he transcend American history?" meaning can he transcend the racial divide in America, act as a unifier and become president of the United States.

**NEWMAN:** Well, I don't know that the road to the presidency of the United States comes from transcending the racial divide, if the racial divide is American history.

SALIT: Good point.

**NEWMAN:** At least some of the commentators are not so much interested in transcending it as ignoring it. The different comments that you've quoted here today suggest that Obama could be acceptable to significant portions of white America. But we also have to consider whether he is going to be acceptable to those same portions of white America if black America turns out to be lukewarm on him. That's hard to say. Joe Klein said that he's been following him around – this is something of a paraphrase – and "black America is proud of him and white America is salivating at the thought of him." But those two have a relationship to each other.

### SALIT: Meaning?

**NEWMAN:** What happens if black America starts to look at some other factors on the basis of what Jackson or Sharpton or other black leaders have to say? That's all unknown.

**SALIT:** Do you think black politics is changing in America?

**NEWMAN:** Yes, it's changing. All politics is changing and black politics and white politics are inseparable. Always have been, always will be. This is an American issue. There aren't black issues and white issues in America. There are black and white issues in America. You mentioned Novak's remarks about Hillary Clinton. This is a theme now in politics – Barack Obama and Hillary Clinton. And it is a part of American history, it's the continuation of what has been a long-term 200year-old fight between blacks and women on who's going to go first, electorally.

SALIT: This is the continuation of that fight.

**NEWMAN:** Yes, and it's kind of interesting. It was right at the heart of the relationship between the abolitionist and women's suffrage movements. It continues on to this day. In its past history – I don't know if this will be generalized – but in critical moments of the history of that fight, black people have gone first. Or, at least black men have gone first.

SALIT: You're writing a play now about this subject.

**NEWMAN:** Yes, I'm trying to write a play about that very issue. Will that happen again? Who knows?

SALIT: Thanks. NEO-

### PROFILES IN INDEPENDENCE

# A Diamond in the Rough

RUSS DIAMOND registered as an independent when he was 18. In 2004, however, the 40-something musician-turned-entrepreneur-turned-political visionary re-registered as a Libertarian to run simultaneously for Congress and the Pennsylvania state legislature.

He won 17% of the vote in his legislative race that November. But in January of 2005 Diamond re-registered again, this time as a Republican: "If you want to do something, you have to win – and you can't win as a third-party candidate." Now his goal was to "infiltrate" the Republican Party.

Then, in the summer of 2005, Pennsylvania's state lawmakers held a middle-of-the-night session to vote for a pay raise for themselves along with other elected officials and state supreme court justices, and an outraged Diamond found a new political purpose and a campaign slogan to go with it: *Vote 'em all out!* As voters' fury rose to a crescendo, he founded PACleanSweep to recruit candidates to challenge every incumbent seeking reelection.

That November, a sitting judge on Pennsylvania's highest court was defeated at the polls. Running scared, state legislators repealed the pay raise but 17 of them – including both the president *pro tem* and the majority leader of the state senate – lost their primaries the following May. Thirty more incumbents took the hint and retired.

Meanwhile, with CleanSweep fever sweeping the state, Diamond was transformed in the public's imagination from political wannabe to popular hero. In January of 2006 the *Philadelphia Inquirer* named him one of three Citizens of the Year. In April he announced that he was running as an independent for governor, promising that if elected he wouldn't seek a second term.

Diamond hit the ground running. In April polls showed him with 16% in a three-way race with the two major party candidates: Governor Ed Rendell, a Democrat, and Lynn Swann, the Republican nominee, who was attempting to become the first African American governor in the state's history. Early on the



two men appeared to be evenly matched; Diamond was the wild card.

As the campaign accelerated, however, Diamond's candidacy hit some rough water as internal dissension within PACleanSweep hit the outside air. He was accused of having created CleanSweep as a vehi-

cle for his own ambitions, secretly intending all along to run for governor.

"The only 'hidden agenda' he had was his extreme dislike of the Democrats and Republicans," says Shane Novak, a leader of Independent Pennsylvanians, which is organizing the state's nearly one million independents. "He told us repeatedly that he wished every single House and Senate race had an independent or a third-party candidate to face the incumbents who were running. And the choices for governor were awful."

Rendell and Swann had only to collect a paltry 2,000 signatures each in order to get their names on the ballot; Diamond – thanks to a quirk in state election law that made the 2006 signature hurdle for an independent the highest in Pennsylvania history – needed more than 30 times that number: 67,000-plus by August 1. With just over half the signatures required, Diamond didn't make it onto the ballot.

But don't count him out.

"The issue wasn't the pay raise, but the failure of the process, the institution," he argues. "The pay raise was a wonderful alarm clock. People were awake. It gave us the opportunity to say: 'Now that you're awake...this is the way it's always done!"

The solution, at least for the time being, Diamond says, is "electing people who are willing to honor their oath to uphold the Constitution." He acknowledges that this is only a first step: "We're in the very early stages of this in Pennsylvania, before people are willing to say: 'It's my party that's the problem."

# becoming (be kum'iŋ)

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