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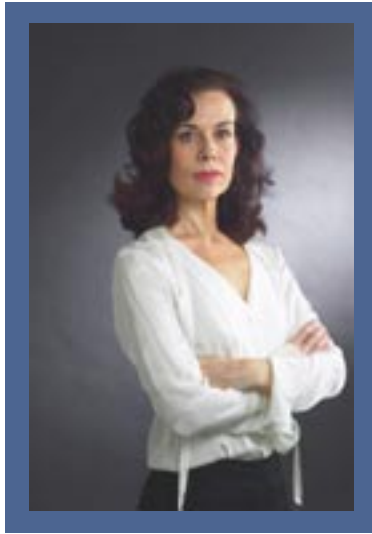
NEO- INDEPENDENT

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



Unpopular Partnerships

(BLOOMBERG'S DILEMMA)



EDITOR'S NOTE

I turned 50 last January. Many friends and colleagues got together and gave me a wild birthday gift — this magazine. They thought it was time for the independent movement to be part of the political conversation in America.

Although the size of the independent voter bloc is huge — 35% of the electorate — its voice is small, diminished by the prejudice that independents are simply voters who can't make up their minds.

Nothing could be further from the truth. Independents have made up their minds about something very important. They're independent! In spite of the overwhelming dominance of the two parties, a plurality of Americans — with very diverse views — choose to align with neither. That disalignment says something rather profound about how inhibiting and anachronistic traditional partisan politics has become, circa 2004.

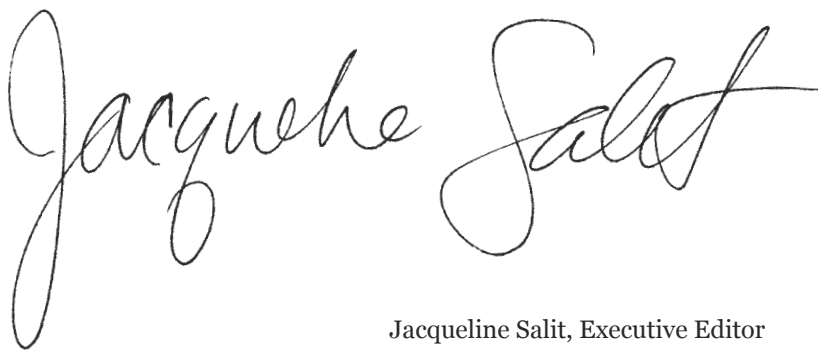
C O N T I N U E D

The Neo-Independent is part of a movement that is anti-corruption and pro-people, non-ideological but passionate about realizing America's greatness as a force for humanism, creativity and development. With the country split 50/50 along partisan lines, the independent voter may well decide the upcoming presidential election. As the movement grows in influence it could decide a lot more, including that the American people – not the parties, or any other special interests – should determine the policies of our government.

This premier issue reports on how the independent movement is becoming a force to be reckoned with. "Unpopular Partnerships (Bloomberg's Dilemma)" is an account of an unfolding political drama in New York City, where an independent mayor and an independent movement are trying to upend partisan politics-as-usual. "How the Democrats Sabotaged an Independent Coalition to Defeat Bush" chronicles an important "backstory" of the 2004 presidential campaign that has implications for the choices independent voters will make in the race for the White House.

"Independents At the Gates" focuses on the novel legal controversies being generated by the increasingly visible corruption of the party system. "It Don't Mean a Thing If It Ain't Got That 'Swing'" and "The Emerging Independent Minority" provide additional insider accounts of how the Democratic Party has played (or misplayed) its relationship to independent voters. "Karp's Corner" allows us all to benefit from the "take no prisoners" essays of a leading critic of partisan gamesmanship, the late Walter Karp. Fred Newman's "A Note on Rorty" takes on the truth and consequences of philosopher Richard Rorty's concept of democracy.

The Neo-Independent would never have seen the light of day without the support of so many people. Gabrielle Kurlander and Christopher Street raised the seed money for my birthday gift. They did it after Fred Newman insisted it was time that the neo-cons had a little competition. Kim Svoboda and John Opdycke helped to get me focused. Lauren Ross, Phyllis Goldberg and Sarah Lyons kept me on track. Alison Josephs translated my ideas into the visual. My thanks to them and to the many hundreds of supporters and subscribers who waited patiently while I found my "voice."



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COVER PHOTO: NEW YORK CITY MAYOR MICHAEL BLOOMBERG
BY MARK MAINZ/GETTY IMAGES

Don't Mess with Independents

I'm a Reform Party person who supported Howard Dean. He obviously wasn't a D.C. insider and was trashed by Democratic pit bulls Carville and Begalla. However as a member of the Anyone But Bush club, I was prepared to hold my nose and vote for Kerry. But when the Democrats made statements that America doesn't need a third party, and that they will stop Nader by playing games on ballot access, they pissed off more than 19 million people who voted for Perot, Greens, Libertarians and Independents. Not very smart. If Democrats want us to vote for their candidate instead of Nader, they'd better be careful not to mess with third-party and independent interests.

*Kathy Chapman
Joshua Tree, California*

Independent Movement Needs Feet

In the February issue of *Ballot Access News*, the January, 2004 voter registration numbers showed some interesting changes. The number of non-party registered voters in *any one* of the following states — California, Florida, Massachusetts, New Jersey and New York — was greater than the *total* third-party registration in the U.S. The total non-party registration in the 30 jurisdictions in which voters can register into parties on registration forms was 20,471,250. This is a lot of "blank" voters. The job of the independent movement is to attract these feet to the ChiP process of structural political reform.

The independent movement needs to contain both quantity and quality feet to be heard. First, you need to get local political process issues moving — through adding non-voters and non-participating independents to the cause — to

make local changes. Second, you need to get local candidates to include these issues in their platforms and in their bills. Third, you need to put up independent candidates. Last, you have the feet to place an independent in the White House, and enough in Congress to make things happen without the corruption we have now. Slowly, state by state, the independent political issues get heard. Some issues are so important; you need to start at a national level to make the change.

*Michael H. Drucker
New York City*

Stay Tuned

I am very excited about the independent political movement. The fact that 35% of Americans self-identify as independents speaks to their repugnance toward the two-party system. It's clear that people around the country see themselves as activists for social/political change. These are people who choose to speak up in opposition to the corrupt reality of our corporate-dominated two-party political system. I am speaking not from a posture of what I've heard but what I know through involvement. It's probably no coincidence that Ralph Nader, independent presidential candidate, only attended the ChiP (Choosing an Independent President) conference. We have an independent presidential candidate who talks honestly about the issues of concern to independents — civil liberties affecting third parties and independent candidates, as well as the need to have more of the American people involved in the political process. We are at a very interesting place in changing the political paradigm.

*Tyra C. Cohen
Silver Springs, Maryland*

Donkeys, Elephants, Clowns – Now Here Come the Independents

The presidential election circus is rolling through America. This quadrennial event features donkeys, elephants, and, of course, clowns (the major party presidential nominees). What this show really needs are independent performers.

And we have them. Ralph Nader's decision to force himself onto the stage with his announcement to run for president has sparked fierce opposition from Democratic Party leaders. They blame Nader for denying Al Gore the electoral votes he needed to win the 2000 presidential election. Actually, had the Democrats joined with independent activists who were calling for an end to the Electoral College during the 1996 campaign, Gore would have been elected when he won the popular vote four years later.

This year, the Democratic Party establishment has once again destroyed an historic opportunity to join forces with independent activists. Building a Democratic/independent coalition that would have smashed the reactionary Republicans was not the top priority for these leading Democrats — smashing the coalition was. Their decision to sabotage Howard Dean's inclusive campaign, and with it an opportunity to transform the American political landscape, must be challenged.

*David Cherry
Chicago, Illinois*

The Neo-Independent welcomes letters from readers. Letters should be concise and must include the writer's name, address and telephone number to verify authorship. We cannot guarantee publication and reserve the right to edit for length and clarity. Please send letters to editor@neoindependent.com or Letters, The Neo-Independent, 302A West 12th Street, #140, NY, NY 10014.

The Emerging Independent Minority

35% of Americans are politically independent,
a larger bloc than Republican or Democrat.
Where is their power?

Jacqueline Salit

Forget Ralph Nader. He's no threat. We've got history on our side.

Such are the musings of a Democratic Party intelligentsia convinced that it will not be out of power for much longer. Indeed, if party strategists John Judis and Ruy Teixeira are to be believed, a political realignment is already underway – one in which “the emerging Democratic majority” is about to supplant the Republican majority that emerged in 1968 with the election of Richard Nixon and reached its apex in the 1980s under Ronald Reagan.¹



The authors say the Democrats are poised for power.

Since the election of George Bush in 2000 was an anomaly, say Judis and Teixeira, the result of political machinations in Florida and the U.S. Supreme Court, there is no longer a durable Republican coalition. Instead, they argue, a new “progressive centrism” will cement a Democratic majority that should dominate the electoral political scene, part of a “transition from urban industrialism to a

new post-industrial metropolitan order.” What’s more, Judis and Teixeira believe that independents will make up a significant portion of this new order.

Indeed, when the new independent vote is broken down, it reveals a trend toward the Democrats in the 1990s and a clear and substantial Democratic partisan advantage. The National Election Studies show that about 70 percent of independents will say which party they are closer to, and, once these “independents” are assigned to the party they are closer to, Democrats enjoy a 13 percent advantage over the Republicans, which is close to the advantage Democrats enjoyed among the electorate in the late 1950s and early 1960s... a close look at today’s independent voters suggests that the most likely successor to the dying Republican majority is another major-party majority — a new Democratic majority.

There is, however, a striking methodological and political flaw in their analysis. Like most political scientists, they take realignment to be a phenomenon driven by economic, social, cultural and psychological factors that the parties merely reflect. But what if a political realignment is underway that is rooted in responses to the parties themselves? What if post-industrialism is accompanied by a political postmodernism in which parties are not only beholden to special interests but have *become*

the most powerful special interests of all? And what if the resulting transition ultimately revolves around the independent voter – a “demographic” with huge breadth but as yet undeveloped power that has the potential to redefine political coalition-building?

Perhaps to forestall the possibility that an anti-party paradigm will take root before they have succeeded in capturing the White House, the Democrats have begun to worry publicly about our democracy. In a recent issue of the liberal *The American Prospect*, Robert Kuttner writes:

If President Bush is reelected we will be close to a tipping point of fundamental change in the political system itself. The United States could become a nation in which the dominant party rules for a prolonged period, marginalizes a token opposition and is extremely difficult to dislodge because democracy itself is rigged. This would be unprecedented in U.S. history.

Kuttner notes that during prior eras of one-party domination the majority party “earned its preeminence with broad popular support.” Things are different today because the electorate is closely divided and, Kuttner argues, Republicans are attempting to engineer what is in effect a one-party state.

“Both parties are partly to blame,” writes Kuttner, acknowledging that the Democrats participated in creating and taking advantage of this partisan culture. But, he contends, the abuses of power by the Republicans – manipulations of parliamentary procedure in Congress by Majority Leader Tom DeLay, the redrawing of congressional district lines to expand the number of safe GOP seats – are so extreme that only the Democrats can save the country from an encroaching one-party state. Ergo, ABB: Anybody But Bush.

And why haven’t the Democrats said or done anything to redress the usurpation of power by the parties? Kuttner says it’s because Democrats fear that “nobody cares about process” – that to do so makes them look weak, as if they’re just whining losers – and the press “doesn’t connect the dots.”

But a lot of Americans do “care about process.” Many of those are independent voters – who make up 35% of the electorate. The Perot phenomenon and the McCain movement were all about political process, all about ordinary citizens becoming aroused over special interests and partisan control of government. The Perot movement inspired important elements of the Contract with America, which shaped Congress’ fiscal and political reform agenda in 1995. John McCain spearheaded the most sweeping restructuring of federal campaign finance laws in 30 years. When independent (and independent-minded) voters are appealed to and mobilized around process issues, they are a mighty force against contemporary forms of political tyranny – especially the erosion of democracy and the rise of corruption at the hands of the two parties.

Independents are a huge and largely untapped (by Democrats and Republicans) force for righting what is wrong with American democracy. Moreover, the independent sector has grown significantly as ties to the two major parties have weakened. Today 41% of college students identify themselves as independents. So do nearly 40% of African Americans under 30.

Independents are a volatile voting bloc. Fifteen years ago they were “angry white men.” (There were some angry women too – white and black – but they didn’t get much press.) Today political pros prefer to classify independents into “lifestyle clusters” defined by social and economic issues (Education Firsters, the Young Economically Pressured). Nonetheless, however you slice them, independents invariably erupt over process issues.

Independents are not, as both major parties like to cast them, merely “swing” voters who can’t make up their minds. In a political system dominated by a two-party structure, they have refused to identify with it – whatever their “leanings” might be. Political scientists like Judis and Teixeira, as well as commentators like Tony Blankley of *The Washington Times*, underscore those “leanings” to disparage the potency of the independent bloc. But it should go without saying that



if independents vote at all, they *have* to “lean” – since most election contests only offer a choice between a Democrat and a Republican.

More significant than any analysis of the “leaners” (which puts independents right back into the two-party paradigm) is the evidence that the independent voting bloc as a whole is moving left. Recent polling shows George Bush’s once strong support among non-aligned voters to be eroding, based on a prevailing belief that he manipulated the public about weapons of mass destruction in Iraq. Joe Lieberman, the most conservative of the Democratic primary contenders, who staked his New Hampshire primary campaign on appealing to independent voters (they make up 38% of the Granite State electorate), fell flat, attracting fewer than 10% of independents to his “centrist” cause.

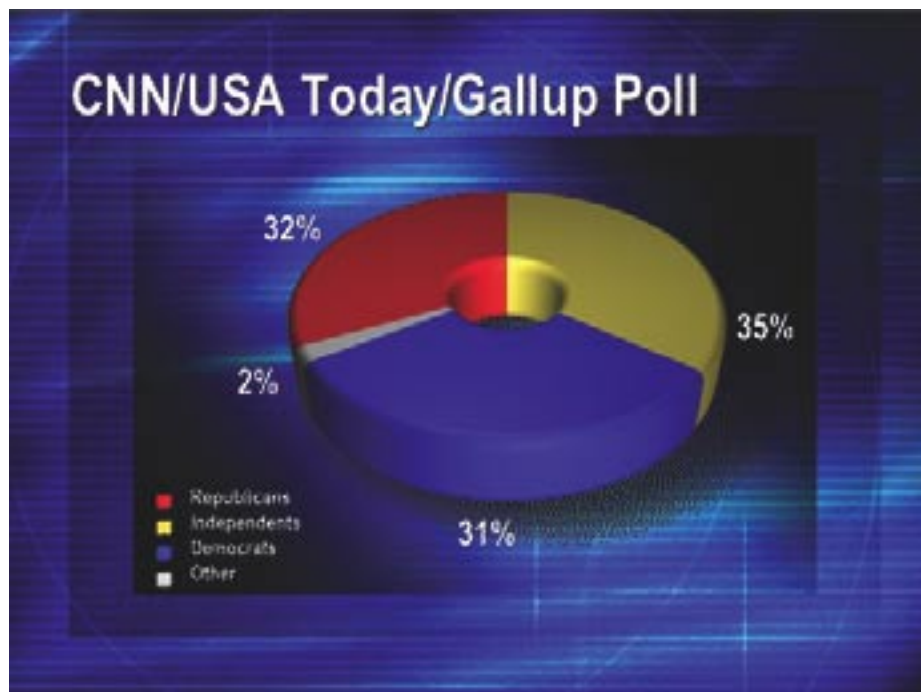
Polling conducted by Choosing An Independent President 2004 (ChIP), which advocates for and organizes independents as a power bloc, not as a political party, shows that independents reject Bush by significant margins. At the same time they are very conflicted about the prospective Democratic nominee, John Kerry, whom they view as insufficiently outside the establishment to be effective in engaging special interests.

Independents can be very feisty about their political identity. A major Democratic pollster recently asked independents the question: “Is there anything that would make you more likely to become an active sup-

porter of the Democratic Party?” Twenty-five percent responded point blank – “Nothing. I don’t like political parties.”

While independents are struggling to define themselves (ChIP has conducted a year-long process in which independent voters around the country have formed local groups dedicated to making the independent voter a power player in national politics), the major parties are desperately trying to define them, too. Both majors are searching for a way to bring independents into the fold – or at least to the voting booth for their candidate – without validating their independence. “It almost doesn’t matter who the Democratic candidate is,” Joshua Greene recently wrote in *The Atlantic*. “In terms of strategy, the road map for the coming presidential campaign was set long before the primaries – and it runs straight through the states with the largest numbers of independent voters. Any candidate needs to hunt them down.”

But how? That’s the Democrats’ dilemma. If, in the pursuit of ABB, they accentuate process and democracy issues too much, they run the risk of exposing their own complicity with the Republicans and their poor track record in fighting for an open and inclusive democratic process. Howard Dean told his followers: “You have the power.” It turned out that they didn’t. Having raised those populist expectations, Dean and the Democratic Party must now find a way to put a lid on the simmering discontent among his supporters.



Yet if Democrats are unwilling to partner with independents to transform the political culture, they are also vulnerable. Ralph Nader's decision to run for the presidency as an independent complicates things for the Democrats on this score. While he wants to make George Bush Public Enemy No. 1, he will also hammer the "liberal intelligentsia" and the Democratic Party itself for failing to stem the tide of political reaction as Congress and the White House became "corporate-occupied territory." No wonder the Democratic Leadership Council is urging Democrats to ignore Nader entirely and thereby relegate him to the fringe.

But the independent voter, 35% of the electorate, can hardly be considered fringe. This year, Nader took a step away from the fringe and toward the mainstream by deciding to run as an independent, not as the candidate of the Green Party. In 2000 the goal of the Nader campaign was to garner 5% of the vote, thereby establishing the Greens as a national political party qualified for federal funding in the subsequent presidential cycle. The campaign fell short, hitting just under 3%. In the end its legacy was not legal recognition for the Greens, but endless recriminations against Nader for being a "spoiler."

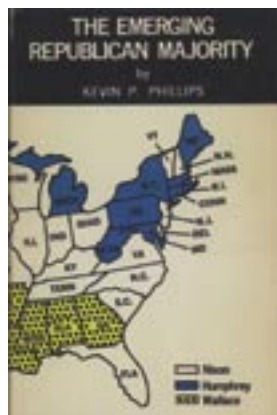
Nader refuses to accept that label. But this time around he has rejected the Green label, too, and is running as an "independent independent." The Green

Party run was limiting for Nader. Tied to their 5% goal, he was boxed into a party-line sort of candidacy which constrained his appeal, particularly since the vast majority of independents don't like parties. It was hard to have broad appeal to independent voters when the message was *Vote for me to build the party*. Being locked out of the debates certainly hurt Nader in 2000. But so too did his partisan advocacy, even if it was for a minor party.

Nader has just begun his efforts to contact the non-aligned independent. His appearance at a national conference of independent voters in New Hampshire sponsored by ChIP was one point of departure for him. That the liberal intelligentsia was furious with him for participating in that conference was a sign to many independents that Nader was on the right track. Today he is at 7% in the polls, and at 12% among voters under 30.

In *The Emerging Republican Majority*, written in 1968, the year Richard Nixon won the White House, Republican strategist Kevin Phillips wrote: "The Democratic Party fell victim to the ideological impetus of a liberalism which had carried it beyond programs taxing the few for the benefit of the many (the New Deal) to programs taxing the many on behalf of the few (the Great Society)." Then, Republicans created a new conservative governing coalition based on the failures of liberalism. Today, Democrats believe they can restore a Democratic majority with their "progressive centrism."

The independents are more circumspect. They see the failure of ideology – conservative and liberal – and the need for significant reform and restructuring that break the American political system out of strict party control. They are far more populist than centrist. Indeed, as many political strategists – from Republican Karl Rove to Democrat Robert Reich to independent Fred Newman – have observed, there is no center in American politics any longer. There is, instead, a new paradigm emerging that is more about the insiders and the outsiders than about left, right and center. It is independent voters who are propelling that shift. And while they are a minority, they could nonetheless emerge as a major force for change. NEO



In 1968 the author argued that an era of Republican dominance had dawned.



Convener Jim Mangia (r.) welcomes Ralph Nader to ChIP's national conference of independents in New Hampshire in January 2004.

¹ John B. Judis and Ruy Teixeira. *The Emerging Democratic Majority*. New York: Scribner, 2002.

Dems Snub Indies, Lose Recall

It Don't Mean a Thing If It Ain't Got That "Swing"

Phyllis Goldberg

Disregarding the pundits, the Democratic Party politicians, and the late night TV hosts who got some laughs out of it, California's voters took their right to recall very seriously, turning out in record numbers last October to depose a sitting governor for the first time in the state's history.

California has traditionally been hospitable to the exercise of direct democracy. Although here, as elsewhere, special interests – with the collusion of the big media – exert undue influence over the political process, voters have long had recourse to initiative and referendum (I&R) and recall to hold the professional politicians accountable and to keep the special interests from riding roughshod over the people.

The right to recall, along with I&R and women's suffrage, was enacted back in 1911, following the Progressive Party's sweep of the state legislature and the governor's mansion the year before. The party placed these weapons in the hands of the people to enable them to do battle with the dominant special interests of the day (the Southern Pacific Railroad in particular). In recent years Californians have used I&R not only to roll back property taxes but to enact term limits, open primaries, and campaign finance reform – democracy measures that state legislators in both parties, caught up in their respective political ma-

Arnold
Schwarzenegger
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chines, were disinclined to consider, let alone enact.

At first glance Recall 2003 seemed to be a horse of another color. A moderate Democrat, in a state where more than 43% of the voters are registered Democrats, got ejected from an office to which he had been elected less than a year earlier. The official explanation in Democratic Party circles was simple: the unseating of Governor Gray Davis was the result of a right-wing plot, masterminded by a weakened and increasingly insignificant Republican Party machine whose leaders funded and oversaw the massive signature-gathering operation required to put the recall question on the ballot.

Regardless of what motivated the initiators, however, from the beginning the facts suggested that along with partisan politicking, something else was going on. For one thing, more than 1.5 million Californians signed the recall petitions. For another, 100+ candidates (most of them not professional politicians) placed themselves in the running for governor – a huge upsurge of grassroots participation. While this disruption of politics-as-usual provoked serious consternation in the political class and the punditry (not only in California, but throughout the country), others read it as a sign of the times, when Americans dislike insider political culture.

Early on in the recall process, Jim Mangia, a longtime independent and former secretary of the national Reform Party who is the president of California's Coalition for Political Reform (CPR), wanted independent voters to have a major voice in the recall election. In response to overtures from state Democratic leaders, Mangia sought a meeting with Governor Davis to urge that he reach out to progressive-minded independent voters as potential allies in his fight with the recall forces. In a proposal suggesting how Davis might appeal to such voters – written at the request of Eric Bauman, the chairman of the Los Angeles County Democratic Party and a key aide to the governor – Mangia argued that Davis had to express unequivocal support for the *right* to recall, while urging its defeat in these circumstances. Mangia wrote to the governor: “the issue is good government, not partisan maneuvering...The recall is a good process. Unfortunately, it is being used as a political football... Therefore, independent voters must take the good government position on *this* recall – we must vote no!”

Ultimately, the governor opted for a more conventional strategy by attempting to woo back traditional Democratic Party constituencies – liberals, and people of color (who had been put off by his careful “centrist” governing and incessant fundraising) – with a flurry of new legislation, and by launching a series of attack ads against his opponents. Independents were not part of this picture.

The strategy didn't work:

- 25% of Democrats and 55% of independents voted yes on recall;
- 25% of liberal voters and 48% of those in a union household voted yes;
- 21% of black voters, 45% of Latinos, and 51% of voters in Los Angeles County (historically a bastion of Democratic Party support) also voted yes.

Arnold Schwarzenegger, meanwhile, ran a shrewd, populist-style campaign, portraying himself as a political outsider fed up with special-interest domination of state politics. “For the people to win,” he said,

“politics-as-usual must lose.” Although his most significant support came from Republican Party power players – including former two-term governor Pete Wilson and the former mayor of Los Angeles, Richard Riordan – he received a hefty 53% of the vote from voters who rarely go to the polls, and 31% of the Latino vote.

Even the *Los Angeles Times* – which along with the rest of the media-ocracy had vociferously opposed recall – was compelled to acknowledge the significance of the vote. The next day, under a banner headline, “Electorate in a State of Change,” the *Times* noted: “It was a slap at the status quo, at Sacramento [the state capital], at business as usual, at the political and media establishments of California.”

Among the defenders of the status quo, reaction was swift. No sooner had the vote been tabulated than State Assemblyman Mark Ridley-Thomas, an African American Democrat from South Central L.A., and Erwin Chemerinsky, a liberal professor of law at the University of Southern

California, called for rewriting the recall legislation by doubling the number of petition signatures required to put a recall initiative on the ballot: “The process has defects that should be fixed before the ‘next time.’” The assemblyman has introduced a bill into the state legislature that targets recall for fixing; the new governor, meanwhile, has made it clear that he will veto any such attempt to tamper with the process.

There are other signs that the times are changing. Within two weeks of Schwarzenegger's election, both of the major parties notified the secretary of state that they had adopted a rule permitting “decline to state” – unaffiliated – voters to participate in their primaries beginning on March 2, 2004. (The Democrats did not permit unaffiliateds to vote for their county central committees; the Republicans excluded them from voting for their county central committees and for a presidential candidate.)

Until 1996 primaries in California were open only to party registrants. That year voters approved Proposition 198, which established a “blanket” primary system that permitted any registered voter (regardless of party affiliation) to vote for any candidate (regardless of party

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affiliation). But in June of 2000 the U.S. Supreme Court – ruling in favor of the state Democratic Party, the chief plaintiff – overturned Prop. 198 on the grounds that the blanket primary violated the political parties' First Amendment right of association. (State Republicans along with other parties were also plaintiffs in the case.) In the meantime, some one million Californians signed petitions to put an initiative on the ballot this November to establish a nonpartisan ("voter choice open primary") system for electing the governor, members of the state legislature, and other state officials, as well as members of the U.S. House of Representatives and Senate.

Why did the DP decide to open its primary to unaffiliated voters after the Supremes had agreed that the party had the right to exclude them? The mayor of West Hollywood, Jeffrey Prang, a member of the state party's rules committee and of its executive board, as well as of the Los Angeles County central committee, notes that more than 16% of California's voters are unaffiliated and that "many of them are attracted to Democratic candidates and issues." For confirmation Prang points to the results of the March 2 primaries, in which he estimates that 65% of the unaffiliated voters who participated chose to vote in the Democratic primary. "Many of the issues that the Democratic Party espouses are part of the shared values of independent voters as well," he explains. "There's room to grow...to make room for independent voters."

Mangia sees things somewhat differently. "The fundamental difference between independents and the Democratic Party is that independents are anti-party altogether," he argues. "Certainly Mayor Prang and some other Democrats have reached out in significant ways to independent voters – but there's an inherent conflict between independents and the political parties that can't be ignored. Reforming our political process, increasing voter participation, and reducing the influence of special interests in policy making would have a direct and negative effect on the power of the political parties. That's the goal of independent voters – and the challenge for the Democratic and Republican parties." **NEO**

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

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*New York City Mayor
Michael Bloomberg*

Unpopular Partnerships

(BLOOMBERG'S DILEMMA)

Jacqueline Salit

Michael Bloomberg is a man of supreme self-confidence. Some call it arrogance. There are important differences between the two, but with Bloomberg they sometimes bleed together – making him formidable and oddly vulnerable at the same time.

It is halfway through his first term as the mayor of New York City. That he sits in City Hall and presides over the nation's most affluent and culturally influential city is still surprising to him. He did not expect to win the 2001 election. Campaign aides weren't worried that their cell phones didn't work at B.B. King's, the site of their election night party – they didn't think anyone would be calling.

Bloomberg, one of the wealthiest men in America, appreciates things of quality and of substance. His acquired taste for the political cuts against that, as the political world is coarse and shallow. He is constantly uncomfortable in it. Still, he sought it out.

Why did he? Bloomberg must ask himself this question more than a few times a week. He is not a political visionary. Neither is he a political hack; indeed, he has no traditional ties to the party system. A lifelong Democrat who registered Republican to run in an uncluttered field, he won narrowly, his margin of victory coming from the Independence Party's crucial Column C. Nominally, he is the city's Republican mayor. Attitudinally, he is an independent, and was visibly touched when he received a thunderous standing ovation from 400

1.

independent voters at an Anti-Corruption Awards dinner last December, when he was introduced as the independent mayor of New York.

Mike Bloomberg's road to City Hall was unorthodox. His attitude toward the New York City Republican Party was that of a mergers and acquisitions specialist who swallows up an enterprise with significant real estate (Column A on the ballot) and a national brand name, but no productive capacity to speak of. Bloomberg's advisors saw clearly that he could take the Republican nomination without any serious opposition. That he ended up in a primary run against GOP conservative Herman Badillo (Bloomberg won handily) was of virtually no consequence.

It was Bloomberg's posture toward the minor parties – New York allows candidates to run on multiple party lines – that was most disconcerting for his Democratic opposition.

Bloomberg decided early on that he would not seek the cross-endorsement of the Conservative Party, or of the newly minted Working Families Party, widely considered to be a wholly-owned subsidiary of the Democrats. While he did request the nomination of the Liberal Party (which he didn't get), he and his inner circle decided that the endorsement of the Independence Party was key. One reason he needed it was to attract independent voters – nearly 20% of the city's electorate. The other was to make it possible for Democrats to support him without having to pull the Republican lever.

It was Bloomberg's posture toward the minor parties that was most disconcerting for his Democratic opposition.

Bloomberg pledged to the Independence Party that, if elected, he would champion its cause by supporting nonpartisan municipal elections – a system of choosing city officials that would enfranchise nearly a million independent voters excluded under the partisan arrangement. Independence backed his candidacy. He won by 35,000 votes, polling 59,000 on the IP line.

The new mayor spent his first two years in office making a string of defining leadership moves, notably gaining control of a failing and overtly politicized school system. He raised property taxes to right the city's witheringly unbalanced post-9/11 budget. He averted a transit strike, led New Yorkers through a blackout, handled a major maritime disaster at the Staten Island ferry,

and worked to heal the racial tensions imprinted by his predecessor Rudy Giuliani.

It was in the public battle for nonpartisan reform that Bloomberg, who had hoped to govern apolitically, felt the full force of the partisan behemoth.

But nothing in his conduct of municipal government so aroused the wrath of the Democratic opposition that he had narrowly upended in his bid for mayor as the fulfillment of his pledge to pursue nonpartisan elections.

The mayor's plan – vetted by a Charter Revision Commission he appointed – proposed to abolish partisan primaries and replace them with two rounds of balloting in which all voters, including the city's 770,486 independents, could participate. The measure was put before the voters in a referendum. It was in the public battle for nonpartisan reform that Bloomberg, who had hoped to govern apolitically, felt the full force of the partisan behemoth. No doubt he found it shocking.



Denny Farrell

The Democrats, led by state party chairman Herman “Denny” Farrell, retaliated against the mayor’s push for nonpartisan reform with unadulterated fury. The proposal was described in the most extreme terms: It was “nothing less than an effort to destroy” the Democratic Party, the liberal flagship *New York Magazine* editorialized. But even those words seemed temperate compared to the seemingly inexplicable hysteria that overheated the political atmosphere in Democratic clubhouses, good government groups, the Democratic-controlled city council, and elsewhere in the media.

Nonpartisan elections, a relatively innocuous reform, are in use in over 80% of U.S. cities. It’s a reform that the Democrats could have absorbed, and from which they might even have eventually benefited. But a nonpartisan system also threatened to undercut machine control of the party. How? With nonpartisans, electoral coalitions are both less durable and more fluid, forming and re-forming around particular candidacies in the interests of the coalition partners but not necessarily or inevitably in the interests of the party. As the late Walter Karp, the brilliant political analyst,

once explained, party organizations are engaged in a “constant endeavor to prevent the organization from fragmenting into an unbossed coalition of independent local coalitions...If it fragmented this way, the would-be party bosses would lose control of the party and with it control over nominations and political power itself.”¹

Democratic Party hysteria was further magnified by the fact that the impetus for nonpartisans had originated from a dangerous source – the independents. Independent voters would have been nourished by a nonpartisan system and the Independence Party would have been further empowered as the recognized leadership of this “outsider” constituency. This scenario presented severe problems for the Democrats, as they don’t support populist democracy – although they thrive on the myth that they do. They cultivate the “prime voters” – those core supporters who can be counted on to come out in primaries and who invariably vote for the Democratic nominee. Democratic bosses sell the party as the party of the people; to benefit the Democratic Party, in their view, is to benefit the people. Conversely, anything outside its immediate influence – e.g. the independent voter – is an enemy of the people. For the Democrats, who live in and rule over the universe of the prime voter, empowering independents and expanding democracy are way too risky – especially if that democratic expansion weakens the control of the party machine.

Thus the Democratic establishment went full bore after an unsuspecting Bloomberg. *How dare you disrupt our political way of life*, the Democratic elected officials screamed. *How dare you pursue political reforms that we have not sanctioned*, the good government groups harrumphed. *You’re just a billionaire trying to buy an election, a rich white man determined to impose your will on the people*, minority and liberal officeholders and union leaders wailed. But it was for state Democratic Party chairman Denny Farrell to enunciate the most bitter attack of all: *How dare you partner with those despised outsiders – Lenora Fulani and the Independence Party?*

Farrell has been dutiful in his role as executive cheerleader, celebrating the defeat of Bloomberg’s proposal for nonpartisan elections as if it had been a holy crusade to save the motherland from invading barbarians.

Denny Farrell isn’t worried. Farrell is a believer. The ups and downs of the Democratic Party’s political fortunes are, to his way of thinking, just cyclical corrections that occur from time to time. But eventually,

2.

¹ Walter Karp. *Indispensable Enemies: The Politics of Misrule in America*. New York: Franklin Square Press, 1993. p. 20.

he believes, sheer quantity (Democrats outnumber Republicans five-to-one in the city and five-to-three in the state), coupled with the brute strength of his machine (powered by the unions), will restore the party he chairs to the governor's mansion and to City Hall.

Farrell has been dutiful in his role as executive cheerleader, celebrating the defeat of Bloomberg's proposal for nonpartisan elections – “no” on Question #3 garnered 70% of the vote – as if it had been a holy crusade to save the motherland from invading barbarians. Farrell is not a man with a profound sense of history. But he does know how to measure a political situation (he was once a tailor), and to act accordingly.

Although many in his own party criticize Farrell for his lackluster performance as titular head of the party (he was handpicked by the powerful assembly speaker, Sheldon Silver, and is widely viewed as an instrument of Silver's will), he brings a special skill set to his job. Farrell is a student of counter-insurgency. For all the Democrats' official optimism as they look toward the 2005 mayoral and the 2006 gubernatorial races, Farrell understands that they must remain vigilant. They must be concerned that any rebellion within their core constituencies could knock their recovery off track. Farrell, a perennially well-dressed, light-skinned black man, the postmodern embodiment of a colonial comprador, is well suited to his task.

In 1981, New York's minority communities were in revolt. Ed Koch, an anti-Vietnam War Democratic congressman turned racial provocateur, was on his way to a second term as mayor when a Dump Koch movement surfaced in the poorest black and Latino

communities. The movement was instigated by the New Alliance Party (NAP), a small but tactically sophisticated organization chaired by the city council's only independent, Gilberto Gerena-Valentin, in which Lenora Fulani, a black psychologist and educator, first became politically active.

The Dump Koch effort inspired community groups to confront the mayor's allies on the ground. One such group, based in Harlem, was the “Committee for the 80s.” Chaired by John Davis, a sharp-tongued journalist who had a short tenure as executive editor of the *Amsterdam News*, the “Committee for the 80s” saw itself as the catalyst that would ignite a new and independent black empowerment movement. This put it at extreme odds with the Democratic machine in Harlem, which had hitched its wagon to Koch.

In a brash challenge to his elders, Davis and the Committee distributed a provocative poster indicting local politicians for their complicity with the Koch administration. At the top of the list was a little known local assemblyman, Denny Farrell. “WANTED FOR THE CRIME OF SILENCE,” read the banner headline. Farrell's “Wanted” picture was posted on every lamp-post and bus stop shelter from one end of Harlem to the other.

A minor cog in the party machine, Farrell shrewdly understood that being a target of the insurgents could actually elevate his standing in the party. Loyalty is richly rewarded in such circumstances. He gambled that the insurgency would fail and that holding the line for Koch would pay future dividends. His gamble paid off.

The Dump Koch movement did produce a candidacy against Koch in 1981. Labor leader Frank Barbaro polled 36% of the vote in the Democratic primary. The NAP even succeeded in persuading Barbaro to run as an independent after losing the primary, and



the Fulani forces – together with black Democratic insurgents – managed to grab 18% for Barbaro as an independent. Koch waltzed to a second term.

Farrell watched it all with interest, assimilating an important political lesson: Never allow a partnership between black and Latino independents and insurgents to develop. That's too combustible a combination for the liking of the New York Democratic machine.

Four years later, when Ed Koch was up for reelection again, Farrell's counter-insurgency techniques became even more nuanced. Instead of tamping down the opposition to the mayor from insurgents inside the party, he *became* the opposition. Just as a coalition of black and Latino leaders was prepared to name liberal Democrat Herman Badillo (yes, the same Badillo who became a Republican conservative and challenged Bloomberg) as the Dump Koch standard bearer, Farrell jumped into the race with the declaration that he himself was the minority candidate standing up to the mayor. Badillo withdrew (actually he never announced), and the Dump Koch forces scattered to the winds. NAP leader Fred Newman entered the Democratic primary to expose the "Farrell Fix" and Fulani ran on a similar theme as an independent after Koch easily overcame Farrell's faux candidacy. In the general election, Koch won handily.

In 1989 Koch wanted a fourth term, but the political winds were shifting. Harlem Democrats, Farrell among them, were restless and unwilling to stand down. Black and Latino antagonism toward the mayor had continued unabated and the black Democrats decided the time was ripe for their own ascent. David Dinkins pulled off a Democratic primary upset after the murder of a black 16-year-old in the Bensonhurst section of Brooklyn impaled Koch on his record of aggravating racial tensions. Farrell's star was rising, too. He understood the game: Control the insurgencies and you control the board.

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4.

Lenora Fulani is a highly misunderstood political figure. For one thing, she's not madly in love with politics. (She and Bloomberg have this in common.) She has little patience for the plotting and counterplotting, the stupidity and pettiness, of most political dramas. Although the media tend to portray her as a kind of black nationalist Machiavelli, she is neither. Some days she worries more about whether the teenagers in her youth programs will take too many cookies on their plate in one of the corporate settings she brings them into than about who will win an election. But she is no less a power player.

Fulani is often compared to the Reverend Al Sharpton, with whom she worked closely for many years and whom she persuaded to move beyond

Sharpton has been given a level of political respectability by the Democrats, who use him to provide cover for them in the black community. Fulani has been denied legitimacy because she will not provide that cover.



DAVID MCNEW/GETTY IMAGES

Lenora Fulani



The People's Coalition for Nonpartisan Elections, July 2003

protest politics into the electoral scene. He became a Democrat. Fulani is an independent. But there is more to the story. Sharpton has been given a level of political respectability by the Democrats, who use him to provide cover for them in the black community. Fulani has been denied legitimacy because she will not provide that cover. She believes the Democratic Party is corrupt, that it has abandoned its core principles and now serves as a brake on the political, social, and economic development of the black community, and of all America. She wants to guide black voters away from the partisan Democratic monolith and create an independent power base that gives the African American community greater political leverage and opportunities for new political alliances. For this hubris she has been variously branded a radical rightist, a radical leftist, a radical anti-Semite, and a radical opportunist.

In 1994, the year the Independence Party won ballot status for the first time, Fulani was a candidate in the Democratic primary for governor against the incumbent Mario Cuomo, while Sharpton challenged Senator Daniel Patrick Moynihan. (Denny Farrell, the chief counter-insurgent, led a marathon effort to invalidate Fulani's nominating petitions and throw her off the ballot but failed. Sharpton's petitions were not challenged.)

It was then that Fulani and Sharpton went their separate ways, after Sharpton turned against her for suggesting in a radio interview that he had cut a deal with Cuomo. (He had.) He spent the summer trashing her in every black forum he could, but in the end their vote totals were not much different. He polled 26% against Moynihan and she polled 21% against Cuomo. The governor went on to lose to an upstart Republican, George Pataki, in the fall.

Naturally, Moynihan was not worried about losing the primary to Sharpton, although his staffers kept a close eye on what both Sharpton and Fulani were doing. Two of them – Kevin Sheekey and Bill Cunningham – later joined Bloomberg's political team and now serve in his administration. Today they note (with a rueful smile) that Fulani outpolled Cuomo in Moynihan's home precinct of Pindars Corners in Delaware County.

After the primary, upstate businessman Tom Golisano invited her to join his campaign for governor on the Independence Party line. She did, and Golisano polled 217,000 votes – four times the number needed to create a new ballot status party. Fulani re-registered Independence and began building the party's base in the black and Latino communities, emerging over the course of the next five years as a major player in the party, with a substantial base in New York City and networks across the state.

As a brewing revolt came to a head against Golisano-allied party leaders who held tight-fisted control at the top, Fulani's wing of Independence shaped a statewide democracy coalition that overthrew the Golisano clique. The new leadership rewrote the party rules to establish local control and put the party in a position to evolve beyond the standard cross-endorsement model, according to which minor parties hew to an ideological line and attach themselves to a major party in exchange for patronage.

City and state Democrats vacillated on IP after it acquired ballot status in 1994. While leading Democrats sought and ran with the party's cross-endorsement (Public Advocate Mark Green, U.S. Senator Charles Schumer, and Attorney General Eliot Spitzer among them), the more Fulani's popularity grew among African Americans, the more some party leaders became hostile to Independence. Farrell was the ring-leader of this circle. With a new generation of black young adults coming of age indifferent to the political loyalties of their parents (polls show that between 35% and 45% of African American adults under 30 self-identify as independents, not Democrats), an independent alternative with roots in the black community became all the more threatening.

The Democratic hierarchs, with a gnawing realization that the Independence Party and Fulani stood to penetrate what had been an impregnable wall around black voters, increasingly bore down on them with undisguised hostility. By 2001, the competing Democratic mayoral candidates – Alan Hevesi, Mark Green and Fernando Ferrer – all publicly challenged Bloomberg to forego the Independence Party line, citing Fulani as the reason. He ignored their challenge and affirmed his support for the party and for non-partisan elections. In his first press conference after formally announcing his candidacy, he called for the enactment of this reform.

Bloomberg won his election. Two years later nonpartisans lost. But this political journey unearthed a dimension of Democratic philosophy – its diehard opposition to populist democracy – that is not always so readily visible.

5.

Farrell and the Democrats were, plain and simple, on the wrong side of the nonpartisan issue. Backing this most basic democracy reform, which stood to make local elections more competitive and which would have opened the door to nearly a million independents, should have been a virtual no-brainer – if the Democratic Party held to any principles of inclusion and a level playing field. But the preservation of its institutional dominance is now the party's highest (if not its only) priority.

That moral and political failing is rarely exposed, however, because the Democrats are skillful at keeping the focus on whatever Republican travesties happen to present themselves. In this unique case, the Democrats were called to account on an issue of fairness by a non-partisan mayor and an independent movement.

The pressure that the Democrats put on Bloomberg was enough to leave one breathless. "The only person that I truly know that supports Mayor Bloomberg's position is Lenora Fulani," said Harlem's 17-term Democratic congressman Charles Rangel in early July, as the fight over the referendum was coming to a head. "It just seems to me that the mayor has a lot of explaining to do as to why people who have been so supportive of his administration were completely ignored and he would go to someone like Miss Fulani to guide what's left of his political career."

Bloomberg must have been stung by the remark; his subsequent concessions show just how much. He revised his proposal to allow candidates to use party labels in a nonpartisan framework, bowing to the Democrats' insistence that removing labels would confuse minority voters. He also bowed to *The New York Times'* critique – that his motive for the reform was to improve his chances of reelection – by calling for its enactment only in 2009, when he would be ineligible to run (assuming he is reelected to a second term in 2005). In spite of his efforts at compromise, the *Times* opposed nonpartisans at the end and the Democrats, led by Farrell and a cohort of professional electoral assassins hired for the occasion, hammered him as a hapless billionaire out of touch with the people. The day after the defeat Bloomberg seemed both defiant and despondent. It was more than the loss. He'd gotten a glimpse of how desperate the Democrats are to remove him and regain control of City Hall.



Candidate Michael Bloomberg endorses nonpartisan elections, June 2001.

6.

Bloomberg must govern for the next two years with the knowledge that every step he takes outside the partisan political norms will be punished. The independents are, of course, used to such treatment at the hands of partisans and their editorialists. For Bloomberg, it has only just begun, and he has many factors to balance. The Democrats control the permanent government with which the mayor must do battle every day. Still, he believes in political independence. He's had a partnership of several years with the Independence Party, and through it with the independent voters he wants to empower. The more he enhances that partnership, the more he strengthens his political hand and the legacy of non-politicized governance he hopes to leave behind. But the more he strengthens that hand, the more fierce the blowback from the Democrats is certain to be.

He is the mayor, and a powerful figure. He is also – in some very real way – caught in the crossfire between Farrell and Fulani, between the Democratic machine and the independent movement, between the past and the future. That, for the moment, is Mike Bloomberg's dilemma. **NEO**



KARP'S CORNER

As an engaged political writer with no ideological axe to grind, Walter Karp (1934-1989) was a rare voice in the public dialogue on American politics. Refusing to be distracted by the appearances of democracy, he looked under the hood of our bipartisan system to investigate the mechanics of political corruption. *The Neo-Independent* has reserved this corner in the magazine for Mr. Karp's writing so that our readers can have the opportunity to be educated, provoked, and challenged by what he had to say.

The author of eight books, including *The Politics of War* (1973) and *Liberty Under Siege* (1988), an analysis of American party politics, Walter Karp published more than 200 articles and essays in *Harper's Magazine* – where he was a contributing editor for ten years – as well as in a number of other publications. Reprinted here is an excerpt from Chapter 1 of *Indispensable Enemies: The Politics of Misrule in America*, which first appeared in 1974. In a brief introduction, he explains that he wrote this book “to show as clearly as possible where power lies in twentieth-century America.”

The Foundations of Party Power

Walter Karp

It was a Republican state party boss, Senator Boies Penrose of Pennsylvania, who early this century stated with notable candor the basic principle and purpose of present-day party politics. In the face of a powerful state and national resurgence of reform and the sentiments of the majority of the Republican rank and file, Penrose put up a losing slate of stand-pat party hacks. When a fellow Republican accused him of ruining the party, Penrose replied, "Yes, but I'll preside over the ruins." Given a choice between winning elections with reform candidates and maintaining his and the regulars' control over the Pennsylvania party, Penrose chose to control the party. In 1918 when an insurgent group, known as the Nonpartisan League, beat the regular candidates in the Republican primaries of North Dakota and Idaho, Republican regulars in those states made the same choice. In the general election, they threw in with the opposition Democrats to defeat their fellow Republicans. In Iowa, four years later, Republican regulars worked strenuously to elect a Democrat when an insurgent Republican won the party's Senatorial nomination and for the same reason: the election of those Republican candidates threatened the regulars' control over the state party. To put the matter as concisely as possible: Insofar as a state party is controlled at all, the sole abiding purpose, the sole overriding interest of those who control it, is to maintain that control. This, not election victory, is the fundamental and unswerving principle of party politics in America, and the full implications of that principle of action, the extent to which it governs the deeds of party politicians from the most obscure to the most eminent, are the burden of all that follows in this book.

To begin to grasp what that principle of action means, it is essential to clear up an ambiguity regarding the term "party" itself, for party politics is largely hidden behind that ambiguity. Nominally a state party is a coalition of local party units – themselves smaller coalitions of politically active citizens from each legislative district of the state (the basic unit of a state party) – concerned with electing candidates of their choice to the state legislature and with voicing their views in the statewide party coalition. Insofar as each local party coalition is competing for election victory, it is independent, since the members are bound to concern themselves first and foremost with representing local sentiment, both in choosing local candidates to the legislature and in voicing their preferences in the statewide coalition's choice of statewide candidates. This is *one* meaning of the term "party," and the prevailing party doctrine describes to some extent the politics of such a party.

The term also refers to a statewide party organization, the local elements of which are not independent coalitions but subordinate units of an organization, one whose leaders are commonly and correctly known as "bosses" and whose members, significantly, are often called party "workers." In an organized party, and this is what defines it as such, a few party managers concentrate in their hands the means to satisfy or to thwart the varied ambitions of most party members. They can confer rich rewards for obedience – campaign funds, patronage, a favorable press, lucrative sinecures, nominations, uncontested primaries, gerrymandered districts and so on. They can also

inflict harsh punishment – electoral defeat for one. I say rewards and punishments to underscore a fundamental point: a party organization is *not* held together by party loyalty – if it depended on party loyalty alone it would fall apart overnight – but precisely by the capacity of a few cooperating bosses to gather into their hands the means to hold the membership in line, “to keep the boys happy.”

The first sort of party – and it has been approximated to some degree in several Western states – is one in which no cabal can gain durable ascendancy since the local coalitions, being formed around the determination to win local elections, are too subject to local sentiment to be permanently obedient to a state party oligarchy. The second sort of party is governed exclusively by its fundamental principle of action: the constant endeavor to prevent the organization from fragmenting into an unbossed coalition of independent local coalitions, into a party of the first sort. If it fragmented this way, the would-be party bosses would lose control of the party and with it control over nominations and political power itself. The prevailing doctrine of the parties thus describes what party organizations are perpetually striving to *avoid*.

Given control over the nominations – which itself requires control over most of the state party’s members – organization leaders can ensure to a great extent that no man can run for office who has not proven himself amenable to the organization and willing to serve its interests, or, at the least, shown himself indifferent to reforms and issues that might weaken the party organization. By their control over nominations, organizations and their leaders hold the careers of elected officials in their hands, for they can deny them renomination, remove them from public life or bar their further political advance.

The hold which a cohesive party organization can exert over elected officials is very tight indeed. “It was not necessary to give orders,” reported a contemporary about Boss Tom Platt’s New York Republican organization at the turn of the century. “It was quite sufficient to have it understood by example that the man that stood by the organization benefited because the organization stood by him and that if he did not stand by the organization he got punished...he failed to make a record, he could not satisfy his constituents, his bills were not passed, or his work failed in other ways, and that he did not get renominated and he was eliminated.” The description still holds.

When Lyndon Johnson was Majority Leader of the Senate (to cite one example out of thousands), he appeared to be a peculiarly powerful Senator, yet, according to Rowland Evans and Robert Novak’s *Lyndon B. Johnson: The Exercise of Power*, he never once dared to act independently of the ruling clique of the Texas Democratic party. Since he depended absolutely on that clique to secure his renomination, he did everything in his power to strengthen their hold over the Texas party, which is to say, he served their interests. What was true of Johnson is true of thousands of lesser elected officials. When a party organization is in control, its leaders do not merely put up candidates for elective office, they *control* what a substantial number of these men do once elected. Such a party does not merely “manage the succession to power,” it has power and wields power.

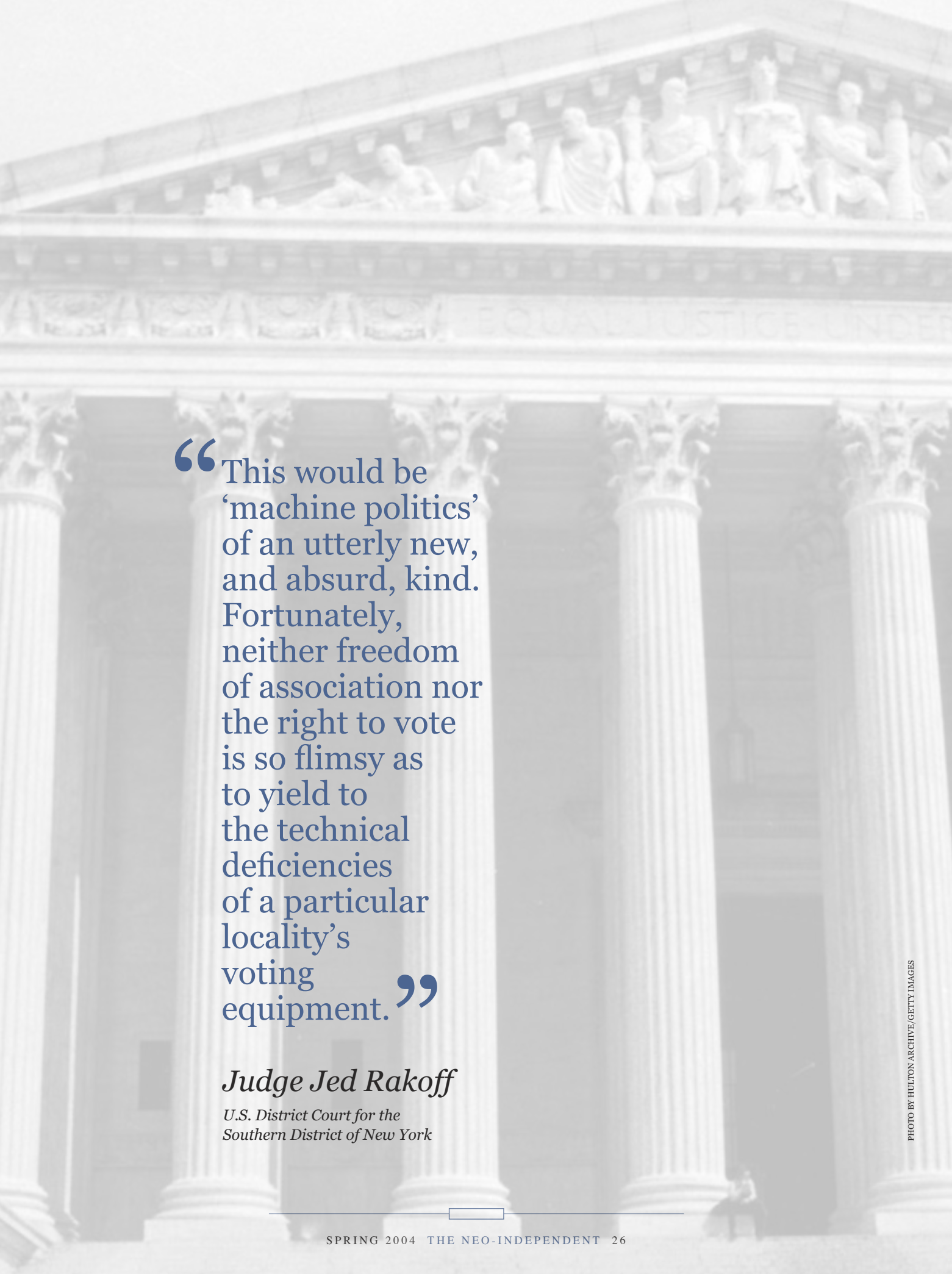
In saying this I do not mean that party bosses or ruling cliques have detailed “programs” of legislation for the officials under their command. Organization control is more general and constitutes a precise travesty of representative government. Under a representative system, the electors control those they elect, not by dictating their specific actions but by holding them accountable for those actions. They entrust an elected official with their power for a temporary period and remove him from power should he be found to have betrayed their trust. Party control works exactly the same way. The organization entrusts an elected official with *its* power, holds him accountable for his actions and removes him from power should he betray the organization – the tacit threat is usually sufficient. What is more, party leaders do not ignorantly repose their trust. They know their “man” very well. Before most politicians win a party organization’s favor, they have been subject to the closest scrutiny. A local political club may look dark and grubby to outsiders, but within it the bright light of politics glares unmercifully. Called upon constantly to make small, revealing decisions, as small and revealing perhaps as a handshake, party politicians know each other better after acting together for three months than two co-workers in a factory or two executives in a corporation will know each other after five years. By the time a party politician has become a Senate prospect or “Presidential timber” – to go ahead for a moment – it is safe to say that party bosses know him inside and out. They have sometimes been mistaken in their man, but the occasions have been exceedingly rare.

Control of elected officials means real political power, and party organizations use that power, first

and foremost, in order to serve themselves – party organizations are neither malevolent nor benevolent; they are self-interested. And the fundamental interest of those who head a party organization is...to maintain that party organization, which is the sole foundation of their power. In holding elected officials accountable to them, they will see to it that no laws are passed which might weaken the organization; that no public issues are raised which might strengthen the chances of insurgents and independents; that special privileges are not stripped away from special interests that have been paying the organization heavily for protecting those privileges. They use their power continually to maintain their control over patronage, over campaign funds, over nominations, over the avenues to public renown, over the whole arsenal of political rewards and punishments without which the organization would collapse in a trice. A party organization is not like a building which, once erected, requires no further human effort. Keeping a party organization intact requires constant and unremitting effort in the teeth of perpetual and unremitting peril. If a party organization can be likened to anything, it would be to an exceedingly complicated juggling act, in which the jugglers – the party managers – must endeavor at all times to keep innumerable Indian clubs simultaneously flying in predictable arcs, for if a few were to get out of hand, the others would tumble to the ground. A party organization has no choice but to be self-serving. Should it lose control over elected officials, the power of those officials can only, in time, work against it. From the point of view of a party organization, every elected official is a potential menace.

Suppose, for example, that a party's candidate for governor wins the election. Nothing in principle prevents him from ignoring the party entirely, from using his patronage to build up a purely personal following, from attempting to oust local party leaders, from bringing new men into the party ranks, from passing reforms that weaken the party organization, from winning public support so strong that the organization cannot deny him renomination. This was done by Robert La Follette of Wisconsin, Hiram Johnson of California and a half-dozen other insurgent Republican governors who overthrew Republican organizations in the Western states in the years before the First World War. So far from gaining power by the mere fact of winning an election, a party organization may see its power threatened and even destroyed. There are times, therefore, when losing an election becomes an absolute necessity. [NEO](#)

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“This would be
‘machine politics’
of an utterly new,
and absurd, kind.
Fortunately,
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of association nor
the right to vote
is so flimsy as
to yield to
the technical
deficiencies
of a particular
locality’s
voting
equipment.”

Judge Jed Rakoff

*U.S. District Court for the
Southern District of New York*

Independents at the Gates

Are the Courts Ready to Limit the Power of the Parties?

Harry Kresky

In the architecture of our federal system, the judiciary – the only unelected branch of government – was designed to be the most conservative, guarding our fundamental values against erosion from the shifting tides of popular opinion. And yet it is the courts, whose relationship to the American people is not mediated by parties (unlike the president and the Congress), that are sometimes more “in touch” with the broader social environment; particularly in the decades since World War II, federal judges have often acted in advance of the executive and legislative branches. In 1954, for example, the Supreme Court, responding to mass movements and a changing culture of race relations, overturned legal segregation; in 1973 the Court ruled anti-abortion statutes unconstitutional.¹ Most recently the federal courts appear to be responding to the American people’s growing disaffection from partisan politics – 35% of Americans now identify themselves as politically independent – by issuing rulings that challenge some of the privileges and prerogatives of the parties themselves.

The recent decision by the U.S. Supreme Court upholding the Bipartisan Campaign Reform Act of 2002 (“McCain-Feingold”), touted as a critical step in curbing the influence of big money in American politics, touched off a firestorm of controversy in political and legal circles. Civil libertarians objected that the law’s curbs on unlimited contributions to political parties – “soft money” – and its limitations on spending for pre-election communications violated the First

Amendment. Partisans on both sides of the aisle echoed the dire warnings of Kentucky senator Mitch McConnell that by weakening parties the legislation would undermine democracy.² All sorts of organizations, from the NRA to the trade unions, joined the Doomsday chorus. But the Court rejected their arguments.

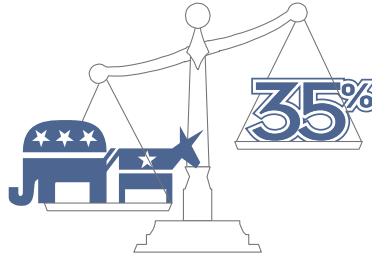
In a 5:4 decision, the majority made a sharp distinction between political parties and other entrants in the electoral sweepstakes. Specifically, the Court took account of the unique advantages that parties enjoy:

Political parties have influence and power in the legislature that vastly exceeds that of any interest group. As a result, it is hardly surprising that party affiliation is the primary way by which voters identify candidates, or that parties in turn have special access to and relationships with federal officeholders.³

It is because of these advantages, the Court found, that Congress had the right to ban soft money.

McConnell and the other plaintiffs sought to bolster their attack on the ban by invoking the situation of minor parties, which differs considerably from that of the majors. But the Court sidestepped this issue, promising to reconsider it if and when anyone seeking to found a new national party, or representatives of a “struggling minor party,” complained.⁴

The Court's decision in the McCain-Feingold litigation may signal a turning point in the treatment of political parties. During the previous 25 years the courts tended to uphold the rights of political parties whenever they came into conflict with the interests of voters or the public at large. Courts have allowed parties to determine the circumstances and conditions of association with them, and they have sided with the parties against state governments seeking to regulate the conduct of parties in the electoral arena. In 1981, for example, the Supreme Court held that the state of Wisconsin could not compel delegates to the Democratic Party's national convention to vote in accordance with the results of the state's open primary when doing so violated party rules.⁵



Nineteen years later, the Supreme Court again upheld the rights of parties over voters when it struck down California's open primary law.⁶ Adopted by referendum in 1996, the law had allowed a voter, regardless of party affiliation, to vote in the party primary of his or her choosing. Noting that "the formation of national political parties was almost concurrent with the formation of the Republic itself," the Court ruled that freedom of association "necessarily presupposes the freedom to identify the people who constitute the association, and to limit the association to those people only."

In 2003 the U.S. Court of Appeals for the Ninth Circuit followed suit by striking down an open primary system in the state of Washington, in effect since 1935, that had been upheld by the state's supreme court.⁷ Unlike the U.S. Supreme Court in the McCain-Feingold litigation, the Ninth Circuit explicitly rejected the voters' decision to favor nonpartisan interest groups over parties. According to the Ninth Circuit:

"Special interests" are evidently in the eye of the beholder. Some urban voters might think that special protection for rural water and electricity concerns serves a "special interest" of farmers, and that the Grange is a special interest group. There is nothing corrupt about promoting such protection, nor is there anything corrupt about organizing a party agenda that does not provide special protection for these interests.

By taking a different view of this question, the McCain-Feingold decision may open the door to other efforts to assert the public interest over the parties' interests. A case in point is Arizona, where the Libertarian Party sought to overturn a statute that opened party primaries to non-aligned voters. Citing *Jones* (the California case), the Ninth Circuit deemed

that its main rationale was to prevent members of another party from voting in a party's primary.⁸ The Court found that a final decision could not be made until a hearing was held to consider the interests of the state of Arizona and the Libertarian Party concerning the participation of independents. It thereby opened the door for holding that a state government can challenge a party's insistence on restricting its primaries to its own

members only. Such a decision would call into question a major premise of the parties' constitutional bulwark, which is that they and they alone have the right to determine who can and cannot participate in their activities, including state-financed primary elections. A word of caution may be in order, however. Neither of Arizona's major parties opposed opening their primaries to independent voters. Would the Court have been as open-minded if this had been a question of the associational rights of a major, rather than a minor, party?

An intriguing variation on this theme played out recently in New York, where the Independence Party received a more cordial judicial reception than the Libertarian Party had gotten in Arizona. In each case the right of the party to determine who could vote in its primary was at issue; the difference was that in 2003 the Independence Party of New York had adopted a rule opening its statewide primary to non-aligned voters.

The New York State Board of Elections refused to honor the new rule on the grounds that it conflicted with the state's closed primary system, codified in an Election Law provision which mandates that only members of a party can vote in that party's primary.

Attorneys for IP cited as precedent a 1986 Supreme Court decision upholding the right of the Republican Party of Connecticut to open its primaries to non-aligned voters.⁹ That decision was based entirely on the Republicans' associational right to determine who could vote in their party's primary. In New York the Court relied on *Tashjian*, noting that the Board of Elections was "in seeming defiance of the Supreme Court."¹⁰ However, the Court was attentive to the rights of non-aligned voters as well as to the rights of the Independence Party. In rejecting the board's arguments concerning the burden that would result from having to administer an all-independents primary given the state's outmoded voting equipment, Judge Jed Rakoff stated:

This would be "machine politics" of an utterly new, and absurd, kind. Fortunately, neither freedom of association nor the right to vote is so flimsy as to yield to the technical deficiencies of a particular locality's voting equipment.¹¹

In rebuffing this effort by the major parties to block a minor party from opening its primary to unaffiliated voters (referred to as "blanks" by major party operatives), the Court made no mention of the fact that the four-member New York State Board of Elections is a bipartisan body consisting of two Democrats and two Republicans.

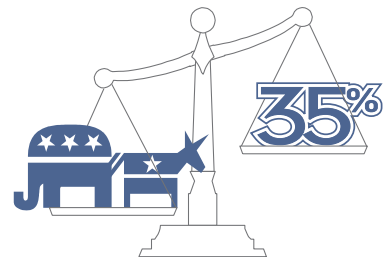
Shortly after the Independence Party moved to open its primary, Democratic Party election lawyer Jerry Goldfeder warned in his online op-ed column "Democracy Watch":

The proposed change would allow some 2.5 million truly independent voters, who constitute no less than ten times the 260,000 enrolled Independence Party members, to vote in that party's primary. The political impact of this could be far-reaching. Hundreds of thousands of current independents who ordinarily have no contact whatsoever with the Independence Party would, slowly but surely, get used to voting for their candidates in primaries. And this would no doubt lead to a dramatic

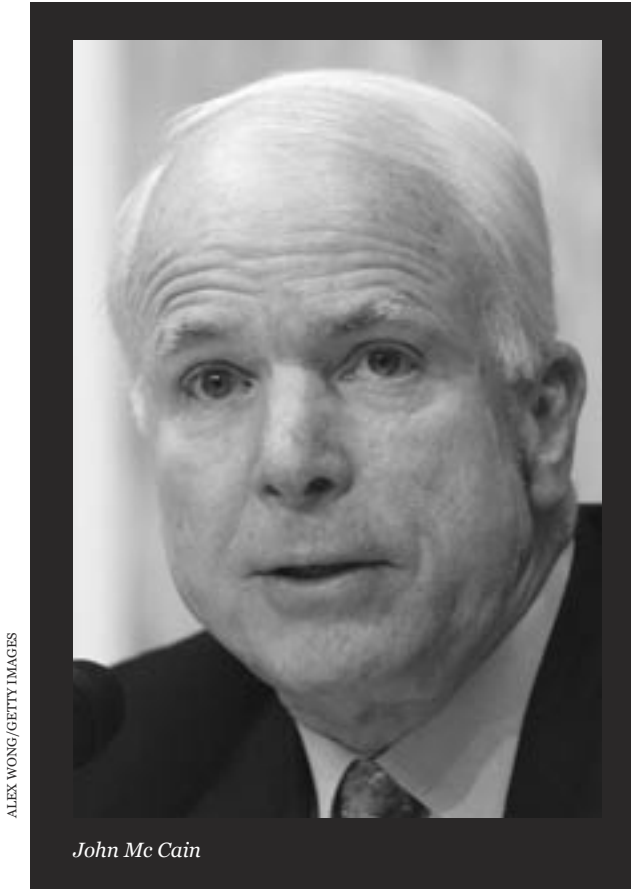
increase in the vote for Independence Party nominees in the General Election. In short, the innocuous-sounding rule change could very well make the Independence Party into a major party in New York. We could become a three-party state.¹²

In other words, the effort of the Independence Party to grow beyond itself should be viewed as a direct threat to the major parties. One way of understanding the Rakoff decision was that the Court refused to permit the partisan interests of the Board of Elections commissioners to subvert the Constitution – or the rights of independent voters, and those who seek to give expression to their interests – in an arena (an all-independents primary) not subject to control by the two major parties.

But when it came to presidential politics, the Independence Party ran into a partisan wall. Judge Rakoff made his ruling in December of 2003. The first primary election in which all of New York's 2.5 million independents could participate would be held on March 2, 2004. The catch was that under special enabling legislation enacted every four years at the request of the two major parties, only parties with national nominating conventions can hold presidential primaries; the deadline for opting into the process was November 1, 2003. Urging legislative leaders to enact a bill suited to a state-based political party unaffiliated with a national organization, IP pointed out that the failure to do so would disenfranchise two and a half million voters by preventing them from expressing their choice of a presidential nominee. After several weeks of discussion and the submission of draft legislation by attorneys for the Independence Party, the phone lines to Albany, the state capital, went dead. The IP requested that Judge Rakoff intervene again, but he refrained on the grounds that he lacked jurisdiction to do so. While his earlier ruling had addressed the issue of who was eligible to participate in primaries the party could hold under *existing* legislation, he explained, he could not order the state of New York to hold an "all-indies" presidential primary in the absence of enabling legislation.



The interests of the parties versus the interests of the citizenry has been on the agenda since the Republic's founding. In his Farewell Address, George



ALEX WONG/GETTY IMAGES

John Mc Cain

Washington famously warned against “the baneful effects of the spirit of party [which] render alien to each other those who ought to be bound by fraternal affection.”¹³

Yet “the spirit of party” has remained a feature of our political life, its “baneful effects” denied by the professional politicians who obey it, or defended as a necessary evil. Now, however, the judicial branch appears more inclined than it has been before to curb some of its excesses.

The Supreme Court is soon to decide a case in which blatantly partisan redistricting by the Pennsylvania leg-

islature is being challenged, even though it meets the Constitutional requirement of one person, one vote.¹⁴ In an *amicus* brief supporting the plaintiffs, Senator John McCain’s Reform Institute points out that in requiring members of the House of Representatives to run for election every two years, the framers of the Constitution thereby sought to ensure that body’s responsiveness to the ever-changing needs, desires and viewpoints of the electorate. The Senate, which until the enactment of the Seventeenth Amendment in 1913 was not elected by direct popular vote, and whose members continue to serve six-year terms, was to act as a counterweight to the more ephemeral House. What the Founding Fathers did not foresee was that the spirit of party would turn the House of Representatives into something akin to the British House of Lords, in which members of the aristocracy inherit the seats to which their families are permanently entitled. In the U.S. it is not heredity, but the prerogatives of incumbency and gerrymandering that are the parties’ preferred mechanisms for maintaining themselves in power.¹⁵ It works like this: Wherever one of the two parties has a majority in the state legislature (and one of their own in the governor’s mansion, to sign into law what the legislators approve), they carve up the state’s congressional districts in such a way as to create as many as possible in which the majority party is guaranteed a victory; meanwhile, they cram voters of the minority party into those districts – as few as possible – that have been conceded to the enemy.¹⁶ The Reform Institute concludes:

This leads to the controlling party giving itself a comfortable but less sizeable margin in as many districts as possible. The strategy thus aims to make virtually every district uncompetitive and achieves its partisan ends by making the districts differentially uncompetitive for each party. By creating super-safe districts for the opposing party and merely safe districts for itself, the controlling party “wastes” minority party votes and efficiently deploys its own. Knowing that “one person, one vote” and race are virtually their only legal constraints, party strategists feel free to draw such lines.¹⁷

The Supreme Court's decision in this case will have an impact on the power of parties and, in particular, on their use of the instruments of government to further their partisan interests.

Federal judges are appointed for life; once selected, they are virtually unimpeachable. Consequently, they are not likely to be constrained by fear of retaliation should they rule against the parties or against partisan interests – even if one or the other of the major parties was instrumental in their appointment. That existential fact of the life of a federal judge takes on particular significance at a moment when a growing number of Americans are disassociating themselves from the prevailing political culture of extreme partisanship, in which the major parties openly substitute themselves for the people. (It is ironic, but perhaps lawful, that decreasing popular support for the two parties, and their failure to capture a clear majority for one or the other even among those voters who still identify with the two-party system, is being accompanied by more, and ever more virulent, expressions of partisanship.)

In 1931 Judge Benjamin Cardozo of the New York Court of Appeals announced a turning point in the legal battle to make businesses accountable when their actions, either through negligence or intentional misconduct, caused injury – regardless of whether or not they were in a contractual relationship (“in privacy”) with the injured person(s): “The assault upon the citadel of privacy is proceeding in these days apace,” Cardozo said.¹⁸ In 2004 it may be said that the assault on the citadel of partyism, if not proceeding apace, is at least beginning to go forward. NEO

Harry Kresky, an attorney, has worked in the areas of constitutional, civil rights and election law for the past 30 years. In 2003 he was co-counsel for the *Independence Party of New York* in *State Committee of the Independence Party v. Berman*, the federal suit which resulted in a judgment requiring the State Board of Elections to allow unaffiliated voters to participate in Independence Party primaries.

Notes

- 1 *Brown v. Bd. of Education*, 74 S.Ct. 686 (1954); *Roe v. Wade*, 93 S.Ct. 705 (1973).
- 2 *The New York Times*, March 20 and 22, 2001.
- 3 *McConnell v. Federal Election Com'n*, 124 S.Ct. 619, 686 (2003).
- 4 *Id.* at 669.
- 5 *Democratic Party of U.S. v. Wisconsin ex rel. La Follette*, 450 U.S. 107 (1981).
- 6 *California Democratic Party v. Jones*, 530 U.S. 567 (2000).
- 7 *Democratic Party of Washington State v. Washington State Grange*, 343 F.3d 1198 (9th Cir. 2003).
- 8 *Arizona Libertarian Party, Inc. v. Bayless*, 2003 WL 2281707 (9th Cir. 2003).
- 9 *Tashjian v. Republican Party of Conn.*, 479 U.S. 208 (1986).
- 10 *State Committee of the Independence Party v. Berman*, 294 F. Supp. 2d 518, 519 (S.D.N.Y. 2003).
- 11 *Id.* at 520.
- 12 <http://www.politicsny.com/democracy/2-18-03.shtml>.
- 13 Washington's warning and those of other Founding Fathers are noted in a column by John P. Avlon in the February 26, 2004 issue of *The New York Sun* (p. 11). John Adams asserted: “There is nothing I dread so much as a division of the republic into two great parties.” Even Thomas Jefferson, hailed by Democrats as *their* Founding Father, declared: “If I could not go to heaven but with a party, I would not go there at all.”
- 14 *Vieth v. Jubelirer*, 188 F. Supp. 2d 532, (M.D. Pa. 2002) (appeal pending).
- 15 The Constitution leaves to the states the drawing of district lines for members of Congress.
- 16 In states where the balance of power between the two major parties is more equal, legislative compromises result in which both parties seek to maintain the status quo, i.e. the reelection of their respective incumbents.
- 17 *Amicus* brief, p. 14.
- 18 *Ultramares Corporation v. Touche*, 255 N.Y. 170, 180 (Ct. App. 1931).



The stunning collapse of Howard Dean's campaign for the Democratic presidential nomination produced a rash of theories and explanations. He did not have the right "temperament," some commentators argued, pointing for evidence to the speech he gave in Iowa to rally his supporters just after his unexpected loss there. Others said he wasn't "electable," in part because he had no expertise in foreign affairs. Often contradictory reasons were cited: Dean was too far to the left, he was too far to the right, his campaign was too chaotic, his campaign volunteers too quixotic, he was too Park Avenue, he was too Vermont. Little of the commentary focused on the Democratic Party's efforts to undermine his candidacy.

Shortly after Super Tuesday, journalist Charles Lewis reported that a group of Democrats calling itself Americans for Jobs and Healthcare had raised one million dollars between November of 2003 and March of 2004 to run incendiary attack ads against the erstwhile frontrunner.¹ The money came from supporters of John Kerry and the other big name Democratic candidates who had been eclipsed by Dean; the group went out of existence shortly after Super Tuesday. Lewis cautions that "no one can or should plausibly suggest that [Dean's] political demise was substantially attributable to the attacks from Americans for Jobs or any other para-mudslinging subterfuge efforts we don't know about." Still, he asks, "shouldn't the American people, including the national news media, insist on knowing who is mucking around their democracy in the midst of a presidential election?"

In early March, in a memo circulated to activists in the Choosing an Independent President (ChIP) process, which is reprinted here, Jacqueline Salit – who was in ongoing contact with the Dean campaign, and several others, in the months leading up to primary season – gives her own whodunit account of how and why the leadership of the Democratic Party sabotaged their best shot at beating George Bush and repudiating the neo-conservative direction of American policy.

1 "Who Mugged Howard Dean in Iowa?" from CounterPunch.org, March 6/7, 2004.



To: Choosing an Independent President 2004
(ChIP) Participants

From: Jacqueline Salit

Date: 3/7/04

How the Democratic Party Sabotaged an Independent Movement to Beat Bush

The Democratic primaries are now wrapped and the field for the general election is clear. It's Bush v. Kerry, with Ralph Nader having announced his candidacy as an Independent. The Libertarians and the Greens both plan to run presidential candidates.

During 2003, Choosing An Independent President 2004 (ChIP) reached out to a cross-section of presidential candidates – Democrat, Republican, and Independent. We challenged every contender to establish a connection to independent voters through the ChIP process, so that we could gauge their usefulness to the independent movement and potentially create a partnership that would bring independent voters into a more prominent and powerful position. Many ChIP participants (myself among them) were interested in trying to effect a partnership with the Democrats that had the potential to defeat George Bush while empowering the independent voter to a new level of strength and visibility.¹

Among the Democratic contenders who participated in ChIP (Howard Dean, John Edwards, Dennis Kucinich, Al Sharpton), the most engaged relationship was with Governor Dean and the Dean campaign.² Dean had the greatest affinity for independent voters (and vice versa). What's more, the Dean movement stirred the Democratic Party from its defeatist torpor and impotence. From the start, the "Beat Bush" formula looked to be Dean and the independents.

Dean, who was very popular in ChIP's national polling of independents, submitted his ChIP questionnaire in July, 2003. Lines of communication opened up between ChIP and the Dean campaign.

In early October, Dean met with Jim Mangia, one of ChIP's conveners, in California. Dean told Mangia that he believed he could "remake the Democratic Party" through his campaign. Mangia indicated that independents might be interested in supporting him so long as they were not asked to give up their identity as independents in creating such a partnership. That, he explained, was the purpose of ChIP. And, if a serious coalition of independents and Dean Democrats was pursued, that alliance could not only beat Bush, it could dramatically curtail the right-wing influence over American politics.

This exchange occurred just at the point that Dean's momentum was building. At the same time, establishment Democrats and their allies in the media had begun to raise concerns about his "electability," painting Dean as too radical and outspoken to be able to win in November. But the "electability" charge was really a ploy. Until Dean came along, the Democrats believed that no one was "electable," that no one could beat Bush. Suddenly the "electability" chorus was delivering the message that Democrats should think twice about nominating a candidate who was anything other than a complete and loyal Democrat. The establishment was not convinced Dean would put the self-perpetuation of the party above all other considerations.

As a follow-up to the Mangia-Dean meeting, I wrote to Governor Dean to explain that his relationship to the independent voter was the key to addressing the doubts about (actually, the attacks on) his so-called "electability."



Rev. Al Sharpton and Lenora Fulani

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CHELSEA PHILLIPS



Jim Mangia and candidate Howard Dean, October 2003

I described how he could create a new majority coalition made up of Democrats and independents. But, to effect that, Dean had to invest in that coalition. Investing in it meant his active participation in the ChIP process and using it to establish that he was not simply looking to rip off “swing voters,” but would build a relationship to the organizations that independent voters were themselves creating. I also underscored that Democratic Party attacks on Ralph Nader and Nader voters had soured independents on such a coalition, but that he could overcome that – and in doing so might remove the impetus for a Nader or Nader-style candidacy.

Dean’s star in the media and in the polls continued to rise as he hammered the partisan political interests. Meanwhile, ChIP pressed the cause of the independent voter with him (and with Edwards, Kucinich, Sharpton and Clark), feeding him opportunities to distinguish himself as an advocate for the empowerment of independents.

A CNN debate in Arizona in October put a spotlight on the primary there, where voters had passed a referendum opening party primaries to include the state’s half a million independents. However, the attorney general (a Democrat) ruled after the initiative was passed that it did not apply to presidential primaries. ChIP asked Dean to call on the Arizona Democratic Party to open its presidential primary, but there was no response. Meanwhile, ChIP mobilized hundreds of independents to pressure CNN to ask the candidates a question about the independent voter. Judy Woodruff framed the question in terms of the voter revolt that had occurred two days prior to the debate in the recall vote in California. No one picked up on the role of the independent voter in that revolt.

Dean was missing opportunities to make stronger and more explicit connections to independent voters. At one point in the Arizona debate, John Kerry went on the attack against Dean, accusing him of supporting Republican policies at a time when the party had become so right-wing that Senator Jim Jeffords was forced to leave the GOP to become an Independent. Here we caught a glimpse of how the Democratic establishment didn’t think Dean was too far left to win; Kerry was “spinning” him as too far right. They were really worried that he might be too independent.

We counseled the Dean campaign that Dean could have used the Kerry attack as an opportunity to promote his connection to ChIP and the independent voter and to criticize Kerry for his having failed to do so. (If he had done so he would have been vindicated by no less an establishment voice than The New York Times. In its post-Super Tuesday editorial on Kerry’s sweep of the March 2nd primaries, The Times wrote: “Mr. Kerry would benefit from looking at his exit polls,

which show he is not doing as well as he needs to among independents.”)

Throughout the early fall, ChIP’s “conversation” with Dean remained at a distance, until the fight for nonpartisan elections in New York City reached a boiling point.

Independent voters, the Independence Party of New York (many of whose leaders and members were participants in the ChIP process), rank and file Democrats and Mayor Mike Bloomberg were fighting for passage of a reform initiative – Question #3 – that would give the city’s nearly one million independent voters the right to participate in nonpartisan municipal primaries. In his ChIP questionnaire, submitted in July, Dean had pledged his support for nonpartisans.

However, the New York City Democratic Party machine was dead set against nonpartisan municipal elections. As Election Day approached, party operatives dug deep for every ounce of meaningful opposition to nonpartisans that they could muster. The week before the election a letter from Dean opposing Question #3 and urging voters to come out to defeat nonpartisan elections was rushed into circulation.

We immediately contacted the media and Joe Trippi, Dean’s campaign manager. The “flip-flop” story made the papers and by that night Trippi’s staff reached me. I was told Dean’s New York campaign, run by insider Democrats, had pressed for the statement. The national campaign had given way. Dean’s national staff – at least the ones I spoke to – were unhappy about the situation they found themselves in, caught in a squeeze between the interests of independent voters and a local Democratic machine. A high-level staffer later told me that day became known around Dean’s national campaign headquarters as “Black Monday.”

Trippi’s rep was regretful that they “couldn’t turn the clock back,” but said the Dean campaign did “want to find ways to go forward” together. It was at this point that the Dean campaign became most responsive to ChIP and most serious about putting together a set of joint actions that would help catapult Dean to the nomination and into an energized Independent/Democratic majoritarian coalition to beat Bush.

We began to intensify our efforts to get Dean to appear at the New Hampshire conference. We also brokered an invitation from the Independence Party of New York to have Dean appear at its annual Anti-Corruption Awards ceremony, which 400 independent voters, Mayor Bloomberg, U.S. Senator Charles Schumer and State Senate Majority Leader Joe Bruno would all be attending. The Dean campaign started to work on getting the governor to the event. Shortly before the awards were to take place ChIP was informed that Dean would not be attending, but would send a personal statement to the event. He did and his statement – which underscored the importance of the independent voter – was received with thunderous applause.

As it turned out, Dean spent the day of the Anti-Corruption Awards receiving the endorsement of Al Gore, an event designed to signal Dean’s full acceptance by the Democratic establishment. In retrospect, it seems that it was a moment when Dean allowed himself to be lulled into a false sense of security. He believed he would be accepted and the doubts about his loyalty to the establishment would be erased. But Democratic insiders – by now well aware that Dean was turning toward the independent voter, toward ChIP, and toward a coalition that could beat Bush but would also empower the independent movement – would have no part of such a strategy.



ChIP delegates in New Hampshire, January 2004

The day after the endorsement and the Anti-Corruption Awards, a Dean campaign operative called to find out how the governor's statement had been received. I gave him a full report and then congratulated him on the Gore endorsement. He was, however, a bit on edge and stressed that they were assuring everyone – including me – that the Gore endorsement did not mean that they were going “inside.” Rather, he said, they would remain as “outside” as they had ever been. Dean was, obviously, profoundly conflicted about this balancing act. But the Democratic establishment was not. They were simply waiting for the moment to make their move to bury Dean and, with him, the chance of a full-blown Democratic-Independent coalition.

Shortly after this conversation, Saddam Hussein was captured by U.S. military forces in Iraq. Dean observed that Americans were no safer for his having been captured – and the war against Dean (from inside the Democratic Party itself) hit a fever pitch.

Dean began to slip in the polls under heavy fire from his Democratic opponents. Reporters, pundits and party officials began to opine that the capture of Saddam might prove the undoing of Dean (another “instruction” posing as a description) because it boosted Bush's credibility. That was a complete distortion. The Democrats, under cover of the Saddam episode, set out to bury him. Meanwhile, Dean – in many respects a political neophyte – was blinded



Ralph Nader and Jacqueline Salit at ChIP's New Hampshire conference, January 2004

by his frontrunner status. But worse still, he was blind to the lengths the party would go to destroy him as soon as they sensed he was vulnerable.

We continued to press for Dean to appear at ChIP's New Hampshire conference, urging him to use it as a national platform to reinforce his political independence and pursue a winning "Beat Bush" coalition with the independent voter. But the campaign was trapped in a downward spiral. Dean was getting pummeled by his rivals for the nomination, by DNC chairman Terry McAuliffe and by the media – left and right. He desperately committed everything to winning in Iowa and New Hampshire, gambling \$40 million and all of his political capital on the hopes of salvaging his candidacy. Although the negotiations with the Dean campaign were ongoing and intense up until 48 hours before the ChIP New Hampshire event (including the possibility of having independent Senator Jim Jeffords come in to rep him), he did not show nor did he send a rep. At the nation's most significant gathering of independent voters on the

eve of Iowa and New Hampshire, Dean was fighting for his life. But the sad truth is that he was already dead. As soon as he gave his post-Iowa "I Have a Scream" speech, the Democrats buried him.

By this point, the Democratic Party was intent upon the nomination of John Kerry – the only Democrat other than DLC standard bearer Joe Lieberman – to steer clear of the ChIP process throughout.³ Their polling told them that Kerry could have a reasonable shot against Bush. But more important than that, Kerry's nomination gives the party a stability that a Dean nomination would have threatened. The party opted to destroy Dean and his singular ability to forge a winning coalition with independent voters. Why? The party puts its self-perpetuation above all else – including beating Bush.

As The New York Times reports, Kerry is weak among independents. Given how split the country is, that could prove his undoing, especially in light of Nader's decision to run.

Six weeks before he announced his presidential candidacy, Ralph Nader attended ChIP's conference in New Hampshire. It's an interesting and compelling conjuncture to revisit. Dean, under extreme pressure from the Democratic hierarchs, was bailing out on ChIP and the independents just as Nader was opting in. Nader's appearance in New Hampshire was not simply a plea for support. It was a statement that he believed in the ChIP concept - that independents can and must organize outside a party framework.

The barrage of denunciations by the "liberal intelligentsia" that followed his appearance at our gathering and then replayed full force after his announcement was a fitting epilogue to the Dean affair. Having deliberately buried the opportunity for a Bush-beating coalition behind Dean, the Democrats poured on the hysteria over Nader, accusing independents of betraying the Beat Bush cause. Their arrogance is truly astonishing. They are the betrayers and America is the victim. As I told several dozen ChIP leaders in a conference call last weekend, I could not bring myself to vote for the party that sold out the American

people at such a critical time. Covering that over now - by submitting to the Democrats' disingenuous and self-serving hysteria about Bush - simply perpetuates their crime. That is one of many reasons that I intend to support Ralph Nader.

A word about the other candidates who joined in the ChIP process is in order here.

John Edwards was the second candidate to come into the ChIP process. But after he submitted his questionnaire it was difficult to gain any connection with his campaign. Edwards was trying to make the issue of fighting special interests on behalf of ordinary Americans a central theme of his campaign. During ChIP's Independent Debate Watch, independent voters frequently commented on his populism, but were skeptical that he would follow through if elected. We conveyed these responses to Edwards and encouraged him to pursue his connection to independents to develop more credibility on this score. His campaign kept lines of communication open, but did not produce Edwards for some local ChIP events in North Carolina.

STEPHEN BOUKIDIS



ChIP convener Fred Newman



In early December, 2003, NBC's "The McLaughlin Group" devoted an entire segment to the independent voter and its importance in the presidential race. After the broadcast, I reached out to the Edwards' camp. I reminded them of the recriminations against independents that followed Gore's defeat in 2000 – the bitter attacks that blamed Nader and the independent voter for the loss to Bush. The Republican Party did not attack the independent voter or Ross Perot after Perot cost Bush (41) his reelection bid. To the contrary. The Republicans cultivated their relationship to the independent voter. But the Democrats had done the opposite. I urged the Edwards campaign to play his relationship to independents wisely.

Still, there was little response. Then, about ten days before the New Hampshire conference, the communication lines opened full force. The campaign was trying to bring Edwards to the conference. Then, as suddenly, 48 hours before the conference, all communication went dead.

What happened with John Edwards? As

Dean was dying, Dick Gephardt was sinking, and Kerry was resurfacing, Edwards suddenly saw daylight. His CHIP connection, slight as it was, fell by the wayside. He was a no-show at the CHIP conference.

The collapse of the Dean campaign, together with Gephardt's exit and Kucinich's and Sharpton's lack of traction, turned Edwards into the anti-establishment alternative to Kerry. If our polling showed independents to be ambivalent about the authenticity of Edwards' populism, they were downright disbelieving of Kerry's pledge to fight the special interests. Edwards polled close to 40% of the independent vote in Wisconsin (an open primary state), which resuscitated his candidacy, however briefly. We had a short rekindling of communication with the Edwards campaign after Wisconsin. It came to naught, but it is worth noting that among all the Democrats, Edwards singularly refused to attack Nader, focusing instead on the importance of integrating issues of concern to independents such that Nader would not pose a threat. Perhaps CHIP's early instructions to him on this score were taken to heart.

Congressman Dennis Kucinich joined the CHIP process in October, submitting his questionnaire and attending an Independent Debate Watch in New York. At that event he pledged his support to nonpartisan municipal elections. During the New York City nonpartisan municipal elections fight however, his campaign came out in opposition to nonpartisans. We pursued this "flip-flop" with the congressman and went through a very engaged dialogue with his advisors on the issue. Ultimately, Kucinich hung his "anti-nonpartisan" hat on a technicality – since New York did not have full public financing of campaigns, it did not meet his condition of support for nonpartisans.

Although many New York ChIP activists were disappointed by Kucinich's decision on this score – no one likes to see an outspoken populist cave in to a party machine – his honesty and courage about the Iraq war, about healthcare, and about globalization inspired many independents. He sent a rep to the ChIP New Hampshire conference, but never availed himself of the opportunity to creatively use his connection to the independents. Given that his was never a “viable” candidacy in the traditional sense, it would seem that the whole point of running would be to use the access he was given to introduce new concepts and new alliances into the body politic. He did little of that. What's more, he will remain loyal to the Democratic Party and endorse Kerry in the end. That will be a serious disappointment to his following.

Reverend Al Sharpton, who was the first presidential candidate to come into the ChIP process, did the least with it once in. After submitting his questionnaire, Sharpton did nothing to promote his connection to independent voters. He briefly touted his ability to bring Nader voters back to the Democratic fold, but didn't use his singular channel to independents to create anything of value or interest. Instead, it appears he traded access to the debates that DNC chair Terry McAuliffe gave him for being the ultimate loyal Democrat, just at a point when black voters are looking to diversify their political affiliations and play the political game in a more sophisticated way. He did not command a significant portion of the black vote in this primary season, but has already announced that he will crusade against Nader in the general election. This will put him up against Lenora Fulani, one of ChIP's conveners, who will support Nader and continue her efforts to strengthen the political leverage of the African American community

by exercising its independent options.

Gary Nolan, a Republican-turned-independent who is expected to be the Libertarian Party candidate, attended the ChIP conference in New Hampshire and was well received by the delegates. I'm sure some ChIP participants will want to work on his campaign.

The success of ChIP's first efforts to be a force representing independents on the national scene were, in my opinion, extraordinarily successful. When we began, we had no idea whether we could “penetrate” at all, whether ChIP would be related to as a serious representative of the independent voter. As it turned out we were, and we got close enough to be “burnt by the sun.” That is, we got close to catalyzing a broad coalition powered by independents hungry for a change – not simply in administrations, but in the political fabric of our democracy – only to see that coalition deliberately derailed by the Democratic Party. ChIP's job is not to tell people who to vote for, but rather how to continue to champion and create the power of the independent voter.

And now, back to work... **NEO**

- 1 ChIP did reach out to the Bush campaign and the campaign responded with a letter indicating interest in the ChIP process, but never followed up. Meanwhile, the vast majority of grassroots independents polled in the ChIP process rejected the Bush option.
- 2 General Wesley Clark sent a rep to the national ChIP conference but otherwise did not participate.
- 3 A week before the ChIP conference in New Hampshire, the Kerry campaign called to inquire about sending his daughter, Vanessa Kerry, and his stepson, Chris Heinz, to rep Kerry, but then abruptly cut off discussions with no explanation.

The trouble with “philosophical pragmatists” (“what is true is what works” – which virtually every contemporary pragmatist denies is the definition) is that you never quite know who they’re working for. Richard Rorty, America’s most *popular* philosophical pragmatist – though surely not one of our best philosophers (the recently deceased Donald Davidson is my candidate for the head of that very small grouping) – is, perhaps, the cleverest.¹

Davidson is, honorably though conservatively (in the classical sense), working on behalf of Philosophy. Rorty, far less honorably, works on behalf of ... Rorty. His cleverness lies in his capacity to be just *philosophically* correct enough for the muddled thinking that passes for left political analysis in America’s early 21st century “quagmire” and just *politically* correct enough for the disembodied abstraction that nowadays passes for American philosophy. Rorty has made an academic career for himself by “postmodernizing” traditional (Deweyian) epistemological pragmatism. He insists (endlessly) that he has no new definition of truth (or Truth).² Rather, says Rorty, he is no longer interested in truth (Truth). But in a lifetime of writing on this matter he has not convinced me that his (Rorty’s) *interests* in this matter have to do with truth (Truth). Due to diabetes and severe kidney disease I no longer have any interest in french fried potatoes, but I have not taken to questioning their existence. Davidson, by contrast with Rorty, effectively holds that some version of truth is required if Philosophy is to continue, which he believes it (Philosophy) must. I have recently written elsewhere of my preference for Davidson’s attitude on these matters, although I will work neither for Philosophy nor Rorty’s interests. Instead, I participate in progressive human relational activities. For doing so my co-workers and I have been labeled cultists by many on the Left.

But Rortyan cleverness seems even more troublesome to me in his political analysis than in his philosophical analysis. He is, I believe, an elitist, a narcissist who – while invoking the Deweyian crowd, the mass, the communicators – rests his argumentation on his personal interests.

In a recent issue of *Dissent*, Rorty’s words and narcissistic bias appear twice: once in a lead article called “Humiliation or Solidarity? The Hope for a Common European Foreign Policy,” and again in “More than Compromise,” a short review of Richard A. Posner’s *Law, Pragmatism and Democracy*.³

The first two paragraphs in “More than Compromise” expose Rorty’s problem (a presenting problem).

Nineteenth-century leftists assumed all that was necessary to create a just society was universal suffrage and free schools. An educated

electorate, they thought, would understand that the economy should maximize the happiness of all rather than just the wealth of investors. So they would elect candidates who would pass laws that would guarantee fair shares for all citizens and equal opportunities for all children. Social democracy would be the natural consequence of educating the workers and giving them the vote.

If this assumption had proved true, the class struggle in the United States would have been over long ago. Neither Calvin Coolidge nor George W. Bush would have been elected. But it has been proved false. The poor in the United States can not be persuaded to vote their interests – or even to vote – except at moments of extreme crisis such as the Great Depression. When they do vote, it is often merely to display their ignorance.

But the American people, both those who do vote and those who do not, do not do so “to display their ignorance.” They do so because, despite all of its extraordinary flaws, it is the available way to participate in electoral activity. Like all too many American political analysts, Rorty intentionally confuses what something is with what something means – a longstanding technique for substituting what individuals do (sometimes known as winner-take-all politics) for what the mass does. Usually, this kind of philosophical error seems to make no difference because the margin of victory within the electoral system is substantial. But with a 50/50 split in the electorate, Rorty’s narcissistic view becomes more apparent. NEO

1 See their exchange in Robert B. Brandom (Ed.). *Rorty and His Critics*. Oxford: Blackwell, 2000.

2 See *Rorty and His Critics*, *passim*.

3 *Dissent*. Fall, 2003.

Fred Newman is co-author of *The End of Knowing: A New Developmental Way of Learning* (Routledge, 1997) and co-creator of *Talk/Talk*, a weekly dialogue about the Sunday morning television talk shows.

BIO HAS CHANGED

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We at The Neo-Independent want to know how readers are thinking about politics and the presidential election. Please fill out the questionnaire, clip and mail to The Neo-Independent, 302A West 12th Street, #140, New York, NY 10014. Or fax to 212-609-2811. You can also take the poll online at www.neo-independent.com.

Name _____

Address _____

Phone _____ Email _____

1. Do you consider yourself a political independent?

- ☐ Yes
☐ No
☐ Not sure

2. If yes, why did you decide to be an independent?

3. If you are registered to vote, how are you registered?

- ☐ In my state, voters register without party affiliation
☐ Independent
☐ Undeclared
☐ Decline to state
☐ Unenrolled in a party
☐ Independence Party
☐ Green Party
☐ Libertarian Party
☐ Democratic Party
☐ Republican Party
☐ Other

4. Have you made a choice for the 2004 presidential election?

- ☐ Yes
☐ No

5. If yes, please indicate your choice:

- ☐ George W. Bush
☐ John Kerry
☐ Ralph Nader
☐ Libertarian candidate
☐ Green Party candidate
☐ Other

6. Many independents and reformers support a system of preferential voting in which voters rank their choices. Please rank the following candidates (#1 being your first preference, #2 your second, etc.):

- ___ George W. Bush
___ John Kerry
___ Ralph Nader
___ Libertarian Party candidate
___ Green Party candidate
___ Other

7. Many Democratic politicians and pundits have criticized Nader for entering the 2004 presidential race. Some Democratic Party leaders have pledged to do whatever they can to keep him off the ballot. Are you concerned that the Democrats will cross the "fairness line" by trying to have him removed from the ballot and/or excluded from news coverage and debates to prevent Nader's candidacy from going forward?

- ☐ Yes
☐ No
☐ Not sure

8. Would you support a grassroots campaign calling for non-interference with independent candidates and a fair election in 2004?

- ☐ Yes
☐ No
☐ Not sure

9. Regardless of how you plan to vote...

a) do you believe that Ralph Nader has the right to run?

- ☐ Yes
☐ No
☐ Not sure

b) would you like to see Nader included in the televised debates?

- ☐ Yes
☐ No
☐ Not sure

10. Would you be interested in participating in a campaign to lobby the media for fairer coverage for Nader, and/or for his inclusion in the debates?

- ☐ Yes
☐ No
☐ Not sure

11. *The Neo-Independent* is a brand-new national magazine written for independents that covers politics from the independents' point of view. Would you be interested in subscribing?

- ☐ Yes
☐ No
☐ Not sure



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