

The Right's Made-up 'Constitution'

From the Archive: Many Americans, especially Tea Partiers and Neo-Confederates, either haven't read the U.S. Constitution or insist on distorting its plain language which established federal supremacy over the states and empowered the central government to "provide for the general Welfare," as Jada Thacker noted in 2013.

By Jada Thacker (Originally published on July 6, 2013)

The Cato Institute's *Handbook for Policy Makers* says, "The American system was established to provide limited government." The American Enterprise Institute states its purpose to "defend the principles" of "limited government." The Heritage Foundation claims its mission is to promote "principles of limited government." A multitude of Tea Party associations follow suit.

At first glance the concept of "limited government" seems like a no-brainer. Everybody believes the power of government should be limited somehow. All those who think totalitarianism is a good idea raise your hand. But there is one problem with the ultra-conservatives' "limited government" program: it is wrong. It is not just a little bit wrong, but demonstrably false.

The Constitution was never intended to "provide limited government," and furthermore it did not do so. The U.S. government possessed the same constitutional power at the moment of its inception as it did yesterday afternoon. This is not a matter of opinion, but of literacy. If we want to discover the truth about the scope of power granted to federal government by the Constitution, all we have to do is read what it says.

The Constitution's grant of essentially unlimited power springs forth in its opening phrases: "We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America."

As might be expected in a preamble to a founding document, especially one written under supervision of arch-aristocrat Gouverneur Morris, the terms are sweeping and rather grandiose. But the point is crystal clear: "to form a more perfect Union." If the object of the Constitution were to establish "limited government," its own Preamble must be considered a misstatement.

Enumerated Powers

Article I establishes Congress, and Section 8 enumerates its powers. The first clause of Article I, Section 8 repeats the sweeping rhetoric of the Preamble verbatim. While it provides for a measure of uniformity, it does not so much as hint at a limit on the federal government's power to legislate as it sees fit:

"The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States"

No attempt is made here, or at any other place in the Constitution, to define "general Welfare." This oversight (if that is what it was) is crucial. The ambiguous nature of the phrase "provide for the general Welfare" leaves it open to widely divergent interpretations.

Making matters worse for federal government power-deniers is the wording of the last clause of Article I, the so-called "Elastic Clause": Congress shall have power "To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof."

Thus the type, breadth and scope of federal legislation became unchained. When viewed in light of the ambiguous authorization of the Article's first clause, the importance of the "necessary and proper" clause truly is astonishing. Taken together, these clauses restated in the vernacular flatly announce that "Congress can make any law it feels is necessary to provide for whatever it considers the general welfare of the country."

Lately there has been an embarrassingly naive call from the Tea Party to require Congress to specify in each of its bills the Constitutional authority upon which the bill is grounded. Nothing could be easier: the first and last clauses of Article I, Section 8 gives Congress black-and-white authority to make any law it so desires. Nor was this authority lost on the Founders.

"Limited government" advocates are fond of cherry-picking quotes from *The Federalist Papers* to lend their argument credibility, but an adverse collection of essays called the *Anti-federalist Papers* unsurprisingly never gets a glance. Here is a [sample](#) from New Yorker Robert Yates, a would-be founder who walked out of the Philadelphia convention in protest, written a month after the Constitution had been completed:

"This government is to possess absolute and uncontrollable power, legislative, executive and judicial, with respect to every object to which it extends. The

government then, so far as it extends, is a complete one. It has the authority to make laws which will affect the lives, the liberty, and the property of every man in the United States; nor can the constitution or the laws of any state, in any way prevent or impede the full and complete execution of every power given.”

Yates, it must be emphasized, took pains to identify the “necessary and proper” clause as the root of the “absolute power” inherent in the Constitution well over a year before ratification.

The Tenth Amendment

A particular darling of secession-prone, far-Right Texas Gov. Rick Perry, the Tenth Amendment is often claimed as the silver-bullet antidote for the powers unleashed by the “general welfare” and “elastic clauses.” Here is the text of the Amendment in its entirety: “The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.”

Superficially, the Tenth seems to mean “since certain powers are not delegated to the federal government, then those powers are reserved to the states or the people.” This would seem to be good news for champions of limited government. But this is not the case.

The Tenth does *not* say that important powers remain to be delegated to the United States. It merely says that powers “not [yet] delegated” are “reserved” to the states or the people. This sounds like a terrific idea until we realize, of course, that all the important powers had *already* been delegated in 1787, four years before the Tenth Amendment was ratified.

As we have seen, the first and last clauses of Article I, Section 8 made the Tenth Amendment a lame-duck measure even as James Madison composed its words in 1791 and so it remains today. The sweeping powers “to make all laws necessary and proper” in order to “provide for the general welfare,” had already been bestowed upon Congress. The Johnny-come-lately Tenth Amendment closed the constitutional pasture gate after the horses had been let out.

This apparently has never occurred to the likes of Gov. Rick Perry and his far-Right cohorts who believe a state may reclaim power by withdrawing its consent, in effect repossessing their previously delegated power through state legislation. Superficially, the logic of this position seems sound: if the states had the legal authority to delegate power, then they may use the same authority to “un-delegate” it by law.

But a close re-reading of the Tenth’s wording nixes such reasoning. Oddly, the Tenth Amendment does not say the *states* delegated their powers to the federal

government although it may be argued that it probably ought to have said so. It says "The powers not delegated to the United States *by the Constitution* are reserved to the States. "

Thus, according to the Tenth Amendment, the Constitution *itself* delegated the power to the federal government. States, in other words, now have no standing to "reserve-back" what they had never "delegated-away" in the first place.

Had it been possible to "un-delegate" the powers of the United States by invoking the Tenth, the Old South would have simply done so and spared itself the bother of secession not to mention the bother of being annihilated by a series of subsequent Northern invasions. The fact that the South did not even attempt such a strategy attests to the toothlessness of the Tenth Amendment.

No other instance in law would be a better example that we should choose our votes carefully. For in ratifying the Bill of Rights, which included the Tenth Amendment, the American people endorsed the legal fiction that the Constitution not the original 13 states, or "We the People" authorized the power of the United States *because the Constitution itself said so*. If the Constitution has an Orwellian twist, this is it no matter which side of the aisle you're on.

The states and the people may amend the Constitution. But they may not do so by nullification (according to the logic inherent in the wording of the Tenth Amendment), or by the judgment of state courts (according to the "supremacy clause" of Article VI), nor may any Amendment be made without the participation of the federal government, itself (according to Article V.) If the Founders had meant to ensure "limited government," there is no trace of such intent here.

Paucity of Rights

If the Constitution were intended to provide "limited government," we might expect it to be chock full of guarantees of individual rights. This is what Tea Partiers may fantasize but this is not really true. In fact, the Constitution is amazingly stingy in reference to "rights."

The word "right" is mentioned *only once* in the Constitution as ratified. (Art. I, Sec. 8 allows Congress to award copyrights/patents to ensure their holders "Right to their respective Writings and Discoveries.")

The word "right" somewhat counter-intuitively appears only six times in the ten Amendments called the "Bill of Rights."

Almost a century later, the first of seven other rights were added under pressure from Progressive activists almost all of which were intended to create and extend democratic participation in self-government.

Amendment XIV (sanctions against states denying suffrage); XV (universal male suffrage); XIX (women's suffrage); XXIV (denial of poll tax); and XXVI (18 year-old suffrage); and twice in Amendment XX, which gives Congress the "right of choice" in presidential succession.

In grand total, the word "right" appears only 14 times in the entire Constitution, as it exists today (including the two rights conferred to *government*).

Did we all notice that the "Constitution of the Founders" did not include the "right" for anybody at all to vote? Notable, too, is the absence of language implying that any "rights" are "unalienable" or "natural" or "endowed by their Creator." All such phraseology belongs to the Declaration of Independence, which apparently unbeknownst to Tea Partiers everywhere bears no force of Law.

The word "power," by the way, occurs 43 times in the Constitution, each time referring exclusively to the prerogative of government, not right-wingers. Since "individual" rights are mentioned only 12 times, this yields a ratio of about 4:1 in favor of government power over individual rights. Without the efforts of those pesky, democracy-mongering Progressives, who fought for universal voting rights, the ratio would be more than 6:1 today or 50 percent higher.

This statistical factoid is not as trivial as it may appear. Expressed in practical terms, Michele Bachmann, Sarah Palin or Clarence Thomas would almost certainly never have achieved public office had they lived under the "limited government" designed by the Founders they so revere.

The Bill of Rights

So what exactly are our non-patent/copyright "rights," under so-called "limited government?"

Amendment I the right of people "peaceably to assemble, and to petition the government for redress of grievances"

Amendment II the right "to keep and bear arms, shall not be infringed"

Amendment IV the right "to be secure against unreasonable searches or seizures"

Amendment VI the right "to a speedy and public trial"

Amendment VII the right "of a trial by jury"

Amendment IX enumeration "of certain rights" shall not deny "others retained by the people"

That's it. What happened to the famous rights of free speech, religion or press? The way the First Amendment is worded does not enumerate these as positive rights that people possess, but rather as activities the government may not infringe upon. If Bill of Rights author James Madison had meant to stipulate them as positive "rights" all he had to do was write it that way, but he did not.

Bear in mind Madison (then a federalist) wrote the Bill of Rights under political duress. Since anti-federalists (recall the skepticism of Robert Yates) flatly refused to ratify the Constitution unless it guaranteed *something*, Madison had to write *something*. In effect, the amendments were the pig the anti-federalists had bought in the poke, three years after ratification had paid for it.

Madison, at the time of writing, had little incentive to take pains with what he wrote because federalists did not believe a Bill of Rights was necessary, or even good idea (with Alexander Hamilton arguing a Bill of Rights would be "dangerous.") This may account for the fact that some of what Madison wrote seems vague, or even ambiguous, as in the case of Amendment II.

Amendment IX, for example, actually makes little sense, which may account for the fact nobody ever seems to mention it: "The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people."

This sounds "righteous" enough, until we recall the Constitution to which this Amendment pertains had "enumerated" only a single right in the first place! Even if Amendment IX applies to the Bill of Rights (to include itself), then all it says is "the people may have more rights than the half dozen mentioned so far, but we're not going to tell you what they are." (So if Amendment X is Orwellian, Amendment IX verges on Catch-22.)

Of course the idea was to calm suspicions that people would possess only the half-dozen rights enumerated in the Bill of Rights (plus patents!) and no others. Even so, Amendment IX did not guarantee any un-enumerated rights; it just did not peremptorily "deny or disparage" any.

And what sense should we make of the crucial Amendment V one of the four Bills of Rights not actually containing the word "right" at all?

"No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to

be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be **deprived of life, liberty, or property**, *without due process of law*; nor shall private property be taken for public use, without just compensation.” [Emphasis supplied]

Thus, life, liberty and property are *not* expressly granted status as fundamental “rights,” but only as personal possessions that may be deprived or taken according to “due process.” The crucial implication is that Amendment V exists *in order to stipulate how the government may deny* an individual claim to life, liberty or property. *With* due process, you life, liberty and property may be toast. That is what it plainly says.

It is interesting, too, that the Bill of Rights does not speak to the origin of rights, but only to their existence. Moreover, the Constitution never speaks of granting rights, but only protecting them. There is a good reason for this: excepting the Progressive suffrage Amendments, none of the guaranteed rights were American inventions, but had for centuries been considered the rights of the English nobility.

For those who want to believe in “American Exceptionalism” as the basis of “limited government,” this is not encouraging news. Moreover, the Constitution, including the Bill of Rights, hardly includes any “right” that had not already been recognized at one time or another by medieval English monarchs or in ancient Rome and Greece.

Property Rights and ‘Republic’

The strict libertarians among us claim the sole legitimate power of government is that which is necessary to protect private property rights. On this score, however, the “limited government” of the Founders is practically mute. Except for the aforementioned Article I, Section 8 provision for patents and copyrights, private “property” is only mentioned twice in the Constitution, both times in a single sentence of the “right”-less Amendment V quoted above:

“No person shall be deprived of life, liberty or **property** *without due process of law*; nor shall private **property** be taken for public use, *without just compensation.*” [Emphasis supplied]

Once again, Amendment V fails to guarantee personal immunity from the power of the state, but rather details the way state power may be used to dispossess individuals of their property. And we must bear in mind these words were not penned by Marxists, socialists, or Progressives.

Whether by design or happenstance, the original “Constitution of the Founders,” or the Bill of Rights, or even the Constitution with all its Amendments does not

grant any irrevocable “right of possession” to property. Even the Second Amendment’s “right to keep” arms, is subject to the terms by which property may be taken under terms of Amendment V, and it always has been.

Tellingly, the word “democracy” does not appear in the Constitution. This intentional oversight is often smugly celebrated by anti-democrats among us, who insist that the United States of America was founded as a “republic.” No doubt this is true, given that the Constitution was written by an exclusive, hand-picked cadre of oligarchs, whose number did not include a single woman, person of color, or wage-earner.

Unfortunately for the pro-republic “limited government” crowd, the Constitution does not contain the word “republic” either. The word does appear as an adjective, but only once, (Article IV, Section 4): “The United States shall guarantee to every State in this Union a Republican Form of Government, and shall protect each of them from Invasion”

Typically for the Constitution, which defines few of its terms, the word “Republican” also remains unexplained. The ambiguity of the term turned out to be handy, however, as Radical Republicans continuously and egregiously violated Article IV, Sec. 4 from 1865-1877 as they enforced blatantly unconstitutional military occupation of former Confederate states during the gross misnomer of “Reconstruction.”

It should be obvious that the “Constitution of our Founders,” including the Bill of Rights, may not protect as many rights as many wish to believe. Moreover, we have already noted the Constitution dropped all revolutionary talk of “unalienable” rights and “Creator endowed” liberty. This was not an oversight.

The revolutionary bit about “consent of the governed” posed an especially delicate problem for the Founders. Almost all owned slaves or were masters of property-less tenants or domestic servants, including their wives none of whom could offer their legal consent even if they wished to do so. Thus the Founders shrewdly considered it unnecessary to include any voting rights in the new republic they planned to rule, uncontested by the disenfranchised lower castes.

Did this result in the land of the free, with liberty and justice for all? Let’s see.

Under the U.S. Constitution, Americans were sentenced to death for protesting unfair taxes; journalists and citizens imprisoned for criticizing government officials; citizens’ property seized illegally; workers murdered by government agents; thousands jailed without the “privilege” of *habeas corpus*; entire states deprived of civilian courts; untold numbers of American Indians defrauded of

liberty and property; debt-peonage and debtors' prisons flourished, as did slavery and child labor; and the majority of the public was denied the vote.

All this was considered constitutional by the Founders. None of these outrages, please note, was the result of "progressivism," which had yet to be articulated, and all were common prior to the New Deal and the advent of so-called Big Government. Was this the face of "limited government?"

No, it was not. The concept of a democratically "limited government" was not for a moment entertained by our Founders, nor is it by those who idolize them today. With few exceptions, the Founders were Eighteenth Century patricians who took a revolutionary gamble meant chiefly to perpetuate their privileges, free from English colonial overlord-ship. It should come as no surprise these elitists drafted a Constitution that posed no threat to aristocracy.

'Limited Government' as Act of Faith

The original Constitution of the United States of America was just so much ink on paper. The Constitution, as it stands today, is just a lot more ink on paper.

But the Constitution's ink is important and deserves respect because it represents nothing less than the collective civic conscience of the American people. A great many Americans have dedicated their lives in trust to that conscience on battlefields, in classrooms, in everyday civic life, and even a few in the halls of power.

It is evident that most of the Amendments to the original Constitution as well as the Supreme Court's decisions interpreting its scope and purpose were made because the document had over the course of time been found wanting by the American people, whose common interests it was not originally intended to serve. As the collective civic conscience of the people changed, so too did their interpretation of self-government.

But the entire concept of social evolution (much less biological evolution) is something the ultra-Conservative rank-and-file likely does not comprehend and it is not something their leaders encourage them to consider. The reason for this may have less to do with politics than with fundamentalist faith.

An anecdote in point: the editor-in-chief at Random House once asked the extremist libertarian Ayn Rand if she would consider revising a passage in one of her manuscripts. She reportedly replied, "Would you consider revising the Bible?"

Ergo, that which is sacrosanct neither requires nor will tolerate change to include the fantasized "limited government" of the immortalized "Founding

Fathers.” The fact that Rand was a noted atheist only underscores the point that fundamentalist faith is not restricted to any particular brand of fanaticism.

Yet the Constitution’s conception was anything but immaculate. It was not carted down from the Mount in tablets of stone, nor is it the product of some mysterious Natural Law interpretable only by libertarian gurus. And whether its meaning is best exemplified by the Tea Party flag depicting a talking snake (“Don’t Tread on Me”), perhaps only Eve could judge with authority.

The Constitution is not a holy book, and there is no good reason for anybody to treat it like one. The men who wrote it were not prophets, nor were they particularly virtuous, though some could turn a pretty phrase. In fact, the Constitution’s most unholy-book characteristic is its most welcomed attribute: its readers are not required to believe in its infallibility in order for it to make sense to them.

But we are required to read the Constitution if we want to know what it says. The ultra-conservatives’ obsession with a constitutionally “limited government,” which has never actually existed, suggests they do not understand the Constitution as much as they merely idolize it.

These constitutional “fundamentalists” along with the American public in general would do better to pick the document up and read it sometime, not fall on bended knee before it and expect the rest of us to follow their example.

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War on Whistleblowers, After Obama

The war on whistleblowers has injected fear of prosecution into all honest communications between national security officials and reporters, meaning that the public instead gets a steady diet of U.S. government lies, propaganda and self-serving rhetoric, a problem addressed by John Hanrahan.

By John Hanrahan

Here’s the thing about President Barack Obama’s war on whistleblowers: In bringing espionage charges in nine cases involving disclosures or alleged misuse

of classified information, the current administration has set a floor, rather than a ceiling, on the number and types of whistleblower espionage cases a future president can bring.

And here's another thing: With leaders of both political parties having either kept silent or cheered on the Obama administration's unprecedented crackdown on whistleblowers, who in high position in Congress would have one shred of moral authority or credibility to challenge a future president's excesses under the Espionage Act? On the question of keeping American citizens in the dark and of punishing whistleblowers who dare to enlighten them, we truly have bipartisan authoritarianism.

And then a third thing: Don't count much on major U.S. news media for any meaningful oversight of, and opposition to, the treatment of whistleblowers under future presidents. The mainstream press and big-name journalists, with some intermittent, notable exceptions such as these two *New York Times* editorials and this *Newark Star-Ledger* editorial, have largely ignored the jail-the-whistleblowers policies of the Obama administration.

Or, worse, as we've reported before, some of the most prominent names in the media joined elected and appointed government officials in calling for harsh penalties for Edward Snowden, Chelsea Manning, Julian Assange and Wikileaks, and others whom they claim (without proof) to have endangered U.S. national security by providing classified information to the news media.

With his Justice Department having produced three times as many Espionage Act indictments for classified document disclosure as all other administrations combined since the passage of that legislation back in 1917, Obama has opened the door for his successors to continue, and even expand, the assault on national security state whistleblowers who act in the public interest.

Would any of the announced presidential candidates close that door after Obama leaves office in January 2017? Again, as with leading journalists and members of Congress, don't count on it.

It's an open question as to whether any future president could be more aggressive than Obama in going after whistleblowers. But based on the vengeful views of many of the large crop of Republican candidates and on Democratic front-runner Hillary Clinton's tough statements on Edward Snowden's NSA spying disclosures, prospects are not good for a sharp departure from the whistleblower crackdown of the last six years. Clinton and leading Republican candidates take the hard line that Snowden committed a serious crime and must be punished for it, with no chance of leniency.

Ultimately, as is the case with the ever-growing campaigns against the Trans-Pacific Partnership and National Security Agency spying, for example, it is not presidents or Congress, or the mainstream press, but an aroused citizenry and activist organizations with petitions, street protests, sit-ins, lobbying, etc. that can at least impede such undemocratic programs as the war on whistleblowers.

It also, though, might help if there were a president and Justice Department that were at least somewhat receptive to grassroots pressure to stop prosecuting whistleblowers, so in that vein it is worthwhile to have a look at where the many candidates to date stand.

Because of the monumental nature of Snowden's NSA disclosures, his case presents the best litmus test of candidates' views on the role of whistleblowers in a democracy. Bearing in mind, of course, as voters often learn to their regret, what candidates say, and how their views are perceived, before they are in office differs sharply from what they actually do once they are in office.

Look no further than Obama, circa 2008, and his perceived antiwar credentials among Democratic activists, as well as the point from the Obama-Biden ethics agenda from the 2008 campaign in which Obama and running-mate Joe Biden pledged to "protect whistleblowers." This administration has given a whole new meaning to the word "protect."

While candidates can back away from progressive positions once in office, it seems a safe bet, though, that candidates who now call Snowden a "traitor" or a "criminal" are unlikely to change their minds to favor whistleblowers once they are elected.

Hillary Clinton: No Friend to Whistleblowers

On the Democratic side, nothing that Hillary Clinton has said to date shows any sympathy toward, or understanding of the role of, whistleblowers. It is laughable that she suggests Snowden and other national security state whistleblowers "go through channels", as she perpetuates the fairy tale that we have a good system in place for airing whistleblowers' concerns about military and surveillance issues if only people would avail themselves of it.

During her book tour, *The Hill* newspaper reported last year, Clinton told National Public Radio: "There were other ways that Mr. Snowden could have expressed his concerns," such as going to Congress.

Clinton continued: "I think everyone would have applauded that because it would have added to the debate that was already started. Instead, he left the country, first to China, then to Russia, taking with him a huge amount of [sensitive]

information.” Clinton has also contended that Snowden’s disclosures had damaged national security by providing information to terrorist networks.

And here is Clinton again in the same vein in a July 4, 2014 [interview](#) with *The Guardian* about holding Snowden “accountable”: “If he [Snowden] wishes to return knowing he would be held accountable and also able to present a defense, that is his decision to make. Whether he chooses to return or not is up to him. He certainly can stay in Russia apparently under Putin’s protection for the rest of his life if that’s what he chooses, but if he is serious about engaging in the debate then he could take the opportunity to come back and have that debate.”

Clinton talks as if there is some sort of Oxford Union mechanism whereby defenders and opponents of the national security state sit together on a stage exchanging deep thoughts about major issues of the day before a well-informed audience.

As many Snowden supporters have pointed out, the “debate” Edward Snowden would face the minute he hits U.S. shores would be to be shackled and put in solitary confinement, like Chelsea Manning, far out of the reach of any press interviews or would-be fellow debaters. He would engage in the same sort of “debate” Manning engaged in under an espionage law which barred her or any defendant from mounting any sort of public-interest defense as to why they did what they did.

Clinton and others who recommend the “channels” route also need to be reminded that Daniel Ellsberg four-plus decades ago went to influential, antiwar members of the Senate, J. William Fulbright (D-Arkansas) and George McGovern (D-South Dakota) with the Pentagon Papers before he released them to *The New York Times* and other newspapers, but they rebuffed him.

In more recent times, in the early 2000s, CIA officer Jeffrey Sterling went to the Senate Select Committee on Intelligence with his concerns over a CIA scheme (Operation Merlin) to provide flawed nuclear weapons blueprints to Iran. Sterling was not only rebuffed, but as his recent trial illustrated (and Sterling did not know at the time), the committee was already aware of this program and did nothing with his allegations.

Sterling was subsequently investigated by the government for allegedly providing information about Operation Merlin to *New York Times* reporter James Risen, charges Sterling denies to this day. For his troubles in “going through channels,” he became a main suspect in the disclosure to Risen, was hounded for years, was indicted and finally this past January convicted of espionage and other charges. Sterling has begun serving a 42-month prison term as he pursues an appeal.

Sanders, Chafee Favor Leniency for Snowden

Among the small pool of other announced Democratic candidates, long-shot Democrat Lincoln Chafee (a former Republican senator and former independent governor of Rhode Island) and independent socialist Bernie Sanders, running as a Democrat, are calling for some sort of leniency, Sanders calls it “clemency”, that would allow Snowden to come back to the United States and apparently not face a prison term.

A year before announcing his presidential run, Sanders called for leniency for Snowden, but at the same time felt it necessary to gratuitously add that Snowden “violated an oath and committed a crime,” without acknowledging that the duty to uphold the U.S. Constitution should trump any oath of secrecy.

In an early 2014 statement to the Burlington (Vermont) *Free Press*, Sanders said: “The information disclosed by Edward Snowden has been extremely important in allowing Congress and the American people to understand the degree to which the NSA has abused its authority and violated our constitutional rights. On the other hand, there is no debate that Mr. Snowden violated an oath and committed a crime.

“In my view, the interests of justice would be best served if our government granted him some form of clemency or a plea agreement that would spare him a long prison sentence or permanent exile from the country whose freedoms he cared enough about to risk his own freedom.”

In announcing his Democratic presidential candidacy in June 2015, Chafee also offered a much friendlier attitude than Clinton toward the world’s most famous modern-day whistleblower, calling for Snowden to be allowed to come back to the United States without apparently facing a prison term.

“I want America to be a leader and inspiration for civilized behavior in this new century,” Chafee said at his campaign kick-off. “We will abide by the Geneva conventions, which means we will not torture prisoners. Our sacred Constitution requires a warrant before unreasonable searches, which include our phone records. Let’s enforce that and while we’re at it, allow Edward Snowden to come home.”

Notably, unlike Clinton who as a senator voted for the Iraq war resolution, Chafee was one of only 23 senators, and the lone Republican senator, to vote against it.

Democratic presidential candidate and former Maryland Gov. Martin O’Malley has called for more restrictions on NSA surveillance than was provided for in the recently passed USA Freedom Act, including as he said recently “having a role

for a public advocate in the FISA court.” However, he made no mention of Snowden in his statement.

Rand Paul Thanks Snowden But Would Send Him to Prison

On the crowded Republican presidential side, libertarian Kentucky Senator Rand Paul has expressed gratitude for Snowden’s disclosures, but still envisions a prison term, albeit apparently a lenient one, for the whistleblower, even as most other Republican candidates who have taken a position are calling for Snowden’s head as a criminal and a traitor.

Despite Paul’s strong opposition to renewal of the Patriot Act and his acknowledgement that Snowden performed a public service in disclosing NSA’s “illegal” acts, he opts for “a fair trial with a reasonable sentence” for Snowden, rather than clemency.

“I don’t think Edward Snowden deserves the death penalty or life in prison, I think that’s inappropriate, and I think that’s why he fled, because that’s what he faced,” Paul said on ABC’s “This Week” in January 2014. “I think the only way he’s coming home is if someone would offer him a fair trial with a reasonable sentence.”

“Do I think that it’s o.k. to leak secrets and give up national secrets and things that could endanger lives?,” he continued. “I don’t think that’s o.k. But I think the courts are now saying that what he revealed was something the government was doing was illegal.”

Paul went on to pose a false equivalency between NSA’s law-breaking and what Snowden did. Noting the false testimony before Congress of Director of National Intelligence James Clapper that the NSA did not deliberately collect data from U.S. citizens, Paul said:

“I don’t think we can selectively apply the law. So James Clapper did break the law and there is a prison sentence for that. So did Edward Snowden. So I think personally he probably would come home for some penalty of a few years in prison which would be probably not unlike what James Clapper probably deserves for lying to Congress, and that maybe if they served in a prison cell together, we’d become further enlightened as a country over what we should and shouldn’t do.”

Paul’s comments about prison time for Snowden prompted CNNPolitics.com to opine that if a top antagonist of the NSA such as Paul “believes Snowden should be locked up, the famed whistleblower is unlikely to get any reprieve from the rest of the 2016 Republican field.”

Other Republicans Mainly See Snowden as ‘Criminal,’ ‘Traitor’

Here's a sampling of what some other declared and potential Republican presidential candidates have said about Snowden:

–Senator Ted Cruz has been somewhat sympathetic to the whistleblower, saying that “Snowden has done a considerable public service by bringing [the NSA disclosures] to light.” But he added that “there are consequences to violating laws and that is something [Snowden] has publicly stated he understands, and I think the law needs to be enforced.”

–Jeb Bush has called the NSA's spy programs “the best part of the Obama administration,” and termed Snowden “not a hero.” “He violated U.S. law. That's why he's living large in Moscow, the land of freedom,” Bush said with some sarcasm in May 2015.

–Marco Rubio said Snowden's disclosures marked “the single most damaging revelation of American secrets in our history,” adding in a November 2013 speech to the American Enterprise Institute: “This man is a traitor who has sought assistance and refuge from some of the world's most notorious violators of liberty and human rights.”

–Rick Perry told Bloomberg Television in a March 2014 interview that Snowden was “more criminal than he is a whistleblower,” adding: “We have rules and regulations, and we just can't have people passing out information that could do damage to our intelligence gathering.”

–Chris Christie in May 2015 told Fox News that Snowden is “a criminal and is living and he's hiding in Russia and he's lecturing to us about the evils of authoritarian government while he's living under the umbrella of Vladimir Putin.”

–Sen. Lindsey Graham (R-South Carolina) has been among the most vengeful in his statements about Snowden, you have “blood on your hands,” he said. “I don't think he's a hero. I believe he hurt our nation. He compromised our national security program designed to find out what terrorists are up to. I hope we'll chase him to the ends of the earth, bring him to justice.”

–Mike Huckabee opposed extension of the Patriot Act, but his position on Snowden is unclear. On his Fox television show, Huckabee did have guests who debated NSA's spying, including critics such as former NSA whistleblower William Binney, but doesn't appear to have passed any judgment on Snowden, other than to cite specific disclosures made by Snowden as being important for the American people to know.

–Bobby Jindal has apparently not stated specifically what he thinks of Snowden, saying only about NSA spying that: “I believe that government should have to get

a warrant to spy on American citizens, and I oppose the mass collection of data.

At the same time, I also believe that when the government has a lead, they must have the freedom to follow that lead, wherever it goes.”

–Rick Santorum has said: “I don’t think people who are undermining the security of our country are heroes.”

–Donald Trump, in a “Fox & Friends” appearance in June 2013 shortly after Snowden’s disclosures, said, “in the old days [spies] used to be executed.” He continued: “This guy [Snowden] is a bad guy. You know there is still a thing called execution. You really have thousands of people with access to the kind of material like this. We’re not going to have a country any longer.”

–Other declared or potential Republican candidates, Carly Fiorina, John Kasich, Ben Carson, Scott Walker, etc., appear not to have made reported statements about Snowden or whistleblowers in general.

–Among announced third-party presidential candidates, Jill Stein, who is seeking the Green Party’s nomination for a second time, has long called for a pardon for Chelsea Manning who is serving a 35-year prison sentence as her case is under appeal.

Whistleblower Crackdown Part of Landscape of Fear

Thanks to Obama, and the lack of significant congressional, journalistic or public outcry against his crackdowns on whistleblowers over the last six years, the bringing of espionage charges has become commonplace, a dangerous precedent seemingly controversial only among civil libertarians, non-Democratic progressive activists and bloggers.

Punishing whistleblowers has become part of the landscape of fear that blankets our country today, just as with drone warfare, presidential kill lists, targeted and random assassinations, a high level of U.S. surveillance of citizens and people throughout the world, unpunished torturers, undeclared wars, and a claimed right of interventions and invasions anywhere on the planet to keep Americans “safe.”

Democratic leaders in Congress, in fact, believe Snowden should go to prison for a long time for his disclosures. Then-Senate Majority Leader Harry Reid (D-Nevada) in August 2013 said: “I think Snowden is a traitor, and I think he has hurt our country, and I hope someday he is brought to justice.”

Likewise, Sen. Dianne Feinstein (D-California), at the time chair of the Senate Select Committee on Intelligence, said shortly after the first Snowden disclosures in June 2013: “I don’t look at this as being a whistleblower. I

think it's an act of treason."

And House minority leader Nancy Pelosi (D-California) in January 2014 termed Snowden "no hero," said he should not be granted clemency, but should instead "come back and face the music for what he did (but) the music shouldn't be the death penalty or life in prison."

Most of the mainstream press, for its part, even today after all of the NSA disclosures triggered by Edward Snowden, continues to label what Snowden did as a crime. Typical of this was a June 4, 2015 editorial in the *Los Angeles Times*, whose headline rather sums up the feelings of much of the mainstream press toward whistleblowers: "Snowden deserves credit for NSA reform, and to stand trial."

Telling whistleblowers "thanks for exposing nefarious government activities, but now you're going to jail" hardly amounts to a ringing defense of whistleblowers, nor much of an incentive for others to do the same. Nor does it recognize that without whistleblowers most blockbuster news stories would never see the light of day, to the detriment of the public and the ever-shrinking traditional news media.

This is the sad state of most corporate journalism in the early Twenty-first Century: report explosive revelations from the whistleblower but offer nothing but prison in return.

By failing to rally vigorously to the defense of whistleblowers, congressional Democrats and most of the mainstream press have implicitly given the o.k. for any future president to go after as many whistleblowers as he or she deems proper.

And if a future president decides to up the ante and also go after recipients of classified materials, i.e., reporters, in an even more aggressive fashion than this administration did in the case of James Risen of *The New York Times* (who was threatened with jail for refusing to reveal a source's identity), and James Rosen of Fox News (who was alleged by the government to have been a co-conspirator, but not indicted, in another Espionage Act case), what then?

Would the mainstream press and influential members of Congress go to the barricades for the First Amendment, the press and whistleblowers in such a scenario?

Regardless of what pessimistic answer one gives to that question, the U.S. public should know by now that, as with all of the other repressive measures imposed under Presidents George W. Bush and Obama, we aren't going to get out of any of these messes by figuring that the next president will somehow be better

in restoring some of our democratic rights. Only an inflamed citizenry pressuring all of our unresponsive government and journalistic institutions can help us move in that direction.

John Hanrahan, currently on the editorial board of ExposeFacts, is a former executive director of The Fund for Investigative Journalism and reporter for “The Washington Post,” “The Washington Star, UPI and other news organizations. He also has extensive experience as a legal investigator. Hanrahan is the author of “Government by Contract” and co-author of “Lost Frontier: The Marketing of Alaska. He has written extensively for NiemanWatchdog.org, a project of the Nieman Foundation for Journalism at Harvard University. [This article originally appeared at ExposeFacts.org.]

GOP Madness Surfaces in Texas

The Tea Party extremism boiling from beneath the Republican Party bubbled to the top in the GOP’s Texas state platform revealing ugly bigotries and a frantic know-nothing-ism, writes Michael Winship.

By Michael Winship

Imagine the official presentation of a worldview concocted by conspiracy theorists and an assortment of cranks and grumpy people. Conjure a document written by scribes possessed of poison pens soaked in the inkpots of Ayn Rand and the Brothers Grimm, caught in the grip of a dark dystopian fantasy of dragons and specters, in which everyone’s wrong but thee and me and we’re not sure of thee.

No, this is not some “Game of Thrones” spinoff. Ladies and gentlemen, we give you the official 2014 platform of the Republican Party of Texas, 40 pages of unrestrained, right-wing bluster against you name it, women, minorities, immigrants, Muslims, gays, Obamacare, the Internal Revenue Service, red light cameras, the EPA, the World Bank, vaccinations, well, you get the picture. In the spirit of the Alamo, this is a work straight out of the 19th century with no option for surrender.

Pick a page, any page, and you’ll find yourself pitched through the rabbit hole into an alternate reality. Homosexuality? “ Chosen behavior that is contrary to the fundamental unchanging truths that have been ordained by God in the Bible Homosexuality must not be presented as an acceptable alternative lifestyle, in public policy, nor should family be redefined to include homosexual couples.”

But it can be cured! The Texas Republicans “recognize the legitimacy and efficacy of counseling, which offers reparative therapy and treatment for those patients seeking healing and wholeness from their homosexual lifestyle.”

That’s about as close to George W. Bush’s “compassionate conservatism” as the good ole boys (and 12 or so women) of the platform committee get. Corporal punishment? By all means: spare the rod and spoil the child.

Guns, yes, please, more! “No level of government shall regulate either the ownership or possession of firearms.” Foreign aid no way, “except in cases of national defense or catastrophic disasters, with congressional approval.”

As for public schools, who needs them? “Since data is clear that additional money does not translate into educational achievement, and higher education costs are out of control, we support reducing taxpayer funding to all levels of education institutions.”

And Social Security let ‘em eat pork rinds: “We support an immediate and orderly transition to a system of private pensions based on the concept of individual retirement accounts, and gradually phasing out the Social Security tax.”

Roe v. Wade must be overturned: “We revere the sanctity of human life.” And yet, “Properly applied capital punishment is legitimate, is an effective deterrent, and should be swift and unencumbered.”

Climate change is “a political agenda which attempts to control every aspect of our lives. We urge government at all levels to ignore any plea for money to fund global climate change or ‘climate justice’ initiatives.” This despite the assessment of the Texas Commission on Environmental Quality that “Large sections of the state are experiencing exceptional or extreme drought.”

Global diplomacy: “We support the withdrawal of the United States from the United Nations and the removal of United Nations headquarters from United States soil.” Oh, and by the way, Benghazi, Benghazi, Benghazi.

All of this is disturbing enough, but what may be the most troubling are the platform planks urging the elimination of virtually any federal authority, the repeal of certain parts of the Constitution or insisting on archaic interpretations that most of us thought were put to bed more than a century ago.

Executive decisions by any agency would have to be approved by Congress and as for all “unelected bureaucrats” you mean civil servants, too? “we urge Congress to use their constitutional authority to defund and abolish these positions and return authority to duly elected officials.”

Further, the FBI, DEA, ATF, immigration officers ANY federal enforcement activities within Texas “must be conducted under the auspices of the county sheriff with jurisdiction in that county.”

The Texas GOP supports repealing the 17th Amendment, which in 1913 established the direct election of U.S. senators by the voters, taking that power away from state legislatures, which famously could be bought for pretzels and cheese. In the Gilded Age, in part because of the ease of wholesale bribery at the state level, corporations like Standard Oil and Union Pacific had the U.S. Senate in their pocket (not that it’s much better these days).

In their frenzied dreamland, what’s left of the Voting Rights Act would be repealed and more stringent restrictions on who’s allowed to vote would be put in place, further disenfranchising minorities. What’s more, Congress is to “withhold Supreme Court jurisdiction in cases involving abortion, religious freedom and the Bill of Rights” (!) and the Texas state legislature is to “ignore, oppose, refuse, and nullify any federal mandated legislation which infringes upon the states’ 10th Amendment Right.”

State nullification of federal law has been consistently forbidden by the Supreme Court since 1809 and, with slavery, was at the core of the losing Confederate cause 150 years ago. Then it was again used unsuccessfully by those opposed to the civil rights movement of the Sixties. Still, it refuses to go away, like an antibiotic-resistant strain of strep.

No wonder the current slogan of Texas’ official tourism campaign is, “It’s like a whole other country.” They ain’t just whistling “Dixie.”

But for all the platform’s Texas-style bravado, there is no mention of Gov. Rick Perry’s much touted “Texas miracle,” his and other state Republicans’ boast that since 2009, “about 48 percent of all the jobs created in America were in Texas” due to low taxes and little regulation.

There is in the document a general opposition to taxes, a call for the elimination of the minimum wage and this: “We believe that a favorable business climate and strong economy emerges when government is limited by low taxation, sensible regulation, and tort reform. The American private sector powers our economy and is the true creator of jobs.”

Maybe the bragging was backburnered because, as Phillip Longman points out in *Washington Monthly* magazine, the state may have no income tax, “But Texas has sales and property taxes that make its overall burden of taxation on low-wage families much heavier than the national average, while the state also taxes the middle class at rates as high or higher than in California

“And unlike in California, middle-class families in Texas don’t get the advantage of having rich people share equally in the cost of providing government services. The top 1 percent in Texas have an effective tax rate of just 3.2 percent. That’s roughly two-fifths the rate that’s borne by the middle class, and just a quarter the rate paid by all those low-wage ‘takers’ at the bottom 20 percent of the family income distribution. This Robin-Hood-in-reverse system gives Texas the fifth-most-regressive tax structure in the nation.

“Middle- and lower-income Texans in effect make up for the taxes the rich don’t pay in Texas by making do with fewer government services, such as by accepting a K-12 public school system that ranks behind forty-one other states, including Alabama, in spending per student.”

In the words of “Texas on the Brink,” the annual report written by the progressive Legislative Study Group, a research caucus in the Texas House, “In Texas today, the American dream is distant. Texas has the highest percentage of uninsured adults in the nation. Texas is dead last in percentage of high school graduates. Our state generates more hazardous waste and carbon dioxide emissions than any other state in our nation. If we do not change course, for the first time in our history, the Texas generation of tomorrow will be less prosperous than the generation of today.”

Instead of real solutions trying to come to grips with real problems, the Texas GOP went for the chimerical bucket list of the extreme right. Granted, there are plenty of excellent reasons to be angry with the federal government, and like any party platform this document is more for show than anything else. But it is a frightening reminder of what’s happening within the Republican Party in Texas and elsewhere in the country.

As Mark Binelli recently wrote in *Rolling Stone*, “After nearly six years of pumping out cynical horror stories involving our nefarious president and a Washington bureaucracy run amok, the right-wing fear machine has managed to reduce its target audience to a quivering state of waking nightmare, jumping at shadows.

“If, to paraphrase Baudelaire by way of *The Usual Suspects*, the devil’s greatest trick was to convince the world he didn’t exist, the modern GOP’s greatest trick might have been convincing its electorate that he does, and that the federal government exists as some kind of infernal machine. While impressive, this trick has also proved to be a very dangerous one, as states of panic have a tendency to produce rather extreme results.”

Binelli quotes Texas Democratic strategist Harold Cook: “When I moved to Austin in 1989, Texas politicians were conservative in the classic sense of the term:

They wanted to make sure government was small and unintrusive. There were pretty strong libertarian and populist streaks, and that still exists among the electorate, but what's new, I think, is a litmus test driven by the Tea Party wing, where if you're not mad enough, if you don't demonstrate a certain level of hatred, then your motives are suspect.

"Your final votes on legislation don't matter. These two politicians might be voting exactly alike but the one the Tea Party loves is running around the district all the time screaming about how much he hates Obama."

More than 150 years ago, the state's governor, Sam Houston, hero of the Texas War of Independence, recognized this same spirit of suicidal extremism, tintured with bigotry and fantasy, infecting his fellow Texans as they prepared to leave the United States and join forces with the Confederacy. Houston, while no fan of abolition, warned against secession; that the South would be overwhelmed.

In a speech on September 22, 1860, at a mass meeting in Austin, he declared, "You are asked to plunge into a revolution; but are you told how to get out of it? Not so; but it is to be a leap in the dark, a leap into an abyss, whose horrors would even fright the mad spirits of disunion who tempt you on

"Are we to sell reality for a phantom?"

The Texas GOP and far too many others, say yes.

Michael Winship is the Emmy Award-winning senior writer of Moyers & Company and BillMoyers.com, and a senior writing fellow at the policy and advocacy group Demos.

Greasing Skids for the Comcast Deal

Americans often complain about their cable bills which always seem to be going up. Part of that money, however, goes not for entertainment but to curry favor with Congress and other officials who will judge the Comcast-Time Warner merger, as Michael Winship notes.

By Michael Winship

As the U.S. Senate holds its first hearing on the proposed Comcast-Time Warner deal, a \$45 billion transaction that will affect millions of consumers and further pad some already well-lined pockets, it's useful to get a look at how

our elected officials have benefitted from the largesse of the two companies with an urge to merge.

Although the ultimate decision will be made by the Federal Communications Commission and the Justice Department, according to the Sunlight Foundation, a reliable, nonpartisan watchdog, “The number one and number two cable providers in the country are also big-time on the influence circuit, giving upwards of a combined \$42.4 million to various politicians and groups since 1989.



The Sunlight Foundation’s Influence Explorer tool also shows that the two companies have spent a combined \$143.5 million lobbying Congress since 1989 on issues including telecommunications, technology, taxes and copyright.

President Barack Obama benefitted the most, by far, from Comcast, whose employees and their family members contributed more than \$537,800. Two Texans, Gov. Rick Perry and Lt. Gov. David Dewhurst, are the top recipients of contributions from Time Warner Cable, receiving \$185,000 and \$170,000, respectively.

Three Democratic and three Republican members of the Judiciary Committee are up for reelection this year and almost all have profited at least a bit from Comcast and/or Time Warner contributions, but the Democrats have come out ahead, the Sunlight Foundation reports.

Minnesota Democrat Al Franken, an outspoken critic of the merger described as “a fundraising powerhouse” by Sunlight, has received \$15,050 from Comcast and \$13,350 from Time Warner, as per the Center for Responsive Politics’ OpenSecrets.org, and has pulled in \$54,500 from individuals who have worked for Comcast-owned NBC Universal, including “Saturday Night Live” executive producer Lorne Michaels.

As for the other two Democrats, Delaware’s Chris Coons and Senate majority whip Dick Durbin of Illinois, Comcast has been Coons’ third-highest overall contributor (\$53,300) and the senator has gotten \$3,000 from Time Warner Cable employees. Durbin has received \$51,700 from Comcast-affiliated employees and \$3,500 from Time Warner employees.

Of the three up for reelection on the Republican side, Alabama’s Jeff Sessions, John Cornyn of Texas and South Carolina’s Lindsey Graham, the Sunlight Foundation notes that none have been “significant Comcast beneficiaries,” saying:

“Overall, the three Southern state senators have received a total of \$31,500 from Comcast and Comcast-affiliated employees, a sliver of the almost \$70 million the three have raised in total during their respective runs for federal office. Time Warner employees have given \$30,700 to Graham and \$10,500 to Cornyn. Sessions has not received any money from Time Warner.

“It should be noted, however, that since 1989, Comcast has given at least \$470,170 to the National Republican Senatorial Committee, and \$640,625 to its Democratic counterpart.”

Yes, you might not be able to get decent cable service or a good Wi-Fi signal but when it comes to Congress, Comcast is quite the attentive suitor.

As *Politico* reported last month, including those up for reelection this year, “money from Comcast’s political action committee has flowed to all but three members of the Senate Judiciary Committee. Checks have landed in the campaign coffers of Sens. Amy Klobuchar (D-MN) and Mike Lee (R-UT), who oversee the chamber’s antitrust panel.

“Meanwhile, the cable giant has donated in some way to 32 of the 39 members of the House Judiciary Committee, which is planning a hearing of its own. And Comcast has canvassed the two congressional panels that chiefly regulate cable, broadband and other telecom issues, donating to practically every lawmaker there, including Rep. Greg Walden (R-OR) and Sen. Jay Rockefeller (D-WV).

“Comcast stresses its donations are a function of its business. ‘Comcast NBCUniversal operates in 39 states and has 130,000 employees across the country,’ said spokeswoman Sena Fitzmaurice. ‘It is important for our customers, our employees and our shareholders that we participate in the political process. The majority of our PAC contributions are to the senators and members who represent our employees and customers.’”

Clearly, Comcast is paying for the premium package. Its money was donated before the proposed big deal with Time Warner, but its “proactive giving,” as Sunlight’s executive director Ellen Miller calls it, “so that when a corporation needs access in a time of trouble, investigation or oversight, they have already built the quote-unquote relationships they need to soften or make their arguments to a sympathetic audience. It’s a long-term investment they make.”

Remember that the next time you get your ever-spiraling cable bill. Just think of it as a long-term investment.

Michael Winship, senior writing fellow at the public policy and advocacy group Demos, is senior writer of Moyers & Company, the weekly series on public television. To comment and for more information, go to www.BillMoyers.com and at

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Rick Perry's Neo-Confederate Stance

Exclusive: Texas Gov. Rick Perry and other neo-Confederate politicians are citing the Tenth Amendment in claiming the federal government has no authority to protect minority voting rights. But they're wrong both in their constitutional analysis and their ignorance of the Fifteenth Amendment, says Robert Parry.

By Robert Parry

In implementing a new era of voter suppression aimed at minorities, the American Right has wildly exaggerated the significance of the Tenth Amendment and the mainstream U.S. press corps consistently fails to challenge this historical distortion.

The latest example came when the Justice Department announced plans to contest a new Texas law that would require voter IDs supposedly in response to the virtually non-existent problem of in-person voter fraud but with the obvious intent of blocking blacks, Hispanics and the poor who often lack the mandated photo IDs from voting.

Texas Gov. Rick Perry, a Republican infamous for his clueless campaign for the GOP's presidential nomination in 2012, invoked neo-Confederate arguments to contest the right of the federal government to intervene to protect the voting rights of minorities. Citing the Tenth Amendment, which preserves for individuals and the states powers that the Constitution doesn't grant to the federal government, Perry insisted that the Justice Department's move was unconstitutional.

"We continue to defend the integrity of our elections against this administration's blatant disregard for the Tenth Amendment," Perry declared.

On Friday, articles by the New York Times and the Washington Post failed to put Perry's assertion into any legal or historical context, a common failure of the mainstream news media to stand up against the Right's made-up constitutional history. [See, for instance, Consortiumnews.com's "The Right's Made-up Constitution."]

Passed by the First Congress, the Tenth Amendment amounted to a sop to the

states. It was largely irrelevant because the Constitution had granted an array of broad powers to the federal government, including elastic language for acting to “promote the general Welfare” and to pass “necessary and proper” laws to implement those powers.

However, at the time of the Constitution’s ratification in 1788, supporters of the old structure, the Articles of Confederation, recognized how the new governing document made the federal government supreme and made the states subordinate. The Articles had deemed the states “sovereign” and “independent” with the central government only a “league of friendship.”

But the failure of that system had prompted the Framers led by George Washington, James Madison, Alexander Hamilton and Gouverneur Morris (who drafted the famous Preamble) to hold a convention in secret in Philadelphia to throw out the Articles and to craft the Constitution. Replacing the language about state “sovereignty” and “independence” was the phrasing “We the People of the United States.”

Anti-Federalists fiercely opposed these radical changes, recognizing that the states were being made “subordinately useful,” in Madison’s phrase, to the federal government. (At the time, Madison favored shifting even more power to the federal government by letting Congress veto state laws, an authority ultimately left with the federal courts.) [See Consortiumnews.com’s [“The Right’s Dubious Claim to Madison.”](#)]

The Tenth Amendment is a pale shadow of what it essentially replaced, Article Two of the Articles of Confederation. However, today’s Right has sought to puff up the Tenth Amendment’s importance in a neo-Confederate scheme to sell a bogus history to millions of ill-informed Americans. And, the mainstream media is either too lazy or too timid to counter the false narrative.

Forgetting the Fifteenth Amendment

In this case, the mainstream media’s failure is even worse because Perry’s Tenth Amendment argument wouldn’t apply to the protection of minority voting rights even if you accepted his neo-Confederate interpretation. That’s because the Constitution’s Fifteenth Amendment explicitly grants the federal government the authority to protect the voting rights of minorities.

The Fifteenth Amendment states, “The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude. The Congress shall have power to enforce this article by appropriate legislation.”

So, Perry’s argument only makes sense if one adopts a purely Confederate

view, which holds that the amendments at the end of the Civil War and during Reconstruction are illegitimate since they were imposed on a rebellious South. Thus, whites should still be allowed to own black people (prohibited by the Thirteenth Amendment) and that legal protections of minorities (contained in the Fourteenth and Fifteenth Amendments) should be ignored.

That these Confederate positions are espoused by the governor of a major state as well as by some prominent figures in the Republican Party may be shocking enough, but that the mainstream press doesn't have the nerve to identify these strains of political theory as vestiges of slavery, segregation and racism may be even worse.

Investigative reporter Robert Parry broke many of the Iran-Contra stories for The Associated Press and Newsweek in the 1980s. You can buy his new book, *America's Stolen Narrative*, either in [print here](#) or as an e-book (from [Amazon](#) and [barnesandnoble.com](#)). For a limited time, you also can order Robert Parry's trilogy on the Bush Family and its connections to various right-wing operatives for only \$34. The trilogy includes *America's Stolen Narrative*. For details on this offer, [click here](#).

The Right's Dangerously Bad History

Exclusive: Reacting to President Obama's modest executive orders on gun safety and his proposed legislation to Congress, the Right is engaging in hysterical rhetoric about "tyranny" and riling up angry whites to arm themselves. But key Republicans can't even get their historical facts straight, notes Robert Parry.

By Robert Parry

One conceit of America's right-wingers is that they respect U.S. history and especially the Constitution in ways that other Americans don't. But not only has the Right absorbed a grossly distorted idea of the Constitution but many prominent conservatives have a shoddy understanding of history, most recently revealed by Sen. Rand Paul.

On Wednesday, the Kentucky Republican appeared on Fox News to liken President Barack Obama's executive orders on gun safety to the behavior of President Franklin Delano Roosevelt, who guided the nation through much of the Great Depression and World War II.

According to Paul's version of that history, "FDR had a little bit of this 'king

complex'" like Obama, so "we had to limit FDR finally because he served so many terms that I think he would have ruled in perpetuity, and I'm very concerned about this president [Obama] garnering so much power and arrogance that he thinks he can do whatever he wants."

Regarding the FDR point, Paul is referring to the 22nd Amendment which limits a U.S. president to two four-year terms. Roosevelt was the only president elected more than twice, having won four elections. But the 22nd Amendment did nothing "to limit FDR."

Roosevelt died shortly into his fourth term in 1945. The 22nd Amendment was passed by Congress in 1947 and ratified by the states in 1951. In other words, Roosevelt was no longer around at the time of the 22nd Amendment.

Paul's erroneous history puts him in the company of other prominent Republicans who profess to love American history and the Constitution, but don't seem interested enough to get their facts straight. For instance, several GOP candidates for President in 2012, including one who served as governor of Massachusetts, displayed ignorance of basic facts about the American Revolution.

Mitt Romney, who served four years as governor of the state where the war began, wrote in his book, *No Apology: The Case for American Greatness*, that the Revolutionary War began in April 1775 when the British attacked Boston by sea. "In April 1775, British warships laid siege on Boston Harbor and successfully took command of the city," Romney wrote.

However, in the actual history, the British military controlled Boston long before April 1775, garrisoning Redcoats in the rebellious city since 1768. The British clamped down more tightly after the Boston Tea Party on Dec. 16, 1773, imposing the so-called "Intolerable Acts" in 1774, reinforcing the Boston garrison and stopping commerce into Boston Harbor.

The aggressive British actions forced dissident leaders Sam Adams and John Hancock to flee the city and take refuge in Lexington, as colonial militias built up their stocks of arms and ammunition in nearby Concord.

The Revolutionary War began not with British forces seizing Boston in April 1775 as Romney wrote, but when the Redcoats ventured forth from Boston on April 19, 1775, to seize Adams and Hancock in Lexington and then go farther inland to destroy the colonial arms cache in Concord.

The British failed in both endeavors, but touched off the war by killing eight Massachusetts men at Lexington Green. The Redcoats then encountered a larger force of Minutemen near Concord Bridge and were driven back in a daylong retreat to Boston, suffering heavy losses. Thus, the Revolutionary War began with a

stunning American victory, not with the American defeat that Romney described in a book that he claims to have written himself.

Romney's misrepresentation of the start of the war is particularly stunning because Massachusetts celebrates the battles of Lexington and Concord every year in a holiday called Patriots Day, with the Boston Red Sox playing an unusual morning game so fans can exit Fenway Park in time to watch the end of the Boston Marathon.

Wrong Century, Wrong State

Other rivals for the 2012 Republican presidential nomination also got basic facts about the nation's founding wrong.

Texas Gov. Rick Perry put the American Revolution in the 1500s. "The reason that we fought the revolution in the 16th Century was to get away from that kind of onerous crown if you will," Perry said, missing the actual date for the war for independence by two centuries and even placing it before the first permanent English settlement in the New World, Jamestown, Virginia, in 1607, the first decade of the 17th Century.

While pandering to Tea Party voters in New Hampshire, Rep. Michele Bachmann of Minnesota declared, "You're the state where the shot was heard around the world in Lexington and Concord." (She may have gotten confused because there is a Concord, New Hampshire, as well as a Concord, Massachusetts.)

More significantly, however, the American Right has inculcated in its followers a bogus idea of what the U.S. Constitution did. Typically, the Right's founding narrative jumps from the Declaration of Independence in 1776 to the Constitution, which was written in 1787 and ratified in 1788. What is usually left out is the nation's experience with the Articles of Confederation, which governed the new nation from 1777 to 1787.

By ignoring the Articles, the Right can pretend that the Constitution was written with the goal of establishing a system dominated by the states with the central government kept small and weak. That version of history then is cited to support right-wing claims that federal officials, such as Roosevelt and Obama, violate the Constitution when they seek national solutions to the country's economic and social problems.

However, in the real history, the Framers of the Constitution, particularly George Washington and James Madison, were rejecting the structure of "independent" and "sovereign" states (with a weak central government or "league of friendship") as established by the Articles of Confederation. The Framers had witnessed how that system had failed and how it was threatening the future of

the newly independent nation.

Thus, Washington and Madison led what amounted to a coup d'état at the Constitutional Convention in Philadelphia. Though their instructions were simply to propose amendments to the Articles and refer those suggestions back to the state legislatures, Washington and Madison instead threw out the Articles entirely and produced a dramatically different structure.

Gone was the language in the Articles about "sovereign" and "independent" states. Instead, national sovereignty was shifted to "We the People of the United States." The new Constitution made federal law supreme and granted the central government sweeping new powers over currency and commerce as well as broad authority to act on behalf of the "general Welfare."

Washington and Madison also circumvented the state legislatures, putting the new Constitution before special conventions and requiring only approval of nine of the 13 states for ratification. The proposed changes were so radical that a determined opposition arose, known as the Anti-Federalists.

To save his plan, Madison joined in writing a series of articles called the Federalist Papers, in which he mostly tried to downplay how radical the changes actually were. He also agreed to tack on a Bill of Rights, spelling out specific guarantees for individuals and the states.

Misreading Amendments

Some of the first ten amendments were substantive and others mostly rhetorical. For instance, the Tenth Amendment states that powers not granted by the Constitution to the central government remain with the people and the states. However, the whole point of any constitution is to define the limits of a government's powers and the powers granted to the central government by the Constitution were extraordinarily broad.

So, the Tenth Amendment despite efforts by today's Right to exaggerate its significance was mostly a sop to the Anti-Federalists. To recognize how insignificant it is, it should be contrasted with Article Two of the Articles of Confederation, which it essentially replaced. [See Robert Parry's *America's Stolen Narrative*.]

Today's Right also has misrepresented the original intent of the Second Amendment, which reads: "A well-regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed." This concession also was primarily to the states which wanted militias to maintain "security."

The context for those concerns related to the recent experience of Shays' Rebellion in western Massachusetts (in 1786-87) as well as the fear of slave revolts in the South and raids by Native Americans on the frontier. The states wanted their own militias to put down such uprisings.

In the early days of the Republic, the Second Amendment also was not seen as a universal right for individuals. For instance, some states passed "Black Codes" that barred all African-Americans from owning guns. When the Second Congress passed the Militia Act of 1792, the law specified arming "white" men of military age.

Yet, despite some of the ugly compromises that went into drafting the Constitution, such as its tolerance of slavery, the chief goal of the Framers was to create a framework for a democratic Republic that would enable the new nation to pass laws necessary for the country's growth and success.

European monarchies were predicting that this experiment in self-governance would fail, so the likes of Washington and Madison wanted to show that Americans could govern themselves without resort to violence. The Framers stated as one of their top goals, "domestic Tranquility."

The Framers also recognized the failure of the Articles and the need for a vibrant central government in a country as sprawling as the United States. The last thing they wanted was an armed population violently resisting the constitutionally elected government of the United States. Indeed, they declared such behavior to be "treason." [See Consortiumnews.com's "[More Second Amendment Madness.](#)"]

But today's neo-Confederates and other right-wingers have spent vast sums of money distorting American history and deluding many Americans into believing that they must do whatever is necessary to "take back" their country from the likes of Barack Obama.

Any modest steps toward rational gun safety even provisions cleared by the conservative majority of the U.S. Supreme Court are deemed "tyranny" on par with the British Crown imposing its will on the Thirteen Colonies, which were denied representation in the British Parliament.

What is particularly dangerous about the Right's hodgepodge of bad history is that with the nation's first African-American president millions of whites are rushing to arm themselves while believing they have some duty to enforce the Constitution, without the foggiest idea of what the Framers were trying to do with it.

Not only is some of the right-wing rhetoric wildly hyperbolic comparing a twice-

elected U.S. president seeking modest gun safety in the wake of a horrendous school massacre to an English monarch but Rand Paul and many of his fellow Republicans don't even bother to get their history straight.

Investigative reporter Robert Parry broke many of the Iran-Contra stories for The Associated Press and Newsweek in the 1980s. You can buy his new book, *America's Stolen Narrative*, either in [print here](#) or as an e-book (from [Amazon](#) and [barnesandnoble.com](#)).

Turning America into Pottersville

Exclusive: The Republican presidential race has taken a detour into the “class warfare” that the party supposedly despises, with Newt Gingrich and Rick Perry tagging Mitt Romney as an elitist who got rich by laying off workers. But this spat misses the larger point of what the Right is doing to America, writes Robert Parry.

By Robert Parry

For many years, it appeared that the Right wanted to take the United States back to the 1950s when blacks “knew their place,” women were “in the kitchen” and gays stayed “in the closet” but it turns out that the intended back-in-time-travel was to the 1920s, to an era of a few haves and many have-nots, not only before the Civil Rights Movement but before the Great American Middle-Class.

The Right's goal has been less to recreate the world of “Father Knows Best” than to establish a national “Pottersville,” like in the movie, “It's a Wonderful Life,” where the existence of the average man and woman was brutish and unfulfilling, while the 1 percent of that age lived in gilded comfort and held sweeping power.

That is the message ironically coming from the expensive ad wars of the Republican presidential battle, where frontrunner Mitt Romney has emerged as the personification of the 1 percent and has been attacked by rivals who while supporting similar policies favoring the ultra-rich have savaged his career as a venture capitalist, or as Texas Gov. Rick Perry puts it, a “vulture capitalist.”

Romney's response has been telling. The former chief executive of the corporate takeover firm Bain Capital went beyond the Right's usual lament about “class warfare,” terming the criticism of high-flying financiers who use layoffs to fatten their bottom lines “the bitter politics of envy.”

And, if there remained any doubt about Romney's status as the nation's "elitist-in-chief," he added that it was wrong to have a noisy and open debate about the dangers of growing income inequality. He told Matt Lauer on NBC's "Today" that "I think it's fine to talk about those things in quiet rooms, and discussions about tax policy and the like."

In other words, keep the rabble from protesting their lot; leave these matters to the well-bred and the well-off, in their think tanks and their board rooms.

For decades, the Right has largely concealed this elitist agenda behind appeals to social conservatism and flag-waving patriotism. Many working- and middle-class Americans, especially white males, have sided with the economic free-marketers because they hated "lib-rhuls" supported civil rights for blacks, women and gays and also questioned America's military might.

Plus, many Americans have forgotten a basic truth: that the Great American Middle-Class was largely a creation of the federal government and its policies dating back to Franklin Roosevelt's New Deal. For many Americans in the middle-class, it was more satisfying to think that they or their parents had climbed the social ladder on their own. They didn't need "guv-mint" help.

But the truth is that it was government policies arising out of the Great Depression and carried forward through the post-World War II years by both Republican and Democratic presidents that created the opportunities for tens of millions of Americans to achieve relative comfort and security.

Those policies ranged from Social Security and labor rights in the 1930s to the GI Bill after World War II to government investments in infrastructure and technological research in the decades that followed. Even in recent years, despite right-wing efforts to choke off this flow of progress, government programs such as the Internet brought greater efficiency to markets and wealth to many entrepreneurs.

So, not only is Massachusetts Senate candidate Elizabeth Warren right when she notes that "there is nobody in this country who got rich on his own," it's also true that government policies enabled large numbers of Americans to climb out of poverty and into the middle-class.

The Dick Cheney Example

Oddly, one of the best examples of this reality is the life of right-wing icon Dick Cheney, as he revealed in his recent memoir, *In My Time*. In the book, Cheney recognizes that his personal success was made possible by Franklin Roosevelt's New Deal and the fact that Cheney's father managed to land a steady job with the federal government.

"I've often reflected on how different was the utterly stable environment he provided for his family and wondered if because of that I have been able to take risks, to change directions, and to leave one career path for another with hardly a second thought," Cheney wrote.

By contrast, in sketching his family's history, Cheney depicted the hard-scrabble life of farmers and small businessmen scratching out a living in the American Midwest and suffering financial reversals whenever the titans of Wall Street stumbled into a financial crisis and the bankers cut off credit.

After his forebears would make some modest headway from their hard work, they would find themselves back at square one, again and again, because of some "market" crisis or a negative weather pattern. Whether a financial panic or a sudden drought, everything was lost.

"In 1883, as the country struggled through a long economic depression, the sash and door factory that [Civil War veteran Samuel Fletcher Cheney] co-owned [in Defiance, Ohio] had to be sold to pay its debts," Cheney wrote. "At the age of fifty-four, Samuel Cheney had to start over," moving to Nebraska.

There, Samuel Cheney built a sod house and began a farm, enjoying some success until a drought hit, again forcing him to the edge. Despite a solid credit record, he noted that "the banks will not loan to anyone at present" and, in 1896, he had to watch all his possessions auctioned off at the Kearney County Courthouse. Samuel Cheney started another homestead in 1904 and kept working until he died in 1911 at the age of 82.

His third son, Thomas, who was nicknamed Bert (and who would become Dick Cheney's grandfather), tried to build a different life as a cashier and part owner of a Sumner, Kansas, bank, named Farmers and Merchants Bank. But he still suffered when the economy crashed.

"Despite all his plans and success, Bert Cheney found that, like his father, he couldn't escape the terrible power of nature," Dick Cheney wrote. "When drought struck in the early 1930s, farmers couldn't pay their debts, storekeepers had to close their doors, and Farmers and Merchants Bank went under. My grandparents lost everything except for the house in which they lived."

Finding Security

Bert Cheney's son, Richard, ventured off in a different direction, working his way through Kearney State Teachers College and taking the civil service exam. He landed a job as a typist with the Veterans Administration in Lincoln, Nebraska.

"After scraping by for so long, he found the prospect of a \$120 monthly salary

and the security of a government job too good to turn down," his son, Dick Cheney, wrote. "Before long he was offered a job with another federal agency, the Soil Conservation Service.

"The SCS taught farmers about crop rotation, terraced planting, contour plowing, and using 'shelter belts' of trees as windbreaks techniques that would prevent the soil from blowing away, as it had in the dust storms of the Great Depression. My dad stayed with the SCS for more than thirty years, doing work of which he was immensely proud.

"He was also proud of the pension that came with federal employment a pride that I didn't understand until as an adult I learned about the economic catastrophes that his parents and grandparents had experienced and that had shadowed his own youth."

Like many Americans, the Cheney family was pulled from the depths of the Great Depression by the New Deal of Franklin Roosevelt, cementing the family's support for the Democratic president and his party. The family celebrated when little Dick was born on FDR's birthday.

"When I was born [on Jan. 30, 1941] my granddad wanted to send a telegram to the president," Cheney wrote in his memoir. "Both sides of my family were staunch New Deal Democrats, and Granddad was sure that FDR would want to know about the 'little stranger' with whom he now had a birthday in common."

However, Dick Cheney took a different path. Freed from the insecurity that had afflicted his father and earlier Cheneys caused by the cruel vicissitudes of laissez-faire capitalism Dick Cheney enjoyed the relative comfort of middle-class life in post-World War II America. He took advantage of the many opportunities that presented themselves.

Most notably, Cheney attached himself to an ambitious Republican congressman from Illinois named Donald Rumsfeld. When Rumsfeld left Congress for posts in the Nixon administration, he brought Cheney along. Eventually Rumsfeld became White House chief of staff to President Gerald Ford and when Rumsfeld was tapped to become Defense Secretary in 1975 he recommended his young aide, Dick Cheney, to succeed him.

Cheney's career path through the ranks of Republican national politics, with occasional trips through the revolving door into lucrative private-sector jobs, was set. He became a major player within the GOP Establishment, building a reputation as an ardent conservative, a foreign policy hawk and a fierce opponent of the New Deal.

Demonizing Guv-mint

The Right's ongoing campaign to dismantle the New Deal also has hinged on the demonization of "gub-mint," a darkening of attitudes that became more possible when many middle-class Americans lost their memory of how their families had moved into the middle-class.

In the 1960s and 1970s, middle-class white men in particular came to view the government as a force for helping the poor, women and minorities, while putting pressure on white males to change long-established attitudes. Plus, they were told that the government was taking their hard-earned dollars to give to the undeserving.

When these messages along with a mix of patriotic hoopla and coded appeals to bigotry were delivered by the personable Ronald Reagan in 1980, middle- and working-class whites rallied to the Right's banner. It was time, they felt, to dismantle many government programs for the poor and to get tough on foreign adversaries.

But Reagan's most important policy was slashing taxes, especially those on the rich. Under Reagan's "supply-side economics," the top marginal tax rate that is what the richest Americans pay on their highest tranche of income was more than halved, from 70 percent to 28 percent.

Yet, since the promised surge in "supply-side" growth didn't materialize, one result was a dramatic rise in the national debt. Another less obvious change was the incentivizing of greed. Under presidents from Dwight Eisenhower (when the top marginal tax rate was 90 percent) through Jimmy Carter (with a 70 percent top rate), taxes had been a disincentive against greed.

After all, if 70 to 90 percent of your highest tranche of income went to the government to help pay for building the nation, you had little personal incentive to press for that extra \$1 million or \$2 million. So corporate CEOs while well-compensated were happy earning about 25 times as much as their average worker in the 1960s. A few decades later, that ratio on CEO pay was about 200 times what the average worker was making.

As the Washington Post's Peter Whoriskey framed this historic development in a June 19, 2011, article, U.S. business underwent a cultural transformation from the 1970s when chief executives believed more in sharing the wealth than they do today.

Whoriskey described the findings of researchers with access to economic data from the Internal Revenue Service. The numbers revealed that the big bucks were not flowing primarily to athletes or actors or even stock market speculators; America's new super-rich were mostly corporate chieftains.

The article cited a U.S. dairy company CEO from the 1970s, Kenneth J. Douglas, who earned the equivalent of about \$1 million a year. He lived comfortably but not ostentatiously. Douglas had an office on the second floor of a milk distribution center, and he turned down raises because he felt it would hurt morale at the plant, Whoriskey reported.

However, just a few decades later, Gregg L. Engles, the CEO of the same company, Dean Foods, averaged about 10 times what Douglas made; worked in a glittering high-rise office building in Dallas; owned a vacation estate in Vail, Colorado; belonged to four golf clubs; and traveled in a \$10 million corporate jet. He apparently had little concern about what his workers thought.

“The evolution of executive grandeur from very comfortable to jet-setting reflects one of the primary reasons that the gap between those with the highest incomes and everyone else is widening,” Whoriskey reported.

“For years, statistics have depicted growing income disparity in the United States, and it has reached levels not seen since the Great Depression. In 2008, the last year for which data are available, for example, the top 0.1 percent of earners took in more than 10 percent of the personal income in the United States, including capital gains, and the top 1 percent took in more than 20 percent.”

The old New-Deal-to-post-World-War-II notion had been that a healthy middle-class contributed to profitable businesses because average people could afford to buy consumer goods, own their own homes and take an annual vacation with the kids. That “middle-class system,” however, had required intervention by the government as the representative of the everyman.

The consequences of several decades of Reaganism and its related ideas (such as shipping many middle-class jobs overseas) are now apparent. Wealth has been concentrated at the top with billionaires living extravagant lives while the middle-class shrinks and struggles. One everyman after another gets shoved down the social ladder into the lower classes and into poverty.

Those real-life consequences are painful. Millions of Americans forego needed medical care because they can't afford health insurance; young people, burdened by college loans, crowd back in with their parents; trained workers settle for low-paying jobs or are unemployed; families skip vacations and other simple pleasures of life.

Beyond the unfairness, there is the macro-economic problem which comes from massive income disparity. A strong economy is one in which the vast majority people can buy products, which can then be manufactured more cheaply, creating a

positive cycle of profits and prosperity.

Instead, Mitt Romney – and even his Republican rivals who criticize his personal business methods – are intent to press ahead down the dark road of Reaganism toward some nightmarish Pottersville. Instead of a vibrant debate about whether this is the right way to go, Romney instructs the masses to keep their mouths shut with the only permitted conversations about the nation’s future restricted to “quiet rooms.”

[For more on related topics, see Robert Parry’s *Lost History, Secrecy & Privilege* and *Neck Deep*, now available in a three-book set for the discount price of only \$29. For details, [click here.](#)]

Robert Parry broke many of the Iran-Contra stories in the 1980s for the Associated Press and Newsweek. His latest book, *Neck Deep: The Disastrous Presidency of George W. Bush*, was written with two of his sons, Sam and Nat, and can be ordered at neckdeepbook.com. His two previous books, *Secrecy & Privilege: The Rise of the Bush Dynasty from Watergate to Iraq* and *Lost History: Contras, Cocaine, the Press & ‘Project Truth’* are also available there.

US Political News Is a Fool’s Game

U.S. political journalists love to cover the horse race of presidential politics focused on polls and gaffes while usually obscuring the nation’s actual problems and how the candidates and their proposals relate to this real world, as Danny Schechter notes.

By Danny Schechter

“Game On” was Rick Santorum’s first comment after his “surge” was considered successful with a mere 30,000 votes in Ioway. He inadvertently gave the game away by calling it a game, which is what it is.

Only this game is not just about politics but about the media. Pseudo-events like this are what the media lives for: it provides something for them to do, and to feel important while doing it. It creates airtime for endless punditry, and a spectacle to liven up a dull Iowa winter.

For Iowans, it’s a chance to “participate” in something that sounds important; for media heads, it’s a routine of the news, a ritual. The media, in effect, provides an infomercial posing as real news.

Yet throughout the weeks of endless around the clock "coverage," including polling and analyzing TV ads, there's barely a mention about how the media benefits by creating a phony sense of excitement while generating revenues from the money spent on the endless ads, like the \$17 million Texas Gov. Rick Perry invested in his run to nowhere. (How much do you think each vote cost.)

Chris Crawford makes some points picked up on Undernews that were buried, if reported at all.

1. Caucuses don't even pick binding convention delegates.
2. The winner's raw vote total would fill one-fourth of an NFL stadium.
3. Only 100,000 of the state's 3 million residents participate.
4. Presidents Gephardt, Huckabee, Harkin, Robertson.
5. Saying it's worth is "winnowing" the field is like the family dog eating table scraps.
6. The winner gets maybe six unbound delegates out of more than 1,100 needed for the nomination.
7. Iowa has five times more hogs than people.

The media analysts who examined the coverage revealed that it was more about the horse race than any real debate about issues

The Project on Excellence in Politics reported, "the news media were most focused on the shifting horse race that foreshadowed Rick Santorum's strong late showing, according to a PEJ analysis of the leading themes in the Iowa press narrative.

"This report, which is based on a sample of more than 11,500 news web sites, found that the horse race elements, such as strategy, momentum and polls, represented the leading theme (27%) in the coverage of the volatile Iowa contest. That was followed by coverage of the candidate's records and issue positions (19%) and then by attention to the Iowa caucus system itself (16%). Coverage of the concerns and activities of the Iowa voters trailed well behind, at 6%."

Many media outlets pointed out the irrelevance of the Iowa circus but they covered it anyway as if it mattered, thus giving it an importance by its visibility that many of its gutless analysts acknowledged was a farce, while calling themselves journalists and hyping it anyway.

Writes media critics Marvin Kitman, "Basically, the format of the event, which is not even a primary, is comparable to the number of people who showed up at a Politburo meeting in the old days of limited democracy in the USSR.

"Like Leninist democracy, the Iowa Caucus is based on the principle of

democratic centralism, in which smaller groups get together to elect bigger groups. It's a cross between voting in an actual primary and the great American tradition of selecting candidates in smoke-filled rooms before a convention.

"Actually, the Iowa Caucus is less democratic than the Politburo election since it disenfranchises so many eligible voters: people who work on Tuesday nights; folks who can't afford a baby sitter; those away fighting our country's battles on foreign shores; people out of town on business, or afraid of the dark. Whatever reason, only 80,000 or so people will bother to register their choice."

Now, it's on to New Hampshire for more of the same with a smaller crew of gamers still standing. Bachman is gone, and Perry is posturing about a campaign reassessment, and Gingrich has been "newted" by voter disgust. Huntsman still has some of his daddy's money to spread around.

Media Tenor, another monitoring group, points out:

"As coverage of the economy improves, President Obama will be viewed more favorably, meaning that Republican candidates may have to focus on different issues to appeal to their base, as well as to undecided voters," according to Racheline Maltese, a Media Tenor researcher.

"Iowa is often about social issues because of the limited number of participants in the caucuses. It's an important time to see what messages candidates are providing to their supporters, but it is not always reflective of the wider tone of the election," she notes.

"Not always reflective" – how's that for an understatement? The real winner so far is, ironically, Barack Obama, just by doing nothing but looking presidential when he's not playing golf or issuing New Year's Eve "signing statements" to express "reservations" about unconstitutional provisions in the National Defense Authorization Act of 2012.

Meanwhile, our fearless media continues to under-cover the financial crisis, the desperation of the poor and economic pressure on most American families. That failure is compounded by an unwillingness of media mavens to admit that their own practices contribute to a crisis that is fast becoming a collapse.

The New York Times turned itself into an even more of a newspaper for the 1 percent by raising its newsstand price to \$2.50. You have to pay more to read more about the growing inflation.

Meanwhile, TV "news" programs are increasingly losing what was left of their news, as the Washington Post reports:

“TV newscasts are increasingly seeded with corporate advertising masquerading as news, and the federal government wants to do something about it. Concerned that subtle ‘pay-for-play’ marketing ploys are seeping into the news, the Federal Communications Commission has proposed a regulation that would require the nation’s 1,500 commercial TV stations to disclose online the corporate interests behind the news.

“The proposal, which could take months to be enacted, has drawn praise from media watchdogs and consumer groups that have criticized the current system, which requires broadcasters to disclose that an advertiser paid for a mention on the news only in the closing credits of a broadcast.

“‘Unless you stick around for the end credits, you’re unlikely to know it’s payola,’ said Corie Wright, senior policy counsel for Free Press, a media watchdog group backing the FCC proposal. ‘If broadcasters were required to put it online, you could check to see if it was actually sponsored or not.’

“The proposed regulation is aimed at news programs that appear to viewers to be the work of independent journalists, but in fact sponsors have shaped or even dictated the coverage.”

The problem is that even much of the non-fudged news is itself a context-free concoction with little perspective or challenge to an increasingly corrupt status quo.

This is a game of fools played by fools so the rest of us stay fooled.

News Dissector Danny Schechter blogs at [News Dissedctor.com](http://NewsDissedctor.com). His latest book is [Occupy: Dissecting Occupy Wall Street \(Coldtype.net\)](http://Coldtype.net) He is also editing the [New Mediachannel](http://NewMediachannel.org), Mediachannel1.org. Comments to dissector@mediachannel.org

The GOP’s Hazy Cloud of Ignorance

Since the ascendance of Ronald Reagan three decades ago, the Republican Party has evolved into the anti-science (or make-up-your-own-facts) party with a smug know-nothing attitude that is crippling efforts to address the looming crisis of global warming, as Michael Winship notes.

By Michael Winship

Have you heard about the great brown cloud? No, it’s not a new nickname for Donald Trump (his cloud is more an intergalactic nimbus of Aqua Velva and Tang),

or the ominous menace in a new Stephen King novel. It's almost as nasty, though.

The Atmospheric Brown Cloud, formerly known as the Asian Brown Cloud, is a mass of air pollution hovering over northern India along the southern Himalayas and down across Bangladesh and the Bay of Bengal. The cloud began growing shortly after World War II, a smoggy mass of soot and sulfates from diesel emissions, wood fires and other burning stuff that's almost two miles thick.

A new study by scientists from a number of research organizations including the National Oceanic and Atmospheric Administration (NOAA) and the Scripps Institution of Oceanography finds that the cloud's pollutants are making cyclones in the Arabian Sea more intense.

This is a very big deal, because, as Dean Kuipers writes in *The Los Angeles Times*, "After the apparent recent increase in the number and intensity of hurricanes in the Atlantic Ocean and Gulf of Mexico, including the devastation of Hurricane Katrina in 2005, climate watchers everywhere have speculated whether these storms were made stronger by industrial or man-made emissions. This is reportedly the first study to indicate that human activity may, in fact, affect large storms."

Wind shear turbulence can help break up cyclones and keep them from becoming bigger storm systems. But shade created by the great brown cloud lowers water temperature, which in turn cuts down wind shear, allowing more powerful storms to form. Since 1998, according to NOAA, there have been five storms in the region with winds greater than 120 miles per hour killing more than 3,500 people and generating \$6.5 billion worth of damage.

Anjali Bamzai, program director of the National Science Foundation's Division of Atmospheric and Geospace Sciences, said, "This study is a striking example of how human actions, on a large enough scale, in this case massive regional air pollution caused by inefficient fuel combustion, can result in unintended consequences. These consequences include highly destructive summer cyclones that were rare or non-existent in this monsoon region 30 or so years ago."

The good news, Amato Evan, lead author of the study and University of Virginia professor of environmental sciences, told the *Los Angeles Times* is that, "If emissions are reduced, we expect that this kind of trend would reverse on time scales of a few months. It's not like greenhouse gases, where we think we're already in trouble.

"With these kinds of aerosols, if you just stopped all the emissions right now, the atmosphere would become much cleaner in a matter of weeks. And then the whole climate system, the ocean and the atmosphere, would essentially lose

memory of those aerosols. It's pretty dramatic."

But that's about the only good news. The unsettling, worldwide evidence of climate change keeps pouring in. As the UN's climate change summit in Durban, South Africa, began a couple of weeks ago (and ultimately made some small progress on carbon emissions), its World Meteorological Organization (WMO), presented data indicating that the last fifteen years have been the warmest on record, with levels of greenhouse gases continuing to climb and potentially a global average temperature rise of two to 2.4 degrees Celsius on its way anything above two degrees can lead to mass extinctions and other calamities.

Michel Jarraud, the WMO's secretary general pronounced, "Our science is solid and it proves unequivocally that the world is warming and that this warming is due to human activities."

A few days later, NOAA reported that, "To date, the United States set a record with 12 separate billion-dollar weather/climate disasters in 2011, with an aggregate damage total of approximately \$52 billion. This record year breaks the previous record of nine billion-dollar weather/climate disasters in one year, which occurred in 2008.

"These 12 disasters alone resulted in the tragic loss of 646 lives, with the National Weather Service reporting over 1,000 deaths across all weather categories for the year."

In a recent speech at the fall meeting of the American Geophysical Union, NOAA Administrator Jane Lubchenco cited statistics from Munich Re, the world's largest reinsurer, which recently declared, "The only possible explanation for the rise in weather-related catastrophes is climate change."

Lubchenco added, "What we're seeing this year is not just an anomalous year, but a harbinger of things to come for at least a subset of those extreme events that we are tallying." (At that same American Geophysical Union conference a biologist and photojournalist reported that with the reduction of arctic sea ice habitat, polar bears are resorting no joke – to cannibalism.)

Then the National Resources Defense Council (NRDC) weighed in with an "Extreme Weather Map" (see it here: www.nrdc.org/health/extremeweather/). "In 2011, there were at least 2,941 monthly weather records broken by extreme events that struck communities in the U.S.," the advocacy group announced, saying each of the 50 states was affected.

"The frequency and intensity of some extreme events is likely to worsen with climate change [inflicting] tremendous costs on our health and families."

What's appalling is that the American public knows this, gets it, and realizes that something must be done, but politicians and corporate greed stand in the way. A recent survey by Yale University's Project on Climate Change Communication and the George Mason University Center for Climate Change Communication found that 65 percent of Americans polled "said that global warming is affecting weather in the United States"; half believe it is caused "mostly by human activities," up three points since May.

A similar survey by the non-profit environmental group ecoAmerica found that 57 percent of Americans realize, "If we don't do something about climate change now, we can end up having our farmland turned to desert." (Thanks for these stats to American Progress Fellow Joe Romm, editor of the "Climate Progress" blog at www.ThinkProgress.org.)

During the 2008 presidential campaign Republican standard bearers John McCain and Sarah Palin and Newt Gingrich, Mitt Romney and John Boehner acknowledged the reality of climate change (although Palin didn't believe it was due to human activity). But these days, the issue is as anathematic to the GOP presidential field as abortion or gun control, the skunk at the Grand Old (Garden) Party.

(Even the one exception, Jon Huntsman, started flip-flopping last week, creating his own great brown cloud by stating one day, "There are questions about the validity of the science," and on the next, "I put my faith and trust in science.")

In a *National Journal* cover story, aptly headlined "Heads in the Sand," Coral Davenport writes, "Here's what has changed for Republican politicians: The rise of the tea party, its influence in the Republican Party, its crusade against government regulations, and the influx into electoral politics of vast sums of money from energy companies and sympathetic interest groups.

"Republicans have long had close financial ties to the fossil-fuel industry, of course. Between 1998 and 2010, the oil-and-gas industry gave 75 percent of its \$284 million in political contributions to Republicans. But the 2010 Supreme Court decision in *Citizens United v. Federal Election Commission*, which allowed unlimited corporate spending on campaign advertisements, opened up a whole new avenue for interest groups to influence campaigns by flooding the airwaves with ads that support a political candidate or position.

"In the 2010 elections alone, the top five conservative and pro-industry outside groups and political action committees including the U.S. Chamber of Commerce and the Karl Rove-backed PAC American Crossroads, which have close ties to fossil-fuel interests spent a combined \$105 million to support GOP candidates (compared with a combined \$8 million that the top five environmental groups

spent to back Democrats). Both sides could double those numbers in 2012.”

Money trumps truth. Davenport especially points a finger at the tea party superPAC Americans for Prosperity, founded by the Koch brothers, principal owners of the oil conglomerate Koch Industries.

She writes, “As Koch Industries has lobbied aggressively against climate-change policy, Americans for Prosperity has spearheaded an all-fronts campaign using advertising, social media, and cross-country events aimed at electing lawmakers who will ensure that the oil industry won’t have to worry about any new regulations.”

She quotes Americans for Prosperity President Tim Phillips: “If you look at where the situation was three years ago and where it is today, there’s been a dramatic turnaround. Most of these candidates have figured out that the science has become political. We’ve made great headway.

“What it means for candidates on the Republican side is, if you buy into green energy or you play footsie on this issue, you do so at your political peril. The vast majority of people who are involved in the [Republican] nominating process the conventions and the primaries are suspect of the science. And that’s our influence. Groups like Americans for Prosperity have done it.”

The smear tactics like the Climategate e-mails, which have reared their misshapen head again and vast amounts of cash being thrown around by Americans for Prosperity, American Crossroads and the US Chamber of Commerce make it even more risible that Rick Perry and others claim climate change is in Perry’s words “a contrived phony mess,” a conspiracy by “a substantial number of scientists who have manipulated data so that they will have dollars rolling into their projects.”

Yeah, those nerdy science types are swimming in dough. That’s why they get all the cool dates. A momentary pause here as I pound my head against the wall.

Former Republican Congressman Bob Inglis of South Carolina was defeated for reelection in his party primary last year partly because he said climate change is real.

“Being branded as anti-science is not a good future for us,” Inglis told *National Journal*. “How can we say to young people, we’re dismissing science? That’s not a good place for our party to be, and it’s not historically where we’ve been. There are conservative voices that will hopefully show the way back to conservatism and away from a populist rejection of science.”

William Reilly, head of the Environmental Protection Agency under George H.W.

Bush, said, "Somehow, we're operating on two levels of reality. One is ideological reality, which seems to work for some ideologues. But there is also the scientific reality.

"It was Republicans who traditionally have pushed for more science to underpin regulations. Science has suffered most severely in the current Republican Party. The ideologues will deny it right up to a point where there's a crisis and then they won't anymore."

But by then, of course, a great brown cloud may be the least of our ecological worries.

Update: A new minority report from the House Committee on Energy and Commerce notes that in the first session of the 112th Congress, House Republicans "voted 191 times to weaken environmental protections," making this "the most anti-environment House in the history of Congress."

Michael Winship, senior writing fellow at Demos, is senior writer on the new public television series *Moyers & Company*, premiering in January. Go to www.billmoyers.com.

GOP Clowns Take Over the Circus

The Republican presidential race has had many jaw-dropping gaffes and fumbles, but perhaps most shocking is the thought that the extreme policies on display might actually come to pass, offering what Lawrence Davidson sees as the strongest argument for supporting President Obama's reelection.

By Lawrence Davidson

There has been a steady drumbeat of criticism leveled against the Republican presidential contenders as they have gone around the country holding their debates and distinguishing themselves as shallow, ignorant, hypocritical and mendacious.

At these debates, the only ones who show themselves more discreditable than the candidates are those in the audience. Here is some recent criticism:

Marc Pitzke, writing in the German *Der Spiegel Online*, tells us that among the Republican primary hopefuls:

A. One thinks Africa is a country (Rick Santorum) and another thinks that the

Taliban has moved into Libya (the now defunct Herman Cain).

B. Rick Perry falsifies President Obama's opinions and statements with impunity while exaggerating his own achievements claiming to have created a million new jobs while the actual number, according to Pitzke, is 100,000.

C. Mitt Romney, the Mormon who would lead a political party which must rely on millions of Christian fundamentalist votes, is touted as an economic expert, but Forbes Magazine describes his proposals in this area as "dangerous."

D. Newt Gingrich (who the Washington Post has called an "idea man") is, according to Pitzke, full of "lousy" ideas. For instance, the man's public suggestion that U.S. child labor laws be altered so that school children can clean their schools at the expense of often unionized janitors.

Pitzke writes, "Gingrich claims moral authority on issues such as the 'sanctity of marriage' yet he has been divorced twice. He sprang the divorce on his first wife while she was sick with cancer. ... He cheated on his second wife [an affair with one of his House aides] just as he was pressing ahead with Bill Clinton's impeachment during the Monica Lewinsky affair."

Even worse will certainly come if Gingrich reaches the White House. Speaking at the Jewish Coalition Candidates Forum on Dec. 7, Gingrich pledged to make John Bolton his Secretary of State. Bolton is a vulgar warmonger certainly one of the most dangerous of American's neo-conservatives.

[Gingrich also told the Jewish Channel that he doesn't believe Israel should accept a Palestinian state because "we've had an invented Palestinian people, who are in fact Arabs and were historically part of the Arab community. And they had a chance to go many places."]

All in all Pitzke thinks the Republican candidates "traipsing around the country" as if part of a "traveling circus" are "ruining the reputation of the United States."

He is not alone in that opinion. David Remnick, the editor of the New Yorker Magazine, and ipso facto a representative of the U.S. intelligentsia, has remarked that the Republican candidates collectively mark "a starting point for a chronicle of American decline." Remnick observes that:

A. Rick Perry displays an "inability to answer a simple question with a coherent reply."

B. Mitt Romney possesses a "spooky elasticity, his capacity to reverse himself utterly on one issue after another."

The New Yorker editor concludes that the “spectacle of the Republican field is a reflection of the hollowness of the GOP itself.”

This “hollowness” seems to be tempting others to jump into the race. Yet they are certainly no better. For instance, there are rumors that Sarah Palin might change her mind and come into the fray.

And Donald Trump has repeated his determination that “if Republican primary voters can’t pick a candidate he believes will beat President Obama, he’ll run for president himself.” Trump dismissed the two Republican candidates who, now and then, make sense (Jon Huntsman and Ron Paul) as “joke candidates.”

The media seems to agree with him for these are the two who have gotten almost no air time either during the debates or after them (despite Paul’s relatively strong showing in polls). When it comes to the Republican primary, the media seems to be dancing to that old Judy Garland tune, “Be a clown. ... All the world loves a clown.”

The Audience

One might wonder at such bizarre performances from folks seeking the most powerful job in the world. However, what is more bizarre still is that most of them are simply projections of their audience who are, in turn, representatives of the so-called Republican base.

There is something at once humorous and horrifying about the audience at these debates. Their cheers and jeers reflect attitudes that used to be restricted to drunken fraternity parties and out-of-control soccer games.

Who are these people with whom the Republican hopefuls now identify? They appear to be Tea Party adherents along with an unhealthy admixture of xenophobes and Social Darwinists. Research into the Tea Party element tells us that they are:

1. “Overwhelming white” and “highly partisan Republicans”
2. Whose concern about big government is “hardly the only or even the most important” of their issues.
3. They have extremely “low regard for immigrants and [with the possible exception of the by-gone Herman Cain] blacks.”
4. They are extreme social conservatives “opposing abortion” and demanding that “religion play a more dominant role in politics.” In fact research shows that a desire to infuse politics with religion is the most common demand of these people.

Americans who meet this description make up about 20 percent of eligible voters. However, keep in mind this number goes up when looked at as a percentage of voters who actually cast a ballot. In other words, these radicals are more motivated to vote than the moderates.

Sadly, these types of people have always been with us and probably always will be. A lot of us are, to one extent or another, alienated from the society we live in, but we learn to cope. These people do not learn to cope. Therefore, their alienation festers and the resulting anger turns them against all who are different: immigrants, gays, ethnic and racial minorities, intellectuals, secular folks, union members, etc.

They find their ego strength in the illusion of self-reliance. They see themselves as the real traditional Americans, the survivors, the ones who are strong enough to stand on their own two feet. Anyone who cannot do this is "unfit" and, like the hypothetical ill fellow without any health care insurance, should be left to die.

This Republican base makes up a community apart and they detest the idea of paying taxes so that others in need can receive social services. They are macho, they hate the enemy any enemy no questions asked. Someone out there (maybe the Koch brothers) is trying to organize these people and convince them that politically their time has come. The Republican Party is their vehicle.

The Choices

The two most likely consequences of this situation are: 1. the ruination of the Republican Party or 2. the ruination of the United States. The more likely Republican nominees for president would put the Republican Party far to the right of "mainstream" America.

All things being equal that should mean electoral disaster (the ruination of the GOP) in November 2012. But, of course, sometimes all things aren't equal. Thus, with disappointment in President Barack Obama running so deep among America progressives there is no telling how many of them might sit out the 2012 election.

Even though progressives alone do not win elections, their numbers count if things get close. Thus, it is possible, if not probable, that a crazy right-wing president (one even more shallow, ignorant, hypocritical and mendacious than George W. Bush) could be elected. If that happened it could mean ruin for the nation and disaster for the world. Here is why:

1. Such a president would almost certainly take the country into another full-

fledged war, probably with Iran and therefore the Shiite Muslim world. They would continue to comply with Israeli wishes without question further alienating the majority of people in the Sunni Muslim world.

U.S. state violence and terrorism will increase and breed reciprocal terrorism in the Middle East. Therefore, more 9/11 style episodes could be expected. The new president's tough guy attitude would no doubt spill over into policies toward Russia and China. The United Nations and international law would be discarded (to say nothing of the general practice of diplomacy) and torture would again be a standard procedure for clandestine American government operations.

2. Domestically such a president would hack away at all government agencies except those involved with the military, police bureaus (FBI), intelligence and the courts. Social services would go by the boards as would regulatory oversight. The natural environment would deteriorate. The gap between rich and poor would grow and grow while the middle-class would shrink and shrink.

Marx's predictions for capitalism would come back into style on the Left. Essentially, a new age of Social Darwinism would dawn. Poverty would increase, racism would return to the public realm and urban riots would probably come along at some point as well. A new depression would be a real possibility.

By the time the nation's voting citizens came back to their senses, it might be too late because by then civil liberties would be a thing of the past.

In a real sense, it is the voters' choice in 2012. Which do they care to ruin the Republican Party or the USA? There can be no doubt that voting again for President Obama would require strongly holding one's nose. However, voting for his Republican challenger (or staying home on Election Day) may well kill you and many others.

Lawrence Davidson is a history professor at West Chester University in Pennsylvania. He is the author of Foreign Policy Inc.: Privatizing America's National Interest; America's Palestine: Popular and Official Perceptions from Balfour to Israeli Statehood; and Islamic Fundamentalism.
