A editorial last week in my local paper, with a wonderful quote by George Washington, went some of the way toward explaining what is broken in our electoral system. The inability of third party candidates to rise and challenge the candidates of either party is very much a function of the lock on power the two party system holds, to the sole benefit of the two parties. Gore Vidal is reported to have said there is basically one party in this country, a property, or corporatist party, having two wings, the democrats and republicans. He cared little for either.

Personally, I enjoy going to the polls as an independent. I am confident my ballot counts for something, although my choices are limited. The voter registration rolls and optically scanned ballots create a paper trail, if needs be, to verify the results of local elections. That's important. The consequence of failure to ensure free and fair elections is contained in Washington's admonition. "The alternate domination of one faction over another, sharpened by the spirit of revenge, natural to party dissension, which in different ages and countries has perpetrated the most horrid enormities, is itself a frightful despotism." Is this what Karl Rove or former Speaker of the House Tom Delay sought when talking about establishing a "permanent republican majority" and then proceeding to politicize the judiciary with ideologically biased US attorneys, and judicial appointments? Or, filling positions throughout the bureaucracy based on ideology and political affiliation and not always competence and expertise?

And then there is the danger that, as Washington said, "this leads at length to a more formal and permanent despotism..." Consider the following "formality," coming to us via a May 9, 2007 presidential directive, NSPD 51, "(e) "Enduring Constitutional Government," or "ECG," means a cooperative effort among the executive, legislative, and judicial branches of the Federal Government, coordinated by the President, as a matter of comity with respect to the legislative and judicial branches and with proper respect for the constitutional separation of powers among the branches, to preserve the constitutional framework under which the Nation
is governed and the capability of all three branches of government to execute constitutional responsibilities and provide for orderly succession, appropriate transition of leadership, and interoperability and support of the National Essential Functions during a catastrophic emergency;” An operative word in this passage is “comity,” defined according to Black’s Law Dictionary as: “Courtesy; complaisance; respect; a willingness to grant a privilege, not as a matter of right, but out of deference and good will.” In other words, cooperation with the legislative and judicial branches of government will be at the discretion of the president, much like what we see in practice today.

Indeed, Continuity of Government (COG) policies were implemented on the morning of 9/11, and have been kept closely secret ever since, so much so it is possible the policies are still in effect, though if you were to ask don’t expect an answer. Former top Democrats Richard Gephardt, Tom Daschle, or Senate president pro tempore Robert Byrd were not aware a “shadow government” had been implemented, according to a CBS report. CNN also reported leading Republicans Denny Hastert, and Trent Lott as saying they were unsure they had been told. In the summer of 2007 Congressman Peter DeFazio, on the Homeland Security Committee and having the security clearances bestowed by committee membership, inquired regarding COG plans and was refused access. Apparently “comity” wasn’t being extended to this committee member. DeFazio made the following statement to Congress Aug 2, 2007: “Most Americans would agree that it would be prudent to have a plan to provide for the continuity of government and the rule of law in case of a devastating terrorist attack or natural disaster, a plan to provide for the cooperation, the coordination and continued functioning of all three branches of the government.

The Bush administration tells us they have such a plan. They have introduced a little sketchy public version that is clearly inadequate and doesn’t really tell us what they have in mind, but they said, don’t worry; there’s a detailed classified version. But now they’ve denied access to Congress. Apparently “comity” wasn’t being extended to the entire Homeland Security committee of the United States House of Representatives. DeFazio made the following statement to Congress Aug 2, 2007: “Most Americans would agree that it would be prudent to have a plan to provide for the continuity of government and the rule of law in case of a devastating terrorist attack or natural disaster, a plan to provide for the cooperation, the coordination and continued functioning of all three branches of the government.

And so governance has become a matter of trust. Reading through NSPD 51 you get a sense of the formal arrangements that have been made for continuity of government. Other executive orders on the National Archives and White House websites discuss federal control over every aspect of commerce and resource utilization, even labor, in the event of a catastrophic event. executive orders on the National Archives and White House websites discuss federal control over every aspect of commerce and resource utilization, even labor, in the event of a catastrophic event.

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I will breathe a measured sigh of relief if, in November, I can have my name checked off, and my ballot counted. I trust the local system of polling. I support creating a paper trail in the electoral process, not the uncertainty of paperless electronic voting. But my relief will come with the peaceful transition of power. That transition will be to a party with unsavory skeletons in its closet, whoever wins, but we stand to learn more about what this “detailed classified version” of COG is really all about. First, I have to wonder, assuming these secret plans are simply prudent emergency management plans, not the forte of this administration keep secret how it intends to govern in response to another catastrophic event, a new 9/11? It appears fortuitous for Mr. Bush that such an event is precisely what’s needed to ensure the implementation of the continuity plans he holds in secret, at which time, do elections become necessary only at the discretion of the president?

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