



## THE BLOG

# It's the Constitution, Stupid

By Marty Kaplan

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*“Okay, this is a lightning round. How many of you believe in evolution? Raise your hands. Thank you. Now how many of you believe in the Rapture? Is that hand up or down, Senator McCain? Okay, thanks. Now this is multiple choice, so please listen to the whole question first. How many pairs of chromosomes do you think people should have: 23, less than 23, or more than 23? Ready? Okay, who says 23? One, two, three, four, five, six hands. Less than 23? I’m sorry Mayor Giuliani, you can only pick one. All right, who says more than 23?”*

Can you think of a stupider way for a great nation to choose its leader than the one we have?

We pore over polls whose margins of error are plus or minus 5%, even plus or minus 8%, and pretend that the results — which are essentially a wash, and which from week to week are in fact a mute still-life, not snapshots of a thrilling trend line — actually mean something. We pay attention to national head-to-head polls, as if the popular vote actually had anything to do with the electoral college system that produces presidents.

*“Quick answers, just a show of hands. Which of you, as an adult, has had a gun in your house? Thank you, hands down. Now this one: Which of you has been to a NASCAR race? Really, all of you? Okay, one more: Who here has a penis? Raise your hands.”*

When it’s not polls we’re using to measure candidates’ presidentiality, it’s money. Since most of the money raised goes to pay for television ads, fundraising is actually a proxy of a candidate’s ability to pay the ransom charged by local television stations. The public gives tv stations free and exclusive use of the electromagnetic spectrum; the stations turn around and sell that spectrum to candidates; the candidates, in turn, ask the public to give them the money to buy that time from the stations. In other words, not only does the public receive no money from the stations for their right to use the public’s own airwaves; the stations actually receive money from the public — now approaching \$2 billion per election cycle — as a thank-you gift for promising to use their licenses in the public interest.

*“Governor Romney, would you have Elton John as an overnight guest in the Lincoln Bedroom? Really, you would? What if he had his boyfriend with him — would that still be okay with you? How about two boyfriends?”*

In principle, it’s hard to be against debates as an element of candidate-winning. But in practice, “debates” isn’t the right name for them. More than anything else, they’re branding opportunities. MSNBC wants to be known as the go-to

place for politics. Politico.Com — owned by Allbritton Communications, whose CEO, Fred Ryan, is chairman of the board of the Reagan library — is as eager to get brand awareness and legitimacy from political junkies as is any General Electric subsidiary. The Reagan Legacy, a nonprofit theme park, is more than delighted to lay historic, even bipartisan claim to the golden age of leadership. Colleges from South Carolina to Iowa to New Hampshire are thrilled to be acclaimed as the jewels in American higher education's crowns. For the journos who get to ask the questions, the brand equity built on these occasions would be priceless, were it not possible to monetize this exposure come contract time, which it is. And for the longshot candidates who make it onto the stage, there's always the potential to parlay the exposure into a place in the running-mate sweepstakes, or a Cabinet seat, or perhaps a book deal, or a fatter fee on the speaker's circuit, or a secure spot in the talkshow booker's rolodex, which in a post-political career can give the comforting illusion of meaning to life.

*"All right, this one's for all of you, we'll go right down the line. If you knew that a terrorist was going to blow up two American cities, and your spouse was in one of those cities, and your kids were in the other one, and you could only prevent one of those cities from being destroyed, which city would that be? Let's start with you, Senator Edwards. By the way, nice haircut, dude."*

Ninety-second responses and 30-second rebuttals were made in heaven for sound bites, which are the mother's milk of political coverage. They're fabulous for gags and gaffes and gut-checks. They're great for figuring out who we want to have a beer with, whose face the sun shines on, whose acting is most authentic. But "debate" is no more the right word for these performances than "reality" is the right word for reality tv.

What did we learn about George W. Bush from the Republican primary debates before the 2000 election, or from the general election debates of 2000 and 2004, that was of any use? From all those occasions put together, did we get the kind of insight into his character that would have enabled us to predict how he would dismiss a CIA warning that Bin Laden was determined to strike in the US as a cover-your-ass annoyance interrupting his August idyll in Crawford? Did the way he answered debate questions help us predict his My Pet Goat paralysis? Here's the money shot from the October 2000 campaign; how much of Iraq could be predicted from it?

*GOVERNOR GEORGE W. BUSH: I'm worried about over committing our military around the world. I want to be judicious in its use. You mentioned Haiti. I wouldn't have sent troops to Haiti. I didn't think it was a mission worthwhile. It was a nation building mission. And it was not very successful. It cost us a couple billions of dollars and I'm not sure democracy is any better off in Haiti than it was before.... I'm not so sure the role of the United States is to go around the world and say this is the way it's got to be. We can help. And maybe it's just our difference in government, the way we view government. I mean I want to empower people. I want to help people help themselves, not have government tell people what to do. I just don't think it's the role of the United States to walk into a country and say, we do it this way, so should you.*

The next time you hear journalists do their post-game analysis of a presidential debate, just remember what some of our best said about that moment. Here's Trudy Rubin, of the *Philadelphia Inquirer*, on The NewsHour with Jim Lehrer: "Governor Bush talked about America needing to have more humility. That I think comes from something that General Brent Scowcroft said during the Republican Convention here in Philadelphia about America being seen as too arrogant and too unilateral." Yes, Brent Scowcroft, one of the first to blow the whistle on Bush once it was too late for us to have buyer's remorse. And here's *Newsweek International's* Fareed Zakaria from the same program: "George W. Bush seems to believe that the Clinton administration has been too arrogant, too assertive in sort of trumpeting America's economic might, trumpeting America's military might... I think there is a sense in the Bush camp that this has

been counterproductive and that given America's extraordinary power in the world, one of the key dangers is producing a backlash to that power." Ah, yes, the Bush camp — Cheney, Rumsfeld, Feith, Perle, Wolfowitz, all those humble counterweights to arrogance and unilateralism.

*"Okay, this one is for any of you. If you were a soft-drink, what kind of drink would you be? Senator Gravel, I saw your hand first."*

Here's the most important thing we can learn from any of these candidates: Do they believe in the rule of law? I don't care whether it means we have to hear again, and probably over and over, about Bill Clinton's lying under oath about sex. That's worth the price of finding out what every candidate believes about the Constitution, the Bill of Rights, the separation of powers and every other element of American democracy that we used to count on to safeguard us from tyranny. And since it's a Republican president and his Congressional enablers who have treated their oath-taking — their swearing to defend the Constitution, to take care to enforce the laws — like a horny teenager at an abstinence-only ring ceremony — it's Republicans in particular who should be forced by these debates, by the media, and by the public to answer the only real questions that turn out to count.

*Senator McCain, do you believe in the idea of a 'unitary executive' with unchecked war powers? Governor Romney, what legal force do presidential 'signing statements' have? Mayor Giuliani, how many votes does it take for the Senate to end a filibuster on a judicial appointment? Senator Brownback, do you believe in habeas corpus? Governor Huckabee, should the Justice Department ask what political party its prospective career appointees belong to? Congressman Hunter, is it lawful for the government to keep secret the names of outsiders who attend policy meetings? Governor Gilmore, if waterboarding is torture, is waterboarding illegal? Congressman Tancredo, does Congress have the right to condition the military spending it appropriates? Governor Thompson, can the Environmental Protection Agency tell states what to do? Congressman Paul, boxers or briefs?*

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**Marty Kaplan** 

USC Annenberg professor and Norman Lear Center director