

**THE BLOG**

Electile Dysfunction

By Marty Kaplan

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As if we needed yet another occasion to be outraged by the impotence of American citizens, now come the Hayden hearings.

They're chaired by the perfidious Pat Roberts, who has done everything humanly possible to prevent the Bush administration from being held accountable for the cherry-picking and misuse of pre-war intelligence.

They're falsely framed by the press as a battle between fighting terrorists and protecting civil liberties, as though there were no way to conduct intelligence aggressively without violating the law.

They're falsely framed by General Hayden as an exploration of the inherent tension in the Constitution between Article I (the legislative branch) and Article II (the executive), as though the Framers would have welcomed a party system that could put all government power, including the judiciary, in the hands of one extreme faction, with no checks and balances.

There's much to admire in the records of Carl Levin, Ron Wyden and many of their Democratic colleagues on the committee, but they seem inhibited by a climate of electoral fear — fear that aggressive questioning will be depicted as anti-American wussiness by the Rove machine.

Republicans have had great success in convincing Democrats that outrage at Washington is the attitude of the bloggy far left, rather than the view of a majority of Americans. The professional Democratic campaign establishment continues to insist that a swath of undecideds and swing voters, a moderate middle, will determine election outcomes; the notion that there's real power in a passionate, motivated base, which has done quite nicely for Republicans, is somehow beyond their comprehension, or self-interest, and they point to McGovern and other ghosts of elections past as decisive omens.

What will it take for elected Democrats to boil with the same outrage at BushCo contempt for the Constitution that their own constituents feel? Does Bush have to hit negative numbers in the polls? Does a third party movement have to threaten to catch fire? In a country where fifty million people vote for an American Idol, is it inconceivable that at least as many citizens who care about the rule of law could pump some Viagra into our limp leadership?