

**THE BLOG**

My Litmus Test

By Marty Kaplan

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You are a 35-year-old lawyer who wanted to work in the Reagan Administration because your lifelong dream is to undo what the Warren Court and Democratic Congresses had done. Choice, affirmative action, one-man-one-vote: these, and other laws, were terrible mistakes, you believe, liberal assaults on America, and if you can join up with the conservative Republicans trying to undo them, you'd be a happy man. You put all this in writing.

Now, a generation later, you stand at last on the verge of triumph. You are poised to replace swing-voter centrist Sandra Day O'Connor. Finally, with your vote, the Supreme Court can launch an activist right-wing counterrevolution to reverse judicial precedent and overturn wrong-headed legislation.

The only thing standing in your way is the possibility that 41 Democratic Senators will not want to give Karl Rove, Dick Cheney, Bill O'Reilly, and that guy Harriet Miers sends puppy cards to, the one thing they want most: a right-wing SCOTUS.

So what do you do to convince these Senators that you're not the same guy who believed those things so fervently when you were 35, whose whole life has been devoted to getting to this moment?

Well, you deny it. of course. You say you're not the same guy. You do what W did about WMD. You lie. You try out every line that as-yet-unindicted Uncle Karl feeds you. And you expect the Democrats, because of re-election fear, because of Beltway-itis, because of the idiotic Bush-was-elected-wasn't-he? meme, to believe you.

Here's my litmus test:

Any Democratic Senator who swallows Judge Alito's that-was-then-this-is-now line doesn't deserve to be called a Democrat or a Senator. Any political party that can't whip its members into opposing the party of crooks and liars doesn't deserve to be a party in power.

As is now painfully clear, the 2002 and 2004 Republican victories were built on lies. Americans are seized by political buyers' remorse. Any Democrat who believes that a fraudulent mandate is enough of a reason to fabricate a mandate where none now exists, is begging for a primary challenge from his or her own party. Any moderate Republican who believes the same is just whistling past the graveyard. And if there turn out to be enough cowards to prevent a successful filibuster, they might as well send an engraved invitation to the American people to consider the viability of

a Bull Moose stampede the likes of which we have not seen in a long, long time. And this time, it won't be led by a nutcase like Ross Perot or a Don Quixote like John Anderson. Wanted: real leadership. Any takers?

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