

STOOLS AND STRAIGHT LINES

By Peter H. Wolf

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The United States -- each of the States and their overarching federal government -- have three branches in their constitutional democracies: the legislature (to pass laws, with the power to investigate and oversee the need for and substance of those laws), the executive (to execute and administer the laws passed by the legislature), and the judiciary (to resolve inevitable disputes among citizens and between citizens and their government [that includes the criminal law], interpreting the law in the process).

I was a member of the third branch for 40 years. I was appointed a judge by the President presumably because I was good at lawyering within the judicial process to resolve disputes, urging interpretations of the law along the way.

It has been said that the processes of the judicial branch are like a three-legged stool. One leg is a good advocate on one side of the dispute, another leg is a competent advocate on the other side, and the third leg is a qualified judge. If any one of those legs is missing or defective, the stool is unstable, unusable, tips over, and there is no justice.

The same applies to democracy itself and its three branches. If any one of them is defective, the stool tips into instability, even collapse.

As a judge, I was only empowered to decide the cases that came before me. I had no power to roam about the city, county, state, or country to search for and find wrongs that needed rightening, much less correct such wrongs -- I could do so only if they came before me in a proper case or controversy. The legislative and executive branches, however, are empowered to do just that. They must consult with one another and discern wrongs or imbalances; then devise solutions, enact them, administer them, and oversee those solutions.

I am just as limited and frustrated as any other citizen about the wrongs I see. And it is particularly so when the wrongs are substantially because of a faulty governmental stool

-- the legislative and executive branches are failing -- the stool is tipping over -- fast.

Covid-19 has vividly brought horrible, long-existing wrongs into bold relief, and has dominoed still more -- the economy, for example -- to the forefront of our senses. So has racial discrimination, particularly by police. I'll not try to spell out the step-by-step development and expansion of these spawning crises; others have done and are doing that every day. Instead I'll dwell on the net results.

All but Nebraska have two-house (bicameral) legislatures in the United States. Our U.S. House of Representatives has busily identified wrongs, passed bills, and sent them to the U.S. Senate. There, *hundreds* have languished -- not even brought up for vote. The only thing the Senate seems capable of doing is confirm conservative judges. The majority is in thrall to President Trump; somehow, they feel empowered by remaining so. They stand for nothing but maintaining power, not power to right wrongs or lead us forward, but only nakedly for its own sake.

Here's a limerick I wrote in 2007. It's truer now than it was then:

Understanding Republicans is hard for me.
They have no monopoly on hypocrisy.
But fear mongering and selfishness,
Clinging to power and nothing less,
Seem their only vision for our democracy.

Which takes us to Trump. On June 25, 2020 he was asked by Sean Hannity of Fox News what will be his top priorities in a second term if he wins. Trump literally had no answer (though he took time to say nothing). All he reveres is power, *his* power. (In fairness, he may wish to be re-elected to avoid indictment for at least four more years.)

Trump, the head of the executive branch,

Argues *ad hominem* instead of factually
Exaggerates
Has a fragile ego
Has a short attention span

Has a small vocabulary and no appreciation or ability
for the lofty sentiments of leadership
Holds grudges
Shoots from the hip

Is:

A bully
A fearmonger
A liar
A non-reader
A sexual predator
Absurd
Against the core values of Christianity
An opportunist
Anchorless
Authoritarian
Boastful
Childlike
Corrupt
Demagogic
Erratic
Grandiose
Greedy
Homophobic
Humorless
Hypocritical
Ignorant
Immoral, amoral, morally unfit
Incapable of empathy
Incompetent
Indecent
Misogynistic
Most influenced by the last person to talk to him
Narcissistic
Primitive
Racist
Reckless
Selfish
Shallow
Show instead of substance
Thin-skinned
Tone deaf
Unpersuaded by facts
Unpredictable

Unstable
Vindictive
Vulgar
Xenophobic
An idiot.

He has reduced the executive branch to control by subservient lackeys who share many of these same 50+ qualities. He has legitimized these traits for too many people who once observed, for good reason, a much greater measure of political correctness. Possessing similar character deficits has become the *sine qua non* of personal loyalty to Trump. There is no long-term good to be considered, even for one's own children and grandchildren, only short-term selfishness. There is no inevitable weighing of one constitutional right with another or others. The entire executive has become trickle-down incompetent. Our government is a stool with one and a half legs -- a judiciary, and the House of Representatives. It's minus a competent executive and a responsible Senate.

Yes, Trump and the Senate are Republican. And most of the States that are seeing the consequences of resurgence of Covid-19 under his misguided non-leadership are Republican-led. I admit being a Democrat. But if I hadn't been before, I would be now. Democrats are not blameless. Their own desire for re-election may have overshadowed necessary attention to inequality that led enough left-behind voters to succumb to Trump's populism. Trump and the Senate and many red States, however, after three and a half years, have forfeited leadership and forsaken the people and responsible democracy. They must be removed to the maximum extent possible. They seek to have power over only a vacuum, are so tarnished that a straight-line vote for Democrats is fully appropriate.

After the Republican Convention August 24-27 it is clear that Republicans are trying to replace their shortcomings by promulgating FEAR of Democrats using proverbial law-and-order and socialist themes. It is distraction personified -- trying to get voters to ask with horror, "How can I vote for Biden (or any Democrat)?" I ask, how many of the character traits above can be attributed to Biden? How many of their opposites? How many are worth a sole-minded attempt to construct a conservative judiciary? When we see where Trump's characteristics have gotten us, really, no further questions need be asked. Trump

has made our country, not great again, but an object of pity throughout the world. At home for me, I feel in my craw shame, embarrassment, sorrow, distress, and, yes, anger.

We desperately need one and a half more responsible legs for our floundering stool of democracy. Vote, and make it straight-line Democrat for at least this one election! It's the only way to get rid of Trumpism, both for the United States and for a healthy two-party system.

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