

**Where's the Outrage?
May 2005***

A huge showdown is brewing in the Senate over President Bush's judicial appointments. Senatorial tensions over this process are especially pronounced since it is very likely that later in the summer at least one member of the Supreme Court will be stepping down. This type of thing happens almost weekly in the House, but the 100-person Senate has always been more collegial. Compromise has been the hallmark of the Senate for over two hundred years. Now, it is looking as though High Noon is approaching.

Part of the problem lies in how President Bush has been handling his judicial agenda. Historically, presidents float judicial candidates through the Senate *before* they are formally nominated, and they also share their short lists with the ABA (American Bar Association). This gives Democrats, Republicans, and America's legal profession an opportunity to weigh in on the candidates before names are announced or public hearings begin. This process helps to remove extremist judges (liberal *or* conservative) from consideration, which in turn helps to make a difficult and trying process more harmonious than it might be if the ABA's judicial ratings and/or senators' concerns and objections were aired for the first time in public hearings.

Unfortunately, this well-tested system was thrown out by President Bush early in his first term. He now simply hands the Senate a list of judges who have been vetted by the White House and his advisor Karl Rove, who is not even an elected official, much less a lawyer. Clearly, the

President wants who he wants on the nation's judges' benches and is unwilling to listen to dissenting voices. This has led us to where we are today, with an angry Senate ready to turn to filibusters to outflank the President. Is this any way to run a government or to secure the best judges in the land? We should all stand up and shout from the treetops, "Be reasonable!!" Why can't we sit down and agree on a list of judges that will serve American interests and not the ideologies of either the right or left wing? Let's re-involve those who have the most intimate knowledge of the quality of our judges—the ABA—and those who represent citizens—our senators--and let's let the democratic system work.

When I consider the kind of judge *I* would most appreciate, here's what I think of: a judge who will stand up for my rights as an American; a judge who understands that choosing to have an abortion must be a woman's right (This is the law. Not just my opinion but the law); a judge who understands that affirmative action is an important part of making the American playing field level for all Americans. Additionally, I want a judge who knows that business has to grow, but not at the expense of workers' safety, workers' wages, or the environment. Finally, I want a judge who is free to interpret the Constitution without feeling that he/she is beholden to a single group or individual.

When I consider the kind of President I want in the midst of our present debate over the judiciary, here's what I think of: the national equivalent to the grade school teacher we all remember who broke up fights in the middle of recess. She's the one who sat both parties down and said: we are not leaving until we resolve this problem. Ironically, this talent is one for which George Bush was once famous. We need Mr. Bush to remember that we have to work together in order to fight the real problems our nation faces, such as stagnant wages, terrorism, the

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conflict in Iraq, raising budget deficits, and an increasingly undereducated population. He should be a “uniter and not a divider.” At the very least, Mr. Bush should return to the nation’s traditional method of nominating judges. He should withdraw all of the names of controversial judges, no matter how much he favors them personally. President Bush should also share the names of possible nominees with the ABA. And then he should *pay attention* to the ABA’s ratings as well as to Karl Rove’s advice. The Democrats should agree to consider seriously any nominee the President sends them who also has earned a superior rating from the ABA. The Republicans should agree to support judges with superior ratings as well. If the President and both parties were to agree to these procedures, friendly compromises can be made and America wins. This is the way a democracy should work.

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We have now received a third report from our government stating that our intelligence on Iraq prior to our invasion was completely wrong. Unfortunately, this comes as no surprise to anyone who has followed this administration. The President and his advisors seem to operate upon their own set of beliefs, and facts are---well--not necessarily that important. Despite the fact that we have enormous and generally competent intelligence-gathering capacities, it would seem that our President has not been as inquisitive as, I believe, a good leader should be. He and his advisors have not convinced me that they ask enough thoughtful, probing questions about issues before hurrying into action. Now, if we look back on the ultimatum that our President gave Saddam Hussein in 2002, I am outraged. Mr. Bush asked for a full and complete accounting of Saddam’s weapons of mass destruction. The way he did this reminds me of the old trick question that has no acceptable answer: “Have you stopped beating your wife?”

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Because the administration “knew”—despite intelligence to the contrary-- that Saddam Hussein had weapons of mass destruction, no answer that Saddam could have given would have avoided confrontation. If the Iraqi leader said that he did *not* have any weapons, the administration would have been able to label him a liar. He would also have lost face in the Arab world. Moreover, because Saddam’s ego led him to believe he was the leader of a Greater Mesopotamia, he had to maintain an illusion of strength. He believed he needed to maintain a strong army with nuclear, biological, and chemical weapons and to make sure the West as well as all of Islam understood this. If Saddam had admitted that he *did* have weapons of mass destruction, the Bush administration would have had grounds to do what they did anyway: label him a threat to national and international security and take aggressive action. President Bush successfully maneuvered Saddam into a position that made his invasion of Iraq palatable to the West and at least somewhat defensible to the Muslim world.

When I think about this new report—which, by the way, is six hundred pages long—I am infuriated about the way it evades the issue of responsibility. The report suggests that no one was to blame personally. Institutions were to blame. The systems and structures of institutions were to blame. In his new book, *Winning, eight traits to be a good leader*, the legendary CEO of General Electric, Jack Welch, claims that “Leaders probe and push with a curiosity that borders on skepticism, making sure their questions are answered with action.” Where was President Bush’s curiosity *before* the invasion of Iraq? Just how hard do you think he probed and pushed his advisors and intelligence agencies to make sure he was acting in America’s best interest by invading Iraq and overthrowing Saddam? A real leader’s conversations about decisions, must be filled with hard questions: "What if?" and "Why not?" and "How come?" As Welch goes on to

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say, “Questioning, however, is never enough. You have to make sure your questions unleash debate and raise issues that get action.” Our administration did not even come close to this standard.

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RECENT NEWS:

- Tom DeLay is the powerful representative from Texas who has made the news on a daily basis for the last several weeks. He continues to raise money by the truck loads. DeLay also has an interesting habit of brow-beating lobbies to hire people whom he favors in exchange for access to House Republicans. While DeLay’s practice is not technically illegal, it is—quite simply--wrong. This is not how democratic leaders should behave. It is how the mafia would act if it were running the House of Representatives.
- Acting in their time-honored spirit of partisanship, The House recently changed their ethic rules in order to prevent Tom DeLay from getting his fourth reprimand in two years. While the House was changing its rules to protect DeLay, Speaker Dennis Hastert removed several Republicans, including the ethics committee chairman, Joel Hefley (R) from Colorado and appointed Republicans who were close to Mr. DeLay. The committee has been locked in a partisan battle over investigating DeLay’s latest ethical charges ever since the rules change. Ironically, because of this stalemate, Mr. Delay has had no forum for clearing his name; so the press has had a field day, acting as ethics investigators on page one of newspapers around the country. Now, it appears that the Republicans are reconsidering their rule changes. I’m sure there is a lesson in here somewhere.

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- While the Republicans are self-destructing, I am disappointed by how lazy the Democrats are these days. They seem to be sitting on the side-line watching the Republican implosion, more like second stringers, the scrubs, on the bench waiting for the real players, the starters, to fail. The Democrats are doing nothing proactively. They do not seem to have any plans or ideas to move the country forward. Where is an alternative tax plan, a viable social security fix, a new energy plan or *something*? We need more. We expect more.
- Isn't it time to reconsider the twenty-four hour news channels? In an effort to out scoop or snoop each other, simple little local stories are blown out of proportion and trumpeted as "national news." Please!?! Recently, a bride in a small town in Georgia got cold feet before her wedding day and took off. She was photogenic, which probably helped to push the story; and she tried to cover herself by leaving clues that suggested she might have been abducted. Soon this woman's domestic problems became national news. There were searches. A mysterious couple and a van were investigated. The finger pointing started. "The husband-to-be has a guilty look. He won't take a police lie detector test." But the bride turned up, unharmed. The nation heaved a sigh of relief. Then we were told she just ran away. Eyebrows cocked, the Julia Roberts *Runaway Bride* movie was invoked, and the nation snickered. My question is: *why was this national news?* The fact that neither the House *nor* the Senate has proposed a balanced budget in the face of a \$400 billion deficit this year *is* national news. But Americans are bored by a story of such importance, preferring ones about a runaway bride in Georgia. I'm reminded of lines from a Don Henley song: "Dirty little secrets. Dirty little lies. We

got our dirty little fingers in everybody's pie. We love to cut you down to size. We love dirty laundry.”

* with writing and editing assistance by Catherine Ross, PhD.

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