

Richard Duffee's open letter to Jim Himes:

January 2, 2008

Dear Jim Himes,

You are making the moralistic case that I should not want to obstruct the reconstruction of US norms that supposedly will occur if only more Democrats—including you—are elected. In arguing this, you are not providing any specific commitments; you're simply stating that your will is good and that the will of other Democrats is better than the will of Republicans. But I and other Greens did not leave the Democratic Party because the Democrats did not make encouraging abstract promises. I left because the Democrats a) never became the party of peace McGovern and McCarthy tried to make it, b) then moved to the right from 1981 on, and c) did not even honor the commitments they made in the 1960's and 70's, let alone the 1930's. I believe other former Democratic activists joined the Greens for similar reasons.

Specifically, you are relying on the belief that the solution to our constitutional crisis is to elect more Democrats. That proposition does not seem obvious to me, so you will have to argue the case for it. I think you will see from the questions below that the case for the Democrats is not so easy to make. More generally, you are relying on the more plausible belief that the Democrats are more benign than the Republicans. So I'll throw in some questions pointing to the more general argument that the Democrats are not benign enough.

If you want to persuade me and people who perceive what I perceive, you can 1) persuade us that the Democrats are better than we think, 2) that the Republicans are even worse than we think, 3) that the Democrats are so good that we are safe in their hands even though they won't defend the Constitution, 4) that you are better than most of the Democrats, will help move the Party away from its compromises with the Bush Administration, and WILL defend the Constitution.

- 1) The constitutional crisis has been triggered largely by Bush's wars. Bush has only been able to pursue war in Iraq and Afghanistan—and to prepare for war against Iran—because the Democrats have funded his wars. They have continued the funding after they knew the invasion of Iraq was based on deceit. The Democrats voted for the invasion when they knew it violated the UN Charter and international law. Show me that you opposed the illegal invasion of Iraq in March, 2003—as I did.
- 2) The three front-running Democratic candidates for President, Clinton, Obama, and Edwards, each said in June that they could not guarantee that the US would withdraw all troops from Iraq by 2013. So the Democratic Party leaders want to maintain the US presence in Iraq—probably as Bush does, as a permanent presence like our presence in South Korea. The Democrats have funded the building of the world's largest embassy and massive military bases for that apparent purpose. Show me that you will withhold funds for aggressive wars.

- 3) Clinton bombed Iraq and maintained the embargo throughout his terms. The Red Cross studies found that his actions accounted for more than half a million deaths. Show me that you would not vote for such actions.
- 4) Most Democrats voted for the “Patriot Act.” Show me that you opposed it in some way if you did.
- 5) Only six Democrats voted against the “Violent Radicalization and Homegrown Terrorism Act”. Show me that you would have been in the company of the 6 opponents.
- 6) 34 House Democrats voted for the fascist Military Commissions Act. Show me you would not have been among them.
- 7) The front-running Democrats still will not vote for universal health care, even when the US has the lowest level of longevity of all developed countries despite having the second highest GDP per capita. Show me that you are for universal health care.
- 8) Bush’s tax cuts for the rich could not have been accomplished without the collusion of Democrats. Show me what sort of tax bills you support.
- 9) The fraudulent “No Child Left Behind” legislation, which mandates achievement levels without providing funds, could not have been accomplished without the collusion of Democrats. Show me what sort of education bills you support.
- 10) Democrats colluded in the 9/11 Commission Report. They have not insisted on a thorough investigation that includes, for instance, the collapse of Building 7, the relationship between the attack on the Pentagon and the reconstruction of the Pentagon, and Cheney’s activities on 9/11. Will you demand a full investigation of 9/11?
- 11) Democrats are allowing the phone companies that violated FISA legislation to evade prosecution. Tell me how you believe our laws should be enforced.
- 12) Democrats have not responded to Bush’s commutation of Libby’s conviction. Where is the investigation into the outing of Valerie Plame? Isn’t it necessary—when there may be evidence of treason there?
- 13) Democrats gave Bush his extraordinary war powers, the apparent blank check that he keeps drawing on. Tell me how the Democrats will reclaim the war powers the Congress is obligated by the Constitution to preserve for itself?

- 14) Democrats have not investigated the gigantic sums of money missing from the Pentagon accounts. Tell me why everyone in this country is not entitled to bring taxpayer suits on this ground when Congress will not defend our rights?
- 15) Democrats did not sign on to the International Criminal Court when they had the chance under the Clinton Administration.
- 16) It was Clinton, not Bush, who degraded the Legal Services Corporation into a mere telephone referral service, thus making it effectively impossible for the poor to enforce their legal rights and making Legal Services lawyers unable to deliver the “zealous representation” necessary for ethical practice.
- 17) Explain to me how the Democrats will be more peaceful than the Republicans when, under Clinton, we pursued illegal bombing of Kosovo and Iraq, and aided the military junta in Haiti more than the democratically elected President Aristide? The Democrats began and pursued the Korean War and the Vietnam War. Prove to us that the Democrats will not do such things in the future and that you will vote against them consistently if they do.
- 18) The CIA has been just as active under Democratic Administrations as under Republican ones. The Kennedys were great champions of counterinsurgency and promoted the Bay of Pigs; US aid to the Taliban began under Carter. Will you propose the abolition of the CIA, or at least of its covert operations, which violate international law, the law of the nations where they are carried out, and often US domestic law as well?
- 19) Under the Democratic administrations of Kennedy and Johnson, the FBI would not intervene when rioters and police attacked civil rights workers in Alabama and Mississippi. J. Edgar Hoover operated the Cointelpro Program against the Black Panther Party, the Socialist Workers Party. How will the Democrats prevent the FBI from acting as the KGB did--as political police--violating the Bill of Rights?
- 20) You know that Bush and Cheney have committed numerous ordinary crimes as well as high crimes and misdemeanors—and possibly treason. What will you do to ensure they are prosecuted for their crimes so that future administrations do not believe themselves above the law?
- 21) www.GovTrack.us has a statistical study of the political spectrum based on co-sponsorship of bills. It finds Shays to be single the Republican representative furthest to the left (3 Senate Republicans are to his left); 64 House Democrats and 12 Senate Democrats appear to be to his right. I’d argue that Shays votes to the left when it doesn’t matter and to the right when it does, so that he cloaks his right-wing corporate Republicanism in Liberal trivia, so the study misses the dimensions that could make it decisive. But it is disturbing to note that Larson holds the same position on the spectrum as Lieberman and that Courtney and

Murphy are BETWEEN Lieberman and Shays, slightly closer to Shays. ONLY DeLauro is to the left of Lieberman (yet to the right of Kucinich). The implication is that Connecticut Democratic representatives do NOT have records that should recommend them to Greens. Therefore I believe you should demonstrate to us that you will be better for us than Murphy, Courtney, and Larson—let alone Lieberman—are. This will be a difficult task because new entrants to the Congress come under very heavy pressure from party bosses.

- 22) Finally, I am attaching a copy of the National Lawyer's Guild's resolution on impeachment. I use the NLG resolutions because it is drawn up by lawyers and it comes with links to ample documentation. Please go through its charges and decide
- a) whether each is or is not an impeachable offense,
 - b) whether the evidence you have seen so far implies that Bush or Cheney MAY have committed that offense, and
 - c) if your answer to both questions is "yes", what you will do to advance the impeachment process.
 - d) If you decide that the charge is (also) an ordinary crime, please say what should be done to prosecute Bush and/or Cheney. [I will also send you a list of the charges in the form of ordinary crimes.]
 - e) If you will not advocate either impeachment or prosecution, kindly explain why subsequent executives should not believe they are above the law.

Sincerely,

Richard Duffee