



# Constitutional crisis brewing

Executive powers increase as Congress and courts stand idly by

By LOU SARTOR

*"War is the health of the state."* Randolph Bourne, 1918

**T**he baby boomers of my generation grew up in the shadow of the Cold War and, much to my relief, we survived the day-to-day possibility of nuclear devastation. Unfortunately, the national security state and its apparatus remain with us to this day, morphing and expanding to serve in President Bush's ongoing war against terrorism and, some would argue, the U. S. Constitution. Fear once again rules the day. Mr. Bush asserts that serving his role as Commander-in-Chief during a period of war dictates that his powers should not be restricted by mere rule of law in order to keep us safe.

A constitutional crisis is brewing. If the Democrats are able to regain control of Congress this year, a big "if" considering the number of safe seats in Congress and the questionable use of electronic voting machines that do not allow for transparent vote recording and are susceptible to tampering, then Mr. Bush may indeed find himself impeached. It goes without saying that Congress during the Bush era has failed to hold the president and executive branch accountable for their actions. Meanwhile, the federal courts are largely filled with judges sympathetic to the aggressive use of executive power and the preeminence of free markets.

Historians are certain to view this first decade of the 21st century as a second Gilded Age in which corruption and lack of accountability became the norm among America's elite while serious problems were ignored or made much worse.

*"When the president does it, that means it's not illegal."* Richard Nixon, 1977 (Almost impeached, resigned in 1974).

So where do we stand in 2006? Here are 12 issues worth paying attention to:

1) **The war in Iraq** continues to go badly. The cost of the war will soon exceed \$250 billion with no end in sight. American casualties continue to climb; more than 100,000 Iraqis have been killed (the military does not count Iraqi deaths, so who really knows for sure?), and a civil war appears to be breaking out. It's hard to believe that this conflict will end in any way except as a complete disaster.

2) **Climate change** is happening, and it may be too late to do much about it. The Bush administration, thinking only in the short term, has consistently stonewalled even admitting there is a climate problem, much less promoting policies to lessen its impact. Katrina was just the beginning.

3) **Peak oil** is a term describing the moment when global oil reserves reach their halfway point and then go into a decline. Peak oil will happen in this decade, just as global demand, especially from nations such as China, India and the U.S., is pushed upward, along with oil prices. This is a recipe for global conflict. The Bush administration, influenced by oil company



executives, has refused to implement policies to lessen our dependence upon foreign suppliers by developing responsible energy alternatives and encouraging energy conservation. Perhaps parking 140,000 soldiers on Iraqi soil counts as a response.

4) **The growing gap between rich and poor in America** is alarming and troubling. The top 1 percent of Americans owns about 60 percent of corporate wealth, i.e. stocks and bonds. Feels a little like the 1920s to me. Middle-class pension plans are disappearing while the wealthy retreat to their gated communities. The federal minimum wage has not changed since 1997, a political barometer highlighting the impotence of working-class people during our Gilded Age. Meanwhile, labor unions are fighting for survival while megacorporations reap tens of billions of dollars in annual profits.

5) **Pandemic threats**, natural and man-made, are in the news for a reason. We live in an overpopulated world of more than 6 billion people linked by high-speed global transportation technology. Keep your fingers crossed on this one.

Public health infrastructure has significantly deteriorated since Jimmy Carter was president.

6) **Environmental degradation** contributed to the collapse of any number of civilizations. Do we really think we are immune? Water is a resource that we can no longer take for granted. A lot of quality topsoil formerly used for farming is now paved over or has been washed away. Can we really take cheap food for granted as well?

7) **Nuclear weapons** have not gone away since the end of the Cold War. Eventually, the "Nuclear Club" will include more than a score of nations, and perhaps groups such as al-Qaeda as well. Enough said.

8) **Massive trade deficits, \$725.8 billion in 2005, and the hollowing out of the American industrial economy** go hand in hand. Historically, trade tariffs protected American jobs and industries. Today we export jobs and debt. Red flags are flying and not only in China. Middle-class purchasing power is the driving engine of American capitalism and is in trouble. Household debt is skyrocketing. Shades of

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1926!

9) **Red ink, i.e. huge federal budget deficits**, can be seen as far as the eye can see. The Bush era is marked by military and intelligence budgets that would exceed half a trillion dollars per year, while tax cuts, primarily for the very wealthy, have reduced federal revenue by \$2.3 trillion over the decade. The federal debt is almost \$8 trillion, much of it owned by foreigners.

10) **Individual privacy is increasingly difficult to protect while secrecy in government expands.** I believe there is an inverse relationship between these two developments. Watch what you Google or say on the telephone and hope the federal government is doing the right thing, even if they don't want to talk about it, and more and more they don't. After all, defending torture to promote freedom and democracy is

tough to do.

11) **Our health care system is in crisis.** More than 45 million Americans are not covered. It is easier than you might imagine to accrue \$50,000 or more in health care costs even when a surgical procedure is supposed to be relatively routine. Last year's prescription drug bill is widely seen as a fiasco that will cost more than \$700 billion over the decade and was cravenly done to win elderly votes while satisfying the demands of the pharmaceutical industry, a powerful lobby, one of many corrupting our nominally democratic system.

12) **Religious Right are today's Puritans.** We are not a "Christian nation," but apparently a significant minority of our fellow citizens disagree. Opposition to abortion, gay rights and gun control seem to flow from those who believe the Bible is a more reliable source to analyze

current events than reading newspapers and news magazines. Of course, with the growing concentration of ownership within our corporate media they may have a point. Thank goodness for the Internet, but watch for future efforts to rein it in "to protect our national security." Watch C-SPAN.

After the Constitutional Convention in 1787, Benjamin Franklin was asked about the type of government that the document proposed. His response: "A republic, if you can keep it." The question for Americans in our Gilded Age will be whether or not we as a people care enough about our democratic traditions to defend them in today's political environment and to make the hard decisions to address the harsh realities we face in the 21st century.