

As The World Turns

I was sitting in a café, talking with an Israeli soldier about the American election results. Israelis are real politicians who love talking about their own politics and the politics of other nations. We proceeded to discuss and imagine the American political system in the style of a parliamentary system. Israelis are interested and educated about political developments in the world and how different governments operate. In America, we have a tendency to forget about the political process except when there is an election and instead pay attention to our daily struggles, forgetting overall national pride and progress.

My friend said to me, "Now that the Republicans are controlling both your Senate and House, does that mean that Obama will no longer be President?" He thought that, like in a parliamentary system, once the leader of the party is no longer in power, the new party in power gets to appoint the leader. "No, I explained, in America we just become more dysfunctional when the President is of a different party than the party that controls the legislature." He looked at me quite quizzically. He was not sure if I was joking or if this could really be true. "President Obama will stay the President, even though he does not have a party to work with in the country and there simply will be no legislation." Again he looked back at me with some cynicism, trying to understand either my English or the meaning of my statement. I said, "You just don't get it, do you? In America, we do not have to get along to run our country. We simply do nothing and the people may be better off that government is not meddling in their affairs." He looked up at the sky, seemingly counting the stars, while silence filled the table. "Maybe the best government is no government." Again, silence.

The truth is that our government will have a difficult time functioning until the next Presidential election. Perhaps the Democratic President will become Republican, unless Republicans have a change of heart and suddenly become Democrats. I doubt either one will occur.

My friend ordered another glass of wine. "Did President Obama campaign for his party? If his party and his work on behalf of the party was just rejected, why doesn't he just resign and let the other party appoint a leader?" I explained that in our constitutional scheme, that is not what occurs in the event of a Presidential resignation. Another Democrat would take over who is now the Vice President, and the government would probably even be more dysfunctional, if that is possible. On the other hand, when Richard Nixon resigned, Gerald Ford took over and did an excellent job. For that, the people of the United States repaid Gerald Ford by not electing him. We were really smart about that one.

The discussion got me thinking. Why didn't President Obama make this past election a plebiscite on his politics? The answer, I explained to my wine-drinking friend, was that none of the other Democrats wanted the President to campaign for them. "What

does this mean?" my friend asked. I responded, "Well you see, none of the other Democrats seem to be very comfortable with the President's policies and therefore they wanted to campaign without his help or support; without his politics." My friend Ariel asked, "So, you mean those other Democrats became Republicans?" "No," I stammered. I thought this was pretty obvious and went on, "It's just that the Democrats who were running do not want to be affiliated with the politics of their own President." I started to think that my friend had a point. Why didn't the Democrats who were defeated and the President join hands to run on their policies? Would the Democrats have done any worse if they had done that in the election? Perhaps the voters saw through the charade and realized that the President and the Democrats, who are indeed of the same party, simply did not share the same views. In other words, we did act a little bit like a parliamentary system. The Democrats who are running rejected the President, but the President is still in office. The President and the Democrats certainly could have run on their achievements; a dropping unemployment rate, a soaring stock market, the removal of troops from Afghanistan and Iraq, and the best features of the Affordable Health Care Act. Of course, the Republicans would have had answers for all of these. It has been too long that we have been in a recession, and the country is coming back only as a result of natural progress and not because of the President's policies. The President may be pulling troops out of foreign nations, but he has ignored the terrorist threat around the world. All kinds of arguments could have been bantered back and forth, but at least the Democrats could have, in good conscience, embraced their President's policies if they believed in them.

Democrats did not do well in the last election, running away from policies that in many cases were actually successful. Perhaps even more curious is that while the people who voted for Republicans on an unprecedented scale may embrace the legalization of pot and a number of other social agenda items near and dear to Democrats, they did not like something about the President's performance in the last two years.

Looking at the election from abroad, although I did vote with my absentee ballot, the voters did not seem to have a clear choice between policies because the Democrats ran away from their President. It seems to me that the President and the Democrats would have been much better off if they had stepped up to the plate and supported the President's policies and apologized for his failures. Running away from the President deprived the Democrats of enough Senate seats to control the Senate or to have any say in the nation's future.

The next two years may very well resemble a parliamentary system; the Republicans completely control the agenda of whatever happens, good or bad, on their watch. The President will be a caretaker and he will have to be a compromiser if he wants to get anything done. Many Republicans may be willing to compromise, but it is unlikely. The Republicans are now running the show, and what happens will be in large measure their responsibility.

Political scholars have debated whether the United States should consider evolving to a parliamentary system. It has been suggested that the world's oldest democracy in the

United States has become senile. We have forgotten our goals, and we do not understand the role of government in our daily lives. The partisan press and big financial interests have a lot to say about how we vote. The current constitutional system seems to encourage divisiveness.

A woman I met on the beach in Tel Aviv who was English, of Indian descent, was critical of the English parliamentary system as not workable. Another possibility is the Israeli system, where there is a parliamentary system but there is direct election of the top dog in the country.

There is nothing wrong in rethinking how our government was formed, how we have arrived at the place we are at today, or where the future should lead. We need to think about our constitutional system and whether it can be improved to reflect the will of the people, to exclude powerful financial interests, and to encourage participation by young people.

*Clifford A. Rieders, Esquire
Rieders, Travis, Humphrey, Harris,
Waters, Waffenschmidt & Dohrmann
161 West Third Street
Williamsport, PA 17701
(570) 323-8711 (telephone)
(570) 323-4192 (facsimile)*

Cliff Rieders, who practices law in Williamsport, is Past President of the Pennsylvania Trial Lawyers Association and a member of the Pennsylvania Patient Safety Authority. None of the opinions expressed necessarily represent the views of these organizations.