

Sen. Cruz's Faux Filibuster

Michael Sean Winters | Sep. 25, 2013 Distinctly Catholic

This morning, Senator Ted Cruz of Texas is still yapping. God help the poor people of Texas if he and State Senator Wendy Davis ever run for the same office: Can you imagine the debates? Cruz's faux filibuster has certainly garnered attention, but it is all sound and fury, signifying nothing. Obamacare, which he seeks to defund, is the law of the land. It was passed by Congress, signed by the President, upheld by the Supreme Court. If the American people hated the law as much as Cruz seems to think they do, President Romney would be sitting in the White House.

There is a deep divide within the Republican Party. The fault line is not on the Affordable Care Act: All Republicans dislike the law, even if its basic contours were shaped originally by Republicans twenty years ago as an alternative to the Clinton administration's health care overhaul. No, the divide now is between those who understand that they have a responsibility to govern and those that believe they have an opportunity to grandstand.

It is unclear what Sen. Cruz's motivation is. He was just elected, so it is doubtful that he is worried about a primary challenge from his right. That prospect is in the far distant future. Perhaps he aspires to become the darling of the Tea Party. That role has worked out so well for Sarah Palin, don't ya know. And, unlike Cruz, she can see Russia from her house. Perhaps, Cruz is looking beyond his political career, and angling for a prime time slot on Fox News. After all, today's Republican Party looks not to Sen. Mitch McConnell or Speaker John Boehner to set the agenda, but to Rush Limbaugh and Sean Hannity. The line between politics and entertainment has never been as blurry as it is today.

Still, Cruz and his pal Senator Mike Lee of Utah have been almost unimaginably irresponsible both in their conduct and in their arguments. Cruz last night recalled the policy of appeasement, placing it in the wrong decade — appeasement was the policy of the British government in the 1930s, not the 1940s, as Cruz said, twice. By 1940, the Brits were at war — and unwittingly, at least I hope unwittingly, comparing those who support the ACA with the Nazis. (Who knew the road to serfdom had gotten so short?) Someone needs to tell Cruz that when you begin analogizing to Nazis, you have lost. Sen. Lee responded to those who said their cause was futile by invoking the American Revolution. That, too, was launched by a minority of Americans he asserted. I am not a huge fan of Rachel Maddow, but when she is good, she is great. Last night, after playing a clip of Lee's comments about the American Revolution, she gave her impersonation of Paul Revere and said into the camera, "The health insurance is coming! The health insurance is coming!?" Hilarious.

Cruz and Lee are able to mount this faux filibuster because of our unique constitutional system. The Founders, in their wisdom, saw the need to enact a constitution that divided governmental power, the better to frustrate any potential tyranny. But, the Constitution not only divides authority, it divides responsibility. I love the Constitution as much as the next person, but I do not idolize it. There are advantages to a parliamentary system, in which governmental power and responsibility are concentrated, not divided, too. In the British system, ministers are answerable first to the Cabinet, secondly to the House, and finally to the electorate. But, so long as

the government can maintain the confidence of the House, they can do as they wish, checked only by the unwritten constitution that has guided the affairs of state for centuries. And, when something goes wrong on any given minister's watch, that minister tenders his or her resignation. That is what is meant by 'responsible government' in the British system.

An aside. Margaret Thatcher liked to tell the joke about a person going into a library and asking for a copy of the French Constitution. The librarian replied, 'I am afraid we do not carry periodicals.'

Of course, responsibility has been losing its currency for some time in the U.S. I remember Attorney General Janet Reno, after the raid on Waco went terribly wrong, announcing that she took full responsibility for the actions of the federal government. And, then? Then nothing. She did not tender her resignation but went on doing what she was doing. Her stance has been mimicked by others since. When a politician stands at the microphone and 'takes responsibility' it is usually a rhetorical device, designed to defuse bad press. But, at least Reno did not threaten to shut down the government or default on the national debt.

It is time for Speaker Boehner and those adults he can find in their caucus to stand up and assert themselves. Mr. Boehner must remind his colleagues that in addition to reflecting the will of their ruby red districts, they have taken an oath to uphold the Constitution. They are solemnly pledged to promote the general welfare, and the general welfare will not be promoted by shutting down the government. Boehner must remind his colleagues that while they won their seats, the President won his office too, and that they must find a way to govern together, for the good of the country.

The Democrats are sitting back and enjoying the show, watching the internal feuds within the GOP wreak havoc. As the saying goes, when your opponent is self-destructing, get out of the way. The Dems must be careful too. They are perilously close to appearing to want the shutdown, believing that it will redound to their political advantage, but it will not benefit them if they appear to want it. And, besides, they also took an oath to uphold the Constitution. They need to be responsible and act like adults too. The President should also contribute the weight of his office, perhaps offering a solution to the sequester mechanism. Boehner could not pass a Continuing Resolution in part because the Tea Party base insisted on defunding Obamacare but also because the Democrats refuse to support a budget that does not end the sequester. Perhaps, President Obama could offer a budget proposal that keeps the total savings of the sequester in place, but allows the congressional committees and the federal agencies to cut where they wish, not across-the-board. I am no fan of austerity budgeting, and think the economy could actually use more stimulus, but that is not going to happen. The Republicans are never going to give up the savings garnered by the sequester just as the democrats are never going to abandon Obamacare.

How will it end? If history is our guide, at the last minute, having explored all alternatives, Congress will get its act together and pass a CR and extend the debt ceiling. But, the popular saying notwithstanding, history is the one thing that does not repeat itself. The lay of the land is different. Social media has given the Tea Party extremists a means to organize that did not exist before. Politicians are even more beholden to special interests than they were five or ten years ago. Just because the nation has never defaulted on its debt is no reason to be sanguine about the possibility that it will not happen this time. One thing is obvious: Cruz is a demagogue of the highest order, and the American people, especially those Independent voters who decide elections, do not have much taste for ideology to begin with, and even less taste for ideology combined with intransigence. He will lose in the end, but he might cause a great deal of damage if the adults in the room do not stand up, and stand up soon, and insist that Congress governs as it was elected to do.

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