

The Delray Democrat

Two Takes on Texas¹

Michael K. Cantwell

Let Not the Perfect Be the Enemy of the Good: Vote Blue, No Matter Who

What happened in Texas was not inevitable but it was predictable. It's what happens when we allow "the perfect to be the enemy of the good." It's a mistake that we Democrats make on a fairly regular basis, devolving into our trademark circular firing squads – it happened in 1980, 2000, and 2016, and it almost happened in 2020. Is it because we have short memories? Or are slow learners? Or both?

I voted for Barry Commoner in 1980, an election from which working men and women are still suffering. The worst consequence of that election was not the replacement of the New Deal with the Raw Deal, however. It was the fact that Reagan appointed three of the five justices who selected George W. Bush in 2000.

Of course, if 538 of the 97,421 Floridians who voted for Ralph Nader had voted instead for Al Gore, we would have been spared Bush's failed presidency and the Supreme Court would have been spared the ignominy of *Bush v. Gore*, one of the most nakedly political and widely denounced decisions in its long history. And Al Gore would have filled the next two Supreme Court vacancies that arose.

Bush's appointments resulted in two precedent-bludgeoning decisions. The first, *Citizens United*, opened the door to dark money in political campaigns. The second, *Shelby County v. Holder*, opened the door to voter suppression laws throughout the South by gutting the heart of the Voting Rights Act of 1965.

Despite these assaults on our democracy, despite McConnell's announced intention to steal a Supreme Court seat and reverse *Roe*, many Democrats were still unable to appreciate the fierce urgency of the moment. I'm sorry, but to be unable to discern the difference between Hillary Clinton and the rough beast who was her opponent was to be an idiot.

Et sic, Ecce Bestia, followed by Neil Gorsuch, Brett Kavanaugh, and Amy Coney Barret, the three cowards who, with Alito and Thomas, are attempting to reverse *Roe* without suffering the consequences of saying so. Maybe when they unleash their naked judicial activism, those Democrats who missed or ignored the memo will wake up and smell the coffee. That will be too late for the women of Texas but it won't be too late to stop the Republicans from taking back Congress next year.

For those who have not been paying attention, let me remind you that McConnell has already said that if Republicans recapture the Senate he will not give a hearing to any Biden Supreme Court

¹ *The Delray Democrat*, [September 2021](#), p. 3.

nominee. It's not rocket science. "Vote Blue, No Matter Who" is the only way we save our democracy and our planet.

"Texas, Find Yourself Another Country to Be Part Of"

With Texas's defiantly unconstitutional abortion law following close on the heels of its voter suppression bill, it's time to update Phil Ochs's angry anthem, "Here's to the State of Mississippi," and its iconic refrain, "Mississippi, find yourself another country to be part of." Just substitute Texas for Mississippi throughout.

What is effectively a ban on abortion was carefully drafted to omit a "state actor," enabling a profoundly disingenuous Court to avoid addressing *Roe v. Wade*. This well suits the five judicial activists (three of them appointed by Trump) who used procedural legerdemain to avoid a substantive reckoning.

But they are merely postponing that moment when they will be forced to expose their contempt for what has been the law of this country for nearly a half-century and unleash the political backlash that will follow. The state action necessary to trigger constitutional review will occur the minute the vigilantes given power over their neighbors seek the aid of our courts in their jihad against doctors and clinics (and taxi drivers!) who would assist women in asserting their constitutional rights.