The Pelray* Pemocrat†

June 2020

"It Can't Happen Here." America's Flirtations with Fascism

Michael K. Cantwell

Sinclair Lewis's Depression-era novel *It Can't Happen Here* imagined America's descent into fascism after a populist demagogue is elected president on a platform of making America great again. Sound familiar?

The book's ironic title is invoked whenever fascism rears its ugly head. After Donald Trump squeaked out an electoral college win in 2016, many proclaimed "It *Has* Happened Here."

But Trump is not the first demagogue to threaten our democracy. Senator Joseph McCarthy destroyed countless lives with his serial defamations, but he was undone when America got a closer look at him during 6 weeks of televised hearings that culminated in Joseph Welch's iconic accusation: "Have you no sense of decency, sir, at long last?"

The same charge has often been leveled at Trump, and his unhinged, despicable public performances this year suggest he may face a similar reckoning. Still, it is a long way to November, and would-be tyrants are at their most dangerous when their grip on power is threatened.

"Would It Be Any Different If We Had Only a State Media"?

If George W. Bush appears thoughtful and compassionate next to Trump, in the aftermath of 9/11 his administration was spreading lies about the threat posed by Saddam Hussein, and these lies were accepted uncritically by our corporate media. One study found that in the two weeks leading up to the invasion of Iraq, only 5 of the 404 talking heads who appeared on television opposed the invasion of Iraq – and that study *excluded* Fox.

The president of CNN later bragged of bringing the White House a list of former four-star admirals and generals being considered as color commentators and getting "the thumbs up on every one." The progressive journalist Amy Goodman pointedly asked, "how would it be any different if we had only a state media?"

Corporate control of government is the other face of fascism, and it surged during the Bush administration. Lobbyists wrote legislation that sailed through the Republican Congress to be signed into law, and government regulation of the financial industry was virtually nonexistent.

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Register to Vote By Mail

Even before the coronavirus pandemic the Florida Democratic Party encouraged all Democrats to vote by mail because it is convenient, it greatly increases turnout, and this year it is postage free in PBC.

Today it is no longer solely a matter of convenience. Milwaukee residents waited hours to vote recently because all but 5 of 180 polling stations were closed, and a number of voters <u>later tested positive</u> for Covid-19. Americans shouldn't have to risk their lives in order to exercise their constitutional right to vote.

Register online at <u>pbcelections.org</u> and follow the prompts. Register by phone at 561-656-6208. Registering to vote by mail will not prevent you from going to the polls. It just gives you another option if you are unable to vote in person.

*You don't need to live in Delray Beach to read or to write for The Delray Democrat.

†Democrat: 1. An advocate of democracy. 2. a person who believes in the political or social equality of all people.

"Worst Job in America Given to a Black Man"

The resultant economic collapse was so severe and so damaging to the Republican brand that the country did what had once been unthinkable – it elected an African-American president. The headline in the satirical magazine *The Onion* the day after Obama's victory captured the moment perfectly: "Worst Job in America Given to a BlackMan."

Barack Obama proved up to the challenge. He prevented a second Great Depression, created 11 million jobs, saved the American auto industry, and launched America's longest postwar recovery. The Affordable Care Act helped 20 million previously uninsured Americans obtain health insurance, which translates to tens of thousands saved from premature, preventable deaths.

Fascism-Lite

The only thing more likely to enrage a racist than a black man in our highest office is a highly effective, widely admired black man in that office. Claims that Obama's election heralded a post-racial society were soon exposed as wishful thinking.

Republicans exploited that racial animus to win back the House and numerous State Houses in 2010. In House. What they lacked was a demagogue. Enter Trump.

No one despises Obama more than Donald Trump. This is hardly surprising since Obama is everything that Donald Trump is not – articulate, graceful, witty, effective, intelligent, highly educated, accomplished, and self-made.

At first blush, Trump's initial skirmish with Obama – becoming the face of the Birther movement – may seem to have been a humiliating failure. Obama released his birth certificates and then ridiculed him at the White House Correspondents Dinner: "But no one is happier, no one is prouder, to put this birth certificate matter to rest than the Donald. And that's because he can finally get back to focusing on the issues that matter, like, did we fake the moon landing?"

But Trump had the last laugh. When he began his presidential bid five years later, a <u>poll found</u> that 72% percent of registered Republicans doubted Obama's natural citizenship. It was Trump's first Big Lie on the way to the White House.

Perhaps the most odious Big Lie, the one most associated with fascism, involves his attacks on the media. Widely respected and essentially centrist institutions are "Fake News" and their reporters are

Republicans received 1.4 million fewer votes nationally in 2012, but retained control of the House by a margin of 234 to 201

Congress they betrayed their supporters by opposing and/or diluting legislation that would have helped them weather the Great Recession.

At the state level, they raised gerrymandering to a level never previously seen in America. Although Republicans received 1.4 million fewer votes nationally in 2012, they retained control of the House by a margin of 234 to 201.

They continued to be overrepresented in the House in every subsequent election. Aided and abetted by the judicial activism of a Republican-majority Supreme Court, they engaged in widespread voter suppression. Let's call it "fascism-lite."

Behold the Beast

Republicans could hobble Obama and betray their own voters but they couldn't win back the White

"enemies of the people." These denunciations, reeking of the Nazi Era in which they were finely honed, belong only in the dictatorships that Trump so openly admires.

"Who You Gonna Believe, Me or Your Lyin' Eyes?"

In the world according to Trump, truth is what he tweets. If you saw something different, well, as Groucho said, "who you gonna believe, me or your lyin' eyes?"

Unfortunately for Trump, but fortunately for our democracy and the planet, Americans have been appalled by what they have seen and heard as Trump bloviates, free-associates, lies, and is repeatedly corrected by scientists at his coronavirus press conferences. They were horrified by his crazy talk

about injecting toxic household products and the budding realization that he had absolutely no clue how to manage the first crisis of his presidency that was not self-inflicted. And they were appalled to hear him brag of his ratings as tens of thousands of Americans died and tens of millions more became unemployed.

His first response to the threat posed by the virus was magical thinking – "when it gets a little warmer, it miraculously goes away." After reality intervened, and the shutdown measures needed to flatten the virus curve began flattening the economy as well, he claimed "we can't let the cure be worse than the disease."

word "miscreant" was created. While protests led to violence and looting (some of it provoked by Fifth Columnists), there are widespread <u>videos</u> of peaceful protestors being attacked by police.

At the same time Trump is also recklessly doubling-down on his attacks on the media. Journalists covering the protests are "truly bad people with a sick agenda." This has encouraged police attacks on journalists, one of whom was blinded in her left eye after police fired a bullet directly at her.

With protests showing no sign of slowing, and humiliated by reports that he hid in the White House basement from protests across the street, the

Then he held a Bible upside down as he attempted a solemn pose

That is another Big Lie. We can't poll them but it's fair to say the 109,213 people (through June 6) who have died would beg to differ, and polls show that an overwhelming majority of Americans also favor stay at home orders. Moreover, a recent study at Columbia University estimated that 36,000 lives would have been saved if the United States had started imposing social distancing measures only one week earlier, with 54,000 saved if the measures had been adopted two weeks earlier.

Slouching Towards Bethlehem

Of course, fascists don't care about polls, so long as they have Brown Shirts like the thugs who invaded Michigan's capitol. Armed with assault rifles they took up positions in the gallery above the chamber in which lawmakers debated an extension of Governor Gretchen Whitmer's stay-at-home orders. Trump tweeted that the protestors were "very good people" and suggested that Whitmer should "make a deal with them."

In a civil society "good people" don't join mobs that menace elected officials attempting to do their jobs, and in a democracy they don't get to make a deal when <u>four of five</u> citizens support the positions taken by those officials. Those of us who asked rhetorically how Trump and police would have reacted if the protesters had been black did not have to wait long for confirmation.

After a Minneapolis policeman with 18 prior complaints against him brutally murdered a non-resisting man, George Floyd, protests were widespread. Those protesting yet another unarmed, unresisting black man were "thugs" who should be shot, declared Donald Trump, a man for whom the

creature whom J.K. Rowling aptly called "you tiny, tiny, tiny man" struck back.

He ordered police to disperse the protesters so that he could have a photo-op at St. John's Church, where it turns out he was neither expected nor welcome. Then he held a Bible upside down as he struck a solemn pose.

Trump is in free fall and sees chaos and violence and disinformation as his parachutes. If you're not worried about what Trump will do to hold onto power, you haven't been paying attention. Cancel the election? Have Barr announce a criminal investigation of Joe Biden? Refuse to accept a loss?

Trump has readied a new Big Lie if he loses: voting by mail is "substantially fraudulent." Anybody who believes we can rely on Republicans to uphold their oaths to the Constitution if Trump is defeated and attempts a putsch hasn't been paying attention to their serial betrayals of those oaths for $3\frac{1}{2}$ years.

In "The Second Coming," Ireland's great poet William Butler Yeats described a time when "the best lack all conviction while the worst are full of passionate intensity." He ended the poem with the lines "And what rough beast, its hour come round at last Slouches towards Bethlehem to be born."

Few people thought rough beast could be elected in 2016, so polls predicting his defeat in November must be taken with a heavy helping of salt. If the good people of this country do not pour out to Vote Blue, No Matter Who, Trump can and will win. And that will be how fascism finally comes to America.

"Amendment 4" Decision Opens Path To Voting for 1.4 Million Floridians

While Donald Trump was spending his Memorial Day weekend on the golf course, Judge Robert L. Hinkle was hard at work preventing Florida Republicans from continuing to violate the U.S. Constitution. On Sunday, May 24, 2020, he released his decision in *Jones v. DeSantis*, striking down substantial portions of Florida State Law 7066 ("SB7066") as unconstitutional. The decision is historic, eloquent, and a model of clarity.

SB7066 was passed on a party-line vote in Florida's Republican-dominated legislature in response to an amendment to the Florida Constitution passed by 65% of voters in 2018. "Amendment 4" restored the franchise to some 1.4 million Floridians previously convicted of a felony (other than murder or one involving a sexual offense) upon "completion of sentence."

SB7066 interpreted "completion of sentence" to include payment of **fines**, **costs**, **fees** and **restitution** ordered by a court. The statute was challenged by a small group of affected individuals, and in October 2019, Judge Hinkle ruled in their favor. He issued a preliminary injunction that prevented Florida from requiring payment of financial obligations a person is genuinely unable to pay, and his decision was affirmed on appeal. He later granted class certification to the lawsuit, so his decision would apply to all individuals affected by the law.

Judge Hinkle's decision is historic, eloquent, and a model of clarity

After a trial in April, Judge Hinkle made the injunction permanent. He also broadened the circumstances under which Florida is prohibited from requiring payment of outstanding financial obligations. Because the **court costs and fees** that accompany virtually all sentences are used to fund government operations they are a tax in substance if not name. It is thus not necessary to establish an inability to pay because it violates the Twenty-Fourth Amendment of the U.S. Constitution to require *anyone* to pay a tax in order to be permitted to vote.

Florida *can* require payment of **fines and restitution**, which are assessed in a minority of cases, on persons able to pay, but not if the obligation has been converted to a civil lien. Finally, persons who were represented by a public defender at their most recent conviction are deemed unable to pay and thus may register and vote.

The Florida ACLU, NAACP-LDF, Brennan Center, and Southern Poverty Law Center collectively represented the plaintiffs and have prepared a flier (available here) for people who have had a felony conviction and served their sentence but have questions about what the decision means for them. Anyone who can answer "yes" to any of the questions below is eligible to register and vote:

- They owe only **court costs or fees** (no restitution and fines)
- They owe **restitution or fines** but they were converted to a civil lien
- They were represented by a public defender at their most recent conviction

Moreover, persons uncertain of answers to the above can request an <u>advisory opinion</u> from the state as to the amount of restitution or fines owed. If they do not receive an answer within 21 days, they may register. MKC

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DeSantis Places Politics Over People*

Nancy Chanin

With coronavirus cases surpassing 56,000, an unemployment rate of nearly 13 percent, and a recent report indicating that state tax collections plummeted nearly \$900 million in April, one would hope that our governor would be laser-focused on ameliorating the situation and safeguarding taxpayer dollars. Unfortunately, it appears that Florida Gov. Ron DeSantis continues to place politics over people; two recent legal maneuvers at the expense of taxpayers are clearly designed to suppress votes and deliver Florida to President Donald Trump in November.

The first concerns Amendment 4. After being passed by nearly two-thirds of the electorate in November 2018, the state legislature voted along party lines for a bill that required returning citizens to pay all fines and fees before they could register to vote. It is unlikely that the majority of people who supported Amendment 4 sought this outcome. Nevertheless, the governor signed the measure, thereby preventing hundreds of thousands of indigent people, arguably more likely to vote Democratic, from registering to vote. After U.S. District Court Judge Robert Hinkle found the aforementioned bill to be unconstitutional, the governor fought back repeatedly. In a recent letter addressed to DeSantis, State Sens. Lori Berman and Janet Cruz stated, "The State has now argued this case three times in court, each time spending thousands in taxpayer dollars on court costs — this, at a time when our state's budget is in freefall from the COVID-19 pandemic."

The second legal gambit is a pushback against feder-

al lawsuits to expand vote-by-mail for the August primary and the November election. As a local campaign manager who was out working during the March 17 primary in Delray Beach, I saw firsthand the deleterious effect the coronavirus had on people's ability to vote. And the problem was not limited to Palm Beach County. In a letter to the governor early last month, Levy County Supervisor of Elections Tammy Jones, then-president of the Florida Supervisors of Elections, reported that officials "encountered significant challenges" including "substantial numbers of poll workers deciding not to work."

Although I suspect that very few, if any, believe the pandemic will soon be a thing of the past, our governor claims the legal challenges are "speculative" as to what might happen a few months from now. DeSantis also disputes the argument that paying for postage is akin to a "poll tax". According to the plaintiffs, "For voters who are elderly, disabled, live far from the post office, or have limited access to transportation, the postage requirement imposes significant transaction costs on casting a mail ballot and may deter voting."

It has often been said that Florida is a make-or-break state for President Trump's re-election. Regrettably, it is quite clear that DeSantis is all too aware of this supposition and appears ready to do whatever it takes to promote a victory at the expense of the people he is supposed to serve and protect.

Who Will Best Protect Your Vote in November? Join SOE Candidates

Paulette Armstead, Wendy Sartory Link, and Michelle Sylvester

For a Zoom Webinar presented by the Democratic Club of Delray Beach

June 11, 2020, 7:00 PM

Registration required. Join us at

 $https://us02web.zoom.us/webinar/register/WN_Fdiku_n0Rqi0uy6nFXMhMw$

^{*}Originally published June 3, 2020, Palm Beach Post, p. A11.

Un-Masking is Un-Remarkable

Rob Resnick

The latest Trump deception involves a bogus allegation about the "unmasking" of Lieutenant General (LTG) Michael Flynn. As someone with a national security background, I need to say that "unmasking" is a very common, routine action that occurs many thousands of times each year. The Trump Administration has unmasked twice as many individuals as the Obama Administration. U.S. Intelligence services, by necessity, constantly conduct counterespionage operations involving Russia and our other adversaries. When listening to conversations between these foreign officials and a U.S. citizen, they protect the identity of the U.S. individual by listing them as U.S. person 1 (then others as 2, 3, etc., as needed).

During the counterespionage operations, which were critical considering consistent Russian efforts to undermine our election and their illegal actions around the world, U.S. Intelligence heard conversations between senior Russian officials and LTG Flynn. Flynn was labeled U.S. person 1. Eventually, after months of the operation discovered multiple such conversations, the decision was made to "un-mask" U.S. person 1, allowing those officials with clearance to see his name. Flynn was un-masked as a routine action with his name disclosed only to individuals with the necessary clearance for such information. The decision was based on the sensitive information he was sharing with the Russians and the topics they discussed.

Intelligence and law enforcement personnel involved in the counterespionage operations needed to ascertain whether Flynn's activities with Russian officials rose to the level that would impact his security clearance and access to classified information. This was a necessary, routine analysis done for purposes of protecting national security. It was in no way punitive to Flynn or anyone else. Having done their due diligence, intelligence officials recommended that Flynn's access not be suspended.

Trump tries to further a completely baseless accusa-

tion that the Obama Administration was spying on his campaign. In fact, counterespionage personnel learned about Flynn's conversations solely because they heard them while listening to the Russian officials' conversations. They protected his identity throughout the operation. Unlike with the allegations concerning Hillary Clinton, there was no public release or comment about this investigation, thus protecting the Trump campaign. If anyone had wanted to harm the Trump Campaign, they could easily have leaked the information or FBI Director Comey could have publicly disclosed the existence of the counterespionage investigation or concern about Flynn as he did with the Clinton matter.

As a career military officer, Flynn knew better. He well understood the nature of U.S. counterespionage operations. He understood that Russia had been working to undermine our democracy and they were not our friend or partner, yet he became an advocate for Russia. He went over there to give a speech and attend a function with Putin. He had secret conversations with senior Russian officials against U.S. policy (specifically against sanctions in place for Russia's invasion of Ukraine and annexation of sovereign Ukrainian territory). No military officer worth a damn would ever have switched sides and become an advocate for our enemy. Never work against your own country. Shameful, reprehensible.

Equally reprehensible is Trump's insistence on pushing what he knows is a false claim of impropriety by U.S. Intelligence and the "un-masking" of Flynn's name. His claims are utterly ridiculous, yet he demands Republican leaders increase their efforts to push them in the media and to waste taxpayer dollars on baseless investigations. Just to help his campaign, or so he thinks. We are in the middle of an epic pandemic and economic calamity impacting many millions of Americans. There is plenty of critical business for Congress and the White House. Instead, Trump is solely focused on his reelection to the exclusion of everything else. He is a disgrace.

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Social Media: "We Don't Need No Stinkin' Badges."

June Sandra Neal

On May 29, Donald Trump took his ball and ran home because he didn't like the ref's call. Twitter's CEO, Jack Dorsey, had decided—finally—to fact-check him and we all know the president is highly allergic to facts.

So, the Retaliator-in-Chief signed an Executive Order to strip Internet CEOs of their legal protection against lawsuits for third-party postings by altering Section 230 of the federal Communications Decency Act: "No provider or user of an interactive computer service shall be treated as the publisher or speaker of any information provided by another information content provider." However, they could, if they wished, "moderate" content.

They didn't. And everyone was happy. That protection, as well as a real fondness for lawmakers who avoid unwelcome subjects like federal taxes or regulations, have allowed Google, Twitter, Facebook, and other internet giants to shrug when users posted things that, on another medium, would invite a subpoena. And it was just peachy for Trump, since he has used Twitter to lie, bully and defame to his black heart's desire. Twitter even had a "carve out" policy for heads of state, a free pass to lie for the very people who should be held most accountable.

But after Trump accused MSNBC co-anchor Joe Scarborough of a murder, without evidence, and claimed that same-day voter registration would allow non-citizens to "just walk in and vote," Dorsey decided to "fact check" a bit of Trump's maniacal belching. Not remove it; just flag it.

As a former columnist, I say it's about time. Foolishly, we excused social media commentary from the rules of journalism until it became the electronic wild west. "We don't need no stinkin' badges."

The law may not yet place Facebook and Twitter in the same genus as The New York Times, but any application of rationality demonstrates both have the same power, with an even greater reach.

President Abraham Lincoln said he was "clothed with immense power." Trump now wears that mantle and he is using social media to deprive Americans of the hard-won measures that make voting more accessible and, in many cases, possible: early elections, mail-in ballots and same-day registration. Twitter's flagging false and dangerous Internet commentary does not diminish Trump's First Amendment rights because Twitter is not a governmental body. On the other hand, Trump's use of government power to punish Twitter for doing so does arguably violate Twitter's First Amendment rights. It is also stupid and counterproductive. Without the protection afforded by Section 230, if Twitter can be sued for what Trump tweets, it is likely to flag even more of Trump's tweets since it will be legally answerable for them.

Facebook CEO Mark Zuckerberg, whose pursuit of dollars over democracy helped Trump win in 2016, says it's not his problem. Indeed, internet CEOs have no incentive to change without resistance from their stakeholders: advertisers, stockholders and us, the users.

Trump's latest tantrum may not bear much legal weight. But his objective is chilling. Referring to social media that dare to flag him: "We will strongly regulate, or close them down, before we can ever allow this to happen." And then, "... or we'd have to develop other sites." We? His own news outlets? Hitler called his Franz Eher.

"If you don't vote, you don't count"

That was the creed and the epitaph of Vernon Ferdinard Dahmer, Sr., president of the Hattiesburg, Mississippi, NAACP, who was murdered by the Ku Klux Klan. If you don't vote, you dishonor his grave and the graves of the thousands who have died fighting for the franchise. Get registered if you're not already, make sure your friends are registered, and get out and get them out to vote. And register to vote by mail.

What We're Reading

Michael Wines, <u>Freed by Court Ruling</u>, <u>Republicans Step Up Effort to Patrol Voting</u>: "Six months before a presidential election in which turnout could matter more than persuasion, the Republican Party, the Trump campaign and conservative activists are mounting an aggressive national effort to shape who gets to vote in November — and whose ballots are counted."

Reed Epstein, <u>Trump Sows Doubt on Voting</u>. <u>It Keeps Some People Up at Night</u>: "In October, President Trump declares a state of emergency in major cities in battleground states, like Milwaukee and Detroit, banning polling places from opening."

Jamelle Bouie, <u>Trump Thinks He's 2020's 'Law and Order' Candidate. He's Not:</u> "Nixon could credibly claim to represent stability in the face of chaos, a steady hand in an uncertain time. Trump can do no such thing. He built his entire political persona around discord and disruption."

Michael Pollan, <u>The Sickness of Our Food Supply</u>: Slaughterhouses have become hot zones for contagion, with thousands of workers now out sick and dozens of them dying . . . In recent years, meatpackers have successfully lobbied regulators to increase line speeds, with the result that workers must stand shoulder to shoulder cutting and deboning animals so quickly that they can't pause long enough to cover a cough, much less go to the bathroom, without carcasses passing them by. Some chicken plant workers, given no regular bathroom breaks, now wear diapers.

John Le Carré, <u>The United States of America Has Gone Mad</u>: "America has entered one of its periods of historical madness, but this is the worst I can remember: worse than McCarthyism, worse than the Bay of Pigs and in the long term potentially more disastrous than the Vietnam War." (Speaking of Iraq but more timely today).

Democratic Club of Delray Beach 2020 Membership Application

2020 Membership Hippinearion					
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