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Editor's Note

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Editor's Note

Padraig O'Malley

If you must break the law,
Do it to seize power;
In all other cases, obey it.
—Julius Caesar

Much has changed in the world since the last issue of this journal. All is indeed changed and changed utterly. But we have no terrible beauty with which to console ourselves. For the foreseeable future, the debate over whether we live in a unilateral or multilateral world is moot. A new Rome rules with an arrogance only the truly certain can master.

The invasion of Iraq definitively answered the question: What is the New World Order? America is, and America's order will continue until Americans themselves decide otherwise, and that, in the short term at least, means whether they will reelect George W. Bush president of the United States in November 2004.

However, even if he is not elected, a new president will be unable to assume office with a foreign policy of his own design. The undoing of Bush's — and most of it can't be undone — will determine the choices a new president will face. In that respect a new president will be shackled to the consequences of the actions of his predecessor.

But then again, perhaps, he too, might subscribe to the New Order. Rome, Americans might figure, lasted a helluva long time, handled innumerable threats to the Homeland, and survived a string of off-the-wall Emperors to say nothing of a few real whackos, although its record on faith-based nonprofits wasn't too good until it got into the swing of things in the A.D.

Power based on assumptions of conceit has a habit of going wrong. History tells us that. But then we were told history is over, had its time, dropped off the charts; unlike the Beatles had no sustainable power.

George W. Bush is a dangerous man. Not a "bad" man.

He believes in a foreign policy that gives the United States the *right* to take a preemptive strike against *any* country if, in *his* judgment, that country poses a threat to the national security interests of the United States. Who defines national security interests? He does. Who decides what constitutes a threat to the United States? He does. Who decides whether the threat is bigger than a breadbox? He does. Who decides that the breadbox is so stuffed with bread that it is about to burst at the seams? He does. Who decides that he had better strike before there is bread scattered all over the place? He does. Who decides that the baker should stop kneading dough? He does. Who decides whether other countries should have a say in baking? He does. Who defines whether there should be war or peace? He does.

What about the Congress? Well, what about Congress? And the United Nations? The who?

* * *

Who decides whether prisoners — a few thousand rounded up by the United States from all over the world after 9/11 and held *incommunicado* in Guantamano Bay, living in wire cages, some for almost two years without being charged with any crime have rights? He does. Who has decided they have no human rights in direct contravention of the Geneva conventions? He has. Who has decided they will be tried by military courts? He has. In secret? He has. That they cannot have access to their own lawyers? He has. That any consultations they have with their military appointed lawyers are tape recorded and their conversations made available to their prosecutors? He has.

But aren't these procedures gross violations of the Constitution of the United States? Yes. Could these things happen in a court in the United States? Not yet. So, what's the catch? Well, Guantamano Bay is in Cuba; it is not part of American territory and hence what happens there is not bound by the provisions of the United States Constitution.

* * *

What is most terrifying about the events surrounding Iraq is that the Bush Administration *lied* to the world when in the chamber of the United Nations Security Council it said that the United States had proof *positive* that Saddam Hussein had weapons of mass destruction and that unless Hussein destroyed them he had to be removed from office.

The administration didn't say "we are fairly certain," it didn't say, "we have good reason to believe," it didn't say, "our intelligence gathering tells us they are about 90 percent sure that Saddam is hiding weapons of mass destruction from the UN inspectors and the chances of finding them are pretty remote." No, it said the United States had proof *positive*. No ifs, ands, or buts here. No, sir. We had, goddam it, proof *positive*.

The U.S. "inspectors" who combed Iraqi weapons sites didn't come up with one teaspoonful of weapons of mass destruction. They have been recalled and are, say sources close to Saddam Hussein, deployed somewhere in Southern California, combing the Sierra Nevada mountains near Miracle Hot Springs.

But, the Administration says:

Look at what we have done. We have liberated an oppressed people from the tyrannical grip of a psychopathic dictator who murdered God knows how many Iraqi men and women on whim.

Hey, he starved the people he hadn't murdered. He tortured the people he didn't starve. He imposed a state security apparatus that stamped paralyzing fear into the heart of his people who learned not to cough since coughing might be construed as slighting or inferring slight of Saddam. And now we have freed them. Given them their country back.

Yes, they may have looted the little we didn't destroy; yes, they did it under our eyes and we did allow them to run amuck for a while, but a little looting, well, there's something liberating about it, if you know what I mean. Sure, the benefits of freedom may be a little slow in coming since this reconstruction thing is a little trickier than we thought.

And listen, Rome wasn't built in a day. So, it's not our fault that sewage is coughing up all over the place; that the sanitation plants don't work; that the hospitals have no medicines; that doctors can't operate; that criminals are free and crime is soaring; that the streets are full of homeless kids; that the schools are bombed out; that there's no food in the markets; that law and order has broken down — we're soldiers,

for God's sake, not frigging policemen; that there's no clean water and electricity is for the birds; that aid workers can't get in — we're soldiers, for God' sake, not frigging travel agents; that the looters don't get the message — we're soldiers for God's sake, not frigging political spin doctors. I mean Saddam spent nothing, not a bloody dinar on the infrastructure. It just collapsed under a few hundred tons of our mother-of-all missiles. Are we to blame for that? These people have to learn. Freedom has a price. You have to sacrifice to make it real.

Listen up! We're bringing them democracy, real honest-to-God good-old-this United States of America democracy, not some dumb European type. And they can thank the citadel of democracy that brought it to them — the Pentagon c/o Democracy Inc., Washington DC.

What's that drivel about imposed democracy? We are creating democracy, not imposing it! They're going to have a Republican Party and a Democrat Party, and a Congress and a Senate and a President. Not that complicated! And we'll bring all those clerics around. And those Shi'ites who say they want no part of a western-style democracy but something with Islam in it better get with the game plan. Secular seculorum!!

The Ba'athists? They're out, but big time! The Sunni? Poor losers. The Shi'ites? The usual suppressed majority types. The Kurds? Nifty but shifty.

International law? We agree with Caesar.

Our cause is just. And give us credit. We got those two little psychopaths – Uday and Qusay— Daddy's little killers. Daddy is next. Big Bad Daddy!

Now we know people say why we didn't capture the little thugs, bring them to trial, due process etc.etc. Yep, they were cornered, had no way out, posed no threat. But listen up and we quote Lt.General Ricardo Sanchez, the commander of coalition troops in Iraq, "The commanders on the ground made the decision to go ahead and execute, and accomplish their mission of finding, fixing, killing or capturing." So, he made a decision to execute.

And when we pulverize you with videos of those mass graves and the weeping widows, you'll forget what it was all about. As good Americans, we're always on the side of weeping widows. And Saddam's days are numbered. And then we can bask in the glory and ask what it was all about. And no one will ask about Weapons of Mass Destruction. Remember Private Jessica Ryan? All those libelous tattle-tale stories?

A real American hero and damn the begrudgers!

But we are peacemakers and sometimes— let's be honest — the function of real gung-ho peacemakers is to, well, kill, but only and always inadvertently.

* * *

This issue of the journal provides a rich diversity.

Garrison Nelson's article, "White House Inheritors and Climbers: Presidential Kin, Class, and Performance," is a classic essay that draws on historiography, political science, and public policy research to explore how we assess the performance of our presidents. The results are not only revealing in regard to what they say about the American "condition," but provide fertile ground for additional research into how Americans' attitudes are molded by their conceptions of class in a supposedly classless society when they come to rating the success of the men who have occupied the Oval Office. Nelson, whose contribution won the John C. Donovan Award from the New England Political Science Association, correlates social class and kinship connections for the forty-two presidents from George Washington to George W. Bush with the public's assessment of their performance in office. His findings indicate that presidents of upper social class origins scored

consistently higher on the performance measures than did presidents of lesser origins. However, the number of presidential kinship connections appears to be unrelated to social class and to presidential performance — class trumps kin in assessing the quality of presidential performance.

In “Tip O’Neill: Irish-American Representative Man,” Shaun O’Connell draws a shrewd portrait of a politician who understood that opponents who judged him on his folksiness, the large handshake and the ever-affable “Good to see ya, pal” demeanor, were in all likelihood prone to underestimate him. He made a career out of proving himself right. O’Connell’s O’Neill is not the “larger-than-life-hail-fellow,” the quintessential Irish Catholic party pol, but a shrewd, sensitive, and idealistic man who came to stand for a more inclusive and expansive sense of his region, his party, and his church. At key moments in his career he was a politician who took risks in the name of principle. In his fifty years in public life, O’Connell argues, Tip O’Neill embodied a type of the Irish-American character that his own kind, even those who have succeeded in America beyond the wildest dreams of their ancestors, might profitably heed. Not that O’Neill always put principle before politics; the key to his success is that he *knew* when to put principle before politics, which is politics as art, not advertising.

“Beyond the Big Dig” is Bob Turner’s compendium of pieces relating to the efforts undertaken by a group of civic stalwarts to ensure that the twenty-seven acres that would become available for public use once Boston’s Central Artery was carefully tucked underground would transform the corridor of open space available into “a magnificent, vibrant urban oasis that would become known the world over.” During the first half of 2002, a unique public information campaign was mounted. Called “Beyond the Big Dig,” it included community forums, ambitious news coverage in the newspaper and on TV, a dynamic website, an expert panel discussion televised live from Faneuil Hall, a dinner with business leaders, and literally dozens of editorials and op ed columns. The conveners were the *Boston Globe* and the Massachusetts Institute of Technology, and the core partners were WCVB-TV Channel 5 and the Boston.com website. But the project also drew on the active participation of many agencies and advocates, public, private, and nonprofit. This article, which Turner and his colleagues “assembled,” “is written with the view that the Rose Kennedy Greenway is still a once-in-a-century opportunity for Boston to redefine its central district, that the Beyond the Big Dig campaign provides a useful lens through which to view Greenway planning during a key period, and that the campaign itself may be seen as a model that could be employed to good effect in addressing other complex public issues.” The waiting will be in the seeing.

Paul Wellstone was a different kind of politician. Even as we grow increasingly cynical about politics, as if more cynicism were possible, even Wellstone’s colleagues in the Senate, among them his Republican opponents, recognized that he was different from most of them, different in the sense that his liberalism was not a brand name he wore on his jacket sleeve, not a set of positions mostly likely to appeal to his admittedly liberal constituency, but positions grounded in the belief that human uplift is possible only when you see politics as a process that engages the politician with the people he serves in a dialogue of equals — the quintessence of what politics should be about and the defining principle of what constitutes a democratic order. Our present disposition to put as much distance as possible between the rulers and the ruled has bred a politics where the former see themselves as some latter day Patricians who have to toss the odd carrot to the Plebs to keep

them in their places while the latter switch channels and tune out.

Unless we bridge that chasm, narrow the distance between the two, bring them into actual contact with each other, voter turnout will continue to fall even farther. And when the President of the United States declares war on a country the size of California, thousands of miles from the United States on the grounds that it poses an *imminent* threat to the security of the country on grounds he conjures up from the depths of his own paranoia, the public will shrug their shoulders, say, “Hey! What can we do about it,” and turn their attention to the important things — Spring Training, the Academy Awards, and other pursuits of high culture. And from our universities and colleges? A silence that is the wellspring of the security of tenure.

“A Winning Progressive Politics” is Paul Wellstone’s own obituary, a statement of belief that is in no need of redemption. One is tempted to make it required reading for all Democratic party aspirants to the Highest Office.

Marcy Murningham’s “Common Sense and Civic Virtue: Institutional Investors, Responsible Ownership, and the Democratic Ideal,” could not be more timely. The issues she addresses forcefully and comprehensively are matters that affect all of us, since all of us knowingly or not have money in the market, whether through the government’s special security funds, employer pension funds, IRAs, trade unions, other private pension schemes or in corporate equity. How corporations govern themselves has been a question of acute public importance since the Enron scandals — and the quick succession of others that followed — unraveled the criminal behavior of CEOs and the most senior levels of corporate management of highly respected companies. These “pillars” of the community had manipulated share prices, hived off huge sums of the public’s money for personal use, employed fraudulent accounting methods to drive their share prices in a bull market, and connived with other sectors of the financial services’ industry to deceive and defraud.

Murningham’s article provides the contextual framework for consideration of four bills, which were the subject of public hearings held under the auspices of the Public Service Committee of the Massachusetts Legislature on May 29, 2003.

These bills are as follows: H. 1186 — An Act Directing the State Treasurer to Publicly Disclose Proxy Votes. This bill would require the Treasurer to publicly disclose his proxy votes for companies in which the state is a shareholder. H. 1353 — An Act Relative to State Employee Retirement Investments. The bill would direct fiduciaries of the state employee pension fund to withhold votes from the board of any company represented by a non-diverse board. H. 1354 — An Act Directing the State Treasurer to Vote in Favor of Certain Shareholder Resolutions. This bill would require the state employee pension fund to vote in favor of shareholder resolutions asking for reports from management of the company. And H. 1930 — An Act Relative to Corporate Accountability. This bill would require the Pension Reserves Investment Management (PRIM) Board to consider long-term liabilities when choosing investments and to avoid investing when appropriate. It would also require companies to publicly report long-term liabilities and public hazards. Additionally, it would create a new chapter of the General Laws to ensure “sunshine in litigation” and prohibit concealment of public hazards.

These bills are the initiative of Rep. Jim Marzilli and if ultimately enacted into law would put Massachusetts at the cutting edge of public sector’s demanding public accountability and transparency from publicly listed companies with which the state does business and of which they are part owners. We forget. Companies use our money. We own the companies, not the boards of directors or CEO with

stock options. As owners we have rights. Murningham has spent a lifetime trying to get this seemingly simple message into the public arena, demanding legislation at the national and state levels that ensures that good corporate governance enshrines the rights of shareholders — perhaps nothing less than a Shareholders Bill of Rights.

And the contextual framework? Murningham: “...personal greed has trumped the people’s good, enflaming the current governance crisis affecting our public, nonprofit, and private spheres. The spate of corporate governance scandals over the past several years jeopardizes equity investments, harms beneficiaries, and weakens global capital markets. The remedy is not just more laws and regulation but revitalization of the system of corporate checks and balances that already exists. To get better corporate governance, corporate shareowners, especially institutional investors, need to assert their rights and responsibilities more forcefully and wisely. Doing this involves better fiduciary leadership and governance, with the establishment of a fiduciary creed. This creed sets forth ethical stewardship beliefs, principles, and standards, thus enabling sound procedures and competence for discharging the fiduciary role. It does so in a manner that serves beneficiaries by balancing long-term financial prosperity with institutional mission and the public interest, rightly understood. Improving the governance and operation of institutional investors through greater levels of participation, representation, and accountability. . . .”

“Border Crossings: The Impact of Migration on the New Hampshire House of Representatives,” the contribution from Michael E. Dupre and Dante J. Scala, examines the political effects of population migration from Massachusetts to New Hampshire. Data suggest that, although migration from Massachusetts caused significant “suburbanization” effects in New Hampshire over the last four decades, demographic changes have not yielded commensurate changes in voting behavior, or party registration in the state. However, and paradoxically, the New Hampshire House of Representatives reveals more impact from the dramatic population increase. Population migration has led to suburbanization of the composition of the 400-member lower chamber. Citizen-legislators native-born to New Hampshire now compose just slightly over a third of the House, a proportion far lower than that in other New England states. Also, levels of education among legislators have increased significantly. White-collar professionals and retirees now dominate the House delegations of both major parties. A review of selected roll-call votes over the past two decades reveals that party line voting on legislative bills has been on the rise in significant areas, such as taxes and fiscal issues and crime and punishment. A more highly educated, white-collar citizen-legislature has not led to moderation and bipartisanship. Instead, House legislators are increasingly polarized over a series of ideologically charged issues such as homosexual rights and abortion issues. All of which suggests that demographic shifts *per se* do not determine changes in voting patterns. Of more importance is the *type* of voter who migrates; as migrants may be moving into a state because they find the state’s ideological orientation and life style assets as compelling as other reasons (lower cost of living, retirement, job opportunities, living in New Hampshire but being a stone’s throw away from Taxachusetts, etc.).

There is an entrenched conviction among opinion makers that voters, above any other consideration, want to trust their elected officials. Indeed, this conviction is pervasive and reinforced the way questions regarding trust are posed in public opinion surveys. Whatever you do, don’t question conventional wisdom or you

might find yourself looking for another client. In “Popular Rogues: Citizen Opinion about Political Corruption,” Darrell M. West and Katherine Stewart question the sacred “verity.” With surprising findings.

Using the case of former Mayor Buddy Cianci of Providence, Rhode Island, they inquire into the phenomenon of “popular rogues,” the long tradition of those who are considered dishonest and corrupt, but retain popularity for their strong and effective leadership. With data from two statewide Rhode Island opinion surveys (one before the trial and the other at its end), they present a “teeter-totter” model of public opinion whereby voters balance competing qualities of honesty and leadership. Depending on whether the assessment involves job performance or legal guilt, citizens employ different criteria. This model, they say, has ramifications for leadership in democratic systems and the prospects for citizen support in a scandal-based political era. Simply because city, state, and national politicians are the object of character attacks and personal scandals does not mean they always lose popular support in political settings.

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When you receive this issue of the *New England Journal of Public Policy*, let us hope that we have begun to come to our senses, that there is some sense of international healing, that the Administration or its opponents on the Democratic “chase,” realize that unilateralism is indeed a one way path, but not in the direction its advocates so adamantly insist on, that the “free” people of Iraq have less contaminated sewage, less looting and lawlessness, more clean water, electricity, security and a sense of belief that they can, with lots of help, put their country back together again. ❁

