

## THE BATTLE FOR THE WHITE HOUSE

As Indo-US engagement deepens, New Delhi is also increasingly sensitive to the political developments within the United States. Understanding the internal dynamics in the US from an Indian perspective has become an urgent necessity for the Indian policy and business communities. The United States Studies Programme of the Observer Research Foundation hopes to meet this requirement. The *ORF Monitor* aims to provide a weekly assessment on the November elections to the White House. We welcome comments and suggestions on the Monitor.



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### **Lawyers ready to take over**

**By C. Raja Mohan**

America probably has world's highest number of litigations per capita. It is also well known that the transaction costs of American capitalism, too, are the largest in the Western world.

If lawyers loom larger in American society than in any other, they are preparing to play an extraordinary role in the upcoming elections that may turn out to be as close as the race in 2000 between George Bush and Al Gore.

Both Democratic and Republican parties have assembled large numbers of lawyers ready to question and challenge every presumed violation of voting procedures in the ten odd swing states that are expected to decide the outcome of the current election.

It took a U.S. Supreme Court Decision split 5-4 to declare George W. Bush the winner of the last election after full five weeks of legal wrangling over the results of the poll in Florida. This time around the problems encountered in Florida could be repeated in many states, including Florida itself.

The Democratic National Committee has reportedly hired 10,000 lawyers in battleground states, with six "SWAT squads" ready to deploy on orders from Candidate John Kerry.

The Bush campaign has similar plans with attorneys headed to 30,000 key precincts to challenge any voter whose registration seems suspect. The Republican National Committee is coordinating efforts through state units. Meanwhile Attorney General John Ashcroft has told all U.S. attorneys to stand by for fraud investigations.

These lawyers will have plenty to do in a close and bitterly fought elections this year. Given the tight race and high political stakes, every single potential human error and technical glitch will be up for legal scrutiny.

Neither Democrats nor the Republicans are willing to be “out-lawyered” by the other side. Neither side is prepared to let the other side “steal” the election.

A whole range of issues could come up for legal contestation during and immediately after polling is over on November 2. These include the new law on provisional voting by citizens not on the list of a particular precinct, the problems of the absentee ballot system, the credibility of different voting machines in different parts of the country, and challenges against registered voters.

Anticipating a close race this year, the Democratic Party this year has sought to register voters in large numbers. For that very reason, there could be large-scale challenges against presumed voters by the Republicans.

Larger constitutional questions too are being raised. For example, in the state of Colorado, people are being asked to vote on Amendment 36 that will distribute the state’s electoral college votes on the basis of percentage of votes polled by a candidate. Currently the winner takes all the Electoral College votes in a particular state.

Should Amendment 36 win in Colorado, lawsuits will proliferate because the U.S. Constitution specifies that a state’s Electoral College delegation be chosen by a method specified by the state legislature, not by voters. Because the initiative takes effect with the 2004 presidential election, court challenges could complicate the outcome if the 2004 presidential election is close.

Unlike in India and most other democracies, every state in the U.S. decides its own voting procedures, which could vary from county to county. It seems self-evident that it is about time that America put in place a single national voting system. But it is easier said than done.

This strange voting system in the U.S. must be understood in the context of the intensely federal nature of the American Constitution. The U.S. is a union of states and states’ rights are considered sacrosanct and cannot be easily upturned. States will resist any attempt by the U.S. Congress to take away their right to set procedures in the elections.

While significant electoral reform in the U.S. is a long way off, the legalization of American elections this year is bound to have many political consequences.

The political bitterness created the 2000 election when Al Gore won the popular vote but lost the election by a decision of the Supreme Court will be further aggravated this year amidst a potential legal wrangling over the results in closely fought states.

American polity has never been so polarized as it is today. Despite his razor thin victory in 2000, President George Bush made no attempt to rule from the centre or try and rebuild a national consensus.

By pursuing the agenda of the Republican Right on domestic issues and initiating a war in Iraq whose rationale has been severely contested by Democrats, President Bush has further sharpened the political divide within the nation.

In this context the promise of an intense legal contestation of the polling process could have profound repercussions for American democracy. Bipartisan cooperation,

which is so essential for the conduct of governance in any democracy, could be a big casualty in this election.

While the inherent resilience of American democracy will ultimately overcome the current crisis, the legal battles this year will mark the reality that America is on the cusp of fundamental change.

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### Election Snippets

- ❖ According to an article in the issue dated 26 October 2004 of the *Washington Post* newspaper, a computer analysis shows that there are 33 different ways the outcome of the current elections could end in a tie at the electoral college. These include the possibility that some members of the college may switch sides in a close election. More at [\*\*Electoral College Calculus: Computer Analysis Shows 33 Ways To End in a Tie\*\*](#)
- ❖ The Organization of Security and Cooperation in Europe is sending election observers to monitor the elections at the invitation of the US Government. The group is sending 100 observers from its Office for Democratic Institutions and Human Rights and about 60 from its parliamentary assembly. The head of the Election Observation Mission, Ms. Rita Suessmuth, is a former Speaker of the German Parliament.
- ❖ The potential for fraud and voting by illegals has been highlighted in a recent book by *Wall Street Journal* columnist John Fund called *Stealing Elections: How voter fraud threatens our democracy*. According to him, 8 out of the 19 plane hijackers on 9/11 were registered to vote in the elections
- ❖ Kerry leads in the newspaper endorsements tally, picking up the support of **142** newspapers with a total daily circulation of **17,403,436**. **Bush** has the endorsement of **123** newspapers with a circulation of **11,530,493**. In past elections, nearly 5 to 10 percent of voters said that newspaper editorials and endorsement played a decisive part in deciding their voting preference.
- ❖ Nearly 35 newspapers that supported Bush in the 2000 elections have this time around switched support to Kerry.
- ❖ The controversy over the *Guardian* newspaper of Britain urging its readers to write into their American cousins and vote for Kerry notwithstanding, the *Times of India* has also embarked on a similar campaign with a similar plea. More at [\*\*Your final chance to chose the new US president\*\*](#)

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## **What South Asians (desis) really want**

**By Vijay Prashad**

In the summer of 2004, the New California Media project conducted a comprehensive nation-wide poll of Asian American attitudes toward the 2004 elections. South Asian American respondents declared that they would vote overwhelmingly for the Democratic Party. This is not in itself a new development: in the last presidential election in 2000, among desis, (who make up the majority of the South Asian community), only 14% voted for George Bush. Bush is not popular among the mass of desis, even if a wealthy section is dedicated to him, and even if their voices crowd out the majority. Groups like South Asians for Kerry, (SAKI) run by young South Asian Americans, report that they are making significant headway among young South Asians in the "swing states." Indeed, according to the New California Media poll, Kerry leads Bush by over 16% amongst those Asians who are between the ages of 18 and 36. As far as South Asians are concerned then, at least, Kerry will win the election.

The more senior among the elected officials of South Asian origin are from the Democratic Party, and many, like Majority Leader in the Maryland House of Delegates Kumar Barve, are from the progressive wing of the party. People like Barve represent the bulk of South Asians, with a progressive bent of mind, according to both the New California Media poll and to the decade long research I have conducted on South Asian American life. The bulk of South Asians who run for political office, do so on the Democratic Party ticket, and they run on liberal platforms. My own research among Desis suggests that we are against immigration controls, we are against the death penalty, we are for the right of a woman to control her own body, we are for better wages for working people, we are for better care of the elderly, we are for health insurance coverage for all, and we are generally interested in peaceful solutions to conflict rather than war. Among the second generation, I believe the liberal trend runs even deeper: and there are many second generation South Asians who would identify themselves as progressives and radicals rather than liberals. I was recently at the South Asian Awareness Network gathering in Ann Arbor, Michigan, and I was pleased to see that most of those who participated held very progressive views on diverse issues, from Israel to Women's Rights. On college campuses, where I often travel, I invariably find a group of second generation South Asians who have formed a progressive caucus outside the South Asian Students Association, with the objective of pushing their peers to take more liberal/radical positions. For all our diversity, we are a fairly liberal community - with regard to our lives in the US (our positions on the homeland may be far less liberal, but that's certainly another story).

Few among the youth believe that the Democratic Party will be able to govern progressively, indeed to solve the problems that we identify as fundamental to our lives. Both the Democrats and the Republicans are wedded to the maintenance of US primacy, a goal that is at odds with the beliefs of many of us. However, there is a difference between these two parties on at least two fronts: they are different ideologically and institutionally.

The Republican ideological agenda is well developed both in the 1994 *Contract with America* developed by Congressional Republicans and in the 2002 *National Security* document drafted by the Bush Administration. These documents, and the tendencies they represent, emerged in the aftermath of the disastrous extremist campaign run

by Barry Goldwater in 1964 and in the social forces that gathered behind the Reagan Revolution (that began in Ronald Reagan's bid for California's governorship and expanded from there). The Republicans believe that US primacy must be maintained principally by the use of the US military: shoot first, and ask questions later. The examples are legion: Reagan's expansion of the US military, his ruthless adventures across the planet including an almost frontal engagement with the Soviet Union in Afghanistan, and finally Bush's declaration not so much for pre-emption (which is a long-standing policy of the US) but for the use of force to *reshape* the world. This is the neo-conservative vision: US primacy must be maintained by US force first, and by US economic strength second. An iron glove covers the Republicans' iron hand.

The Democratic Party, notably under the Democratic Leadership Council (DLC) and in evidence during the Clinton presidency, believes that US primacy must be maintained primarily through market domination, with military domination as a closely followed option. Clinton's energetic use of free trade zones (in Latin America, the Caribbean, Africa and elsewhere) was the principal channel for US power. Clinton used military power without UN permission in Yugoslavia, Afghanistan and Sudan. However, this use of force was not the principal way for the Democrats to exercise US power. If the Republicans are neo-conservative militarists primarily, the Democrats are neo-liberal market fundamentalists. Either way, the strategic goal is to maintain and extend US primacy.

**So** if the two are united in a strategic goal that is generally against the views of most South Asian Americans, why do the Democrats do so well in our community? This has a lot to do with the uneven institutional nature of the two parties. Since 1964, the Republican Party has fashioned itself as a disciplined European style party with a program that all cadre are pledged to uphold and implement. The Republicans have a tight message yes, but also a developed program. The party platform of the Republicans released during the election campaign is always more coherent and less contradictory than that of the Democrats. This has something to do with the disciplined, programmatic unity of the party.

The Democratic Party on the other hand is a coalition of various social forces that is neither disciplined nor united behind a program. The coalition includes the Labour movement, the Women's movement, the Environmental Justice movement, the Gay and Lesbian movement, the Civil Rights movement, the Disability Rights movement, the Immigrants Rights movement, and many other such important tendencies that struggle for social justice. They came to the Democratic Party, remained within it, and fought to gain a space for their issue on the broad agenda. In 1984, when the Reverend Jesse Jackson ran for the Democratic presidential nomination he called his movement the "Rainbow Coalition," which actually is a very good description of the Democratic Party itself. The Rainbow represents the many tendencies, and the Coalition describes the nature of the party.

The Democrats are not a programmatic party, with a disciplined program that each cadre adheres to. Rather it is a clearing-house for a number of different organizations and movements whose views are adopted by the Party. However, the Party does not create a common platform that explains how, for instance, racism is related to unemployment or environmentalism is related to women's rights. Without a coherent vision of why subordination and indignity persist and without a common agenda for change, each part of the coalition cannot see how the other parts are related to it. The Rainbow Coalition, then, works together in the breach. Jackson's candidacy in 1984 and 1988 created campaign unity, but when he lost the second time, the Rainbow dissolved. In response, the more conservative sections of the

Democratic Party created the Democratic Leadership Council (DLC). The well-organized and well-financed DLC took power over the broad coalition. Clinton, Lieberman, Gore, and now Kerry are the candidates of the DLC. And yet the coalition remains within the Democratic Party, even though those who are within are far to the left of the candidates that the DLC foists on them. Until these social forces break with the Democratic Party, desis will vote Democratic.

South Asians are a miniscule part of the US population. How we vote does not decide the election. But many of us know that there is a larger agenda to follow because our dreams don't fit in the ballot box. We want the social movements within the Democratic Party to either determine its destiny or that of another party. That is a day many of us continue to fight toward. Until then, the choices are what history provides us.

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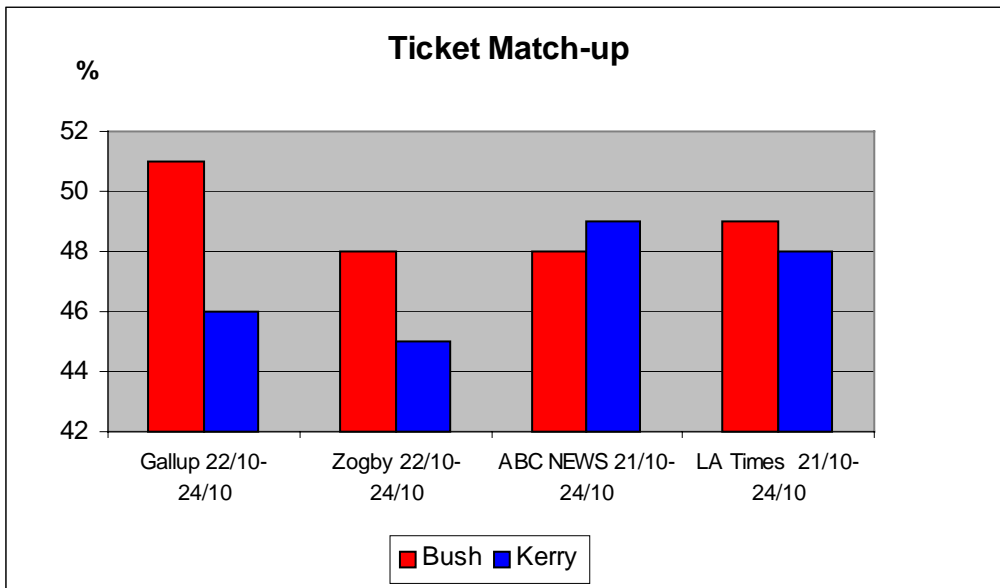
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### **Poll Analysis: Will security moms decide the election?**

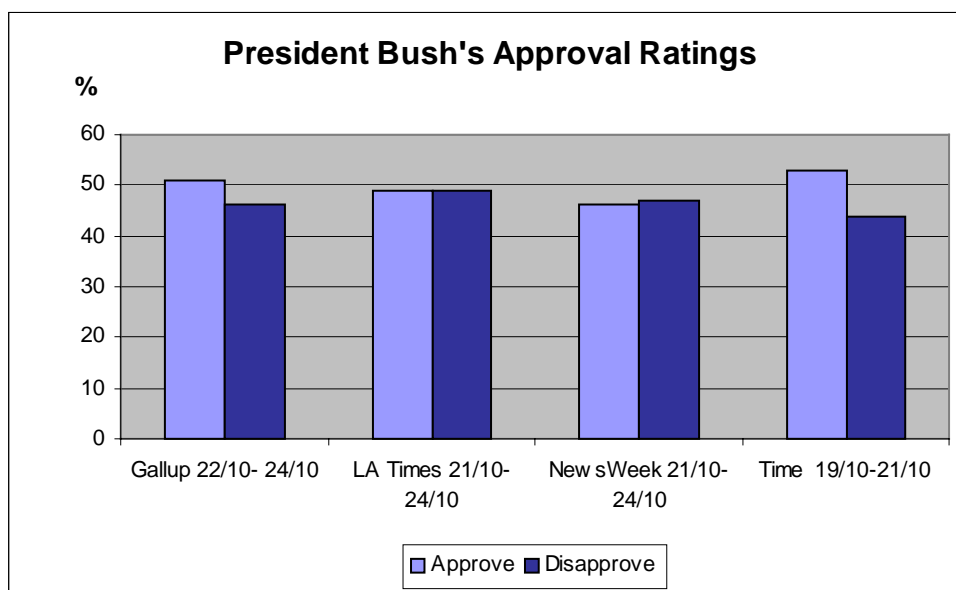
With nearly every newspaper and television news organization now running daily tracking polls, and with less than a week left for the elections, one would have expected a clearer picture to have emerged by now. But, to the pollsters' frustration, the swing voters seem pretty determined to keep their cards close to their chest.

Pollsters have tried to further classify the "swing voter" into sub-categories based on sex, age, income, religion, marital status or education in the fond hope that this will make their task easier. Such categories include office park dads (married men who live in the suburbs and work in the tech and financial sectors), soccer moms (college-educated, upper middle-class, suburban, predominantly white women with school-age children) and NASCAR Dads (socially conservative white blue-collar men). Of these, the group most feared by the Democrats are the soccer moms, who, according to analysts, largely used to vote Democratic and were played an important part in President Clinton's re-election victory. However, post 9/11, they morphed into security moms and switched over to voting Republican. That played a large part in the Republican sweep in the mid-term elections in 2000, according to the pundits. And George W. Bush has tried hard to consolidate his new-found support with this group through such initiatives as his "George W. Bush: the W is for women" campaign. While security concerns remains topmost for this group of voters, the only fly in the ointment, as it were, is the fact that many of these moms have college-going kids who would be the prime candidates of a re-instituted draft. Therein lies the dilemma for the security mom. And this example only serves to underscore the difficulties in predicting which way the swing voter will go in these elections.

The polls continue to show a very narrow margin separating the two candidates. So, even if the ABC News tracking poll shows the Kerry ticket leading for the first time since the Republican Convention, not much can be read into it. With the elections so close, both campaigns are bringing out the big guns. President Clinton has also come out to stump for John Kerry for the first time after his heart surgery in September, and is expected to campaign in Pennsylvania, Florida and New Mexico. Arnold Schwarzenegger will be campaigning for Bush in the key state of Ohio.



Campaign managers on both sides are closely watching the President Bush's approval ratings since analyses of past elections have shown that to be one of the best predictors of the election outcome. The Harris poll has gone one step further and carried out a popularity poll of leading members of the Cabinet. Bush can draw some comfort from their findings. While his popularity has gone up from 45 percent in September to 51 percent in October, Vice President Cheney's ratings have gone up from 40 percent to 47 percent. Secretary of State Powell remains the most popular person in the cabinet registering a favourability ratings of 68 percent, up from 63 percent in September. Secretary of Defence Donald Rumsfeld's ratings have improved from 43 percent to 46 percent while Attorney General John Ashcroft polls 46 percent, up from 40 percent. This general upward swing might hold a clue to the outcome of the elections. If you happen to hear a strange grating sound, that's just the pollsters grinding their teeth.



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**Readers Comments:** ORF would like to thank the recipients of the US Election Monitor for the number of encouraging responses that they have sent to the past twenty issues. We value our readers and their opinions and we invite them to write in on issues and arguments, carried in the Monitor, or simply send us their comments.

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