

# *The K.F. Stone Weekly*

(Formerly "Beating the Bushes")



February 01, 2013

## ED KOCH: AN AMERICAN ORIGINAL

Word has just come over the wire that former New York Mayor Ed Koch has passed away at age 88. Over the years, I spent considerable time with hizzoner -- interviewing him for two books and traveling throughout South Florida as representatives/surrogates for Barack Obama. During the preparation of the second book, from which this essay is adapted, he asked for a printout so that he might "give it a look-see." Well, the next day he gave me back nearly a dozen pages of editorial revisions -- a couple of which I used. By turns irascible, charming, frustrating and utterly fascinating, Ed Koch was a man who succeeded at more things than most people realize. He was, without question, an American original. I just hope he doesn't give God too hard a time ...

As mentioned above, the following is adapted from my 2011 work "[\*The Jews of Capitol Hill\*](#)," pp. 258-263.



Of the 204 Jewish men and women who have served in Congress since 1841 there are 123 attorneys, 5 physicians, 2 Rhodes Scholars, a handful of journalists, professors, industrialists, farmers, and stockbrokers, and even a former tragedian. Only one member of this group, however, can lay claim to having:

- Hosted *Saturday Night Live*;
- Acted in a daytime soap opera;
- Served as judge on the nationally televised program *The People's Court*;
- Played himself in both a *Muppet* movie and a Woody Allen film

- Served as commercial pitchman for Ultra Slim Fast, the *New York Post*, and Coca-Cola;
- Written weekly movie reviews for a Greenwich Village newspaper;
- Authored 17 books, including at least 3 autobiographies, 4 murder mysteries and a children's book;
- Hosted a popular talk-radio program, and
- Went from being, arguably the most liberal member of Congress, to one who regularly endorsed Republicans.

That individual is New York's self-proclaimed "most popular, most controversial and oft-quoted" mayor, Edward I. Koch. Ironically, there was little in Koch's background to suggest that one day he would grow up to be one of twentieth-century America's most flamboyant and ego-driven politicians.

Edward Irving Koch's parents, Louis Koch and Yetta (Joyce) Silpe, arrived in New York as teenage Polish immigrants around the year 1910. Louis, who traveled alone from the village of Uscieszko in the Polish Ukraine, had, according to his own account, suffered greatly as a child. In his earliest years, he worked alongside his father as a peddler, moving from village to village. As such, he received little, if any, formal schooling. Upon arriving in America, he became a pants presser.

Like Louis Koch, Yetta Silpe came to America and entered the garment industry; she put herself through technical school, becoming a blouse designer. Unlike Louis, however, she made a conscious effort to eradicate as much of her Polish roots as possible. Upon marrying in 1920, Yetta changed her name to Joyce, feeling that it was much more American-sounding. At one point, she paid a tutor 25¢ an hour to help her eliminate her Polish accent. Unlike Louis, she eventually did lose her accent and learned to read English – after a fashion. The problem was that her tutor could only write English phonetically. Until the end of her life, Joyce wrote English phonetically; Louis never learned to write at all.

From the beginning, it was apparent that Louis and Joyce were mismatched. About the only thing they had in common was their Polish backgrounds. "My mother was the smarter of the two by far; my father was the nicer of the two by far," Koch would note in one of his many autobiographies. Soon after their marriage, Louis and Joyce moved to the Bronx, where their first child, Harold, was born. Their second son, named Edward Irving, was born in the Bronx on December 12, 1924. A third child, Paula (Pat), was born several years later.

Joyce's embrace of all things American did not extend to religion. "My parents would never be like the assimilated German Jews who looked down on us," Koch wrote. "Neither of my parents was very religious . . . but being Jewish was something that was important to them. On balance, our household was run in the Conservative

Jewish tradition." Until the beginning of World War II, Joyce kept a kosher home. "Outside the home," Koch remembered, "my father was semi-kosher." *Kashrut* was more than a basic tenet of Judaism in the Koch household; it was also a weapon. Whenever Joyce was "very upset at her husband, she would cook bacon and wave the pan under his nose." Of this particular form of torture, Koch humorously wrote, "I don't know if she even liked bacon that much. I think she brought home the bacon simply for the chance to torture Papa, although she did keep a separate frying pan for it."



During Ed Koch's earliest years, his father experienced a modicum of prosperity as a furrier. With the onset of the Depression, his business failed. The family then moved to Newark, New Jersey, where they rented two rooms from Louis' brother Bernard. For one year, nine people shared two bedrooms. The Kochs went to work for Joyce's brother Louis – the oldest and most successful of the Silpes. Louis Silpe leased

and operated a prosperous catering hall in Krueger's Auditorium on Belmont Avenue in Newark's South Ward. There, Louis Silpe's wife Mary oversaw the preparation of kosher food for *bar mitzvahs* and weddings. The hall also had a hat-check concession, which Louis Silpe sold to the Koch family. On weekends, when big bands and such notables as Molly Picon would perform, Louis, Joyce and the children were hard at work, begging nickel and dime tips from their customers. Edward Koch would always remember how demeaned his parents felt.

Within a year of their arrival in Newark, Louis moved his family out of his brother's crowded flat into an apartment of his own about a half-mile away. In December 1937, Ed Koch became *bar mitzvah* at "synagogue B'nai Jeshrum" (*sic*) in Newark. The only thing Koch remembered about that day was his father hitting him that morning. "He was afraid that we'd be late."



In 1938, Ed Koch entered South Side High School, where most of his classmates remembered him only as "a face in the class, not as a person." A handful remembered Koch for being one of the few boys to register for a cooking class. Koch described himself in those years as being "an egghead, a square, a loner and very bright." Beside his picture in the high school yearbook was the notation "Strong in will to find, to strive, to seek, and not to yield." Following his graduation in 1941, Joyce Koch moved her family to Ocean Parkway in Brooklyn, where

their residence qualified Ed for a free education at City College. Even at age sixteen, Ed Koch knew he wanted to become a lawyer – “the Jewish ethic,” he called it.

Ed Koch's undergraduate education came to an abrupt end when he was drafted in March 1943. Following basic training in Spartanburg, South Carolina (where he earned the respect of the other trainees by losing a fistfight to a large anti-Semitic bully), Koch became a member of Company F, 2nd Battalion, of the 415th Infantry Regiment – the night-fighting “Timberwolf Division.” Shipped to Europe, Koch saw action in both



Belgium and along the Siegfried Line. While serving as the company “scrounger,” Koch was injured in a fall, and made a de-Nazification specialist. He was assigned to the Army's European Civilian Affairs Division in Bavaria. Although his German was poor, Koch was given the job of “removing German public officials from their jobs and finding others to take their

places.” Sergeant Edward Koch was honorably discharged with a combat infantry badge and two battle stars in April 1946. He was barely 21 year old the time.

Returning to his parents' home in Brooklyn, Koch entered an accelerated program at the New York University Law School without benefit of an undergraduate degree. An average student, he graduated from NYU Law School in two years and passed the New York bar on his second try in 1949. Entering private practice, Koch eked out a living doing “small, run-of-the-mill matters – wills, minor negligence cases and the like.” He continued living with his parents on Ocean Avenue until 1956, when he took a small flat in Greenwich Village.

Upon his arrival in the Village, Koch joined the Tamawa Club, the local clubhouse for Tammany Hall. Working days at his floundering legal practice, Koch would spend his lunch breaks and evenings standing on street corners giving speeches on behalf of Democratic presidential candidate Adlai E. Stevenson. Koch joined a liberal reformist bloc within the Tamawa Club which eventually broke away and named itself the Village Independent Democrats – VID.

In 1960, Joyce Koch died from cancer at age sixty-one. Throughout her final illness, Ed ferried her from doctor to doctor, treatment to treatment, never revealing to his mother the severity of her condition. After Joyce's death, Louis married Rose Klein and retired to Sunrise Florida, where he lived until his death in 1986. Following his mother's death, Ed Koch took off a year from law and reform politics in order to fulfill a fantasy. On March 13, 1961, he applied for a patent for something called the “Simulated Vehicle Toy,” more familiarly known as the “Boxmobile.” What he had “invented” was “nothing more than adhesive decals that could be placed on the front, sides, and rear of

a cardboard box so that it would look like either a car or a locomotive." Patent no. 3,099,433 in hand, Koch put his "Boxmobile" into production. He then distributed some to friends and family, and placed them on sale in at least one Manhattan store. The idea soon bombed, and Koch returned to politics and the law.

In 1962, Koch mounted a race as the VID candidate for the State Assembly. Koch's three main planks called for repealing state criminal laws against Sodomy, relaxing prohibitions on Abortions, and making it easier to get divorced. Behind his back, the campaign became known as the "SAD" campaign. Many members of the VID refused to work for Koch's candidacy. Of all the major reform figures in New York City politics, only Eleanor Roosevelt backed him, most likely because she wanted to see Democratic boss Carmine DeSapio's candidate defeated. Despite Mrs. Roosevelt's endorsement, Koch lost. The following year Koch, now the VID president – he had won by forty-one votes – defeated the powerful DeSapio (1908-2004) by thirty-nine votes to become the neighborhood's Democratic leader. DeSapio challenged the final tally, but Koch's victory stood.



In 1964, Ed Koch and a delegation from the VID went south to Alabama, where they joined the civil rights protest going on in Selma. Koch and several others spent eight days there working with the Lawyers' Constitutional Committee, which was organizing attorneys to represent blacks who had been arrested. The atmosphere, Koch wrote, was threatening: "I remember thinking to myself, 'here is a big (Koch stands 6'1), obviously Jewish person, and they don't like Jews very much down here, arguing for these people.'"

Upon his return from Alabama, Koch was forced to run once again against DeSapio for leader of the local Democratic establishment. Aided by a last-minute endorsement from Mayor Robert F. Wagner, Jr., Koch once again defeated DeSapio, this time by 164 votes.

In 1966, New York City experienced a political upheaval. With the election of Republican John Lindsay as mayor, a congressional seat opened up. When City Council member Theodore Roosevelt Kupferman (1920-2003) decided to run for Lindsay's House seat, a position on the City Council became available. Koch, who had crossed party lines to endorse the Republican Lindsay for mayor two days before the election, announced his candidacy for Kupferman's seat. Despite the fact that Lindsay did not return the favor by endorsing Koch, the Village Democrat managed to win a seat on the New York City Council. Never one to forget a slight, Koch maintained an animus for Lindsay for more than thirty years. In his autobiography, *Koch*, he wrote, "Years later, after I became Mayor, I tortured him at every opportunity. He deserved it."

During his two years on the City Council (1966-68), Koch became a press hound. He began distributing reams of press releases, in order to keep his name in the paper and before the public. He also decided that instead of pocketing the \$5,000 bonus given each member of the Council for "expenses," he would pay \$500 stipends to "bright professional people" who could "provide him with ideas for being an effective councilman and pitch in to help him draft legislation." Many of these "bright professional people" would become the backbone of the Koch political team for the next twenty years. During his two years on the City Council, Koch's major legislative success was the enactment of a bill that renamed a street in Greenwich Village after his political idol, Fiorello LaGuardia.

In 1968, when Representative Kupferman left the Seventeenth Congressional District seat for a position on the New York State Supreme Court, Koch ran for Congress. The Seventeenth, historically known as the "Silkstocking District," ran north from the Village and took in the largely Hispanic Lower East Side and the middle-class communities of Turtle Bay and Stuyvesant Town. Its political and economic heart, however, was Manhattan's wealthy and prestigious Upper East Side. Campaigning tirelessly, Koch managed to capture the Democratic nomination for the House. His Republican opponent, the urbane, WASP Whitney North Seymour, Jr. (1923- ), looked like a shoo-in. But he hadn't counted on the indefatigable Koch, who doggedly campaigned at subway stops and on street corners, tirelessly shaking hands and handing out literature from sunup to sundown. Koch won by a little more than 2,500 votes. Mayor Lindsay called Koch's victory "a disaster for the city."



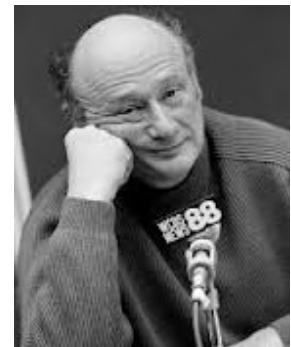
In Congress, Koch quickly became known as one of that body's most liberal members. Staunchly antiwar and pro-civil rights, he consistently won 100 percent approval ratings from the liberal Americans for Democratic Action and near-perfect scores from the Leadership Council on Civil Rights. As the acknowledged leader of the New York City congressional delegation, Koch supported mass transportation, public housing, tax reform, home care for the aged and federal payments for abortion. He opposed the federal loan bailout of Lockheed Aircraft, and was one of the first members of Congress to back amnesty for Vietnam draft resisters. Legislatively, Koch was not a great success in the House. "Although he did win passage of bills creating federal commissions to study privacy laws and the decriminalization of marijuana, his causes for the most part were too liberal to win general acceptance." Throughout his congressional career, Koch was also one of Israel's staunchest supporters on Capitol Hill.

Koch easily won reelection in 1970, beating businessman Peter Sprague. Originally assigned to a seat on the Science and Astronautics Committee, Koch moved over to Banking and Currency. Named secretary of the New York delegation by senior colleague Emanuel Celler, Koch got the group to meet on a biweekly basis—heretofore

untenable – by offering “a great, not a good” lunch and a make-your-own sundae ice cream bar.

A master of self-promotion, Koch made sure that he was always among the first to speak each morning when the House was called into session. In this way, his one-minute remarks – 200 words or less – would appear on the front page of the *Congressional Record*. Over the years, Koch delivered these one-minute addresses on literally hundreds of topics. Transferring this ability to television, Koch later became known as the “king of the one-minute sound bite.” Ed Koch wound up serving five terms in the House of Representatives.

Never completely sanguine with life in Washington, Koch started setting his sights on a triumphant return to the city of his birth. He spent a few weeks in 1974 as a candidate for mayor of New York, but soon dropped out. The race was eventually won by New York's first Jewish mayor, Abraham Beame (1906-2001). In 1977, Koch ran for mayor once again. The odds were long, considering that he entered with only four percent name recognition. His main opponent was an attorney named Mario Cuomo. A lifelong bachelor, Koch had been plagued by rumors of homosexuality throughout his career. These rumors took a nasty turn when handmade signs proclaiming, “Vote for Cuomo, not the Homo” began appearing on lampposts throughout the city. Koch denounced the attack, later saying, “No, I am not a homosexual. If I were a homosexual, I would hope that I would have the courage to say so. What’s cruel is that you are forcing me to say that I am not a homosexual. This means that you are putting homosexuals down. I don’t want to do that.”



Koch's media coordinator David Garth decided that one other way to counter the innuendoes was by placing former Miss America Bess Myerson (1924- ) next to Koch at all public appearances. The two were seen all over New York City together arm in arm, holding hands, and occasionally sharing a kiss. Throughout the campaign – and for many years to come – Koch kept the public guessing as to the nature of his relationship with Bess. Myerson even appeared on Koch's official campaign poster. As authors Arthur Browne, Dan Collins, and Michael Goodwin commented in their 1985 work *I, Koch*, “it may have been the only campaign poster in history that has the candidate and a woman who wasn't the candidate's wife with him.” The Koch candidacy benefited from the serendipity of the July 1977 citywide blackout and horrifying “Son of Sam” killings.” Koch took a tough-on-crime approach to both incidents, thereby reshaping his former “too-too liberal” image and garnering increased support. The turning point in the campaign, though, came when press baron Rupert Murdoch's *New York Post* endorsed him. This was followed by an endorsement from both Mayor Beame and the *Daily News*. Mario Cuomo was endorsed by the *New York Times* and by Representative Bella Abzug, an early aspirant for the office.



Koch received 22% to Cuomo's 21% in the primary. Facing Cuomo in a runoff race three weeks later, Koch defeated him by more than 80,000 votes. Koch and Cuomo squared off for a third time in the four-way November general election. Koch won this race as well, receiving nearly 50% of the vote to Cuomo's 41%. Ed Koch was now New York's 105th (and second Jewish) mayor.

Once in office, Koch became, in the words of Browne et al., "the most popular and recognizable character ever to inhabit City Hall. Everything about him was New York. He was the most arrogant, wise-ass, know-it-all odd duck to come down the pike in a long time. He had a mouth like ten opinionated cabbies rolled into one. But his mouth had a bunch of microphones to talk into."

Edward Koch wound up serving three four-year terms as mayor of New York City. Walking the streets of the city, he would greet all those who stopped him with the catch-phrase "How'm I doing?" During those dozen years, he confounded his former political allies by moving perceptibly to the political right – going so far as to seek and then accept both the Democratic and the Republican nomination for mayor in 1981. He became the first Democrat ever to address the Republican Party's National Platform Committee, where, in 1980, he attacked the urban policies of his fellow Democrat, President Jimmy Carter.

Koch inherited a city that stood on the brink of financial disaster. By the end of his first term, he had restored New York's economic well-being. Running on both the Democratic and Republican Party lines, he swamped Unity Party candidate Frank J. Barbaro with 75% of the vote. Koch lost the reputation for being a wide-eyed ultraliberal through his tough stands on crime (favoring the death penalty), rent control, and his refusal to heal the growing alienation between him and the black community. This latter issue was caused mainly by some of his public statements. Once, when asked by an interviewer whether Jews, because of their history of oppression, should feel a special obligation to help blacks, Koch, the man who had once traveled to Selma, Alabama, answered: "I have no guilt complex. My father didn't own slaves." Koch traced his metamorphosis from ultra-liberal toward a "liberal with sanity" to a 1973 controversy around then-Mayor John Lindsay's attempt to place a 3,000-person housing project in middle-class Forrest Hills. As Congressman, Koch met with residents of the community, the vast majority of whom were against the project. Convinced by their arguments, he came out against the plan, thereby shocking many of his liberal allies.

As mayor of New York City, Edward Koch belonged to the Orthodox Park East Synagogue. Though raised Jewish, he admitted that once he had made a conscious decision to "celebrate his roots," he had to do research so he could deliver a speech on Judaism without embarrassing himself.



Koch's third term was marred by a political scandal involving kickbacks and corruption in the Parking Violations Bureau. The scandal reached its nadir with the suicide of Koch's former ally and friend, bureau chief Daniel Manes. Although never directly implicated in the imbroglio, Koch's reputation and health suffered greatly. As a result, he was defeated for reelection to a fourth term by David Dinkins (1927- ), New York's first African American mayor, in 1985.

In the many years since he left the mayor's office, Edward Koch, in his own words, worked at nine jobs simultaneously: "Here I am . . . in my new life as an attorney, radio talk-show host, newspaper columnist, television news commentator, syndicated movie reviewer, public speaker, university lecturer, commercial spokesperson, and author." In this latter capacity, Koch penned innumerable books, including *Mayor, Politics, His Eminence and Hizzoner, All the Best, Citizen Koch*, and *I'm Not Done Yet!: Keeping at it, Remaining Relevant, and Having the Time of My Life*. In 2004, Koch and his sister, illustrator Pat Thaler Koch published *Eddie, Harold's Little Brother*, a children's book about a boy who can never live up to the accomplishments of his bigger, stronger, more athletically-gifted older brother.

In the last decade of his life, Ed Koch resided in Manhattan, where he was senior partner with the firm Bryan Cave, LLP. For years, he could be seen on the daily



syndicated television program "The People's Court," where he replaced the popular icon, Judge Wapner. "Judge" Koch's program went head-to-head with another court-centered show, "Judge Judy."

Ed Koch appeared "as himself" in the films "The First Wive's Club," "Fahrenheit 9/11," "The Muppets Take Manhattan," and Woody Allen's "New York Stories," and such

television shows as "Spin City," "Picket Fences," "My Two Dads," and "Sex and the City." He also penned four murder mysteries: *Murder at City Hall*, *Murder on Broadway*, *Murder on 34<sup>th</sup> Street*, and *The Senator Must Die*, and did extensive campaigning for Barack Obama in the 2008 presidential election. Confining his appearances almost exclusively to the voter-rich condos of South Florida, "hizzoner" was treated like a rock star by the elderly, mostly New York City-bred residents.

In 2008, Ed Koch announced that he had secured a burial plot in Manhattan's non-denominational Trinity Cemetery – a plot he hoped not to use "for another 8-10 years." He requested that the tombstone carry a *magayn david* – a "Star of David" – and the *Shema* prayer, "Here O Israel, the Lord our God, the Lord is One." It will also be inscribed with the last words of journalist Daniel Pearl, before he was murdered by terrorists in 2002: "My father is Jewish. My mother is Jewish. I am Jewish."

Your honor, don't give God a hard time. And do ask him "How did I do?"

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*(Formerly "Beating the Bushes")*



February 10, 2013

## MARCO RUBIO: SAVIOR OF THE WEEK

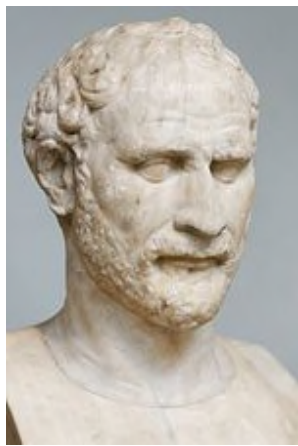
Up until just a few weeks ago, Florida Senator Marco Rubio was a fairly unknown commodity; a 41-year old called -- both flatteringly and derisively -- "The Michael Jordan of the Republican Party," and "The Crown Prince of the Tea Party Movement." He was a conservative's conservative; a thoroughly reliable vote against all-things Obama. He signed the [Norquist pledge](#), promising to never raise taxes under any circumstances, and even voted against the last-minute deal to avert the fiscal cliff . . . because it included \$600 billion in revenue. In keeping with the most conservative positions in the Republican playbook, Rubio backed Florida Governor Rick Scott's voter purge, claimed he has "seen reasonable debate" over whether humans are causing climate change, believed employers should be able to deny birth control to their employees, and opposed federal action to help prevent violence against women. And, until very recently, Rubio opposed providing undocumented immigrants with a pathway to citizenship.



But now, just a few weeks after President Obama's Second Inaugural, Marco Rubio has been sprinkled with political pixie dust and declared -- by no less than Time Magazine, "The Republican Savior." Moreover, the Republican National Committee (RNC) has chosen Rubio to give the rebuttal (in both English and Spanish) to President Obama's State of the Union address this coming Tuesday, February 12. From a Republican point of view, anointing Rubio is a no-brainer; having received slightly less than one-quarter of all Hispanic votes in the 2012 presidential election, they have to show Latinos that they are on their side. That they -- and not the Democrats -- are best positioned to make

their dreams become reality. And what better way to do this -- they believe -- than giving its political Good Housekeeping Seal of Approval to a young, handsome, up-and-coming *hispano hablante* senator like Marco Rubio?

I for one think the Republicans are barking up the wrong tree. For the longest time, the GOP has shown itself to be both tone-deaf and lacking any sense of rhythm. I mean, these are the folks who put break dancers and gospel singers onstage at their 2000 national convention, for crying out loud, in an attempt to disprove the (accurate) perception that their party is all-white. (*For the record, despite the break dancers, Al Gore received 90% of the African American vote in 2000, versus 9% for George W. Bush.*) Then too, this is the party that put Louisiana Governor Bobby Jindal in the national spotlight 4 years ago when he rebutted Barack Obama's first State of the Union. Responses to



Jindal's performance ranged from "amateurish," "laughable" and "a missed opportunity," to "Awkward with a capital A," and, my favorite, "After watching Jindal I'd pay a lot of money to be back watching a Palin speech." And although Marco Rubio is a better, more natural speaker than Bobby Jindal, he still faces at least two of the same challenges as Jindal -- the Republican's putative "savior" back in 2009 -- did. **First**, although his speech will have been taped, edited and "put in the can" long before the President's is even delivered, it will nonetheless, of necessity, have to come *after* a speech given by one of the best political orators of the past century. And for that, I do not envy Marco Rubio -- or anyone short of Demosthenes (that's him on the right) for that matter. **Second**, oratorical skills aside, Rubio, like Jindal before him, still supports positions that are easily to the right of mainstream America. Rubio's political MRI reveals a politician who, nine times out of ten, treads the same political turf as hard-core Tea Party senators Pat Toomey (R-PA), Mike Lee (R-UT), David Vitter (R-LA) and Ted Cruz (R-TX).

For all the hoopla about Marco Rubio being the future of the Republican Party, he is still a creature of the far-right. For anyone to imagine that he is a moderate shows just how far the political fulcrum has moved over the past several election cycles. In addition to some of the positions mentioned above, Rubio has steadfastly refused to raise the debt ceiling and even [voted against](#) his own party's compromise measure to temporarily suspend the debt limit through May 19 in order avoid defaulting on the national debt. Moreover, Rubio cosponsored and voted for a balanced-budget amendment to the Constitution -- despite the fact that if enacted, it would force the government to slash spending during an economic downturn, which would drive up unemployment and make the downturn worse, in a vicious cycle. Rubio has boasted about being endorsed by anti-gay hate groups like the Family Research Council and during the recent election

recorded robocalls for the National Organization of Marriage urging Americans to deny equal rights to gays and lesbians.

Now, while it can easily -- and correctly -- be argued that such positions are precisely what a Republican seeking a primary victory should hold, it is, of course, a different story when it comes to reaching out to a national electorate. For these are precisely the positions that were rejected when they came out of the mouths of Mitt Romney and Paul Ryan. And while it is true that Rubio has abandoned his opposition to providing undocumented immigrants with a pathway to citizenship and has, of late, embraced a bipartisan framework for comprehensive immigration, that will likely not be enough to convince Hispanic voters that they have a welcoming home in the GOP.

Republicans err when they treat Hispanic voters as if they were a monolithic voting bloc. Truth to tell, Cuban voters from South Florida have precious little in common with the Chicanos of East L.A., the Puerto Ricans of Orlando or New York City, or the Honduran-, Guatemalan-, Venezuelan-, Argentine-, Bolivian-, or any of a number of other Hispanic hyphenated Americans currently living an, breathing and voting (or wishing to be all three) in this glorious country. Many Hispanics look with disdain upon the Cubans of South Florida. "Hey," they say, "You all got a leg-up, a more sympathetic ear than the rest of us because you were fleeing Castro. What about the rest of us . . .?" For the Republicans to believe that just because Marco Rubio is Hispanic, just because he speaks Spanish, he will be able to lure all his "ethnic kinsmen" back to the Party of Lincoln, shows both tone-deafness and a profound lack of rhythm.

I rather doubt that Marco Rubio will be the "Republican Savior" a year from today -- much less six months from today. The more face time he gets, the more often he gets on to those Sunday talk shows, the more questions he's going to have to answer about his family background (he's lied quite a bit about it), his positions on various issues and what makes him think that he's all that different from the rest of the Republican Party that has been rejected by Hispanics, African Americans, women, students and senior citizens?

And perhaps someone will have him translate the expression "*Dime con quién andas y te diré quién eres . . .*"

Namely, "Tell me who you're friends with and I'll tell you who you are . . ."

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February 17, 2013

## **RIDDLE ME A RIDDLE**

Riddle me a riddle:

When is a filibuster not a filibuster?

For the answer, keep on reading . . .

Filibuster: a highly-charged three-syllable word that inevitably conjures up an image of a sweaty James Stewart in *Mr. Smith Goes to Washington* if you're a movie lover or a memory of Strom Thurmond, Al D'Amato, Wayne Morse or



William Proxmire if you're a political geek. Once upon a time, a filibuster was as rare as a Chicago Cubs world championship. And according to "the rules," the bloviating senator (filibusters cannot take place in the House) had to remain on his feet, speaking continuously on any subject of his choice, without benefit of food, drink or time-out for a mad dash to the men's room. Back in the day, filibusters were so extraordinarily rare that the

mere hint of one sent a shock-wave through the Halls of Congress; everyone, from the lowliest page to the senior-most committee chair dropped in so as to become an eyewitness to history. Back in the day, one would not engage in a



filibuster as a matter of partisan caprice; frequently one held the floor because they truly believed a core constitutional matter was at stake. Back in August of 1956, South Carolina Senator Strom Thurmond held the floor for a record 24 hours, 18 minutes, filibustering against the Civil Rights Act. (It was eventually enacted, despite a "tag-team" filibuster in which a group of Southern Democrats held the floor between March 26 and June 19, the day the bill final passed.)

Then too, senators have been known to filibuster for, shall we say, slightly less than principled reasons. Back in 1986 New York Senator Aphonse D'Amato held the floor for 23 hours and 30 minutes to stall debate on an important military bill. He was reportedly incensed about an amendment that would have cut off funding for a jet training plane built by a company headquartered in his state.

Between 1919 and 1970 there were never more than 7 filibusters in any two-year congressional session. By 1987-88, the number of filibusters had exploded to 54; in 1995-96 there were 82. Since Barack Obama became president, the number of filibusters has averaged more than 140 per session.

There are only two ways to bring a filibuster to an end: either the senator (or team) voluntarily ends the verbal harangue, or the body passes a motion of cloture. This latter technique was first adopted back in 1917 at the urging of President Woodrow Wilson, and it was first use two years later when the Senate invoked it in order to end a filibuster against the Treaty of Versailles. Between 1919 and 1975, a successful cloture motion required two-thirds of the Senate. Today, it requires three-fifths, or, in cases where all 100 senators are present and voting, 60 votes. Today, it takes but one senator placing a "hold" on a bill, an amendment or a presidential nomination, to effectively begin a filibuster. And, unlike in the days of Jimmy Stewart and Strom Thurmond, the filibustering solon, far from having to remain standing and speaking, isn't even required to be in the same time zone.

Which brings us back to our original riddle, namely: "When is a filibuster *not* a filibuster?"

Whenever Senators John McCain and Lindsey Graham say it ain't . . . as in the case of President Obama's nominee for Secretary of Defense, former Nebraska Senator Chuck Hagel. As readers of this blog know, not a single Republican member of the Senate Armed Services Committee voted in favor of Hagel's nomination. Publicly, Senators Graham, McCain and many of their colleagues told Fox News that the reason for the committee vote -- and "non-filibuster filibuster" on the Senate floor was due to two reasons:



1. A need to know more about Hagel's financial dealings. (Senate Republicans are demanding five years' worth of Hagel's records where for everyone else -- including former Senator John Kerry) it is merely two, and
2. A need to know more about the September 11 massacre in Benghazi, Libya, where U.S. Ambassador Chris Smith and several other American diplomats were murdered by terrorists. (Never mind that Hagel was a private citizen at the time of the murders and that as members of Armed Services they are privy to more classified knowledge than the former Nebraska Senator.)

Of course, this double-barreled rationale is sheer twaddle. Their opposition to Hagel -- and that "non-filibuster filibuster" against him are based on a couple of other purely partisan reasons:

**First**, that as a senator, Chuck Hagel -- a man who then-candidate John McCain said he would be "proud to have" as his Secretary of State -- was a strident voice against the war in Iraq. On more than one occasion, Hagel accused then President George W. and his Bush Administration of telling lies about the existence of Weapons of Mass Destruction (WMDs) to get us into Iraq. Moreover, Hagel, a much-decorated Vietnam enlistee, (like Secretary of State John Kerry who himself is a much-decorated Vietnam enlistee) is far less bellicose, far more cautious about going to war, than virtually all of his former Republican colleagues -- which they view as a mortal sin. And if this were not enough, Hagel had the temerity to campaign in 2010 for a Democratic Senate candidate (former Admiral Joe Sestak) in Pennsylvania and to support former Nebraska Senator Bob Kerrey -- a Democrat -- against the eventual winner, Republican Deb Fisher. I certainly recognize that there are people who oppose the Hagel nomination for other reasons -- such as past statements he has made about Israel, Iran and gays. And there are certainly people around the country who firmly believe that he is anti-Israel, anti-Semitic and anti-gay. And yet, Hagel has received the endorsement of virtually every Jewish Democrat on Capitol Hill.

McCain, who from all appearances seems to be losing it, is trying to have it both ways. On the one hand, he told Fox News that Hagel was "anti his own party and people. People don't forget that. You can disagree, but if you're disagreeable, people don't forget that." And yet, when Texas Senator Ted Cruz (whose senate tenure can be measured in the tens of hours) took a page out of the Joseph McCarthy playbook and accused Hagel of being chummy with both Iran and North Korea, McCain came to the Nebraskan's defense -- "No one should impugn the character of Senator Hagel . . ."

**Second**, Senate Republican's "non-filibuster filibuster" against the Hagel nomination is just one more way they have of showing their ultimate disdain for all things Barack Obama. Indeed, blocking the president's Defense nominee -- especially at a time when America is still engaged in a war and is facing global challenges in Iraq, Syria and North Africa -- shows as much willful partisan disdain as putting the nation's economy in peril for the sake of mollifying the anti-tax-cut-spending-shrink-government crowd on their right. It is yet another case of politics over patriotism, plain and simple.

(It should be noted that last week, the right-wing [Breitbart News](#) ran a specious three-paragraph report which breathlessly claimed that "*Sources told Breitbart News exclusively that they have been informed that one of the reasons that President Barack Obama's nominee for Secretary of Defense, Chuck Hagel, has not turned over requested documents on his sources of foreign funding is that one of the names listed is a group purportedly called "Friends of Hamas."* It should be duly noted that despite exhaustive inquiries by many intrepid researchers, nobody has been able to find a group called "Friends of Hamas." Indeed, these guys will do and say anything to torpedo Hagel.)

If ever there was a time to amend the Senate rules and once more make filibusters a rare exception rather than the rule that time would be now. Senators Jeff Merkley (D-OR) and Tom Udall (D-NM) have [proposed](#) going back to the so-called "Talking Filibuster" -- the kind that Strom Thurmond and Jimmy Stewart participated in. Unfortunately, Senate Majority Leader Harry Reid has said as recently as three weeks ago, "I'm not personally, at this stage, ready to get rid of the 60-vote threshold. With the history of the Senate, we have to understand the Senate isn't and shouldn't be like the House." What's in the back of Harry Reid's mind is the thought that should the day come when Democrats become the Senate minority, they -- like the Republicans today -- will need that 60-vote supermajority to keep objectionable legislation -- or nominations -- from becoming reality.

That could be, although no one knows for sure. What is certain is that the nation faces crucial challenges which must be addressed, must be dealt with TODAY, not tomorrow or next year. In many areas of political endeavor that which is enacted today may not pay dividends until next year or the year after or indeed, the decade after that. Universal preschool education and increased spending on technology are two prime examples. In the case of revamping the manner in which the Senate does business, to hell with the future; our need is now. If we are to face our challenges head-on, the 60-vote super majority must go. The "talking filibuster" must be restored.

Contact your senators. Tell them they must support the Merkley/Udall bill.

And that's no riddle.

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## ONE MAN'S ELITIST IS ANOTHER MAN'S RUBE

Those who read -- or listened to -- last week's essay, *Riddle Me a Riddle*, might recall a brief reference to Texas Senator Ted Cruz, whom John McCain took to the verbal woodshed after the upper chamber's junior-most member wondered aloud if perhaps former Senator Chuck Hagel -- Obama's nominee for Secretary of Defense -- had



received cash considerations from Iran and North Korea. Elsewhere in the essay, there was a reference to an unsubstantiated blurb in the online "Breitbart News" which pondered whether Hagel had received funding from a (nonexistent) group called "Friends of Hamas." Readers will recall that we characterized both of these off-the-wall assertions as coming straight out of the

"Joseph McCarthy playbook." In the week since this essay was posted, both threads in the Hagel controversy -- the one emanating from the lips of Ted Cruz, the other from the keyboards of Breitbart News -- have become major news stories for media outlets on both the left *and* the right.

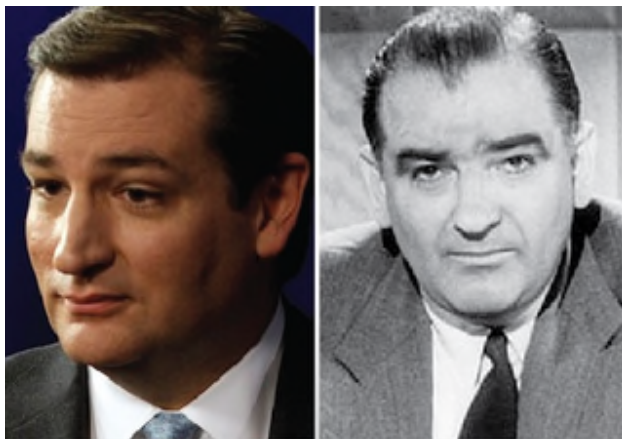
When Ben Shapiro, editor-in-chief of Breitbart News was asked whether he stood by his claim (which originated in a sarcastic, off-handed comment by the New York *Daily News*' Dan Friedman) that Hagel "may have received the financial backing of 'Friends of Hamas,'" Shapiro responded, "The story as reported is correct. Whether the information I was given by the source is correct I am not sure." This bit of elliptical reasoning comes perilously close to the logical fallacy known as *post hoc ergo propter hoc* -- namely, "Since 'A' occurred prior to 'B,' if nothing else, blame 'B' on 'A.'" Essentially, what the right-wing is demanding is that Hagel prove that a scurrilous rumor -- which has been shown to be nothing more than a childish canard - isn't true. Hmmm. It's tantamount to answering

the question "Have you stopped beating your spouse?" No matter how you answer, you lose . . .

Then there is the matter of Senator Cruz, whose understanding of innuendo is second-to-none. Turns out, when we characterized his attacks on Senator Hagel as being right out of the McCarthy playbook, we were actually hitting a nail more squarely on the head than we realized. According to a blog post by award-winning *New Yorker* writer Jane Mayer, Cruz, speaking in 2011 at a Fourth of July gathering of the Koch-funded "Americans for Prosperity" accused the Harvard Law School of harboring a dozen Communists on its faculty when he studied there back in the early 1990s. In this speech, Cruz -- who regardless of what one thinks of his politics is a fabulous orator -- began by describing Barack Obama as "the most radical president ever to occupy the Oval Office." He then went on to say that Obama "would have made a perfect president of Harvard Law School." The reason, said Cruz, was that, *"There were fewer declared Republicans in the faculty when we were there than Communists! There was one Republican. But there were twelve who would say they were Marxists who believed in the Communists overthrowing the United States government."* When asked to respond to this outrageous charge, Cruz's spokesperson actually said his boss was right; that Harvard Law School *was* "full of Communists when he was a student there."



Cruz's rationale for this McCarthyistic charge is that during the early 1990s, Harvard Law School *did* have many left-leaning professors who supported what they called "Critical Legal Studies," a method of critiquing the political impact of the American legal system. Admittedly, the Critical Legal Studies Movement was undergirded by a



more than a hint of Marxist ideology -- but then too so is the Israeli Kibbutz movement. When queried about Cruz's accusation, Harvard Law School Professor Charles Fried, a Republican who served as Ronald Reagan's Solicitor General from 1985 to 1989, and who subsequently taught Cruz at the law school, suggested that his former student had his facts wrong. *"I can right offhand count four "out" Republicans (including myself) and I don't know how many closeted Republicans*

*when Ted, who was my student and the editor on the Harvard Law Review who helped me with my Supreme Court foreword, was a student here."*

According to Jane Mayer, who was in attendance at Cruz's Fourth of July speech back in 2011, he had the crowd up on their feet, applauding, cheering and in obvious agreement with his assessment of the number of Marxists teaching at Harvard Law. For those of us who do not attend Koch-funded gatherings or Tea Party rallies, it comes as a bit of shock to learn that there are so many heirs to Joseph McCarthy out there. Senator Ted Cruz is certainly not alone. Consider folks like Senator Rand Paul, Representative Michelle Bachmann, former Alaska Governor Sarah Palin and former Representative Allen West; all have made use of the "I have in my hand a list . . ." strategy to score political points and scare the pants off their innocent, largely gullible admirers. And indeed, there are millions of Americans who believe that McCarthy -- like Cruz, Palin and West -- was right; that indeed, there *is* "a large cadre of Marxists" (including, they believe, Barack Obama) working day and night to overthrow the government of the United States. According to these true believers, the enemy is largely made up of elitists; effete, privileged, latte-sipping products of effete Ivy League Schools. But wait; isn't conservative Tea Party darling Ted Cruz a graduate of Princeton ('92) and Harvard Law ('95)? What about other conservatives like:

- George W. Bush (A.B Yale '68, MBA Harvard, '75),
- Bobby Jindal (B.A. Brown, '91, M. Lit. Oxford, 1994),
- David Vitter (B.A Harvard '5\83, B.A. Oxford, '85) and
- Pat Toomey (B.A Harvard, '84)?

Why do fellow conservatives consider them to be "just one of the guys," when people like:

- Barack Obama (B.A. Columbia, '83; J.D., Harvard, '91),
- Charles Schumer (B.A. Harvard '71, J.D. '74),
- Alan Grayson (B.A. Harvard, '78, J.D. '83, M.A. '83) and
- Michelle Obama, (B.A. Princeton, 1985, J.D. Harvard, 1988)

are considered by the rubes of the right to be snotty elitists? It just doesn't make sense. Tea Party folks love to pillory progressives with elite educations for having been born with silver spoons in their mouths and golden slippers on their feet. Truth to tell, Barack Obama's mother spent time receiving welfare; Chuck Schumer's father was an exterminator (bugs, that is); Michelle Obama's dad was a city water plant employee in Chicago, and Alan Grayson worked his way through Harvard cleaning toilets and working as a night watchman. Elitists? I think not.

It is reminiscent of early Hollywood where, they use to say, that the only difference between a millionaire movie star -- who was treated like a member of the aristocracy -- and his manservant, was that the latter was literate.

Yes indeed, the way things are in modern civil society, one man's elitist *is* another man's rube.

The only question is which is which?

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