



Congressional Races: Tipping the Balance in November

“The Republicans doubled the debt and now the Democrats are tripling the debt,” Rand Paul told his supporters on September 12. “There’s not a lot of kudos to go around to either side.” The libertarian-leaning Republican U.S. Senate candidate from Kentucky won national headlines last spring after easily defeating the establishment-picked GOP candidate in a primary to replace the retiring Republican Senator Jim Bunning. And he won the primary with arguments very much like the argument above that the deficit is a bipartisan problem.



Establishment arguments against Paul, a Bowling Green ophthalmologist, during the primary included the argument that his fairly strict constitutionalism made him an extremist and unelectable. You don’t get elected, the argument goes, by campaigning against your own party and talking about the U.S. Constitution. And in an election cycle expected to swing heavily to Republican candidates, the argument has a bit of superficial appeal. After two successive biannual electoral losses by the Republican Party in Congress (totaling more than 50 seats in the House of Representatives alone), political observers are now predicting a seismic reversal in the political party makeup of Congress back toward the Republicans.

RealClearPolitics.com, relying upon a composite of polling data, has projected a Republican House of Representatives with a 50-60 seat pick-up and an eight seat pick-up in the U.S. Senate. That would leave the Republican Party one vote short of a majority in the Senate, which, with the House majority, would effectively end Obama’s ability to dictate a legislative agenda.

Credibility for the projected 50-60 seat switch in the House has gained traction with the release of Gallup and *Washington Post*-ABC polls at the end of August showing that the American people favor the Republican in their district over the Democrat by a 10-point margin or more, the highest margin ever registered by the poll. And some political observers, such as the *Christian Science Monitor*, have reported that Republican candidates may be doing better than these polls reflect, in part because polls that measure registered voters trend Democrat while those that track likely voters are a better measure of actual results and are trending more Republican.

But seasoned political observer Byron York argues that predictions of a Republican sweep in November are overblown. York explained in the *San Francisco Examiner* September 9, Things have gotten out of hand when it comes to predictions of a Republican victory in the upcoming midterm elections. York noted that voters won’t choose generic party people in the voting booth in November, and the actual results will depend upon the strength of the individual candidates. Some candidacies will implode, while others will prosper when their opponents races disintegrate in scandal.

The Out-of-touch Establishment



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Moreover, the disparity in polling numbers by party comes as polls also indicate fewer and fewer Americans identify with either of the major political parties, and continue to give lower and lower approval ratings to Republican (and Democratic) Party leaders. Rand Paul's even-handed attack on both the Republicans and Democrats is good politics, even for a Republican running for the U.S. Senate. This explains why the so-called extremist Rand Paul sits atop the polls as the favorite in the U.S. Senate race by a 10-point margin. The true seismic event coming in November is the rejection of the bipartisan deficit spending politics of both parties establishment, an event that gives Republicans not joined at the hip with the establishment wing of their party a better chance than usual.

The nomination of Rand Paul and a bevy of other non-establishment-favored candidates for Congress within the Republican Party is hardly an indication of the rebound of the establishment (neoconservative) wing of the GOP, where candidates are being knocked out in primary battles in unprecedented numbers:

Four-term incumbent Republican Senator Robert Bennett a son of a former U.S. Senator and a grandson of the former president of the Mormon Church was turned out of office by Utah Republicans. Senator Bennett, who voted for Bush's TARP bailout legislation, placed third in the five-way primary battle. Prosecutor Mike Lee won the Republican primary for Utah's Senate seat.

In Florida, establishment Republican Governor Charlie Crist who had supported Obamas ARRA stimulus bailout jumped ship on the GOP for an independent campaign after it became obvious he could not win a primary battle against Marco Rubio, who is supported by tea partiers and considered more conservative than Crist. Rubio leads the polls in the three-way race between himself and the two leftists in the race, Crist and Democratic nominee and U.S. Representative Kendrick Meek.

Alaska Republican Party primary voters turned incumbent liberal Republican Senator Lisa Murkowski out of office in favor of the virtually unknown Tea Party candidate Joe Miller, who campaigned against the national Republican Party while seeking the nomination of Alaska Republicans: Prior to the Democrats takeover of the Congress and the White House in 2008, the Republicans ushered in the largest expansion of federal spending since the hay days of Lyndon Johnson's Great Society in the 1960s.

Sharron Angle defeated establishment-picked candidate Sue Lowden in order to face off for the U.S. Senate seat being occupied by Democratic Majority Leader Harry Reid.

Political newcomer Christine O'Donnell defeated longtime Republican Congressman Mike Castle in the Delaware Republican primary for the open U.S. Senate seat, despite frequent attacks from the Republican Party establishment nationally that she is unelectable.

Ken Buck of Colorado prevailed in a primary battle with establishment Republican favorite Lt. Gov. Jane Norton and will now face incumbent Democrat Michael Bennet for the Colorado U.S. Senate race.

While its unclear how closely each of the candidates above would adhere to the U.S. Constitution if elected, they are ample evidence that theres clearly no national political surge toward the Republican Party's establishment wing. Many of these candidates are now favorites in the final election, or are running better than expected against entrenched incumbents. In fact, its establishment Republicans rather than constitutionalists (or at least those who are campaigning on the Constitution) who are increasingly finding themselves unelectable. If there is a swing toward the Republican Party in November, this new constitutionalist movement within the Tea Party will be the primary cause. And the new constitutionalist movement may hold the swing votes in the Congress that determine many issues



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next year.

In hindsight, the biggest hurdle the constitutional candidates may have had to face this year is overcoming establishment-picked Republican Party candidates in the primaries. Some of the most promising candidates for office, such as Connecticut's Peter Schiff and New Mexico's Adam Kokesh, lost their primary battles within a local Republican Party that refuses to give up the same failed policies that led to the current Great Recession and the two successive national losses for the GOP.

Right Place at the Right Time?

Once constitutionalist candidates emerge from primaries, they are finding they have a chance in November even in places where Republicans ordinarily wouldn't have any hope. A prime example is the race between Pastor Stephen Broden and Dallas Democratic Congresswoman Eddie Bernice Johnson. Broden made the U.S. Constitution the centerpiece of his electoral strategy and emerged from a three-way Republican primary with a bleak electoral outlook in an urban district that had never elected a Republican and has been represented by Johnson for 18 years. Though an African-American himself in a majority-minority district crafted in 1992 to follow the Supreme Court mandate to create opportunities for minority candidates, Broden faced an apparently insurmountable Democratic Party registration edge and what looked like inevitable defeat in November.

Then Eddie Bernice Johnson's campaign began to implode from scandal.

Johnson had sought and won dozens of scholarships from the Congressional Black Caucus for her relatives and relatives of congressional staff. The problem was that Congressional Black Caucus Foundation rules banned Congressmen from giving scholarships to relatives, and to people outside of the district (which most recipients were).

And then Johnson started to dig herself even deeper into scandal. If I had known this was against the law I wouldn't have done it, the Dallas Democrat told WFAA-TV (Channel 8), as she began trying to rebuild her image after days of scrutiny of \$31,000 in scholarships she awarded in violation of nepotism and residency rules. I did not have an ethical alarm go off. She added that she is too busy to review scholarship applications personally: Its a minor part of what we do. And worse still, she started blaming staff for the ethical violations, claiming, They go right to my chief of staff. I have not dwelled on figuring out how to give my grandchildren \$1,000 a year.

The problem for Johnson is that she had personally intervened to get the Congressional Black Caucus Foundation to send the checks, averaging \$1,000, directly to her relatives rather than having the checks made out to the educational institution under CBC Foundation rules. Broden highlighted the dishonesty, releasing several of Johnson's personal letters appealing to CBC Foundation officials to the press. There have been statements made by Congresswoman Johnson that she was oblivious to the process and that she was sort of detached from it and was not involved in the detail, Broden told the *Dallas Morning News*. We see here that she was orchestrating how the checks should be made out.

On September 8, even the *Dallas Morning News* a newspaper that has endorsed Johnson for election and reelection over her entire 18-year congressional career posited in a house editorial that the scholarship violations of the Congressional Black Caucus she obtained for relatives against the explicit rules of the CBC Foundation are starting to overshadow Johnson's years of service.

The key to the issue, according to the *Dallas Morning News*, was no longer that she had used her congressional office to improperly obtain scholarships for relatives against CBC Foundation rules. Rather, the *Dallas Morning News* has become concerned that her story line keeps shifting. For her sake



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and the sake of her constituents, she needs to find a clear line preferably one that is the truth and stick to it. The *Dallas Morning News* concluded: This scholarship affair is starting to blemish her years of service to Dallas and Texas. If the initial awarding of the scholarships wasn't bad enough, the way she has handled the aftermath is egregious, especially given the significant responsibility she has in representing a key part of Dallas.

And Stephen Broden's campaign received national coverage from CNN, Fox, and national talk radio outlets from the scandal. The increased coverage of the race resulted in a financial shot in the arm for his campaign and has weakened Johnson to the extent that Broden now has a shot at pulling off an upset victory in November.

As a pastor of a Christian church in Dallas, Broden is starting to appear as if God is on his side in this race. And whos to say thats not the case? But another lesson that might be learned from Stephen Broden's experience may be that if constitutionalist candidates continue to run even in races where they demographically dont stand a chance, they may nevertheless get elected on occasion for putting themselves in the right place at the right time.

A number of constitutionalist/liberty candidates will be on the November ballot in districts where establishment Republican candidates have predictably lost on a reliable basis (where they have even bothered to field candidates). Most will probably lose, but a few upsets are possible:

John Dennis is a San Francisco businessman who formed the San Francisco chapter of the Republican Liberty Caucus in the wake of his activism on behalf of Ron Pauls 2008 presidential race. He would make national news if he were to unseat House Speaker Nancy Pelosi from her heavily Democratic district. Dennis has received generous financial assistance from Americans nationally, and Pelosi faces a nationwide backlash against the Democratic Congress wild spending policies. Moreover, in the liberal San Francisco district, Dennis non-interventionist foreign policy makes him appear more moderate than the pro-war Pelosi, giving Dennis another electoral edge.

Scientist Art Robinson is a fairly well-funded Republican constitutionalist who is trying to unseat leftist Oregon Democrat Peter DeFazio, a 24-year incumbent. Though DeFazio is well-entrenched and has won all of his recent races handily, the district is fairly well-balanced between Republicans and Democrats.

Syndicated columnist Star Parker has launched a race against two-term California liberal Democrat Laura Richardson in the states overwhelmingly Democratic 37th district. Again, despite Parker's inspiring personal history as an African-American woman who pulled herself out of the welfare trap, she should be headed for defeat because of the districts demographics. Yet Richardson has provided scandal that could endanger her four-year tenure in Congress. Richardson's home in Sacramento went into foreclosure in May 2008 after subprime lender Washington Mutual accused her of strategic default on the mortgage: Richardson simply walked away from her commitments. Moreover, Richardson has a history of being late on her mortgage payments with her other homes even though she has the financial means to make the payments as a Congressman. Parker is hoping to stress to voters that if Richardson cant manage her personal checkbook, why should she be trusted with the nations checkbook in Congress?

Its far from clear what kind of change will happen in November. But the seismic event on the horizon is not merely a revival of the Republican Party. If it were merely a Republican establishment tsunami, so many establishment Republicans would not have already lost their primary battles. Rather, it is a new kind of movement, generally within the Republican Party, that is calling for a genuine change of



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national direction. Constitutional-oriented candidates could provide the margin of difference in January between acceptance of one political party's deficit spending policies and adhering to fiscal responsibility, or between endless costly foreign engagements under the President and bringing our troops home to safety.



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