

PRESIDENT OBAMA DECLARES THE THREAT TO CRAPPY SONY MOVIES A NATIONAL EMERGENCY

President Obama just issued an Executive Order that directs Department of Treasury to impose sanctions on people who engage in “significant malicious cyber-enabled activities.” The move has been reported as a means to use the same kind of sanctions against significant hackers as we currently used against terrorists, proliferators, drug cartels, and other organized crime.

Regardless of whether you think this will do any good to combat hacking, I have several concerns about this.

First, at one level, the EO targets those who “harm[], or otherwise significantly compromis[e] the provision of services by, a computer or network of computers that support one or more entities in a critical infrastructure sector.” But remember, our definition of critical infrastructure is absurdly broad, including things like a Commercial Facilities sector that includes things like motion picture studios – which is how Sony Pictures came to be regarded as critical infrastructure – and even things like campgrounds.

And it’s actually not just critical infrastructure. It also targets people who “caus[e] a significant disruption to the availability of a computer” and those who “caus[e] a significant misappropriation of funds or economic resources, trade secrets, personal identifiers, or financial information for commercial or competitive advantage or private financial gain.” I can envision how this EO might be ripe for abuse.

But it gets worse. The EO targets not just the hackers themselves, but also those who benefit from or materially support hacks. The targeting of those who are “responsible for or complicit in ... the receipt or use for commercial or competitive advantage ... by a commercial entity, outside the United States of trade secrets misappropriated through cyber-enabled means, ... where the misappropriation of such trade secrets is reasonably likely to result in, or has materially contributed to, a significant threat to the national security, foreign policy, or economic health or financial stability of the United States” could be used to target journalism abroad. Does WikiLeaks’ publication of secret Trans-Pacific Partnership negotiations qualify? Does Guardian’s publication of contractors’ involvement in NSA hacking?

And the EO creates a “material support” category similar to the one that, in the terrorism context, has been ripe for abuse. Its targets include those who have “provided ... material, or technological support for, or goods or services in support of” such significant hacks. Does that include encryption providers? Does it include other privacy protections?

Finally, I’m generally concerned about this EO because of the way National Emergencies have served as the justification for a lot of secret spying decisions. Just about every application to the FISC for some crazy interpretation of surveillance laws in the name of counterterrorism finds their justification neither in the September 17, 2001 Finding authorizing covert actions against al Qaeda nor the September 18, 2001 AUMF, but instead in President Bush’s declaration of a National Emergency on September 14, 2001. I’m not sure precisely why, but that’s what the Executive has long used to convince FISC that it should rubber stamp expansive interpretations of surveillance law. So I assume this declaration could be too.

In other words, the sanctions regime may well be the least of this EO.

THE NAKED AND UNBOUND AMBITION OF KYRSTEN SINEMA

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at ground zero in Arizona. The GOP runs the key Executive Branch offices such as governor and Secretary of State but, more importantly in many respects, also the state legislature, and as long as they do state politics will continue to be dominated by clusterfucks and cleanups. But Arizona has issues with their statewide federal elected officials too. The current manifestation is not McCain, Flake, nor even the Pleistocene era brainfart known as Trent Franks.

No, today's issue is the once and forever self proclaimed liberal Democrat, Kyrsten Sinema. The transformation of Sinema, who aggressively sold herself as progressive liberal when seeking election, to a conservative Blue Dog toadie of the Minority centrist Dem leadership has been nothing short of astounding, especially for those of us who reside in her district and voted for her in 2012. She completely betrayed her base constituents in Arizona District 9. That is mostly a story for another day though, today's story is not about discrete policy issues, but wholesale admission of the deceptive nature of Kyrsten Sinema's incursion into AZ-9 to start with.

The baseline is this: Thursday, longtime Arizona Democratic Congressman Ed Pastor of AZ-7 announced his decision to retire and not seek reelection in 2014. Local politicians, from seemingly forever Maricopa Board of Supervisor's member Mary Rose Wilcox to new and fairly refreshing voices like state legislature member Ruben Gallego, were literally stepping over one another to announce they would be running for Pastor's seat. They are almost all minorities vying to represent a solidly minority district. And this is no small thing, as most all of them have to give up their current position to do so under Arizona's "resign to run" law.

I was asked early on Thursday, not long after Pastor's announcement, by a friend who supports liberal Dems nationwide, about Kyrsten Sinema jumping in. I thought it was a joke question and said so. Because it was crazy talk. The joke, however, was squarely on me and her other constituents in AZ-09. Yeah, Kysten Sinema, who pledged herself to AZ-09, started lusting after AZ-07 the second it was announced available.

Not that Kyrsten Sinema (see her Twitter feed, which is a litany of everything but her contemplated district switch) or her managers/spokespeople will admit it, or even address the subject, but she was ready to walk from second one. How do we know? Because the Arizona Republic/12 News (via the excellent Brahm Resnik) got a copy of an email to Sinema's inside staff proving it.

So, why is this a big deal? Because it shows that, for first term congresswoman Kyrsten Sinema, her own raw narcissistic ambition, in a dynamic situation, immediately trumps loyalty to her constituents and her party.

How it trumps her constituents is easy. Sinema represents AZ-09, which though a new district emanating out of redistricting from the 2010 Census, consists of a significant portion of John Shadegg's old district that was taken over by Ben Quayle after Shadegg's retirement. Sinema did not live in the still leaning conservative

district, and explicitly came from an out of district seat in the state legislature to run for the seat when it opened for the 2012 election. She painted herself as a classic liberal of the old Tucson school, who was a progressive and sexually liberated voice. It was a bill of goods, but Sinema was an extremely aggressive campaigner who worked her ass off thusly selling herself. She eked out a victory over a very weak Republican thanks in part to a helpful diversion of votes by a third party Libertarian candidate.

And, though she has been a disappointment to any liberal, at least we thought we had a Democratic representative of some sort for the foreseeable future. Sinema came here and took our votes, surely she was ours at least until she could run for a Senate seat or something larger, right? Apparently not.

Kyrsten Sinema has proved herself willing to leave her, apparently carpetbagged, home in AZ-09 at a moment's notice before even consummating a whole two year Congressional term.

But Kyrsten Sinema's knee jerk willingness to dally with AZ-07 does not just sell out her constituents in AZ-09, no it is contemplated treachery to her Democratic party and Congressional caucus as well. Why? Because there is no Democratic alternative to replace Sinema in AZ-09. None. Over the last few months, several of us Democrats here in AZ-09 toyed with the idea of finding a primary challenger for Sinema, because she has been so awful as to genuinely progressive ideas and votes in the House. But there simply are none; it was either Sinema or turn the seat back over to the GOP, which was a non-starter. At least for us. So, if Sinema leaves, AZ-09 is going to flip and the House Democrats are going to lose yet another precious seat.

What's worse is that if Kyrsten Sinema takes her big campaign war chest to try to claim AZ-07, she will be trying to suck up a seat that has

been held by a member of the Latino minority, Ed Pastor, for over 22 years. Again, Arizona's Congressional districts have evolved over that time, and AZ-07 is a somewhat a new creation. But the core that Pastor now represents, and has always represented, is well over 60% minority, with the majority of those being Hispanic.

Kyrsten Sinema is not only thinking HARD about abandoning her current constituents that she just came to represent, and abandoning a seat for Democratic caucus to the Republicans, she is thinking hard about trying to pilfer a minority seat away from what would otherwise almost surely be a minority Democratic replacement for Ed Pastor.

Why would Kyrsten Sinema think about doing such a loathsome thing? Raw, naked, selfish ambition is the only explanation. Sinema is an aggressive political climber. And her ability to get her mug in between any scene and the TV camera was clearly learned from the great Chuck Schumer and/or John McCain. She has that skill. What it boils down to is that Sinema is on the move, but a real higher office is not in the offing, either this election or next, as Arizona's two Senate seats are locked up – McCain appears to be running again in 2016, and Jeff Flake is young, just got elected, and may never leave.

So, Kyrsten Sinema is left to ply her trade in the House for the time being. Thing is, AZ-07, once you are in, is a lifetime sinecure for a Democrat. You wouldn't even have to work your ass off to stay elected, like Sinema will have to in the conservative trending AZ-09. In AZ-07, Sinema could kick back and build up her warchest for the future ambition she most surely holds, and if she never gets there, can ride out eternity in the seat easily and safely. That's why Kyrsten Sinema wants it. Oh, and it was effectively where she came from before she so benevolently decided to insincerely grace the good folks in AZ-09 with her naked ambition.

What Kyrsten Sinema does at this point is anybody's guess, and she is certainly not

telling even top political reporters here in Phoenix (see: [here](#) and [here](#)). She is, however, push polling aggressively in AZ-07 over the weekend. Whatever it may be, the real Kyrsten Sinema has been exposed, and it is not a pretty sight for whatever lucky duckies that may be her future district constituents. Blue dogs are going to hunt I guess.

[**UPDATE:** I was negligent in my attribution. I have been discussing, on Twitter and off, the Pastor/Sinema dynamic since news of Ed Pastor's retirement broke last Thursday. A lot of us were talking about Sinema from the start, but the actual first to go to print with the speculation was Rebekah Sanders of the Arizona Republic, who had this report Friday night, the 28th of February.]

FLORIDA REPUBLICANS JUST CAN'T STOP TILTING PLAYING FIELD IN THEIR FAVOR

Even while the Florida legislature struggles to undo the damage from the blatantly partisan changes in Florida's voting law enacted shortly after Rick Scott's 2010 election as governor, new evidence is emerging on improper and illegal collusion by Republicans in drawing Florida's new legislative districts, despite a 2010 constitutional amendment preventing such actions. Here's the latest from the Tampa Bay Times:

Florida legislative leaders appear to have authorized staff members to use private email accounts and had "brainstorming meetings" with Republican Party consultants to attempt to draw

favorable political districts, despite a constitutional ban on such coordination.

/snip/

Republican Sens. Andy Gardiner of Orlando and Jack Latvala of Clearwater sent emails using private email accounts to the RPOF consultants.

"What does this do to my district?" Gardiner asked in an email to Bainter after the Fair Districts coalition submitted a substitute map during the Senate's special session on redistricting in April.

Bainter replied, "In fact very good. But I have to tell you, this map is little more than a hatchet job cutting all kinds of stuff up."

And yet, the constitutional amendment passed in 2010 was meant to prevent exactly this kind of collusion to help one party:

This damning evidence of partisan collusion comes on the heels of even more evidence relating to the Republican bill that aimed to suppress Democratic votes by cutting early voting hours across the state in the 2012 election. It turns out that Democratic precincts also were understaffed and underequipped to the point that more than 200,000 voters gave up in frustration in November and left the long lines before voting. Unsurprisingly, this analysis showed that the problem affected Democrats more than Republicans:

In Florida, he concluded, the lost voters appeared to favor President Barack Obama. Of the 201,000 "missing" votes, 108,000 likely would have voted for Obama and 93,000 for Republican Mitt Romney, he said.

This suggests that Obama's margin over Romney in Florida could have been roughly 15,000 votes higher than it was.

Obama carried the state by 74,309 votes out of more than 8.4 million cast.

Had the vote in 2012 been as close as it was in 2000, this Republican ratfucking of voting clearly would have delivered Florida to Romney and undoubtedly was the primary reason the changes were made.

It's little wonder then, that Rick Scott has done a complete about-face and now is trying to erase his role in suppressing Democratic votes while "championing" restoration of the same early voting days he played an instrumental role in eliminating. And his Secretary of State is joining in on the attempt to re-write history as he claims that the effort to fix the voting law Scott and Detzner's fellow Republicans gutted is now a nonpartisan effort with only fairness in mind:

Gov. Rick Scott's elections adviser urged legislators on Monday to return to 14 days of early voting in Florida and to add locations to avoid repeating the chaos that plagued voting in 2012.

Testifying before a House committee, Secretary of State Ken Detzner largely echoed the views of county election supervisors. They want to offer from eight to 14 days of early voting, including on the Sunday before Election Day, and at more sites, including courthouses and civic centers.

"The bottom line is, voter confidence must be restored," Detzner said.

"Supervisors of elections and county commissions must take it upon themselves to oversee elections through responsible leadership and administration."

For years, elections officials and Democratic legislators have tried to increase the sites used for early voting.

Sadly, we learn from today's New York Times that Florida's Republicans are not alone. It turns out that Democrats waited longer to vote than Republicans in much of the country:

Several recent polls and studies suggest that long waiting times in some places depressed turnout in 2012 and that lines were longest in cities, where Democrats outnumber Republicans. In a New York Times/CBS News poll taken shortly after Election Day, 18 percent of Democrats said they waited at least a half-hour to vote, compared with 11 percent of independents and 9 percent of Republicans.

A Massachusetts Institute of Technology analysis determined that blacks and Hispanics waited nearly twice as long in line to vote on average than whites. Florida had the nation's longest lines, at 45 minutes, followed by the District of Columbia, Maryland, South Carolina and Virginia, according to Charles Stewart III, the political science professor who conducted the analysis.

So much for the concept of free and fair elections. Despite all the blathering about preventing voter fraud, it is crystal clear that Republicans controlling state legislatures across the country put much time and effort into suppressing Democratic votes. Will voters ever wake up to this hijacking of our electoral system, or will the abuses only continue to get worse?

TRAILING CRIST BADLY

IN POPULARITY, SCOTT DOES SUDDEN REVERSAL ON EARLY VOTING IN FLORIDA

Yesterday, just a few hours before Charlie Crist was set to deliver what would be damning testimony in a US Senate hearing on the 2012 voting debacle in Florida, Rick Scott appeared on CNN and suddenly reversed himself on the issue of early voting.

Recall that the Florida legislature passed a horrible bill shortly after Scott narrowly won the 2010 election, cutting early voting days from 14 to 8, restricting registration efforts and purging voter lists so dramatically that the Department of Justice intervened on several issues in the law. Scott stood firm in supporting it. Just a few days before the election, as ridiculously long lines were reported in early voting, AP had this report:

Florida Democrats say they've filed a federal lawsuit asking for the state's early voting period to be extended.

Republican Gov. Rick Scott has stood firm against giving Florida residents more time to vote before Tuesday.

On Saturday, some Floridians waited for hours on the last day of early voting. State officials say nearly 4 million early and absentee votes have been cast.

Scott and state officials have insisted there were no reasons to keep polls open beyond the eight days authorized in state law. The GOP-controlled Florida Legislature last year cut the number of early-voting days from a maximum of 14 days to eight. That reduction was upheld by federal courts.

As can be seen in the video above, Scott avoided mentioning his role in passing and signing the bill that created this year's fiasco until called out by Soledad O'Brien. He tried to sound like a reasonable person proposing reasonable changes that will improve the situation, completely ignoring his role as an extremist who was instrumental in attempting to suppress the votes of hundreds of thousands of minorities in Florida.

Also yesterday, a Quinnipiac University poll provided some context for why Scott would find it necessary to reverse himself. His approval rating is strongly negative, while Charlie Crist, who recently joined the Democratic Party, retains an overall favorable rating, as does Alex Sink, who narrowly lost to Scott in 2010 but has already faded from voter recognition. From the poll:

Florida voters disapprove 45 – 36 percent of the job Gov. Rick Scott is doing, continuing his almost two-year run of negative scores, and, as he enters the second half of his term, voters say 52 – 30 percent that he does not deserve a second four-year term, according to a Quinnipiac University poll released today.

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“Gov. Rick Scott’s ratings with voters are just plain awful. The numbers cannot be sugar-coated,” said Peter A. Brown, assistant director of the Quinnipiac University Polling Institute. “When voters in a politician’s own party want him to be challenged in a primary by another candidate, it’s difficult to see it as anything but outright rejection.

/snip/

Crist, elected governor in 2006 as a Republican, has a 47 – 33 percent favorability rating from all voters, including 65 – 10 percent among

Democrats and 48 – 33 percent among independents, with a negative 28 – 56 percent among Republicans.

By comparison, Scott is viewed favorably by 31 percent and unfavorably by 43 percent of all Florida voters. His ratings by party are 55 – 18 percent among Republicans, with negatives of 16 – 60 percent among Democrats and 25 – 48 percent among independent voters.

Ms. Sink is viewed favorably by 27 percent, and unfavorably by 14 percent, with 57 percent who haven't heard enough about her to form an opinion.

Marc Caputo, in the Miami Herald, reports on Crist's appearance later Wednesday in the Senate:

In a prelude to a long and bitter campaign, former Gov. Charlie Crist pointedly criticized Gov. Rick Scott during a U.S. Senate hearing Wednesday over an elections law that led to voting troubles and helped turn Florida into a "late-night TV joke."

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Crist suggested that Scott was the one to blame because he signed the election law in 2011 and, this year, the governor refused to extend in-person early voting hours despite lines that stretched for hours and discouraged many South Floridians from voting.

Crist contrasted that record with his own as governor in 2008, when he extended early voting hours.

"As Gov. Scott refused to take action to ease the lines, in some cases, those lines extended to six and seven hours," Crist testified.

"The outcome of these decisions was

quite obvious,” Crist said. “Florida, which four years earlier was a model for efficiency, became once again a late-night TV joke.”

Writing in the Gainesville Sun, Lloyd Dunkelberger brings us a prominent Democrat’s reaction to Scott’s sudden reversal:

Scott’s comments stunned Democrats, who had been harshly critical of Scott and the Republicans for the shortened early voting period as well as other provisions in the 2011 election law that they said were designed to suppress Democratic voters at the polls.

“It’s bordering on an alternative reality,” said former state Sen. Dan Gelber, D-Miami Beach, who wrote Scott urging him to extend the early voting hours after witnessing lines of voters waiting six to seven hours in Miami-Dade County. “He and his colleagues in the Legislature created precisely what happened.

“It was done purposely and willfully and now to pretend like they were surprised by it is utterly ridiculous.”

Given the polling on Scott’s popularity, it would appear that many Florida voters join Gelber in blaming Scott for the voting fiasco last month.

DIFI AND THE SILLY SEASON OF SENATE

COMMITTEE MUSIC CHAIRS

A little over an hour ago, there was some rather notable news tweeted out by CNN:

Intel cte's @SenFeinstein will give up the chair and move to Judiciary, source tells @CapitolHillCNN. @SenatorReid to announce today

I have talked to both sources at both the Senate Judiciary Committee and Personnel offices and have yet to hear a denial. This is, then, significant news as to a complete reshuffling of key Majority Senate Leadership assuming it continues to bear out.

First off, a tenured Senator like Feinstein does not leave a high value Committee Chairmanship without another, or something higher, on the offer. CNN said she it is to "move to Judiciary". But DiFi has long been a member of the SJC, that can only portend she will then become Chairman of Judiciary.

Ryan Grim at Huffington Post has also picked up this shuffle, and beat me to the punch by a few minutes:

If Feinstein does take over leadership of the Judiciary Committee, that could ease the passage in the Senate of a renewed assault weapons ban, which was passed under President Bill Clinton in 1994 but expired in 2004. The shooting rampage on Friday in Newtown, Conn., in which 20 children and six adults were murdered by a gunman with a military-style assault weapon and high-capacity magazines, has renewed calls for stricter gun control legislation.

On Tuesday, speaking in the Capitol before the party's weekly caucus lunch, Feinstein told reporters who had asked

her whether she will jump to Judiciary, “Keep tuned. I think it is [going to become open], and I think it’ll happen.”

On Monday, Sen. Daniel Inouye (D-Hawaii) who was the chairman of the powerful Senate Appropriations Committee, passed away at the Walter Reed National Military Medical Center. Now that Inouye’s post is empty, Sen. Patrick Leahy (D-Vt.) is rumored to be looking at taking over Appropriations – in turn opening up the leadership slot at Judiciary. Feinstein could then move from her current spot as chair of the Senate Intelligence Committee to chair Judiciary.

That is good, fast reporting and coincides with what I can discern. And Appropriations Chair is a long time traditional home for the Senate Pro-Tem, which Pat Leahy became with yesterday’s passing of Inouye.

So, what about SSCI? Next in line would, by seniority, be Jay Rockefeller. But, as Mother Jones’ Nick Baumann pointed out, Rockefeller gave up leadership at Intel nearly three years ago to take over the Commerce, Science and Transportation Committee helm, and there is no reason to think he would double back. That gave a brief glimmer of hope that Ron Wyden might get the nod at SSCI, but HuffPo’s Grim, in a tweet, thinks he is more likely to take over the helm of the Senate Energy and Natural Resources Committee for the outgoing Jeff Bingaman of New Mexico, who did not seek reelection. That would mean the next senior Democrat on SSCI as Barbara Mikulski of Maryland.

Now, if I were Wyden, I would want the SSCI job over Energy. It is likely most progressives would like him there as well, which is why the smart money likely says Reid talks him into the Energy Chair.

So, we are into the Congressional equivalent of

Formula One silly season; i.e. the end of the year shuffling of drivers before the season is really over. The one real wildcard here is Wyden.

WEST GETS THE RECOUNT HE WANTED, DEFICIT INCREASES TO 2146 VOTES, STILL NO CONCESSION

[youtube]<http://www.youtube.com/watch?v=GqWyzzn4-xI>[/youtube]

Displaying the logic that saw him “retire” from the military with a \$5000 fine for torture that in effect served as a plea deal to allow him to avoid up to eleven years in a military prison, proclaim that 78 to 81 Democratic members of Congress are communists (as seen in the YouTube) and to conduct a Town Hall meeting where he had radio host Nicole Sandler arrested for daring to ask a question he didn’t like, Allen West finally got St. Lucie County to recount all of the early ballots from the election he narrowly lost to Patrick Murphy in Florida’s newly drawn 18th Congressional District, only to continue not to concede, even when his vote deficit increased from a margin of 0.58% of votes cast to 0.65%. With the revised figures from St. Lucie County, West now trails Murphy by 2146 votes and the margin is well outside the 0.50% margin or less that is needed to trigger a legally mandated recount.

Of course, since this is Florida, the “recount” didn’t exactly proceed normally. The county was required to submit its final vote totals by noon on Sunday, but did not finish the recount until

mid-afternoon. As soon as the noon deadline passed, the Murphy campaign declared victory because Florida law states that if a county misses the deadline for certification, the preliminary numbers become final. The West campaign initially considered applying for an emergency exemption to the noon Sunday deadline, but the Miami Herald noted that the results of the recount make that unlikely:

Before the county finally released the results of the recount, West's attorneys toyed with trying to ascertain an emergency prevented the timely filing, a tall task given the way the law is written. Because Murphy made a net gain of 274 votes, the issue was likely moot. But West's campaign showed no immediate sign of backing down or offering a concession.

Going back to the Palm Beach Post article, we see that there are additional irregularities:

The results from one precinct could not be fully uploaded during the recount, said St. Lucie County Commissioner Tod Mowery, a canvassing board member. Even though the data were manually entered and the rest of the results were sent to state officials, the board could not certify the results because of the problems with the single cartridge.

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[West campaign manager Tim] Edson had his own questions. Among them: Preliminary totals showed 900 voters cast ballots in Precinct 93, where only seven voters are registered, Edson said. Another lingering concern is the West team's request to view the poll sign-in sheets from Election Day. Edson said they had received some sign-in sheets from Palm Beach County but none from St. Lucie County. West's campaign wants to

compare the number of signatures on the poll sign-in sheets to the computer tabulations.

"Today's actions cast an even greater cloud of suspicion over the results of St. Lucie County than existed before," Edson said in a statement. "This election is far from over."

No explanation has been offered for the 900 votes showing up from a precinct where only 7 voters are registered, but that seems to me to be very likely the result of errors by poorly trained poll workers. A precinct with only 7 registered voters certainly would not have its own polling station, so it seems likely that poll workers gave incorrect ballots to voters from adjacent precincts who voted at the same polling place. In fact, they may have even done this in desperation if the supply of ballots for another precinct ran out.

The additional drama underlying all of the recount madness in St. Lucie County is that the County Supervisor of Elections is hospitalized. Again from the Palm Beach Post:

Noticeably absent Sunday was Gertrude Walker, the St. Lucie County supervisor of elections. Walker was hospitalized last week amid legal wrangling over whether the ballots should be recounted.

West's only option for continuing the fight at this point from a legal standpoint appears to be a formal "contest" of the election, but no announcement has been made as of this writing.

There is one further note that ties the West imbroglio to other current headlines. In January of last year, a strange Op-Ed appeared in the Wall Street Journal calling for David Petraeus to get a fifth star. I did a bit of digging, and found that the people behind this push were from a group called Vets for Freedom, who pushed a number of military veterans for public office.

The headliner of their group of candidates at that time was Allen West, but the push by this group to get Petraeus a fifth star certainly looked to me that the move was seen by them as a part of their overall plan to eventually prepare Petraeus for a presidential bid. Interestingly, the website for the group shows the candidates they supported in the 2010 election, but shows nothing for 2012. I'm guessing that they have moved on to working under another name. And now both of their headliners are languishing in humiliating defeats, so they face huge obstacles of rehabilitating their "best" candidates.

500,000 UNCOUNTED BALLOTS IN MARICOPA COUNTY AZ WITH ELECTIONS IN THE LURCH

A great deal of the country breathed a sigh of relief and assumed finality and



normalcy in the election after last night. And, at first, such was the case in Maricopa County, Arizona. But then it was revealed there were uncounted ballots, a LOT of uncounted ballots. Sources close to the Arizona Democratic Party and Adios Arpaio reported the uncounted votes as follows:

- – 200,000 early ballots were mailed in

but not yet counted

- – 100,000 early ballots dropped at polls have not been counted
- – 80,000 ballots machines cannot read
- – 100,000 “provisional and conditional provisional.

That is, to say the least, a LOT of uncounted votes. 500,000 is especially disconcerting considering the controversial Sheriff, Joe Arpaio “won” reelection by 489,952 votes to 401,574 for challenger Paul Penzone.

Furthermore, another critical election for US House of Representatives District AZ-9, between up and coming Democrat Kyrsten Sinema and Republican Vernon Parker is separated by only 2,715 votes, with Sinema currently in the lead.

There are a lot fewer ballots out of the nearly 500,000 at issue within the limited bounds of AZ-9 for Sinema and Parker, probably most of them in one of the two early ballot categories.

But ALL of the outstanding ballots, including the 180,000 plus provisional and “hard to machine read” ballots are in play as to the Arpaio/Penzone race, and the majority of the provisionals and “hard to machine reads” are feared to be from precincts of predominantly Hispanic and other minority population, including the incredibly large number of voters recently registered by the Adios Arpaio effort.

Either way the results come out, these are votes that should, and must, be accounted for and counted in the most open and transparent manner possible.

Now precisely what precincts the uncounted ballots are respectively out of, and where the trends from those precincts would indicate a proper counting would take the overall vote, is not yet clear. It is something the County Recorder Helen Purcell and/or Secretary of State Ken Bennett’s office might well get done – or at

least you would think so. But, this is a weird county in a crazy state, so it cannot be taken for granted in any regard. 500,000 uncounted ballots in an election with an extant margin of 88,378 between Arpaio challenger Penzone, is fairly significant.

Reportedly, the counting of “early ballots” will commence forthwith, but the counting of provisionals and disputed ballots will not commence until next Monday. Pursuant to Arizona law, ARS 16-249, “The secretary of state shall certify the election results to the state party committee chairmen of the parties that have candidates on the presidential preference ballot on or before the second Monday following the election.”

Adios Arpaio registered a lot of new voters, especially in the immigrant areas most affected by the deleterious policies of Arpaio. Other Latino and Democratic groups registered a whole lot more new voters. These newly registered voters deserve to have the state insure their votes are counted. It may not be enough to get rid of Arpaio, but it will affect Kyrsten Sinema and other downticket local elections. And it is the least that can be done for the newly registered participants in democracy.

[**UPDATE:** The latest count appears to be just over 460,000 total uncounted ballots in Maricopa County]

“WE ARE RUNNING OUT OF ANGRY OLD WHITE MEN IN THIS COUNTRY”

Last we heard from the top leadership of my local Democratic Party in this blog, it was telling women at a women’s political event that they had to support 61-year old (though not

particularly angry) Steve Pestka because “he’s with us on everything else” but choice.

As we were waiting for the Senator to speak, a top county Democrat was sitting several rows behind me trying to convince some of the women not to support Trevor Thomas. “There is absolutely no way he can win,” the guy said (the polling says he’s wrong, and I suspect he knows that). In addition to saying a gay man can’t win, he also said a pro-choice person can’t win in the district (his listeners pointed out that Stabenow herself had won the district; so have at least two other pro-choice candidates). Then he described Steven Pestka, using the line Michigan Democrats used to defend Bart Stupak as he was rolling back access to choice for women across the country.

He’s with us on everything else.

But the really appalling comment, uttered by a man at a women’s event, was this:

I need to win this year.

If the guy were reasonably intelligent, he might have said, “we need to win the gavel back for Nancy Pelosi.” But he couldn’t even muster a “we need to win” this year. Nope. It was “I need to win this year,” and that’s why women have to suck it up and vote for someone who has attacked their autonomy in the past.

Today, the head of the local party, Jim Rinck, is spinning yesterday’s results by promising demographics will eventually make Grand Rapids more Democratic.

Kent County Democratic Party chairman Jim Rinck said several factors

contributed to the final tally – and he sees a trend toward a growing number of Democratic voters in the GOP stronghold.

“Like it or not, reality comes even to Kent County,” he said. “We are running out of angry old white men in this country. And they’re the constituents of the Kent County Republican Party.”

Sadly, Rinck was not asked why, then, the party pushed an older white man as their congressional candidate. That candidate lost to the rather young Justin Amash by almost 9 points.

That’s particularly unfortunate given the explanation one woman offered in the article for why she even decided to vote this year: Republican attacks on women and gays.

Brianna Holben, 20, cast her vote for Barack Obama Tuesday. Despite being her first-time voting, Holben said she didn’t have a real urge to participate until women’s reproductive rights and the funding of organizations like Planned Parenthood became part of the campaign.

Holben, a student at Grand Rapids Community College, also said picked Obama because Democrats, in general, are more supportive of gay marriage than Republicans.

“I have a lot of friends in the gay community,” she said. “If we live in a free country, I don’t believe a person’s religious beliefs should affect someone’s ability to pick who they marry.”

Holben might well agree with what Rinck says—the Republicans are the party of old white men. But not with what Rinck did—push an older white man rather than openly gay, women’s rights champion, Trevor Thomas, they opposed.

That is, Rinck seems to understand, abstractly, what Democrats need to do to win. But he did the exact opposite this year.

MATTY MOROUN'S BRIDGE TO NOWHERE

There was a lot of chatter last night about how unsuccessful millionaires and billionaires have been at buying political seats for themselves, with Linda McMahon now having spent \$100M to lose two elections in Connecticut. The exception—Mike Bloomberg in NYC—in a sense proves the rule, since he did it as an Independent.

But there's another example of that rule which might be just as interesting going forward.

In MI, we had 6 statewide referenda this year: 3 pertaining to labor, 1 on renewable energy, 1 on taxes, and 1 effort by a local businessman, Matty Moroun, to cement his business monopoly in the state constitution.

Moroun owns the Ambassador Bridge, currently the only bridge from Detroit to Canada (there is a tunnel—which can't carry commercial traffic—out of Detroit and another bridge crossing about 30 miles Northeast that is convenient from areas north of Detroit, like Southfield). Moroun's bridge, which is the busiest trade border crossing in North America, is a big bottleneck (it's not unusual for even cars to wait 45 minutes, and trucks often have longer waits). And it makes him rich.

Governor Snyder worked with Canada to craft another bridge plan that was publicly funded—largely by Canada. Seeing his cash cow threatened, Moroun used the referendum process to try to protect his monopoly. He paid signature gatherers and then spent \$33 million

on ads to pass an initiative that would require a referendum before building any publicly supported international bridge.

This proposal would:

- *Require the approval of a majority of voters at a statewide election and in each municipality where “new international bridges or tunnels for motor vehicles” are to be located before the State of Michigan may expend state funds or resources for acquiring land, designing, soliciting bids for, constructing, financing, or promoting new international bridges or tunnels.*
- *Create a definition of “new international bridges or tunnels for motor vehicles” that means, “any bridge or tunnel which is not open to the public and serving traffic as of January 1, 2012.”*

Moroun’s TV ads have been on for 6 months, and utterly dominated the campaign season (indeed, utterly dominated TV advertising generally). The bridge ads have been a running joke here in MI, though earlier polls showed it fairly close.

It failed, however, along with every other initiative (the closest one was the referendum affirming Snyder's new Emergency Manager law). Voters rejected it by a 60-40 margin.

There will be a lot of discussion about the super-rich trying to buy our political process. It has very rarely worked for individuals—not for Linda McMahon, not for Meg Whitman, not for Dick DeVos (though of course the Kochs have been better at buying politics, if not seats). But it's not just political seats these very rich are trying to buy: Matt Moroun also treated out democratic process like his own personal investment game.

Thus far that effort failed. Let's hope it stays that way.

ELECTION DAY: CAN DEMOCRACY BE SAVED? VOTE! STAY INVOLVED!

If you haven't already done so, stop reading this and go vote. Seriously. I'll wait. This post will be here when you get back.

At the Presidential level, our election has come down to a corporatist hack who ran his earlier primary campaign as a progressive only to govern as a power-mad accumulator of executive powers while doling out "Get Out of Jail Free" cards to torturers and banksters running against a vulture capitalist who didn't even pretend to disclose how he avoided his patriotic duty to pay taxes and surrounded himself with many of the failed neocon warmongers of the previous administration. Yes, there is the route of the protest vote shouted into the abyss, as well, but there will be the mathematical argument to be made later showing how protest votes enabled the eventual corrupt winner.

The act of voting itself is particularly endangered during this cycle. We have hints that hinky software may be in place, just waiting for the Ohio Secretary of State to flip enough votes to put his guy over the top. We have Florida's Governor and legislature doing everything they can to suppress the votes of those with whom they disagree. We have reports of "poll watchers" ready to be deployed to minority precincts with the aim to suppress more votes by folks who aren't white and conservative.

Despite all that, we still have people braving lines hours long to cast their votes. There are still millions who believe there is something in this democracy thing where the citizens get a real voice at the ballot box. As long as that belief persists in such large numbers, there is still hope that it can be turned around.

I don't pretend to have the answers for how we can get back to a democracy that functions more fully for the benefit of the people.

Corporations and the wealthy right now have a free run of a fixed economy that is slanted to funnel money to them and feed the rest of the country on the crumbs. Until our Congress is forced to put into place a tax scheme that levels the playing field instead of tilting it to the powerful, that picture simply won't change.

But that is one leveraging point. Every single member of the House is up for re-election every two years. My district will finally be ridding itself of the blight of Cliff Stearns, who lost in the primary this year. I'm hoping that JR Gaillot will pull an upset of Ted Yoho as large as Yoho's upset of Stearns was, but if he doesn't, I'm pretty sure that I'm going to spend a lot of time over the coming two years documenting and doing everything I can to broadcast the failings of our new Tea Party congressman.

And that's where you can have some fun, too. Congress has a dismal approval rating and yet individual members of Congress are always

overwhelming favorites to win re-election. Perhaps if we all spend more time documenting and broadcasting the individual failures of our own congresscritters we can start to turn the tide and voters will begin to associate the failings of Congress with their own representative. Make your representative own the failure that is Congress.

Pay attention to what is going on. Write letters to the editor, pointing out the failings in real time. Show just how craven these "representatives" are and do your best to create huge problems for them to overcome in their next quest for re-election. You will still be battling the huge money advantage that incumbents have, but by investing time now and throughout the coming term, you just might gain critical leverage that will be hard to overcome with a late barrage of cash and negative advertising.