

GLENWOOD SPRINGS

# POST INDEPENDENT

## **James Madison doesn't want your dead cat to vote, and maybe not you, either**

Glenn K. Beaton

October 18, 2018

In 1987, the eminent jurist Robert Bork was nominated to the Supreme Court. The American Bar Association evaluated Bork, as they have evaluated nominees since 1956. Despite the fact that the ABA leans left and Bork leaned right, they gave Bork their highest "Well Qualified" rating.

No matter. Bork was "borked" by a Senate smear campaign led by failed presidential candidate Ted Kennedy, who avoided failure in only one thing in life — getting repeatedly re-elected by foolish voters in Massachusetts who liked his family name.

After Bork was defeated, a replacement nominee was named, Anthony Kennedy. He was confirmed by the Senate 97-0. Maybe that's because foolish people, including perhaps Ted, thought he was one of "the" Kennedys. (He wasn't).

That was the last unanimous confirmation. Outstanding jurists later nominated by Democrat and Republican presidents such as Justices Stephen Breyer, John Roberts, Samuel Alito, Elena Kagan, Neil Gorsuch and Brett Kavanaugh received the highest ABA rating, but still drew nine, 22, 42, 37, 45 and 48 negative Senate votes, respectively.

Meanwhile, since the borking of Bork, we've chosen among a dismal crop of candidates for president. The ABA doesn't rate presidential candidates, but I do. I give my "Not Qualified" rating to most of them.

Here's my take-away. American democracy is doing a lousy job in recognizing and rewarding talent. The best of our public servants are the non-elected judges in our federal judiciary, but they draw more criticism than ever. Meanwhile, the population at large nominates and elects mediocre candidates for the more important job of president.

Society's refusal to recognize and reward talent starts early now, in the educational system. College admissions, hiring and promotions are increasingly on the basis of skin color or political outlook, not merit.

The LA Times reports that the affirmative action czar at UCLA, who is tasked with covertly discriminating in favor of certain skin colors and sexual preferences — in violation of the state constitution prohibiting such discrimination — is paid \$414,000 a year and presides over an office of 150 employees.

This "Vice Chancellor for Equity, Diversity and Inclusion" implements the policies of his boss, the president of the university. Those include written instructions to faculty discouraging them from making statements such as "The most qualified person should get the job."

Because, micro-aggression.

I wonder about their grading system. Are professors also discouraged from giving A's to the students who perform best on the exam?

We can afford this silliness because we're rich. Today's poor live a more luxurious life than yesterday's royalty. They enjoy comforts that had not even been imagined just 100 years ago, including air conditioning, inoculations, the internet, airplane travel and over 130 non-working days a year.

And food. Oh, food. Rich and poor alike have so much inexpensive food that consuming too much of it is our biggest health problem.

So how does our well-fed population enjoy their lives of leisure? Do we devote our free time to the arts? To philosophy? To religion? To charity? To intellectual debate? To one another? To democracy?

No, no, no, no, no, no and no.

Stranded without meaningful connections in a world that is technologically wonderful but interpersonally woeful, many people find substitute meaning as fanatics for their favorite sports team. Or in fast cars on slow highways. Or in more food.

Or with social media "friends" they've never met who are really just an audience for stupid videos featuring their soul mate, who happens to be a cat.

Every two years, one of the nation's political parties hectors these people into voting. Sometimes they also vote on behalf of dead people or on behalf of their pets, according to research by the Cato Institute. I suspect that some votes are on behalf of both — call it the dead cat constituency.

The political party that does this hectoring does it because it helps them win elections. OK, but why do the rest of us go along? Why do we encourage people to vote who don't care enough to vote without encouragement?

James Madison warned in the Federalist Papers that unalloyed popular democracies "have in general been as short in their lives as they have been violent in their deaths."

His words proved prophetic. A few years later in the French Revolution, a hysterical mob-ocracy launched a Reign of Terror to destroy people not for what they'd done but for who they were.

To some, the Reign of Terror is not a warning but an inspiration. Last week, the Dem spokesman in Minnesota said Republicans should be "brought to the guillotine."

Don't get me wrong. If you're informed and legally registered, then you should vote. But Madison would say that if you know nothing about the candidates or issues other than what your tribe says, or if you're looking to guillotine the opposition, just stay home.

Under no circumstances should you go anywhere near democracy until you learn how to operate the darned thing. It's your civic duty not to vote, and that goes for your dead cat too.