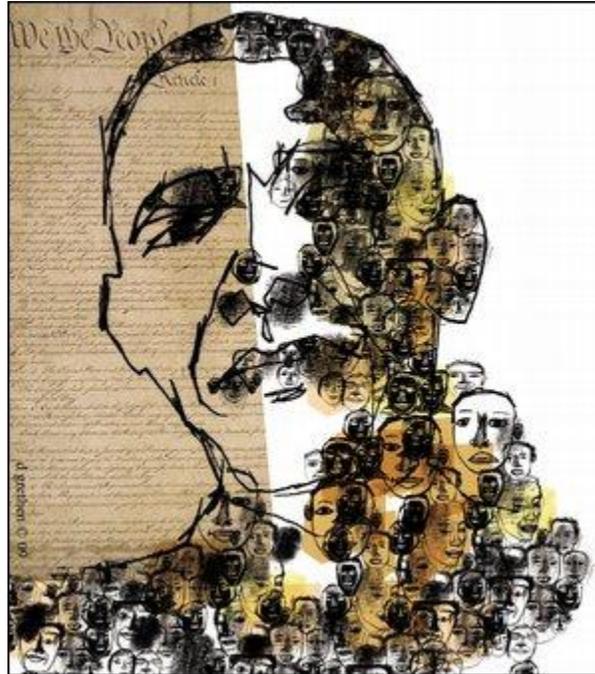


Editorials rushed to judgment on Bruno, Gillibrand choice

by Edwin D. Reilly Jr.
for the Sunday Gazette

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Donna Grethen/Tribune Media

Power corrupts, and absolute power corrupts absolutely.

— John Emerich Edward Dalberg Acton, first Baron Acton (1834–1902)

I write at the end of an extraordinary week. I'll comment in reverse, from Bruno to Obama, so as to close with something fun after being oh so serious.

Joe Bruno didn't have absolute power prior to retirement, but one-third of it was quite a large share. Nonetheless, he is innocent until proven guilty. Neither the Gazette nor the Times Union editorialized on the matter on Saturday the 24th, the day of the big black headlines, but both did so on Sunday.

The tenor of the T-U editorial came closer to reserving judgment than our paper, whose editorial headline was "Feds catch up to Bruno at last." And its final sentence was "But even though Bruno is out of state politics, it appears that justice will finally be done."

The New York Times Bruno editorial did appear on the cited Saturday, but only to advocate reform of ethics laws. There was nary a word about him, not even "Say it ain't so, Joe" (which he did), in the next day's edition. But the Sunday edition did contain a scathing indictment of our new U.S. senator, Kirsten Gillibrand by Maureen Dowd. She made the senator sound like a card-carrying member of the NRA, something that I very much doubt. And if she is, she is sure to give it back.

The Gazette praised Gov. Paterson's selection, which is pretty close to my opinion. I wanted the new senator to be from upstate, but I thought that the best qualified candidate available was Byron William Brown II, the mayor of Buffalo.

Governor's power

There has been a hue and cry that the state laws that give governors the power to appoint someone of his or her choice to a Senate vacancy should be repealed in favor of special elections. But giving the appointive power to the governor is encouraged by the thrust of the 17th Amendment to the U.S. Constitution, ratified by the states in 1913.

The key passage reads: "When vacancies happen in the representation of any State in the Senate, the executive authority of each State shall issue writs of election to fill such vacancies: Provided that the legislature of any State may empower the executive thereof to make temporary appointments until the people fill the vacancies by election as the legislature may direct."

Once a legislature has conferred this authority by law — and most have — any attempt at repeal faces certain veto by the sitting governor.

Another problem with a special election is that, as currently prescribed by the Constitution for filling a House vacancy, there is no provision for a primary. That leaves the selection of a party candidate to a klatch of county chairpersons, sometimes as few as one when a district lies wholly within one county. The Constitution could be changed, of course, but would it be wise to do so and lengthen the time needed to restore a constituency's right to representation?

Besides, it is never more than two years until an appointee must face election, and only 40 percent of them survive; they fall victim to a rival in a primary more often than they lose a general election. The long knives are already out for Ms. Gillibrand, but I predict that she will survive.

Standing by

Now for the fun. For decades, I have noted that when a president takes the oath of office (which, by Roberts' Rules of Disorder, Barack Obama had to do twice), a future president will be in the panoramic picture of the event in *The New York Times*. It's not an inviolate rule, but it holds more often than not.

Let's review, starting with the first president inaugurated in my lifetime, Franklin Roosevelt. When FDR was sworn in for his tragically abbreviated fourth term in January of 1945, Harry Truman was certainly close by. But vice presidents are always close by, and they often become president one way or another. Lyndon Johnson was right there with JFK in 1961.

Hubert Humphrey was there when Johnson took the oath in his own right on Jan. 20, 1965 (but missed election to president in 1968 by an eyelash). Gerald Ford stood close to Richard Nixon in 1973, and Vice President George Herbert Walker Bush was with Ronald Reagan in 1985. Al Gore was with Bill Clinton in 1997, but his election to the presidency in 1980 was vetoed by edict of Antonin (Pope) Gregory Scalia.

As I left to attend Jimmy Carter's inauguration in 1977, it occurred to me that he couldn't possibly have been on the podium with Nixon and Ford in 1973. But when I got home and checked, I found that I was wrong. He had been invited not because he was governor of Georgia — there never is room for all 50 governors — but because he was then chairman of the National Conference of Governors. For the same reason, Bill Clinton was in the picture when the first George Bush took the oath in 1989.

So now let's look at who made the Times picture of Jan. 21. That will be a clue as to who the candidates will be in 2012 and 2016.

Looking ahead

Well, the Democrats are set for 2012, and Hillary, on the podium as secretary of state designate, will be only 69 in 2012, younger than John McCain was last November. It's the Republicans who will need a candidate in 2012, and there were a number of them at the Jan. 20 ceremony. Most prominent was Chief Justice John Roberts, who just might want to aspire to become only the second person since William Howard Taft to have served in both offices (but in the opposite order).

I don't mean to scare you, but Newt Gingrich was on the podium, and I can't imagine how he wangled an invitation. Perhaps his friend, Rep. John Boehner of Ohio got it for him. Boehner ("Bayner") has been in the eye of Newt since

1994 when the two drafted the Contract with America. Now, as House Republican leader, Boehner is acting as if he'd like to emulate James A. Garfield, still the only person to go directly from the House to the Oval Office.

There were eight Republican senators witnessing the oath — all men, no women — seven of whom averaged 70 years old. Only 60-year-old Tom Coburn of Oklahoma is a plausible future contender. Fourteen Democratic senators were present, 10 men and four women. And since the president elected in 2016 will be our first female president, only Sen. Amy Klobuchar of Minnesota, age 48, and Maria Cantwell of Washington, age 50, along with ex-governor Janet Napolitano of Arizona (of those present) will be available in that year, should Hillary decide that eight years of globe-trotting as secretary of state has left no gas in the tank.

There were no Republican governors on the podium. And the only Democratic governors present were those designated for a Cabinet position, Tom Vilsack and the aforementioned Janet Napolitano.

So what was going on here? Were no famous governors invited as a ploy to keep Sarah Palin away? Hardly — I suspect that she has had her allotted 15 minutes of fame. But what about infamous governors? Do you suppose the no-governors rule was designed to exile the then-governor of the new president's home state of Illinois, good old what's-his-name? It used to start with B, but now it's been changed to something else. Anathema, I think. Or perhaps Mud.

Edwin D. Reilly Jr. lives in Niskayuna and is a regular contributor to the Sunday Opinion page.