

Canova's Declaration of Independence

Written by Jay Beskin, BT Contributor
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The Prof makes November ballot, escapes the shredder



Readers of this space know that I was partial to the candidacy of Professor Tim Canova in the Democratic congressional primary of 2016, and his effort to replace long-time incumbent Debbie Wasserman Schultz.

As a former officeholder who is politically active, my lack of enthusiasm for the incumbent has no doubt been looked at askance by the powers that be, or think they be. But be that as it may, Canova fought a valiant battle against Schultz, and she won fair and square.

Or did she?

Canova litigated against the result and demanded to see the ballots. As his suit worked its way through the system, the Broward County Supervisor of Elections announced she had destroyed the ballots. In her deposition, the supervisor, Brenda Snipes, was asked why she had broken federal law to destroy ballots with pending litigation. She said it was an honest mistake.

She was asked why she had signed a declaration to authorize the destruction and, in doing so, affirmed there was no active litigation. She said she hadn't been paying attention and that she

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generally signs any document her staff puts in front of her.

So at best, Broward County's elections are being governed by an incompetent and clueless supervisor who has delegated all oversight to her underlings and is happy to collect a paycheck as a human rubber stamp.

At worst, elections in Broward are being governed by a dishonest and corrupt supervisor who has delegated ethical judgment to local power brokers, and who is happy to break federal election law, sign false documents, and go on to perjure herself afterward.

Neither scenario builds voter confidence.

Are local Democratic politicians shocked and appalled by this behavior? If so, they seem to be exercising anger management to an impressive degree.

For Tim Canova, who is a professor of law and public finance at Nova Southeastern University, this is a wanton flouting of the very laws he is educating his students to defend, and a bridge too far in partisan loyalty.

So he has done the political equivalent of stepping off the end of the earth -- he has left the two-party system and is running for U.S. Congress as an independent.

The upside of this move is that his name will be on the ballot in November because neither Schultz (nor anyone else) can use their "influence" to put his votes through the Democratic primary shredder. But there's a downside too. And that's because the history of independents defeating the two major-party candidates in a wrestling match is short and not so sweet -- with the name Jesse Ventura featuring prominently, and he came into the Minnesota gubernatorial election with wrestling experience.

Of course, this is the era of Trump, and one is loath to make political predictions, especially the

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kind that begin with “everybody knows....” None of the ironclad rules seems to apply anymore. Still, it's fair to say that independent candidacies are generally weakened at perception, crippled at conception, and doomed at inception, without exception.

As Canova himself concedes, he is going up against a duopoly.

The disadvantages of independence in the electoral realm are numerous, but it is worthwhile to note a few. The first problem is the lack of a built-in apparatus. Say what you will about the major parties and their practices, they do have networks in place to help candidates navigate the waters.

Second, the parties have cores of loyal supporters who vote the party line without examining the candidates too closely. Independents essentially start at zero.

The few instances where independent candidacies have made a serious impact, occasionally even scoring a victory, involved localities where Democrats and Republicans were evenly matched. If the hardcore loyalists of each party come in at 30 percent, then a third party has a long shot at winning the entire 40 percent of fence-sitters. But the idea of getting every single individual who is not hyper-partisan to get behind your “insurgent” candidacy is daunting, to say the very least.

Third, independent candidates lack the usual access to large donors. The best-intentioned businessperson is not going to invest in an insurgent candidacy designed to anger both major parties. Looking for trouble is one thing, buying it is quite another.

In the case of Canova, this is exacerbated by his rhetoric claiming that both parties are corporate puppets, bought and paid for. So in the remote possibility that a major corporation might be tempted to buy and pay for him, he likely has no option but to stalk off angrily, offended at the mere suggestion.

This dynamic forces the independent candidate to raise money using small donors only. In the age of the Internet, this is much more feasible, as the Bernie Sanders candidacy showed. Still, it

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is a steep uphill climb. And without money, it is virtually impossible to get your story out unless your child makes an adorable viral video with jam on her face, saying, "Vote for my daddy," and even then the Federal Election Commission will likely prosecute you for somehow subverting campaign financing regulations.

The fourth problem for independent candidates appears after he wins, because he arrives in Congress without a party. I am sure Tim Canova would echo my mother on that and say, "That should be my biggest problem!" And it's true that Bernie Sanders himself paved the way in this area. Still, the Donald Trump presidency, as much as it is encouraging to outsiders about the prospects for victory, is discouraging as hell for the prospects of peaceful tenure after victory. You not only walk in without a party backing you, but you essentially have both parties annoyed with you from Day One.

I still love the Prof and wish him well. In a perfect world, he would be handed the Democratic nomination by a party sick and tired of Schultz's underhanded tactics, including her rigging of the Democratic presidential primary against Bernie Sanders, as revealed by Wikileaks and confirmed by Donna Brazile's book, although she later back-pedaled.

Canova is my kind of guy, a believer in the rule of law, as well as the strengthening of institutions, such as labor unions, and curbing the excesses of the moneyed classes. I wish him well, and I hope his independence does not cause his support to be shredded.

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