

## Beyond the Pale of Negative Politicking



ALAN J. SEDLEY  
SFVBA President

Alan.Sedley@HPMedCenter.com

**A**S I ALLUDED TO IN A PAST column, the current political arena can and often is a hostile, blistery and acerbic playground for candidates. Too often, the attacks fired at a candidate are exaggerations of the truth at best, and outright lies at its worst. Such rhetoric is frequently designed solely as a tool to distract the voter from an otherwise genuine and noble message of a candidate. The candidate's spouse might also be the target (she is active in Planned Parenthood?), and the adult children of a candidate also seem to be fair game (just what were the circumstances of the son's arrest for possession of marijuana?).

Negative campaigning is not merely a product of the 24-hour news cycle, or the overabundance of daily entries on the internet. Those of us old enough to remember the days before the computer and cable TV will fondly recall the black and white television ad of 1964. Indeed, one of the most famous such negative ads was entitled "Daisy Girl" by the campaign of Lyndon B. Johnson that successfully portrayed Republican Barry Goldwater as threatening nuclear war. In that ad, a beautiful little girl was holding a daisy, gently pulling off the pedals, one by one (a reference to the uncontrollable fate of the game, "she loves me, she loves me not") as a mushroom cloud rises in the sky behind her.

A visit to the American History Museum in Washington will greet the visitor with wall displays of political cartoons going back to the 1800's, quite effectively lampooning a candidate, oftentimes attaching an animal body to the head the political hopeful. Common negative campaign techniques include painting an opponent as soft on criminals, dishonest, corrupt or a danger to the nation. One common negative campaigning tactic is attacking the other side for running a negative campaign.

So it should come as no shock to anyone that early on, the Obama

and Romney presidential camps are already heavy into rhetoric and negative campaigning. Perhaps the silliest example of such negativism revolves around America's favorite domestic animal, the pooch; Mitt Romney continues to be hounded for strapping his dog Seamus on the roof of his station wagon for a 12-hour trip three decades ago, and now President Obama's penchant for eating dog meat as a child is a campaign issue.

As to the latter, the GOP took quick advantage of the Democrats' ongoing depiction of Romney as a villain to animal lovers everywhere by pulling a quote from the President's memoir; "With Lobo (his stepfather), I learned how to eat small green chill peppers raw with dinner (plenty of rice), and, away from the dinner table, I was introduced to dog meat (tough), snake meat (tougher), and roasted grasshopper (crunchy)."

The moral of the story would end with a question: Is there anything that must reasonably be deemed off limits when it comes to the campaign efforts of one candidate to undermine and fling negative dispersions upon his/her opponent? Sad to report, and based upon a current state judgeship election, the answer is most assuredly no.

It was reported in the *Metropolitan News* on February 29, 2012 that a Los Angeles Superior Court judicial seat currently occupied by Judge Sanjay Kumar was being challenged in an upcoming election by a candidate whose chief campaign strategy for victory was to highlight Judge Kumar's foreign-sounding name.

When asked to characterize the motives of the candidate, his former close colleague, District Attorney Steve Cooley, familiar with the candidate's strategy, remarked that the individual's candidacy was "deplorable and despicable," and that when the public catches on to his motivation, "...he will be vilified and denigrated—and properly so."

Cooley told the *Met* that he spoke with his former colleague, who "did not deny" that he was



### 112 WAYS TO SUCCEED IN ANY NEGOTIATION OR MEDIATION

SECRETS FROM A PROFESSIONAL MEDIATOR

STEVEN G. MEHTA

Steven G. Mehta is one of California's premier, award-winning attorney mediators, specializing in intensely-difficult and emotionally-charged cases.

Steve's book, **112 Ways to Succeed in Any Negotiation or Mediation**, will turbo-charge your negotiation skills regardless of your experience.

To schedule your mediation or order a copy of Steve's new book, call **661.284.1818** or check with your local bookseller, preferred online retailer, or online at:  
[www.112ways.com](http://www.112ways.com) or  
[www.stevemehta.com](http://www.stevemehta.com)

Locations in Los Angeles & Valencia  
**Mediations throughout California**

The San Fernando Valley Bar Association

# ATTORNEY REFERRAL SERVICE

If you can't take a case,  
the **ARS** can!



**(818) 340-4LAW ext. 104**

Se habla Español

**www.sfvba.org**



**Serving Los Angeles  
and Ventura Counties**

running against Judge Kumar because the judge's name renders him vulnerable at the polls. He recalled an earlier judicial race in which an unqualified candidate played upon the electorate's prejudices in targeting and defeating an able incumbent—the defeated judge's name was the foreign-sounding Dizntra Janavs.

Is it possible that the current contest to unseat Judge Kumar is being waged for a legitimate purpose, perhaps judicial incompetence (most seated judges are often unopposed or if opposed, easily win a contested election because of the overwhelming presumption that they were initially selected to serve based upon a sound reputation and resume)? One would have to conclude that it is not plausible, given Judge Kumar's reputation. The presiding justice of Division Five of our district's Court of Appeal, where Judge Kumar has sat for the past year, Justice Paul Arthur Turner, stated on the record that, "The work he has done on the Court of Appeal is exceptional..." and is, "a preeminent jurist."

The serious implications arising from the purported strategy of the opposing candidate seeking to unseat the seated judge by merely targeting the judge's foreign last name cannot be overlooked nor tolerated. We as members of this Bar Association must voice our sound disapproval of any display of election campaign tactics that seize upon a sitting judge's foreign-sounding name as the sole reason to remove that jurist from the bench. Specifically, the sole intent of such rhetoric is to play upon the presumed fears of the electorate towards "foreign influence" in places of power such as the bench, has no place in our goal to advance and not defeat diversity, and frankly incites bigotry and hatred.

In response, on April 10, 2012, the Board of Trustees of the SFVBA approved the following resolution:

"In order to promote diversity on the bench, we must protect diversity on the bench. The [SFVBA] denounces any individual who chooses to run against a sitting judge seeking re-election for the sole reason that the judge has a name reflective of the judge's diverse background and believe that they can defeat the judge by taking advantage of racism and sexism in our society."

I am proud of our Board's prompt response to the news of this disturbing judicial election development. Our resolution has received the appreciation and support of several Los Angeles Superior Court judges and bar groups, many of whom are making their objection to such election tactics known to the public through resolutions, articles and discussions. ✎