

Thursday, March 11, 2004
Baton Rouge, Louisiana

BERNHARD EMERGES AS NATIONAL POLITICAL POWER BROKER

If you happened to be hanging around the corner of Tchoupitoulas and Julia in New Orleans last Friday night, and glanced in the window of Emeril's Restaurant, you might have noticed two fellows partaking in a power supper extraordinaire. Shaw Group CEO Jim Bernhard was being wined and dined by National Democratic Party Chairman Terry McAuliffe. And for good reason. Bernhard has quickly emerged as a major political power broker and fundraiser on both the state and national front.

Bernhard is a new player on the political scene. He built the Shaw Group from scratch into the largest engineering, procurement and construction firm in the country. Shaw can handle all phases of construction, soup to nuts, of power plants, bridges and any other major infrastructure projects worldwide.

His visibility grew considerably as he became involved in fundraising efforts, first in the Iyoub gubernatorial campaign and then actively helping Governor Blanco in the runoff. He co-chaired the Blanco transition team, and then flirted briefly with a run for John Breaux's open senate seat this fall. Now, he seems to have settled comfortably in the role of a behind the scenes advisor to potential candidates and elected officials both here in Louisiana as well as Washington. And although he is a democrat, he is being courted for advice and support from both parties.

It's been a long time since Louisiana had a business personality who was courted by national leaders and carried significant influence in Washington and other parts of the country. Lake Charles attorney Eddie Carmouche held such sway in the 60's. So did Alexandria attorney Camille Gravel. President John Kennedy came close to tapping Gravel for Attorney General back in 1960.

Look for Bernhard and Shaw to be a growing presence in Washington, and more national figures to seek him out for advice. He's made a decision to build influence behind the scenes rather than be out front as an elected official. Shaw should benefit, and hopefully, Louisiana will too.

NORTH LOUISIANA CONGRESSMEN SHOOT THEMSELVES IN THE FOOT

There is an old Chinese saying: "*He who is indecisive plays into the hands of his enemies.*"

Both Congressman Jim McCrery and Rodney Alexander proved to be a little wishy-washy in recent weeks about their political futures. And in both cases, the opposition got a little stronger.

McCrery played Hamlet for weeks as to whether or not he would stand for re-election. Should he retire from representing northwest Louisiana so he could spend more time with his family? Cynics said otherwise. According to Washington sources, McCrery had not received assurances that he would take over as chairman of the House Ways and Means Committee when California Rep. Bill Thomas becomes term limited in 2006. So McCrery played hard ball, and the Republican leadership came running. And for good reason. The fourth congressional district is a "swing seat", and without the incumbent, a Democrat would have had an excellent chance of winning. And with John Keary leading Bush in recent polls, there is concern that a few seats could decide who controls the House of Representatives in the coming two years. Therefore, keeping McCrery was essential.

The Republican House Leadership quickly gave in, assuring McCrery of his chairmanship. In fact, some are saying that a commitment was made to move Thomas to another committee, so that McCrery can take over his chairmanship when the new congress convenes next January. So, for his personal benefit, it looks like Congressman Jim came away with a big prize.

But some in the district feel otherwise. They like the fact that their representative is home every weekend. They felt he was staying in close touch. Now, he's picking up his family and moving to Washington. And, in the tradition of so many other Louisiana congressmen, there is concern that he will never come back again. These fellows have a way of staying in D. C. until they retire, then to begin lobbying their former colleagues for big bucks. (Remember Bob Livingston, Bennett Johnston, Jerry Huckaby, Jimmy Hayes, Russell Long, and many others).

Representative Taylor Townsend, a Democrat from Natchitoches, feels this gives him an opening. If Townsend runs, and he's close to making a decision, being there in the district on a regular basis will be a key issue he will use. Townsend will argue that seniority means helping the district and not yourself. So McCrery's indecisiveness just may have given Townsend a major issue he needs to be a viable candidate.

Fifth District Congressman Rodney Alexander also may have dug his hole a little deeper. Stories were prominently played in the press throughout the state a few weeks ago that Alexander was thinking of switching and becoming a Republican. The GOP leadership was dangling a seat on the House Appropriations Committee for Alexander. The seat becomes open as David Vitter leaves the House to run for the U. S. Senate. The first term congressman votes most of the time with the Republicans anyway. So he figured he might as well consider the plum committee assignment, and make the switch.

The Democratic wrath was overwhelming. Alexander barely won with massive national Democratic support. John Breaux and a host of other Louisiana Democrats felt betrayed at even the thought that a switch might take place. The Fifth is another “swing seat” that could fall in either camp. Therefore, Alexander would no doubt face a strong new Democrat if he switched. He quickly assured the Democrats that he really wasn’t serious, and would stay loyal to the party.

Former Congressman John Cooksey, who was wanting to run against Alexander in any event, certainly gained from all of the controversy. The medical doctor was popular throughout the district during the time he served, imposed term limits on himself, and now has the chance to attract disgruntled Democrats who feel like Alexander let them down.

Both of the incumbents still have to be considered the favorites in each of their respective districts. But their indecision has certainly caused them to both have tougher races this fall.

MARTHA STEWART UPDATE

Several jurors stated the obvious. “We wondered why she didn’t come forward and say she was innocent. We just couldn’t figure this out.”

Criminal defense lawyers say there are number of reasons why a defendant should not take the stand. If there is evidence of reasonable doubt, then the lawyer in his summation can pound home on this and not let his client be subjected to heavy cross-examination. And that’s good strategy. But not in the case of someone with a high profile. Particularly when you are nationally known as is Martha Stewart. I wrote this last week before the verdict. She made a BIG mistake in not testifying. Oh, I know that some will say the prosecutors would be relentless, and could trip her up. But this woman is no amateur when it comes to public relations. She’s had her own TV show for years, for goodness sake. She could have afforded the best help available to practice “cross examining” her day after day. Readers should not be naive. This is exactly what the prosecutors do. The FBI agents that testify, as well as any witnesses the prosecutors put on the stand, are grilled for hours. They are told how to smile at the jury, where to put their hands, and what kind of voice inflection to use in everything they say. So there is nothing sinister about practicing your testimony.

Several of the jurors said publicly they couldn’t understand why Martha wouldn’t speak up in her own defense. Yes, there was some incriminating testimony against her. But she could have countered this strongly by saying she did nothing wrong. As the New Yorker magazine said:

“Still, there seemed at times to be a hole at the heart of the government’s case. The prosecution never charged Stewart with criminal insider trading -- that is, with acting on an illegal tip. The peculiar result is that she stands accused of lying to cover up a legal stock trade.”

In other words, she wasn’t charged with doing anything illegal when it came to the stock trade. She was charged with making false statements when, according to the government, there was no crime. This was all the more reason for Martha to take the stand.

Does she have any options now? Yes, particularly by having the case tried in New York. The Second Circuit Court of Appeals has already overturned the trial judge on one important issue. Stewart’s jury was picked in secret, without anyone else in the courtroom. The Second Circuit said this decision was improper. So already, there are some holes in the trial. Her sentencing does not take place until June, so a lot can happen before her next court date. Don’t be surprised if a lot of time goes by before any final decision is made as to whether Martha Stewart actually goes to jail.

As an aside, my phone rang off of the hook over the weekend. I was interviewed by several of the syndicated cable shows as well as many radio shows nationally and throughout the state. The inquirers wanted my take on the Stewart case as compared to mine. The glaring evidence is quiet simple. All of the evidence in her case is laid on the table. She had the handwritten notes of the FBI agent that interviewed her when she supposedly made false statements. She also had the typewritten summary that was prepared weeks later. She was able to take her best shot and defend herself based on everything that mattered.

The difference in her case and mine? I wasn’t allowed to have the evidence - the handwritten notes of the FBI agent – that would have proven my innocence. At least Martha, you had a better chance than me.

MUSICAL REVIEW

Randy Newman has always been a melodic observer of how we live our lives. Not how we should live...but how we interrelate sometimes for the good and sometimes in questionable ways. All of his observations came through in a litany of songs last Friday night during his concert on the LSU campus.

You can learn a lot about Louisiana by listening to Randy Newman's songs. He not a superstar, but his lyrics weave fabric through his observation of growing up and growing old. Our state has always been a background for many of his most poignant songs. He was born in New Orleans in 1944, and used the jambalaya of colors and creeds to learn so many of the puzzling rules of race and relationships that is part of our heritage.

Early songs trace his young years as he sang "New Orleans Wins the War."

*"Momma used to wheel me past an ice cream wagon
One side for white, one side for colored ...
Momma used to take me to Audubon Park
Show me the ways of the world
She'd say, "Here comes a white boy
There goes a black one
That one's an octoroon..."*

As he grew up, moved to California, and started winning awards and making big money for doing film scores, he still kept writing about where he came from.

*"Let's go back to yesterday
When a phone call costs a dime
In New Orleans, just a nickel
Turn back the hands of time."*

His best songs implicate the listener, and sometimes you don't want to be implicated. People who listen to Randy Newman a lot feel that, even if they don't know him, they know someone just like him. He's a little awkward as he moves around the stage, cynical, but sort of sensitive, smarter than you but not shouting about it. He seems to be someone who probably thinks about things we never do and maybe late at night, after he's probably had a "couple", sits down at the piano and puts his words to music.

"Short people," "(Louisiana, they goin' to wash us away)," "Sail away" (who many regard as his best song)...the list goes on and on. You are fulfilled after a Newman concert. Actually, tired. You just don't day dream while he is singing. Randy Newman deservedly won an academy award last year. He is one more living Louisiana musical legend.

*"I may not be playing the game,
but I'm watching closely from the bleachers."*

-- Former Senator Bob Dole

*Try, then try again. But at that point, give up.
Don't make a damn fool of yourself.*

-- W. C. Fields

Peace and Justice to you and your family,

Jim Brown