

Liberty University

From the Selected Works of Steven Alan Samson

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201007 OBITER DICTA: WINTRY-MIX IN FEBRUARY 2010

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http://townhall.com/columnists/GeorgeWill/2010/02/07/charting_our_way_to_solveny?page=full&comments=true

George Will introduces the dream team he would have shoulder the burden of entitlement reform, beginning with the next presidency. Although there is much in this scenario to pick apart, Will strengthens his case by emphasizing the importance of ensuring that all Americans have a stake in the system. Turning retirement and health savings accounts into heritable property, which can be acquired, held, and traded on the open market, is the sort of privatization that can breathe life into an insolvent system. Unless we repudiate the class warfare of our zero-sum political game, simplify our byzantine tax structure, and stop subsidizing protracted retirements from anticipated revenues, we will steal our children's nest eggs and bury ourselves in the potter's field.

http://townhall.com/columnists/KenBlackwell/2010/02/06/defending_pitchfork_bens_curious_legacy?page=full&comments=true

Ken Blackwell reprimands President Obama for his pointed scolding of the Supreme Court during the State of the Union Address. Here is the offending passage:

"With all due deference to separation of powers, last week the Supreme Court reversed a century of law that I believe will open the floodgates for special interests -- including foreign corporations -- to spend without limit in our elections. I don't think American elections should be bankrolled by America's most powerful interests, or worse, by foreign entities. They should be decided by the American people. And I'd urge Democrats and Republicans to pass a bill that helps to correct some of these problems."

The president's claim -- that laws prohibiting corporate contributions had been reversed -- is simply not true, just as Justice Alito so visibly whispered. The first of these laws, the Tillman Act of 1907, remains fully in effect.

The president's public rebuke of the Supreme Court (in the presence of a majority of its members) was unprecedented and dangerous. Two of his predecessors had similar disagreements with Court decisions. Both Abraham Lincoln and Ronald Reagan had repeatedly criticized court rulings -- the Dred Scott decision and Roe v. Wade, respectively -- while on the hustings. But neither president made a comparable display of disrespect toward a coequal branch of the government during what has become the chief annual ceremony of our republican institutions provided in our Constitution.

What is remarkable and ironic is the president's clear implicit defense of the Tillman Act. The chief sponsor of that act, Democratic Sen. "Pitchfork" Ben Tillman, was a South Carolina Populist who took the lead in calling the state constitutional convention of 1895 that established Jim Crow laws in that state. In 1902, Tillman was censured for a fistfight with Sen. John McLaurin, his South

Carolina counterpart, on the floor of the Senate. As a result the Senate introduced a new rule: "No senator in debate shall, directly or indirectly, by any form of words impute to another Senator or to other Senators any conduct or motive unworthy or unbecoming a Senator." Theodore Roosevelt subsequently barred Tillman from the White House.

Equally troubling is President Obama's failure to follow precedent and show respect for the constitutional separation of powers. In the summer of 1793 President Washington sought an advisory opinion Supreme Court. By rejecting this request, Chief Justice John Jay displayed a protective concern for the integrity of the Court when he replied that "judges of a court in the last resort" should not decide such matters as the meaning of a treaty matters unless formally brought before it by actual litigation.

Politics is the art of the possible. It is based on the arts of persuasion, not coercion. There is, for example, a historical reason why the arrival of the president to address Congress is attended with such elaborate pomp and ceremony. Much of the tradition dates back to the occasion in January 1642 when the English Parliament was invaded by the king's men, who had been sent to arrest five of its members. The following day, King Charles himself burst unbidden into the Commons and seated himself on the chair of the Speaker, William Lenthall. When the king asked him whether John Pym, the leader of the Puritan opposition, was present, Speaker Lenthall fell on his knees and replied: "May it please your Majesty, I have neither eyes to see nor tongue to speak in this place but as the House is pleased to direct me, whose servant I am here." The king himself then surveyed the chamber and remarked: "I see all the birds are flown." Thus began Britain's descent into civil war.

Presidents, like other public servants, must learn how to maintain a dignified and respectful distance in their relations with their fellow servants. Consider this tidbit: "This week, I'll be addressing a meeting of the House Republicans. I'd like to begin monthly meetings with both Democratic and Republican leadership. I know you can't wait." A formal address on the State of the Union before Congress and Supreme Court assembled is not the place for such locker-room jocularities. Is this how President Obama shows "due deference?" Perhaps Congress and the Supreme Court should bar their doors until somebody politely knocks.

Turnabout is fair play.

<http://pajamasmedia.com/blog/obama-vs-einstein/?print=1>

Science amateurs are often oblivious to the perennial chasm between C. P. Snow's Two Cultures. A professor of mathematical physics here castigates Lawrence Tribe and his protégé for the ignorance of relativity theory they displayed in their paper entitled "The Curvature of Constitutional Space."

Frank J. Tipler complains: "Not only does Obama refuse to read physics textbooks before lecturing us on physics, he also refuses to read Supreme Court decisions before lecturing the Supreme Court on Supreme Court decisions. Justice Samuel Alito correctly mouthed 'not true' when Obama made false statements about the *Citizens United* Supreme Court decision. Obama and Tribe's claims about physics are equally 'not true.'"

Tipler concludes with this parting shot: "Obama's claim that twentieth century physics was revolutionary is false. Since twentieth century physics was profoundly conservative, I expect Obama to follow his own logic, reject liberalism, and become a conservative."

"I'm not holding my breath."

<http://pajamasmedia.com/victordavishanson/civilizations-lies/?print=1>

Victor Davis Hanson summarizes the lies we tell ourselves and each other about America, the national debt, the Middle East, illegal immigration, and our leftist aristocracy. What will it take to restore a respect and love of truth?

Monday 8

http://online.wsj.com/article_email/SB10001424052748704533204575047163435348660-1MyQjAxMTAwMDAwNzEwNDcyWj.html

I am familiar with Lawrence Harrison's work and have used some of it in class, including *Culture Matters* and *The Central Liberal Truth*. Harrison worked in the international aid field, including on site in Haiti, for a number of years before joining the faculty at Tufts.

http://www.americanthinker.com/2010/02/obamas_antidisestablishmentari.html

Here is an amusing lesson in both history and philology that juxtaposes today's Tea Party protests with campaigns in the 1830s against an increasingly latitudinarian Anglican establishment in Britain and against a largely Unitarian Congregationalist establishment in Massachusetts.

Both campaigns had some measure of success at the time, but we should not be surprised that old habits are hard to break. Massachusetts abolished its Congregational church establishment in 1833 but, only four years later, established a statewide system of public education. Eventually the new resembled the old, complete with tithes (the school tax), compulsory attendance (for the pupils), ordination (certification and accreditation), and seminaries (normal schools). Horace Mann, who was the bishop (secretary) of the state board of education, attacked the "sectarianism" of the private schoolmasters of Boston. Here are echoes of Anglican wrath against "conventicles and schism shops!"

Geoffrey Hunt notes that "ecclesiastical establishmentarianism in its most corrosive form has been replaced by the doctrine of welfare-state governance in the U.K. and throughout socialist Europe." The casuistry of the Eurocrats savors of something all-too-familiar to the Pilgrims and Puritans who settled New England in the 1620s. Yet how much better off are their descendants today than their cousins across the water? "This new form of secular establishmentarianism is flourishing here, but it is now known as progressive liberalism (accompanied by suffocating government controls and crippling taxes)."

http://townhall.com/columnists/MichaelBarone/2010/02/08/public-sector_unions_bleed_taxpayers_to_help_dems?page=full&comments=true

I hail from a state of rampant public-sector unionism and have had to deal with its "fair share" establishment of union dues even for non-members (not unlike the plight of Baptists in Congregationalist Massachusetts in 1830). Teachers were able to get time off to serve in the legislative assembly during the school year and, as seems almost inevitable, became one of the largest factions within it. The revolving door between the public sector citizen-legislator-lobbyists and the public institutions that employs them makes for a very cozy relationship. One of the community college in the state where I first taught political science and history went through profound morale problems for years.

In 1984, a year that saw a shrinkage of the state's population, my wife and I voted with our feet and headed to the Midwest. There we heard stories of teachers being fired for refusing to join the union. Upon moving further north five years later we encountered home-school families who were being harassed by the state. Two years later I took a position at a community college in a Southern right-to-work state where faculty morale was plummeting and where the teaching load was very high (six classes a term). Eventually the president, a marine biologist who had been getting regular renewals of his contract and generous bonuses, was nearly sacked by the board for his management-by-intimidation style. I have had more than a whiff of what is wrong with the public education and public employees establishments.

<http://blogs.the-american-interest.com/wrm/2010/02/07/the-great-ipcc-meltdown-continues/>

Walter Russell Mead, whose *Power, Terror, Peace, and War* I have used in my teaching, again takes up the climate-change follies. The issue is still largely ignored in the Main Stream Media here, but it is all over the news all of the time in London, where the news is still fit to print.

Mead quotes the editors of the *Guardian*: "In trying to avert dangerous climate change, governments are aiming for something extraordinary. They want to transform the global economy because of a hypothesis for which the evidence is mostly inaccessible to the layman."

"It is the biggest pre-emption in history, and it relies on collective trust in science."

That trust is being squandered. The edifice of objectivity is cracking and the pillars of probity are bowing under the weight of a venal politicization of science. The latest Lysenkoism may stain the reputation of one of the few remaining institutions that still commands some real public respect. What Gary North calls "Capturing the Robes" by clerical (now bureaucratic) ideologues has led at last to their soilage.

Tuesday 9

http://townhall.com/columnists/JanetMLaRue/2010/02/08/justice_alito_dissents?page=full&comments=true

Janet M. LaRue provides a more detailed analysis of the Supreme Court's decision in *Citizens United v. FEC*. In the State of the Union address, President Obama publicly misstated both the scope and meaning of the ruling. Then he committed himself working with Congress to reverse it.

It is clear that the battle lines are being drawn. There is something about the president's comments that is reminiscent of the recklessness of Henry II. LaRue is especially discerning in the manner she decodes them:

"His goal during the State of the Union speech wasn't to get a congressional hand in crafting legislation. He wanted their hands in embarrassing the Court majority, and hands he got. U.S. Senators, House Members, and presidential cabinet members (including the Attorney General of the United States), behaved like partisan political hacks as they stood to applaud Obama's unprecedented potshot."

"Maybe Obama tried to channel FDR's fireside Court roast when the latter announced his court-packing plan to the American people."

Clearly, this president's goal has all along been to change the composition of the Supreme Court, an ambition that the general public does not know or understand about this generation of Democrats. For these New Age Progressives, the Supreme Court is the place where their agenda can be transformed into received political wisdom and incorporated, as it were, into the body of settled law, thus placing it beyond the reach of the political opposition.

Our Constitutional guardians long ago joined the vanguard of the change agents. Like the Lotos Eaters, the decades of their ministrations have lulled their victims to sleep. Who today seriously challenges the retroactive nationalization of so much of the Bill of Rights (while excluding the Second Amendment) through the incorporation doctrine, a process which began in the 1920s? Who complains about the direct election of senators, which resulted from the Progressive-sponsored 17th Amendment of 1913 and destroyed the distinctive character of what James Madison once called the "federal legislature:" the United States Senate. Who today complains about changes in apportionment laws that removed any vestiges of federalism from state legislatures? People may complain about the income tax but who today knows that we have Progressive reformers to thank for it? Why else would it be called the *Progressive* income tax?!

As James Madison noted in *The Federalist*, no. 39, our system was designed to be both federal and national in character. Yet during the past two centuries federalism has proven to be the recessive trait. The centralizing thrust of the political reforms associated with Alexander Hamilton's Reports, Henry Clay's American System, the Reconstruction, the Populist and Progressive movements, the New Deal and the Great Society, have all contributed to the nationalization of political initiative.

There yet remains some of the flexibility and experimentation made possible under a federal system, but we find it today in a greatly reduced state of vitality. Several states are on the verge of bankruptcy. When will the national government be reined in so that the states may be built up once again and placed on a sound footing? Or must all the states perish together? When will unfunded mandates be

consigned to the dustbin of past folly? When will Americans learn to live within their means?

http://townhall.com/columnists/CalThomas/2010/02/09/unlearned_lessons?page=full&comments=true

Cal Thomas notes that New Jersey has exported \$85 billion from its tax base during the past five years. No wonder so many states are becoming insolvent! We must return to common sense before the budgets of some of our states implode due to the sheer weight of blizzard after blizzard of entitlement spending.

A Hoosier wit once commented that a lot a good people come from Indiana - and the better they are, the faster they come. These days it is places like New Jersey, New York, and California that are shedding (not sharing) wealth as their entrepreneurs individually and even collectively shrug off their tax burdens, file away from imminent bankruptcy, and head for the exits. Although Cal Thomas says that "government must begin weaning people from government," he appears to understand that in the end "we the people must do it."

"Just as too many have been conditioned to turn to government, we must be reconditioned to turn away from government and embrace the higher virtue of liberty. We can't go on taxing and spending ourselves into financial oblivion. New Jersey proves there are limits."

<http://www.debka.com/article/8595/>

Tehran continues to threaten the West. We shall see what February 11 brings. Whatever "message" Ahmadinejad delivers that day should probably not be sent it to DC, where it most likely would get buried under a fresh layer of snow.

http://www.americanthinker.com/2010/02/federal_overreach_and_the_new.html

States continue to assert their sovereignty. If the present Constitution is to have any meaning we might want to consider whether Chief Justice Salmon Chase was correct in saying: "The Constitution, in all its provisions, looks to an indestructible Union, composed of indestructible States." If the phrase "indestructible states" is to have any practical significance, then they have to have reserved for them a place at the political table.

Unless we wish to see the entire country placed into receivership, the initiative and agitation for reform may have to come from outside the Beltway. Perhaps states will begin to revive the old practice of interposition. If they are, indeed, indestructible, then their sovereignty must once again be respectfully acknowledged. Our federal system was designed to bring the self-governing citizenry of self-governing states into a covenantal relationship that gave due respect to the integrity of each of its components. We might consider how Jesus put it to his disciples: "You know that the rulers of the Gentiles lord it over them, and their great ones exercise authority over them. It shall not be so among you. But whoever would be great among you must be your servant. . . . (Matt. 20:25-26; see Luke 22:25-26).

Wednesday 10

http://www.americanthinker.com/2010/02/the_end_of_the_ipcc.html

The Climategate scandal has breached the environmental establishment's outer defenses, enabling the dissenters an opportunity to be heard. S. Fred Singer notes that Western governments were planning to commit to trillions of dollars to a global redistribution scheme. Fortunately, the Copenhagen climate change summit failed. Even the intended beneficiaries could not agree to the proposed strictures.

Singer sums up his critique with one striking and very inconvenient truth: "Copenhagen was mostly about transfer of money from rich to poor countries - or more precisely, from the poor in rich countries to the rich in poor ones." Thus it is always for those who fall for the grifter's promises. W. C. Fields put it well: "Never Give a Sucker an Even Break."

http://townhall.com/columnists/AshleyHerzog/2010/02/09/zero_tolerance_makes_zero_sense?page=full&comments=true

Ashley Herzog recounts some of Alice's adventures after she slipped down a rabbit hole in her public school classroom and was handcuffed by the police.

<http://www.nytimes.com/2010/02/02/us/politics/02deficit.html?hp>

The fiscal groundhog poked his head out of Alice's Wonderland last week and forecast deficits as far into the future as he could project. The deficit for the coming year is supposed to be 11% of the country's total economic output.

http://townhall.com/columnists/JohnStossel/2010/02/10/hurtling_down_the_road_to_serfdom?page=full&comments=true

My students are scheduled to read the *Reader's Digest* version of Hayek's *The Road to Serfdom* next week, nearly 2/3 of a century after it was originally published. Our reality today resembles more and more the dystopian vision of Kurt Vonnegut's "Harrison Bergeron" and Billy Pilgrim's plight in *Slaughterhouse Five*.

Thursday 11

http://news.yahoo.com/s/nm/20100210/sc_nm/us_human_genes

http://www.redorbit.com/news/science/1821611/researchers_reconstruct_genome_of_extinct_human/index.html

These two articles summarize the findings of a DNA study done at the University of Copenhagen on the hair of an ancient resident of Greenland. It suggests that, another migration route from Siberia to the New World, separate from that of the migration route of the Indians and Inuit, was opened up five to six millennia ago.

http://news.yahoo.com/s/ap/20100211/ap_on_re_us/us_human_trafficking

Here is a sobering piece on an Ohio commission's report on human trafficking.

<http://pajamasmedia.com/michaelledeen/2010/02/10/another-showdown-at-the-mullahs-corrall/?singlepage=true>

Michael Ledeen raises the possibility that the massive resistance to the Iranian regime is building toward a final denouement. Armed forces from the countryside have been pouring into Tehran. Moreover, Beijing is playing a supporting role in the confrontation being orchestrated by the regime. Journalists have been purged from their jobs and many have left the country. Prominent Iranians with powerful allies within the political establishment are being arrested. The façade of legitimacy has been crumbling away since the June 12th election-fixing. The Grand Ayatollah Mousavi-Ardebili likens Supreme Leader Khamenei to the shah during the final days of the monarchy.

Friday 12

<http://pajamasmedia.com/victordavishanson/why-did-rome-fall%e2%80%94and-does-it-matter/?singlepage=true>

We need to have more classics scholars to reflect on the precedents our imperial Roman forebears. Books like *New Deal in Old Rome* and *Pillar of Iron* are useful to remind us, as Victor Davis Hanson and Charles Krauthammer have been doing lately, that decline is a choice.

At the end of the Second World War we established a global economic and security regime that presided over the greatest period of sustained scientific advancement and economic growth in history. And yet we are leaching out the character qualities that once made America the first truly global power. Even back then, we were increasingly turning away from the free market practices that made the American economy the most dynamic in the world. What kept the wolf from the door during the long Cold War struggle derived from all the benefits of sponsoring and managing a globalizing international economic order: a legacy we have been squandering in the last few years and which is bankrupting us in massive debt.

Instead of returning to productive investments, our political class is turning to unproductive rent-seeking off the sort that drove up real estate prices until a year or so ago. We need to rebuild our infrastructure and turn our time and talents into more productive channels. A welfare state only creates more jobs for an already overgrown public sector of the economy.

Mikhail Gorbachev was correct when he told his fellow Communists that life punishes those who delay. This is why there is no Soviet Union today. It can happen here.

Saturday 13

http://www.americanthinker.com/2010/02/obama_and_first_americans.html

Phil Bom dissects another strategy being used by the internationalist Lilliputians to entangle Gulliver: mandatory tribal consultation. At a time of mounting challenges to national sovereignty by such international bodies as the

United Nations and the European Union, the Obama Administration is seeking to weaken and bypass the federal form of our constitutional system. Now that the Versailles Conference has passed from living memory, the Progressive Left is again trying to make good on its bid to jettison the constitutional limitations that have enabled citizens of the United States to protect their political liberties.

This president is seeking to advance Clinton-era policies that that would effectively give Indian tribes the status of autonomous states. Moreover, these tribes would effectively become states that could conduct their own foreign policy and conclude binding international agreements, contrary to the provisions of Article I, section 10 of the Constitution.

As Bom notes with regard to the status of the tribes: "It is one thing to sincerely regret past policy mistakes; it is quite another to invite new potential conflicts. There could be a move to integrate Native American customs and law into our legal system. If so, what would then prevent the introduction of Sharia law into the American legal system?"

It should be noted that at the time of the Versailles Conference in 1919, Woodrow Wilson used messianic language to describe what he sought to accomplish and was accused of trying to become president of the world. Republicans today, like their counterparts then, must decide whether to choose the high road of "moderate" Reservationists like Henry Cabot Lodge, the low road of Irreconcilables like William Borah, who was himself a Progressive, or the now overgrown path of constitutional integrity, federalism, and genuine self-government.

<http://www.firstthings.com/blogs/spengler/2010/02/12/greece-as-political-time-bomb/>

What is the next best thing to having a classics scholar like Victor Davis Hanson trace the arc of America's progress along ancient Rome's timetable of decline? Perhaps it is reading a Greek political observer's diagnosis of the endemic corruption that has been bankrupting the country and that is beginning to rattle a lot of teller windows in Brussels. With China showing signs of financial retrenchment, the latest rally may be losing steam once again. Yesterday, the stock markets did not react with any degree of assurance or real conviction that a crisis can be averted. The party may be over.

<http://www.firstthings.com/blogs/spengler/2010/02/11/greece-a-national-suicide-pact/>

Then again, in lieu of a classics scholar, a classically-educated musician and financial expert like Spengler (a.k.a. David P. Goldman) may serve in a pinch. As we consign the mortal remains of western civilization into a Grecian urn, Spengler asks:

"Where is the Simonides to write the country's epitaph? It might read something like:

"'Passerby, tell them in Brussels

We didn't pay our bills.'"

He expects us to recall the epitaph at Thermopylae:

"Stranger, tell the Spartans that we lie here, obedient to their words."

All of which brings us back to that ageless question: How much does a Grecian urn?

Answer: "The vase salary for his sinecure is five figures (and) rising."

<http://blogs.the-american-interest.com/wrm/2010/02/12/feeding-the-blue-beast/>

Walter Russell Mead may emerge as one of our foremost public intellectuals with pieces, like this one, he has been featuring on his *American Interest* blog.

Although the political revolution wrought by the New Deal faced some retrenchment during the Reagan years, our latter day white-collar unionization is more insidious than the collective bargaining model that prevailed through the 1950s. Instead of featherbedding, the administrative state is all about making much ado about less and less. Big Blue has grown as large as Babe the Blue Ox. Bureaucratic empire-building takes the form of a greater array and range of social intervention and regulation, just as Friedrich Hayek predicted in *The Road to Serfdom*. We in the West are also on the receiving end, like the character in Chinua Achebe's *Things Fall Apart*:

Turning and turning in the widening gyre
The falcon cannot hear the falconer;
Things fall apart; the centre cannot hold;
Mere anarchy is loosed upon the world. . . .
The best lack all conviction, while the worst
Are full of passionate intensity.

-- William Butler Yeats, "The Second Coming"

Volume (quantitative as well as sonic) prevails over quality. Our living machines (architectural as well as institutional) consume their inhabitants' lives. As Moondog put it in "Stamping Ground:" "Machines were mice and men were lions once upon a time. But now that it's the opposite it's twice upon a time."