March 30, 2010

201011 OBITER DICTA: RUSTLES OF SPRING 2010

Steven Alan Samson, Liberty University
Monday, March 22

http://www.americanthinker.com/blog/2010/03/house_passes_obamacare_1.html

As Samuel Johnson put it: "Marry in haste, repent at leisure." Now the health care goes to the president for his signature. Unless the bill is declared unconstitutional by the Supreme Court, the new health care plan is virtually untouchable until 2013 when most of its benefits are supposed to kick in. The political chicanery that is implicit in this sleight of the hand was part of the plan all along.

A Republican Congress in 2011 will be largely helpless to do more than mitigate the damage. A second term for Obama would make it untouchable.

Tuesday 23


Spengler notes that American banks have been reducing their loans to the private sector by roughly the same amount as they have been using to buy up government securities. As a consequence, the market economy is giving way to an increasingly socialistic arrangement, including the new national health care program.

As Spengler concludes: "Now that the whole world is buying US government debt on borrowed money, it makes no sense to own it. It will end badly - but it is too early to specify just how and when."

Wednesday 24

http://www.denverpost.com/harsanyi/ci_14742998

Chairman Conyers, who cited the “good and welfare clause” as an authority for forcing all Americans to purchase health insurance, forgot to mention the Santa Clause, which is the most applicable provision of Constitution. Under the Santa Clause, government benefits are distributed from each according to his ability to each according to his need by drawing upon a special Incumbency Slush Fund that has been set aside for this purpose alone. The fund is tied to our country’s sovereign debt, which is continuously replenished by major lenders around the world. The beauty of the Santa Clause, as my late friend Erik von Kuehnelt-Ledihn liked to remark, is that “nobody shoots Santa Clause.”

Thursday 25

http://townhall.com/columnists/MattTowery/2010/03/25/the_real_issue_that_can_turn_congress_upside_down_in_november?page=full&comments=true
Matt Towery puts his finger on the message that must be conveyed to the electorate in November: Our national government is bankrupting the country. One part of the national health bill that has sweetened the pot for many Americans is the provision that adult children may be kept on their parents' health care plan until the age of 26. I know several families, including ours, that stand to benefit from a provision that could have been accomplished through a market-friendly bill without entangling us in a bureaucratic nightmare. But, of course, these are the sorts of indulgences (remember Tetzel?) that will help defend the ramparts against any efforts to reverse or even repair the damage.

For months I have been referring to America as the first ADHD nation. The Democrats apparently believe we are "fit to be tied." Too many Americans have lost their sense of adventure and are now willing to kiss off their liberties in favor of cradle-to-grave security. But it will be the security of a straitjacket and the assurance of future bankruptcy.


Michael Barone notes that "in recent weeks U.S. Treasury bonds have lost their status as the world's safest investment." Warren Buffett is able to sell bonds at a lower interest rate. Even worse, there has been speculation that our Treasury bonds may be edging toward losing their AAA rating. Countries within the Eurozone are also wrestling with a protracted fiscal crisis in order to return Greece to solvency.

The stock market rally continues but the market is far from having recovered from the last two major downturns. There is little prospect of it doing so in the next few years or, even if it did, sustaining it. As Barone notes: "Barack Obama's project of transforming the United States into something like Western Europe is, according to the CBO, raising the national debt burden on the economy to World War II levels. I see train wrecks ahead -- as the bond market forces huge spending cuts or tax increases first on states and then on the federal government. It will make what happened in the House Sunday look pretty."

http://townhall.com/columnists/LarryElder/2010/03/25/hope_and_change_the_constitution?page=full&comments=true

I agree with Larry Elder that it is probably time to dust off some of tools of constitutional reform that have been neglected for generation. Many of them have been recalled during the now 37 year protracted fight against abortion. A "long train of abuses and usurpations" have followed since the *Roe v. Wade* decision. Along with the series of decisions that placed the regulation of commerce outside the constraints of constitutional limits, *Roe v. Wade* established a precedent for the doctrine of "resulting powers." Together, such decisions have cultivated an attitude of disrespect for the Constitution that is easily illustrated by the buffoonish remarks of several members of Congress cited in recent postings.

At this point, the states and the judiciary still have the means to resist. "Interposition" and "nullification" may become live options once again. The time to defeat such disastrous legislation is in the first few weeks and months before its pushers have sufficient opportunity to build up a large pool of clients
vested in a new status quo. But as long as the current Administration is in the
White House, Republican should not wish to take control of both Houses. The
Democrats were very clever in breaking through constitutional barriers.
Republicans must be equally clever in allowing them to be hoisted by their own
petards. This time we must let them twist in the wind.

In the meantime, let us quarantine Capitol Hill, bypass the Beltway, and reverse
the Progressive revolution by doing what the Progressives were too lazy to do:
promote constitutional reform through the states themselves. If the Supreme
Court's ruling in *Texas v. White* is to have any justification at all today, let
its endorsement of a permanent union composed of permanent states become the
nucleus out of which the original Constitution may be gradually restored by the
original parties to the covenant.

How long will the American public put up with this shell game of redistributing
the red ink so that it disappears from the public eye? We have known at least
since the Clinton Administration about the financial legerdemain with which
Social Security funds were used to conceal budget shortfalls. We have been going
back to that proverbial well so often that it is running dry. The same is
happening in other economic sectors.

Howard Rich returns us to the beginning of wisdom in this matter:

"'Obamacare is really about who commands the country's medical resources,' an
editorial in The Wall Street Journal noted the day before the legislation was
passed. 'It vastly accelerates the march toward a totally state-driven system, in
contrast to reforms that would fix today's distorted status quo by putting
consumers in control.'

This is the issue for Progressives: Who will control Lenin’s “commanding
heights?” As Howard Rich concludes: "With government already purchasing nearly
half of all health care services in America (a system that’s rampant with fraud
and anti-competitive price-fixing), just who did you think was responsible for
the ‘distorted status quo’ that Obamacare ostensibly seeks to correct?” The same
must be said for so many of our bankrupt regulation institutions. Murray
Rothbard demonstrated it with regard to the Fed in *America’s Great Depression*.

After several years of retirement, my old Indiana Senator, Dan Coats, has decided
to throw his hat back into the ring. His mission is a tall order but it is
imperative that we begin the process of dismantling entitlement programs that are
entrapping Americans into a narrowing funnel of choices while selling current and
future generations into peonage. We have converted our economy, even our entire
country, into collateral. The Bretton Woods regime has been wedded with Lyndon
Johnson's Great Society to establish a state of permanent revolution.
All through our country's history, the restless perfectionism that drives so many popular movements has spawned utopian fantasies that have ignited populist crusades and led us into wars, including "a 'war to end all war.'" Perhaps it is time to reach back into that same well of popular Americana and ponder the old Shaker song, "Simple Gifts," for some needed clarity and resolve:

'Tis the gift to be simple, 'tis the gift to be free, 'Tis the gift to come down where we ought to be, And when we find ourselves in the place just right, 'Twill be in the valley of love and delight.
When true simplicity is gain'd,
To bow and to bend we shan't be asham'd, To turn, turn will be our delight, Till by turning, turning we come round right.

As the old preacher would say: Turn or Burn. It is time to summon Hawthorne's "Gray Champion."

http://www.debka.com/article/8675/

Our president's arrogance appears to have no limits. The Israeli government should walk away from the Administration's demands, fully understanding of the nature of the hostile takeover of the White House and with the assurance that it, nevertheless, may be term-limited. In the meantime, Israel must be prepared to take bold initiatives without the blessings of the current Administration. The application of heat and pressure does not have to be a one-sided affair. The Chicago-style of politics may be no match for the growing outrage of the American public along a wide front of issues.

http://www.brusselsjournal.com/node/4363/print

Aldous Huxley's *Brave New World* may begin with the warm glow of hallucinogenic drugs, but eventually it ends with George Orwell's image of *1984*: "If you want a picture of the future, imagine a boot stamping on a human face -- for ever."

During our present transition, the Purgatorio phase of brainwashing the citizenry into regimented political correctness, what is most striking is the arrogance - the hubris - of the apparatchik class that administers the legislative process. Alexandra Colen, a Belgian parliamentarian and chairman of the House Equal Opportunities Committee, gives a first-hand account of how the Commission on the Status of Women made sausage out of a draft resolution entitled "Eliminating Maternal Mortality and Morbidity through the Empowerment of Women." Opposition to abortion is, of course, the root of the evil. Or perhaps it is support of Israel?

For a richer appreciation of the UNocratic sausage-making process, as well as for understanding the spirit of our times, some additional context is supplied by two other pieces: Phyllis Chesler's "The Goddess That Failed" (March 5) and, for another illustration of creative uses of Saul Alinsky's tactics, the DEBKAFile report entitled "Netanyahu flies home amid disagreement with Obama on key issues" (March 24).
The Left operates with impunity inside the Tidal Basin. Persuasion is now being replaced by browbeating. Unless the relentless browbeating is boldly confronted, the next phase will be even more unpleasant.

http://www.debka.com/article/8657/

This Administration upbraids an ally and plays softball with tyrants. So did Bill Clinton, who used his visit to China to criticize Japan and India toward the end of his term of office.

The American public is only just beginning to experience some of the shell-shock that is in store. The government has fallen into the hands of Chicago ward heelers and Gramscian hegemonists whose Progressive credentials have been burnished with Ivy League educations.


This description of our rush to declare victory in Iraq so we may effectively pull out of the Middle East reminds me of the last days of the Saigon regime, which was deliberately sabotaged (a French word that roughly means "a boot stomping on a human face) by the Democratic leadership of Congress. I remember the pathetic scene of a helicopter lifting off from the embassy's rooftop with embassy employees desperately reaching up to secure passage out of there.

So how many other Operation Keelhauls and similar betrayals will we impose on history's designated victims? We are returning to the raw immorality of the ancient Greek deities and the hubris of its flawed heroes. It is not an elevating prospect for the people of a country G. K. Chesterton once described as having "the soul of a church." Even then, while noting that America is "the only country founded on a creed," Chesterton added one of his characteristic kickers:

"Now I am very far from intending to imply that these American tests are good tests or that there is no danger of tyranny becoming the temptation of America. I shall have something to say later on about that temptation or tendency. Nor do I say that they apply consistently this conception of a nation with the soul of a church, protected by religious and not racial selection. If they did apply that principle consistently, they would have to exclude pessimists and rich cynics who deny the democratic ideal; an excellent thing but a rather improbable one. What I say is that when we realize that this principle exists at all, we see the whole position in a totally different perspective. We say that the Americans are doing something heroic or doing something insane, or doing it in an unworkable or unworthy fashion, instead of simply wondering what the devil they are doing."

Friday 26

http://article.nationalreview.com/print/?q=ZDEzYWQ1NGY3Y2M3ZjFkZmRyMmRhODYxOWI2MGM=

Tony Blankley's analysis reminds me of the view taken by the Weatherman faction of Students for a Democratic Society. As a Bob Dylan song put it: "You don't need a weatherman to know which way the wind blows." Many of these 60s radicals have burrowed their way into the institutions during the past four decades and
appear to be "ready to rumble." The rest of us must develop a discerning eye and ear in order to assess the "prerevolutionary stage" we are entering.

Tony Blankley's comparison of this national health program with the Kansas-Nebraska Act of 1854 is astute. Stephen Douglas took Henry Clay's amazing feat of passing the Compromise of 1850 and then dashing what remained of the middle to the ground in a bid to finesse the slavery issue and pave his path to the presidency. Nancy Pelosi may be his counterpart in this regard.

All of the dark rumblings in the background, and increasingly in the foreground, remind me of something Jesus said when asked to produce a sign from heaven: "When it is evening, you say, 'It will be fair weather, for the sky is red.' And in the morning, 'It will be stormy today, for the sky is red and threatening.' You know how to interpret the appearance of the sky, but you cannot interpret the signs of the times" (Matt. 16:2-3).

The Russians seem to be enjoying a rich aftertaste of Schadenfreude these days. Almost a year ago, Pravda carried the following headline: "American Capitalism Gone with a Whimper" (April 27, 2009). It concluded: "The proud American will go down into his slavery with out a fight, beating his chest and proclaiming to the world, how really free he is. The world will only snicker."

Similarly, Ralph Peters starts his column today as follows: "Wednesday, March 24, 2010, was the worst day for US diplomacy in recent memory.

"Between sunrise and sunset, we 1) handled our Israeli allies as enemies, 2) treated Pakistani gangsters as our benefactors and 3) got blindsided -- brilliantly -- by the Russians."

Everybody seems to gloat at an Administration that is completely out of its depth. I will not steal any of Peters' thunder. Read and wince. Everything these days suggests the continued relevance Count Axel Oxenstierna's observation: "Do you not know, my son, with how little wisdom the world is governed?"

Jamie Glazov interviews the London-based publisher of The Triumph of Provocation by Józef Mackiewicz, a Polish novelist and political writer (1902-1985). It offers insight into the nature of the Communist system and some of the similarities as well as differences between Stalin and Hitler.

Ed Koch provides shed some needed historical and political light on the contretemps over the building of more apartments in East Jerusalem and the resulting damage to American-Israeli relations. It bears all the markings of a deliberate set-up at the highest level.
Suzanne Fields notes Alan Dershowitz's analogy between Iran now and Germany after the First World War. She then relates an interesting yarn about what Goebbels believes the French premier should have done in response to the rise of Hitler in 1933.

**Saturday 27**

**GUY SORMAN: AMERICA AT WORK**

Europe usually responds to bad news from the United States with a mixture of outward sorrow and hidden jubilation; the Germans call it *schadenfreude*. This ambivalence made an appearance after 9/11, and it has reemerged with the 2008 financial crisis. Few European media and political leaders have failed to wonder whether this is, at last, the end of arrogant Anglo-Saxon capitalism; the Continent could then return smugly to its preferred statist stagnation. By thus overreacting, the Europeans overlook the fundamentals of any growing economy: It is cyclical, growth requires innovation, and there can be no innovation without trial and error. Further, today's error will not change America's leadership of the world. An economy that takes no risks will have no accidents, true, but in the long run, it will not grow.

In 1820, about ten years before Alexis de Tocqueville made his famous visit to America, a spectacular event took place, though no one knew it at the time: U.S. per-capita income overtook that of Western Europe. This stunning fact was revealed only in 2007, in a new study by the OECD. The study, conducted by Angus Maddison, also showed that the U.S. economy has remained the world leader ever since 1820.

... The real reason for the American economy’s takeoff was the very focus of Tocqueville’s visit soon thereafter: democracy itself. In early-nineteenth-century Western Europe, still dominated by the nobility, aristocratic set the tone for the whole economy, and they wanted beautifully handcrafted (and expensive) goods. In the United States, by contrast, egalitarian-minded citizens wanted access to cheap goods—and mechanization and standardization filled their wishes, leading to the Industrial Revolution and the world’s first mass market.


I especially enjoyed this vignette from *Economics Does Not Lie*, a book I ordered for our library. Sorman, a French economist, notes a remarkable fact: U.S. per-capita income has led the world since 1820. The implications of this simple observation are worth pondering.

This point captures the essence of one of the major points made by David Landes over hundreds of pages of his *Wealth and Poverty of Nations*. One of Landes’s chief themes is that *Literate Mothers Matter*. Landes also focuses on the unleashing of popular energies, which had been noted half a century...
ago in the legal historian J. Willard Hurst’s “release of energy” thesis. More recently, Hernando de Soto’s study of the development of American mining law would appear to support these ideas.

http://www.debka.com/article/8684/

Gaza's underground economy is exactly that: its chief conduits are subterranean.

http://article.nationalreview.com/429537/obamacare-dystopia/mark-steyn

Mark Steyn describes the bull market on debt and taxes, along with an even more efficient transaction tax called VAT. Leave it to the Progressives. They may as well tax each additional year of schooling as “value-added.” But, if they tried that, someone might then be able to demand a refund or claim to be owed a negative tax for "value-subtracted."

http://townhall.com/columnists/CharlesKrauthammer/2010/03/26/the_vat_cometh?page=2

Without studying the matter, I do not know whether I would entirely agree with Charles Krauthammer about the VAT. Tax reform is definitely long overdue. The Reagan cuts helped considerably. For the sake of argument, I am willing to concede that a VAT instead of the current income tax might be an improvement, but only because, in the case of the income tax, I have personally experienced being the proverbial bird in the hand. (Be still, my beating heart. Maybe the CAT won't swallow me up this time). But I will permit Dr. Krauthammer to briefly state his case:

"As a substitute for the income tax, the VAT would be a splendid idea. Taxing consumption makes infinitely more sense than taxing work. But to feed the liberal social-democratic project, the VAT must be added on top of the income tax.

"Ultimately, even that won't be enough. As the population ages and health care becomes increasingly expensive, the only way to avoid fiscal ruin (as Britain, for example, has discovered) is health care rationing."

Sunday 28

http://www.americanthinker.com/2010/03/stealing_capitalism_the_crime.html

Here is a good quick sketch of the way the socialist movement in the United States was organized. Following earlier efforts (which are covered in The Encyclopedia of Social Reform published in the 1890s), the key development that launched Fabian-style socialism in America was the meeting at Peck's restaurant in 1905.

One of the senior members of that organizing meeting was Thomas Wentworth Higginson, a literary critic who, as a young man, was one of the Secret Six who helped finance John Brown's raid on Harper's Ferry. Jack London, who, like
George Bernard Shaw, adopted much of Nietzsche's philosophy, became the first president.

The most interesting figure was Walter Lippmann, who allied himself with the chief theoretician of the Progressive movement, Herbert Croly, who founded The New Republic (a phrase used by the sometime Fabian, H. G. Wells, in his novel Anticipations. But Lippmann later moved somewhat away from Franklin Roosevelt's New Deal version of liberalism in the 1930s with his book, The Good Society, which provided the occasion for a meeting (that was canceled because war was looming on the horizon) of free market thinkers that, a decade later, resulted in the birth of the Mont Pelerin Society, the grandfather of all free market organizations today.

The Rockefeller General Education Board, which was led by the Rev. Frederick Gates, was started later that first decade of the century, as was the Carnegie Endowment for International Peace. The Gates paper that is quoted in this article was published in 1913, the year of the Sixteenth and Seventeenth Amendments, as well as the Federal Reserve System.

Another figure who should be mentioned in this connection is Sister Patricia McCarran, who wrote “The Fabian Transmission Belt,” which described the development of American Fabianism. It was never published. The story is that it was suppressed at the instruction of the Kennedy Administration, although it still exists in manuscript form.

It is time for somebody to tell the story of the rise of American Fabian Socialism and Progressivism in order to understand how we got to where we are today.

http://corner.nationalreview.com/post/?q=ZTI4N2UyNWI1ZjI2YTdjOTRmODI5NzZhZTQzNzVhN2Q=

Mark Steyn addresses the hidden costs of the health care system and why it is nearly impossible to undo the damage once it has been instituted. Those who acquire a vested interest in living at taxpayer expense will spare nothing to protect their accustomed turf and, of course, count it their right as taxpayers to do so.

http://www.debka.com/article/8685/

DEBKA summarizes a paper by Anthony Cordesman and Abdullah Toqan that raises the possibility of an Israeli tactical nuclear strike against Iran's nuclear program. The New York Times today published a scenario entitled "Imagining an Israeli Strike on Iran" that is based on a simulation exercise conducted at the Brookings Institution in December.

http://www.americanthinker.com/2010/03/uplifting_the_poor_one_lose.html

Bob Weissberg applies the basic principles of economics to the study of the learning curve. The questions he raises are: Why does early intervention fail to demonstrate an improvement in educational performance? What lessons should
American parents and taxpayers draw from this? Why do they experts lie to the public?

http://www.washingtonpost.com/wp-dyn/content/article/2010/03/26/AR2010032603077.html

George Will examines the origins of "birth right" citizenship and calls for its replacement.

Monday 29


http://www.express.co.uk/posts/view/165460/EU-power-grab-bid-raises-new-fears

Open Europe’s press release for today opens with the following:

“Saturday's press featured widespread coverage of German Chancellor Angela Merkel's calls for an EU "economic government" and possible EU treaty changes in return for agreeing to bail out Greece. Saturday's Guardian reported that senior sources said that Merkel sought, but failed, to insert language into last week's EU Summit Communique on the possible need to reopen the EU treaty. EU Council President Herman Van Rompuy has instead been asked to form a special "task force" to look at "all options" for economic measures including a European Monetary Fund and an expulsion procedure for euro members that break the rules."

Mats Persson is quoted in several periodicals on at least a couple of fronts today: the regulation of hedge funds and the “economic governance” that being touted by the French and Germans. He notes that the French phrasing of the latter term is still "economic government."

http://online.wsj.com/article/SB10001424052748703909804575123773804984924.html

Norman Podhoretz defends Sarah Palin in today's Wall Street Journal: "Nothing annoys certain of my fellow conservative intellectuals more than when I remind them, as on occasion I mischievously do, that the derogatory things they say about Sarah Palin are uncannily similar to what many of their forebears once said about Ronald Reagan."

"It's hard to imagine now, but 31 years ago, when I first announced that I was supporting Reagan in his bid for the 1980 Republican presidential nomination, I was routinely asked by friends on the right how I could possibly associate myself with this 'airhead,' this B movie star, who was not only stupid but incompetent."

Today we have the benefit of hindsight. Taken as a whole, I would say that President Reagan left the country far better off than it was when he took office. Some of the problems that remained could and should have been addressed by his successors. But all I need to do is remember the legacy of the Carter Administration to be reminded that it does not take long for things to go desperately wrong in the absence of wise leadership at the helm. A president that seeks to bypass the Constitution is the wrong man for the job no matter how well honed his political skills.
As Podhoretz concludes: "after more than a year of seeing how those 'prodigious oratorical and intellectual gifts' have worked themselves out in action, I remain more convinced than ever of the soundness of [William] Buckley's quip, in the spirit of which I hereby declare that I would rather be ruled by the Tea Party than by the Democratic Party, and I would rather have Sarah Palin sitting in the Oval Office than Barack Obama."

http://online.wsj.com/article/SB10001424052748703312504575142181649202588.html

This piece in today's WSJ provides three scenarios for the next outbreak of war in the Middle East. The fact that the Arab League, at the end of its recent meeting, is now prepared to start talking with Iran is indicative of the perceived weakness of the Obama Administration. When push comes to shove, many Arab leaders are no longer confident that America's umbrella offers much protection.


Here is a scenario for an Israeli strike against Iranian nuclear sites as imagined by the Brookings Institution.

http://www.firstthings.com/blogs/spengler/2010/03/26/who-is-barack-obama/

I read Spengler's piece on Obama two years ago when it originally came out. He still stands by it and I still find it worth sharing. The American electorate elected a man it thought it knew but did not understand. The question is whether the electorate will understand the man sufficiently well by 2012 to avoid making that mistake twice.


Here is Spengler's succinct analysis of the winnowing of modern western man through the debasement of his institutions. The West has been molded by the papacy and, more recently, by the presidency. And we have been striving to recast both institutions for a less heroic age.

Before we modern men invented irony and exalted the commonplace, one of the great medieval altar pieces -- by the brothers Van Eyck -- depicted the Lamb of God standing victorious at the center. By contrast, our modern sensibilities are fickle. “O tempora! O mores!” A century ago, the Fabian Society grasped the obvious significance of a counterfeit shepherd equipped with all the guile of a wolf. By rendering a wolf in sheep's clothing on a heraldic shield, in front of which a globe was being reshaped on an anvil, the stained-glass window at the Beatrice Webb House sketched the essential features of a leader for our times.

Thousands of years ago Zechariah observed: "Smite the shepherd, and the sheep shall be scattered." This has become our ever-present reality: the loss of moral compass and moral leadership. I recently updated a fifteen year old piece entitled "Assassination and the Death of Politics," recasting it as "Yitzhak Rabin and the Price of Piece." The original title now calls to mind Francis
Schaeffer’s *Pollution and the Death of Man*. Indeed, as Igor Shafarevich has noted, what else but the death of man does socialism seek? The obverse of our birth dearth is, at the institutional level, a dearth of leadership and thus the death of man.