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201027 OBITER DICTA: LATE AUTUMN 2010

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201027 OBITER DICTA: LATE AUTUMN 2010
Steven Alan Samson

Friday, November 19, 2010

<http://pajamasmedia.com/blog/york-university-finally-moves-quickly-to-suppress-offensive-speech-%e2%80%94-but-only-when-jews-are-speaking/?singlepage=true>

Richard Cravatts reveals the status of free speech on a Canadian campus where anti-Semitism gets a free pass and where all protests to the contrary are silenced. When George Galloway was invited to speak at Canada's York University, a rabbi who issued a public protest was censured by the university for criminal libel. Since the 1960s what Michael Polanyi calls "moral inversion" has emerged triumphant on campus, giving rise to the now regnant "culture of repudiation," as Roger Scruton calls it. I have previously written a case study of how Herbert Marcuse's repressive (in)tolerance works by detailing how it was done decades ago to Edward Rozek at the University of Colorado. Here is a description of how it is done at York University today.

"In the month prior to Israeli Apartheid Week events, a group called Imagine With Us had planned a series of lectures to counter the invidious content of the IAW activities. Imagine With Us, according to Michael Mostyn, national director of public affairs for B'nai Brith Canada, is a Jewish/Christian coalition that is a 'multi-faith, multi-political movement that is concerned with maintaining Canadian values and keeping our campuses safe from hatred, discrimination and radical incitement, particularly from those subscribing to radical Islam,' a mission that would seemingly be eagerly embraced by a university administration. But York leaders would have none of it, evidently pressured by Muslim students who were not interested in an alternative discussion about Israel and the Palestinians. The administration immediately took the outrageous step of requiring Imagine With Us to 'include a formidable police and campus security presence paid for by the organizers, a list of all attendees in advance, a minute-by-minute synopsis of all speakers talking points and a ban on public advertising of the event at York and on satellite campuses.' When the coalition could not, or chose not to, comply with the onerous regulations, York canceled the event."

<http://pajamasmedia.com/blog/shameless-justice-department-warns-lapd-over-racial-profiling/?singlepage=true>

Here is an illustration of our now well-established religion of moral inversion, one that involves allegations of racial profiling lodged against LAPD by our own politically correct Department of Justice.

<http://www.examiner.com/conservative-in-spokane/liberal-think-tank-says-president-can-use-military-to-push-progressive-agenda>

This story about the Center for American Progress and its recommendation to use the military to promote a progressive agenda has been reverberating around the internet during the past day or so. Jonathon Seidl published a similar piece yesterday. Those fear-mongers who have been warning about the possible use of

martial law by this Administration have just been handed all the ammunition they need. As Seidl puts it: "How does one 'move the country forward?' In the Center's report, the former Chief of Staff to Bill Clinton, John Podesta, explains that the president can use executive order, rulemaking, and even the armed forces 'to accomplish important change' and that such means 'should not be underestimated.'" This sounds like incitement: the very sort of thing that earlier sedition laws addressed.

So what does it mean for the leaders of the State, who are elected or appointed representatives of the people, to substitute their particular will for the sovereign interests of the citizenry? The use of executive orders as a "change agent" seems to fit this description. What if the leaders of the State choose to replace their obstreperous free citizenry with a more complacent, compliant, utterly dependent rabble that meekly submits to instruments and institutions designed to subdue and control the people? Hilaire Belloc anticipated this eventuality a century ago in *The Servile State*, as did Garet Garrett in the 1930s in "The Revolution Was," as did C. S. Lewis in *The Abolition of Man* and Friedrich Hayek in *The Road to Serfdom* even while the Second World War was still being fought.

In his recent book, *The New Road to Serfdom*, British MEP Daniel Hannan writes: "In November 2009, the EU appointed its first president: the former Belgian prime minister Herman Van Rompuy. At his very first press conference, Van Rompuy announced that he wanted the EU to return to 'the economic and social agenda.' Referring to the G20 Conference, he hailed 2009 as 'the first year of global governance,' and went on to describe the Copenhagen Climate Summit as 'another step toward the global management of our planet.'" What John Podesta recommends is for our current president to follow the example of President Clinton, who "used executive authority to make significant progressive change."

The act of "misprision" may be either negative or positive. In the negative, it is an actionable inaction: the crime of neglecting to prevent or report a crime. That being the case, I wish to report a crime. The crime in question, however, is not a single act but a "long train of abuses." Our Constitution is being deliberately changed, not through the amendment process but through judicial and administrative reinterpretation. As for the consequences, they were well described by Franz Kafka nearly a century ago in his parable entitled "Couriers:"

"They were given the choice between becoming kings or the couriers of kings. In the manner of children, they all wanted to be couriers. As a result, there are only couriers. They gallop through the world shouting to each other messages that, since there are no kings, have become meaningless. Gladly would they put an end to their miserable existence, but they dare not, because of their oaths of service."

We have chosen to be couriers, hiding anonymously inside the Leviathan that has been called King Numbers, but our constitution was made for citizen-kings. Traditionally, treason meant, among other things, to "compass or imagine the death of our lord the King." Under our Constitution, our lord the King happens to be "We the People," but we the people must take back our rightful place from the majordomos we have allowed to eat out our substance. It is time to summon back to life the kings of old: the citizenry of the original United States of

America, who would never bend their knee to tyrants, especially those who continually appeal to our confidence (as Thomas Jefferson himself warned on many occasions). We Virginians especially should pay more careful attention to our motto: *Sic Semper Tyrannis* (thus always to tyrants).

Saturday 20

<http://www.infowars.com/breaking-former-gov-ventura-will-no-longer-fly-due-to-abuse-hes-endured-at-hands-of-tsa/>

I'm with Jesse Ventura on this.

Sunday 21

http://www.amazon.com/Contested-Public-Square-Christianity-Politics/dp/083082880X/ref=sr_1_1?ie=UTF8&s=books&qid=1290290878&sr=1-1#

This appears to be a useful introduction to Christian political thought.

To a colleague:

The most prolific American composer was Alan Hovhaness, who lived in Seattle and died in 2000. His second (of 66) symphonies, *Mysterious Mountain*, displays his strengths. His counterpoint and elaborate fugue-writing is often superb. Other pieces, such as his St. Vartan's Symphony and his use of oriental styles, are definitely an acquired taste (which I have not altogether acquired).

I especially enjoy the use of the old church modes. Geirr Tveitt's folk-based music ranges from vignettes to larger scale works that display his prowess as a pianist. Unfortunately, most of his tremendous output was destroyed when his barn burned forty years ago. Ralph Vaughan Williams and Ottorino Respighi (most famous for *Pines of Rome*) both made good use of the modes, as did Joly Braga Santos in his early work.

Sunday 21

http://townhall.com/columnists/PaulJacob/2010/11/21/reform_without_fraud/page/full/

Paul Jacob has written a brief primer about the Social Security scam, noting its character as a Ponzi scheme and an increasingly insolvent congressional slush fund. If the United Nations had had its way with the Copenhagen Climate Summit, it would have created a similar scheme for "global governance" funded by a global cap-and-trade system. The article also contains a link to another of Jacob's columns, which discloses that Social Security is not truly an entitlement program. According to the Supreme Court in *Flemming v. Nestor* (1960), Congress has the discretionary power to revise the schedule of benefits.

The following critique of the *Flemming* decision may be found on Wikipedia:

"This case goes to the heart of an interesting question: What is property? The Takings Clause of the Fifth Amendment states that 'nor shall private property be taken for public use without just compensation.' In this case, the court had to determine whether a person's interest in his Social Security benefits is 'property' that is protected by the Fifth Amendment. As noted above, the court found that it was not."

"The case has been criticized on many grounds. In dissent, Justice Black argued that the Court's holding was motivated by anti-communist bias. Charles A. Reich [later the author of *The Greening of America*] argued that Social Security benefits should be considered to be 'property' for the purposes of the Fifth Amendment. Social Security, he argued, is a compulsory substitute for private property, is heavily relied on, and is important to beneficiaries. The beneficiary's right to Social Security, he argued, should not be subject to public policy considerations (especially not something resembling a loyalty oath, as was the case in *Flemming*). According to this argument, allowing government benefits to be revoked in this way too extensively threatens the system of private property. Protecting private property is an important goal, he argued; the Framers thought that protecting private property would be one way of protecting individual liberty."

The irony of the case is that the Supreme Court helped further undermine private property rights in the name of anti-communism. By now, that sort of "it became necessary to destroy the town to save it" attitude has itself become all too familiar.

Wednesday 24

http://townhall.com/columnists/MikeAdams/2010/11/24/the_freakishness_of_sociology/page/full/

This morning I was trying to get a handle on the uncanny weirdness that seems to surround us at this historical moment. Last night I read an article about the Mormon American who swam into Aung San Suu Kyi's compound last year. This man, who is subject to epileptic seizures, claims he did so to prevent her assassination by the government by showing how she was vulnerable to attack. Now he believes that it will be done by the opposition in order to bring down the ruling junta. See the article attached below.

<http://www.atimes.com/atimes/Southeast Asia/LK24Ae01.html>

Other articles I have seen include Dick Morris claiming that the president will establish cap-and-trade and card check by executive fiat. I have also heard the same with regard to the stalled DREAM Act. In the Blog world the wisdom of the moment seems to revolve around how the Democrats plan to use the lame duck session to thwart the will of the people and neutralize the outcome of the recent election.

So at a time when I was already wrestling with the baffling circumstances in which we live, along comes Mike Adams to discuss the care and feeding of freaks

on the university campus. How easily we forget and how often we need to be reminded that life is a gigantic and increasingly globalized freak show. Mike simply directs our attention to an old insight that is worthy of our best satirists, among them Rabelais, Swift, and Flannery O'Connor. Having once worked at a zoo, I should never cease reminding myself that the spectacles take place on both sides of the windows, bars, and fences.

http://news.yahoo.com/s/ap/cn_canada_randy_quaid;_ylt=AkFHijG67co5S2jSfWiGQ7xv24cA;_ylu=X3oDMTJ1NmhzY2JzBGFzc2V0Ay9zL2FwL2NuX2NhbmFkYV9yYW5keV9xdWpZARjY29kZQNYZG5iZQRjcG9zAzkEcG9zAzkEc2VjA3luX3RvcF9zdG9yaWVzBHNSawNyYW5keXF1YW1kc2E-

Hollywood is undoubtedly the epicenter of the freak show. So here is a story about Randy Quaid, who, in order to escape one asylum, is now seeking refugee status in another. So it goes, as Kurt Vonnegut would say. Our glitterati are nothing if not entertaining, and sometimes even edifying.

Thursday 25

<http://pajamasmedia.com/victordavishanson/reflections-on-an-ailing-society/?singlepage=true>

Victor David Hanson gives us the rough outline of a viable political platform for a Tea Party worthy of its name. The rhetorical thread running through Hanson's series of vignettes is simple: Stop the Shakedowns Now and Start the Pushback Process. Put coal in Kim Jong Il's stocking. Stop the show trials at the United Nations Human Rights Council and publicly censure it for malfeasance. As for Congress: Yank off Santa Claus's fake beard. In fact, start bearding all the weasels in their dens! At long last, let's start reversing the Gramscian long march through the institutions by plunging our plumber's snakes through the pipelines of power. Let this be our motto: Don't tread on me!

http://www.acjna.org/acjna/articles_detail.aspx?id=442

Here is an introduction to the first American rabbi, along with an excerpt from his Thanksgiving sermon of November 26, 1789.

Friday 26

<http://www.nationalreview.com/articles/print/253930>

A globe-trotting Jonah Goldberg has fun with the TSA and German etymology. The piece could be called "*Fingerspitzengefühl* and All That."

<http://www.foxnews.com/opinion/2010/11/24/pours-salt-americas-wounds/>

It is long past time for us to give the UN the bum's rush. As our deputy ambassador to the UN, Charles Lichenstein, put it back in 1983 when there was talk about moving the United Nations: "We will put no impediment in your way. The members of the U.S. mission to the United Nations will be down at the dockside waving you a fond farewell as you sail off into the sunset."

Sunday 28

Robin of Berkeley, "Letter of Amends from a Recovering Liberal in Berkeley"

http://www.americanthinker.com/2009/05/letter_of_amends_from_a_recovere.html

"The Hypocrisy of Left"

http://www.americanthinker.com/2009/12/the_hypocrisy_of_the_left.html

"Power to the (Conservative) People"

http://www.americanthinker.com/2009/12/power_to_the_conservative_peop.html

"My First Thankful Thanksgiving"

http://www.americanthinker.com/2010/11/my_first_thankful_thanksgiving.html

Here is a series of columns I linked together for my students to read later this week. It is one of several things I am doing to wrap up the Political Theory course. It depicts a conversion process that may lead one to faith. Robin of Berkeley started off as yet another "liberal mugged by reality" (Irving Kristol's phrase), but she is clearly seeking more than a new political home. These columns represent a span of 18 months of detoxification and reorientation. Her expression of gratitude in the last essay appears to be the beginning of wisdom. As Benjamin Wiker notes in an essay on G. K. Chesterton, the mindset of materialists "denies free will and says we are objects governed by blind mechanical laws. That makes life no gift at all, neither gratitude nor morality are possible, and it leads inevitably to nihilism and despair."

Monday 29

<http://www.debka.com/article/20406/>

The plot thickens in Tehran. Somebody seems to know what he is doing.

Tuesday 30

<http://pajamasmedia.com/eddriscoll/2010/11/29/two-papers-in-one-4/>

Ed Driscoll's piece on the Gray Lady's split personality is filled with links that help fill in the larger picture concerning our sorry state of affairs, including an especially appropriate observation by Thomas Sowell that quotes Eric Hoffer: "Intellectuals cannot operate at room temperature." It is time to put the lot of them on ice! What is dominating the political landscape of late is little more than the hissy fits of intellectuals and, along with them, those unindicted co-conspirators known as the press who serve as their chief enablers. When the *Newsweek* organization can be purchased for a dollar, that transaction is certainly indicative of the press's falling market value these days.

"Two Papers in One" reminds me of some of the now century-old wisdom of Peter Finley Dunne's Mr. Dooley: "Th newspaper does ivrything f'r us. It runs th' polis foorce an' th' banks, commands th' milishy, controls th' ligislachure, baptizes

th' young, marries th' foolish, comforts th' afflicted, afflicts th' comfortable, buries th' dead an' roasts thim aftherward."

<http://pajamasmedia.com/blog/islamists-know-a-western-civilization-secret-progress-makes-religion-decline/?singlepage=true>

Michael Rubin misreads fascism as a last ditch effort to defend religion. Still, he makes several valid points about how modernization has proven inimical to traditional religion in the West. In *The West and the Rest*, Roger Scruton endorses the taming and civilizing of the religious impulse to be one of the great accomplishments of the West. Otherwise, he makes a similar point about the reluctance, perhaps the inability, of Islam to reform. The West is governed by unbelievers, as Rubin acknowledges, but so is much of the Islamic world. Hypocrisy is rife in that quarter, but Islam itself is largely unchanged. Even so, apart from a regime of ruling mullahs, religious observance in Iran has been tumbling toward oblivion.

Wednesday, December 1

<http://pajamasmedia.com/victordavishanson/the-age-of-adolescence/>

The Age of Progressivism has been superseded by the Age of Transgressivism. All of today's good little children want to grow up to be pirates -- "Arrrh" -- and make their enemies (parents and others) walk the plank. So at last what Machiavelli called "the effectual truth" has been outed: Peter-Pan-R-Us. The grown-ups have died (we even have an essential guide to this condition entitled *The Death of the Grown-Up*) and the world is now being run by Peter and the Lost Boys. Only it turns out that the Lost Boys have morphed from Neverland cuteness to something straight out of *Lord of the Flies*. A dynastic sense of entitlement has obviously led Kim Jong Il's number three son into being as transgressive as he wishes, a fad we should hope gets smashed before it gets much further along.

http://www.americanthinker.com/2010/12/the_care_and_feeding_of_progre.html

Robin of Berkeley (like Robin Hood) strikes again and puts her finger on the problem: so many transgressives are trolls. Most of them are not really housebroken. Her reference to autism spectrum disorders reminded me that the same thought occurred to me when I was reading one of Temple Grandin's books. Grandin described the treatment she received on one occasion at the hands of what may be described as militant autism liberationists. Like the Episcopal priestess Robin describes in a column she wrote at the end of last year, political correctness these days carries a very large chip on its shoulder that has become a "log in its eye." I have certainly seen similar attitudes displayed by limousine-liberal right-thinkers (a species dissected by Bastiat and Sumner) who are regarded as icons of compassionate humanitarianism.

<http://www.nationalreview.com/articles/254175/arne-duncan-talks-tough-frederick-m-hess>

Just as it took a Republican, Richard Nixon, to make an opening to China in the 1970s, it appears to require a Democrat to tell public schoolteachers to start adjusting the belt-tightening that lies ahead. Go Arne!

<http://www.alarabiya.net/articles/2010/11/29/127842.html>

Apparently it took Iranian authorities more than three decades to discover the symbol of the hated Zionist Entity built into the roof of the Tehran airport. It was only discovered due to a satellite photograph. It appears that Iran has been branded all of this time and nobody knew.

Thursday 2

<http://www.nationalreview.com/corner/254240/espionage-act-and-bradley-manning-matthew-shaffer>

Matthew Shaffer anticipates that Bradley Manning, like Samuel Morison (who was pardoned in 2001 after his conviction in 1985), will be prosecuted under the Espionage Act.

Saturday 4

<http://pajamasmedia.com/blog/chechnya-burns-putin-kills-but-obama-talks-treaty/?singlepage=true>

The appeasement of what Kim Zigfeld calls the neo-Soviet regime is here illustrated through a number of links to war atrocities, including one to the unsolved murder of several western nurses at a hospital in Chechnya and another to the diary of a Spetsnas officer that covers a ten year period.

<http://nlt.ashbrook.org/2010/12/quotation-du-jour-4.php>

A column by Jonah Goldberg on NRO includes a link to this piece, which consists largely of excerpts from the textbook at issue in the Scopes trial. A discussion of the textbook's eugenics orientation follows in which another Supreme Court case, *Loving v. Virginia* (1967), is recalled. This is the case that led the Supreme Court to strike down anti-miscegenation laws. Doctrinally, it also shifted attention from state interest to individual rights. The *Loving* case was cited earlier this year by the federal district court that blocked California's homosexual marriage ban.

As for *Buck v. Bell* (1927), which is also mentioned in the discussion, that precedent still stands. Nevertheless, subsequent research has shown that Carrie Buck, who had been raped by the nephew of her guardians (or adopted parents), was the victim of a miscarriage of justice. A recent book entitled *Three Generations, No Imbeciles* reflects a law professor's decades-long investigation and may prove to be definitive.

Sunday 5

<http://pajamasmedia.com/blog/political-correctness-kills-study-shows-how-terrorists-infiltrate-u-s-government/?print=1>

http://www.amazon.com/Shariah-America-Exercise-Competitive-Analysis/dp/098229476X/ref=sr_1_1?s=books&ie=UTF8&qid=1291553168&sr=1-1

Barry Rubin discusses a new book by Patrick Poole but I cannot find it on Amazon. Perhaps it is a think tank product. I did send off for a recent collaborative effort by the Center for Security Policy entitled *Shariah*, to which Poole contributed. *Shariah* is touted to be an authoritative Team B approach to the radical Islamist threat in the tradition of a report about the Soviet threat commissioned by CIA director George H. W. Bush in 1976.

http://www.centerforsecuritypolicy.org/upload/wysiwyg/article%20pdfs/10_Failures_Patrick_Poole_1115.pdf

Here is an online White Paper with the title "10 Failures of the U.S. Government on the Domestic Islamist Threat."

Tuesday 7

http://www.americanthinker.com/2010/12/obamas_war_on_chris_christie.html

This piece reviews the Administration's dirty tricks operation and is intended as a warning to New Jersey Gov. Chris Christie that he is being targeted. The Ghost of Watergate Past has returned to Washington to haunt the whole country.

http://www.philly.com/dailynews/opinion/20101206_The_sayings_of_New_Jersey_Gov_Chris_Christie.html

The quotable Chris Christie.

Wednesday 8

<http://pajamasmedia.com/blog/governor-christie-should-pardon-brian-aitken/?singlepage=true>

A story like this makes me wonder how much freedom we have left these days. ABC has already covered this amazing miscarriage of justice in New Jersey that I hope will be overturned by the judiciary. Bad laws make hard cases. But why does the author believe that the only solution is clemency or a pardon from the governor? As for the judge, he deserved the pink slip he got, but he should face disciplinary action by the bar. If this is a fair description of his actions, he deserves to be prosecuted.

In another part of the universe, I wish to announce the following:

In re Caleb Samson: Our second grandson is in the process of breaking out of confinement in Savannah, Georgia, having served his full term. It is his mother who is doing the hard labor.

http://townhall.com/columnists/ThomasSowell/2010/12/08/walter_williams_memoir/page/full/

Thomas Sowell reviews his friend Walter Williams' memoir. I may use this one in class.

<http://diversitylane.wordpress.com/>

Samples from the political comic strip "Diversity Lane."

Thursday 9

<http://www.pottsmmerc.com/articles/2010/11/26/opinion/srv0000010080795.txt?viewmode=fullstory>

Nat Hentoff shows that Paul Krugman went public with his support of what he himself called "Death Panels." He backed off when cornered, but it is obvious that he meant what he said. This is exactly what we will get down the road. The only thing to do with this travesty of a health care law is to drive a stake through its heart and hope that it will not be too little too late.

http://news.yahoo.com/s/yblog_thelookout/20101209/ts_yblog_thelookout/after-budget-cuts-indiana-baby-denied-life-saving-treatment

Non-treatment of patients is, of course, an ever-present reality. This baby's family still has options. What happens when such health care sticker shock becomes more the norm than the exception? The day is coming when death panels will be set up to standardize choices in hard cases. As any lawyer will attest, hard cases make bad law. So much of the cost crunch comes from people using the Emergency Room as a walk-in clinic. These are often the same people who have no conception of preventive medicine.

The one time I took my daughter to the ER, she was writhing in agony for six hours before anyone would attend to her. She told me she could scream. I replied that she should let 'er rip!

Friday 10

http://townhall.com/columnists/BrentBozell/2010/12/10/the_diseases_of_pornography/page/full/

Porn is so PC that OSHA is unlikely to ever touch such a political hot potato—especially with so many potato-fetishists in DC.

http://townhall.com/columnists/MonaCharen/2010/12/10/the_daniels_dilemma/page/full/

This former Indiana resident continues to keep his eye on three Hoosiers: Mitch Daniels, Mike Pence, and Dan Coats. Indiana is long past due getting presidential honors. Benjamin Harrison, who had Virginia roots at Berkeley Plantation, was actually born in Ohio, not Indiana.