

6-2010

201017 OBITER DICTA: LATE JUNE 2010

Steven Alan Samson

Liberty University, ssamson@liberty.edu

Follow this and additional works at: http://digitalcommons.liberty.edu/gov_fac_pubs

 Part of the [Other Social and Behavioral Sciences Commons](#), [Political Science Commons](#), and the [Public Affairs, Public Policy and Public Administration Commons](#)

Recommended Citation

Samson, Steven Alan, "201017 OBITER DICTA: LATE JUNE 2010" (2010). *Faculty Publications and Presentations*. 315.
http://digitalcommons.liberty.edu/gov_fac_pubs/315

This Article is brought to you for free and open access by the Helms School of Government at DigitalCommons@Liberty University. It has been accepted for inclusion in Faculty Publications and Presentations by an authorized administrator of DigitalCommons@Liberty University. For more information, please contact scholarlycommunication@liberty.edu.

201017 OBITER DICTA: LATE JUNE 2010
Steven Alan Samson

Wednesday, June 16

<http://www.wnd.com/index.php?fa=PAGE.view&pageId=167317>

Herb Titus is cited in this article discussing a national behavior modification plan.

<http://www.whitehouse.gov/the-press-office/executive-order-establishing-national-prevention-health-promotion-and-public-health>

Here is a copy of the executive order that puts it into operation.

Thursday 17

<http://www.atimes.com/atimes/others/spengler.html>

One of my favorite features of the Spengler series is the occasional "Ask Spengler" column in which he lets his hair down and his avatar dons a wig. In the tradition of Dear Abby he dishes up choice morsels from his kitchen: in this case, for Nobel laureate Máiread Corrigan, PM Erdogan, PM Abbas, and PM Netanyahu.

http://townhall.com/columnists/AnnCoulter/2010/06/16/alvin_greene_the_most_qualif_ied_democrat_ive_ever_seen?page=full&comments=true

An amused Ann Coulter discusses the Democrats' double standard for electoral shenanigans.

Friday 18

<http://www.washingtonexaminer.com/opinion/blogs/beltway-confidential/rep-etheridge-d-nc-has-a-history-of-grabbing-kids-who-ask-questions-96657454.html>

What possessed North Carolinians to replace David Funderburk, once our ambassador to Romania, with Bob Etheridge? Is it too late for a recall or at least a refund? This guy seems to be a serial shaker.

Reply from a Friend:

This fellow got in after David was involved in an auto accident and left the scene, only to return with his wife pretending to be the driver. If he had not done this, he would easily have been re-elected.

My reply:

I didn't know that about Funderburk. I guess the voters shot themselves in the foot by sticking it to him. Reminds me of what happened in 2008.

Saturday 19

<http://www2.macleans.ca/2010/06/17/the-lesson-of-a-jewish-cemetery/print/>

Writing from a café in Tangiers, Mark Steyn's "The Lesson of a Jewish Cemetery" reflects on the Euro-Islamic Endarkenment that has been unfolding in recent years. He alludes to the emptying out of Jewish communities in much of Europe and almost all of the Middle East and the dead silence of the mass media. HNN also notes the Danish school superintendent's refusal to admit Jews (<http://hnn.us/blogs/entries/59372.html>), a story that underlines Steyn's larger point: that all that remains of once-thriving Jewish communities in many places is the cemeteries. Is that Europe's destiny, as well? Sleepers, awake!

"To this fierce Islamic imperialism, the new Europeans, post-Christian, post-nationalist and postmodern as they are, nevertheless bring one of their oldest prejudices—that in the modern world as much as in medieval Christendom Jews can never be accorded full property rights. On a patch of the Holy Land, they are certainly the current leaseholders, but they will never have recognized legal title. To be sure, there are a lot of them there right now. But then there were a lot of them in Tangiers and Baghdad and the Bukovina and Germany and Poland, for a while. Why shouldn't Tel Aviv one day be just another city with some crumbling cemeteries and a few elderly Jews?

"That's the reason the 'Palestinian question' is never settled. Because, as long as it's unresolved, then Israel's legitimacy is unsettled, too."

Steyn's [version of Paul Valéry's](#) "graveyard by the sea" calls to mind the opening lyric of John Lennon's "Imagine." So whence, we may ask, does imagining that there are no countries or religion lead in this particular case? Perhaps we should imagine the hand of Hitler rising from the grave to resume writing his epitaph for western civilization. At the end [the hand](#) punctuates the sentence with a [single stroke](#): "Judenrein." This is the nihilism that would, at the end of times, dissolve the world.

http://townhall.com/columnists/RichTucker/2010/06/19/heeding_helen?page=full&comments=true

In "Heeding Helen," Rich Tucker makes much the same point as Mark Steyn. "It's worth wondering if there can be, or ought to be, such a thing as a peace 'process.' If both sides in a dispute want peace, there will be peace. If one side refuses to acknowledge the other's right to exist, there won't be peace." We are at an impasse. If things cannot move forward, they are likely to go suddenly sideways - perhaps suddenly.

<http://pajamasmedia.com/blog/in-an-england-suburb-teaching-the-kids-jihad-and-jew-hatred/?singlepage=true>

Carol Gould has seen the future of the West, "In an England Suburb, Teaching the Kids Jihad and Jew Hatred," - and it is dysfunctional.

Monday 21

<http://online.wsj.com/article/SB10001424052748704198004575311011923686570.html>

In "Israel and the Surrender of the West," Shelby Steele shows that he gets the West's indignant rejection of moral authority exactly right. Appeasement must now also prostrate and otherwise abase itself in front of cynical tyrants. And by surrendering to its enemies, internal and external, the West loses the capacity to lead and, in the long run, even to live. What we have here is a failure of imagination, a failure of nerve, a failure of communication, but most particularly a failure to keep faith with the seminal faith that for centuries elevated the West even through a past imperfect that fell far short of its ideals.

"When the Israeli commandos boarded that last boat in the flotilla and, after being attacked with metal rods, killed nine of their attackers, they were acting in a world without the moral authority to give them the benefit of the doubt." In fact, the West has come to be regarded as the unique villain of modern times even at a time when one of its greatest foes, Adolf Hitler, is being emulated by many of the West's severest critics. Steel continues: "By appearances [the commandos] were shock troopers from a largely white First World nation willing to slaughter even 'peace activists' in order to enforce a blockade against the impoverished brown people of Gaza. Thus the irony: In the eyes of a morally compromised Western world, the Israelis looked like the Gestapo." Alain Finkielkraut much earlier noted the same assumption of a "moral equivalence."

"This, of course, is not the reality of modern Israel. Israel does not seek to oppress or occupy—and certainly not to annihilate—the Palestinians in the pursuit of some atavistic Jewish supremacy. But the merest echo of the shameful Western past is enough to chill support for Israel in the West.

"The West also lacks the self-assurance to see the Palestinians accurately. Here again it is safer in the white West to see the Palestinians as they advertise themselves—as an "occupied" people denied sovereignty and simple human dignity by a white Western colonizer. The West is simply too vulnerable to the racist stigma to object to this 'neo-colonial' characterization." And here is the rub: The West has such a selective historical memory that it cannot distinguish what was positive in its past - its real difference - from the xenophobia and cultural chauvinism that are the common features of traditional and modern societies down through history.

"Our problem in the West is understandable. We don't want to lose more moral authority than we already have. So we choose not to see certain things that are right in front of us." A whiff of Munich is once again in the air. Whose ox is to be sacrificed this time around? Who would become the new scapegoat if Israel were to be destroyed?

<http://www.debka.com/article/8865/>

We shall see whether this initiative defuses the flotilla strategy. Israel's opening up of a land corridor may buy it some room to maneuver, but at what price?

Tuesday 22

<http://www.washingtonexaminer.com/opinion/Lies-damned-lies-and-immigration-96832154.html>

Rural crime statistics in Arizona have soared.

Wednesday 23

<http://www.washingtonexaminer.com/politics/Whether-he-likes-it-or-not-Obama-must-command-96929789.html>

Michael Barone notes that in war there is no substitute for leadership, just as there is no substitute for victory. And as Angelo Codevilla put it in the title of one of his books, *No Victory, No Peace*.

<http://www.debka.com/article/8868/>

Parts of Iranian Azerbaijan were effectively independent for several months at the end of the Second World War. Iran is now moving to counter an alleged American and Israeli military buildup in the Republic of Azerbaijan.

Thursday 24

http://www.americanthinker.com/2010/06/the_mussolini_of_the_middle_ea.html

As historical analogies go, the Ahmadinejad/Hitler, Erdogan/Mussolini pairings merit more than a passing comment. The Erdogan government is turning its back on the West. As are some parts of the West, as Roger Scruton has noted in *The West and the Rest*.

Friday 25

<http://pajamasmedia.com/blog/is-europe-awakening-to-islamist-threat/?singlepage=true>

Despite its tradition of politics by consensus, the Netherlands may be rousing itself from its long "dogmatic slumber" (as Immanuel Kant wrote about himself). Are we beginning to get intimations of what lies beyond the regime of political correctness? How may its deadly grip be broken? In a very practical terms, the nature of our culture war is sharply defined by the stories Kenneth Timmerman relates in his book *Shadow Warriors*. It is instructive to read John Bolton's tract, *How Barack Obama Is Endangering Our National Sovereignty*, or Robert Reilly's *The Closing of the Muslim Mind*, and then read what Timmerman wrote about the experiences those two gentlemen had with the federal bureaucracy. What Roger Scruton has called "the culture of repudiation" appears to thrive inside the Tidal Basin. It is time to reach for a bucket of fresh water and a bottle of chlorine.

Saturday 26

<http://www.debka.com/article/8876/>

An American diplomat has taken Turkish PM Erdogan to task for his provocations. Turkish generals are demanding that Erdogan disavow his campaign against Israel, although he did not prior to his trip to the G-20 meeting. For the moment both Turkey and Iran have backed away from further attempts to run the blockade of Gaza.

Sunday 27

http://www.usatoday.com/news/opinion/forum/2010-06-26-tanner25_ST_N.htm

Three years ago last Spring, I gave a power-point presentation to the faculty in which I asked: "Is Europe Withering on the Vine?" The demographic trends that concerned me then still concern me now. Reversing course is a tall order. Actuarial forecasts are still grim. But, as this USA Today writer points out, the U.S. government seems intent on losing its senses just as European governments are beginning to come to theirs. It all reminds me of a great line toward the end (chapter 15) of Jane Austen's *Pride and Prejudice*: "For what do we live, but to make sport for our neighbours, and laugh at them in our turn?"

http://www.americanthinker.com/blog/2010/06/g8_leaders_send_love_note_to_b.html

A failure to adequately cover the news and a tendency to distort what is covered are two reasons many Americans turn to the alternative and international media. This *American Thinker* article illustrates the problem by noting that the NYx and the WaPo failed to cover a communiqué that came out of yesterday's G8 summit meeting: one that gave considerable credit to the Netanyahu government.

http://www.americanthinker.com/2010/06/foundations_gone_wild.html

The evil that men do lives after them: often at compound interest through their tax-exempt foundations. Robert Weissberg takes meddling philanthropists to task for further undermining American education through their efforts to "uplift" it. From the get-go, public education has been the hobby horse of utopian visionaries. What Pitirim Sorokin called "the fads and foibles of sociology" are endemic to the Progressive mindset and to whatever is deemed to be in "the public interest." Although charitable foundations often come to be deflected from their founding purpose, which is bad enough, it is even worse when, too often, their very purpose is to seek to reshape American society via extra-constitutional means, as the Cox and Reece Committees recognized in the early 1950s. How can these philanthropic enterprises be made more accountable, and more accountable to whom? Should there be a statute of limitations? The time may be ripe to revive the concept of a mortmain law to relieve us from the dead hand's humanitarian grip.

Monday 28

http://townhall.com/columnists/MattBarber/2010/06/28/kupelians_how_evil_works_shines_bright

I started reading David Kupelian's *How Evil Works* when it was released this past winter. This review reminded me that it is time to get back to it, along with summer reading that includes Robert Reilly's *The Closing of the Muslim Mind*, Kenneth Timmerman's *Shadow Warriors*, and more of the Encounter BroadSides series. I may use the Kupelian and Reilly books for panel discussions in Political Theory this Fall.

http://townhall.com/columnists/CarolPlattLiebau/2010/06/28/when_lame_ducks_bite

The failure of the House to consider a budget resolution portends a continuation of the legislative chicanery that has scoured the Tidal Basin throughout the 111th Congress. Carol Liebau warns that we can expect a frontal assault during a lame duck session following the November elections.

"If either cap 'n trade or card check legislation should pass in a lame duck session, it won't be the first time that the Obama White House and the 111th Congress has resorted to trickery in order to ram through unpopular legislation. In fact, it won't even be the most glaring example. That distinction, of course, belongs to ObamaCare, where Democrats resorted to an unprecedented use of the budget reconciliation process in order to pass the most sweeping social legislation in a generation, defying outspoken public opposition."

"But whether it's using reconciliation to achieve purposes for which it was never intended or delaying important votes until after midterm elections, all the Democrats' legislative flim-flammy reveals an ugly truth: The members of the 111th congressional majority care less about representing the people who elected them than enacting their own agenda, even when it clearly contradicts the public will."

Wednesday 30

http://www.amazon.com/gp/product/1596981490/ref=s9_newr_gw_ir03?pf_rd_m=ATVPDKIKX0DER&pf_rd_s=center-2&pf_rd_r=1QNT6QAWGTWC9M1K8BYJ&pf_rd_t=101&pf_rd_p=470938631&pf_rd_i=507846

It is not surprising that Thomas Woods came out with a book on nullification. Several states have already announced their opposition to the national health care law. Most people at least have heard of the concept of nullification. But very few people have heard of its companion, interposition, which at this point comes closer to describing the present stage of opposition to that constitutional monstrosity. At a job interview in August 1991, I was asked to give an impromptu lecture on one or the other of two topics. One was a safe question about the Constitutional Convention. The other was written tongue-in-cheek: "Trace the history of interposition from Thomas Jeff. to Jeff. Davis." Of the four candidates, I was the only one who took the bait. I began my ten minute presentation as follows: "I will do you one better and go back to the Protestant Reformation." I was stopped before I reached Jefferson Davis, but, more importantly, I got the job.

Thomas Wood as well as his friend Kevin Gutzman, who was a fellow participant in a Liberty Fund conference back in 1999, have been scouring the traditional

Federalist and Anti-federalist writings from the constitutional era and showing how this body of political wisdom may be applied to subsequent developments. I tried to do something similar in my lectures on American constitutional history (1985-1989, 1999-2005), although not as systematically. My first effort to carefully think through our constitutional history came through my acquaintance with William McAuley Hosmer, an independent scholar who lived on the Oregon coast south of Warrenton. Bill had a wonderful library filled with many of the appropriate primary and contemporary secondary sources. The first fruits of my efforts at understanding the intellectual character of the western legal and American constitutional traditions may be found in my dissertation, *Crossed Swords: Entanglements Between Church and State in America*. I wrote much of it from notes I took during long stays in his library. I had acquired the happen of "living in the library" in the stacks at the University of Colorado's Norlin Library.

http://online.wsj.com/article/SB10001424052748704853404575323043046894012.html?mod=rss_opinion_main

I am not familiar with the basketball player, Manute Bol, but I found his story moving. One of my students last term came here from southern Sudan.

Jon Shields, the author of this piece, wrote a book entitled *The Democratic Virtues of the Christian Right*, which I ordered for our library last year.

It is interesting that Manute Bol was called a "humanitarian." The social reformers of the nineteenth century were often humanitarian in the original sense: Unitarian. Hence our misuse of that word today.

<http://pajamasmedia.com/blog/believing-israel-will-strike-iran/?singlepage=true>

For several years the expectation has been that Israel will strike Iranian nuclear sites. A question worth asking at this point is: What happens if Israel does not? If an attack will merely delay Iran's acquisition of nuclear weaponry while stirring up the hornets' nest, what is Israel, or anybody else, prepared to do for an encore? What commitments are Americans willing to make? With the international economy tanking once again, careful diplomacy is being overtaken by urgent and very inconvenient realities. Nearly four decades after the October War, we have yet to develop a meaningful energy policy. Our failure to act in a timely fashion has nearly run out the clock. When it came to the peaceful development of nuclear power, we put the stopper on the bottle and have refused to discuss the matter any further. But now, the nuclear genie is about to escape once again as we helplessly wring our hands in dismay. Allan Bloom's phrase, "the closing of the American mind," has been acquiring a whole new meaning lately.

<http://pajamasmedia.com/blog/j-christian-adams-you-deserve-to-know-%e2%80%94-unequal-law-enforcement-reigns-at-obamas-doj-pjm-exclusive/?singlepage=true>

A civil rights attorney who resigned from the Department of Justice earlier this month claims that the Civil Rights Division is being neither race-neutral nor even-handed in the litigation it pursues. J. Christian Adams, an elections attorney, claims that "after the proliferation of race-based preferences in

college admission or hiring, minorities may in fact now enjoy an advantage in some places. This is particularly true at large institutions with aggressive 'affirmative action' policies. I should add that the Supreme Court's decision this week in *Christian Legal Society v. Martinez*, only further illustrates the biases that have been built into the system.

As Adams notes: "Abundant data show that Asians, in particular, are victimized in university admissions by a race-based thumb on the scales. Our nation has struggled to find the right balance to remedy past discrimination. In some areas we do better than others, but the correct approach is never simply to leverage the outcome reflexively as much as possible in only one direction."

Discrimination against Asians has been a reality in California college admissions for decades. Adams shows why the phrase "reverse discrimination" is based on a misconception. He also defends civil rights laws as originally conceived. But he objects to current trends:

"The massive engine of federal government should not be used to leverage outcomes as far as possible for only national racial minorities, but that is exactly what is happening. Indeed, many of the advocates of limitless leveraging of government power for the benefit of traditional national minorities view this as a backdoor way to achieve reparations for slavery and discrimination. If the American public won't tolerate monetary reparations, which they won't, then a one-way approach to civil rights laws is seen as the next best alternative for their unpopular agenda. Best of all, hardly anybody notices." Such phrases as "traditional national minorities" are really weasel words. They are tailor-made for mischief.

"Because few Americans understand the hyper-technical components of civil rights law, such as disparate impact theory, regression analysis, and redlining cases, this litigation-based substitute for reparations has been largely successful and almost entirely free from broad public scrutiny. To the extent the public is aware of the activities of civil rights litigation, it is packaged to them as part of the noble and seemingly endless effort to escape the nation's unjust past." In other words, the way affirmative action laws have been and are being applied has opened up the back door to reparations. They are reparations on a decades-long installment plan.

"This aggressive one-way approach toward the civil rights laws is central to understanding why the voter intimidation case against the New Black Panther Party was dismissed by the Obama Justice Department." It was the dismissal of this case that led Adams, who helped prepare the case, to resign and blow the whistle.