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## 201103 OBITER DICTA: REAGAN CENTENARY IN FEBRUARY 2011

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**Steven Alan Samson**

**Tuesday, February 1**

<http://www.foxnews.com/politics/2011/02/01/sd-lawmakers-propose-mandating-gun-ownership-make-point-health-law/>

These South Dakota legislators have caught the spirit of Obamacare. But for the sake of constitutional respectability, they should dress up their bill in the language of the Second Amendment: "A well regulated Militia, being necessary to the security of a free State," etc. Then they should throw in a dash of the resulting powers doctrine that was initiated in *Knox v. Lee* (the second legal tender case) and later promulgated in *Griswold v. Connecticut*, in which the Supreme Court cited, among other passages, the Third Amendment's prohibition against the quartering of troops as a rationale for striking down a state law regulating the sale of contraceptives as an invasion of marital privacy. Who needs to write satire when judges and legislators provide such good copy?! H. L. Richardson's book title gets it right: *What Makes You Think We Read the Bills?*

From these humble beginnings emerged a multi-billion dollar abortion industry that has destroyed countless lives and knocked out the actuarial underpinnings of the social welfare state.

<http://online.wsj.com/article/SB10001424052748703293204576106182779050782.html>

Pascal Bruckner apostasizes from the church of perpetual mirth.

<http://pajamasmedia.com/blog/obamacare-held-unconstitutional-the-brilliant-decision/?singlepage=true>

Dan Miller's unpacking of Judge Vinson's analysis of the legislation displays some of the subtlety and sophistication of his analysis. The Court itself has acknowledged past expansions of federal regulation under the Commerce Clause. The very meaning of the word "commerce" itself now resembles what the DuPont family did with James Madison's Montpelier (Madison's spelling, by the way). The lines of the original were preserved but the whole was greatly expanded and modernized.

All this notwithstanding, a description of the larger problem of such innovations is already evident in Stephen Field's and George Bancroft's reactions to the Court's holding in the *Juilliard* case, viz., that the issuance of legal tender was upheld by the Court essentially as an inherent power of sovereignty. If only the Court had made such a pronouncement at the time of the Stamp Act Crisis, it might have saved everybody a little inconvenience, not to mention some hard feelings.

**Excerpt from From Gary L. Bauer's American Values, February 1, 2011**

**The Constitution Still Matters**

Judge Roger Vinson's ruling against ObamaCare is being hailed today for its strong foundation in our nation's history and the Constitution. The [\*Wall Street Journal\*](#) notes, "As Judge Vinson took pains to emphasize, the case is not really about health care at all. . . . Rather, the Florida case goes to the core of the architecture of the American system, and whether there are any remaining limits on federal control."

To many liberals, fundamentally transforming America – imposing a socialized medicine scheme – was more important than the Constitution. One [liberal politician](#) even said he didn't care about the Constitution. He lost in November by 10 points.

In his opinion yesterday, Judge Vinson boldly declared that the Constitution does in fact matter. Judge Vinson found that ObamaCare's individual mandate "falls outside the boundary of Congress' Commerce Clause authority and cannot be reconciled with a limited government of enumerated powers." The judge also used Obama's own words against him.

During the 2008 presidential campaign, one major difference between Barack Obama and Hillary Clinton was their distinct healthcare plans. Hillary had an individual mandate in her plan but Obama did not. So, Obama was against the mandate before he was for it.

In his opinion yesterday, Judge Vinson wrote, "I note that in 2008, then-Senator Obama supported a health care reform proposal that did not include an individual mandate because he was at that time strongly opposed to the idea, stating that, 'If a mandate was the solution, we can try that to solve homelessness by mandating everybody to buy a house.'"

But Judge Vinson added that, in defending ObamaCare, the Obama Administration has "asserted again and again that the individual mandate is absolutely 'necessary' and 'essential' for the Act to operate as it was intended by Congress. I accept that it is." And finding the "necessary" and "essential" mandate unconstitutional, the whole law then became void.

Judge Vinson's ruling is more than a minor setback for the administration. Having declared the entire law to be unconstitutional, the administration is obliged to obey the court and stop implementation of the law, most of which doesn't take effect until 2014. So far, the administration shows no signs of heeding the court's order. One senior administration official told the *Wall Street Journal*, "We will continue to operate as we have previously."

By the way, Judge Vinson was appointed to the federal court by Ronald Reagan. Knowing how big a fan Obama has become of the Gipper, I'm sure he'll take Judge Vinson's ruling to heart as an example of what Ronnie would do."

<http://www.ansamed.info/en/news/ME.XEF05488.html>

We can expect more of the same treatment of Islamic, as opposed to Islamist, demonstrators if Islamists gain the upper hand in Tunisia.

[http://www.mercurynews.com/politics-government/ci\\_17254582?nclick\\_check=1](http://www.mercurynews.com/politics-government/ci_17254582?nclick_check=1)

Republicans in Congress had better take swift action to nip in the bud any sort of overt diplomatic opening toward the Islamists. It is better for the Administration to get its hands singed now than to allow its fecklessness to result in having the whole Arab world arrayed against us.

[http://www.realclearpolitics.com/articles/2011/02/01/a\\_historic\\_dilemma\\_in\\_egypt.html](http://www.realclearpolitics.com/articles/2011/02/01/a_historic_dilemma_in_egypt.html)

Tony Blankley gets to the heart of the immediate dilemma we face in Egypt. Hosni Mubarak may be on his way out but we do not need to be seen nudging him aside. The army needs some time to manage the transition. Now that Mubarak has said he will not seek reelection, the last thing we should do is try to anoint a successor. The Administration has already done enough damage.

"As Ari Shavit wrote in Israel's leading liberal paper, Haaretz, the failure to support Mr. Mubarak 'symbolizes the betrayal of every strategic ally in the Third World. Throughout Asia, Africa and South America, leaders are now looking at what is going on between Washington and Cairo.'

"'Everyone grasps the message: America's word is worthless; an alliance with America is unreliable; American has lost it. A result of this understanding will be a turn toward China, Russia and regional powers such as Iran, Turkey and Brazil. The second result of this insight will be a series of international conflagrations that will result from the loss of America's deterrent power.'"

Henry Kissinger is reported to have once said: "In this world, it is often dangerous to be an enemy of the United States, but to be a friend is fatal."

<http://www.imdb.com/title/tt0071853/quotes>

<http://www.youtube.com/watch?v=rAaWvVFERVA>

To a Colleague:

Here are some quotes from the "annoying peasant" set piece in Monty Python and the Holy Grail. The entire text appears to be on-line.

[http://www.americanthinker.com/2011/02/the\\_story\\_of\\_the\\_egyptian\\_revo.html](http://www.americanthinker.com/2011/02/the_story_of_the_egyptian_revo.html)

An Egyptian student has provided a detailed account of how the demonstrations degenerated into mob violence and plunder this past weekend. He expects the army to assert control in the next few days. He predicted that Mubarak would promise not to stand for reelection, but also predicts he will step down soon.

As for some of the contributing causes of the uprising, Sam Tadros describes a regime in decay that resembles what happened in the Soviet Union with the nomenklatura under a dying gerontocracy (no one was minding the store) as well as the plutocratic opportunism in China at the hands of the princelings. Mubarak's heir apparent may have been the precipitating cause. It is a classic succession crisis and it threatens to undermine the army's ability to preserve stability and continuity.

"With the unfolding events the army was finally able to put its narrative to the President and have his support behind it. The army's narrative is that Gamal and his friends ruined it. Their neo-liberal policies alienated people and angered them with talks of subsidies removal, while his party gang destroyed the

political system by aiming to crush all opposition. Mubarak in the past had mastered the art of playing the opposition. The opposition was always co-opted. Sizes in Parliament differed in various elections, but there was always a place there for the opposition. The last elections in 2010 were different. No opposition was allowed to win seats. By closing the legitimate political methods of raising grievances, the opposition chose the illegitimate ones in the form of street demonstrations."

## Wednesday 2

### THE SCAPEGOAT MECHANISM: A Note to Students

After my morning class, I was asked about what René Girard calls the scapegoat mechanism. The question had to do with what makes it disturbing to the persecutors that the victims are so much like them. This is a difficult concept to grasp. It bears some resemblance to what Erik von Kuehnelt-Leddihn had to say about "identitarianism," which is the natural human tendency to seek group identity and conformity rather than to value diversity. For someone who is supposed to be radically different to show himself or herself to be an ordinary human being can produce "cognitive dissonance." Any fear of the unknown or fear of the "foreign" or "the Other" can be distressing.

If we think in terms of groups, categories, classes, races, or other classifications of people, a realization of similarity, kinship, even brotherhood with unfamiliar others may produce an unwanted "shock of recognition." Such events are naturally perceived as threatening: a threat that might upset the whole scheme of things. Unfamiliar others who do not "know their place" can provoke fear and outrage. "What?! Do you mean a slave or a \_\_\_\_\_ (fill in the blank) is a person with ordinary human needs and fears? Astonishing! The sky must be falling!" Read Shakespeare for an understanding of this dynamic. René Girard has a revealing interpretation of the figure of Shylock in his book, *A Theater of Envy*.

The attached article is an excellent case study of scapegoating in our midst. I hope it will provoke you to some thoughtful meditation. It is by someone who comes from a secular Jewish, radical liberal background. She is an acute observer of the scapegoat mechanisms that surround us.

[http://www.americanthinker.com/2011/02/the\\_left\\_and\\_their\\_good\\_victim.html](http://www.americanthinker.com/2011/02/the_left_and_their_good_victim.html)

By the way, Horst Schultze, who spoke during the Monday convocation, learned a similar lesson early in his life: that those who serve must also be leaders who strive for excellence. In other words, "knowing his place" did not mean to assume a low station in the presence of wealthy guests. Instead, he discovered that traditional social distinctions and prejudices fall away like scales from people's eyes when they encounter those whose service embodies excellence. A maitre d'hôtel is a servant to all but, as his title signifies, also a master. A few years ago we had two very good movies come out in the same season about master chefs and the trials and tribulations

that shaped them. One of the best novels I have read, Robert Pirsig's *Zen and the Art of Motorcycle Maintenance*, is also a profound philosophical meditation on Quality. Horst Schultze illustrated his own point about excellence by relating a story he was told about how the arrival of the great conductor Kurt Furtwängler at a rehearsal could inspire the musicians and bring an ordinary practice session to a higher level of performance.

We must all strive for this kind of self-mastery, discipline, or excellence while at the same time recognizing, as Jesus told His disciples on numerous occasions (such as Matt. 20:25-28), that we are to be servants one of another. Knowing that His disciples would be scapegoated – that is, be persecuted like the prophets (Matt. 5:17, Luke 13:33-35) – Jesus taught us to love our enemies and pray for those who persecute us. We are to lead by following His example, just as Jesus led others by doing the will of His Father.

<http://pajamasmedia.com/tatler/2011/02/02/rachel-maddow-gets-suckered-by-palin-hoax-blames-beck/>

I love this new feature on the Pajamas Media media. All news, all the time: Who's scapegoating who, 24/7!

. . . . .  
I got back to a book I had left lying open for a while and resumed reading about J. Gresham Machen. The authors of this book, *The Bible in Modern Culture*, cited a line by H. Richard Niebuhr as a good summarization of Machen's point that theological liberalism is a different religion than Christianity:

"A God without wrath brought men without sin into a kingdom without judgment through the ministrations of a Christ without a cross."

I had read this passage years ago but it does seem to describe the intellectual and moral emptiness of so much of the modern church. Like our culture, it is focused on "amusing ourselves to death" (Neil Postman) through "perpetual euphoria" (Pascal Bruckner). Next stop: The sum of all good things: euphoric, eugenic euthanasia.

<http://www.atimes.com/atimes/Middle East/MB02Ak01.html>

David P. Goldman (a.k.a. Spengler) gives a workshop on the economic causes of the Egyptian revolution. Joseph has not been around to store up a seven-year supply of wheat. East Asian consumption has been driving up the price and tightening the belt around the collective neck of the Middle East. It is an interesting analysis and definitely food for thought. Egypt has needed to diversify its economy for decades now, but the government has been unable to implement some of the most basic human rights initiatives. We take too narrow a view of such matters. Leviticus 19 is a good place to start rethinking Middle East politics and economics.

<http://www.globalpolitician.com/26720-egypt-israel-mubarak-muslim-brotherhood>

Here is an analysis similar to Spengler's but with a more optimistic conclusion.

### Thursday 3

<http://online.wsj.com/article/SB10001424052748703960804576120133155974872.html>

Richard Hart Sinnreich underscores a point made in the title of Angelo Codevilla's *No Victory, No Peace*.

"[I]t was military success that ratified the separation of the American colonies from Britain. It severed Texas and California from Mexico. It prevented the permanent dissolution of the American union. It ejected Spain, and by implication other European powers, from the Western Hemisphere. It prevented the submission of Europe to a monstrous tyranny and the imposition of Japanese hegemony over East Asia. And it determined that Vietnam would become a unified nation. One might prefer a less expensive and more humane way of settling such matters, but settled they were. In each case, resolution required a military winner and loser. By contrast, every American military engagement allowed to terminate short of outright victory – Korea, the Gulf War – remains to this day unresolved."

<http://www.rove.com/articles/290>

Karl Rove considers the politics of Medicare reform.

"The most promising model for Medicare comes from Clinton Budget Director Alice Rivlin and House Budget Committee Chairman Paul Ryan (R., Wis.). Under their plan, starting in 2021 those turning 65 and going on Medicare would get a fixed contribution to use to purchase insurance, allowing them in many instances to keep their existing coverage. Consumers will be in charge."

### Saturday 5

<http://www.telegraph.co.uk/news/worldnews/wikileaks/8304654/Wikileaks-cables-US-agrees-to-tell-Russia-Britains-nuclear-secrets.html#>

Sordid double-dealing of this sort must be publicly rebuked. If the Senate does not act, then the House needs to pull the purse-strings.

### Sunday 6

[http://www.americanthinker.com/2011/02/the\\_obama\\_administration\\_and\\_t.html](http://www.americanthinker.com/2011/02/the_obama_administration_and_t.html)

On the day of Ronald Reagan's centenary and on Super Bowl Sunday, Barry Rubin gives his half-time assessment of the Obama Administration's Middle East policy. He concludes with a partial quotation from the great Arab historian, Ibn Khaldun, but it is worth quoting at greater length.

"Nomads are rough, savage and uncultured, and their presence is always inimical to civilization; however, they are hardy, frugal, uncorrupt in morals, freedom-loving and self-reliant, and so make excellent fighters. In addition, they have a strong sense of 'asabiya, which can be translated as 'group cohesion' or 'social solidarity'. This greatly enhances their military potential. Towns, by contrast, are the seats of the crafts, the sciences, the arts and culture. Yet luxury corrupts them, and as a result they become a liability to the state, like women and children who need to be protected. Solidarity is completely relaxed and the arts of defending oneself and of attacking the enemy are forgotten, so they are no match for conquering nomads."

America began with and was founded by its own nomads, many of whom, such as the Puritan leaders, were cultured. Thankfully, the children of America's founders still number among its defenders, but in ever-diminishing numbers. For decades we have had a Ruling Class that arrogates itself above what Angelo Codevilla calls the Country Party. The Ruling Class draws its sustenance from the web of dependency it uses to break down traditional social structures while amassing a constituency of social-service clients and identitarian interests. It is a domestic form of colonialism with all of the attendant social and psychological stresses that plagued relations between colonizers and the host population. Our Progressives, as our domestic public servants tend to call themselves, have tried to build a political power base on the Administrative Republic of what Sidney Milkis calls the Third New Deal.

Ronald Reagan, a political entrepreneur of a very high order, recognized where this led by the time he delivered his break-out political speech a quarter century later: "This is the issue of this election: whether we believe in our capacity for self-government or whether we abandon the American revolution and confess that a little intellectual elite in a far-distant capital can plan our lives for us better than we can plan them ourselves." *A Time for Choosing* (1964)

<http://www.danielpipes.org/9420/democratic-egypt>

An article by Richard J. Little posted previously shows the defective character of a political and economic regime that is long on passing the blame but short on developing real solutions real problems. There is no quick fix. Anything quick is most likely to make things far worse before long.

<http://www.quadrant.org.au/blogs/qed/2011/01/on-muslim-integration>

Lee Kuan Yew shares some hard truths about voluntary Muslim apartheid in Singapore. This same sort of self-ghettoization is evident in Europe, too, thus complicating effects at social and economic integration.

[http://www.americanthinker.com/blog/2011/02/the\\_trusting\\_khomeini\\_syndrome.html](http://www.americanthinker.com/blog/2011/02/the_trusting_khomeini_syndrome.html)

Andrew G. Bostom recalls the heady days of Iran's February Revolution and acclaim showered upon Ayatollah Khomeini by the academic *bien pensants* of that day. I had an Iranian office mate who was quickly anointed the revolution's spokesman on campus. But in this case, as in so many others, high hopes were soon enough dashed and events quickly began passing through the stages of Crane Brinton's



*Anatomy of Revolution.* The American colonies were successful in their War for Independence in part because they already had a viable civil society and a tradition of institutional liberties that furnished what Edmund Burke called the "wardrobe of a moral imagination." As with so many others, the revolution of 1979 was premature. Its seeds fell on rocky soil, failed to sink deep roots, and the regime was replaced by a far worse tyranny. The revolutionaries failed to heed the iron law of despotism: "Things are never so bad that they cannot get worse."

[http://www.realclearpolitics.com/articles/2011/02/06/are we letting the fox in the henhouse 108797.html](http://www.realclearpolitics.com/articles/2011/02/06/are_we_letting_the_fox_in_the_henhouse_108797.html)

It appears that James Chowning Davies's J-Curve model of political violence applies very well to the economic causes of the Egyptian unrest. Jack Kelly notes the rapid rise in food prices in a brief analysis that resembles Andrew Dickson White's analysis of what triggered the French Revolution, *Fiat Money Inflation in France*.

"The proximate causes of the spike in wheat prices were a drought in Russia and flooding in Australia. Two other factors foreshadow a grim future for poor countries like Egypt.

"Wheat and other commodities are priced in dollars. The easy money policy of the Federal Reserve has flooded the world with them, driving prices up.

"Mandates and massive subsidies for ethanol are causing an alarming proportion of U.S. food production to be burned up in our gas tanks. In 2001, 7 percent of U.S. corn went to ethanol. Last year, the figure was 39 percent."

How long are we going to ride this particular environmentalist hobby horse? Whether the reasons behind the conversion of grain into ethanol are well-intentioned or cynical, a growing scarcity of food supplies and an attendant increase in prices harms those who are least able to find affordable alternatives.

<http://www.globalpolitician.com/26721-egypt-foreign-policy>

Michael Rubin rebukes the naïveté of democracy-smitten neo-conservatives about the role of the Muslim Brotherhood and Hamas. He then brings the discussion back to the sine qua non of any totalitarian system.

"What is an Islamist? Someone who wants to seize state power and impose an Islamist state, transforming the society in the process. You cannot have pluralism because all of those who oppose you are evil.

"An Islamist party is not necessarily a Muslim party. There can be Muslim parties that are not Islamist, though it is hard right now to find these. That's why, however, the elections they win tend to be the last ones or, at least, they do everything possible to stay in power. Think Communism; think fascism; heck, this is the Middle East so think Arab nationalism!"

<http://washingtonexaminer.com/politics/2011/02/cheney-recalls-days-he-worked-defeat-reagan>

Cheney pays tribute to Reagan.

## Monday 7

[http://townhall.com/columnists/kyleolson/2011/02/07/teachers\\_union\\_honesty\\_died\\_with\\_albert\\_shanker/page/full/](http://townhall.com/columnists/kyleolson/2011/02/07/teachers_union_honesty_died_with_albert_shanker/page/full/)

Kyle Olson's article, "Teachers Union Honesty Died with Albert Shanker," should be posted at every teachers college. I remember Albert Shanker as a straight shooter who freely acknowledged some of the problems discussed in *A Nation at Risk* and who did not promote a politicization of the curriculum. The concluding quotation by Eric Hoffer gets to the very heart of the commissar-mentality of our bureaucracies: "Every great cause begins as a movement, becomes a business, and eventually degenerates into a racket." Once it becomes a racket, it is more easily co-opted into the established power structure.

Tip O'Neill used to say that "all politics is local." These days it appears that Chicago politics has gone national.

[http://www.americanthinker.com/2011/02/usegypt\\_relations\\_under\\_attack\\_1.html](http://www.americanthinker.com/2011/02/usegypt_relations_under_attack_1.html)

Ion Mihai Pacepa, former head of Romanian intelligence, reminds us of the Cold war context of the violence currently roiling Middle East regimes that are friendly to the West. He tells the story of how Arafat was built up as a Palestinian spokesman and how El-Baradei is evidently being groomed for a comparable role in Egypt.

"During those early years, Egypt was literally being run by Soviet advisers - the KGB and the Red Army alone had some 18,000 advisers assigned there.

"Now it seems that we are dealing with a new and better-looking Arafat: Mohamed Mustafa ElBaradei, who recently popped up in Cairo, just as the newly created Arafat had popped up in Cairo in 1966, where Nasser proclaimed him the 'leader of the Palestinians.' Previously, as director general of the International Atomic Energy Agency (IAEA), ElBaradei went out of his way to protect Arab efforts to secretly build nuclear weapons."

The press consistently fails to note the connection between Leftists like William Ayers, organizations like Code Pink, and current events in Egypt. Books have been written on these connections but they remain largely invisible to the press and, thus, to the general public.

Like Pacepa, Vladimir Bukovsky and Pavel Stroilov are ever alert to the Cold War precedents for these challenges. There is nothing new, as Georges Bernanos put it, "Under Satan's Sun."

[http://www.americanthinker.com/2011/02/david\\_cameron\\_lifts\\_the\\_lid.html](http://www.americanthinker.com/2011/02/david_cameron_lifts_the_lid.html)

David Cameron spoke to the dangers of radical Islam and State multiculturalism this past weekend. Angela Merkel had previously inveighed against multiculturalism. Cameron defines the problem in considerably more detail. Here is an excerpt from the "solutions" section of his speech:

"1. Refuse to deal with Islamist front groups: 'Some organisations that seek to present themselves as a gateway to the Muslim community are showered with public money despite doing little to combat extremism. As others have observed, this is like turning to a right-wing fascist party to fight a violent white supremacist movement.'

"2. Establish standards for recognizing or subsidizing Muslim groups: 'Do they believe in universal human rights – including for women and people of other faiths? Do they believe in equality of all before the law? Do they believe in democracy and the right of people to elect their own government? Do they encourage integration or separatism? These are the sorts of questions we need to ask. Fail these tests and the presumption should be not to engage with organisations. No public money. No sharing of platforms with Ministers at home."

<http://www.debka.com/article/20641/>

The international chess match over the fate of Lebanon may be entering the endgame, but only if one assumes that the court will have the final word. At best, this tribunal may have a first word in whatever new game breaks out as a result.