



CONSERVATIVE BATTLELINE ONLINE

The "Bold Colors" Conservative Voice in Washington

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Obama Public Service

by Donald Devine

Issue 138 - August 26, 2009

On his very first day, President Barack Obama told his top cabinet and White House staff of his personal commitment to public service:

However long we are keepers of the public trust we should never forget that we are here as public servants and public service is a privilege. It's not about advantaging yourself. It's not about advancing your friends or your corporate clients. It's not about advancing an ideological agenda or the special interests of any organization. Public service is, simply and absolutely, about advancing the interests of Americans.



He instituted a “pay freeze” for his senior staff as “a mark of your commitment to public service” and promised “to close the revolving door that lets lobbyists come into government freely, and lets them use their time in public service as a way to promote their own interests over the interests of the American people when they leave.”

As of today, lobbyists will be subject to stricter limits than under any other administration in history. If you are a lobbyist entering my administration, you will not be able to work on matters you lobbied on, or in the agencies you lobbied during the previous two years. When you leave government, you will not be able to lobby my administration for as long as I am President. And there will be a ban on gifts by lobbyists to anyone serving in the administration, as well...If you are enlisting in government service, you will have to commit in writing to rules limiting your role for two years in matters involving people you used to work with, and barring you from any attempt to influence your former government colleagues for two years after you leave.

It did not take long for even his friends to become aware of what The New York Times called “the asterisks” to his “new era of responsibility.” But it was not hidden even at the beginning. Section 3 of the Order allowed the president to “grant to any current or former appointee a written waiver of any restrictions contained in the pledge signed by such appointee.” It was the selection of former Senator [Tom Daschle](#) for health and human services secretary that most concerned the Times. Not only did he fail to pay \$128,000 in federal taxes, he was one of the top lobbyists in Washington, although not a “registered” one. The Times complained that



Tom Daschle

In the campaign, Mr. Obama assailed Washington’s “entire culture” in which “our leaders have thrown open the doors of Congress and the White House to an army of Washington lobbyists who have turned our government into a game only they can afford to play.” He vowed to “close the revolving door” and “clean up both ends of Pennsylvania Avenue” with “the most sweeping ethics reform in history.” The language, however, was always more sweeping than the specifics. He spoke of refusing campaign money from lobbyists but took it from the people who hired them. The ethics plan he outlined, and eventually imposed on his administration, did not ban all lobbyists outright but set conditions for their employment and did not cover many who were lobbyists in everything but name. Mr. Daschle, for instance, is not a registered

lobbyist, but he made a handsome living advising clients seeking influence with the government, including some in the health industry.

Daschle finally withdrew but Raytheon lobbyist William J. Lynn III was nominated as deputy defense secretary. Goldman Sachs lobbyist Mark Patterson was made chief of staff to the Treasury secretary. Campaign for Tobacco-Free Kids lobbyist William V. Corr was selected as deputy Health and Human Services secretary. Others selected were lobbyists more than two years earlier so were not covered by the formal ban. Of course, this is nothing new. Jimmy Carter promised a government as pure as the people, Bill Clinton promised "the most ethical administration in history" and then endured the most independent counsel investigations in history," and George W. Bush "vowed a new era of responsibility only to be accused of selling out to energy and military industries."

Liberals are so concerned about ethics in government because they think government can do just about everything better – think automobiles, banks, insurance companies, brokerage houses, mortgages, and now health – and these are just the new arenas during the Obama Administration. If people could just be ethical, especially at the top, all would be well. Unfortunately for them, a government bureaucracy staffed by angels – as the American Founders noted – is impossible. As *Bureaucracy* author Ludwig von Mises made clear, human bureaucrats just cannot know enough about the vast world around them to make it work. Not knowing how to "advance the interests of Americans" they establish their own goals to advance the interests of themselves and their organizations, especially in the bowels of the bureaucracy.



Ben Cardin

Is public service "simply and absolutely, about advancing the interests of Americans," as the president insists? What are the most important tasks that public servants manage these days? When challenged at a recent town hall meeting what government programs work well, Dem. Sen. Benjamin Cardin offered the national parks and medical aid to the poor, eliciting a chorus of boos for the dilettantism of the reply. Let us say, defense, homeland security, the economy and air traffic safety would probably lead anyone's list as government's most important. The government job closest to a regular American's everyday life is probably air safety. When one straps oneself into the cramped little seat, one hopes the guy looking at the air controller screen knows his job.

He does. But his idea of his job is not that of the passenger. The controller likes his above-the-federal pay-scale salary, the best benefits in the world and, especially, the super-long weekends. His 2-2-1 schedule is his favorite. As *ATC Reform's* Bob Poole explains it based on a Department of Transportation Inspector General study,

a typical 2-2-1 schedule has two evening shifts followed by two day shifts followed by one midnight shift. Between an evening shift that ends at 10 PM and the day shift starting at 7 AM just nine hours elapse, during which the controller presumably drives home, goes to bed, sleeps, gets up and has breakfast, and drives to work again. And on the fourth day, the controller's day shift ends at 2 PM, and eight hours later he or she must be back in the facility controlling traffic by 10 PM.

It makes for demanding shifts but it is great for long weekends. The problem is that it is bad for safety. Ironically, the IG study was pushed by Dem. Sen. Richard Durban at the request of the controller union which had contended that overtime and use of trainees were the cause of fatigue. While the IG did find "negligible" problems from these at the three airports tested,

the real kicker was that controllers at all three facilities are still working what is called a 2-2-1 shift schedule, the very kind that the National Transportation Safety Board in an April 2007 report said leads to controller fatigue because it disrupts circadian rhythms. The NTSB recommended that the FAA and the controllers' union NATCA develop shift rotation schedules

that minimize the kinds of sleep disruptions caused by the 2-2-1 schedule. But no such change in scheduling practices has taken place.

Will the Obama Administration make the changes so obviously necessary for the safety of all Americans? Want to bet? They are not in either the Democratic House or Senate bill and the union's top priority is to protect the super-weekends.

What about the other critical areas? The Obama Administration just issued a report on the Department of Defense performance-based personnel system saying it must be scrapped because the employees (read unions) do not trust their methodology. Performance, meanwhile, is on hold. Department of Homeland Security systems are in a similar limbo but the union has just additionally challenged the high failure rate – from 50 to 80 percent – of employees at its Transportation Security Administration. The union concern is not that the screening procedures have been breached in every security evasion test but that the Practical Skills Evaluation test tries to get rid of the incompetents who allow this to happen. Efficient operations in these two largest departments have now been delayed nine years since 9/11/01 and show every indication of being scrapped completely. As far as the economy, no one thinks the stimulus is working, partially due to the fact that after five months only 7 percent of funds have been spent by the bureaucrats directed to disburse them.



Public service is performing pitifully everywhere in advancing American interests, except perhaps in the military which so far is exempted from public service unionization. If the economy is recovering as the Obama Administration claims and 93 percent of the government stimulus has not been spent, it must be the private sector that is responsible, not "public service," no? As far as air traffic control, privatization is the only possible rational future. As *ATC Reform* notes "Over the past 15 years, nearly two dozen countries have corporatized their air traffic control systems including Australia, Canada, Germany, Ireland, New Zealand, South Africa, Switzerland, Thailand and the United Kingdom." The U.S. governmental system has been in decline for at least two decades. The logical conclusion is that the only progress made in air traffic and economy has been made through the private sector.



So what has the Obama Administration done in this regard? The Office of Management and Budget has just issued a directive for agencies to cut outside private contracting by 3.5 percent in each of the next two fiscal years. The object is supposedly to save \$40 billion in contracting costs. However, since no programs are being cut, the spending will just be done by government employees, whose public service costs (primarily retirement) are higher. The whole purpose of the government contracting out rules is to only do work privately if it is cheaper. Did I neglect to mention Obama's OMB has also suspended use of its contracting-out comparison process between private and public costs of services?

So much for a public service "not about advancing an ideological agenda or the special interests" but is "simply and absolutely, about advancing the interests of Americans" during the Obama Administration. On the other hand, Obama "public service" is doing a great job advancing the interests of the public sector unions and their ideological allies.

Donald Devine, the editor of Conservative Battleline Online, was the director of the U.S. Office of Personnel Management from 1981 to 1985 and is the director of the Federalist Leadership Center at Bellevue University.



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Not Get Out of Way

by Roger Kimball

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So, the President of the United States wants critics of his plans to socialize American health care to [“get out of the way.”](#) His operatives urge you to turn in your friends and neighbors if they say “something fishy” [about](#) the administration.

Confronted with spreading grassroots outrage, President Obama instructs his supporters [“to punch back twice as hard.”](#) Kenneth Gladney, the 38-year-old black conservative who was [hospitalized by union goons](#), can testify that they are doing just that. (It’s what Obama once called “the Chicago way”: [“If they bring a knife to the fight, we bring a gun,”](#) he said.)



Why all the Sturm und Drang? What is it about the issue of health care, or, rather, the prospect of a government takeover of health care, that arouses such passions on both sides of the debate? Sure, there are important issues at stake. It is legitimate to ask whether the Democratic plan will lead to rationing of health care, especially for senior citizens. It is legitimate to ask whether it will limit choice, impede innovation, and lead to longer waiting times for various procedures. It is legitimate to ask about how the new system will be paid for.

But these concerns, while legitimate, do not really explain the level of passion that the prospect of government run health care arouses. The real issue, I believe, concerns freedom.

Back in March, [the President warned](#) in a televised forum that if “if we don’t tackle health care, then we’re going to break the bank.” At the time, I [noted in this space](#), that his warning about the need for instant action on health care was reminiscent of his warning a few weeks earlier that if we didn’t give him \$800,000,000,000 instantly, right now, today, forget about bothering to read the bill, then the result would “catastrophe.” We gave him the dough. What happened? Let me repeat what I said in March:

Here’s how it works: the President tells you that we have a bad situation, which is true. He then says that spending huge sums of money—which he proposes to procure by extracting more money from (certain) citizens present and future — will solve the problem, which is false.

In the case of health care, the enthymeme is doubly painful, because not only will more government spending not be a cure for government spending, but it will also do grave damage to what is still, despite the efforts of squadrons of government bureaucrats for decades, the greatest health care system in the world.

Obama has promised to change that, and judging by the warm fuzziness in evidence at his Potemkin forum on health care recently, I reckon he will succeed. What will we get instead? Obama talks about “universal” health care. He vowed to sign that into law before the end of his first term. If the Canadian experience — so much admired by the Left — is anything to go by, what that will mean is universal access to the government controlled waiting lists for health care. Not quite the same thing as universal health care.

Reflecting on the question of whether the Canadian economy should be a model for the American economy (the answer, by the way, is No), the Canadian journalist Mark Steyn observed that “if you have government health care, you not only annex a huge chunk of the economy, you also destroy a huge chunk of individual liberty. You fundamentally change the relationship between the citizen and

the state into something closer to that of junkie and pusher [e.g., Medicare patrons] , and you make it very difficult ever to change back."

Those are the depressing bits: the loss of freedom and the difficulty of ever getting it back. On all these government expropriations, what we have is essentially a one-way ratchet. Once the government sinks its teeth into you, it is extremely difficult to wiggle free. The income tax and social security tax, we tend to forget, were both instituted as temporary, emergency measures. That's why 1895 is one of my favorite years in US history: in that banner year the Supreme Court ruled that the income tax was unconstitutional. Needless to say, the ruling didn't last long.

Looking at the grinning rogues gallery of mountebanks at Obama's Potemkin forum — Ted "Chappaquiddick" Kennedy, Charlie "tax dodger" Rangel, and the rest — I thought of Ronald Reagan's warning about how socialists so often use health care as a wedge to extract not only money but also freedom, including freedom of choice, from the citizenry. "One of the traditional methods of imposing statism or socialism on a people," [Reagan observed](#), "has been by way of medicine. It's very easy to disguise a medical program as a humanitarian project. Most people are a little reluctant to oppose anything that suggests medical care for people who possibly can't afford it."

The name of that reluctance is compassion. Compassion is a noble human emotion. But it can be exploited by unscrupulous politicians and twisted into self-flagellating feelings of guilt, on one side, and the self-regarding emotion of virtue, on the other.

And this brings me to the even more frightening thing Obama said at the forum. There is, he said, "a moral imperative to health care." Is there? What he meant was that if you agree with his proposal, you are an upstanding citizen who deserves the warm, self-regarding glow of moral infatuation. If you disagree with him, however, you are a greedy, selfish, unenlightened person who needs . . . well, the President hasn't gotten around to that part of the scenario yet, except to note that anyone who is solvent can expect higher taxes.

...That is the really sobering thing about the emotional metabolism of abstract benevolence: that the capacity for evil so easily cohabits and feeds upon the emotion of virtue.

I doubt whether most of the people turning up at town hall meetings to express their dismay about the President's plans to revolutionize American health care have Robespierre in mind. But the people that White House Press Secretary Robert Gibbs disparagingly referred to as the "[Brooks Brothers Brigade](#)" sense that a lot is at stake in the controversy over the future of health care. It's not just a question of what doctors you can see when, or even what sort of doctors will be available to be seen in a government-run health care system.

No, it's a question of what Ronald Reagan called "imposing statism" in the name of pursuing a humanitarian project. More and more people are waking up to the fact that statism is what lurks behind (and not very far behind) the Democratic plans for health care. They sense it, and they don't like it. And that is why, Mr. President, they are not going to "get out of the way," no matter how hard your "Chicago-way" supporters "punch back."

Roger Kimball writes *Rogers's Rules* at [PajamasMedia](#), where this first appeared.



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Bipartisan Socialism

by Mark Rhoads

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A few weeks ago the Republican National Committee (RNC) started running one of its famous incredibly stupid commercials with a tag line that said, "Tell President Obama that you want him to work with Republicans." Now House Minority Leader John Boehner (R-Ohio) is doing his best to channel Gerry Ford from forty years ago when Gerry held the same job.

A wire service says, "House Minority Leader [John Boehner](#), an Ohio Republican, said the impasse among Democrats will force party leaders to seek Republican support." "If we're going to have real health reform, it will have to be bipartisan," he said in an interview.

Earth to Congressman Boehner. You just don't get it. A bipartisan era of socialism is no better than one brought on by Democrats only, it is far worse because when it all goes south there is no clear line of responsibility and I guess Boehner will be happy if the GOP can share half the blame with left-wing Democrats.

People who love freedom in America have less to fear from President Obama than they do from stupid GOP leaders who don't know how to effectively criticize him because they don't know what they believe in themselves.

Boehner is OK, he has a good voting record. But something happens to otherwise OK Republicans when they get into positions of House leadership and they suddenly think principle no longer matters if they can see the left-wing press paint them as being statesman because they want to be "bipartisan."

So they go home feeling all warm and fuzzy about their press clippings from crazoid left newspapers and freedom suffers more at the hands of confused GOP leaders than it does from the socialists. Boehner should step aside for someone who knows that the brand name Republican should stand for something better and more principled in its dedication to freedom than it does in the Gerry Ford-Charlie Halleck-John Boehner world of pointless compromise for its own sake.

John Boehner and the careerist House Republicans care far more about keeping their useless seats warm than they do in fighting any battles for freedom. Let a thousand points contend and 1000 primary challengers bloom, since that is the only way to get the attention of the seat-warmer Republicans.

Mark Rhoads blogs at Illinois Review, where this first appeared.



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MTV Responsibility

by Brent Bozell

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MTV specializes in the kind of "reality show" that would have you believe all young Americans are spoiled, profane, and crazed about alcohol and sex. From its raunchy spring-break coverage to its "Real World" and "Tila Tequila" reality shows, MTV is constantly sending a message to young people that absolutely everyone is enjoying or seeking casual sex, and never are there negative consequences beyond the occasional break-up.

So it was shocking this summer for MTV to air a reality show called "16 and Pregnant." MTV, airing a show on the very real-world consequences of the hook-up culture? Jaws dropped across the spectrum of MTV critics, from the moralists who decry the promotion of premarital sex to the health experts and "safe sex" promoters who want every sex scene to come with a contraceptive message.

The six-part "16 and Pregnant" series examined the hardships undergone by six impregnated teenage girls. It illustrated how childbirth and motherhood radically changes a young girl's life, and explained what Barack Obama meant when he clumsily said he wouldn't want his daughters to be "punished with a baby."

The most shocking part of this series is the obvious premise: all six featured girls opted against an abortion. In the show's "Life After Labor" finale, hosted by radio and TV therapist Dr. Drew Pinsky, he jarred the viewers with the statistic that roughly half of unintended teen pregnancies end in abortion.

But not here. MTV may define "edgy," but it didn't want to focus an hour on the 16-year-old who gets an abortion. This was not done to please the National Right to Life Committee. In fact, when MTV viewers go to the "16 and Pregnant" website and click on "[frequently asked questions](#)" about pregnancy, there's a major push for the Planned Parenthood website, and teens are instructed how they can get birth-control pills at "health clinics where you do not need your parents' permission" for a prescription.

After almost 15 years of decline, teen birth rates are rising again. It's timely for MTV to air a show like this, even if it stands out like a sore thumb from MTV's usual reputation as the Getting It On channel. But that increased birth rate also may reflect a less casual attitude toward abortion.

Regular MTV viewers might have expected a show that glamorized teen pregnancy, just as it always glamorizes the sex that led to it. What viewers saw over six one-hour episodes was anything but. There were hardships and financial struggles and a lot of fighting. Most had major problems with the teenaged fathers. Several were childish and irresponsible, which sent a chilling message to girls.

The standout episode focused on Catelynn and Tyler, who firmly chose to put their baby up for adoption. Only about one percent of all women make that hard choice. It is doubly courageous and unselfish: avoiding the quick and dirty abortion and accepting the stigma of teenage pregnancy, only then to face the pain of giving up the child to someone else.

Viewers were bowled over because the couple ended up fighting their own parents over their decision. (Strangely, Catelynn's mother and Tyler's father got married after the teens started dating.) Both children argued, correctly and bravely, that their own difficult lives proved that the best place for the baby was a better home with older, more prosperous parents.

"The degree of their strength was not apparent to me when I first met them," said the show's



Brent Bozell

creator, Morgan J. Freeman (not the actor). "At first, I wasn't even sure they were going to go through with it. But you just watch Tyler carve out this safe space for him and Catelynn and their daughter and push back on the family. When I watched it, I was in awe. I thought, 'Where is this strength coming from?'"

They chose an open adoption, which empowered them to select parents and allowed them to share letters and photographs and remain in contact. At the show's end, they are shown in the parking lot, watching the adoptive parents drive away with their baby, as Tyler held on to the baby's receiving blanket.

Now that's a scene that puts the reality back into "reality TV."

MTV suggested on the season finale that they will present a second season of "16 and Pregnant." The ratings were strong. This show may be the exception to the MTV rule, but it is certainly an encouraging, and most welcome, oddity.

L. Brent Bozell III is president of the Media Research Center



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Sympathetic Enemies

by S.T. Karnick

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Public Enemies, directed by Michael Mann and starring Johnny Depp and Christian Bale, attempts to tackle some big ideas. Unfortunately, it misses most of them, and has aesthetic weaknesses as well. Particularly egregious is the film's mistaken attempt to create greater audience sympathy for a criminal than he merits, as it falsifies the drama and makes the characters less interesting than they should be.

Mann, the director of superb crime films such as *Manhunter* and *Heat* and creator of the television series *Miami Vice*, tells the story of John Dillinger, a real-life bank robber whom the film depicts as having become something of a folk hero during the 1930s, and Melvin Purvis, the FBI agent assigned to bring him down.

As is typical of Mann's films (note the examples mentioned above), *Public Enemies* deals with two equally matched central characters on opposite sides of law. The film's title--which alludes to the Jimmy Cagney gangster film *Public Enemy*--the two men are very public enemies, and their adversarial relationship is at the center of the film. Dillinger and Purvis are both highly talented men, but one uses his talents for good and the other uses them for evil.



That's a laudable emphasis, in that it foregrounds a belief in moral responsibility, as opposed to the moral relativism that became increasingly common in the culture during the past few decades.

Unfortunately, Mann's dramatic approach has an important flaw: by virtue of his actions, the criminal character has a powerful obstacle to the audience's sympathies--the harm he does to other people must necessarily be somewhat unattractive. As a result, Mann has to sugarcoat Dillinger and underplay Purvis's virtues in order to give them a more equal hold on the audience's sympathies.

For example, we see Dillinger as being greatly devoted to his girlfriend, Billy Frechette, but we are shown nothing about Purvis's personal life. The film alludes to Dillinger's predilection for prostitutes, but it places much more emphasis on his monogamous (though unmarried) relationship with Billie--which is not true to the historical facts. In addition, during one of his bank robberies Dillinger refuses to take the money of an individual patron, saying he's interested only in "the bank's money."

Regardless of whether the real-life Dillinger may have said or thought that, the exchange is obviously meant to generate audience sympathy. What is particularly corrupt about this moment is that the obvious logical rejoinder--that all the money in the bank is ultimately some individual's money--is not given a hearing.

Reinforcing the positive depiction of the criminal Dillinger is the film's references to him as being a folk hero. These may have some basis in history (though I have my doubts about whether these Depression-era criminals were as widely considered to be heroes as postwar American historians made them out to be), but the references certainly must undermine the audience's natural repugnance at his crimes.

All of this seems too obviously an attempt to avoid creating a story with a clear hero and definite villain, in deference to the mistaken notion that life is always a matter of shades of gray. That is

quite false: when it comes to gangsters and police, the police are the good guys, and the gangsters are bad. Attempting to deny such obvious truths is both historically and aesthetically wrong.

To be sure, *Public Enemies* does make it clear that Dillinger is purely hedonistic, dreaming of escape to South America and a life of leisure and pleasure, but these things are not particularly uncommon or interesting. They are also emblematic of the damage Mann's sugarcoating of Dillinger does to the characterization and to the ability of the film to generate drama: by making Dillinger seem more like us, it makes him much less interesting.

As a result, Depp's performance is unusually listless; a vividly brash and selfish character more like Cagney's in *Public Enemy* would be much more interesting as well as true to life. It would also provide a significantly more formidable foe for Purvis, thus elevating the latter's stature as a character as well. And in doing both those things it would raise the dramatic value of the film, by increasing the evident danger for society of a failure on Purvis's part.

While mostly refraining from encouraging the audience to like Purvis, Mann does show him very sympathetically at one point, when Purvis helps Billie Frechette after she has been mistreated by a police officer while in custody. Nonetheless, the overall attempt to make Dillinger more sympathetic and Purvis less so makes both characters incoherent and forces the two highly skilled actors into performances that are unusually dull for them.

A comparison to the excellent 1934 MGM film *Manhattan Melodrama* is quite revealing in this regard, and it's relevant in that the film plays a prominent part in *Public Enemies* (it's the movie Dillinger visited before his death by police gunfire), with Mann even showing a long excerpt of it.

Manhattan Melodrama is similar to *Public Enemies* in having two strong characters on opposite sides of law, but the 1930s film firmly establishes that for all his likable characteristics, the gangster Blackie (Clark Gable) is a menace whom society cannot allow to run free.

Although Blackie does some very good things, the film makes it abundantly clear that those actions do not and cannot compensate for his crimes (and just punishment was a requirement of the movies' Production Code at the time). Hence he requires redemption, and that can only come (in terms of earthly justice) by paying for his crimes. That makes for a highly satisfying ending to the film, as the writers give Blackie a chance to make his necessary death bring some good by saving the career of childhood friend and now upright DA Jim Wade (William Powell).

Public Enemies, by contrast, treats Dillinger's death as something to be lamented. This is made especially clear in the emotionally charged images in which the death scene is filmed, as well as in a scene in which the gangster's last words are conveyed to Billie--he has said to tell her, "Bye, Bye, Blackbird," quoting a song they both loved. It may be sweet, but Dillinger was responsible for the deaths of numerous people, and that can't be remedied by a sentimental reference to a charming popular song.

Similarly, when Dillinger is arrested earlier in the film and taken back to Indiana, the soundtrack plays somber music. One doubts that the relatives of his gang's victims felt particularly broken up about Dillinger's being brought to justice. We shouldn't, either, and the filmmakers certainly shouldn't attempt to manipulate us into doing so. The makers of *Manhattan Melodrama* didn't make that mistake of moral equivalency between criminals and the defenders of the citizenry.

Public Enemies does manage one thing very well, however: it very well conveys the theme of individualism confronted by collectivism, the individual increasingly coming under the domination of big organizations. This was indeed a powerful trend of the Depression era, with government taking over vast areas of what used to be private matters.

A particularly astute and pointed element of the film is Mann's likening of government coercion to the brutal use of force committed by gangsters. A very good example of this occurs when Dillinger is attempting to hide out from the police and finds out that Frank Nitti's gang won't give him any help. "We're in the modern age," a Nitty lieutenant tells Dillinger. He explains that modern crime profits from business-like efficiency, and the film makes it clear that individualists like Dillinger are anachronisms in the "modern age" of big organizations running roughshod over individuals' rights.

The film explicitly connects this to the growth of overweening government. FBI director J. Edgar Hoover is shown as priding himself on creating an ultramodern national police force that uses the most advanced methods available, in the hands of young agents who have been trained only in modern methods. Purvis, however, recognizes that traditional police virtues are still necessary--patience, legwork, use of informants, etc.--and replaces his Hoover-picked crew with a group of hardnosed cops from Texas and Oklahoma.

Thus the two central characters, though on opposite sides of the law and the moral divide, both represent the plight of the individual confronted by the bloated institutions of modernity and the widespread contempt for individual liberty. In that regard, *Public Enemies* is very successful indeed.

It's too bad that Mann's unwillingness to tell the truth about his central characters radically diminishes the film's drama and power.

S. T. Karnick is editor of [the American Culture](#) website.



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PBS' Illiberal Ban

by Robert Barron

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All individuals and institutions are, to some degree, marked by inconsistency. Not all of our ducks -- conceptual and behavioral -- are ever quite in a row. But sometimes, an inconsistency is so sharp, so jarring, that it crosses the line into hypocrisy.

A case in point is the decision of the Public Broadcasting System to exclude any religious programming from its schedule. The usual reasons are trotted out: religion is divisive; it would be impossible to give equal time to all denominations; the public forum should not be the place for partisan speech but rather for objective exploration of issues, etc. etc.



Well, about three months ago, I was flipping through the cable channels and stumbled on a PBS program hosted by the British intellectual historian Jonathan Miller. I rather like Miller, having enjoyed his past programs on the history of science and the workings of cultures. But this show was part of a multi-episode presentation on atheism. It became increasingly clear that it wasn't an objective history of the phenomenon of non-belief, nor a balanced presentation on the relative merits of theism vs. atheism. Rather, it was an enthusiastic advocacy of the atheist position; I might even be tempted to call it evangelism on behalf of unbelief. Miller tried to show that religion is stupid, a holdover from a primitive age, and the enemy of intellectual progress. The episode concluded with Miller's interview of an elderly lady on her deathbed. At our kind host's prompting, she assured us that she looked forward to nothing at all after death.

Late on the evening of the day I read of PBS' decision to exclude religious programming, I came upon another interesting PBS offering, an episode in a series on homosexuality in America. Once again, it was not an objective study of same-sex attraction or a sober consideration of the history of the debate concerning gay marriage. It was outright and passionate advocacy.

What stayed particularly in my mind was a conversation between Larry Kramer, the well-known gay playwright and activist, and a man dressed as a woman, sporting a three-foot blond wig! Kramer laid out his familiar arguments in a relatively disciplined way, but his interlocutor at one point intervened to observe that while there is only one Gay Pride Sunday all year, there are 51 Sundays on which the churches attack gay people. I'll leave aside the laughable insinuation that the Christian churches attack homosexual people every week of the year (in fact, I can't remember even one sermon to that effect in nearly a half-century of hearing and giving sermons). But I will observe that this program amounted to a kind of evangelism on behalf of gay rights.

Now don't get me wrong: I love the fact that we live in a free society where practically all positions can be aired, debated and argued. I welcome passionate and public advocacy for points of view that I don't share. More precisely, I think it's fine that atheists and gay activists have a televised forum to present their cases. But come on PBS, you can't have it both ways!

You can't say that religious evangelism is dangerous and divisive, but other types of evangelism are just fine. You can't say that all voices should be heard in the marketplace of ideas -- except religious voices.

In his trenchant book *Democracy and Tradition*, Jeffrey Stout argues that there is a healthy construal of liberalism as the set of practices that allow for peaceable conversation and interaction in a society marked by differing understandings of ultimate meaning.

Here, tolerance, reason and open-ness of spirit are the great practical virtues. Hence it was in the context of a robust liberal American polity that Abraham Lincoln could interpret the Civil War in explicitly religious terms and the Rev. Martin Luther King Jr. could argue for civil rights on the basis of Old Testament prophecy. Both were permitted to speak religious language in the public forum, because both entered that arena with respect and nonviolence. However, Stout holds that there is a more destructive and ideological version of liberalism that sees religious belief as irrational and therefore advocates the exclusion of religion from the public discussion altogether. This mode of liberalism is hoisted on its own petard, precisely in the measure that it becomes deeply intolerant, totalitarian and exclusive.

So Jonathan Miller can have ten hours on public television to trumpet the value of atheism, but no religious voice can be raised in that forum to counter him. I'll let you decide which type of liberalism PBS is displaying.

The Rev. Robert Barron is the Francis Cardinal George Chair of Faith and Culture at University of St. Mary of the Lake/Mundelein Seminary in Mundelein. He is also the brother of Sun-Times Publisher John Barron, where this first appeared.



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FDA Slows Drug Approvals

by Frank Burroughs

Issue 138 - August 26, 2009

An article published in the current issue of the Journal of Clinical Oncology, the journal of the American Society of Clinical Oncology (ASCO), confirms the existence of a serious and long-standing problem in the FDA's Office of Oncology Drug Products - a problem the Abigail Alliance has recognized, explained and tried to correct since early 2003.



The FDA's Office of Oncology Drug Products (OODP) under the leadership of Dr. Richard Pazdur, has been slowing approvals and patient access to new safe and effective cancer drugs, counter to the intent of the Accelerated Approval (AA) program created by Congress in the 1990s.

Although AA was clearly working to the benefit of cancer patients, saving and extending lives, in 2003 OODP decided to increase the requirements for Accelerated Approval to a level effectively equal to those required for Regular Approval. The result has been the elimination of "acceleration" for highly promising new cancer drug approvals.

The article titled Accelerated Approval of Cancer Drugs: Improved Access to Therapeutic Breakthroughs or Early Release of Unsafe and Ineffective Drugs?, authored by twenty experts, found that new cancer drugs receiving Accelerated Approval after 7.3 years of clinical testing reach patients through approval no faster than new cancer drugs that receive Regular Approval (7.2 years). The study also found no significant advantages in the long-term safety and efficacy of the delayed cancer drugs when compared to drugs that had received actual acceleration prior to the start of FDA's approval slowdown.

In 2004, the FDA's assessment of the first decade of the Accelerated Approval program found that speeding up drug approvals using AA had been very successful. The program clearly wasn't broken, didn't need fixing and should have been expanded and optimized to further accelerate the delivery of medical progress.

Instead, beginning in 2003, Dr. Pazdur and OODP decided to "fix" it by effectively eliminating AA. The Abigail Alliance recognized the launch of FDA's Decelerated Approval Initiative for cancer drugs at an Oncologic Drugs Advisory Committee (ODAC) meeting on Phase IV clinical trials in 2003, as evidenced by the following excerpt from the Abigail Alliance article at the link "Decelerated FDA Approval" at www.abigail-alliance.org.

The FDA also should have known - and in fact it is hard to believe that they did not know - that its decelerated approval initiative would be devastating for terminally ill cancer patients whose only hope was gaining access to medical progress while still alive.

Despite the stark truth of what the FDA's new policies would do in slowing translation of new therapies to the clinic and the patients that needed them to live, the FDA forged ahead - rolling out its plans to turn accelerated approval and Phase IV clinical trials into a high risk minefield for sponsors. In fact, on that day in March 2003, the FDA effectively eliminated the accelerated approval pathway as a viable mechanism - the exact opposite of what the FDA should have been doing in this time of accelerating scientific progress against cancer.

From the new article in the Journal of Clinical Oncology:

In May 2008, Richard Pazdur, MD, Director of the Office of Oncology Drug Products of the FDA, publicly stated that the AA regulation continues to be highly successful in facilitating early access to

large numbers of novel cancer drugs. The findings of this report suggest an alternative, less positive, interpretation of the recent experience with AA. Although the AA process previously facilitated early access to new oncology drugs, it is now difficult to obtain approval with the AA process. Overall, fewer oncology NMEs receive AA versus regular FDA approval in the recent time period.

The Abigail Alliance hopes that publication of this article in JCO signals a shift away from ASCO's long-standing support of the FDA's Decelerated Approval Initiative, and toward a more scientifically- and medically-sound policy of facilitating the delivery of progress against cancer to patients who need it to stay alive, as quickly as reasonably possible.

Getting Accelerated Approval back on track for cancer drugs is only part of the solution. We can do more to accelerate the delivery of safe and effective medical progress to patients who need it. Please support the ACCESS Act (Access, Compassion, Care, and Ethics for Seriously Ill Patients Act; S.3046 H.R.6270 in the last Congress) when it is reintroduced in Congress later this year. The recent FDA regulations do not solve the problem.

Every drug for cancer and other serious life-threatening illnesses that the Abigail Alliance has pushed for earlier access to in our eight year history is now approved by the FDA! There is not one drug that we pushed for earlier access to that did not make it through the clinical trial process. Many lives could have been saved or extended, if there had been earlier access to these drugs!" As of early 2009 the count is 16 drugs! EVEN the FDA's own Science and Technology Board in their late 2007 report recommended there be a provisional approval mechanism for promising developmental drugs.

Frank Burroughs is president of Abigail Alliance for Better Access to Developmental Drugs.



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Uncomfortable Health Facts

by John Goodman

Issue 138 - August 26, 2009

I actually feel a bit sorry for them. President Obama and Democratic leaders in Congress got some very, very bad advice from health policy experts they relied on during the past election. It was the same bad advice they have been getting year after year, election after election, for as far back as memory serves.

But now that it is time to legislate, these politicians must face real economists who look at evidence over at the Congressional Budget Office (CBO). Although the CBO Director and staff are appointed by Congressional Democrats, they are professionals and they have been willing to stand up to the pressure and essentially say that last year's campaign rhetoric was hogwash.



John Goodman

Here are some of the uncomfortable facts Congress is hearing from the CBO:

- All of the cost-saving ideas mentioned by Barack Obama during last year's election campaign — preventive medicine, electronic medical records, coordinated care, etc. — will in fact save very little money.
- Spending an additional \$100 billion to \$150 billion every year on health care will make the cost problem worse, not better.
- Capping out-of-pocket premium costs to people at, say, 12.5% of family income and forcing employers and/or government to pay the balance will create a new entitlement to be added to our already unsustainable entitlement spending burdens.
- The cost of any employer mandate will be passed on to employees — in the form of less take-home pay, if they are lucky enough to keep their jobs at all.
- To add insult to injury, the CBO is also telling Congress that one way costs could be controlled is by changing the way the federal government subsidizes private health insurance — along the lines suggested by John McCain during the election and in a bill by Sens. Tom Coburn and Richard Burr and Reps. Paul Ryan and Devin Nunes.

So, do we here at the NCPA take the low road and say, "I told you so," or the high road of magnanimity?

I'm thinking about it.

John Goodman is President and CEO/Kellye Wright Fellow at the National Center for Policy Analysis.



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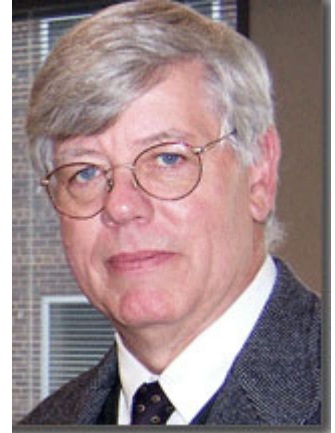
Read the Bills

by David Keene

Issue 138 - August 26, 2009

We all know that few members of Congress bother to read the bills on which they vote and often don't seem anxious to examine much evidence for or against a bill before they vote. Senate Majority Leader Harry Reid (D-Nev.), perhaps inadvertently, summed up the feelings of many of his colleagues when, as the Senate began considering Judge Sonia Sotomayor's nomination to the Supreme Court, he acknowledged that he hadn't analyzed any of the controversial jurist's decisions and "hoped" that he would never have to even read them.

What's more frightening, though, is that it is becoming apparent that many members neither read nor grasp the real meaning of their own legislative proposals. Most legislation is written by either a staffer or a lobbyist with an agenda that may or may not coincide with that of the member. Although most bill language is reviewed by the legislative counsel's office for germaneness and to see if it will actually accomplish its intended purpose, bill sponsors can all too often be heard whining that they didn't really mean what the wording clearly states or implies.



David Keene

Thus, while Rep. Elton Gallegly (R-Calif.) swears that he never intended an amendment he authored, or at least introduced, to prohibit the production, sale or dissemination of hunting and fishing videos, photographs or programming, it seems others are convinced that's exactly what the language does.

Gallegly claims that all he wanted to do back in 1999 when he included language doing this in H.R. 1887 was outlaw what are known as "crush videos" in which women are filmed stepping on and killing small animals. There are weirdos out there who will buy just about anything, but I doubt most of us have ever heard of such a thing. I don't know how Gallegly found out such things even exist or why he took it upon himself to make it a legislative priority to criminalize activity that most agree could already be prosecuted under existing federal, state and local laws, but he did.

I suspect that the problem, its solution and the language that eventually became part of the federal criminal code were brought to the congressman's attention by one of the so-called animal rights organizations with a far grander agenda than saving the mice or spiders or whatever other small animals had been crushed by whoever stars in such bizarre videos. One suspects this because the language he introduced went far beyond his stated intention by making it a federal felony to "depict" an act of "animal cruelty," which was defined rather broadly in what is now Section 18 U.S.C. 48(c) 1) as "conduct in which a living animal" is "wounded" or "killed" when "such conduct is illegal under Federal law or the law of the State in which the creation, sale or possession of [the video or other depiction] takes place, regardless of whether" the wounding or killing "took place in that State."

If Gallegly were an outdoorsman, hunter or fisherman, he would have immediately seen that this language would unavoidably be interpreted to include depictions of legal hunting enjoyed by millions of Americans, which is actually promoted by the very government he has successfully asked to criminalize it, including hunting the government promotes to decrease populations of animals that would otherwise starve in horrible deaths.

Consider the potential reach of this language. Sporting-goods stores and Wal-Mart sell millions of dollars in hunting videos and you can turn on your television right now and find hunting programs on various outdoor channels produced and distributed by people whom Gallegly has — consciously or not — branded as federal criminals now subject to arrest, prosecution and imprisonment.

What this means is that an ambitious prosecutor in a place like the District of Columbia, where deer

hunting is illegal, could curry favor with animal rights types or garner publicity by indicting anyone who sells or broadcasts a video of a deer hunt filmed in, say, Texas within the boundaries of the District. This may not have been what Gallegly and his friends intended, but it is what the provision he says he authored allows.

This makes the boys and girls at PETA happy, but plays havoc with the First Amendment and is why a case challenging the whole idea will soon be heard by the Supreme Court, where it is almost inconceivable that it will be upheld.

The real lesson here, however, is that if Congress can't even avoid such horrendous unintended consequences in drafting something conceptually so simple, what sorts of dangers lurk in the unread thousands of pages in the healthcare bill that passed the House so quickly before the legislators left for their summer vacation?

David Keene is chairman of the American Conservative Union.



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Real "Beer Summit" Lessons

by John Berlau

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Amid all the endless media psychobabble about "national conversations" and "teachable moments" regarding the "beer summit" at the White House, I have been trying to weigh the established facts surrounding Henry Louis Gates' arrest from a libertarian, constitutional liberties perspective.

I have come to a conclusion siding with Gates against the officers – but only in a limited sense. Although I disagree that this was a case of racial profiling, I do think the charging of Gates with disorderly conduct for yelling at the officer in Gates' own home was an improper and likely unconstitutional infringement on both Gates' free speech and property rights.



Generally, unless a something like a bullhorn is involved, a homeowner cannot "disturb the peace" on his own property, no matter how obnoxious the content of his speech might be. And the Cambridge police made a serious error in the charge against Gates in describing Gates' own front porch as a "public place," rather than the private property that it is.

But I also believe President Obama should not have weighed in on this or any other pending legal dispute. In so doing, he broke a longstanding precedent that presidents should not make any comments as to the guilt or fault of individuals in an ongoing or potential legal case, because they could compromise the impartiality of the proceeding.

In fact, as I detail below, Obama's speaking out may hurt Gates' chances of prevailing in a lawsuit against the Cambridge Police Department – a lawsuit that I believe would be merited.

If anyone is owed an apology in this drama, it is Gates' alert neighbor Lucia Whalen

Before I get to the main parts of the Gates controversy, let me say how heartened I am at the vindication of Lucia Whalen, who did what any good neighbor should do: report what she thought might be a break-in at her neighbor's property.

Whalen's 911 call released by the Cambridge Police Department shows that she never identified the race of Gates and the driver who were trying to force their way in (when pressed by the 911 dispatcher she guessed that one might be Hispanic), and acknowledged the suitcases and the possibility that they could "live there." Here's the [audio and transcript](#) of the call, and here's video of Whalen's [press conference](#).

And it wouldn't rally have mattered even if she had identified race. Black or white or whatever, if people are shoving themselves at a door and trying to force it open, as Gates and his driver were, there is more than a good chance that they are would-be burglars and not the home's owners. In too many cases, burglaries and other crimes could have been prevented if neighbors had been more alert. For example, many incidents have been [reported](#) of burglars cleaning out houses in broad daylight by posing as movers. A curious neighbor calling the police could have foiled these thefts and saved those homeowners — whatever race they were — much anguish.

If anyone is owed an apology, it is Ms. Whalen, who was attacked by Gawker's John Cook (who [called her](#) racist" - and did [apologize](#) after the 911 call was released), Daily Kos blogger BabylonSista

(who [called her](#) a “nosy bigot,” and so far still hasn’t apologized), and countless others. Before jumping to these conclusions now exposed for the idiocies they are, they just should have listened to Gates, who to his credit had nothing but praise for the watchful neighbor. “I’m glad that someone would care enough about my property to report what they thought was some untoward invasion,” Gates [told](#) the Washington Post last week.

(Note: I use Whalen’s name because it is now part of the public record, although it never should have been. Unfortunately, it wasn’t redacted from the police report that leaked out onto the Internet. Her name has been bandied about in blog posts and several news stories, and she has even had to hire an attorney. One of the “teachable moments” from this saga should be that police departments must do a better job protecting the privacy of those who report potential crimes.)

Whatever Gates said to Sgt. Crowley, Gates should not have been arrested for “disturbing the peace” on his own property.

Both Whalen’s call to the Cambridge police and Sgt. James Crowley’s quick response to the dispatch should be praised. Where it gets murky is the exchange of words that occurred after Crowley stepped on Gates’ front porch.

According to Crowley’s [police report](#), Gates immediately responded to Crowley’s announcing that he was investigating a reported break-in by that shouting that he was being targeted because he was a “black man in America.” He then hurled several insults, called Crowley a racist, and, in an allegation backed up by the [report](#) of a fellow officer who appeared on the scene named Carlos Figueroa, yelled that Crowley didn’t know whom he was “messing with.”

A major point of contention concerns IDs — both those of Gates and Crowley. Crowley wrote that Gates “initially refused” to show him identification, demanding that Crowley show his police ID first, “but then did supply me with a Harvard University identification card.” But a statement from Gates’ attorney Charles Ogletree says Gates promptly handed Crowley his Harvard ID and Massachusetts driver’s licenses. Moreover, the statement says that Gates asked several times for Crowley’s name and badge number, but “the officer did not produce identification nor did he respond to Professor Gates’s request for this information.”

Then Gates obliged Crowley’s request to step out on the porch, continued the yelling of insults (according to Crowley and Figueroa), and was then arrested and placed in handcuffs on his porch - as the picture that has gone round the world shows. In Crowley’s description in the report, Gates “was placed under arrest ... after exhibiting loud and tumultuous behavior, in a public place.”

But, wait a minute, “public place!” The public place in question was Gates’ own front porch, part of Gates’ *private* property. And “disorderly conduct” is usually intertwined with the charge of “disturbing the peace,” which require a public to disturb.

Crowley’s report notes that Gates’ “actions” on the porch - the porch that Crowley directed him to – “caused citizens passing by the location to stop and take notice while appearing surprised and alarmed.” But no one forced the neighbors to stand around and watch the drama on Gates’ porch, and they could have been just as easily “surprised and alarmed” by the sight of so many cops there.

If Gates’ were truly yelling loud enough that Crowley couldn’t radio his findings to the police department, there might have been cause to arrest him for interfering with an investigation. But this was not the charge - “disorderly conduct” was, and this charge was dropped by the Cambridge police with good reason. Regardless of the content of Gates’ remarks to the officer — and Gates’ comments seemed pretty obnoxious from the account in the police report — unless there is something like a loudspeaker involved, one cannot “disturb the piece” by yelling on his own property. This lack of knowledge about property rights is unfortunately repeated by government at all levels.

Thus, in my opinion, the arrest not only violated Gates' free speech rights in the First Amendment, as others [have noted](#), but also the restrictions of the Fifth Amendment's "takings clause" against expropriating private property for "public use."

Having said that, there is no evidence Crowley was influenced in making the arrest because Gates was black. He had taught a course in racial profiling, and black fellow officers have [rushed to his defense](#). He very likely may also have hauled in a white homeowner who mouthed off to him. But the focus on whether racial profiling occurred obscures the important issue raised in this case of constitutional liberties for all citizens: namely the fact that even though Crowley may be a good cop, in this instance, he stepped over the line and made what courts would more than likely find to be a "false arrest."

Indeed, it is hard to find an expert who has read Crowley's report - even if they defend him from charges of racial profiling - who argues that Gates' arrest was justified.

National Review's Jim Geraghty is hawkish on foreign policy and pretty much what would be called a law-and-order conservative. But on the Gates arrest, he [wrote](#), "Being short-tempered, ill-tempered, shouting, etc., are all bad, but I do not think they ought to automatically trigger an arrest."

He added that "if Gates's account is correct and the officer would not provide his name, it is troubling." He even argued that the Cambridge police "put the officer on paid leave" while it reviewed the incident. I agree.

But now of course, Sgt. Crowley is President Obama's new best friend, on his way to the White House for the ultimate sensitivity session that goes beyond even "South Park" parody (Those readers who have seen the "[Sexual Harassment Panda](#)" and "[Dr. Nelson](#)" episodes will get this reference. For the rest of you, start watching "South Park"!) After first saying that he "acted stupidly," Obama refined his remark to say in a special appearance in the White House press room that Crowley was "an outstanding police officer and a good man." And that while he continued to believe "there was an overreaction" in the arrest, "Professor Gates probably overreacted as well."

And this brings me to my third point:

3. President Obama, in the interests of justice, please follow precedent and just SHUT UP about specific and pending legal cases!

On President Obama's butting in to this unresolved dispute, where should I start? Since he and the media don't seem to understand what a transgression it is for a president to take anyone's side in an ongoing or potential legal case, I'll start with the consequences of President Richard Nixon's unwise comment on a very different legal proceeding in 1970.

In 1970, Nixon [remarked](#) during serial killer Charles Manson's ongoing trial that Manson was "guilty, directly or indirectly of eight murders." This resulted in multiple delays — with antics like Manson flashing a newspaper containing the Nixon story before the jury and his defense demanding the judge declare a mistrial due to a compromised jury — before Manson was convicted.

Since then, presidents have steered clear of weighing in on the guilt or fault of parties in dispute before a hearing or trial affirms a verdict. For instance, President Clinton never weighed in on O.J. Simpson's innocence even after Simpson was acquitted in the criminal trial or found liable for wrongful death in the civil trial, except to [say](#) - both times - that the public should respect the jury's verdict. "We all agreed that the president's statement should be as neutral as possible," [recalled](#) former Clinton aide (and now ABC newscaster) George Stephanopoulos in a Newsweek essay.

President Obama can say that Gates is a friend. He can say that racial profiling is a problem. But while can speak about what the process should be, but he has to remain neutral among the two parties while that process is playing out.

In his criticism of the Cambridge Police Department, Obama has ironically aided its defense team in any potential lawsuit from Gates. Police lawyers can now legitimately ask to bar strong Obama supporters from the jury because their impartiality could be compromised by his criticism of the officers' conduct.

As Leftie commentary site FireDogLake.com legal blogger Bmaz, who favors a false arrest suit against the Cambridge cops, [notes](#): "Thanks to President Obama declaring the actions of the Cambridge Police Department 'stupid' and wrong, the attorney defending the Police Department now has a lever in his favor should the case go to a jury. You can expect said defense attorney to move the court for a jury questionnaire to survey the jury pool as to who saw or heard said comment by the President of the United States, and in that local pool, the people who saw and/or heard of it are going to be the jurors Plaintiff Gates wants in the jury box the most."

President Obama seems to understand neutrality in foreign policy (except in the case of Honduras, where he is [openly siding](#) with the Chavez and Castro-backed president who was ousted after flouting ruling of the country's Supreme Court.). He needs to get his arms around the concept in the President's relation to domestic disputes. Even if something good comes of the meeting on Thursday, the White House calendar would fill up very quickly if "Beer Summits" were utilized for every confrontation between citizens.

Bottom line: Racial profiling charges obscure real violations of civil liberties and property rights in Gates' arrest and in other government policies. Your home is no longer "your castle," in many instances.

One of the best summations of the flaws of the Gates arrest comes from an article by Sophia A. Nelson on TheRoot.com, a web site where for which Gates happens to serve as editor-in-chief.. Although the site deals mostly with racial issues, Nelson, ever so briefly in her [column](#), gets to the crux of the issue of abuse of government power in the Gates incident. "Is it now unlawful to talk trash in your own home/porch if you don't like something? ... A man's home is his castle-or is that no longer true in America?"

Unfortunately, in many cases it is no longer true in America - for black, white and all citizens - that individuals' homes are their castles. The Institute for Justice's [Castle Coalition](#) (named after the expression "your home is your castle.") points to homes being confiscated and razed to make room for shopping malls, hotels, and other private commercial enterprises that do not meet the definition of "public use" in the Fifth Amendment's Takings Clause. But these violations of property rights were unfortunately given the "green light" in the 2005 Supreme Court case [Kelo v. New London](#)

The government is also turning property owners' "castles" into sand through environmental rules that reach into the most routine activities of land use for homeowners and farmers. For instance, the so-called Clean Water Restoration Act, [supported by Obama](#) making its way through Congress, would remove the current Clean Water Act requirement of "navigable waterways" affecting lakes and rivers for government regulation of private land. As a consequence, "the regulatory reach of the act would extend to all water — anywhere from farm ponds, to storm water retention basins, to roadside ditches, to desert washes, to streets and gutters, even to a puddle of rainwater," according to a [letter](#) to the Senate from the American Farm Bureau Federation. And this act would broaden and retain the criminal penalties already in the Clean Water Act, for which a Wall Street Journal editorial [has noted](#), "law-abiding citizens ... can go to jail for moving sand on their own land."

Although African-Americans [have indeed been victims](#) of these efforts to weaken property rights both through [eminent domain](#) and overreaching environmental restrictions (see my 2002 [article](#)

from Insight magazine on black farmers whose livelihoods were threatened by a “smart growth” plan), these statist schemes threaten the liberties of all Americans with the prospect of arbitrary state power over their land and homes.

Gates [told](#) the Washington Post that his experience has inspired him to produce a documentary on race and criminal justice. He would be doing a great service to the country if he were to broaden his topic to include the erosion of property rights for all citizens.

So if we have to have a “national conversation,” let’s have that conversation be about overweening government and the effect on the constitutional liberties and property rights of everyone.

John Berlau is a senior analyst at The Competitive Enterprise Institute



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Senior Death Discount

by Gregory Conko

Issue 138 - August 26, 2009

White House health care policy advisor Ezekiel Emanuel favors allocating fewer health care resources to senior citizens in order to save money. In a medical journal article published earlier this year, Emanuel justified rationing health care services based on the controversial "senior death discount."

Cost-benefit and comparative-benefit analysis are useful tools and should be used in analyzing regulatory policies. But, when President Obama tells Americans that his health reform proposals, which use the senior death discount, will ensure they get the highest quality care, he's selling them a bill of goods.

In recent weeks, Democratic members of Congress have criticized Cass Sunstein, nominee to head the Office of Information and Regulatory Affairs, because Sunstein favors the statistical practice of taking into account years of life expectancy when evaluating the benefits of regulatory proposals, a practice critics deride as the "senior death discount." However, health policy advisor Emanuel recommends using the same senior death discount policy to ration health care services for elderly Americans.

In a [January article published in the British medical journal *Lancet*](#), Emanuel and his co-authors advocate a health rationing policy that discriminates against older people. They wrote, "Unlike allocation by sex or race, allocation by age is not invidious discrimination ... Treating 65-year-olds differently because of stereotypes or falsehoods would be ageist; treating them differently because they have already had more life years is not." And, "although life-years are equally valuable to all, justice requires the fair distribution of them."

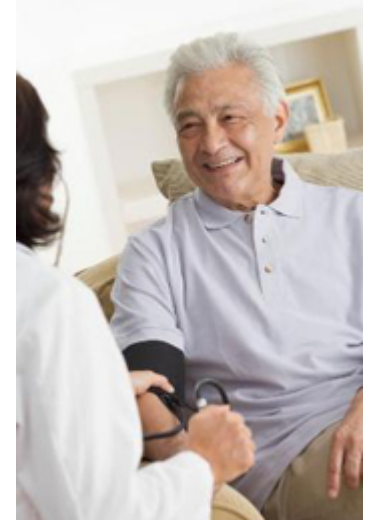
Current analytical tools don't take sufficient account of the vast differences among individuals in physiology or value preferences so they should be relied upon much more sparingly where collective decision-making is intended to cut off individual choice. This is a controversial move, but health care reformers are happy to rely on the senior death discount when it can help them book savings for their proposals.

Gregory Conko is a Senior Fellow at the [Competitive Enterprise Institute](#), where this first appeared.



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Cooling Planet

by Dennis Avery

Issue 138 - August 26, 2009

The Obama carbon taxes will cost the U.S. trillions of dollars and may permanently cripple our economy. They're meant to "save the planet" from excess greenhouse gases—but new evidence from tropical rain patterns seems to further refute the claims that recent global warming has been man-made.

Satellite photos show southern areas of the Sahara Desert have been greening over the past 15–20 years—confounding the climate models' predictions that global warming would massively expand the deserts. Farouk al-Baz of Boston University told the BBC World Service, "The desert expands and shrinks in relation to the amount of energy that is received . . . from the sun . . . over many thousands of years."

We know the Sahara was much wetter 10,000 years ago when Stone Age hunters drew pictures of hippos and crocodiles on Saharan cave walls while Kenya was left dryer. The Sahara was also wetter during the Roman Warming (200 BC to 800 AD) when the Romans imported huge amounts of wheat from the then well-watered fields in North Africa.

Out in the Central Pacific, chemical oceanographer Julian Sachs from the University of Washington was recently examining sediments under a fresh-water lake on a coral atoll near the equator. Suddenly, the layers of brown, coffee-colored mud gave way to a layer of strawberry jam-colored mud. He knew immediately it had been created by cyanobacteria that only live in super-salty water. That meant the atoll, which currently gets heavy tropical rains, had once been much drier.

"We knew right then that there had to have been a massive change in the climate regime," said Sachs. Carbon dated it to the 17th century, which meant the massive tropical rain belts hovered right near the equator during the 1600s, Sachs reports in *Nature Geoscience*. It was the depths of the Little Ice Age, with a sun one-tenth as active as today's. The team found similar evidence on other equatorial islands, including the Galapagos and Palau in the Philippine Sea.

More recently, says Sachs, the tropical rain band has moved northward about 300 miles.

"If the Intertropical Convergence Zone was 550 km south of the present position as recently as 1630," says Sachs, "it must have migrated northward just less than a mile a year." If that continues, he expects it to be 75 miles further north by the end of the century—as the Modern Warming continues for another century or four.

Patrick Nunn of the University of the South Pacific in Fiji has already documented the Pacific beginnings of the Little Ice Age about 1300 and says it marked a radical shift from times of plenty to times of famine throughout the Pacific.

The global warmings have been the good times for humans; that's the historic pattern of the 1500-year solar-linked Dansgaard-Oeschger climate cycle. The warm phase of the cycle elevates temperatures in the Arctic by as much as 6 degrees C, and in the temperate regions by 1-3 degrees C. Temperatures at the equator don't change much, but the tropical rain belts shift the deserts and wet spots.



Dennis Avery

The tropical rainfall patterns certainly rank as a key piece of evidence on whether the recent high world temperatures are being driven to dangerous levels by fossil fuels, or are part of the natural, moderate solar-linked cycle.

With the planet now cooling, we have time to learn more—before we pay trillions of dollars to eliminate fossil fuels and then find the effort was useless.

Dennis Avery is an environmental economist, and a senior fellow for the Hudson Institute in Washington, DC. He was formerly a senior analyst for the Department of State. He is co-author, with S. Fred Singer, of Unstoppable Global Warming Every 1500 Hundred Years, Readers may write him at PO Box 202, Churchville, VA 24421.

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Editor**

Health Politics

by Timothy Carney

Issue 138 - August 26, 2009

A liberal Democratic president with a supermajority in the U.S. Senate and a massive majority in the U.S. House is on the road to passing a health care “reform” bill shaped by health maintenance organizations, drugmakers and the U.S. Chamber of Commerce, funded in part by a middle-class tax hike.

President Barack Obama, because he has invested so much political capital in passing “reform,” is in no position to back away. The health care industry, on the other hand, may like this package of subsidies, but it is also ready to walk away from the table if Congress passes a bill it doesn’t like.

Three health care bills exist today: a House bill, a Senate Health Committee bill and now a Senate Finance Committee bill crafted by finance Chairman Max Baucus, D-Mont. Baucus’ is the most industry-friendly legislation, but all three help Big Health and tax regular Americans.



Tim Carney

- Subsidy for the HMOs: All of these bills would force every American to carry health insurance or face a fine. All three bills also provide a subsidy for lower-income folks to buy private insurance.
- Subsidy for big employers: Baucus’ crew has dropped the mandate that employers offer health insurance, bringing the Chamber of Commerce on board. Employers also benefit from insurance subsidies and Medicaid expansions in these three bills, which shift employer health costs onto taxpayers.
- Subsidy for drugmakers: Former congressman Billy Tauzin, the drug industry’s top lobbyist, said these insurance subsidies and a proposed expansion of Medicare amounted to “\$650 billion spent to better insure Americans for the products we make.”

Yes, all the bills impose new regulations on the insurers, but one effect of these regulations — as with nearly all regulations — is to keep out new competitors.

Most importantly for the HMOs and the drug companies, the Baucus bill includes no government-run insurer (or “public plan”) to compete with the private insurers and drive down payments. The House bill includes a limited plan that is open only to a few customers.

So, a party whose activist base called for a single-payer government takeover of the health insurance industry is now considering alternatives ranging from a token government plan to no government plan at all. The worst part about it: Nobody can blame the Republicans, who have only as much influence in this process as the Democrats allow them to have.

How did this happen? It’s tempting to argue that Democrats are in the pocket of Big Health. Democrats so far this cycle have received \$7.3 million in contributions from the health sector, according to the Center for Responsive Politics, which is 72 percent more than the GOP’s haul. The top two recipients of cash from health sector political action committees are Senate Majority Leader Harry Reid and Speaker of the House Nancy Pelosi. The top recipient of PAC money from HMOs is Rep. Henry Waxman, D-Calif., lead architect of the House plan. And then there’s Baucus, whose coziness with industry lobbyists is legendary. Last election, Obama far outpaced John McCain in contributions from the health sector, HMOs and drugmakers.

But more important than the HMO cash in Democratic coffers may be the underlying dynamic of “must-pass” big-government legislation. Anybody surprised that the industry kidnapped this reform effort needs to learn two rules of lawmaking: First, increasing government always benefits the guy with the best lobbyists. The single largest lobbying entity in Washington is the U.S. Chamber. The most prolific lobbying industry is the drug industry. The HMOs have expert lobbyist Karen Ignagni, an old AFL-CIO operative, as their go-to gal.

Second, as Cato Institute fellow Will Wilkinson put it, “the path to corporate welfare is paved with essential legislation.” Politically, Obama simply must pass a bill, lest he look like an ineffective president. The HMOs, drugmakers and the Chamber, on the other hand, can walk away from the table — sure, the “reforms” may offer billions in subsidies, but if nothing passes, they’ll do fine.

Obama’s got less leverage than industry, and the drugmakers have made it clear they have at least \$100 million to spend on ads about this bill — whether they are for the bill or against it depends on its final shape. If Obama wins this “battle of Waterloo,” the Left’s earnest reformers may find it a Pyrrhic victory.

Timothy P. Carney is a columnist for the Washington Examiner, where this first appeared.



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Appeal To Fear

by Jeffrey Folks

Issue 138 - August 26, 2009

Back in February President Barack Obama insisted that nothing less than a \$900 billion stimulus package was absolutely necessary, right now. "A failure to act, and act now, will turn crisis into [catastrophe](#)," he claimed. "If we do not move swiftly," the economy "will be faced with catastrophe." Although Obama's \$900 billion figure was cut to a mere \$787 billion by an astoundingly "frugal" Democratic Congress, apparently that was not enough. The Democratic majority now speaks of a second stimulus in the fall.

In the study of rhetoric, the president's tactic of alarming the listener is termed the "appeal to fear." It is a rhetorical device familiar to all children. "If you don't stop that, I'll tell your father when he gets home." (In a society in which more than half of children have no father in the home, this example may not be as familiar as it once was. How about "If you don't finish your homework, you won't pass the spelling test and you won't be getting the Hannah Montana DVD you asked for!") Anyway, you get the point. The appeal to fear is perhaps the crudest and most juvenile of rhetorical devices, which is why it works so well with juveniles.



From his continual use of the appeal to fear, it would appear that the president regards the public as juvenile. Everywhere he looks, Obama finds it expedient to discover a catastrophe waiting to happen: a health care catastrophe, a climate catastrophe, a fiscal catastrophe. As [noted](#) in Scientific American, Obama promised in 2008 to address the "immediate threat" of a "planet in peril"—and in doing so create an astounding "five million" green jobs. (Those must be in the category of "saved" but not "created," since more than two million jobs have been lost since the stimulus bill funding so many of those green jobs was passed.) But it's not just climate change: we must address the devastation of endangered species, global deforestation, and other "environmental catastrophes." Obama's science czar, [John Holden](#), has proposed a number of solutions, from population control to shooting particles into the atmosphere to cool the planet by reflecting solar rays.

With the help of the national media, Obama has convinced much of the public that the country is on the wrong track. The solution is more spending and more regulation. Having passed \$2.5 trillion in new spending, the president will announce that catastrophe has been averted. The best part of this approach is that it is impossible for one's opponents to prove that a catastrophe might not have taken place. It is a lot like those jobs that were "saved": no one can prove that they were not, even if unemployment numbers continue to rise. Think how bad off we would be if we had not given the president everything he wanted!

As reported by [Mt. Vernon Research](#), the president announced on July 10 that "an economic collapse of epic proportion has been prevented." Amazingly, in six short months Obama has transformed cataclysm into green shoots, and he has done so by means of a stimulus package that contains little in the way of actual stimulus and which has not even been spent. It is as if the mere presence of Obama in the White House has been enough to avert an epic collapse. Could it be that there was not really a catastrophe to begin with? A prolonged and severe recession, yes. A catastrophe, no. But for liberal Democrats, it is necessary to portray it as a catastrophe. Then the writing of checks to the liberal constituency can proceed.

Along with the economic crisis, there is the health care crisis. The “solution” is government takeover of the health care system. As soon as the takeover is complete, Obama will declare that a health care crisis “of epic proportion” has been averted. Then there is the catastrophe of climate change. The “solution” is government control of the energy sector under the pretext of carbon emissions regulation. As soon as the energy sector has fallen under government control, Obama will take credit for having averted another crisis of epic proportion. What will be next? Probably a social security crisis of epic proportion necessitating the confiscation, in one way or another, of retirement savings accounts. All that’s needed is to threaten the public with a knuckle sandwich and they will back down. Obama will even be glad to take credit for “fixing” social security after he has confiscated one’s 401K or taxed it to death.

By 2010 the president will undoubtedly be claiming that the “green shoots” are ripening into hardy stalks, even if the unemployment rate rises above 10% as predicted by most economists. The health care crisis will have been averted, even as private providers are driven out of business. The environmental catastrophe will have been dispelled, even as energy costs rise. The president will have addressed all of the catastrophes that he has invented, at least until after the election, when new ones will be unearthed. The liberal media will credit Obama for averting multiple disasters. The public will be instructed to feel veneration for its historic leader.

Will the electorate see through the sham? Will they realize that the catastrophes were never really that portentous and that the president’s solutions have been little more than political payback? Will they understand the heavy price they have paid to address catastrophes that were never that catastrophic?

Maybe, and maybe then Americans will have had enough of manufactured crises designed to make them more dependent on big government.

Dr. Jeffrey Folks taught for thirty years in universities in Europe, America, and Japan. He has published nine books and over a hundred articles on American culture and politics in national journals and newspapers. He is currently writing on issues in American culture, family values, and education.



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Health Revolt

by Vincent Fiore

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Though Congress has recessed for the month of August, the rhetoric and demagoguery has not, with the main topic being President Obama's health care reform.

Democratic members of Congress and the Democratic National Committee have not been pleased with the result, have taken to calling Republican and even Democrat voters that have attended the town hall events they, themselves, have sponsored "[angry mobs](#)," "right-wing extremist," "cranks," and even likening lawful protest to [Nazis](#). The party that gives lip service to "unity" and "bipartisanship" is now in the process of demonstrating its absolute disdain for anyone who disagrees publicly with what is increasingly being looked upon as a disastrous health care reform.



White House Health Reform Office czar [Linda Douglass](#) has even set up an e-mail address--flag@whitehouse.gov--asking Obama supporters to send along anything that "seems fishy" regarding public reaction to Obama's health insurance reform.

The anger boiling-over throughout America, however, is not a product of Republican interest groups or insurance companies renting mobs to storm town hall meetings in "[brooks brothers](#)" suits.

It is the American electorate beginning to stir from its Obama-induced stupor that captivated so many during the 2008 election cycle.

It is America taking a page from its proud and eventful history, saying not just "no" but "hell no" to ObamaCare and the liberal Democratic Congress that seeks to impose it regardless of what the people want.

It is the fear of one-sixth of the U.S. economy being nationalized--running up deficits that cannot possibly be paid down by our children and possibly theirs. It is future runaway inflation, 34 million Americans on food stamps, the dollar crashing, unemployment at levels not seen since the Great Depression, and still more.

It is America the free, shaking its mighty fists in frustration, in disbelief, in genuine anger, and with certainty, saying STOP!

President Obama thought that the electorate would transfer its personal adoration for him to his policies. They have not, and ever-more increasingly, rebels against those very policies. The Obama honeymoon period is now hopefully a thing of the past, as the love affair that existed between him and the American people slowly sober to the realities of a president bent on changing the very fabric of America.

Vincent Fiore is a freelance political writer based in New York. His commentary has been posted over numerous Web sites and publications around the world.



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Tea Party Ad

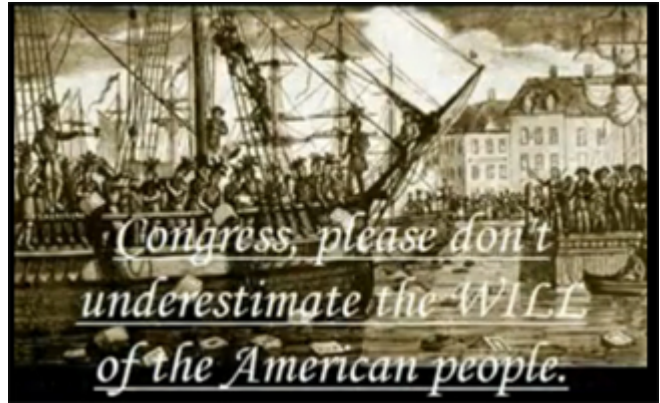
by Justin Holcombe

Issue 138 - August 26, 2009

The following ad resulted from a Mom in Alabama asking her high school son to help with a commercial for the Tea Party she was involved in organizing. Here is her note:

"I asked Justin if he could help me make a commercial for my group's Tea Party. He sat down at the laptop for about an hour, and then brought this to me and asked, 'is this okay, Mom?'"

After I finished watching it, my stomach was in my throat. A very powerful short video!"



Watch it and you will agree:

[Watch the Tea Party Commercial](#)



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Military Support Gay Policy

by Elaine Donnelly

Issue 138 - August 26, 2009

In an article titled "[Is Obama Administration Listening to the Troops?](#)" Base News editor Grace Vuoto reported the results of a previously-unpublished survey done by the Military Officers Association of America (MOAA). The article also referenced a link to the MOAA survey, which illustrated poll results with [dramatic bar graphs](#).



By a two-to-one margin, MOAA survey respondents favored current policy or an even stronger law regarding homosexuals in the military. The MOAA survey also found that 68% of respondents believe that repeal of current law would have a "very negative" effect (48%) or "moderately negative" effect (20%) on troop morale and military readiness.

The MOAA Survey findings reinforce those of the annual [Military Times Poll](#) of active-duty subscriber/respondents. For four years in a row, 58% of Military Times active-duty subscriber/respondents expressed support for current law. In response to a new question asked in 2008, 10% said that if the law is repealed they would not re-enlist, and an additional 14% said they would consider leaving the military. In March more than 1,000 retired [Flag & General Officers for the Military](#) released an open letter supporting the 1993 law.

The Base News article included a statement from a MOAA spokesman, but did not explain why the organization did not release the results on its own. At least one member mentioned in the article opposed the group's silence on a major issue soon to be debated in Congress. Incredibly, the report was later removed from its website.

The 1993 law is frequently mislabeled "[Don't Ask, Don't Tell](#)," Gay activists keep insisting that cultural and generational changes make success for their cause inevitable. The MOAA survey, which includes significant participation by younger active duty or drilling reserve and guard members, demolishes that argument.

The survey done by MOAA, a 370,000 multi-service veterans organization, found that 16% of respondents currently on active duty, drilling reserve, or active guard duty favored the Defense Department's "Don't Ask, Don't Tell" policy as a "reasonable compromise." Over three times as many (52%) favored an even stronger "outright ban on military service by homosexuals," while less than one-third (31%) favored repeal.

The combined 68% opinion expressed on both of these key questions—coming from MOAA members who would be directly affected by repeal of the law—conveys a clear message to President Barack Obama and to members of Congress. Repeal of the 1993 law, which cannot be justified on national security grounds, would have serious negative effects on recruiting, retention, and overall readiness in the All-Volunteer Force.

The survey results are even more remarkable in view of the fact that a combined 35% of MOAA respondents thought that today's service members are "much more" or "moderately more" tolerant toward homosexuals in the military, while 45% percent said that attitudes were "no different" from those servicing in the 1980s and earlier.

Thirty-four percent of the MOAA Survey's 1,654 respondents were under 30 years old, and another 30% were 30-45, an age category that includes experienced leaders. So much for the claim that since younger members of the military are more comfortable with homosexuals in general, they are ready to support repeal of the law.

Civilian culture has changed, but the unique culture of the military has not changed.

Elaine Donnelly is president of the Center for Military Readiness



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Reader Comments

August 26, 2009

**CONSERVATIVE
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Issue 138 -

Editor: Thank you for your article, _____ entitled "Papal Freedom Regression?" It clearly laid out how the Pope's "third way" is possible and appropriate if understood properly. I thought I was in total agreement (maybe not upon review) of everything written until your ending, which understands "freedom unambiguously as the central element in human social life, subject only to the equally free gifts of love and truth." Without doubt, freedom, although essential, is not on a par with "love in truth" for Pope Benedict. It's clear from his writings and grounded in tradition that love or charity is the "form" of the virtues. It is a metaphysical principle for him, meaning it guides or forms his ("the") whole discourse on freedom and justice...it fulfills them as themselves. Pope Benedict's "third way" is just that, the fundamental and structural way of love, which must be realized in freedom, of course, but must be understood to govern, from the outset (b/c God loved us first), the whole of creation and human activity. My claim is that freedom could only be "equal" to love and truth in social activity to the extent that it could be coined another name for God, as love and truth are (principally love). My concern is that your trenchant critique of George Weigel, finally, in the end, structurally capitulates to his neo-liberal tendencies, to his own way, as though it were actually Papa Bene's. Thank you for writing a wonderful article though. If you wish to respond and/or clarify, I would be grateful. Otherwise, God blessings to you, Tobias Nathe

Editor: Regarding "Papal Freedom Regression?" and its concerns about the welfare state remember the moral "If you give a man a fish, you've fed him for a day. Teach him to fish, and you've fed him for a lifetime." We have a problem now. Those who have been fishing (working) find the Game Warden wanting to keep more and more of what they catch. Some of those who have been fishing, but with little success, are being encouraged to STOP FISHING, and instead rely on the Game Warden to supply their needs. Those who never cared for fishing are finding more and more reasons not to bother. No more satisfaction from doing a good job, just a handout. And those who are fishing still are being hit with all kinds of new rules and procedures and regulations designed to make it hard to continue. Meanwhile, other countries freely encourage their citizens to keep fishing, and teach others. They do not make it hard on those who want to keep on. We are in trouble! EM

Editor: The Pope united two contradictory elements once again and "Papal Freedom Regression?" shuts one eye and ignores the errors and problems in his new encyclical. Such self delusion is common in pro-faith Catholics. It was neither free market nor full communism but once again a miss-mash of third way thinking. How else do you place his call for a world body to oversee financial institutions, or his championing Paul VI's progressive piece of nonsense? Be deluded all you want to hold on dearly to your faith. Tu Ne Cede Malis demands a complete break with all falsehood. There is no third way. Craig J. Townsend

[Editor replies: Then why was there no delusion when we criticed Paul's [Populorum Progressio](#) in 1978? Why not complete the Mises motto as he does with "and to proceed ever more boldly against it," recognizing movement away from malis rather than its complete elimination, which is utopian and the greatest malis of all.]

Editor: I totally agree with Fiona Kobusingye's article "No African Witchdoctors."
How can we expose Al Gore and the other energy gluttons who want the common man to suffer so they can have more, more, more! Barbara Keats

Editor: Fiona Kobusingye's article should be on the front page of every newspaper in the world!
Excellent, June Angstadt

Editor: Fiona Kobusingye's article "No African Witchdoctors" is wonderful. I only wish it were possible to make sure every American get this and could realize just how this "Global Warming" myth is really just that - I call it a scam. Those like Al Gore who are and will definitely continue to profit, big time, will fight to the teeth, but eventually truth will win, I pray. By then, we will all be in the same poverty as Uganda. God help us all!! Thank You, Marilyn England

Editor: Fiona Kobusingye's "No African Witchdoctors" is excellent. I too for years have said this is a powerful propaganda scheme - much as they are push-pushing Cap & Trade--which is nothing but a TAX- and excuse for Al Gore and Soros (GE) to make more millions and billions. I wish her luck- I hope the word gets out. I will post it on Facebook. Janet Carney, Scottsdale

Editor: Dear Fiona Kobusingye, Bravo!!! Thank you, Mike Hatch

Editor: I agree with Tom Pauken's ideas in "Tax Spending, Not Jobs." I would like to know whether he is aware of the "Fair Tax" bill in Congress which would do away with Income Taxes, FICA, Inheritance Tax, and in fact the IRS. It seems to be broader than he suggests and I'd like to know his opinion about it. Pete Rushworth

Editor: Not only should Paulson be held accountable as John Berlau proposes in his "Hold Paulson Accountable," but he should be prosecuted for violating the law! He has NO lawful authority to dictate to anyone on any terms. Neither did Obama have any authority to fire Rick Waggoner, or strip stockholders of their GM stock and give it to the UAW bosses. Their authority is limited and proscribed by law, and cannot issue an edict or threaten harmful action. He can only "execute" his limited authority pursuant to the law that grants it. This is true for any Federal Agency, whether it is the FBI, DEA, FDA, Treasury, or whatever. It is outrageous that agencies practice this sort of tyranny towards the free market. Bad enough that they are regulated to death and robbed by a "government" meant to protect the regular flow of commerce. This should not stop at Paulson, every "regulator" should be prosecuted for this abuse! Crev Carrillo

Editor: Regarding John Berlau's "Hold Paulson Accountable," forget Paulson for now. At present, we have bigger fish to fry. That Obama is in the White House is evidence enough, if we needed any,

that President Bush was a domestic policy disaster and bipartisan-loving Republican members of Congress were willing to go along. We need to focus, not on "bipartisan" anything, but rather on restoring conservatism as the dominant force in the Republican Party and re-creating our former image of the sensible voice in government for maintaining individual liberties and reeling in government spending and intrusion in the lives of our population. Chasing a dead horse like Paulson and elevating people like Cuomo in the process, won't achieve that. Republicans/Conservatives need to distance themselves as far from the Democrat Party as possible and have nothing whatever to do with them. We need to talk directly to the people, without any Democrat voice, concession, nod or amiability, and force those Democrats to follow us because, in so doing, as we have seen in the past, the people will follow us. We must totally ignore Democrats and have the mental attitude that they don't exist. We have nothing to lose at this point, whereas during the Bush years, we had everything to lose -- and lost it. Chasing Paulson now is a distraction we can't afford. Jeff Dover, Scottsdale, AZ

Editor: Regarding Alex Castellanos' "Obama Will turn Right," Obama is a much more ideological leftist than Clinton was. Obama has really dug himself in deep on the proposed (but impossible to focus on) health "reforms." He actually means to wreck 1/7th of our economy. Obama can, if he wants to, wait for the Congressional Democrats to send him botched legislation and he then can send it right back to them and tell them they haven't done their job properly. He would gain enormous support across the board if he told the Democrat-controlled Congress to write the bill the way he wants it and dug in his feet. There is time for Obama to "heroically" insist that he won't take no for an answer. This would be a fantastically bold move. Congress could buckle under these circumstances. In fact, Congress would buckle if the President stood over them and took a few whacks at their behinds. Congress, taken as a whole, is one of the most unpopular institutions in American public life. I don't know if Obama is the sort of guy who would insist that Congress "go all the way" for him. My guess is that he is young enough, inexperienced enough, and so determined to carry out a leftist ideology that he might give Congress a good whipping and tell them to get back to work and give him what he wants. Didn't Andrew Jackson do something like that to Congress? If I recall, he finally tamed Congress and they finally did what he wanted - abolish the second United States Bank. A President who is willing to point out Congress's massive failures and take them to the woodshed could become a really popular president. Tim Hunter

Editor: Regarding the Alex Castellanos article predicting that Mr. Obama will be reelected in 2012 by pretending to turn right on spending, it could happen. The "gap" between what he says and what he does goes mostly unreported. And the so called leaders of the Republican Party seem unwilling to point out the deeds of Mr. Obama and his fellow Marxists. Are they intimidated by Acorn or just suffering from "beltway blur?" I offer a simple observation for Chairman Michael Steele and other like minded thinkers in the Republican Party. Mr. Obama WILL NOT be defeated by silence. STAND UP, SPEAK-UP and help THROW THE THUGS OUT of office. If you do not, YOU will BE HANGING from that rope you seem to want to give them. This TYRANNY will not be defeated by your silence. It must be opposed EACH and EVERY DAY! Only by doing so, will OBAMA and his THUG NATION be exposed. WAKE UP before it is too late. Phillip Thompson

Editor: Regarding Doug Edelman's "Tea Party Activism," I attended a Tea Party in Omaha Nebraska on July 4th. Many people asked me what they could DO in light of every thing going on. Many commented on how they wrote letters and made calls, only to wonder was their letter read or the phone system was overloaded. I informed the crowd of yet another avenue of approach they might add to their activities. I let them know they could write and call the financial supporters of elected officials. The information on these individuals and companies is readily available on the internet and

that if enough people wrote and called then perhaps the CEO's would put in a word directly to the politician. I can say this because I am a politician, newly elected to the Nebraska State Legislature. Just think of what happened to the Tuna industry with regards to dolphins! Does anybody realize Omaha Steaks is a HUGE supporter of Liberal Causes? So I offer this to you and your readers. Senator Scott Price

Editor: Thank you for your editorials. Pamela Mikkelsen

Editor: It would be helpful if you would provide links for us so that we can post these articles to Facebook, Twitter, etc. Thanks, Todd A. Dierdorff, Placerville, CA

[Editor responds: Great idea. We have started adding a Facebook link and will investigate the others. Thanks for the suggestion.]

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