



**Ann Coulter**

# CONSERVATIVE BATTLELINE ONLINE

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## Coulter's Law

by Donald Devine

Ann Coulter may go over the top sometimes but she understands today's legal morass. "You can make 30 times more money than doctors by becoming a trial lawyer suing doctors. You need no skills, no superior board scores, no decade of training and no sleepless residency. It's only a matter of time before the best and brightest students forget about medical school and go to law school instead. How long can a society based on suing the productive last?"

It is a good question. And it is not only physicians. Come on—making the Knicks' Isaiah Thomas pay \$11 million for a basketball coach being crude? Like physicians, corporate executives do critical productive work but they are in the legal bulls-eye even more. At the fifth anniversary of the establishment of the Corporate Fraud Task Force consisting of the heads or top deputies of all the national government's enforcement agencies, the nation's top legal official, Attorney General Alberto Gonzales, bragged: "By May of 2007, we'd obtained more than 1,200 convictions, including 214 corporate chief executives or presidents."



**Ann Coulter**



He exaggerated a bit but his Department of Justice proudly produced the precise facts. This Force, set up with concentrated powers only previously exercised against the mafia, was established in the wake of the 1990s market bubble bust with the sole mission of targeting businessmen actually convicted or plea bargained into jail 82 chief executives, 85 corporate presidents, 102 vice presidents, 36 chief financial officers, 14 chief operating officers and one thousand managers.

Mostly they were charged with "fraud" but then why did the defrauded not file the cases instead of the government? These should be civil cases. But the public was angry over the market losses (although no one complained about the billions earned before the bubble burst) and the government served up the indictments, mostly for mere "conspiracy." Most were plea-bargained and the sentences were of a length unheard of even compared to the 1980s insider-trading and savings and loan scandals. Ordinary people simply are not sympathetic to rich people. So WorldCom's Bernie Ebbers received 25 years, Adelphia's John Rigas 15 years, and Tyco's L. Dennis Kozlowski 8 to 25 years. Poor Martha Stewart received 5 months in prison and five under house arrest for conspiracy even though the prosecutors found no underlying crime to conspire about,

The only problem was that in a case against the accounting firm KPMG Federal Judge Lewis A. Kaplan found that the Force's main weapon, its "Principles of Federal Prosecution of Business Organizations," violated the Sixth and Fourteenth Amendments. How? Prosecutors were allowed to rule that a corporation was not "cooperating" with an investigation if it refused to waive its attorney-client privilege in regard to conversations by its employees or if a company paid attorneys' fees for its employees. If they did these terrible things defending their employees and paying their attorney fees (for doing company business, after all), company executives were considered uncooperative and made targets of the investigation. Consequently, most firms were intimidated to "cooperate" against their employees and required them to pay their attorneys making it more difficult to defend themselves.

Either way, the prosecutors had easier targets. With millions of (often conflicting) laws on every economic activity imaginable in the dozens of agencies on the Force with the great power of the national government unified against them, the businessmen did not have a chance. Prosecutors know that if they observe any person long enough they are bound to disobey some law so when people demand action in an area like a market bubble bursting, a victim is always ready at hand,

especially unpopular ones like the rich. In light of the court opinion, Justice did revise its Principles. But it was too late for the 214.

The whole legal tort system has gone wild. Towers-Perrin-Tillinghast has released its most recent update on the American tort system, this time with international comparisons. U.S. tort costs grew by 5.9 percent in 2004, the last year data are available. The total cost was \$260 billion or \$886 for every American that year. Torts represented 2.22 percent of total Gross Domestic Product (three times the farm economy and about the size of the trade deficit), up significantly since the 1980s. Inflation-adjusted costs per capita were almost double what they were in 1980. No other country spends nearly as much. The second most expensive, Italy, had almost one quarter lower legal overhead. American tort costs as a percentage of GDP were twice or more higher than in the rest of the world. This week the Supreme Court is deciding whether to expand those who can be sued from those thought guilty of fraud to those who only do business with those who are fraudulent. The costs will quadruple if the justices agree with the trial bar.



Why does any of this matter? Well, justice is supposed to be the purpose of government. If the law does not work fairly, government is a failure. While violent crime has its own problems in the U.S., and the number of prisoners freed by DNA tests is disquieting, white collar rules affect the productive classes that make the economy work. Prosecutors have all of the tools to dominate what should be a civil case consisting of relatively equal litigants. Jury sympathy is usually with the weaker or poorer party. Aiming at these middle class producers hits society right back in the pocketbook. If the potentially productive are intimidated by unfair rules, they will not produce. This is precisely why most of the world lags so in productivity and wealth. In fact, having a respected and fair rule of law is what differentiates a decent and successful society from a chaotic one.

The World Bank and many other studies show conclusively that rule of law is what makes societies work. Whether a country has democratic elections or not is not that important to economic success or even to stable and free government. The amount of education people receive does not help much—after all many are taught the wrong things. The amount government spends on health and welfare does not help either. In fact it retards prosperity worldwide. Open markets and trade help but by far the largest reason some nations succeed economically and politically and others do not is because the former have a rule of law and the later do not.

Rule of law does not mean there are many tough rules enforced by tougher cops. Quite the opposite in fact—all nations have tough cops and tough laws. It is the nature of the law that counts. The philosopher who inspired our Declaration of Independence, John Locke, set that standard. Law must be “established, settled, known law,” based on “common consent to be the standard of right and wrong and the common measure to decide all controversies.” They must be “promulgated, established laws, not to be varied in particular cases but to have one rule for rich and poor, the favorite at court and the countryman at plow.”

Today no one knows all the laws he is subject to in the U.S. Thousands of laws are passed each year and they accumulate since few are repealed. Bureaucratic regulators pass many times more rules that have the force of law. Even lawyers need to specialize since not even the experts know the law outside one’s narrow field. The laws are not “known,” much less established or settled or based on common experience. If one cannot know the laws it is impossible to obey them, especially when there are so many and mostly vague.

On top of this, Americans by and large are individualists. Individualists do not like rules. So Americans break laws every day, although not the violent ones that are based on common experience. Even mandatory insurance laws are avoided by a quarter or more of the population. Tens of millions of otherwise innocents are made criminals by anti-gun laws. How many keep their seat belts buckled from entry to leaving the car, all the time? Do people fill the proper labor and tax forms to hire household help? Who does not go above the (too low) speed limit? Under these circumstances, everyone is guilty and there is no real law. And more such laws are created every day.



When a Stanford University professor like Robert Weisberg can say "It is hard to remember a major fraud case that went to jury trial that led to an acquittal" (actually Health-South CEO Richard Scrushy was acquitted but he is now back in court for supposedly "unrelated charges"), that the rules favor the unproductive lawyers and bureaucrats, and that over 90 percent of convictions are by plea bargains rather than trials there is something seriously wrong with the legal system. Why is Ms. Coulter the only one talking about this scandal?

*Donald Devine, the editor of Conservative Battline 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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Editor**

## **Guilt--or Circumstances Made Me Do It?**

by S.T. Karnick

The central moral issue of the past century was whether a traditional (in fact, millennias old) assumption behind moral thinking should prevail, or should be replaced by a newer, seemingly more compassionate thought. It is a matter over which American society is still struggling.

The classical Western notion, of course, was that an individual is responsible for his or her own actions, even if outside circumstances contributed to the person's decision to break a rule. That meant, for example, that even poverty did not excuse theft.

Of course, even if personal responsibility was assumed, mercy and common sense were essential to the dispensing of true justice. Western morality and our sense of justice always recognized that sometimes, albeit rarely, an individual's circumstances can be so compelling as to excuse rule-breaking. And of course anything not done by choice, such as killing a person in self-defense, was automatically excused.

This mindset was challenged in the past century by the philosophy of determinism.

Resting on the obvious truth that all material actions are caused in some way or another, the moral philosophy of determinism extended this to suggest that to a great extent human beings do not act freely by their own choice. It is in fact a highly sophisticated argument, but it ultimately rests on the assumptions of philosophical materialism.

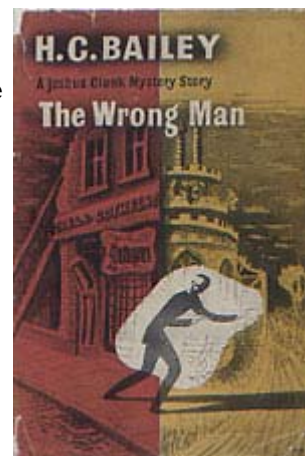
In its popular manifestation, in any case, moral determinism led to the idea that criminal behavior was largely not a matter of free choice but instead an inevitable consequence of the circumstances in which the wrongdoer found him- or herself. Hence the emphasis on "alleviating the root causes of crime" as opposed to removing criminals from society and punishing them to lower the attractiveness of the choice to engage in criminal behavior.

Such a mentality certainly benefits those who commit crimes, of course, as they are fairly easily absolved of responsibility for their actions, and punishment is increasingly hard to justify. It is seriously deaf to the victims of crime, however, as it places the emphasis on the awful circumstances that drove the criminal to harm someone, and concentrates efforts on removing those circumstances. What it does then, is make a perverse quest of bettering the lives of the criminal class, rewarding them for their misdeeds.

As a result of this perverse situation, instead of simply holding criminals more responsible for their actions, "victims' rights" organizations sprung up, with the intent of providing ministrations to victims to give them "closure," meaning to reconcile them to the fact that they were victimized by others and that nothing good was going to be done about it or any real effort made to reduce the incidence of such crimes.

By the 1980s, this elaborate scheme of superficial niceness to both criminals and their victims and refusal to pursue real justice had become clearly absurd and harmful, and a reaction set in. Since that time, American society has been torn between the two approaches to moral responsibility, with the criminal justice system and social welfare apparatus moving more toward the notion of personal responsibility while the schools inculcated a deterministic moral philosophy.

This argument between two philosophical approaches has also played out widely in the culture, especially in crime fiction. For me one of the best forums for contemplating issues of moral responsibility has been mystery fiction, and I think that most of the best instances I've seen of such treatment have been in the realm of classic puzzle mysteries.



One such writer is [H. C. Bailey, author of the classic Reggie Fortune mysteries.](#)

Bailey quite consciously tackled the issues of personal responsibility and possible compulsion, and his main detective, Reggie Fortune, often openly recognized that legal guilt and moral responsibility can be two very different things. As a result of this recognition of tension between two notions, Bailey's mystery stories have a fairly sophisticated moral point of view.

But moral sophistication does not, in this case, mean decadence. Bailey recognizes the difficulties in establishing the truth of free will and personal responsibility, but he recognizes that in practical terms they must be assumed to be true or society will devolve into chaos. The key, as Dr. Fortune's actions make clear, is that each situation be analyzed thoroughly so that the response is just and true for that instance. That, it is clear, is all that we can hope to do in this world.

[In a 1935 profile of his great detective character Reggie Fortune, "Meet Mr. Fortune,"](#) Bailey demonstrates this truth by directly and insightfully addressing the question of personal responsibility for one's actions:

On the conviction of a criminal he [Fortune] has sometimes been heard to repeat the phrase of the old divine, "There, but for the grace of God, go I." But this does not proceed from the comfortable philosophy that anybody may be a rascal if circumstances impel him that way. Mr. Fortune's creed is that the original impulse in a great deal of crime is a motive which many or most people feel. The distinction of the criminal is that he indulges it selfishly. For that selfishness when it wrongs others Mr. Fortune finds no excuse in difficult or tempting circumstances. A cruel crime is to him the work of a pestilential creature, and he sees his duty in dealing with such cases as that of a doctor in "treating" illness. The cause must be discovered and extirpated. There is no more mercy for the cruel criminal than for the germs of disease. Both must be made innocuous. The measures taken against both must be such as to diminish the danger of further infection.

Here, as in the best of his stories, Bailey manages to square the circle morally: fully recognizing the power of circumstances while thoroughly accepting the fact that what distinguishes the criminal from the rest of us is the choice to break the rules.

Philosophy, as Bailey and Fortune both recognize, can serve as a foundation for action, or it can serve as an excuse for shirking one's responsibility to protect those who cannot protect themselves. And the latter class, of course, includes all of us at one time or another (in childhood, in dotage, and at least eight hours of every day of our lives, as we sleep). It is why the Reggie Fortune stories so often deal with threats or crimes against children—they are among the most clearly defenseless of us all, and the defenselessness of victims is what makes crime so repugnant.

As Bailey makes clear, the honorable route is to take the measures necessary to ensure the protection of the innocent. This attitude should be neither eccentric nor particularly courageous, yet it too often seems so, both in the real world and in fiction.

The power of popular culture is that it enables us to see the consequences of our assumptions without having to suffer them ourselves.

Unfortunately, we are all too often wont to ignore the warnings and forge ahead anyway. That is our choice.

S. T. Karnick, edits [The American Culture](#)

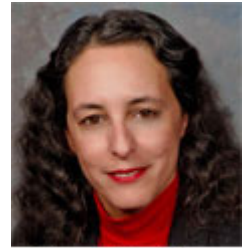
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## Poverty Facts

by Lisa Fabrizio

Are you like me? If you are, you're constantly amazed by and grateful for the bountiful opportunities this country affords to anyone willing to work for them. Living as I do in the New York metropolitan area, I've seen places that were formerly considered the 'wrong side of the tracks' transformed into beautiful apartment complexes. And in my own previously all-white neighborhood, we have a great assortment of families of all colors and creeds living in houses that only a generation ago would have been impossible for them to afford.



Lisa Fabrizio

Go into almost any store or shop and you're likely to see all types of folks walking around on their expensively clad feet, swiping their credit and ATM cards with their carefully manicured hands. Drive through any neighborhood in any town--even in run-down areas--and check out the crowded restaurants while perusing the satellite dishes adorning the homes; homes filled with purchases that were once considered luxury items that now grace even the most humble of abodes.

So maybe you, like me, experience confusion when politicians like John Edwards incessantly trumpet two Americas; one of which apparently contains those living in dire poverty and despair. Take his [comments](#) on the newly released [data](#) from the U.S. Census Bureau's Housing and Household Economic Statistics Division on poverty:

The reality that we have two Americas was confirmed again today by new data from the Census Bureau. These statistics show what most Americans know: tens of millions of our fellow citizens are completely left out of the economic progress enjoyed by the individuals and corporations on the very top.

Can this be true? Are there that many people in this country who live without the most basic of comforts and have no access to the American Dream? The Heritage Foundation's Robert E. Rector has written a [fine piece](#) cataloging the Census Bureau's statistics and linked to all the pertinent data. If you're anything like me, some of the highlights might not surprise you:

- Forty-three percent of all poor households actually own their own homes. The average home owned by persons classified as poor by the Census Bureau is a three-bedroom house with one-and-a-half baths, a garage, and a porch or patio.
- Eighty percent of poor households have air conditioning. By contrast, in 1970, only 36 percent of the entire U.S. population enjoyed air conditioning.
- Only 6 percent of poor households are overcrowded. More than two-thirds have more than two rooms per person.
- The average poor American has more living space than the average individual living in Paris, London, Vienna, Athens, and other cities throughout Europe. (These comparisons are to the *average* citizens in foreign countries, not to those classified as poor.)
- Nearly three-quarters of poor households own a car; 31 percent own two or more cars.
- Ninety-seven percent of poor households have a color television; over half own two or more color televisions.
- Seventy-eight percent have a VCR or DVD player; 62 percent have cable or satellite TV reception.
- Eighty-nine percent own microwave ovens, more than half have a stereo, and more than a third have an automatic dishwasher.

The point being, that the depth of poverty that exists in too much of the world is basically nonexistent here. But although our poor are better off than those in most of the world--so much so that millions of impoverished foreigners are willing to risk their lives and break our laws to join

them--some Americans do live in unfortunate, if not dire, circumstances. Of course, the major difference is that the poor in this country have the opportunity to improve their lot.

All Americans used to know the way to prosperity for themselves and their families. It was, and is pretty basic: a two-parent family working as diligently as possible. In his piece, Rector concludes: "In good economic times or bad, the typical poor family with children is supported by only 800 hours of work during a year: That amounts to 16 hours of work per week. If work in each family were raised to 2,000 hours per year—the equivalent of one adult working 40 hours per week through the year—nearly 75 percent of poor children would be lifted out of official poverty."

This, of course, is a truth that Edwards and friends cannot bear to hear or admit. To placate their diverse voting blocks--feminists, race-baiters, gays and socialists--their aim is to keep the 'lower' classes low by demeaning marriage, exalting 'single moms', encouraging race and class envy, and subsidizing all of the above under the guise of 'helping the poor'.

Incredibly, this plan works so well, that the very people who are most damaged by the Democratic Party are some of their most reliable voters. The true poverty of America's poor is not their economic plight, but their lack of knowledge that those who would free them are really those who seek to keep them in chains.

*[Lisa Fabrizio](#) is a columnist who hails from Connecticut.*

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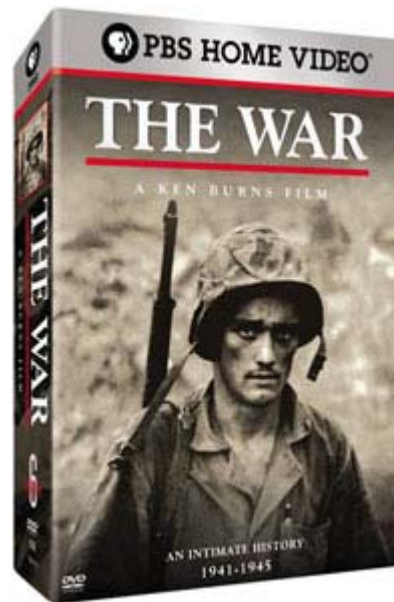
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## Ken Burns' War

by Spencer Warren

"Victory at Sea," from the early 1950's, with its famous Richard Rodgers musical score, and Britain's "The World at War," from the 1970's, probably are the best known multi-part television documentaries about the cataclysm of the Second World War. They may now be joined in the first decade of our new century by Ken Burns's seven-part "The War."

Despite one serious drawback, this PBS series, more than fifteen hours in length, will do much good by introducing a new generation to this terrible but also noble chapter in our history. Burns tells the story mainly through the eyes of specific "average" Americans from four mid-sized or smaller communities: Waterbury, Connecticut; Mobile, Alabama; Luverne, Minnesota; and Sacramento, California. He employs the technique of still photos, narration and music he used with such success in his Civil War and other documentaries, only here he also has live action films, newsreels and interviews with actual participants.



Burns skillfully interweaves the personal experiences of his subjects with the whirlpool of great events in which they became embroiled. They include Glenn Frazier of Mobile, who volunteered before Pearl Harbor when he thought (mistakenly) he had been jilted by his girl, and who then endured more than three years in hell as a prisoner and slave laborer of the Japanese, starting with the infamous Bataan Death March; Quentin Annenson of Luverne, who fought as a fighter pilot in Europe; and Babe Ciarlo of Waterbury, an infantryman fighting in Italy. Among others, Burns focuses on Sascha Weinzheimer, age eight in 1941, who with her family was interned by the enemy in the Philippines for almost three years until liberated, and Willie Rushton, a black man from Mobile who joined up and encountered racism in the segregated military. Katharine Phillips, whose brother, Sidney, joined the Marines, recounts the immense changes wrought in Mobile by the war. The sister and brother of Babe Ciarlo recount what life was like for them and their widowed mother, avidly reading the cheerful letters from Babe which did not breathe a word about his new world of death.

Happily, and perhaps surprisingly (but for the glaring exception explained below), Burns and PBS generally stay clear of the contemporary practice of filtering the war through the radical left-wing perspective that prevails in much of the "mainstream" media – for example, Clint Eastwood's ill-willed, ignorant but much acclaimed *Flags of Our Fathers* and *Letters from Iwo Jima*. (See my reviews at <http://acuf.org/issues/issue73/061211med.asp> and <http://acuf.org/issues/issue78/070216med.asp>.) Another example can be found in some of the gratuitous comments on World War II and Cold War movies by the left-wing, and equally ignorant, host of the Turner Classic Movies classic movie channel, Robert Osborne.

Thus, Burns devotes a great deal of time to the suffering of Glenn Frazier (who was beaten so frequently it "became routine") and the interned Weinzheimer family. (Civilian internees who did not bow low enough for their captors were beaten.) When Burns recounts, through the words of the late Eugene Sledge, author of the acclaimed memoir, *With the Old Breed*, an atrocity by a Marine against a badly wounded, helpless Japanese soldier during the desperate fighting on the Pacific island of Peleliu, he leaves it at that. The viewer can see this was a relatively isolated incident, in contrast to the systematic, barbaric cruelty of the Japanese. Burns also includes the incident on Saipan, where our forces landed in June 1944, in which the resident Japanese civilians and their families were ordered by their own military to commit suicide – those who did not jump from the cliff, women and children – were shot by their own men. U.S. troops risked their own lives trying to rescue some of the enemy's women and children. Yet, Eastwood in *Letters from Iwo Jima* draws precise moral

equivalence between us and our savage enemy; Osborne also promotes moral equivalence in his inane comments. (How will the many left-wing schoolteachers deal with the series, or will they ignore it in class?)



Likewise, Burns's narrative treatment of the events leading up to the dropping of the two atomic bombs avoids the controversies stirred up by left-wing historians. He permits the viewer to judge the events in the context of their time – as people saw them then. Following very vivid and disturbing live action films in color of the fighting on Iwo Jima and Okinawa in 1945 – the preludes to our planned invasion of the Japanese home islands – Burns goes directly into our firebombing of enemy cities by the giant new B-29 Super Fortresses, and then into preparations for the atomic bomb. (He should have noted that the firebombing began only after precision bombing of military targets had proved impracticable.) Any patriotic viewer will draw the obvious conclusion that the atomic bombs were employed to save our boys' lives. In one indelible, haunting image, we see one of our boys on Iwo Jima (most were 19-22 years of age) lying dead, propped up against the side of a big shell hole in the volcanic sand, his helmet still sitting on his lifeless head. Truly, a picture is worth a thousand words. In this connection, Burns notes the estimates of up to 500,000 U.S. dead from the invasion of Japan. Implicitly, dismissing the left-wing historians who argue "only" 35,000 would have died, Geoffrey Ward's narration states: "All everyone knew was that the cost was likely to be astronomic."

The biggest shortcoming of the documentary is Burns's obsession with and factually dubious treatment of the internment of more than 110,000 Japanese-Americans and Japanese resident aliens. (Large numbers of German- and Italian-Americans also were interned, but they were a small percentage of their brethren in the country.) He returns to this subject again and again and again, even, a la Eastwood, juxtaposing photos of the internment camp in the Philippines (where Burns had noted our prisoners were beaten) with the camps in the U.S. He devotes so much time to the heroics of the Japanese-American fighting unit, the 442nd Regimental Combat Team, that one might think it was the only such unit in the Army. They are deservedly renowned for their gallantry and suffered heavy casualties, but the disproportionate attention for this one unit suggests they are being used by Burns and the ultra-liberal PBS for purposes of leftist "diversity." (He also employs a Navajo Indian for the same purpose.)

Worse, in his segment on the death and funeral of President Roosevelt in April 1945, as we see the casket being escorted up Pennsylvania Avenue, Burns's narration questions the President's moral character for having signing the internment order of February 1942. How frustrating it must be for Michelle Malkin, whose scholarly work in her book, *In Defense of Internment* (2004), examines the now declassified secret intelligence which justified Roosevelt's order in the alarming context of the period after Pearl Harbor, to see her exhaustive research completely ignored so the left can continue to propagate its myth of America as a nation of victims. Burns's "research" consists of pictures of internees playing baseball in the camps and one young internee complaining he had "pledged allegiance in school every day." The intelligence examined by Malkin also was ignored by the commission which in the 1980's recommended we apologize and pay reparations to those interned, which President Reagan mistakenly endorsed. (Canada took similar internment actions, beginning a month earlier than the U.S., in January 1942.) Too bad that today we face other potential fifth columnists in our country, who potentially could kill tens or hundreds of thousands of Americans, but we do not have a president with the resolve to protect our people from domestic dangers as we did in 1942. (Today's president, six years after 9/11, in deference to the left's distortion of the principle of "tolerance," still refuses to permit the profiling of airline passengers that could have prevented the deaths of more than 3000 Americans that day.)

Burns also manages to touch on some of the broad strategic issues, such as the Germany-first strategy and the peripheral strategy of first deploying U.S. and British forces in Africa in November 1942 and in Italy in 1943, which allowed the Allies to weaken and spread out the Germans for a year and a half before the decisive D-Day landings in France on June 6, 1944. It also gave our air forces time to destroy the Luftwaffe, which was almost totally absent from the skies above the Normandy

landing beaches on June 6<sup>th</sup> and, indeed, for the rest of the war. Burns notes that President Roosevelt sided with Churchill and the British military on these issues, which in 1942 and 1943 at times bitterly divided the U.S. and British military and naval chiefs. General Marshall and the rest of the Joint Chiefs opposed the peripheral Mediterranean strategy and desired a decisive blow with maximum force in France in 1943; also, Stalin was pressuring for a second front in France as soon as possible to relieve pressure on the eastern front. Almost all historians now agree this would have been disastrous and Roosevelt showed great strategic acumen in siding with the British, who had much more experience than our chiefs and who did not have the blood and treasure to spill that our bigger country had. These were two of many wise strategic decisions made by Roosevelt who, conservatives should recognize, may have greater claims as commander-in-chief than as steward of the economy during the Depression. Interested readers may wish to consult the detailed list of Roosevelt's wise strategic decisions at pages 52 to 84 in *American Strategy in World War II* (1963), by the chief historian of the Army, Kent Roberts Greenfield. Burns also mentions Roosevelt's staunch support for the hugely expensive, highly risky Manhattan Project, which produced the atomic bombs. I would rank Roosevelt with Lincoln as one of the two best commanders-in-chief; Lyndon Johnson and G.W. Bush rank at the bottom.

Another strategic issue that Burns mentions, which has special interest for conservatives, is the failure to end the European war by Christmas 1944, as many expected after our rapid break-out from Normandy in July 1944 and General Patton's race across France to the German frontier. Had the U.S. and Britain succeeded in pushing into Germany in autumn 1944, we could have shortened the war and would have occupied most if not all of the country, as the Red Army was still fighting in the east along the Vistula River in Poland. This would have greatly strengthened the bargaining position of Roosevelt and Churchill at Yalta in February 1945 – many critics forget that when the Big Three met in the Crimea, the Red Army already occupied all of Eastern Europe.

The reason we did not win the European war in 1944 was logistical – our rapid advance stretched our supply lines from the English Channel very thin and, due to decisions by Eisenhower (the Supreme Allied Commander) and General Montgomery, we failed to clear the vital port of Antwerp in Belgium, allowing the Germans to remain fixed along the River Scheldt leading from the port out to the North Sea. Eisenhower, who as the head of a coalition felt compelled to be a political as well as military general, also denied the pleas of Patton that he be given priority for gasoline and other supplies so he could make the big final push. Eventually, in September 1944, Eisenhower agreed to Montgomery's plan – Operation Market-Garden -- for a mammoth airborne operation to outflank the Germans in The Netherlands and strike across the northern Rhine into Germany's industrial Ruhr. Intelligence was ignored and Market-Garden was a fiasco. The tenacious Germans re-grouped along their fortified "West Wall" and staged one final offensive, the Battle of the Bulge in December-January, which inflicted nearly 100,000 U.S. casualties. Eisenhower bears some responsibility for this as well. Germany did not surrender until May 1945. True, this analysis has elements of hindsight, but the consequences, for the next forty-five years of Cold War, of not ending the war in 1944 are known to all.

To his credit, Burns devotes one program to fiascos like Market-Garden, the Huertgen Forest, the Vosges Mountains (where the Japanese-American 442<sup>nd</sup> suffered many needless casualties due to the incompetent General Dahlquist) and Peleliu; it was all a very grim business, beyond our imaginations today, and a lot of boys suffered and died due to blunders at the top. Yet this does not diminish the meaning of what they gave for us – as the eyewitness accounts of our liberation of some of the Nazi death camps makes all too clear.

Also to his credit, Burns allows viewers to see the central and chief place of religion in wartime America – and by implication the radical secularization of recent decades. The landings in France were known in the USA the morning of June 6, 1944. All that day, churches and synagogues were packed. Burns plays part of President Roosevelt's radio address to the nation that evening of June 6<sup>th</sup>. This presidential prayer, which no one would have thought to criticize at the time, may be inconceivable today. The President announced the landings were a success to that point. Then he began, slowly and firmly in a solemn, weighty tone: "Almighty God; Our sons, pride of our Nation, this day have set upon a mighty endeavor, a struggle to preserve our Republic, our religion, our

civilization, and to set free a suffering humanity. . . . Their road will be long and hard . . . [W]e know that by Thy grace, and by the righteousness of our cause, our sons will triumph. . . . Some will never return. Embrace these Father, and receive them, Thy heroic servants, into Thy kingdom." (Here allow me to criticize Burns's frequent over-use of music underscoring, which distracts the viewer.)

Another mark for Burns is how he recounts the awesome unleashing of our free economy – Ford's Willow Run plant in Michigan, operating 24/7 over 67 acres, was producing huge four-engine B-24 Liberator bombers off the assembly line, one every 63 minutes. This explains why it has been written that it was Detroit which destroyed Hitler and Japan. Burns also notes the economic, social and (at least in wartime) racial changes in Mobile following the mammoth expansion of Gulf Shipbuilding. Every American was mobilized for total war – from children leading scrap drives (even fat, which was used for explosives), to war bond campaigns, to rationing, and more. (The Victory speed limit during the war was 35 mph and only 135 cars were manufactured.) In light of our defeat in the "limited" war in Vietnam and our domestic divisions (along with strategic blunders) that have been impeding the Iraq War – for which no domestic sacrifice has ever been requested by the president – should it not be asked whether, in the future, we should fight another limited war without widespread domestic mobilization? World War II is the last real war (i.e. against serious opponents) we won; unlike today, the President made very clear from the outset that the road to victory would be long and hard. Nor was conduct of the war embroiled in an election cycle timetable.



Of course, Burns cannot cover everything, but he is remiss in completely ignoring the central role of Ultra – British and then American intelligence over time breaking many of the German and Japanese military codes, and the Japanese diplomatic code as well. This is the biggest revelation in historical research since the 1970's. Although the series focuses on the U.S., Ultra played a crucial role in the Battle of Britain in 1940 and shortened the war by years, saving countless lives. It was crucial to Montgomery's victory over Rommel at El Alamein in October 1942 (not mentioned in the series), to our victory over the U-boats in the Battle of the Atlantic in 1943, to MacArthur's rapid conquest of New Guinea in 1944, and to the planning for D-Day. Also omitted are the daring Doolittle bombing raid on Japan in April 1942 (<http://acuf.org/issues/issue84/070522cul.asp>) and the Allies' fire-bombing of Dresden in February 1945.

The series builds to a moving climax as Burns's personal subjects struggle to survive the inferno. Reality gives the lie to Babe Ciarlo's upbeat letters when he is killed on May 21, 1944, eight days before his 21 st birthday, two rosaries in his pockets. His sister and brother recount how they were returning home late one evening and found all the lights lit in their house. Later, Mrs. Ciarlo would ceaselessly pour over newspaper photos, sure it was a mistake and she would find her boy alive. Glenn Frazier, now a slave laborer in Japan, knows the Americans are coming from hearing our B-29's bombing attacks, and he observes our carrier-borne aircraft striking enemy shore installations. The guards tell him he and all the prisoners will be murdered if the Americans invade. The Weinzheimer family in the Philippines also learn their rescue is coming when in September 1944 they hear massive waves of U.S. aircraft overhead, powered not by Mitsubishi engines but "strong, powerful American engines." Quentin Annenson, flying high above the Falaise battlefield in France, can smell "the stench of burnt flesh" below. To this day he does not forget the extraordinary intensity of life in combat.

Finally, a united nation ecstatically celebrates V-J Day, August 15, 1945. Every church and synagogue held services. Church and school bells rang out. Crews on aircraft flying back to the USA could eye a huge sign emblazoned on one hillside: "Welcome Home. Well Done." Was this the happiest and proudest day of our history? Are we the same country today?

*Spencer Warren is ConservativeBattleline's movie critic.*

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Editor**

## Stossel v Hillary on Health

by John Goodman

If you missed John Stossel's recent 20/20 program, you missed the best documentary on health care I have ever seen. The best scene: in Canada, a dog gets his MRI scan in one hour; people wait six months!

A few days later, Hillary Clinton finally released her health plan. There are lofty goals, but not many specifics. She must have missed the documentary.

Thirty years ago Michael Dukakis campaigned for president with the boast, "I have insured everybody in Massachusetts." Of course he hadn't, and three decades later, everybody in Massachusetts is still not insured. Along the way there have been many other plans to create "universal coverage." They haven't worked either.



This is why candidates don't get any points from me for "the thought was there." Universal coverage at a minimum requires a credible plan. So far, no presidential candidate has come up with one, unless you count Dennis Kucinich's plan to give health care away for free to everyone.

Here are a few principles politicians tend to overlook.

1. Employer mandates don't work. Hawaii has had an employer mandate for more than 30 years; and the uninsurance rate in Hawaii is higher than in several states that have no mandate. A mandate is a tax on labor. Employers respond by economizing on labor as well as by turning to part time and contract workers. Pay-or-play mandates (insure your employees or pay a fine) have the same effect.

2. Individual mandates don't work. All but three states mandate auto liability insurance. Yet the national uninsurance rate for drivers is only a point or two below the national uninsurance rate for health. Two Canadian provinces require a nominal premium to enroll in Canada's Medicare. The uninsurance rate in those provinces is in the neighborhood of 4% to 5%. Even if health insurance is absolutely free, mandates are unlikely to work. Up to 14 million people (almost one-third of the uninsured) are eligible for Medicaid or S-CHIP, but have not bothered to enroll.

3. A mandated benefit package only makes things worse. Health insurance mandates almost always specify a package of benefits that people must buy. The problem here is the cost of the package is going to grow at twice the rate of people's incomes. So the mandate will absorb an increasing share of family income or require increasing tax subsidies. Things are made even worse as special interests lobby to include particular services and procedures in the package. A much better alternative to a defined benefit, by the way, is a defined contribution requirement. The government could, for example, require people to spend \$X on health insurance or pay \$X in taxes, leaving cost control and the content of benefit packages to the market.

4. Insurance in name only is not universal care. The most important barrier to care for low-income patients is not lack of insurance or price rationing. It is rationing by waiting. Further, the uninsured and Medicaid and S-CHIP enrollees often get care from the same doctors and the same facilities. Indeed one reason why so many eligible people fail to enroll in government insurance plans is that enrollment often doesn't expand access to care.

5. Pay or play for individuals is not enough. Making individuals pay more in taxes if they are uninsured is not unreasonable. In fact, we do that already under federal income and payroll tax laws. But as Massachusetts is currently finding out, many people will pay the fine and remain uninsured anyway.

6. The NCPA's universal coverage plan is a reasonable solution. Fifteen years ago, Gerry Musgrave and I sorted through all this in Patient Power. Our idea combines all tax and spending subsidies into a single, simple policy. The government offers every person a subsidy of \$X. If you buy health insurance, you get the \$X as a refundable tax credit. If you are uninsured, the \$X goes into a safety net institution in your neighborhood just in case you, and others like you, cannot pay your medical bills. A link to the latest exposition of the plan is below.

For the past decade and a half, the orthodox conservative response to Hillary Care has been Hillary Lite. The left says, "The problem is that there is too little health insurance." The right says, "You are right, that is the problem; we just don't want as much insurance as you want."

But there was something unique about Stossel's program. It was clear that insurance is neither the main problem, nor the main solution. Instead, the focus was on the market for medical care--on the value of empowering patients and letting providers compete for them.

Get the DVD. View it. Share it with friends. Send copies to Senator Clinton and the Republican Hillary-liters.

*John Goodman is president of the National Center for Policy Analysis, an independent public policy institute not affiliated with any other organization, trade association or corporation.*

For Sen. Clinton's summary of her own plan, go to:

<http://www.hillaryclinton.com/feature/healthcareplan/summary.aspx>

To get a DVD of Stossel's 20/20 program go to: <http://abcnews.go.com/2020/Stossel/>

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## Regulating Dating?

by Carey Roberts

Want a textbook example how the Left manufactures a crisis, passes a law that rolls back Constitutional protections, snookers card-carrying conservatives, and bilks American taxpayers? Look no farther than IMBRA, the International Marriage Broker Regulation Act.

A little background: It's no secret that conditions in post-socialist Russia are grim. Author Sonya Luehrmann recounts how women desperately search to find a husband "to put one's personal life in order, to settle down with a stable family."

And here in the United States, some men find American ladies to be a little too, shall we say, high-maintenance for their tastes.

Before long over 200 match-making services around the world had sprouted up like a clutch of springtime tulips.

A few years ago University of Pittsburgh professor Nicole Constable set out to probe the inner workings of these dating agencies. In her book *Romance on a Global Stage*, Constable revealed the international match-makers were simply responding to a human need for companionship and love. Many men who marry foreign brides "went to great lengths to ensure their partner's comfort and happiness in the United States," she noted.

But feminists are rankled by any hint that their nostrum for female liberation may be curtailing American women's marriage prospects. Worse, some of these foreign women actually aspire to be mothers and homemakers. Imagine that!

So the Sourpuss Sisters conspired to put the kibosh on the operation. They knew convincing Congress to regulate romance would be a hard sell. So they resorted to their tried and true formula of hackneyed stereotypes, outright demagoguery, and appeals to male chivalry.

It was Senator Maria Cantwell of Washington who quarterbacked the legislative strategy. First she brandished the notion of "mail-order brides," casting foreign women as victims of predatory males. Then she dubbed international dating services as "marriage brokers," conjuring up the image of a rogue operation trading lives for dollars.

On July 13, 2004 the Senate Foreign Relations Committee scheduled a hearing to air the issue. No dating services or happily-betrothed foreign women were invited to testify -- their comments would not likely fit the script.

During her testimony, Cantwell made the startling claim that match-making services serve as a nefarious front for international human trafficking. She concluded, "there is a growing epidemic of domestic abuse among couples who meet via international marriage brokers." As proof of that "epidemic," she highlighted the cases of *three* abused women.

Cantwell's depiction of comely maidens being seduced into prostitution rings was more than Sen. Sam Brownback could resist, and before long he signed on as a leading co-sponsor of the International Marriage Broker Regulation Act. With liberals and conservatives now on board, IMBRA's political star was rising.

But it turns out that Senator Cantwell's supposition that dating services drag women into a life of sex slavery and indentured servitude was nothing more than a feminist tall-tale.



There was the U.S. Immigration and Naturalization Service [report](#) that revealed, "less than 1 percent of the abuse cases now being brought to the attention of the INS can be attributed to the mail-order bride industry."

A [second analysis](#) soberly concluded that foreign brides are "dramatically less likely to be involved in domestic violence as calculated by the Intimate Partner Murder Rate."

And the [Washington Post reported](#) that early estimates of up to 100,000 human trafficking victims being secreted into the United States each year were grossly exaggerated. Despite more than \$150 million of taxpayer dollars diverted to a massive search and rescue effort, it turns out the actual number of trafficking victims is closer to 200 annually.

But in the politically-correct atmosphere that envelopes Washington these days, agendas count for more than the truth.

So after the gavel fell on the Senate hearing, the International Marriage Broker Regulation Act was bundled into the Violence Against Women Act. That law was signed into law on January 5, 2006. A few days later, Fox News columnist Wendy McElroy [castigated](#) the act as branding all American men as "abusers."

Now, any man who wishes to go through an international dating company must submit to an extensive background check. That's right, guys, get ready to tell them about your arrests, criminal history, restraining orders, how many times you've been married, and even how many children you have. For good measure, don't forget the sex offender registry check.

So thanks to Senator Cantwell's artful dissembling and Senator Sam Brownback's misplaced chivalry, men are presumed to be a threat to foreign women. And Cupid's arrow now falls under the watchful eyes of green-visored government bureaucrats.

*Carey Roberts is a staff writer for the New Media Alliance, Inc. The New Media Alliance is a non-profit (501c3) national coalition of writers, journalists and grass-roots media outlets.*

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Editor**

## Destructive Climate Claims

by Paul Driessen

"The object of life is not to be on the side of the majority," Marcus Aurelius opined, "but to escape finding oneself in the ranks of the insane."

An even worse fate would be to end up in minority status and an asylum. Recent developments suggest that this might be the destiny of climate change alarmists.

Now that NASA has corrected its US temperature records, the hottest year on record is no longer 1998, but 1934. Five of the ten hottest years since 1880 were between 1920 and 1940 – and the 15 hottest years since 1880 are spread across seven decades. This suggests natural variation, not a warming trend.



Paul Driessen

Plant and insect remains found at the base of Greenland's ice sheet indicate that, just 400,000 years ago, the island was blanketed in forests and basking in temperatures perhaps 27 degrees F warmer than today.

Land area temperatures in South America, Africa and Australia have declined slightly over the last few years. Since 1998, sea surface temperatures over much of the world have decreased slightly, while globally averaged atmospheric temperatures have shown no change.

Many US temperature gauges are near air-conditioning exhausts, hot asphalt and other heat sources. Their readings are thus too high and must be revised downward – along with claims about rising temperatures.

Over the past 650,000 years, global temperatures almost always rose or fell first – followed centuries later by changes in atmospheric carbon dioxide levels, as warming oceans exhaled CO<sub>2</sub> or cooling seas absorbed the gas. (This inconvenient fact is what Al Gore is referring to when he says the temperature-CO<sub>2</sub> relationship "is actually very complicated.")

More scientists are pointing to solar energy levels, cosmic rays and clouds as determinants of climate – and saying CO<sub>2</sub> plays only a minor role. Thousands of scientists have questioned claims that humans are causing catastrophic climate change, and over the past year dozens have publicly switched from believers to skeptics about climate Armageddon theories. There is obviously no consensus on climate change.

Latvia and seven other eastern European countries are threatening legal action against EU decisions to restrict their emissions, as they work to grow their economies after decades of impoverishment under Communism. China and India refuse to sacrifice economic growth to concerns about climate chaos.

China has surpassed the US as the world's leading CO<sub>2</sub> emitter – and EU carbon dioxide emissions have increased faster than those in the United States, where both population and economic growth have been substantially higher than in Western Europe.

During the just-concluded UN climate conference in Vienna, a number of industrialized countries rejected binding targets of 25-40% greenhouse gas reductions by 2020 – while a bloc of 77 developing nations said industrialized countries should reduce their emissions 80% by that date.

The response of climate alarmists is fodder for psychological textbooks. Greenpeace says cataclysm skeptics are "climate criminals." NASA scientist James Hansen calls us "court jesters." Grist

magazine wants "Nuremberg-style war crimes trials." Robert Kennedy, Jr. says we should be treated like "traitors."

Phil Jones at the University of East Anglia's Climate Research Unit refused to reveal the methodology for his dire-sounding temperature data. "Why should I make the data available," he asked, "when your aim is to find something wrong with it?" And Senator Barbara Boxer turned climate hearings into inquisitions for catastrophe skeptics, while Congressman Jim Costa walked out on a witness who pointed out that proposed legislation would dramatically increase energy and food prices, cost millions of jobs, and severely hurt poor families – while doing nothing to stabilize global temperatures.

Newsweek said climate holocaust "deniers" had received \$19 million from industry, to subvert the "consensus" it claims exists about global warming. It made no mention of the \$50 BILLION that alarmists and other beneficiaries have received since 1990 from governments, foundations and corporations – or of its 1975 article, which declared that scientists are "almost unanimous" in believing that a major cooling trend would usher in reduced agricultural productivity, famines and perhaps even a new Little Ice Age.

(Newsweek contributing editor Robert Samuelson called the global warming "denial machine" article "highly contrived" and based on "discredited" accusations about industry funding.)

Alarmists have blamed global warming for hurricanes, tornadoes, malaria, and even the Minneapolis bridge collapse, terrorism, Italian suicides, teenage drinking and "irritability" in mice. By combining far-fetched speculation with various computer-generated temperature projections and worst-case scenarios, they concoct even more ominous auguries, like this whopper from London's Benfield UCL Hazard Research Centre:

If CO2 levels keep rising, global temperatures could soar, ice caps could melt, oceans could rise dozens of feet – and all that extra water pressure could destabilize Earth's crust, squeeze out magma and cause volcanoes to erupt. The volcanic gases and dust could then cool the earth, and cause a new ice age.

A 1993 blockbuster movie used a similar what-if pyramid scheme to generate terrifying encounters with raptors and tyrannosaurs. But when the lights came up, people knew it was just a movie.

When it comes to climate change, however, many seem unable to separate science from science fiction – or even distinguish between headline-grabbing pronouncements, preposterous disaster flicks like "The Day After Tomorrow," and pseudo-documentaries like "An Inconvenient Truth" and "The 11th Hour." Instead of fostering rational discourse and responsible action, alarmists insist that we "do something" immediately to prevent climate cataclysm.

Al Gore is buying carbon offset indulgences. Leonardo DiCaprio is replacing his incandescent lightbulbs. Cheryl Crow promotes one square per trip to the ladies room. Cate Blanchett will wash her hair less often in her new \$10-million Australian mansion. Cameron Diaz promotes "indigenous" lifestyles in Third World countries.

But they all support laws mandating greatly reduced energy use and economic growth – outside of Hollywood and Nashville's Belle Meade area.

In response, Congress has introduced a half-dozen "climate stabilization" bills – and state legislatures are reviewing 375 more – even as the scientific "consensus" fades, Europe's united front on emissions trading collapses, and countries in the Asia-Pacific Partnership reject mandatory greenhouse gas cutbacks in favor of steady technological progress in pollution control and energy efficiency.

These bills would cost American consumers many billions of dollars a year. But they would reduce average global temperatures by a tiny fraction of the 0.2 degrees F that scientists say the Kyoto Protocol would accomplish by 2050 (assuming CO2 really is a primary cause of climate change).

It's time to ask: At what point do symbolic gestures and political grandstanding become "doing something" about climate change? At what point do they amount to insanity?

Many suspect that anxiety about climate change was never really about preventing a global warming – or global cooling – catastrophe. Instead, they say, the real purpose is controlling energy use, economic growth and people's lives. Alarmist efforts to intimidate climate catastrophe skeptics and legislate mandatory energy restrictions suggest that these suspicions are valid, and that climate doomsayers are becoming increasingly desperate.

*Paul Driessen is author of Eco-Imperialism: Green power · Black death (www.Eco-Imperialism.com) and senior policy advisor for the Congress of Racial Equality and Center for the Defense of Free Enterprise, whose new book (Freezing in the Dark) reveals how environmental pressure groups raise money and promote policies that restrict energy development and hurt poor families.*

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## Killer Legal Custody?

by Glenn Sacks and Ned Holstein

A killer shoots his spouse in the back, and then pulls the phone cord out so the victim can't call 911. As the victim slowly bleeds to death, the killer abducts their three children and flees to another state.

An Amber Alert is declared for the missing children, and the killer is hunted down by police, caught, and tried. Were the killer a man, he would be locked away for life. However, this killer is a woman, Mary Winkler. The kid gloves treatment she has received from the legal system demonstrates how courts tilt heavily in favor of women when adjudicating claims of domestic abuse.

Mary Winkler told the court that Matthew had abused her physically, sexually and emotionally. For that reason, the Selmer, Tennessee jury convicted her of voluntary manslaughter, not first degree murder.



Since the March 22, 2006 killing, Mary and Matthew's three children--girls ages 2, 8 and 10--have lived with Matthew's parents, Dan and Diane Winkler. The Winkler grandparents seek to terminate Mary's parental rights and adopt the girls. Mary, who served only 67 days for the killing, wants custody of her girls, and went on *Oprah* to win public sympathy for her cause. The custody trial began in Carroll County Chancery Court and many Tennessee family law attorneys believe she has a good chance to gain custody.

A win for Mary would be a loss for the three girls, as well as a terrible injustice. Despite the sympathetic media Mary Winkler has received, she is a dangerous, psychologically disturbed woman who is unfit to raise her children, and whose parental rights should be terminated.

Mary Winkler's claims of abuse were largely uncorroborated during the trial. According to the testimony from Matthew Winkler's oldest daughter, Patricia, the dead father--who as he lay dying looked at his wife and asked "why?"--was a good man and did not abuse her mother.

Former judge and prosecutor Jeanine Pirro says the case "sends a terrible message about the criminal justice system, that you can commit a homicide and literally get away with it...You had a preacher, who by all accounts was loved in his community, who was shot in the back while he slept. You have a woman who says she was abused with absolutely no history, no shred of evidence."

At the trial, Diane Winkler, Matthew Winkler's mother, said:

"The monster that you have painted for the world to see, I don't think that monster existed...for everything you've accused him of, there never was proof, just accusations. I think that's sad because he can't speak for himself."

A few of Mary Winkler's friends and family members have publicly claimed that they had previously seen indications that Mary was being abused. These witnesses will probably be out in full force during the upcoming custody case, and Matthew is unavailable to contest their version of events. It's easy to smear a dead man.

Mary Winkler says she's sorry for killing Matthew, but she does everything she can to portray him as a monster and herself as his meek, timid victim. Despite her protestations, she has no concept of the gravity of her crime, and claims her dead husband's parents are mistreating her by not letting

her be with her children. Her court pleading reads, "The three minor children continue to be withheld from their mother without just cause," which her legal team deems "unconscionable." Winkler killed the children's father--if that's not "just cause" for withholding a child from a parent, what is?

In describing her crime to Oprah, Mary Winkler says she was angry at her husband and "just wanted to talk to him," and then she "heard a boom." A more complete description of the incident would have been that she wanted to talk to him, waited until he fell asleep, retrieved the shotgun, pumped it, aimed it at his back, pulled the trigger, and *then* "heard a boom." Her description of the killing was so devoid of personal responsibility that even a sympathetic Oprah didn't accept it.

Perhaps the most absurd aspect of both the trial and Oprah was the way Mary highlighted the white platform shoes which she claimed Matthew "made her" wear, and which she said were deeply humiliating to her. During the trial, Mary held up the shoe and bowed her head down in mock pain and shame. Oprah bought it, telling her audience that on her show "everybody gasped when they saw the shoe." It was up to feminist Court TV commentator Lisa Bloom, Gloria Allred's daughter, to explain to Oprah that in any "big city" people would have "laughed at" Mary's claims that the shoes were part of the "abuse" she suffered. Bloom added:

"We [at Court TV] all thought it was a first degree murder case."

In order to win permanent custody, Dan and Diane Winkler must show that Mary Winkler poses a "substantial threat of harm to her children," and that ending her parental rights is in the best interests of her children. In family court, claims of abuse in custody cases are often decided merely by the preponderance of the evidence standard--if the judge believes that there's a 51% chance one side is telling the truth, they win. Yet Mary was found guilty of voluntary manslaughter, not by preponderance, nor even by the clear and convincing evidence standard, but instead by the standard of beyond a reasonable doubt--the highest standard in our legal system. That alone is sufficient evidence that Winkler poses a "substantial threat of harm."

Mary says she's a different and better person now, and that she's learned important things. She told Oprah:

"I communicate better. I speak up when there's something I don't like."

The last time Mary Winkler faced something "she didn't like" and sought to "communicate," she did it with a shotgun. Is this a fit parent for three young girls?

*This column first appeared in World Net Daily (9/14/07).*

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Editor**

## Islamic Economics

by Daniel Pipes

While the outside world hardly noticed, a significant and rapidly growing amount of money is now being managed in accord with Islamic law, the Shari'a. According to [one study](#), "by the end of 2005, more than 300 institutions in over 65 jurisdictions were managing assets worth around US\$700 billion to US\$1 trillion in a Shari'ah-compatible manner."



Daniel Pipes

Islamic economics increasingly has become force to contend with. burgeoning portfolios of oil exporters and multiplying Islamic financial instruments (such as interest-free mortgages and *sukuk* bonds). But what does it all amount to? Can Shari'a-compliant instruments challenge the existing international financial order? Would an Islamic economic regime, as [an enthusiast](#) claims, really imply end injustice due to "the State's provision for the well-being of all people"?

To understand this system, the ideal place to start is, [Islam and Mammon](#), a brilliant book by Timur Kuran, written when he was (ironically, given heavy Saudi backing for Islamic economics) King Faisal Professor of Islamic Thought and Culture at the University of Southern California.

Now teaching at [Duke University](#), Kuran finds that Islamic economics does not go back to Muhammad but is an "invented tradition" that emerged in the 1940s in India. The notion of an economics discipline "that is distinctly and self-consciously Islamic is very new." Even the most learned Muslims a century ago would have been dumbfounded by the "Islamic economics."

The idea was primarily the brainchild of an Islamist intellectual, Abul-Ala Mawdudi (1903-79), for whom Islamic economics served as a mechanism to achieve many goals: to minimize relations with non-Muslims, strengthen the collective sense of Muslim identity, extend Islam into a new area of human activity, and modernize without Westernizing.

As an academic discipline, Islamic economics took off during the mid-1960s; it acquired institutional heft during the oil boom of the 1970s, when the Saudis and other Muslim oil exporters, for the first time possessing substantial sums of money, provided the project with "vast assistance."

Proponents of Islamic economics make two basic claims: that the prevailing capitalist order has failed and that Islam offers the remedy. To assess the latter assertion, Kuran devotes intense attention to understand the actual functioning of Islamic economics, focusing on its three main claims: that it has abolished interest on money, achieved economic equality, and established a superior business ethic. On all three counts, he finds it a total failure.

- "Nowhere has interest been purged from economic transactions, and nowhere does economic Islamization enjoy mass support." Exotic and complex profit-loss sharing techniques such as *ijara*, *mudaraba*, *murabaha*, and *musharaka* all involve thinly disguised payments of interest. Banks claiming to be Islamic in fact "look more like other modern financial institutions than like anything in Islam's heritage." In brief, there is almost nothing Islamic about Islamic banking – which goes far to explain how [Citibank](#) and other Western majors host far larger Islam-compliant deposits than do the specifically Islamic banks.
- "Nowhere" has the goal of reducing inequality by imposition of the *zakat* tax succeeded. Indeed, Kuran finds this tax "does not necessarily transfer resources to the poor; it may transfer resources *away* from them." Worse, in Malaysia, *zakat* taxation, supposedly intended to help the poor, instead appears to serve as "a convenient pretext for advancing broad Islamic objectives and for lining the pockets of religious officials."

- "The renewed emphasis on economic morality has had no appreciable effect on economic behavior." That's because, in common with socialism, "certain elements of the Islamic economic agenda conflict with human nature."

Kuran dismisses the whole concept of Islamic economics. "[T]here is no distinctly Islamic way to build a ship, or defend a territory, or cure an epidemic, or forecast the weather," so why money? He concludes that the significance of Islamic economics lies not in the economy but in identity and religion. The scheme "has promoted the spread of antimodern ... currents of thought all across the Islamic world. It has also fostered an environment conducive to Islamist militancy."

Indeed, Islamic economics possibly contributes to global economic instability by "hindering institutional social reforms necessary for healthy economic development." In particular, were Muslims truly forbidden not to pay or charge interest, they would be relegated "to the fringes of the international economy."

In short, Islamic economics has trivial economic import but poses a substantial and malign political danger.

*Mr. Pipes ([www.DanielPipes.org](http://www.DanielPipes.org)) is director of the Middle East Forum.*

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Editor**

## Windy Delusion

by Alan Caruba

"Wind-Power surge" was the headline of an article by Newhouse News Service reporter, Gail Kinsey Hill. "Demand for turbines generates higher prices" was the sub-title and it noted that, "The supply shortage comes as New Jersey officials have begun planning a windmill farm off the South Jersey coast."



Alan Caruba

Now it's worth keeping in mind that New Jersey is one of the East Coast States that is on record as not wanting to permit any drilling for oil or natural gas on its part of the continental shelf, presumably because the sight of any rigs might dampen property values or pose a hazard to the "pristine" environment. So, let's see, a few oil rigs are *bad*, but miles of wind turbines are *good*.

Each one of the 1.5-megawatt turbines, the most popular size, will cost \$2.5 million, including all turbine components and installation. How will utilities pay for them? They will "recover the expense through rate increases, but they first must ask state regulators for permission."

Every megawatt of wind capacity "powers roughly 250 homes annually," said the article, but failed to mention that only occurs when the wind is blowing. When it is not blowing, the electricity will have to be supplied by conventional means of generating electricity. To put it another way, no wind, no power, no really compelling reason to bother building a wind farm.

If you're expecting the mainstream media to tell you the truth about wind power, I will be happy to come by and read some fairy tales to you.

Wind farms are one of those trendy, environmental fairy tales about "alternative" energy sources that will save us all from burning coal to provide electricity because, according to the Great Big Book of Environmentally Bad Things, it's "a fossil fuel" and it "pollutes."

Okay, let's build nuclear facilities. After decades of opposing nuclear energy the Greens have apparently decided it's okay, but first we have to do one million environmental studies before actually building a new one.

There are a few, teeny-weeny problems with wind farms. First of all, from a purely aesthetic standpoint they are unsightly. There is nothing pretty or inspiring about wind farms.

A proposed wind farm, Cape Wind, slated to cover 24 square miles of federally controlled waters in Nantucket Sound has found some powerful opponents such as Massachusetts Sen. Ted Kennedy who lives on the Cape. Loath as I am to agree with anything Teddy says, he's right when he says the wind farm will destroy some of the most beautiful ocean vistas on the East Coast, not to mention being a danger to sea and air vessels. Even presidential candidate and former Governor, Mitt Romney, opposes this project.

Bird lovers hate wind farms. Back in April when the issue of federal tax credits for wind energy was all the rage, the American Bird Conservancy, quoted the National Wind Coordinating Committee whose own estimates reveal that, "this growing alternative energy source is killing between 30,000 to 60,000 birds a year."

Yikes! "At the current mortality rate and growth rate of the wind industry," said the bird folks "by 2030 a projected 900,000 to 1.8 million birds would be killed per year by wind turbines, unless protective measures are implemented." Considering how Greens go nuts over ordinary hunting and fishing, their indifference to this bird Holocaust is fairly astonishing.

Then there's the problem with the way wind farms play havoc with radar that is used for commercial flight control and by the military as well. It turns out that, if you plant a wind farm anywhere within the proximity of an airfield, it "clutters" the signals needed to guide your flight from Phoenix to a safe landing. This is why the siting of wind farms is subject to Federal Aviation Agency approval.

Wind farms are quite possibly the dumbest way possible to produce electricity. Coal, uranium, natural gas, and hydro currently produces 97% of all the electricity used in the United States. Of these energy sources, coal accounts for half of all the electricity generated. It's abundant and it's cheap. Apparently that's a bad thing.

Suffice it to say that to replace one traditional 1,000-megawatt power plant you need a lot of wind turbines that, in turn, take up a lot of space whether on land or at sea.

Picture in your mind that you're driving along the shoreline of New Jersey, glancing over at the Atlantic Ocean...and seeing hundreds of wind turbines. These towers can stand over 400 feet into the air, have gigantic blades that make them into bird Cuisinarts, and, in the winter, they throw off big chunks of ice. In addition, the blades have been known to come loose. Lightning has a particular affinity for wind towers. Keeping a respectful distance is a good idea.

With wind power advocates pushing for more "renewable energy" by the year 2020, the energy projected would require between 50,000 and 100,000 towers, occupying some 7,500 to more than 10,000 square miles. That's an area comparable to the entire state of Vermont.

So the "wind-power surge" may not be such a wonderful thing in either the short or long run. It is, like so many other strange environmental ideas, a fantasy, a delusion that sounds rational right up to the moment you begin to look at it closely. When you do that, the vision of hundreds of wind towers producing miniscule amounts of electricity—and only when the wind is blowing—seems, well, nuts!

*Alan Caruba writes a weekly column, "Warning Signs", posted on the Internet site of The National Anxiety Center, [www.anxietycenter.com](http://www.anxietycenter.com). His latest book, "Right Answers: Separating Fact from Fiction", is published by Merril Press.*

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**E-mail the  
Editor**

## 2008 Senate Prospects

by Paul Weyrich

In this Congress Senate Minority Leader A. Mitchell (Mitch) McConnell, Jr. (R-KY) has real power. He has 49 Republican Senators to the Democratic Majority's 51. However, in the Senate it takes 60 votes to accomplish almost anything. The Majority often falls short of 60; thus Mitch McConnell prevails. The Majority gets angrier as it fails to achieve its objectives.

But McConnell has to worry about the next Congress. There is a real possibility that he may not have more than 41 Senators, a few of those possibly flakes. He may not be able to prevent the Majority from securing votes and if he cannot prevent that his power would almost evaporate.



Paul M. Weyrich

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The landscape is as follows: all indications are that the Democrats will have a winning candidate for the Presidency and it could be that the Democratic candidate for President would win decisively. In that scenario Republican candidates for the Senate would need to overcome a Democratic candidate for the Presidency.

First, the Republicans are defending 23 seats in the Senate, the Democrats only 12.

We begin with retirees. Senator Wayne Allard won twice in Colorado but his retirement gives a real edge to Congressman Mark Udall. Colorado was reliably Republican, but not any more. Democrats already hold one Senate seat and a majority of House of Representative seats. A Udall victory is very likely.

Senator John W. Warner of Virginia, who will be 81 in March, also is retiring. Former Governor Mark Warner (no relation to Senator Warner) is running unopposed for the Democratic nomination. Republicans most likely will have a nominating contest between Congressman Thomas F. Davis, III and former Governor James S. Gilmore, III. Warner will have the advantage. He is well liked and Virginia again is trending Democratic. Virginia already has one Democratic Senator. As with Colorado, the last Presidential race was close. Mark Warner will be difficult to defeat.

Next there is Nebraska. Two-term Senator Chuck Hagel is retiring. Nebraska is a Republican State with a propensity to elect two Democratic Senators. Nebraska already has one. Here it basically depends upon who runs. If former Senator Robert (Bob) Kerrey were the Democratic nominee he would be formidable. On the other hand if former Republican Governor Michael O. Johanns were to run he might be able to win.

Then look at Senator Lindsey Graham's numbers in South Carolina. He supported President George W. Bush's immigration bill. Many voters have not forgiven him. He may face a primary.

Senator Elizabeth Hanford Dole's numbers in North Carolina are not exactly inspiring. A strong Democrat possibly could defeat her.

Then there is Senator John Sununu. New Hampshire was a Republican State—not any more. Former Governor Jeanne Sheehan is leading Sununu in the polls by double digits. Sununu, although extremely bright and energetic, is almost certain to go down to defeat.

Next is Minnesota. Senator Norm Coleman has performed well as a Republican Senator. The only way he will be re-elected is if Al Franken is the Democratic nominee. Franken has a serious primary. The outcome of that primary likely will determine the outcome of the election.

And there is Alaska. Eighty-year-old Senator Ted Stevens is up for re-election. Normally this would not be a contest. But the FBI is investigating his dealings with a company which made repairs to his home. The FBI also is investigating Stevens' son, a former Alaska State Senator. Voters have not been kind to legislators under investigation. Unless the FBI gives Stevens a clean bill of health, which is unlikely, Stevens is likely to be in big trouble come election day.

Only one Democratic Senator appears vulnerable—Mary Landrieu of Louisiana. She has been able to pull out tight races twice before. But the demographics of Louisiana have changed since Katrina. This time a strong Republican could defeat her.

It looks as if in a worse case scenario Republicans might lose seven and gain one. That would leave McConnell with just 43 seats. That is an unlikely number to prevent the Majority from attaining 60 votes. In short, it does not look good for Republicans in 2008 in the Senate. That is unfortunate, as McConnell has been doing a very credible job as Minority Leader.

*Paul M. Weyrich is Chairman and CEO of the Free Congress Foundation*

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**E-mail the  
Editor**

## MoveOn Politics

by David Keene

The uproar over MoveOn.org's now-infamous New York Times ad attacking Gen. David Petraeus as he prepared to testify before Congress will continue for some time, to the detriment of Democrats and The New York Times and to the benefit of MoveOn and the Republicans.

This is only in part because there is virtually no chance that any leading Democrat will denounce the ad, as many Republicans and a few moderate Democrats are demanding. This is true for two very good reasons.



David Keene

The first, of course, is that there is every reason to believe Democratic congressional leaders who work closely with MoveOn urged the group to do what they didn't feel they could do themselves: attack Petraeus personally as a liar and shill for a president they despise in order to undermine the credibility of his report to Congress.

The beauty of third-party attacks on one's political opponents is that while the attacking organization takes a lot of heat, the politicians with whom they are aligned and are trying to help usually escape major blame and damage. Republicans reacted quickly to the ploy, however, by demanding that Democrats not only disassociate themselves from the attacks on Petraeus, but condemn MoveOn for launching them.

This has not and will not happen, but the counter-attack has put Democrats in a box from which they will have some difficulty escaping and allowed Republicans to portray the general as both a hero and victim at the same time.

The second reason Democrats aren't willing to condemn MoveOn is, as I suggested earlier, that the organization's fevered ideological rantings are more representative of the Democratic Party's current political base than most Democrats will admit. These people, as off-the-wall as they may be, are the core Democrats today rely upon for volunteers and, more importantly, money. Democrats aren't about to cross them, not only because they agree with them but because they're a little fearful of what might happen if they do.

The New York Times played the enabler in this whole sorry episode by offering MoveOn a nearly \$100,000 discount on the cost of the ad. The information that this discount would be available to MoveOn was reportedly relayed to the organization not through the paper's sales organization, but by a reporter.

As chairman of the American Conservative Union, I filed an official complaint with the Federal Election Commission because this discount amounted to an illegal corporate contribution to a political organization. Such contributions are prohibited under federal law, and both the Times and MoveOn knew they were engaging in a violation of the law when the transaction went down.

It is true that newspapers like the Times make discounted rates available to advertisers at the last minute to sell space on what they call their "remnant pages," which are sort of like the empty seats airlines discount on flights just before take-off, but in the past the Times has refused to make what they call "special advocacy stand-by rates" available to conservative advocacy groups seeking such discounts, meaning they are not market discounts that would be permissible.

By discounting their rates just for MoveOn, therefore, the Times has not only once again revealed its management's ideological bias, but managed to conspire with the far left to break the very laws it editorially supports.

Meanwhile, MoveOn supporters are sending the group buckets of money even as Republicans make political hay out of the episode at the expense of the Democrats MoveOn sought to help. One of MoveOn's people ecstatically told an American Spectator reporter within days of the ad's appearance that the organization had raised more than twice what the ad cost, and described the whole thing as "a great fundraising opportunity for us."

Years ago I got a call from the late Terry Dolan, the head of the National Conservative Political Action Committee, or NCPAC. In the 1970s and '80s NCPAC was sort of an early conservative version of MoveOn.

I was a participant in a regular poker game at the time that brought together Republicans, Democrats and journalists who managed or covered presidential campaigns.

Terry heard that George McGovern, who was quite a poker player, planned to join us for one of our games. He said, "I have to do a NCPAC fundraising letter and it would be really helpful if you could get McGovern to attack me." I replied that perhaps we could get the two of them to attack each other so they could both raise more money. As it turned out, McGovern couldn't make it, but the folks at MoveOn would have understood the advice.

*David Keene is the chairman of the American Conservative Union.*

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**E-mail the  
Editor**

## No Warrantless Searches

by Bob Barr

The recent decision by U.S. District Court Judge Ann Aiken declaring that warrantless searches of private residences and offices of American citizens under the USA PATRIOT Act are unconstitutional is right on target and fully consistent with any reasonable interpretation of the rule of law.

The decision came in a civil lawsuit brought by Portland, Oregon attorney Brandon Mayfield against the U.S. Justice Department which had conducted warrantless searches of his home and office in 2004 after the Madrid train bombing. The FBI had mistakenly suspected Mayfield of being connected with the terrorists responsible for that bombing and had, among other steps, undertaken warrantless searches under provisions in the 2001 Patriot Act.

As a result of its mistakes, the federal government was forced not only to drop charges against Mr. Mayfield, but paid \$2.0 million in damages to him. Because of its abusive actions, the Justice Department has seen parts of one of its favored tools in conducting searches and gathering information on American citizens struck down. The decision by Judge Aiken is an important reminder to our government that even in conducting investigations of suspected terrorist actions, it must abide by the Bill of Rights, and that means securing warrants before invading the sanctity of one's home or office.

As more cases based on the government's use of the Patriot Act surreptitiously to gather information on American citizens come before the courts, I believe the abuses we have seen in recent years will be corrected and the applicability of the Bill of Rights reasserted. While all of us support the government in its legitimate efforts to discover, prevent and prosecute actions by terrorists, all Americans should demand that the government do so within the limits placed on it by the Bill of Rights and not in violation of those valued rights.

This decision by Judge Aiken is a small but important step in that direction.

*Barr, a former Member of Congress (1995-2003), also served previously as a US Attorney and with the Central Intelligence Agency. He is a lawyer and currently works with national organizations on issues related to privacy and national security.*



Bob Barr

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**E-mail the  
Editor**

## Whose Grave Is This?



Obviously, it's a picture in a cemetery.

What cemetery and whose grave?

Sadly, it's the grave of Casey Sheehan.



After three years, and a Dept of Defense payment of \$250,000 to the "Peace Mom", Cindy Sheehan has not had the time or bothered to have a headstone placed on this young hero's grave. And, she doesn't even have to pay for one, the Dept of Defense will provide one:

"The Department of Veterans Affairs (VA) furnishes upon request, at no charge to the applicant, a government headstone or marker for the grave of any deceased eligible veteran in any cemetery around the world. For all deaths occurring before September 11, 2001, the VA may provide a headstone or marker only for graves that are not marked with a private headstone."

Flat markers in granite, marble, and bronze and upright headstones in granite and marble are available. The style chosen must be consistent with existing monuments at the place of burial. Niche markers are also available to mark columbaria used for inurnment of cremated remains."

Apparently she can find time to protest on at least 3 continents, get arrested various times, go on vacation in Hawaii, have photo ops with the Marxists in Venezuela, but can't seem to find the time to properly mark her son's grave.

*From an anonymous former soldier.*

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**E-mail the  
Editor**

## What Is Conservatism?

by Ashley Emans

What is conservatism? Can one reject the religious nostalgia of Russell Kirk, embrace the free market, and still be conservative? Or was Peter Viereck correct when he said, "Since the industrial revolution, conservatism is neither justifiable nor effective unless it has roots in the factories and trade unions"? How about Max Boot, who thinks Americanism must span the globe? Those who have been called conservative often show outright contradiction with each other.



**Russell Kirk**  
philosopher of tradition

How to define conservatism? I've heard it said that the name comes from our reluctance to embrace sudden change. This is utter nonsense given the history of modern conservatism in the U.S. I've never seen a group so anxious for overthrow of the status quo. The 1980 Republican platform wanted to get rid of the Department of Education (who needs it when every state has its own?) and most conservatives at least in the past have wanted to get rid of the IRS, the Bureau of Land Management, and another 50% of the city of Washington, DC in a heartbeat.

In fact, our Founding Fathers were the fringe radicals of Europe. The idea of conservative revolution is not unprecedented. While 18th century conservative Edmund Burke did say traditions give "wisdom without reflection," American conservatism is not merely tradition. Burke opposed the French revolution but sympathized with the American one. I would say U.S. conservatism is about limiting ("conserving") government's power over the individual.

The chief division between conservatives is how far they will take small government. Is true conservatism actually libertarianism? Or more simply put, should Ron Paul head the Republican ticket? If not, is the political party dominating the movement, rather than what should be the other way around? Progressive Republicans like Rudy McRomney have sneakily attempted to redefine conservatism to include them because they know that the Republican Party is populated by conservatives. Those not paying too much attention can be deceived. In other words, conservatism and Republicanism have been thrown out of their harmonious alignment of late.

Regarding Ron Paul, Gregory Scoblete on Realclearpolitics.com noted, "During the May 15 debate in South Carolina, Paul wondered how Republicans were able to capture the presidency in 2000. "We talked about a humble foreign policy," he said. "No nation-building; don't police the world." It's uncontested that old-school conservatism is non-interventionist, but this is also correct conservatism; not the fascism depicted in movies like V for Vendetta. Of course, non-interventionists still endorse trade and other non-coercive relationships; only isolationists do not.

Anti-Communism brought together many ideologies, and since Ronald Reagan ended the Cold War the right's fractiousness has been undeniable. The split between paleoconservatism and neoconservatism is the most famous. Neoconservatism was created by the former Trotskyists Irving Kristol and Norman Podhoretz. Their tagline, "Liberals mugged by reality," tells one all one needs to know: their policies are at base liberal, even socialist: "Permanent revolution" abroad is a Marxist ideal. In regard to their interventionist views, American Conservative Union Chairman David Keene asked, "Can one imagine one of today's neoconservative absolutists backing away from any fight anywhere?"

Keene recollected a discussion he once had with Bill Kristol: "I remember attending a small private dinner where Bill argued that with the defeat of the Soviet Empire, the United States "needed" a new crusade to engage our nation's energies and interests, because, as he put it, a nation's "greatness" is measured not by the prosperity of its people, but by its actions on the world stage."

Wiping tyranny off the world's surface is not America's duty to spend her resources on. Neither is it part of war's responsibility to rebuild our enemies afterward. It is not possible to end evil, and the utopian idea of trying to do so is creepy. Islamofascism is usually equated with Communism as a global threat. If this is accurate, the neoconservatives in the White House right now will be viewed by history as the most shrewd, courageous, and underappreciated individuals of our generation.

Despite the amorphousness of the word 'conservative,' it is still a much clearer label than 'libertarian.' If non-coercion is the basis of all libertarianism, it's possible to slip so far down into libertarianism as to come out the other end. Perhaps these lost few get so wrapped up in their non-coercion, they start coercing their non-coercion on others. This is called liberalism. Advocating "pro-choice" and then legislating taxes to 'create opportunities for the poor' follow one another in a confused mind. The moral relativism of liberalism simply means nihilism (and that's exhausting).

Many on the right create no distinction between what is Constitutional and what is right (NSA wiretapping). For example, while the Founders allowed for secularism, they did not intend to discourage religiosity, which is exactly what is being done now. To review, the Constitution says, "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof." This means that while the federal government cannot legislate a religion, should even a state government establish religion, nothing can be done about it by the federal government. Is that view also judicial activism, which we complain liberals do? You be the judge.

If you think a large government is basically inefficient, you're a conservative. If you think the government can't always protect you, you're a conservative. If you refuse to fall prey to bully scare tactics, you're a conservative. If you think either that government is inherently incapable of making your life perfect, or that this is not its job, you're a conservative. If you believe that you know what's best for you over some sleazy DC bureaucrat, you're a conservative. Katrina was vindicating. Do you think the feds fumbled the ball in New Orleans? Welcome aboard, we've built an entire political movement off the maxim that government is inept and won't save you. The Federal bureaucracy needs to get out of the way so decentralized or privatized services can work. I propose we make our new tagline "Question Authority:" the government, the media, Hollywood--and especially professors.

*Ashley Emans is a student at the University of Florida.*

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**E-mail the  
Editor**

## Reader Comments

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Editor: I read your piece "Middle Way Iraq Victory" and agree. Given the tribal mindset over there, federalism/autonomy has always been the answer, if there is one. The country was drawn up without regard for these factions and their incompatibility. They will continue killing each other nonstop unless they are either separated based on their differences or are governed by some strong man with dictatorial powers, someone they fear. The problem I see is the reality that the various factions are mixed together enough that any balkanization will result in purges within each locale. Maybe all we can do is let them fight it out among themselves at the local level and try to minimize the genocide. Personally, I think we might have been better off to have replaced Saddam with another dictator, one we liked, and let him be something of a benevolent ruler. This part of the world simply may not be capable of self government at this point. Best, WS

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Editor: Thanks for your latest on Bush's "middle way." But unless it is merely a linguistic set of mirrors, his policy promises nothing but defeat by increments. George W. Bush is (sadly) more interested in his legacy than in the lives of Iraqis, and it shows. Admittedly, conservatives are torn, including your readers. It's true all over town. No one can tell the truth without alienating half their donors. I note with interest how some of our longtime conservative friends have managed to put out monthly newsletters for four years without ever mentioning Iraq!! Keep the faith. CM

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Editor: In regard to your "Middle Way Iraq Victory," keep in mind that according to Phil Rushton who has studied these matters, the average IQ in Iraq is 85--hardly the stuff of a rational polity -- and also that the issue in Iraq is not al Qaida but rather the former regime elements in Iraq and Syria who are seeking power. The current deals with various Sunni tribes are temporary, not the stuff of nation building. Jameson Campaigne

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Editor: Thank you for the thoughtful and fact-filled piece "Sorry Science Reporting" by Alan Caruba. There are still many of us in mainstream America who understand that man's puny efforts to "control" the weather and the environment pale in the face of one eruption of a Mount St. Helens, much less what's happening on the surface of the sun. PLEASE keep reporting the truth, and we will do everything we can (while we're still ALLOWED to) to get the truth out to people who have been duped by the so-called media of our day. Keep those facts coming! Debbie Blackwelder

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Editor: Regarding Jeff Crouere's reference to Katrina and New Orleans' problems, pray tell why can't the State of Louisiana remove the debris from the City---why must the feds do it rather than leave them free to step up to the plate on other issues? I was in Cazumel Mexico after the hurricane and folks there---you know those lazy Mexicans---were proud of how much they had done to restore their island without outside help. What is going on here in the U.S.? Tim Sullivan

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Editor: Mr. Justice Jackson's opinion in the *Youngstown* case has become the touchstone in the current discussion of cases involving the vertical separation of powers. The Senate's recent passage

of 'hate crimes' legislation broadening the federal criminal civil rights statutes to include almost all questioned forcible arrests by state and local police suggests that less attention has been paid to his views on the horizontal separation of powers expressed in his opinion in the 1946 *Screws* case involving the beating of a black arrestee by a Southern sheriff and again in his lectures on the Supreme Court published in 1955: "If the Department of Justice must prosecute local officials, the F.B.I. must investigate them, and no local agency which is subject to federal investigation, inspection, and discipline is a free agency. I cannot say that our country could have no central police without becoming totalitarian, but I can say with great conviction that it cannot become totalitarian without a centralized national police...All that is necessary is to have a centralized national police competent to investigate all manner of offenses and then, in the parlance of the street, it will have enough on enough people, even if it does not elect to prosecute them, so that it will find no opposition to its policies. Even those who are supposed to supervise it are likely to fear it. I believe that the safeguard of our liberty lies in limiting any policing or investigative organization, first of all to a small number of strictly federal offenses and secondly to nonpolitical ones." This counts heavily against 'hate crimes' legislation empowering federal investigation and prosecution of local police after virtually every forcible arrest. George W. Liebmann, Baltimore

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Editor: I love Human Events and am proud that they have published articles that I have occasionally submitted. In that mood, I might congratulate them on the terrific articles in their 1st October issue by Jerry Bowyer on the possible reasons for the collapsing price of NY Times stock and by Deborah Corey Barnes on the financial motivations behind Al Gore's global warming crusade. But I write instead to quibble--in the strongest possible way--about the headline of their interview with former Speaker Newt Gingrich: "Gingrich Lays Out Course for Conservatives for '08". Isn't this rather like the leftist publications and politicians that pretend to give good advice to their dim conservative opponents? While Mr. Gingrich is a highly partisan Republican to whom great credit is due for the Republican congressional victory in the 1994 election, he has always been a wayward and confused conservative at best. On some fundamental issues, he is much worse--he is a committed opponent of core conservative principles and values. In particular, his beliefs and record on environmental issues have been disastrous for the conservative cause and for the constitutional rights and material wellbeing of millions of rural Americans. Mr. Gingrich was (and perhaps still is) a long-time member of the Sierra Club. Early in his years as Speaker, he blocked a vote on the floor of the House on a major reform of the Endangered Species Act that had overwhelming Republican and significant bipartisan support. Since this harmed Republican electoral prospects, particularly in the intermountain West (and continues to do so), it suggests that Mr. Gingrich put his environmentalist commitments ahead of conservative principles and even ahead of his own partisan self interest. Mr. Gingrich has in recent years taken credit with his allies in the environmental pressure groups as the person who single-handedly saved the Endangered Species Act from reforms that would respect people's property rights. Speaker Gingrich then created a process that gave then-Rep. Sherwood Boehlert (R-NY) veto power over all environmental bills coming to the floor. Boehlert led a small rump group of liberal green Republicans who seldom voted with the conservative Republican majority on any important issues. The result was that all efforts to pass needed reforms of America's environmental laws were stymied while Mr. Gingrich was Speaker. More recently, he debated Senator John Kerry on global warming. It turned into a love-in because Gingrich agreed with nearly everything Kerry said. He offered his usual concoction of "visionary" rhetoric about providing incentives to develop the whiz-bang new technology he loves, but also added, "I am not automatically saying that coercion and bureaucracy is not an answer." You can say that again. The whole point of global warming alarmism, like most environmental issues, is coercion and bureaucracy. If the solution to global warming doesn't involve big government command-and-control, then it's not recognized as a solution. And Mr. Gingrich must know that. On this issue as on most issues, he tries to escape confronting disagreements between the left and conservatives over fundamental principles by claiming that the real answer is to be found in new technologies administered by new technocracies that transcend these disagreements. This puts him in much the same position as those pathetic Republicans in the 1950s who promoted themselves to voters as more efficient operators of FDR's welfare state. If Mr. Gingrich's innumerable ideas and proposals are going to guide the conservative

movement in the future, then please let me off the ship now before it sinks.  
Yours faithfully, Myron Ebell

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Editor: "I read a piece by Dennis Avery in today's Minneapolis Star [*also published in the 9/26/07 ConservativeBattleline*]. Dennis expressed concern that 'organic farms may have concentrated themselves on steep hilly land that is prone to mudslides.' I have visited many farmers in the Upper Midwest and I can say without reservation that this assertion is incorrect. Their losses are not due to mudslides but to an incredible amount of rain that caused flash flooding over the entire region." (Rick, Minneapolis) [*Mr. Avery responds*] Unfortunately, Rick, 28 counties in your region are famous for mudslides, massive soil erosion and Black Blizzard dust clouds. The Upper Mississippi Loess Hills are unstable leftovers from the last Ice Age. During the Dust Bowl, they suffered 15 times as much erosion as they do today. Without careful farming they could start eroding again, triggered by an erosion event like last month's "thousand-year" rain. Organic farmers refuse to use no-till farming, and this is nearly criminal in the Loess Hills. Dr. Stanley Trimble, America's top soil erosion expert, says Loess Hills farmers cut their erosion by 95 percent after the Dust Bowl, using contour planting, more crop rotations, fencing off woodlots-and more recently, low-till farming.

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Editor: "Dennis: to use a natural event such as an extreme rainfall to discount a type of farmer and farming system is beneath a respectful individual. Do you not think that no-till farmers in SE MN . . . experienced the same tragedy as the organic growers?" ( Tim, Minnesota) [*Mr. Avery responds*] Actually, Tim, they didn't, and that's the whole point I'm trying to make. Dr. Trimble made an emergency trip to the Loess Hills after the recent flood event, because the extreme storms are what start the erosion process, and advance it most rapidly. He found NO evidence of sediment movement in the no-till fields, even on steep slopes. He found massive evidence of erosion in the conventional fields. He didn't visit organic farms, but if Minnesota Extension is reporting widespread mudslides and soil erosion, that's a bad sign for farmers rejecting no-till. Dr. Steven Green of Arkansas State University led a recent study that severely tested no-till for erosion against both organic and conventional farmers. The no-till allowed one-fifth as much erosion as either of the other systems. The no-till advantage is especially great in heavy rainstorms. During this weather event, organic farming simply wasn't as soil-safe as no-till, and only 30% better than obsolete chisel tillage (still used by many organic farmers.) All the talk about organic farmers creating better soil health didn't make any difference to those raindrops.

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Editor: "Organic farms use cover crops and compost to nurture the soils, and try not to expose them to erosion." ( Paul, Illinois) [*Mr. Avery responds*] The no-tillers create a zillion tiny dams in the soil surface with their crop residues. Water infiltration can double, while soil erosion is reduced by more than 90 percent. I thought organic was supposed to be more sustainable, not less.

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Editor: "Your commentary falls on outraged ears. I will quietly and urgently work to counter your misinformation in my communities . . . ADM, ConAgra, Monsanto: These corporations are Enemies of liberty. (Jon, Harmony Valley contributor) [*Mr. Avery responds*] "Enemies of liberty"? None of those companies can force you to buy or do anything.

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Editor**