

December 28, 2009

Roger Simon wonders how Janet Napolitano keeps her job.

... But perhaps you are a perfect match for our reactionary narcissist president who continues to say not a word as the brave demonstrators in Iran again [risk their lives](#) to overcome their brutal Islamic regime. What's interesting about Obama and Napolitano is that they pretend to be "progressive," but they are actually heartless.

Nile Gardiner asks in his Telegraph blog, 'where's Obama when the protesters in Iran need him.'

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This is not however a time for fence-sitting by the leader of the free world. The president should be leading international condemnation of the suppression of pro-democracy protesters, and calling on the Iranian dictatorship to free the thousands of political dissidents held in its torture chambers. Just as Ronald Reagan confronted the evils of Soviet Communism, Barack Obama should support the aspirations of the Iranian people to be free. The United States has a major role to play in inspiring and advancing freedom in Iran, and the president should make it clear that the American people are on the side of those brave Iranians who are laying down their lives for liberty in the face of tyranny.

John Fund knows why the Obami don't want us to see the health care bill.

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In other words, no one in the White House wants the public to be looking on as this Frankenstein monster is finally stitched together.

Mark Steyn columns on climate fads.

... As I always say, if you're 30 there has been no global warming for your entire adult life. If you're graduating high school after a lifetime of eco-brainwashing, there has been no global warming since you entered first grade. None. After the leaked data from East Anglia revealed that Dr. Phil Jones (privately) conceded this point, Tim Flannery, one of the A-list warm-mongers in Copenhagen, owned up to it on Aussie TV, too. Yet, when I reprised the line in this space a couple of weeks back, thinking it was now safe for polite society, I was besieged by the usual "YOU LIE!!!!!!!" emails angrily denouncing me for failing to explain that the cooling trend of the oughts is in fact merely a blip in the long-term warming trend of the nineties.

Well, maybe. Then again, perhaps the warming trend of the nineties is merely a blip in the long-term ice age trend of the early seventies. I doubt many of my caps-lock emailers are aware of the formerly imminent ice age. It was in Newsweek and the New York Times, and it produced the occasional bestseller. But, unlike

today's carbon panic, it wasn't everywhere; it wasn't, in every sense, the air that we breathe. Unlike Al Gore's wretched movie, it wasn't taught in schools. TV networks did not broadcast during children's time apocalyptic public service announcements that in any other circumstance would constitute child abuse. Unlike today, where incoming mayors announce that as their first act in office they're banning bottled water from council meetings, ostentatious displays of piety were not ubiquitous. It was not a universal pretext for recoiling from progress: back in the seventies, upscale municipalities that now obsess about emissions standards of hot-air dryers were busy banning garden clotheslines on aesthetic grounds. There were no fortunes to be made from government grants for bogus "renewable energy" projects. Unlike Al Gore, carbon billionaire, nobody got rich peddling ice offsets. ...

A couple of days ago we featured a piece from The Nation by [Alexander Cockburn](#). It was an item from a left publication acknowledging the importance of the climategate revelations. [Jonathan Tobin](#) posts on that extraordinary event in Contentions.

There are some people who are so odious that when you find yourself on the same side of an issue with them, your first instinct must be to question whether you were right in the first place. Alexander Cockburn is certainly such a person. He is a rabid leftist, apologist for totalitarians and a vicious hater of Israel. From his perch as editor of his own rag CounterPunch and as a columnist for the Nation, he has spewed forth nonsense and bile for a long time. But like the proverbial blind squirrel, it appears as though even Cockburn is capable of finding an acorn. That is the only way to explain the utterly rational and completely on-target attack on the Copenhagen Global Warming jamboree and the entire Climategate cover-up that he has written for the Nation and which can be read for free at RealClearPolitics.com. ...

[Michael Barone](#) wrote on the similarity between the recent Senate battle for health care and the one fought in 1854 for the Kansas-Nebraska Act. Turns out a blogger had made the comparison a few days before him, so Barone pays obeisance in another post. Of course, we have that blog post from Streetwise Professor. The three items are a good history lesson.

It's time to blow the whistle on two erroneous statements that opponents and proponents of the health care legislation being jammed through Congress have been making. Republicans have been saying that never before has Congress passed such an unpopular bill with such important ramifications by such a narrow majority. Barack Obama has been saying that passage of the bill will mean that the health care issue will be settled once and for all.

The Republicans and Obama are both wrong. But perhaps they can be forgiven because the precedent for Congress passing an unpopular bill is an old one, and the issue it addressed has long been settled, though not by the legislation in question.

That legislation was the Kansas-Nebraska Act of 1854. Its lead sponsor was Stephen A. Douglas, at 41 in his eighth year as senator from Illinois, the most dynamic leader of a Democratic Party that had won the previous presidential election by 254 electoral votes to 42. ...

Here's [Barone's second post](#).

I thought my comparison of Democratic health care legislation with the Kansas-Nebraska Act of 1854 in [my Wednesday Examiner column](#) was an original idea. After all, even David Broder and Lou Cannon weren't around to cover Stephen Douglas's brilliant floor managing of this disastrous legislation. But fewer of our ideas are original than we suppose. [Blogger Streetwise Professor](#), who in non-blog life is Craig Pirrong, a professor at the University of Houston's Bauer College of Business. ...

And, introducing ... [The Streetwise Professor](#) as he tries to find something to compare to the Senate bill.

... I struggle to find a historical parallel. The closest thing that comes to mind is the Kansas-Nebraska Act of 1854. Illinois Senator Stephen Douglas was fixated on the creation of a transcontinental railroad. Southern senators blocked the advancement of Douglas's dream, so he proposed a bill that, to gain Southern support, completely undermined the careful (and yes, imperfect) compromises over slavery and the territories that had been crafted in the previous two generations (extending back to the Missouri Compromise of 1820). In so doing, he set in motion a train of events (no pun intended) that culminated in the Civil War.

Perhaps you consider the parallel hyperbolic. And no, I am not forecasting civil war. But if this bill, or anything close to it, passes, the results will convulse the country. The fault lines will not be sectional, as they were in the 1850s, but generational and socio-economic. And perhaps the most important fault line will be between citizen and state as it will completely revolutionize the relationship between the government and the governed. ...

WSJ has an interview with [Robert Morgenthau](#).

In the criminal justice system, the people of Manhattan have been represented for 35 years by New York County District Attorney Robert Morgenthau. This is his story.

Mr. Morgenthau, who inspired the original D.A. character on the television program "Law and Order," will retire on Thursday at age 90. Much of the barely fictitious drama is set in his office in Manhattan's Criminal Courts Building. This week, amid half-filled boxes and scattered personal mementos, he sat down to discuss his life's work.

Even though he knows I'm wearing a wire—actually an audio recorder placed on the table between us—America's D.A. speaks candidly, including about his public blowups with New York Mayor Michael Bloomberg. Mr. Morgenthau says this is the first mayor he hasn't gotten along with, and that the relationship went south when his office started investigating the city's role in the death of two of New York's bravest in an August, 2007 fire. Among other mistakes, city inspectors had failed to note that the water had been turned off at the old Deutsche Bank building opposite Ground Zero. The blaze resulted in 33 "mayday" calls from firefighters, and the D.A. is amazed that only two lost their lives.

Mr. Morgenthau soon got a call from a city lawyer telling him that "the mayor wanted me to tell you that he's surprised that you're looking at the Deutsche Bank case." Mr. Morgenthau says he told the mayor's minion, "You tell the mayor that I'm surprised that he's surprised."

Why would the mayor encourage such a call? Because, says Mr. Morgenthau, Mr. Bloomberg "thinks all lawyers work for him" and "doesn't want anybody around who doesn't kiss his ring, or other parts of his body." ...

Roger L. Simon

[Delta Airlines Terror: Fire Janet Napolitano Now](#)

If the election were being held today in the light of the terrorism on the Delta flight from Amsterdam, I have little doubt that John McCain – whatever his deficiencies as a candidate – would have been elected president, possibly in a landslide. Who would want Barack Obama now – or his bizarre collection of czars and advisers, including Homeland Security Secretary Janet Napolitano?

Hours after the near disaster on the Delta flight, up popped the very Napolitano with the following [statement](#): “I am grateful to the passengers and crew aboard Northwest Flight 253 who reacted quickly and heroically to an incident that could have had tragic results.”

Well, thanks a bunch, Janet. They certainly were heroic. But why did they even have to do it in the first place? What was Umar Farouk Abdulmutallab doing on that plane anyway when he was already apparently on the terror watch list and his own father had given warnings to the US Embassy of his son’s religious extremism only a month before? Any comment about that?

Oh, I forgot, Janet. There’s no such thing as [terrorism](#) in your parlance. There’s probably no such thing to you as Radical Islam either. It’s all lost in some haze of reactionary political correctness. Problem is we *are* surrounded by Radical Islamic Terrorists (they’re the only ones who ever seem to blow up planes or mass murder our troops right on their bases) and you are totally unqualified to defend us from them. You don’t even think they exist.

But perhaps you are a perfect match for our reactionary narcissist president who continues to say not a word as the brave demonstrators in Iran again [risk their lives](#) to overcome their brutal Islamic regime. What’s interesting about Obama and Napolitano is that they pretend to be “progressive,” but they are actually heartless.

Telegraph Blogs, UK

[Iranian protesters are dying for freedom – where is Barack Obama?](#)

Barack Obama should be leading international condemnation of Iran

By Nile Gardiner

I wrote [back in June](#) about the shameful silence of the Obama administration during the mass street protests that greeted Mahmoud Ahmadinejad’s fraudulent re-election victory as President of Iran. As White House spokesman Robert Gibbs [ludicrously put it](#), the administration was “impressed by the vigorous debate and enthusiasm this election generated.” Or in [Vice President Joe Biden’s words](#) on *NBC’s Meet the Press*, describing Ahmadinejad’s victory – “we’re going to withhold comment... I mean we’re just waiting to see.”



Embarrassingly for Washington, even many European leaders [showed more backbone](#) in condemning the Iranian regime’s brutal suppression of protestors, with Secretary of State Hillary Clinton humiliatingly outflanked by her French and German counterparts, who had no qualms about speaking out swiftly and firmly against the election result and the actions of the Iranian government.

In the six months that have followed, Barack Obama's high-risk engagement strategy has simply encouraged more repression from the Mullahs, as well as ever greater levels of defiance over Iran's nuclear weapons programme. As Con Coughlin noted in [an excellent piece](#) for *The Wall Street Journal* last month, Obama's Iran diplomacy isn't working:

"Iranian human-rights groups say that since the government crackdown began in late June, at least 400 demonstrators have been killed while another 56 are unaccounted, which is several times higher than the official figures. The regime has established a chain of unofficial, makeshift prisons to deal with the protesters, where torture and rape are said to be commonplace. In Tehran alone, 37 young Iranian men and women are reported to have been raped by their captors."

Now once again huge street protests have flared up on the streets of Tehran and a number of other major cities, with several protesters shot dead this weekend by the security forces and Revolutionary Guards, [reportedly](#) including the nephew of opposition leader Mir Hossein Mousavi, and dozens seriously injured. And again there is deafening silence from the Commander-in-Chief as well as his Secretary of State. And where is the president? On vacation in Hawaii, no doubt recuperating from his exertions driving forward the monstrous health care reform bill against the overwhelming will of the American public and without a shred of bipartisan support.

This is not however a time for fence-sitting by the leader of the free world. The president should be leading international condemnation of the suppression of pro-democracy protesters, and calling on the Iranian dictatorship to free the thousands of political dissidents held in its torture chambers. Just as Ronald Reagan confronted the evils of Soviet Communism, Barack Obama should support the aspirations of the Iranian people to be free. The United States has a major role to play in inspiring and advancing freedom in Iran, and the president should make it clear that the American people are on the side of those brave Iranians who are laying down their lives for liberty in the face of tyranny.

John Fund

[Like Mushrooms, Health Care 'Reform' Flourishes in the Dark](#)

In a key scene in Frank Capra's 1939 film "Mr. Smith Goes to Washington," appointed senator (and unwitting pawn in a corruption scheme) Jefferson Smith, played by Jimmy Stewart, suggests to a colleague that perhaps it would be a good idea to read bills before voting on them.

"The bills?" responds an incredulous Senator Paine, played by Claude Rains. "These bills are put together by legal minds after long study. I can't understand half of them myself, and I used to be a lawyer."

Forget it, he tells Smith. "When the time comes, I'll advise you how to vote."

Never has art so closely mirrored life as with the mammoth 2,100-page health care bill passed by the Senate. "The result makes no sense whatsoever -- not to conservatives, not to liberals, not to anyone," accurately concludes the *Weekly Standard*. "Rather than reform a system that everyone agrees is a failure, it will subsidize that system and compel participation in it."

Many who have long touted health care reform are turning up their noses at the final product. Michael Bloomberg, New York's independent mayor, told "Meet the Press" over the weekend: "I have asked congressperson after congressperson. Not one can explain to me what's in the bill, even in the House version. Certainly not in the other version. And so for them to vote on a bill that they don't understand whatsoever, really, you've got to question how -- what kind of government we have."

Mr. Bloomberg added that his own reading of the Senate bill led him to conclude that it would blow a hole in the New York State budget and force closure of perhaps 100 health clinics.

It's no wonder Congress and the White House are so determined to hide their handiwork from the public while the House and Senate versions are "reconciled." President Obama has said the negotiations will take place in the West Wing and he will be actively involved. But when ABC's Jake Tapper asked White House Press Secretary Robert Gibbs about the president's campaign pledge to "have the [health care] negotiations televised on C-SPAN," Mr. Gibbs dodged the question and took refuge in his talking points, insisting that voters already "have a pretty good sense of who is battling on behalf of thousands of lobbyists that are trying to protect drugs profits and insurance profits, and who's fighting on behalf of middle-class Americans."

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Macleans

Why climate change is hot hot hot

by Mark Steyn



According to the CIA's analysis, "detrimental global climatic change" threatens "the stability of most nations." And, alas, for a global phenomenon, Canada will be hardest hit. The entire Dominion from the Arctic to the 49th parallel will be under 150 feet of ice.

Oh, wait. That was the last "scientific consensus" on "climate change," early seventies version, as reflected in a CIA report from August 1974, which the enterprising author Maurizio Morabito stumbled upon in the British Library the other day. If only the impending ice age had struck as scheduled and Scandinavia was now under a solid block of ice. Instead, the streets of Copenhagen are filled with "activists" protesting global warming, some of whom torch automobiles in the traditional manner of concerned idealists. As long as it's not my car, I can just about live with these chaps, preferring on balance thuggish street politics to the spaced-out cultish stupor in which many of their confreres wander glassy-eyed from event to event. On the Internet, there is a telling clip of Christopher Monckton interacting with a young Norwegian from Greenpeace who has come along to protest the former's "denialism." Monckton is a viscount—i.e., a lord, like his fellow denialist, the former British chancellor Lord Lawson. Now that's what I call peer review! (House of Lords joke.) Lord Monckton has the faintly parodic mien of many aristocrats, whereas the Greenpeace gal was a Nordic blond. If there were empty stools adjoining both parties at the Climate Conference bar, you'd head for hers before some carbon-credit travelling salesman swiped it. Big mistake. Monckton was the soul of affability, gently suggesting places where she could check out the data. She, by contrast, seemed barely sentient, clinging to rote emotionalism and impervious to reason, data, facts, inquiry.

As I always say, if you're 30 there has been no global warming for your entire adult life. If you're graduating high school after a lifetime of eco-brainwashing, there has been no global warming since you entered first

grade. None. After the leaked data from East Anglia revealed that Dr. Phil Jones (privately) conceded this point, Tim Flannery, one of the A-list warm-mongers in Copenhagen, owned up to it on Aussie TV, too. Yet, when I reprised the line in this space a couple of weeks back, thinking it was now safe for polite society, I was besieged by the usual “YOU LIE!!!!!!” emails angrily denouncing me for failing to explain that the cooling trend of the oughts is in fact merely a blip in the long-term warming trend of the nineties.

Well, maybe. Then again, perhaps the warming trend of the nineties is merely a blip in the long-term ice age trend of the early seventies. I doubt many of my caps-lock emailers are aware of the formerly imminent ice age. It was in *Newsweek* and the *New York Times*, and it produced the occasional bestseller. But, unlike today’s carbon panic, it wasn’t everywhere; it wasn’t, in every sense, the air that we breathe. Unlike Al Gore’s wretched movie, it wasn’t taught in schools. TV networks did not broadcast during children’s time apocalyptic public service announcements that in any other circumstance would constitute child abuse. Unlike today, where incoming mayors announce that as their first act in office they’re banning bottled water from council meetings, ostentatious displays of piety were not ubiquitous. It was not a universal pretext for recoiling from progress: back in the seventies, upscale municipalities that now obsess about emissions standards of hot-air dryers were busy banning garden clotheslines on aesthetic grounds. There were no fortunes to be made from government grants for bogus “renewable energy” projects. Unlike Al Gore, carbon billionaire, nobody got rich peddling ice offsets.

The man with the sandwich board announcing the end of the world on Jan. 7 is usually unfazed when he wakes up on the morning of Jan. 8. He realigns the runes, repaints the sign, and reschedules Armageddon for May 23. The rest of us, on the other hand, scoff.

But not with this crowd. First it was the new ice age. Then it became global warming. Now it’s “climate change.” If it’s hot, that’s climate change. If it’s cold, that’s climate change. If it’s 12° C and partly sunny with a 30 per cent chance of mild precipitation in the afternoon, you should probably pack emergency supplies and head for higher ground because global milding is rampaging out of control, and lack of climate change is, as every scientist knows, the defining proof of climate change.

Indeed, our response to climate change can itself cause climate change that manifests itself in lack of climate change. A couple of days back, the *Guardian* ran the following story: “The hole in the earth’s ozone layer has shielded Antarctica from the worst effects of global warming until now.”

Remember the ozone layer? It was all the rage back in the old days. It was caused by spray-on deodorants, apparently. So we packed ’em in, and switched over to roll-on deodorants. And, because we forswore the sinful spraying of armpits, the hole began to heal. Which is tough on the Antarctic ice cap. Because the only reason it isn’t melting is because the ozone hole isn’t fully closed up. Once it is, more hot air will remain trapped and melt the ice. It may be time to start spraying your armpit hair again.

Why did “climate change” remain the boutique scare-story of a few specialists last time round, and gain global traction this time round? In the *Spectator*, Maurizio Morabito puts it this way: “Is the problem with the general public, who cannot talk about climate except in doom-laden terms, and for whom the sky is the last animist god?”

That last part explains a lot. Forty years ago conventional religious belief was certainly in decline in what we once knew as Christendom, but the hole was not yet ozone-layer sized. Once the sea of faith had receded far from shore, the post-Christian West looked at what remained and found “Gaia.” Not long ago, in Burlington, Vt., I got into a somewhat heated discussion about global warming with a lady who accused me of ignoring “science.” She then drove away in a car with the bumper sticker “THE EARTH IS YOUR MOTHER.” In Quebec City for the Summit of the Americas in 2001, I sought a breather from the heady scent of Sûreté du Québec tear gas and idled away half an hour among a display of brassieres promoting “sustainable development.” One (a 54D, as I recall) read “THE EARTH IS MA MÈRE.” In flagrant breach of Quebec’s Bill 101, the francophone right cup was not twice the size of the anglophone left cup. If the earth is our mother, who are we to dictate to the goddess? As Lord Monckton pointed out to that Norwegian CO2-

head, we've had climate change for four billion years. But now apparently there is an ideal state that Ma Mère has to be maintained in. A belief in a garden of Eden which man through sin has despoiled sounds *familiar*. But this time we get to pick. Not the Medieval Warm Period that causes the “scientific consensus” such problems, and not presumably the bucolic state the planet was in when Canada was 150 feet under, but some pristine condition somewhere in between.

When man was made in the image of God, he was fallen but redeemable. Gaia's psychologically unhealthy progeny are merely irredeemable. Anti-humanism is everywhere, not least in the barely concealed admiration for China's (demographically disastrous) “One Child” policy advanced by everyone from the *National Post's* Diane Francis to Sir David Attenborough, the world's leading telly naturalist but also a BBC exec who once long ago commissioned the great series *The Ascent of Man*. If Sir David's any guide, the great thing about man's ascent is it gives him a higher cliff to nosedive off.

Very few sciences could survive being embraced as a religion. Imagine the kind of engineering or math you'd get if it also had to function as a “faith tradition.” What's also changed since the seventies is the nature of the UN and the transnational bureaucracies. Once it became obvious that “climate change” represents an almost boundless shakedown of functioning jurisdictions by dysfunctional basket cases, the die was cast. “Aid” is a discredited word these days and comes with too many strings attached. But eco-credits sluiced through an oil-for-food program on steroids offers splendid new opportunities for bulking up an ambitious dictator's Swiss bank accounts.

And, because of this malign combination—corrupted science, ersatz religion, Third World opportunism—global warming took off in a way the old ice age never did. It would perhaps be too much to expect a generation of brainwashed schoolkids to shake off their brain-dead conformism. And so, between the anti-human left and an alliance of rapacious dictatorships, it now falls to a handful of economically expansive emerging nations—India, China, Brazil, a couple of others—to save the developed world from itself.

Contentions

[Blind Leftist Squirrel Finds His Global Warming Acorn](#)

by Jonathan Tobin

There are some people who are so odious that when you find yourself on the same side of an issue with them, your first instinct must be to question whether you were right in the first place. Alexander Cockburn is certainly such a person. He is a rabid leftist, apologist for totalitarians and a vicious hater of Israel. From his perch as editor of his own rag *CounterPunch* and as a columnist for the *Nation*, he has spewed forth nonsense and bile for a long time. But like the proverbial blind squirrel, it appears as though even Cockburn is capable of finding an acorn. That is the only way to explain the utterly rational and completely on-target attack on the Copenhagen Global Warming jamboree and the entire Climategate cover-up that he has written for the *Nation* and which can be read for free at RealClearPolitics.com.

The headline on the version of the piece that appeared in the *Nation* aptly summed up the way in which the belief that global warming is caused by human activity is now more a matter of religious faith than of rational science: “From Nicea to Copenhagen.” He describes Copenhagen as “surely the most outlandish foray into intellectual fantasizing since the fourth-century Christian bishops assembled in 325 AD for the Council of Nicaea to debate whether God the Father was supreme or had to share equal status in the pecking order of eternity with his Son and the Holy Ghost.”

Making the same point that Bret Stephens highlighted with greater clarity in the [Wall Street Journal](#) on December 1, Cockburn shows that money is more of a motivation for the environmental alarmists than for the skeptics:

It has been a standard ploy of the Warmers to revile the skeptics as whores of the energy industry, swaddled in munificent grants and with large personal stakes in discrediting AGW. Actually, the precise opposite is true. Billions in funding and research grants sluice into the big climate-modeling enterprises and a vast archipelago of research departments and “institutes of climate change” across academia. It’s where the money is. Skepticism, particularly for a young climatologist or atmospheric physicist, can be a career breaker.

He goes on to nail the Climategate e-mails as indicative of the falsity of the theory that global warming is caused by mankind and rightly notes that such corruption is far from uncommon in the sciences.

Cockburn is, of course, a marginal figure even on the Left; so his apostasy from the true faith on warming, which is itself a derivative of the Left’s antagonism to capitalism, is just a pinprick in the vast body of unthinking consensus that characterizes most of the media’s commentary on this issue. But his voice is just one more being raised to say that the emperors who met in Copenhagen have no clothes on. As such, no matter how distasteful it may be to find oneself in agreement with him, it must be considered a hopeful sign.

Washington Examiner

[When legerdemain is used to pass an unpopular bill](#)

by Michael Barone



It's time to blow the whistle on two erroneous statements that opponents and proponents of the health care legislation being jammed through Congress have been making. Republicans have been saying that never before has Congress passed such an unpopular bill with such important ramifications by such a narrow majority. Barack Obama has been saying that passage of the bill will mean that the health care issue will be settled once and for all.

The Republicans and Obama are both wrong. But perhaps they can be forgiven because the precedent for Congress passing an unpopular bill is an old one, and the issue it addressed has long been settled, though not by the legislation in question.

That legislation was the Kansas-Nebraska Act of 1854. Its lead sponsor was Stephen A. Douglas, at 41 in his eighth year as senator from Illinois, the most dynamic leader of a Democratic Party that had won the previous presidential election by 254 electoral votes to 42.

Douglas' legislative prowess far exceeded that of current Senate Majority Leader Harry Reid. To hold together his 60 Senate Democrats, Reid simply dispensed favors -- eternal Medicaid financing for Ben Nelson's Nebraska, a hospital grant for Chris Dodd's Connecticut, more rural health money for Byron Dorgan's North Dakota and Montana's Max Baucus.

Douglas did something far more difficult. He got the Senate to pass a bill some of whose provisions were supported by half of the Senate plus Douglas and some of which were supported by the other half plus

Douglas. After passage, Douglas spent a day getting drunk -- a consolation unavailable to the teetotaling Reid.

The issue that Douglas said the Kansas-Nebraska Act would settle forever was slavery in the territories. His bill repealed the 34-year-old Missouri Compromise prohibiting slavery in territories north of Arkansas and substituted popular sovereignty -- territory residents could vote slavery up or down.

We cannot say with assurance that the Kansas-Nebraska Act was unpopular; Dr. Gallup didn't start polling until 81 years later. But the results of the next election were pretty convincing. The Republican Party was suddenly created to oppose the Kansas-Nebraska Act, and the 1854-55 elections transformed the Democrats' 159-71 majority to a 108-83 Republican margin. Democrats didn't win a majority of House seats for the next 20 years.

On the health care bill, there can be little doubt about public opinion. Quinnipiac, polling just after the Senate voted cloture, found Americans opposed by a 53 percent to 36 percent margin. Polls suggest that Democrats may suffer as much carnage in the 2010 elections as they did in 1854.

Nor did the Kansas-Nebraska Act settle the issue it addressed. Pro-slavery and anti-slavery settlers fought it out in "bleeding Kansas," and Douglas felt obliged to break with the Democratic administration and disown election stealing by the pro-slavery side. The issue roused a former congressman named Abraham Lincoln to re-enter politics, and he beat Douglas in the popular vote (but not in the legislature) in 1858 and then was elected president in 1860.

A health care bill like the Senate's is unlikely to settle all health care issues either, though the ensuing political struggles will stop somewhere short of civil war. "We aren't done talking about health care," writes Atlantic blogger (and Obama voter) Megan McArdle. "We haven't even really started. Our budget problems are as big as ever, and we just used up both political capital, and some of our stock of tax increases and spending cuts, to pay for something else."

The Senate bill contains provisions that are likely to be revisited. Its language channeling federal and consumer dollars to abortion coverage is opposed, according to Quinnipiac, by a 72 percent to 23 percent margin. Its provision establishing an Independent Medicare Advisory Board and stating that it cannot be abolished except by a two-thirds vote of the Senate is of dubious constitutionality, and even if upheld in a court of law may not pass muster in the court of public opinion. Since when has Congress passed laws that cannot be repealed?

Kansas-Nebraska was an attempt to settle a fundamental issue by legislative legerdemain and political trickery. The Democrats' health care bills are an attempt to settle a fundamental issue by partisan maneuver and cash-for-cloture. As Stephen Douglas learned, such tactics can work for a while, but the country -- and the Democratic Party -- can end up paying a heavy price.

Washington Examiner

[Another Kansas-Nebraska Act?](#)

by Michael Barone

I thought my comparison of Democratic health care legislation with the Kansas-Nebraska Act of 1854 in [my Wednesday Examiner column](#) was an original idea. After all, even David Broder and Lou Cannon weren't around to cover Stephen Douglas's brilliant floor managing of this disastrous legislation. But fewer of our ideas are original than we suppose. [Blogger Streetwise Professor](#), who in non-blog life is Craig Pirrong, a professor at the University of Houston's Bauer College of Business. Streetwise Professor posted his comparison on December 17, six days before my column. I swear I didn't read it until today, but I'll be checking out Streetwise Professor in the future, especially when I'm have trouble coming up with an original angle for my column.

Meanwhile, [Lexington Green](#) of the Chicago Boyz website, another of my favorite bloggers, noting the boiling discontent with Obama/Democratic programs, has asked readers for ideas for a Contract With America 2.0. With an assist from a post on [Instapundit](#) (in actual life University of Tennessee law professor Glenn Reynolds), he's been getting an intriguingly large number of responses. The Kansas-Nebraska Act prompted an Illinois lawyer named Abraham Lincoln to reenter politics, with well known results; it seems to have triggered something in the nature of that response from Illinois lawyer Lexington Green.

Streetwise Professor

[The Ghost of Stephen Douglas](#)

by Craig Pirrong

The health care "reform" bill now slouching through the Senate is the greatest legislative monstrosity in American history. Which is saying something. It is massive, complex, and utterly incoherent. It will sharply curtail freedom and inject the state even more intrusively into the most intimate and important decisions that we all face. It will be ruinously expensive. It is incapable of achieving its putative objectives: indeed, it will almost certainly lead to outcomes diametrically opposed to its supposed goals. Unless, of course, the true goal is to turn citizens into subjects.

If anything, procedurally it is even more monstrous than it is substantively. It advances by a combination of bribery (e.g., the Louisiana Purchase) and thuggery (even at the expense of national security, e.g., the threat to the Offutt Air Force base in Nebraska). It proceeds in the face of deep misgivings by broad swathes of the American public, and strident opposition by a very large number of Americans. It is difficult to imagine how anyone could make the Clinton health care initiative and the associated political process look sober, considered, and dignified, but Harry Reid *et al* have succeeded in doing just that.

I struggle to find a historical parallel. The closest thing that comes to mind is the Kansas-Nebraska Act of 1854. Illinois Senator Stephen Douglas was fixated on the creation of a transcontinental railroad. Southern senators blocked the advancement of Douglas's dream, so he proposed a bill that, to gain Southern support, completely undermined the careful (and yes, imperfect) compromises over slavery and the territories that had been crafted in the previous two generations (extending back to the Missouri Compromise of 1820). In so doing, he set in motion a train of events (no pun intended) that culminated in the Civil War.

Perhaps you consider the parallel hyperbolic. And no, I am not forecasting civil war. But if this bill, or anything close to it, passes, the results will convulse the country. The fault lines will not be sectional, as they were in the 1850s, but generational and socio-economic. And perhaps the most important fault line will be between citizen and state as it will completely revolutionize the relationship between the government and the governed.

And the convulsions will be, first and foremost, political. The Kansas-Nebraska Act catalyzed a fundamental political realignment in America, splitting the Democrat party and giving birth to the Republican. Passage of major health care legislation will have seismic political consequences as well. I do not know exactly what they will be, but they will be historic and enduring.

The execrable Harry Reid is of course the most visible villain here. But he is only Igor to Obama's Dr. Frankenstein. The former Illinois senator, heir to the seat of Stephen Douglas, who achieved the presidential ambition that slipped through Douglas's fingers as the very consequence of Kansas-Nebraska, is ultimately responsible. He has made it clear that he is willing to accept anything—*anything*—that will effectively give government control over the health care system. Douglas was fixated on a transcontinental railroad and was willing to do anything to get it. Obama is fixated on a root-and-branch restructuring of health care, and is willing to do anything to get it. Douglas's fixation tore the country apart. Obama's threatens to do the same.

Is it too late to stop it? I pray not, and I am not usually a praying man.

[Douglas's Tomb is a mere couple of miles from Obama's Chicago home.](#) The 96 foot tall Tomb with Douglas's statue is visible from Lake Shore Drive. I wonder how many times Obama passed it. I wonder if he ever even thought about Douglas, or the lessons of his brilliant but ultimately tragic and destructive political career.

WSJ

[The World's District Attorney](#)

Legendary prosecutor Robert Morgenthau on his famous cases, his brawl with Mike Bloomberg, and why he's sounding alarm about Iran.

by James Freeman

In the criminal justice system, the people of Manhattan have been represented for 35 years by New York County District Attorney Robert Morgenthau. This is his story.

Mr. Morgenthau, who inspired the original D.A. character on the television program "Law and Order," will retire on Thursday at age 90. Much of the barely fictitious drama is set in his office in Manhattan's Criminal Courts Building. This week, amid half-filled boxes and scattered personal mementos, he sat down to discuss his life's work.

Even though he knows I'm wearing a wire—actually an audio recorder placed on the table between us—America's D.A. speaks candidly, including about his public blowups with New York Mayor Michael Bloomberg. Mr. Morgenthau says this is the first mayor he hasn't gotten along with, and that the relationship went south when his office started investigating the city's role in the death of two of New York's bravest in an August, 2007 fire. Among other mistakes, city inspectors had failed to note that the water had been turned off at the old Deutsche Bank building opposite Ground Zero. The blaze resulted in 33 "mayday" calls from firefighters, and the D.A. is amazed that only two lost their lives.

Mr. Morgenthau soon got a call from a city lawyer telling him that "the mayor wanted me to tell you that he's surprised that you're looking at the Deutsche Bank case." Mr. Morgenthau says he told the mayor's minion, "You tell the mayor that I'm surprised that he's surprised."

Why would the mayor encourage such a call? Because, says Mr. Morgenthau, Mr. Bloomberg "thinks all lawyers work for him" and "doesn't want anybody around who doesn't kiss his ring, or other parts of his body."

The mayor has also recently gone after Mr. Morgenthau's budget, with city officials demanding that he stop sending some of the money forfeited by criminals to the state government, and instead send all of it to the city. The D.A. reports that both governments benefit handsomely from the work of his office—\$300 million so far this year, with another \$230 million coming soon.

These big criminal forfeitures support his \$80 million budget, but they are also the product of Mr. Morgenthau's unique legacy among district attorneys: his national and global reach. Such resources have allowed him to prosecute complex international business cases. Combined with his jurisdiction in the world's financial capital, he has become in a sense the world's district attorney.

Thomas Jefferson would have liked this bastion of local power as part of a federal system, but it is not always celebrated by federal officials. "I'm sure it [annoys] the hell out of them," Mr. Morgenthau observes.

The feeling is mutual. The D.A. says that while he's had to deal with the federal bureaucracy for decades, "it has just gotten worse" and "they ought to burn it down and start all over again. It's extremely worrisome."

For example, he says, "We had a lot of trouble with the Treasury Department" in his recent case against Credit Suisse, in which the bank coughed up \$536 million and admitted to aiding Iran and other rogue nations in violating economic sanctions. The feds, as they did in a similar settlement with the British bank Lloyds, wanted only civil penalties.

Mr. Morgenthau would have none of it. He says Credit Suisse had been "stonewalling us" and only struck a deal after he threatened to bring criminal charges to a grand jury. "We would have gotten an indictment," he says.

In 2006, Mr. Morgenthau's office began an investigation into New York's Alavi Foundation, which turned out to be an Iranian government front. Money from the foundation "was being used to pay Iranian agents around the world," he says. Last month the U.S. government seized \$500 million of the foundation's assets, including a Fifth Avenue office tower.



Zina Saunders

Mr. Morgenthau lacked the statute to bring legal action so he referred the Alavi inquiry to the FBI, while continuing to track a larger financial web. Individuals associated with Alavi had received money from Iran's government-controlled Bank Melli, which has been sanctioned by our government, the United Nations and the European Union for its support of the regime's nuclear and missile programs. The D.A.'s investigators found a money trail leading from Melli and other Iranian state-controlled banks, through legitimate banks in London and other European cities and into correspondent banks in the United States.

Credit Suisse, Lloyds and "eight other banks that we know about," according to Mr. Morgenthau, were involved in "stripping." This means disguising that Iran is the origin of transactions routed through American banks.

What are the Iranians buying with their ill-gotten American currency? Mr. Morgenthau obtained a shopping list that includes tantalum, a hard metal used in roadside bombs. But the Iranians are thinking bigger. He reports that he showed the shopping list to an executive at Raytheon, which manufactures missiles for the American military. Mr. Morgenthau says that after reviewing Tehran's wish list, the Raytheon official was stunned at the sophistication that would be required to create it, and replied, "My hands went cold."

The Iranian finance investigation led him to evidence showing the destination of a North Korean cargo plane that was seized in Bangkok by Thai police on Dec. 12. Despite Iranian denials, Mr. Morgenthau says the massive weapons shipment was bound for Tehran.

After years of prosecuting world-wide financial cases, including bringing down the criminal enterprise known as the Bank of Credit and Commerce International, Mr. Morgenthau has assembled a formidable intelligence network. "When people trust you, you get a lot of information from all around the world."

Mr. Morgenthau says "It takes a long time to build the kind of network we have" and adds that he expects his successor, Cyrus Vance Jr., will continue to focus on international financial crimes and Iranian finance in particular. That's because these cases are effective.

Regarding Iran, the lifelong Democrat scores both parties in Washington for ignoring the gathering threat. His own concern flows in part from his experience as a newly minted ensign aboard a destroyer the day Pearl Harbor was attacked. Mr. Morgenthau later saw action in both the Atlantic and Pacific theaters, and was fortunate to survive one sinking when a convoy ship violated standing orders and picked him and fellow crew members out of the water. He doesn't want his country to be caught unprepared again.

'Everyone has dropped the ball on [Iran sanctions]. The president is smoking pot or something if he thinks that being nice to these guys is going to get him anywhere," Mr. Morgenthau says. He says economic sanctions can "have significant impact" because most of Iran's enablers are not terrorists, just people "trying to make a buck. . . . They don't enjoy being the focus of an investigation." The D.A. argues that more aggressive federal enforcement of existing sanctions, plus a new effort to restrict Iran's gasoline imports, could make life very difficult for a regime that is under increasing pressure from its own citizens.

"The president has to say this is a priority. We have sanctions and we ought to make them work," he says. "The boss," as he's known to Manhattan prosecutors, is particularly concerned about Iran's progress in missile development and its budding relationship with Venezuelan dictator Hugo Chávez. While the two countries have opened banks in each other's countries, the D.A. reports that they nonetheless are transacting business in dollars through New York.

Mr. Morgenthau says his habit is to "never look back," but he obliges when pressed to revisit some of his most famous wins and losses. Boss of mob bosses John Gotti evaded the long arm of Mr. Morgenthau for years but was ultimately convicted of murder by the feds. "The [FBI] didn't turn over key evidence they had to us," he says.

Asked whether he should have indicted board members along with Tyco Corporation CEO Dennis Kozlowski and CFO Mark Swartz, Mr. Morgenthau responds, "probably."

Of his recent prosecution of Anthony Marshall, convicted of stealing from his mother Brooke Astor, Mr. Morgenthau makes clear that the case had a significance beyond exposing the lifestyles of the rich and famous. He notes a disturbing trend of children ripping off their parents and grandparents. The case, he says, "sent a message all over the country: You can't steal from your elders."

Mr. Morgenthau notes that his office was the first in the country to "indict the footprint," which means securing indictments before finding a defendant. This has the practical effect of removing the statute of limitations.

Mr. Morgenthau is proudest of his victories in cases widely considered unwinnable. He notes that his office was the first in the country to successfully prosecute a murder case with no body and no witness. In 2000 he won convictions against Sante and Kenneth Kimes. The mother and son killed Irene Silverman when they believed she had caught on to their plot to swindle her out of her Upper East Side mansion. The son later admitted to disposing of the body in a dumpster.

Mr. Morgenthau took on another lost cause but finally prevailed, 15 years after the disappearance of Gail Katz-Bierenbaum. Discovering flight records at New Jersey's Essex County Airport led his team to conclude and ultimately prove that her husband had pushed her body out of a Cessna over the Atlantic.

Overall, it's hard to argue with the results. While he is quick to credit the police and other city officials, Mr. Morgenthau notes that when he became district attorney in 1975, Manhattan was suffering almost 650

murders annually. Last year, there were 62. From more than 39% of the city's murders, Manhattan's share has fallen to just 12%.

Manhattan's renaissance has allowed many New Yorkers to consider not just survival, but success, and more specifically how to keep more of what they earn from the tax collector. Mr. Morgenthau has aggressively pursued those who seek to preserve their capital in other jurisdictions, but that doesn't mean he favors the current system.

"I think taxes in New York City and State are much too high," he says. "But you're never going to see them reduced unless everybody pays what they're required to pay under the law."

Mr. Morgenthau's effort to go after citizens who park their money in tax havens has led to more frustration with the Mayor. The D.A. says Mr. Bloomberg "has never been any help. I've talked to him three times about it and each time the conversation is almost identical. I tell him how much money is offshore and in the underground economy and he always says, 'I'm paying my taxes.' And I always say, 'Mike, no one is suggesting you don't, but there are a lot of other people who don't.' And then he says, 'I'm glad I'm not a lawyer.'"

Before exiting the public stage, Mr. Morgenthau also wants to set straight the record on one of the most controversial episodes in the history of the United States Supreme Court. Justice Abe Fortas was denied a Senate vote in 1968 when President Lyndon Johnson sought to elevate him to chief justice to replace the retiring Earl Warren.

The following year, Fortas resigned his seat as an associate justice after it was revealed that he received money from the foundation of Louis Wolfson, who had been convicted of crimes related to a securities case.

But Mr. Morgenthau already knew about the payments from Wolfson. As a U.S. attorney appointed by John F. Kennedy, he had been investigating Wolfson for years, against the wishes of Wolfson's friends in the Kennedy and Johnson administrations. (To be fair, politicians seeking contributions were not the only defenders of Wolfson. More recently, Henry Manne has written in these pages that Wolfson invented the modern hostile tender offer, enhancing the power of shareholders and making the U.S. economy more competitive.)

In any case, Mr. Morgenthau believes that Attorney General Nicholas Katzenbach was fired by LBJ in 1966 because he refused to block Mr. Morgenthau's indictment and subsequent conviction of Wolfson. At the time, Mr. Katzenbach said disputes with FBI Director J. Edgar Hoover caused his resignation.

Knowing of the \$20,000 per year "for life" that Wolfson's foundation was sending to Fortas, Mr. Morgenthau contacted Mr. Katzenbach's successor Ramsey Clark, told him of the deal, and suggested that he tell Chief Justice Earl Warren to consider delaying his retirement. Mr. Morgenthau says Mr. Clark never informed Warren. Wolfson had powerful friends.

Just like viewers at the end of a "Law and Order" episode, observers of the legendary D.A. are treated to one more twist in the tale.

Mr. Freeman is assistant editor of the Journal's editorial page.





