

January 31, 2010

We start today like we started last Thursday night, with [John Fund](#) introducing us to Scott Brown. This time John has an interview with the new senator.

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*...Nonetheless, Mr. Brown is clearly sensitive—and a tad defensive—about his state's own universal health-care system. It now covers about 95% of the population; but it has also led to the nation's highest insurance premiums. It is driving hospitals towards bankruptcy and making it more difficult for people to see a doctor. Mr. Brown voted for the system in 2006 when it was proposed by then-GOP Gov. Mitt Romney. "Of course, it can be made better," Mr. Brown says today. "But it was bipartisan and it fit our local needs. We were being eaten alive by health-care costs." Universal coverage hasn't changed that, however. ...*

*...Mr. Brown says it frustrates him that too many politicians still believe that people will be fooled by what they're proposing. "People aren't stupid, and leaders should figure out they're better informed now than ever." Perhaps that explains how Scott Brown was able to pull off his improbable Cinderella story.*

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[Mark Steyn](#) discusses The One-Hit Wonder. Is more government Obama's only answer to every question?

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*Functioning societies depend on agreed rules. If you want to open a business, you do it in Singapore or Ireland, because the rules are known to all parties. You don't go to Sudan or Zimbabwe, where the rules are whatever the state's whims happen to be that morning.*

*That's why Obama is such a job-killer. Why would a small business take on a new employee? The president's proposing a soak-the-banks tax that could impact your access to credit. The House has passed a cap-and-trade bill that could impose potentially unlimited regulatory costs. The [Senate](#) is in favor of "health" "care" "reform" that will allow the IRS to seize your assets if you and your employees' health arrangements do not meet the approval of the federal government. Some of these things will pass into law, some of them won't. But all of them send a consistent, cumulative message: that there are no rules, that they're being made up as they go along – and that some of them might even be retroactive, as happened this week with Oregon's new corporate tax.*

*In such an environment, would you hire anyone? Or would you hunker down and sit things out? ...*

**Peter Schiff** comments that Obama's policies worsen the state of the union.

*...To lead us back to brighter days, he articulated a vision of a centrally planned recovery, where clean energy and a Soviet style five-year plan to double our exports would make our economy preeminent once more. He fails to understand that the only reason our economy rose to the top in the first place is that the government left it alone.*

*In the words of the Spanish philosopher George Santayana, "Those who cannot learn from history are doomed to repeat it." Since our President cannot even learn from the mistakes of his immediate predecessor, to say nothing of those he made himself while in the Senate or during his first year as president, we are surely doomed to repeat them, perhaps more quickly than Santayana could have imagined.*

*Rather than tightening the reins on the reckless monetary policy that undermined our savings, diminished our industrial output, inflated asset bubbles, and led to reckless speculation on Wall Street and excess consumption on Main Street, we are loosing them further. Rather than repealing regulations that distort markets and create moral hazards, we are adding new ones that do more of the same. Rather than cutting government spending to reduce the burden it places on our economy, we are increasing both the amount of the spending and the size of the burden. Rather than making government smaller so that the private sector can grow, we are making government bigger and forcing the private sector to shrink. Rather than paying off our debts we are taking on even more. Rather than encouraging people to save we are enticing them to spend. Rather than creating jobs, we are merely creating unemployment benefits.*

*As a result, instead of seeding the soil for a real recovery we are setting the stage for a prolonged depression.*

**Randy Barnett** makes a number of excellent points in his article in the WSJ. He says that Obama's criticism of the Supreme Court during the State of the Union address was wrong in judgment and in fact.

*...Then there is the substance of the remark itself. It was factually wrong. The Court's ruling in Citizens United concerned the right of labor unions and domestic corporations, including nonprofits, to express their views about candidates in media such as books, films and TV within 60 days of an election. In short, it concerned freedom of speech; in particular, an independent film critical of Hillary Clinton funded by a nonprofit corporation.*

*While the Court reversed a 1990 decision allowing such a ban, it left standing current restrictions on foreign nationals and "entities." Also untouched was a 100-year-old ban on domestic corporate contributions to political campaigns to which the president was presumably referring erroneously.*

*That is a whole lot to get wrong in 72 sanctimonious words. Clearly, this statement had not been vetted by the president's legal counsel. Solicitor General Elena Kagan, for example, would never have signed off on such a claim. Never. ...*

The NRO staff posted **Charles Krauthammer's** remarks on the matter in the Corner.  
*The president attacked the Supreme Court at the State of the Union, which I believe is unprecedented. ...*

*The court actually is at that event not for pleasure and not even as a duty — it's not required — but as a sign of respect for the other branches, for the presidency and the Congress. And to subject it to a direct attack in a setting in which it can't respond, I thought, was a breach of etiquette which shouldn't have happened.*

*On the substance, when the president said that it [the Court] was breaking a 100-year precedent, it was wrong. As even Linda Greenhouse, the liberal Supreme Court reporter of the New York Times pointed out,*

*the ruling 100 years ago was the prohibition of a direct sending of money from corporations into the treasuries of candidates. That remains illegal. It was not touched in this decision. So there was no overturning of that precedent. What it dealt with is a question of corporations funding speech attacking a candidate. ...*

In the New York Times, [Samuel Pizar](#) speaks about his experiences at the hands of the Nazis, and the importance of the Holocaust victims sharing their stories with the world.

*...It took a long time for the news of the American-led invasion of Normandy to slip into Auschwitz. There were also rumors that the Red Army was advancing quickly on the eastern front. With the ground shrinking under their feet, the Nazis were becoming palpably nervous. The gas chambers spewed fire and smoke as never before.*

*One gray, frosty morning, our guards ordered those of us still capable of slave labor to line up and marched us out of the camp. We were to be shunted westward, from Poland into Germany. I was beside myself with excitement — and dread. Salvation somehow seemed closer — yet we also knew that we could be killed at any moment. The goal was to hang on a little longer. I was almost 16 now, and I wanted to live.*

*We marched from camp to camp, day and night, until we and our torturers began to hear distant explosions that sounded like artillery fire. One afternoon we were strafed by a squadron of Allied fighter planes that mistook our column for Wehrmacht troops. As the Germans hit the dirt, their machine guns blazing in all directions, someone near me yelled, “Run for it!” I kicked off my wooden clogs and sprinted into the forest. There I hid, hungry and cold, for weeks, until I was discovered by a group of American soldiers. The boys who brought me life were not much older than I. They fed me, clothed me, made me a mascot of their regiment and gave me my first real taste of freedom.*

*Today, the last living survivors of the Holocaust are disappearing one by one. Soon, history will speak about Auschwitz with the impersonal voice of researchers and novelists at best, and at worst in the malevolent register of revisionists and falsifiers who call the Nazi Final Solution a myth. This process has already begun. ...*

In Friday's Pickings, [Marty Peretz](#) pointed out that Obama had neglected to mention Israel's significant contribution to Haiti disaster rescue operations. Today, Peretz responds to criticism from Time's Joe Klein's.

*I am glad Joe Klein tried to take me to task for criticizing the president about his not giving Israel the respect it deserved for its efforts in Haiti. ... But, in fact, Obama passed over Israel entirely in his enumeration of especially worthy aid providers. Here's what Bill Clinton [said](#) about Israel's contribution: “I don't know what we would have done without the Israeli hospital in Haiti.” Israel's operational unit was, Clinton noted, the only facility capable of performing surgeries and advanced examinations. Meanwhile, that unit is staying on with a change of personnel and is relocating its field hospital to an orphanage. CBS, in a moment of exaggeration, called the Israeli facility the “Rolls-Royce” of the entire aid effort.*

*Despite his carping, Joe concedes that I was correct. That, in fact, the president should have mentioned Israel and should do much more with the Jewish state to balance his courting of the Arab world (which hasn't done his presidency or his policies any good).*

*So what is Klein's [bitch](#) with me? He writes in his “Swampland” blog--yes, that's what it's actually called, and I must concede that it's aptly titled--that Obama's omission had no meaning and was not the result of any decision at all. So what was it? It was “an oversight.” Oh, I see. This administration which crosses every 't' and dots every 'i' just forgot to mention Israel. You know what I say to that? ...*

[Ben Webster](#) at the [Times, UK](#), reports that Dr. Rajendra Pachauri knew about the glacial inaccuracy for two months before he was pressured into addressing it. Hey, why stop the gravy train?

*The chairman of the leading climate change watchdog was informed that claims about melting Himalayan glaciers were false before the Copenhagen summit, The Times has learnt.*

*Rajendra Pachauri was told that the Intergovernmental Panel on Climate Change assessment that the glaciers would disappear by 2035 was wrong, but he waited two months to correct it. He failed to act despite learning that the claim had been refuted by several leading glaciologists.*

*The IPCC's report underpinned the proposals at Copenhagen for drastic cuts in global emissions. ...*

In the [WaPo](#), [Neely Tucker](#) writes that the meteorite that recently landed in Northern Virginia is stirring up some drama.

*...The doctors who were nearly bonked on the head by the thing when it came plummeting from the asteroid belt into Examining Room No. 2 in the Williamsburg Square Family Practice, gave it to the Smithsonian's National Museum of Natural History. In return, Smithsonian officials planned to give them \$5,000 in appreciation. The doctors, Marc Gallini and Frank Ciampi, planned to donate the money to earthquake relief efforts in Haiti. The Smithsonian planned to put the meteorite on prominent display and study it as a 4.5 billion-year-old postcard from the formation of the solar system. ...*

*...But in an extraterrestrial soap opera still unfolding, the landlords of the Virginia building that houses the doctors' office now say they are the rightful owners of the meteorite. Museum officials said the landlords informed them, midday Thursday, that they were coming to take the stone out of the Smithsonian by sundown. ...*

*...The remnants are valuable to scientists, particularly when discovered just after impact, because they have not been subject to the gravity, erosion and atmospheric pressures of Earth, and thus can offer insights about what the solar system looked like long ago. ...*

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**WSJ**

[Scott Brown: 'People Aren't Stupid'](#)

***'And leaders should figure out they're better informed now than ever.'***

by John Fund

Boston

When I arrived at his cramped state senate offices, Scott Brown had just opened one of the many packages he's received since his stunning U.S. Senate victory 11 days ago. A local artist has done up a version of the iconic red, white and blue collage from the 2008 presidential campaign that shows Barack Obama with the word "Hope." This one features a smiling Mr. Brown instead, but the word below is different. It reads "Change."

By filling the seat vacated by liberal lion Ted Kennedy in a state Mr. Obama carried by 26 points barely over a year ago, Mr. Brown has certainly changed the political landscape. We sit down the morning after



President Obama's State of the Union message, an address in large part shaped by what's been called "the Scott Heard 'Round the World." Mr. Obama uncharacteristically recognized some unforced errors in pushing his liberal agenda, along with expressing some new flexibility on issues ranging from small business tax cuts to offshore oil drilling to nuclear power.



Settling into a pinkish-red upholstered chair that looks like what it is—a castoff from a state furniture inventory—Mr. Brown reflects on his new celebrity. "I have to rely on who I've been and still am. I'm still the guy who works out at the YMCA and hangs out at the coffee shop," he says. "The way to handle the attention is to fall back on normalcy."

But he knows things are no longer normal. A few hours after we talk he will appear on Jay Leno's TV show. His daughter Ayla—the one who performed on "American Idol"—has been offered a job by a major TV network. And the symbols that propelled his campaign forward are now a part of popular culture. On the day we meet, the Boston Globe has a lengthy article on the meaning of the brown leather "barn coat" he wore on the campaign trail. And then there is the pickup truck he drove around the state, which has become a symbol of his authenticity and "Everyman" origins as a kid who grew up on the wrong side of the tracks and was scared straight by a judge after he was caught shoplifting as a 12-year-old.

The key to Mr. Brown's victory was politically independent voters in the Bay State, who favored him by 3-1. So how should other candidates court the independent vote, which in most parts of the country is growing faster than that of either major party?

"People out there are disgusted," he says, shaking his head. "Especially with any one party dominating government and talking down to them. They want straight talk, no BS. A focus on jobs and what really creates them. They want problem solvers in office, and it helped me that I was able to show I could work with Democrats in the legislature."

That last point has not gotten the attention it deserves. For all of the excitement Mr. Brown generated among conservatives, his actual legislative record reveals a man who rejects ideological rigidity on most issues.

A businessman who attended a fund-raiser for Mr. Brown a few years ago tells me that he marveled at how the man was able to navigate the abortion issue to the grudging satisfaction of both camps. "He directed people to his Web site for specifics, but mostly he listened and made clear that he respected the heartfelt

views of everyone on the issue," he says. "That won him a lot of points from a tough crowd." Not exactly straight talk, perhaps, but certainly smart politics. (Mr. Brown does not favor rolling back *Roe v. Wade*, but supports parental notification, banning late-term abortions, and conscience clauses for medical workers.)

I ask Mr. Brown at what point during the four hard months he spent campaigning he felt he was truly connecting with Massachusetts' voters. He instantly replies that it was the first TV ad he ran in late December, which began in black and white showing John F. Kennedy pushing for his 1962 across-the-board cut in tax rates. The screen then slowly morphed into an image of Mr. Brown as he calls for a new tax cut by finishing Kennedy's remarks: "Every dollar released from taxation that is spent or invested will help create a new job and a new salary."

Massachusetts' senator-elect says he had always admired JFK as a president who "wanted to help everybody," and when he and his staff pored over that president's speeches his defense of tax cuts leaped out. "That's what we need now. Across-the-board tax cuts," he says. "A payroll tax cut would have been better than any government stimulus."

Mr. Brown says he designed his campaign to revolve around four issues: taxes, excessive spending, terrorism and health care. But it's clear that voter angst over ObamaCare was the rocket fuel propelling him to victory. "People got where I was," he says. He was often asked to sign his autograph with the number "41" next to it, meaning he was running to be the key vote to block health-care legislation from final passage.

Nonetheless, Mr. Brown is clearly sensitive—and a tad defensive—about his state's own universal health-care system. It now covers about 95% of the population; but it has also led to the nation's highest insurance premiums. It is driving hospitals towards bankruptcy and making it more difficult for people to see a doctor. Mr. Brown voted for the system in 2006 when it was proposed by then-GOP Gov. Mitt Romney. "Of course, it can be made better," Mr. Brown says today. "But it was bipartisan and it fit our local needs. We were being eaten alive by health-care costs." Universal coverage hasn't changed that, however.

Asked about the Senate committees he'd like to be a member of, Mr. Brown mentions Armed Services and Homeland Security (he's a 30-year National Guard veteran) along with Appropriations. The last choice seems mildly surprising; Appropriations is the Senate's "favor factory"—it parcels out earmarks. "I've not been shy in the legislature about telling people no," he says. "I've told groups I don't think a grant is for them, and we've improved the transparency of earmarks here in the legislature. Let's bring the power of the Internet to Congress so people can debate and control earmarks."

Mr. Brown's election has touched off a debate among Democrats about the direction their party should take, as populists tangle with moderates over how or whether to play the class-warfare card. So why does he think Democratic attacks on him for opposing Mr. Obama's bank tax didn't seem to gain traction? "People are mad at banks and the TARP money. But the banks are paying off that money with interest," he says. "They get that a bank tax will be transferred down to individuals through ATM fees and the amount of money they can lend to create jobs will also be reduced."

Mr. Brown says it frustrates him that too many politicians still believe that people will be fooled by what they're proposing. "People aren't stupid, and leaders should figure out they're better informed now than ever." Perhaps that explains how Scott Brown was able to pull off his improbable Cinderella story.

Back in September, picking up on the rising tide of public anger over health reform, excessive spending, and one-party arrogance, he fashioned a simple, compelling narrative to deal with it: no to a rushed, confusing health-care bill, yes to a freeze on federal spending and to introducing some sunlight into government. Mr. Brown repeated it over and over with the inner confidence that his message would eventually resonate. It did.

The world turns.

In Indonesia, the principal of a Muslim boarding school in Tangerang who is accused of impregnating a 15-year-old student says the DNA test will prove that a malevolent genie is the real father.

In New Zealand, a German tourist, Herr Hans Kurt Kubus, has been jailed for attempting to board a plane at Christchurch with 44 live lizards in his underpants.

In Britain, a research team at King's College, London, has declared that the female "G-spot" does not, in fact, exist.

In France a group of top gynecologists led by Monsieur Sylvain Mimoun has dismissed the findings, and said what do you expect if you ask a group of Englishmen to try to find a woman's erogenous zone.

But, in America, Barack Obama is talking.

Talking, talking, talking. He talked for 90 minutes at the State of the Union. No matter how many geckos you shoveled down your briefs, you still lost all feeling in your legs. And still he talked. If you had an erogenous zone before he started, by the end it was undetectable even to Frenchmen. But on he talked. As respected poverty advocate Sen. [John Edwards](#) commented, "After the first hour, even my malevolent genie was back in the bottle."

Like any gifted orator, the president knows how to vary the talk with a little light and shade. Sometimes he hectors, sometimes he whines, sometimes he demands. He hectored the Supreme Court. He whined about all the problems he inherited. He demanded [Congress](#) put a jobs bill on his desk. Or was it a desk job on his bill? No matter. He does Nixon impressions, too: "We do not quit," he said.

Boy, you can say that again!

So he did: "We don't quit. I don't quit," he said. Throughout the chamber, [Democrats](#) were quitting. "I quit," says Rep. [Marion Berry](#) of Arkansas, declining to run this November. "I quit," says Sen. [Byron Dorgan](#) of North Dakota, doing likewise. "I quit," says Bo Biden of Delaware, son of Vice President [Joe Biden](#), choosing not to succeed to his father's seat in America's [House of Lords](#).

But not Barack Obama: "I don't quit." So on he went. As my colleague [Rich Lowry](#) put it after the Massachusetts vote, the public thinks Obama doesn't get it, and Obama thinks the public doesn't get it. And as he's got the microphone he's gonna keep talking at you until you do get it.

The ever tinnier, more perfunctory sophomoric uplift at the start and finish can't conceal the hope-killing, jobs-slaying, soul-sapping message in between, which is perfectly consistent, and has been for two years. As President Obama sees it, whatever the problem – from health care to education, banking to the environment – the solution is more Washington.

Simply as a matter of internal logic, this is somewhat perplexing. After all, when he isn't blaming [George W. Bush](#), Obama blames "Washington" – a Washington mired in "partisanship" and "pettiness" and "the same tired battles" and "Washington gimmicks" that do nothing but ensure that our "problems have grown worse." Washington, Obama tells us, is "unable or unwilling to solve any of our problems."

So let's have more Washington! In our schools, in our hospitals, in our cars, in everything!

Which raises the question: Does even Obama listen to Obama's speeches?

The public does – at least to this extent: They understand that, when he's attacking the tired old Washington games, he's just playing the tired old Washington games. But, when he's proposing the tired old Washington solutions, he means it; that's the real Obama, the only Obama on offer. And everything the president proposes means more debt, which at the level this guy's spending means, at some point down the road, either higher taxes or total societal collapse.

Functioning societies depend on agreed rules. If you want to open a business, you do it in Singapore or Ireland, because the rules are known to all parties. You don't go to Sudan or Zimbabwe, where the rules are whatever the state's whims happen to be that morning.

That's why Obama is such a job-killer. Why would a small business take on a new employee? The president's proposing a soak-the-banks tax that could impact your access to credit. The House has passed a cap-and-trade bill that could impose potentially unlimited regulatory costs. The [Senate](#) is in favor of "health" "care" "reform" that will allow the IRS to seize your assets if you and your employees' health arrangements do not meet the approval of the federal government. Some of these things will pass into law, some of them won't. But all of them send a consistent, cumulative message: that there are no rules, that they're being made up as they go along – and that some of them might even be retroactive, as happened this week with Oregon's new corporate tax.

In such an environment, would you hire anyone? Or would you hunker down and sit things out? Obama can bury it in half a ton of leaden teleprompted sludge but the world has got the message: More Washington, more microregulation of every aspect of your life, more multi-trillion-dollar spending, and no agreed rules in a game ever more rigged against you.

Obama and the Democrats have decided, in the current cliché, to "double down." That hardly does justice to what the president's doing. In effect, he's told embattled congressmen and senators to strap on the old suicide-bomber belt and self-detonate for the team this November.

That's a lot of virgins to pass out, but, with this administration, budget restraints aren't exactly a problem: Untold pleasures will await every sacrificial incumbent in paradise, or at any rate the coming liberal utopia.

What's the end game here? President Obama gave it away in his student-loan "reform" proposals: If you choose to go into "public service," any college-loan debts will be forgiven after 10 years.

Because "public service" is more noble than the selfish, money-grubbing private sector. C'mon, everybody knows that. So we need to encourage more people to go into "public service."

Why?

In the past 60 years, the size of America's state and local workforce has increased five times faster than the general population. But the president says it's still not enough: We have to incentivize even further the diversion of our human capital into the government machine.

Like most lifelong politicians, Barack Obama has never created, manufactured or marketed any product other than himself. So, quite reasonably, he sees government dependency as the natural order of things.

And in his college-loan plan he's explicitly telling you: If you start a business, invent something, provide a service, you're a schmuck and a loser. In the America he's building, you'll be working 24/7 till you drop dead to fund an ever-swollen bureaucracy that takes six weeks off a year and retires at 53 on a pension you could never dream of. Obama's proposals are bold only insofar as few men would offer such a transparent guarantee of disaster: It's the audacity of hopelessness.



In Massachusetts, enough voters got the message. And the more speeches this one-note politician inflicts on the nation the louder they'll hear it.

## **Euro Pacific Capital**

### **The Precarious State of Our Union**

by Peter Schiff

In this week's much anticipated State of the Union address, President Obama again demonstrated his poor understanding of the fundamental problems that confront our nation. By following the advice of the same people who helped guide our economy to the precipice of total collapse, Obama now threatens to push it over the edge.

Notwithstanding his well crafted lip service regarding future spending restraint, the essence of his current program is for more government spending and larger deficits. For all his talk about job creation, his policies will further burden those who might otherwise create those jobs with higher taxes and more regulation. While he did call for tax cuts for the middle class and offered what amounts to bailouts for those struggling to repay student loans, such cuts do nothing to promote growth in the near term and will add to the deficits in the long term.

The President spoke optimistically about the future, but in reality there is little evidence to support such an upbeat outlook. He began his speech by assuring us that the worst of the storm had passed. General Custer may have said something similar when the first wave of Indian attacks ebbed at Little Big Horn.

While Obama did have some harsh words for Wall Street (not exactly a courageous political stance), he leveled no criticism at the Federal Reserve or other government agencies that had financed and guaranteed all the ridiculous real estate speculation that precipitated the crash. And while he at least conceded that the prosperity of the last decade was based on illusions, he continued to endorse the very policies that produced the mirage in the first place.

To lead us back to brighter days, he articulated a vision of a centrally planned recovery, where clean energy and a Soviet style five-year plan to double our exports would make our economy preeminent once more. He fails to understand that the only reason our economy rose to the top in the first place is that the government left it alone.

In the words of the Spanish philosopher George Santayana, "Those who cannot learn from history are doomed to repeat it." Since our President cannot even learn from the mistakes of his immediate predecessor, to say nothing of those he made himself while in the Senate or during his first year as president, we are surely doomed to repeat them, perhaps more quickly than Santayana could have imagined.

Rather than tightening the reins on the reckless monetary policy that undermined our savings, diminished our industrial output, inflated asset bubbles, and led to reckless speculation on Wall Street and excess consumption on Main Street, we are losing them further. Rather than repealing regulations that distort markets and create moral hazards, we are adding new ones that do more of the same. Rather than cutting government spending to reduce the burden it places on our economy, we are increasing both the amount of the spending and the size of the burden. Rather than making government smaller so that the private sector can grow, we are making government bigger and forcing the private sector to shrink. Rather than paying off our debts we are taking on even more. Rather than encouraging people to save we are enticing them to spend. Rather than creating jobs, we are merely creating unemployment benefits.

As a result, instead of seeding the soil for a real recovery we are setting the stage for a prolonged depression.

WSJ

## Obama Owes the High Court an Apology

*The justices were there as a courtesy to him.*

by Randy E. Barnett

In his State of the Union address, the president of the United States called out the Supreme Court by name for sharp condemnation and egged on his congressional supporters to jeer its recent decision:

"Last week, the Supreme Court reversed a century of law to open the floodgates for special interests—including foreign corporations—to spend without limit in our elections. Well I don't think American elections should be bankrolled by America's most powerful interests, or worse, by foreign entities. They should be decided by the American people, and that's why I'm urging Democrats and Republicans to pass a bill that helps to right this wrong."

Even before he finished, hundreds of Democratic senators, congressmen and cabinet officials surrounding the six seated justices stood, applauded and cheered.

Suppose for a moment that you were a justice seated there as the president of the United States singled you out for criticism and the room stood and cheered. Could they take it? Yes, of course. Should they have been put in this position? Absolutely not.

This is not to deny that the Supreme Court may be criticized. I do it regularly in class, op-eds, blog posts, and in the pages of law reviews. So too should the president when he thinks the Court is wrong. But not when the justices are in attendance as a courtesy to him, seated as a captive audience on national television, while surrounded by hundreds of his political partisans. Imagine the howls if the president had been a guest in the House of Commons when the British prime minister called him out for failing to live up to his promises in Copenhagen about imposing a carbon tax.

Judge not the words themselves, but their effect on the audience. The president fully expected that his hundreds of supporters in the legislative branch would stand and cheer, while the justices remained seated and silent, unable to respond even afterward. Moreover, the president's speech was only released about 30 minutes before the event, after the justices were already present. In short, the head of the executive branch ambushed six members of the judiciary, and called upon the legislative branch to deride them publicly. If you missed it, check the YouTube video. No one could reasonably believe in their heart that this was respectful behavior.

Then there is the substance of the remark itself. It was factually wrong. The Court's ruling in *Citizens United* concerned the right of labor unions and domestic corporations, including nonprofits, to express their views about candidates in media such as books, films and TV within 60 days of an election. In short, it concerned freedom of speech; in particular, an independent film critical of Hillary Clinton funded by a nonprofit corporation.

While the Court reversed a 1990 decision allowing such a ban, it left standing current restrictions on foreign nationals and "entities." Also untouched was a 100-year-old ban on domestic corporate contributions to political campaigns to which the president was presumably referring erroneously.

That is a whole lot to get wrong in 72 sanctimonious words. Clearly, this statement had not been vetted by the president's legal counsel. Solicitor General Elena Kagan, for example, would never have signed off on such a claim. Never.

Then there is the lack of any reference to the Constitution or First Amendment upon which the Court rested its decision. The president made a nakedly result-oriented criticism: Because interest groups and foreigners

(gasp!) will allegedly get to influence our elections, the Supreme Court made a legal mistake. As though this is the way the Supreme Court should decide constitutional cases.

Oh, and how exactly is Congress supposed to override a constitutional ruling by the Supreme Court by enacting a statute? Or was the president merely urging Congress to evade it?

If the president, himself a Harvard Law School graduate, is going to criticize a judicial opinion, it is incumbent upon him to be legally accurate and responsible in his commentary. If that is too much to expect of a politician giving a nationally televised speech to the general public, then this again illustrates the inappropriateness of making this remark in this venue.

For those who strongly object to the ruling in *Citizens United* and still do not see the impropriety of criticizing the Court this way, consider Rep. Joe Wilson's "You lie!" outburst during the president's address to a joint session of Congress in September. No one denied the right of a congressman to criticize the accuracy of the president's remarks. The objection was to the rudeness and disrespect shown the president, for which Mr. Wilson promptly apologized. So too should the president.

*Mr. Barnett teaches constitutional law at Georgetown Law Center, and is author of "Restoring the Lost Constitution" (Princeton, 2005).*

## The Corner

### [Krauthammer's Take](#) [NRO Staff]

On President Obama vs. Justice Alito at the State of the Union:

The president attacked the Supreme Court at the State of the Union, which I believe is unprecedented. I thought [it] was a breach of etiquette.

The court actually is at that event not for pleasure and not even as a duty — it's not required — but as a sign of respect for the other branches, for the presidency and the Congress. And to subject it to a direct attack in a setting in which it can't respond, I thought, was a breach of etiquette which shouldn't have happened.

On the substance, when the president said that it [the Court] was breaking a 100-year precedent, it was wrong. As even Linda Greenhouse, the liberal Supreme Court reporter of the New York Times pointed out, the ruling 100 years ago was the prohibition of a direct sending of money from corporations into the treasuries of candidates. That remains illegal. It was not touched in this decision. So there was no overturning of that precedent. What it dealt with is a question of corporations funding *speech* attacking a candidate.

And the court in its decision had said that it was not dealing with that issue [of foreign funding]. Which means: If it wasn't, [then] the existing statute, which prohibits it [foreign funding], stands. So I think he was wrong on the substance as well as the precedent here.

NY Times

Out of Auschwitz

by Samuel Pizar

Paris

SIXTY-FIVE years ago this week, the Soviets liberated Auschwitz, while the Americans were approaching Dachau. For a survivor of these two infernos to still be alive and well, with a new family that has resurrected for me the one I had lost, seems almost unreal. When I entered Adolf Eichmann and Josef Mengele's gruesome universe at the age of 13, I measured my life expectancy in days, weeks at the most.

In the early winter of 1944, World War II was coming to an end. But we in the camps knew nothing. We wondered: What is happening in the world outside? Where is God? Where is the pope? Does anyone out there know what is happening here to us? Does anyone even care?

Russia was devastated. Britain had its back against the wall. And America? It was so far away, so divided. How could it be expected to save civilization from the seemingly invincible forces of darkness?

It took a long time for the news of the American-led invasion of Normandy to slip into Auschwitz. There were also rumors that the Red Army was advancing quickly on the eastern front. With the ground shrinking under their feet, the Nazis were becoming palpably nervous. The gas chambers spewed fire and smoke as never before.

One gray, frosty morning, our guards ordered those of us still capable of slave labor to line up and marched us out of the camp. We were to be shunted westward, from Poland into Germany. I was beside myself with excitement — and dread. Salvation somehow seemed closer — yet we also knew that we could be killed at any moment. The goal was to hang on a little longer. I was almost 16 now, and I wanted to live.

We marched from camp to camp, day and night, until we and our torturers began to hear distant explosions that sounded like artillery fire. One afternoon we were strafed by a squadron of Allied fighter planes that mistook our column for Wehrmacht troops. As the Germans hit the dirt, their machine guns blazing in all directions, someone near me yelled, "Run for it!" I kicked off my wooden clogs and sprinted into the forest. There I hid, hungry and cold, for weeks, until I was discovered by a group of American soldiers. The boys who brought me life were not much older than I. They fed me, clothed me, made me a mascot of their regiment and gave me my first real taste of freedom.

Today, the last living survivors of the Holocaust are disappearing one by one. Soon, history will speak about Auschwitz with the impersonal voice of researchers and novelists at best, and at worst in the malevolent register of revisionists and falsifiers who call the Nazi Final Solution a myth. This process has already begun.

And it is why those of us who survived have a duty to transmit to humankind the memory of what we endured in body and soul, to tell our children that the fanaticism and violence that nearly destroyed our universe have the power to enflame theirs, too. The fury of the Haitian earthquake, which has taken more than 200,000 lives, teaches us how cruel nature can be to man. The Holocaust, which destroyed a people, teaches us that nature, even in its cruelest moments, is benign in comparison with man when he loses his moral compass and his reason.

After so much death, a groundswell of compassion and solidarity for victims — all victims, whether from natural disasters, racial hatred, religious intolerance or terrorism — occasionally manifests itself, as it has in recent days.



These actions stand in contrast to those moments when we have failed to act; they remind us, on this dark anniversary, of how often we remain divided and confused, how in the face of horror we hesitate, vacillate, like sleepwalkers at the edge of the abyss. Of course, they remind us, too, that we have managed to stave off the irrevocable; that our chances for living in harmony are, thankfully, still intact.

*Samuel Pizar, a lawyer, is the author of "Of Blood and Hope."*

## The Spine

### Obama, Israel, and Haiti ... oh, yes, and Joe Klein

by Marty Peretz

I am glad Joe Klein tried to take me to task for criticizing the president about his not giving Israel the respect it deserved for its efforts in Haiti. And, boy, did it deserve that respect! But, in fact, Obama passed over Israel entirely in his enumeration of especially worthy aid providers. Here's what Bill Clinton [said](#) about Israel's contribution: "I don't know what we would have done without the Israeli hospital in Haiti." Israel's operational unit was, Clinton noted, the only facility capable of performing surgeries and advanced examinations. Meanwhile, that unit is staying on with a change of personnel and is relocating its field hospital to an orphanage. CBS, in a moment of exaggeration, called the Israeli facility the "Rolls-Royce" of the entire aid effort.

Despite his carping, Joe concedes that I was correct. That, in fact, the president should have mentioned Israel and should do much more with the Jewish state to balance his courting of the Arab world (which hasn't done his presidency or his policies any good).

So what is Klein's [bitch](#) with me? He writes in his "Swampland" blog--yes, that's what it's actually called, and I must concede that it's aptly titled--that Obama's omission had no meaning and was not the result of any decision at all. So what was it? It was "an oversight." Oh, I see. This administration which crosses every 't' and dots every 'i' just forgot to mention Israel. You know what I say to that? Bullshit!

And then, in a postscript, he tells us that Saudi Arabia has made the third largest monetary contribution to the cash campaign for Haiti. To tell you the truth, I don't believe it. But, even if the Saudis have promised anything like the amount alleged, I deeply suspect it will be like the money Riyadh pledges to the Palestinians.

## Times, UK

### Climate chief was told of false glacier claims before Copenhagen

***Most experts believe that the Himalayan glaciers will take centuries to melt***

by Ben Webster



The chairman of the leading climate change watchdog was informed that claims about melting Himalayan glaciers were false before the Copenhagen summit, *The Times* has learnt.

Rajendra Pachauri was told that the Intergovernmental Panel on Climate Change assessment that the glaciers would disappear by 2035 was wrong, but he waited two months to correct it. He failed to act despite learning that the claim had been refuted by several leading glaciologists.

The IPCC's report underpinned the proposals at Copenhagen for drastic cuts in global emissions.

Dr Pachauri, who played a leading role at the summit, corrected the error last week after coming under media pressure. He told *The Times* on January 22 that he had only known about the error for a few days. He said: "I became aware of this when it was reported in the media about ten days ago. Before that, it was really not made known. Nobody brought it to my attention. There were statements, but we never looked at this 2035 number."

Asked whether he had deliberately kept silent about the error to avoid embarrassment at Copenhagen, he said: "That's ridiculous. It never came to my attention before the Copenhagen summit. It wasn't in the public sphere."

However, a prominent science journalist said that he had asked Dr Pachauri about the 2035 error last November. Pallava Bagla, who writes for *Science* journal, said he had asked Dr Pachauri about the error. He said that Dr Pachauri had replied: "I don't have anything to add on glaciers."

The Himalayan glaciers are so thick and at such high altitude that most glaciologists believe they would take several hundred years to melt at the present rate. Some are growing and many show little sign of change.

Dr Pachauri had previously dismissed a report by the Indian Government which said that glaciers might not be melting as much as had been feared. He described the report, which did not mention the 2035 error, as "voodoo science".

Mr Bagla said he had informed Dr Pachauri that Graham Cogley, a professor at Ontario Trent University and a leading glaciologist, had dismissed the 2035 date as being wrong by at least 300 years. Professor Cogley believed the IPCC had misread the date in a 1996 report which said the glaciers could melt significantly by 2350.

Mr Pallava interviewed Dr Pachauri again this week for *Science* and asked him why he had decided to overlook the error before the Copenhagen summit. In the taped interview, Mr Pallava asked: "I pointed it out [the error] to you in several e-mails, several discussions, yet you decided to overlook it. Was that so that you did not want to destabilise what was happening in Copenhagen?"

Dr Pachauri replied: "Not at all, not at all. As it happens, we were all terribly preoccupied with a lot of events. We were working round the clock with several things that had to be done in Copenhagen. It was only when the story broke, I think in December, we decided to, well, early this month — as a matter of fact, I can give you the exact dates — early in January that we decided to go into it and we moved very fast.

"And within three or four days, we were able to come up with a clear and a very honest and objective assessment of what had happened. So I think this presumption on your part or on the part of any others is totally wrong. We are certainly never — and I can say this categorically — ever going to do anything other than what is truthful and what upholds the veracity of science."

Dr Pachauri has also been accused of using the error to win grants worth hundreds of thousands of pounds.

Ownership battle brews over Virginia meteorite

by Neely Tucker

Today's episode of Everybody's Favorite Meteorite brings the nation disturbing news: That spunky bit of chondrite that plummeted into a Lorton doctors' office on Jan. 18, delighting an international audience with news of its fireball entrance, may not go on to a spot of glory in the Smithsonian, after all.

The doctors who were nearly bonked on the head by the thing when it came plummeting from the asteroid belt into Examining Room No. 2 in the Williamsburg Square Family Practice, gave it to the Smithsonian's National Museum of Natural History. In return, Smithsonian officials planned to give them \$5,000 in appreciation. The doctors, Marc Gallini and Frank Ciampi, planned to donate the money to earthquake relief efforts in Haiti. The Smithsonian planned to put the meteorite on prominent display and study it as a 4.5 billion-year-old postcard from the formation of the solar system.



*The meteorite, which cracked into pieces on impact, landed in a doctors' office in Lorton.*

"We knew meteorite hunters would offer them something for it, and we wanted to be competitive," said Linda Welzenbach, the meteorite collections manager at the Smithsonian.

But in an extraterrestrial soap opera still unfolding, the landlords of the Virginia building that houses the doctors' office now say *they* are the rightful owners of the meteorite. Museum officials said the landlords informed them, midday Thursday, that they were coming to take the stone out of the Smithsonian by sundown.

Gallini and Ciampi hustled to get a lawyer to fire off a letter to the museum, barring them from releasing the stone, pending resolution of ownership.

"The landlords intend to take it," Gallini said. "It isn't nice."

Deniz Mutlu, a member of the family who owns the building, said Thursday afternoon that "it's staying in the Smithsonian for now, and that's all I can say."

His brother and fellow landlord, Erol Mutlu, sent Gallini an e-mail earlier this week, politely demanding the rock be given to the family: "It's evident that ownership is tied to the landowner. The U.S. courts have ruled that a meteorite becomes part of the land where it arrives through 'natural cause' and hence the property of the landowner; the notion of 'finders keepers' has been rejected by the Supreme Court of Oregon."

The Smithsonian is just trying to stay out of it.

"It will remain securely under the care of the Smithsonian until the ownership is established," said Randall Kremer, director of public affairs of the National Museum of Natural History. "Right now, we accept the premise that the doctors are the owners."

This sort of saga isn't exactly unheard of in the quirky world of meteorite hunting, where meteorites and things they hit can be sold for tens of thousands of dollars. A mailbox in Claxton, Ga., that was clobbered by a meteorite in 1984 was sold in a 2007 auction for \$82,750. The auction netted a total of \$750,000 in sales of space rocks, even though the owner of a 30-pound piece of a meteorite that fell on Willamette, Ore., pulled the rock out of the auction. The highest bid was \$300,000. The owner rejected it as too low.

"The Lorton meteorite is worth \$50,000, easy," said Robert A. Haag, a colorful Arizona dealer in space stuff for 32 years. "A meteorite goes through a roof, or hits a car, something like that, about once a year, somewhere in the world. This one landed in a doctors' office, while they were there. People saw the fireball in the sky. It was right outside of Washington. The stone itself is pretty common but all the circumstances make it a real collectible." The entire Lorton meteorite weighs about a half-pound, but it fragmented into three main pieces and four or five bits the size of a dime. The largest piece is a 2-by-3-inch chunk.

Haag compares the searches for meteorites to treasure hunting and says he has sold more than \$10 million in meteorites in his career, now mostly on his Web site, <http://www.meteorites.com>. He and other meteorite hunters believe there are more chunks from the meteorite that landed in Lorton still to be found.

There are about 27,000 meteorites in collections around the world, according to Welzenbach, the Smithsonian collections manager. The Smithsonian has about half, 14,738. About 85 percent of all meteorites found on Earth are chondrite, formed from chondrules -- molten droplets that were floating around in the solar nebula some 4.5 billion years ago, when the solar system was beginning to form.

These remnants eventually began orbiting the sun in the asteroid belt between Mars and Jupiter. When something knocks them out of that orbit, perhaps an impact with another asteroid, they spend thousands of years drifting through space before being pulled into the Earth's gravitational field.

The remnants are valuable to scientists, particularly when discovered just after impact, because they have not been subject to the gravity, erosion and atmospheric pressures of Earth, and thus can offer insights about what the solar system looked like long ago.

The only other sources of known meteorites are from the moon or Mars, scientists say, but those are far more rare than the chondrite.

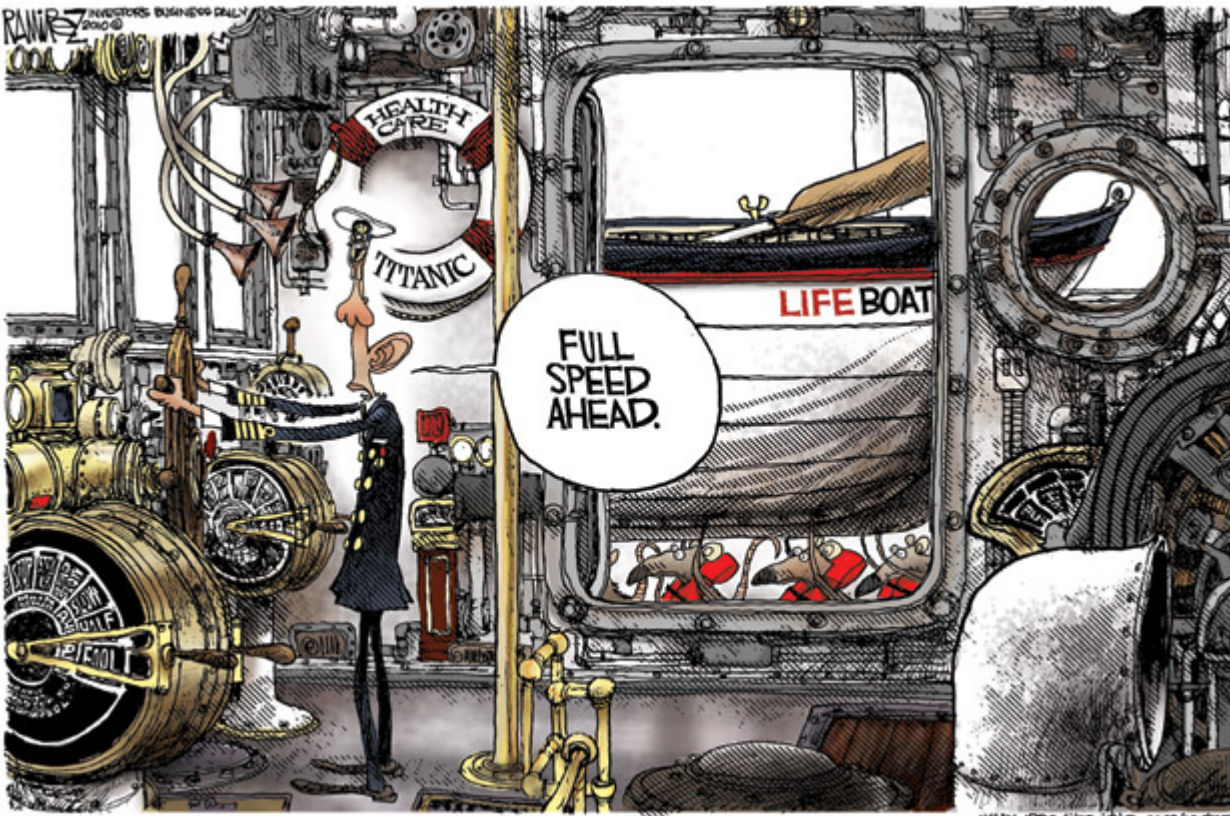
Internet auction sites such as eBay have made buying and selling meteorite bits and chunks far more lucrative in recent years, said Michael Cottingham, a New Mexico-based hunter and dealer. Prices for small bits of the space rock can vary on the Web site from \$10 for a common bit of meteorite that landed long ago, up to thousands of dollars for a newly landed specimens.

"When you get a new meteorite like the one in Lorton, the low-end figure gets forgotten," Cottingham says. "You're just not going to go find some meteorites and pay all your bills."

The Lorton meteorite -- ones that are seen falling often are named -- has a bid to enter history, many agree, as one of the most well-documented meteorite crashes in the country.

"We call it 'the people's rock,' " said Gallini, the doctor. "We think it should stay in the Smithsonian, something for everyone to see."





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