

January 4, 2011

In the [Telegraph Blogs](#), UK, [Nile Gardiner](#) blogs about events of 2010.

*...The political landscape still looks strikingly bleak for the “transformational president” as he goes into 2011. 2010 was a stunningly bad year for Barack Obama, no matter how much the likes of The New York Times or The Washington Post might try to sugar coat it. Here are four key reasons why it was a year Obama will want to forget:*

### **...2. Conservatism grew increasingly dominant in America**

*The midterms were certainly no flash in the pan, but part of a broader conservative revolution that swept America in 2010. As [a recent Gallup survey showed](#), 48 percent of Americans now describe themselves as “conservative”, compared to 32 percent who call themselves “moderate”, and just 20 percent who call themselves “liberal”. Conservatives now outnumber liberals by nearly 2.5 to 1, a ratio that is likely to increase in 2011. The percentage of Americans who are conservative has risen six points since 2006 and eight points since 1994. Barack Obama, the most liberal US president of the modern era, has a natural liberal constituency comprised of just one in five Americans, which certainly does not bode well for 2012.*

### **...4. The Tea Party became more powerful than the president at the ballot box**

*The Tea Party was the big victor of 2010, and spectacularly humiliated the White House by running rings around it. A small grassroots movement with barely any resources evolved into the most successful US political movement of this generation, sparking a national protest against the Big Government policies of the Obama administration, and a powerful call for a return to America’s founding principles. The Tea Party was initially mocked and jeered by its political opponents, including the president, but later came to be feared by the Left as it flexed tremendous political muscle. As [I noted in September](#), a CNN poll showed that “while just 37 percent of Americans are more likely to vote for a candidate if backed by Barack Obama, a far larger 50 percent will vote for a Tea-Party endorsed candidate.” The Tea Party continues to gain momentum following the midterms, where it scored significant successes, and [a late November USA Today/Gallup poll](#) showed the Tea Party virtually neck and neck with President Obama in terms of voter opinion on who should influence government policy.*

Also in the [Telegraph Blogs](#), UK, [Toby Harnden](#) has a post on the Gitmo closing that wasn't.

*...Mr Obama’s act of “closing” Guantanamo Bay was hailed around the world as a courageous break with the evil Bush administration. “We are full of hope that the world is on the path to reason and peace,” [said](#) President Hugo Chavez of Venezuela.*

*Except, of course, the prison has not closed. Two years after the dramatic order – the directive of a commander-in-chief and not a mere campaign promise – it clearer than ever that Guantanamo Bay is here to stay. There are still 174 inmates there, only three of whom have been tried and found guilty.*

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[Nile Gardiner](#) also blogs about the Tea Party movement.

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*The reason for the Tea Party's stunning success and President Obama's equally remarkable decline is relatively simple. A truly popular grassroots movement has captured the fears and concerns of tens of millions of Americans over the relentless rise of Big Government and the growing threat to economic and individual freedom under the Obama administration, while channeling their hopes and aspirations for the future based upon a return to the founding ideals of the Constitution.*

*In contrast, an out of touch presidency that exudes arrogance and elitism at every turn continues to contemptuously spend other people's money with abandon, building up a crippling debt that will ultimately destroy America's long-term prosperity if left unchecked. It is a stark choice that the two sides offer, and it's not surprising that a clear majority of Americans are opting for political revolution rather than the status quo. ...*

And one more from the [Telegraph Blogs](#), UK. [James Delingpole](#) has a brilliant blog on green fascism, ending with a prescient quote from Alexis de Tocqueville.

*My final post of the year is not about Global Warming. Or rather, it is, but only in the most tangential way. As the sharper among you will long since have recognised, the reason I bang on about AGW is not because I'm obsessed with "Climate Change" but because I recognise it as a strategically vital campaign in a much broader global culture war. On the outcome of this war depends not only the future of Western civilisation but also more immediately concerning things like whether or not our children and grandchildren have jobs, and whether or not we live in a state of liberty or tyranny.*

*This is why I believe this year's most important publication is not any of the superb crop of books on AGW – eg Andrew Montford's [The Hockey Stick Illusion](#); Bob Carter's [Climate Change: The Counter Consensus](#); [Slaying The Sky Dragon](#); Steve Goreham's [Climatism!](#); Steven Mosher and Thomas Fuller's [Climategate: The CRUtape Letters](#) – but the book that goes closest to the heart of this great ideological struggle, Christopher Snowden's [The Spirit Level Delusion](#).*

*...I'll let Snowden himself explain why:*

*Apologists for Marxism have made myriad excuses for their ideology's failure to provide the same standard of living and liberty as was enjoyed in capitalist nations. Until recently, few have been so brazen as to claim that lowering living standards and curtailing freedom were the intended consequences, let alone that people would be happier with less of either. In that sense, books like [The Spirit Level](#) represent a departure for the left. Limiting choice, reducing wealth and lowering aspirations are now openly advocated as desirable ends in themselves. ...*

[Jennifer Rubin](#) posts on upcoming investigations into the New Black Panther scandal at the Justice Department. Yes we can demand accountability.

*With Attorney General Eric Holder, one never is certain whether he is disingenuous or simply badly informed. He counseled the president that there was no choice but to disclose detainee abuse photos. The advice was wrong, and the recommendation was countermanded after a firestorm of criticism. He told the country that a civilian trial for 9/11 terrorists would offer a greater chance of*

conviction than a military tribunal. He memorably stumbled before the Senate Judiciary Committee in trying to defend that unfounded assertion. There, too, his advice seems destined to be ignored.

Then there is the New Black Panther Party scandal, a case about egregious voter intimidation brought by the Bush administration and dismissed by Obama political appointees after a default judgment had been obtained. As [The Post](#) and [I](#) have detailed, there is ample evidence from former Justice Department employees and from [documents](#) obtained through the Freedom of Information Act that the administration concealed evidence of [political appointees' role](#) in dismissing a blatant case of voter intimidation and that in the department's voting section career employees and political appointees adhere to the view that voting rights laws should not be enforced against non-White defendants. And then there is Assistant Attorney General for Civil Rights, [Thomas Perez's](#) misleading testimony under oath.

...Well, it is time, finally, for Holder and Perez to be examined under oath. Similarly, the political appointee Julie Fernandes, who instructed Department attorneys not to pursue cases against African American defendants, should be summoned to give her account of events. The new chairman of the House Judiciary Committee, Rep. Lamar Smith (R.-Tex.), has been trying to get to the bottom of the controversy for over eighteen months. Now he has the power to convene hearings and subpoena witnesses and evidence. At some point soon, Holder will be asked why he is unaware or unwilling to address the appearance of serious wrongdoing in the Justice Department, which he promised to rid of corruption and politicization when he took office.

[Rubin](#) also discusses the recess appointment of James Cole.

You can expect that Republican congressmen and senators when they return this week will continue to decry the recess appointment of James Cole to the post of deputy attorney general. There is no doubt that recess appointments are constitutionally-authorized; but the question here is Cole's fitness to serve. And there is reason for Republicans and Democrats alike to be deeply concerned over the appointment. True, Cole will hold the position for only a year, but the number-two man in the Justice Department, who oversees myriad key decisions, can do quite a lot of harm in 12 months.

On Dec. 2, Sen. Jeff Sessions (R.-Ala.) took to the floor to explain his objections to Cole's then pending nomination:

Why does the President want to appoint somebody who thinks 9/11 was a criminal act and not an act of war? I think it is a big deal, so that is one of the reasons we have raised it. Is he going to bring some balance to Attorney General Holder or are they going to move even further left in their approach to these issues?

I would also note he was given a highly paid position as an independent monitor of AIG. This is the big insurance company whose credit default swaps and insurance dealings really triggered this entire collapse of the economic system. He was in the company at the time as a government monitor, and he did not blow the whistle on what was going on throughout this period of time. ...

...So the question remains: why would the president and the attorney general select Cole from among all the qualified attorneys in the country to fill the number-two spot in the Justice Department? Now surely, Democrats certainly must be as concerned as Sessions -- not only about Cole's position on the war on terror (which has been generally rejected not only by the administration but by many Democratic senators), but about his lack of diligence at AIG. It would seem both Cole and Eric Holder should do some explaining, under oath, once Congress reconvenes.

[Jeff Jacoby](#) points out the problems with a House of Representatives that has not grown for one hundred years. It is hard to see the efficacy of sending more criminals to DC, but he might have a point.

*... According to the Census Bureau, there are now 710,767 Americans in the average congressional district. But with every state constitutionally entitled to at least one House seat, and with the membership of the House frozen at 435, districts can deviate widely from the average. Wyoming's single US representative has just 568,000 constituents; the member from neighboring South Dakota has 820,000. That means a vote cast in Wyoming has nearly 1.5 times the impact of a South Dakotan's vote.*

*An even more egregious violation of the "one man, one vote" principle is the inequality between Rhode Island's two congressional districts, with 528,000 voters each, and Montana's lone district, with 994,000. So great is that disparity, observes Scott Scharpen, the founder of an organization called Apportionment.US, that it takes 188 voters in Montana to equal 100 voters in Rhode Island.*

*The Supreme Court earlier this month refused to take up a lawsuit, initiated by Scharpen and others, that sought an order forcing Congress to dramatically enlarge the House of Representatives in order to equalize congressional districts. Unsurprisingly, the court ruled that the size of Congress is for members of Congress, not judges, to decide. ...*

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## Telegraph Blogs, UK

### [Forget the liberal hype about a comeback](#)

***2010 was a stunningly bad year for Barack Obama, and 2011 could be even worse***

by Nile Gardiner

Ignore the revisionist hype in sections of the liberal media about President Obama staging a (mythical) political comeback – this is a presidency with an approval rating of 45 percent (according to the [RealClear Politics poll of polls](#)), that presides over a nation [where just 27 percent of voters](#) think the country is moving in the right direction, and which [just 29 percent of Americans think will be returned to power in 2012](#). The White House may be claiming a couple of political wins in the dying embers of the lame duck Congress after expending a great deal of political capital in the Senate over the reckless ratification of the Moscow-friendly START Treaty and the repeal of Don't Ask Don't Tell, but these are issues barely on the radar screens of most American voters in the lead-up to 2012, an election which will be dominated by the economy and health care reform.

The political landscape still looks strikingly bleak for the "transformational president" as he goes into 2011. 2010 was a stunningly bad year for Barack Obama, no matter how much the likes of *The New York Times* or *The Washington Post* might try to sugar coat it. Here are four key reasons why it was a year Obama will want to forget:

#### **1. The midterm elections were a defeat of epic proportions for the Obama Presidency**

When Barack Obama spoke of a "shellacking" at the midterms, it was a huge understatement. The Republicans [scored a significantly bigger win than they did in 1994](#), with their biggest gain in the House of Representatives in 62 years – since 1948. Fortunately for the Democrats, just 37 Senate

seats were up for election, preventing what would have been an almost certain handover of power in the upper house too. Republicans also made huge gains at the gubernatorial level, with the GOP now holding 29 governorships to the Democrats' 20. Republicans also picked up 680 seats in state legislatures, [the highest figure in the modern era](#).

## **2. Conservatism grew increasingly dominant in America**

The midterms were certainly no flash in the pan, but part of a broader conservative revolution that swept America in 2010. As [a recent Gallup survey showed](#), 48 percent of Americans now describe themselves as “conservative”, compared to 32 percent who call themselves “moderate”, and just 20 percent who call themselves “liberal”. Conservatives now outnumber liberals by nearly 2.5 to 1, a ratio that is likely to increase in 2011. The percentage of Americans who are conservative has risen six points since 2006 and eight points since 1994. Barack Obama, the most liberal US president of the modern era, has a natural liberal constituency comprised of just one in five Americans, which certainly does not bode well for 2012.

## **3. The Left lost ground and engaged in a brutal civil war**

2010 was a monumentally bad year for the liberal establishment in the United States, not only in electoral terms but in terms of increasing divisions within its ranks, as well as the continuing decline of the “mainstream” liberal media. Conservative media, from *Fox News* to *The Wall Street Journal*, have had a tremendous year, increasing market share while establishment giants from CNN to network news outlets continue to decline. The White House unwisely took on Fox in a major offensive, and spectacularly lost. Glenn Beck, Sean Hannity, Rush Limbaugh, and a constellation of conservative talk show hosts have had a bumper 2010. In the meantime, America's disillusioned liberal elites are increasingly aiming their fire at each other, in scenes reminiscent of the bloodthirsty finale of *Reservoir Dogs*. *New York Times* columnist Paul Krugman [perfectly captured](#) the brutal post-midterm atmosphere on the Left in a fiery broadside against the president: *“Whatever is going on inside the White House, from the outside it looks like moral collapse — a complete failure of purpose and loss of direction.”*

## **4. The Tea Party became more powerful than the president at the ballot box**

The Tea Party was the big victor of 2010, and spectacularly humiliated the White House by running rings around it. A small grassroots movement with barely any resources evolved into the most successful US political movement of this generation, sparking a national protest against the Big Government policies of the Obama administration, and a powerful call for a return to America's founding principles. The Tea Party was initially mocked and jeered by its political opponents, including the president, but later came to be feared by the Left as it flexed tremendous political muscle. As [I noted in September](#), a CNN poll showed that *“while just 37 percent of Americans are more likely to vote for a candidate if backed by Barack Obama, a far larger 50 percent will vote for a Tea-Party endorsed candidate.”* The Tea Party continues to gain momentum following the midterms, where it scored significant successes, and [a late November USA Today/Gallup poll](#) showed the Tea Party virtually neck and neck with President Obama in terms of voter opinion on who should influence government policy.

Telegraph, UK

## American Way: Failure to close Guantanamo Bay is a symbol of Barack Obama's failure to deal with world realities

by Toby Harnden

The New Year will bring an anniversary that Barack Obama would prefer to pass unnoticed. I'm not talking, of course about the swearing in as 44<sup>th</sup> President of the man Oprah Winfrey proclaimed "the One" on the steps of the Capitol.

Or even the second swearing in by Chief Justice John Roberts in the White House Map Room after the nation's top judge had flubbed the words of the oath on January 20 2009.

(It was bad enough, White House aides decided, to have the "Birther" lunatic fringe insisting that Obama was ineligible for the Oval Office because he supposedly entered the world beyond America's shores, without creating a "Swearer" movement complaining that he had never taken the right oath.)

The anniversary Obama would prefer to forget is of an event that took place on January 22, the same day he took the presidential oath a second time. It came in the form of a gravely worded executive order.

In it, Obama solemnly proclaimed: "The detention facilities at Guantánamo for individuals covered by this order shall be closed as soon as practicable, and no later than 1 year from the date of this order."

The order was signed in the presence of a gaggle of retired senior military officers who had backed Mr Obama's candidacy. One of them, Maj Gen Paul Eaton, declared January 22 a "blockbuster day"

That evening, the general gushed that "the performance of our president was nothing less than terrific, great courage", trumpeting that "the fact that we are going to take it down, that we are going to turn this gulag that we have created into a pure naval installation which is how it started, the prison at Guantanamo will cease to exist and will stop being a recruiting method for al Qaeda".

Mr Obama's act of "closing" Guantanamo Bay was hailed around the world as a courageous break with the evil Bush administration. "We are full of hope that the world is on the path to reason and peace," said President Hugo Chavez of Venezuela.

Except, of course, the prison has not closed. Two years after the dramatic order – the directive of a commander-in-chief and not a mere campaign promise – it clearer than ever that Guantanamo Bay is here to stay. There are still 174 inmates there, only three of whom have been tried and found guilty.

Privately, White House officials concede that the facility will be open on November 6 2012, when Obama faces re-election. Asking when the order might be acted upon, however, almost invariably provokes a scowl of disapproval. Merely asking about Guantanamo is akin to farting in church.

Obama's defenders argue that the executive order was an important act of symbolism, necessary to "turn the page" on the Bush administration, and that it is Neanderthal Republicans on Capitol Hill who threw a spanner into the works by blocking the transfer of prisoners to American soil.

The problem with that is that it was the Democratic-controlled Congress that passed the bipartisan budget agreement that withheld money "to construct or modify a facility within the United States to house detainees transferred from the Guantanamo detention facility" or "to transfer, release or assist in the transfer or release of Guantanamo detainees to or within the United States".

This NIMBYism extends not only to both sides of the political aisle but also to much of the rest of the world, which has condemned America for imprisoning poor innocent inmates in Guantanamo Bay while refusing to accept them in their own countries on the ground that they are dangerous terrorists.

While there is little doubt that there have been human rights abuses at Guantanamo Bay or that the symbolism of such as offshore facility is unfortunate, Obama in office is being forced to admit that hope does not always trump reality.

American intelligence officials [have concluded](#) that five of the 69 detainees transferred to other countries from Guantanamo Bay by the Obama administration have rejoined terrorist groups while a quarter of 598 detainees freed since 2002 have rejoined the jihad against America.

Now, Obama plans to issue another executive order directing that detainees can be held indefinitely without trial. Yet although he cannot close Guantanamo, he shows [no enthusiasm](#) for holding military tribunals there.

Guantanamo is but one example of Obama's fondness for the grand gesture and the glib dismissal of everything his predecessor did without a plan for dealing with the thorny issues behind them.

For a self-proclaimed former "law professor" (in fact, [he was an outside lecturer](#)), it's ironic that the willingness to cite to complexity of issues only goes so far.

And Obama's greatest political vulnerability is that Americans are tiring of self-congratulatory symbolism being a substitute for grappling with the messy realities of the world.

## Telegraph Blogs, UK

### [The Tea Party is the political movement of the decade](#)

by Nile Gardiner



*A map of tea parties held on one day in 2009*

If there is one political movement that has truly shaken the foundations of the American political system in 2010, it is the Tea Party movement. In fact I would describe it as the most influential movement in America of the past decade, even of this generation. What started off as a tiny patchwork of local protest groups has emerged as a mighty political force across the United States, clearly capable of bringing the White House to its knees.

The Tea Party played a pivotal role in igniting the conservative revolution that swept through the United States over the past year, culminating in the midterm elections, where it scored notable successes in both House and Senate races. Pre-election polls showed it had become [even more powerful than President Obama](#) at the ballot box, and a post-election survey by Gallup [showed the Tea Party virtually neck and neck with Obama](#) in terms of voter opinion on who should influence government policy.

I described [in an earlier piece](#) why I thought the Tea Party was so successful in contrast to the declining fortunes of the Obama presidency:

The reason for the Tea Party's stunning success and President Obama's equally remarkable decline is relatively simple. A truly popular grassroots movement has captured the fears and concerns of tens of millions of Americans over the relentless rise of Big Government and the growing threat to economic and individual freedom under the Obama administration, while channeling their hopes and aspirations for the future based upon a return to the founding ideals of the Constitution.

In contrast, an out of touch presidency that exudes arrogance and elitism at every turn continues to contemptuously spend other people's money with abandon, building up a crippling debt that will ultimately destroy America's long-term prosperity if left unchecked. It is a stark choice that the two sides offer, and it's not surprising that a clear majority of Americans are opting for political revolution rather than the status quo.

I've also noted in the past why I think the Tea Party [should be embraced across the Atlantic](#), especially by those who believe in the preservation of the Anglo-American Special Relationship:

The main heroes of the Tea Party are, of course, America's Founding Fathers. But its members also look to more recent leaders for inspiration – in the United States, Ronald Reagan and Barry Goldwater for example, and across the Atlantic, to Margaret Thatcher and Winston Churchill. In conversations I have had with an array of Tea Party supporters in recent months, almost all have expressed a huge admiration for the Iron Lady and her achievements across the Atlantic.

Unlike the Obama administration, the new wave of conservative leaders in the United States recognise Britain as America's most important ally, are suspicious of EU-style supranationalism, and understand the great sacrifices that the US and UK have made in the defence of liberty and freedom across the world. One thing is certain if President Obama loses the White House in 2012. His successor definitely won't be throwing a bust of Sir Winston Churchill out of the Oval Office.

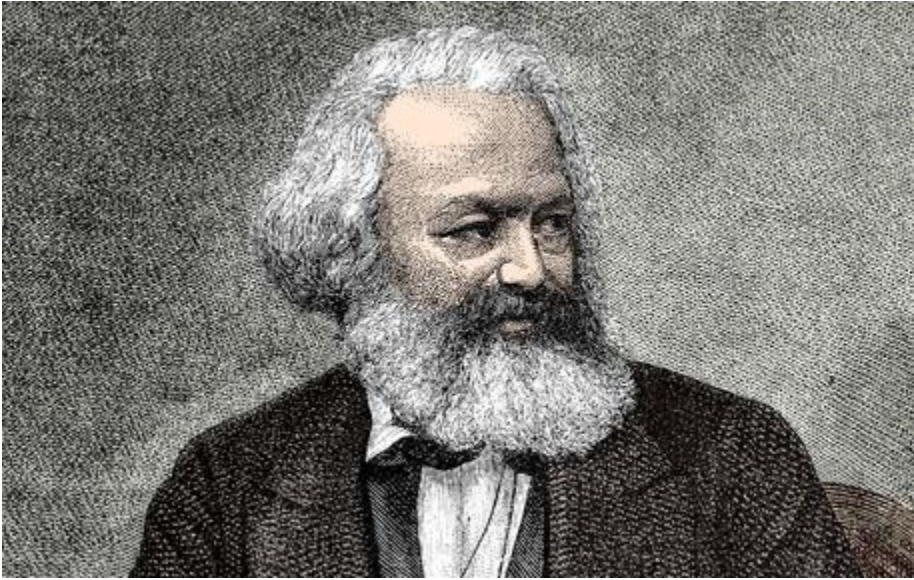
Over the past year I have met many Tea Party activists who have come through Washington. They are to their very core patriots with a deep love for their country, possessing a hugely admirable attachment to the Constitution and the vision of the Founding Fathers. It is impossible to predict the course of their movement, especially as they now wield real power in Washington, and in some cases have moved from protest into Congress. But America undoubtedly has a far brighter future because of the Tea Party. And the battles its foot soldiers have waged, and continue to wage, against the overbearing power of Big Government will help keep the flame of individual liberty and freedom alive in the United States for future generations.



## Telegraph Blogs, UK

### The most important book of 2010?

by James Delingpole



*Apologists for Karl Marx just love 'The Spirit Level'*

My final post of the year is not about Global Warming. Or rather, it is, but only in the most tangential way. As the sharper among you will long since have recognised, the reason I bang on about AGW is not because I'm obsessed with "Climate Change" but because I recognise it as a strategically vital campaign in a much broader global culture war. On the outcome of this war depends not only the future of Western civilisation but also more immediately concerning things like whether or not our children and grandchildren have jobs, and whether or not we live in a state of liberty or tyranny.

This is why I believe this year's most important publication is not any of the superb crop of books on AGW – eg Andrew Montford's [The Hockey Stick Illusion](#); Bob Carter's [Climate Change: The Counter Consensus](#); [Slaying The Sky Dragon](#); Steve Goreham's [Climatism!](#); Steven Mosher and Thomas Fuller's [Climategate: The CRUtape Letters](#) – but the book that goes closest to the heart of this great ideological struggle, Christopher Snowden's [The Spirit Level Delusion](#).

[Ed West has already raved about this book](#) and rightly so. The reason that Snowden's book is so important is because the book it comprehensively debunks – Richard Wilson's and Kate Pickett's *The Spirit Level* – is so dangerous. I'll let Snowden himself explain why:

Apologists for Marxism have made myriad excuses for their ideology's failure to provide the same standard of living and liberty as was enjoyed in capitalist nations. Until recently, few have been so brazen as to claim that lowering living standards and curtailing freedom were the intended consequences, let alone that people would be happier with less of either. In that sense, books like *The Spirit Level* represent a departure for the left. Limiting choice, reducing wealth and lowering aspirations are now openly advocated as desirable ends in themselves.

Indeed, *The Spirit Level* is in many ways the liberal-Left's equivalent of the Philosopher's Stone: the magical artefact which makes their noxious ideology of envy and control seem somehow decent and caring. After all, if the creation of "equality" can be scientifically proven to be the noblest political goal, then no end of taxing and regulating and busyboding and meddling can suddenly be justified.

I'm grateful to Snowden not just for demonstrating through careful analysis how embarrassingly flawed The Spirit Level is, but also for introducing me to two fascinating quotations from the 19th century French philosopher Alexis De Tocqueville, who saw it all coming as long ago as the 1840s. A distorted definition of equality, [De Tocqueville argued](#), would one day lead to despotism. Liberties would not be lost overnight but would fade away incrementally:

The will of man is not shattered, but softened, bent, and guided; men are seldom forced by it to act, but they are constantly restrained from acting. Such a power does not destroy, but it prevents existence; it does not tyrannize, but it compresses, enervates, extinguishes, and stupefies a people, till each nation is reduced to nothing better than a flock of timid and industrious animals, of which the government is the shepherd.

Thus it every day renders the exercise of the free agency of man less useful and less frequent; it circumscribes the will within a narrower range and gradually robs a man of all the uses of himself. The principle of equality has prepared men for these things; it has predisposed men to endure them and often to look on them as benefits.

Welcome to the suck, everyone! And may 2011 be the year we finally decide that enough is enough and resist this sly, soft, pernicious tyranny of the liberal-Left with all our power and might.

## Right Turn

### [Is Eric Holder playing dumb on a Justice Department scandal?](#)

by Jennifer Rubin

With Attorney General Eric Holder, one never is certain whether he is disingenuous or simply badly informed. He counseled the president that there was no choice but to disclose detainee abuse photos. The advice was wrong, and the recommendation was countermanded after a firestorm of criticism. He told the country that a civilian trial for 9/11 terrorists would offer a greater chance of conviction than a military tribunal. He memorably stumbled before the Senate Judiciary Committee in trying to defend that unfounded assertion. There, too, his advice seems destined to be ignored.

Then there is the New Black Panther Party scandal, a case about egregious voter intimidation brought by the Bush administration and dismissed by Obama political appointees after a default judgment had been obtained. As [The Post](#) and [I](#) have detailed, there is ample evidence from former Justice Department employees and from [documents](#) obtained through the Freedom of Information Act that the administration concealed evidence of [political appointees' role](#) in dismissing a blatant case of voter intimidation and that in the department's voting section career employees and political appointees adhere to the view that voting rights laws should not be enforced against non-White defendants. And then there is Assistant Attorney General for Civil Rights, [Thomas Perez's](#) misleading testimony under oath.

But Holder asserted in a [New York Times interview](#) that all of this is much to do about nothing:

"We've already seen this administration dismiss one case against a political ally -- the New Black Panther Party -- for no apparent reason," Mr. Issa and Mr. Smith wrote. "We remain concerned that politicization at the Justice Department once again may result in the administration's political friends getting a free pass."

Asked about the prospect of oversight hearings and subpoenas involving the New Black Panther case, Mr. Holder said, "there is no 'there' there."

"The notion that this made-up controversy leads to a belief that this Justice Department is not color-blind in enforcement of civil rights laws is simply not supported by the facts," he said. "All I have on my side with regard to that is the facts and the law."

Does he *actually* believe this to be the case, having been sheltered from testimony, news reports, and a report by the [U.S. Commission on Civil Rights](#)? Or, does he imagine that he can simply bluster his way through the next two years without addressing the mound of evidence against his department? After all, his own Justice Department is conducting two internal investigations -- one by the Office of Professional Responsibility and one by the Inspector General. If there is nothing here, then certainly Holder's own employees would have long ago closed the books on their inquiries.

Well, it is time, finally, for Holder and Perez to be examined under oath. Similarly, the political appointee Julie Fernandes, who instructed Department attorneys not to pursue cases against African American defendants, should be summoned to give her account of events. The new chairman of the House Judiciary Committee, Rep. Lamar Smith (R.-Tex.), has been trying to get to the bottom of the controversy for over eighteen months. Now he has the power to convene hearings and subpoena witnesses and evidence. At some point soon, Holder will be asked why he is unaware or unwilling to address the appearance of serious wrongdoing in the Justice Department, which he promised to rid of corruption and politicization when he took office.

## Right Turn

### [The Cole controversy won't go away](#)

by Jennifer Rubin

You can expect that Republican congressmen and senators when they return this week will continue to decry the recess appointment of James Cole to the post of deputy attorney general. There is no doubt that recess appointments are constitutionally-authorized; but the question here is Cole's fitness to serve. And there is reason for Republicans and Democrats alike to be deeply concerned over the appointment. True, Cole will hold the position for only a year, but the number-two man in the Justice Department, who oversees myriad key decisions, can do quite a lot of harm in 12 months.

On Dec. 2, Sen. Jeff Sessions (R.-Ala.) took to the floor to explain his objections to Cole's then pending nomination:

Why does the President want to appoint somebody who thinks 9/11 was a criminal act and not an act of war? I think it is a big deal, so that is one of the reasons we have raised it. Is he going to bring some balance to Attorney General Holder or are they going to move even further left in their approach to these issues?

I would also note he was given a highly paid position as an independent monitor of AIG. This is the big insurance company whose credit default swaps and insurance dealings really triggered this entire collapse of the economic system. He was in the company at the time as a government monitor, and he did not blow the whistle on what was going on throughout this period of time.

It is argued that he wasn't precisely there to monitor. Sue Reisinger of Corporate Counsel wrote this about his handling of that matter: "It is as though Cole were spackling cracks in the compliance walls and never noticed that AIG's financial foundation was crumbling beneath his feet."

Likewise, at Cole's confirmation hearing before the Senate Judiciary Committee on June 15, 2010, Sessions [argued](#):

In your [September 2, 2002 Legal Times] op-ed, you argued that, "the attorney general is not a member of the military fighting a war--he is a prosecutor fighting crime. For all the rhetoric about war, the Sept. 11 attacks were criminal acts of terrorism against a civilian population..." You compared the September 11th attacks to criminal acts like drug violations, organized crime, and murder, writing that "[t]he acts of Sept. 11 were horrible but so are these other things." You even accused Attorney General Ashcroft of taking America down a dangerous road and abandoning core American principles by supporting military commission trials. . . .

I also disagree with your claim in your op-ed, where you characterize the civilian trial of Omar Abdul-Rahman--the mastermind behind the first World Trade Center attack--as a successful model for how to prosecute the 9/11 terrorists. And I am not alone. Both the lead prosecutor in that case, Andrew McCarthy, and the presiding judge, Michael Mukasey, disagree with the notion that the Rahman trial was somehow a model for prosecuting terrorism cases. Former Attorney General Mukasey has written that "terrorism prosecutions in this country have unintentionally provided terrorists with a rich source of intelligence" and specifically cited the Rahman trial as having tipped off Osama bin Laden through the production of a list of unindicted co-conspirators. Mr. McCarthy has said, "A war is not a crime, and you don't bring your enemies to a courthouse."

. . . . Briefly, let me say that your role as compliance monitor of AIG in the years leading up to the 2008 financial collapse and \$182 billion bailout of AIG is also troubling. You were entrusted to monitor that company and put effective controls in place. I think we can both agree that the government's efforts were not effective. Some well-respected whistleblower organizations have raised questions about your nomination in light of the AIG matter. They have cited internal whistleblower claims that you allowed AIG executives to revise your reports to the SEC. Maybe we can discuss that and get your side of that. Mr. Cole, you were also reportedly responsible for reviewing transactions structured by AIG-Financial Products group, the one that was at the center of the credit default swaps.

So the question remains: why would the president and the attorney general select Cole from among all the qualified attorneys in the country to fill the number-two spot in the Justice Department? Now surely, Democrats certainly must be as concerned as Sessions -- not only about Cole's position on the war on terror (which has been generally rejected not only by the administration but by many Democratic senators), but about his lack of diligence at AIG. It would seem both Cole and Eric Holder should do some explaining, under oath, once Congress reconvenes.

## **Boston Globe**

### **[A House poorly divided](#)**

#### ***As the population grows, so must the US House of Representatives***

by Jeff Jacoby

With the release of the 2010 Census data, the decennial [rejiggering of the nation's political map](#) has begun. Eight states will be gaining seats in the US House of Representatives, while 10 states' House delegations will shrink. Among the winners are Texas, where the number of residents has soared by

4.3 million since the 2000 Census; Utah, whose population is up more than 530,000; and Washington, which has grown 14 percent, to 6.7 million.

It stands to reason that states with more people are allotted more House seats. That is exactly what the Framers intended, as James Madison made clear in [Federalist No. 55](#). “I take for granted,” he wrote, “that the number of representatives will be augmented from time to time in the manner provided by the Constitution.”

It would likewise stand to reason if the states losing House seats — New York, Ohio, Massachusetts, Illinois, Iowa, Louisiana, Missouri, Michigan, New Jersey, and Pennsylvania — had all lost residents since 2000. But except for Michigan, all of the reapportionment losers [gained population](#) over the past decade. Massachusetts grew by nearly 200,000, yet it is losing a seat in Congress. There are more than 400,000 additional New Yorkers, but the number of House members representing them will drop by two.

For most of American history, the size of the House was adjusted upward every 10 years. The initial 65-member House prescribed in the Constitution was expanded to 105 members after the 1790 Census, to 142 members after the 1800 Census, and so on through the 19th century. Following the 13th census, in 1910, [Congress enlarged the House to 435 members](#) — and there it has remained, even as the number of Americans has more than tripled, from 92 million to 308 million. Ever since, the apportionment process has been able to allot new House seats to the fastest-growing states only by taking them away from states growing more slowly. One result is that many states have more voters, but fewer US representatives.

Another result, equally troubling, is that voters in some states have considerably more electoral clout than voters in others.

According to the Census Bureau, there are now 710,767 Americans in the average congressional district. But with every state constitutionally entitled to at least one House seat, and with the membership of the House frozen at 435, [districts can deviate widely from the average](#). Wyoming’s single US representative has just 568,000 constituents; the member from neighboring South Dakota has 820,000. That means a vote cast in Wyoming has nearly 1.5 times the impact of a South Dakotan’s vote.

An even more egregious violation of the “one man, one vote” principle is the inequality between Rhode Island’s two congressional districts, with 528,000 voters each, and Montana’s lone district, with 994,000. So great is that disparity, observes Scott Scharpen, the founder of an organization called [Apportionment.US](#), that it takes 188 voters in Montana to equal 100 voters in Rhode Island.

The Supreme Court earlier this month refused to take up [a lawsuit](#), initiated by Scharpen and others, that sought an order forcing Congress to dramatically enlarge the House of Representatives in order to equalize congressional districts. Unsurprisingly, the court ruled that the size of Congress is for members of Congress, not judges, to decide.

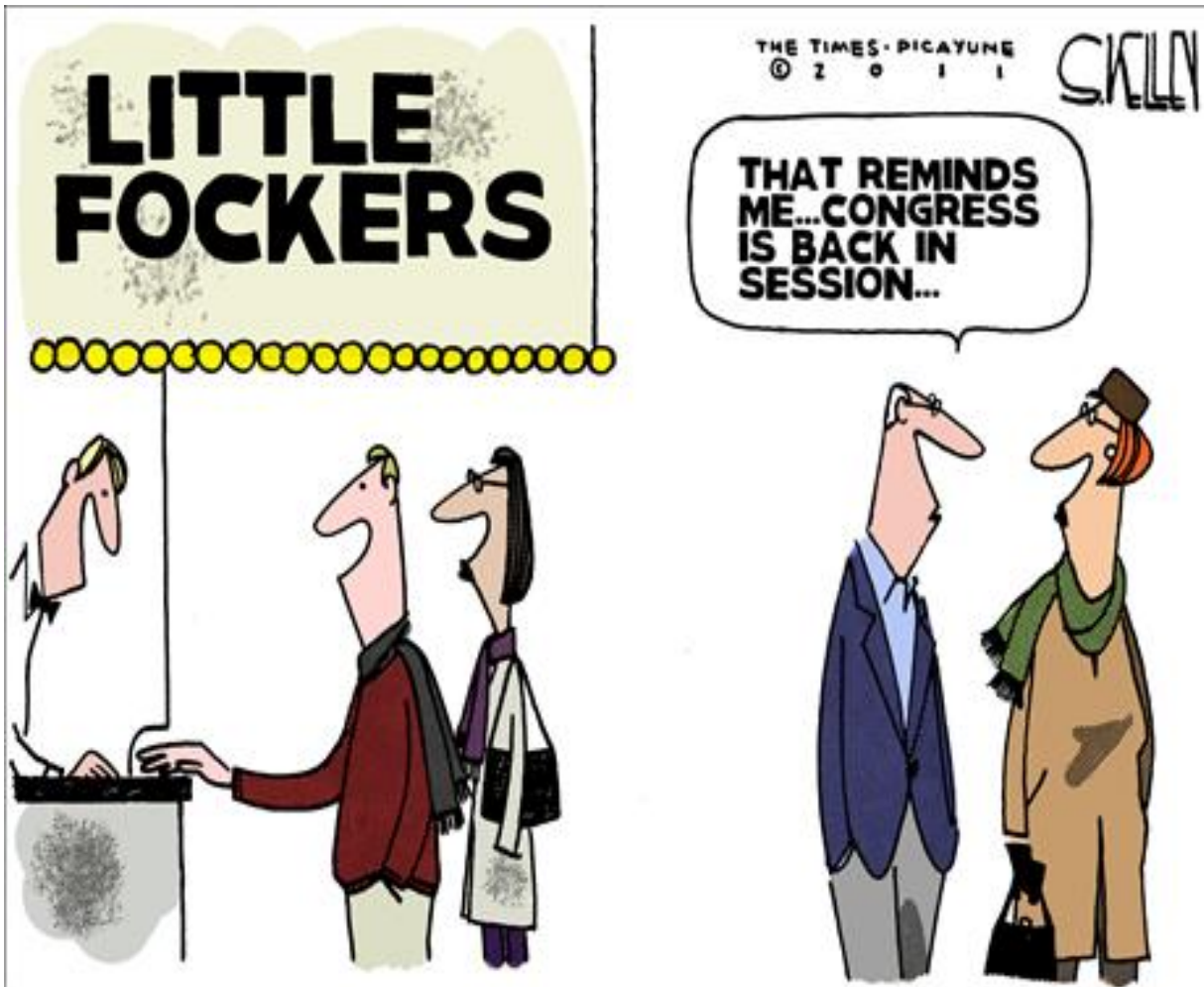
But few members of Congress will voluntarily dilute their own power by voting to expand the House; only significant grassroots pressure (or a constitutional amendment) will ever force them to act. Until they do, the inequities caused by having a “people’s house” fixed at 435 members will only grow worse.

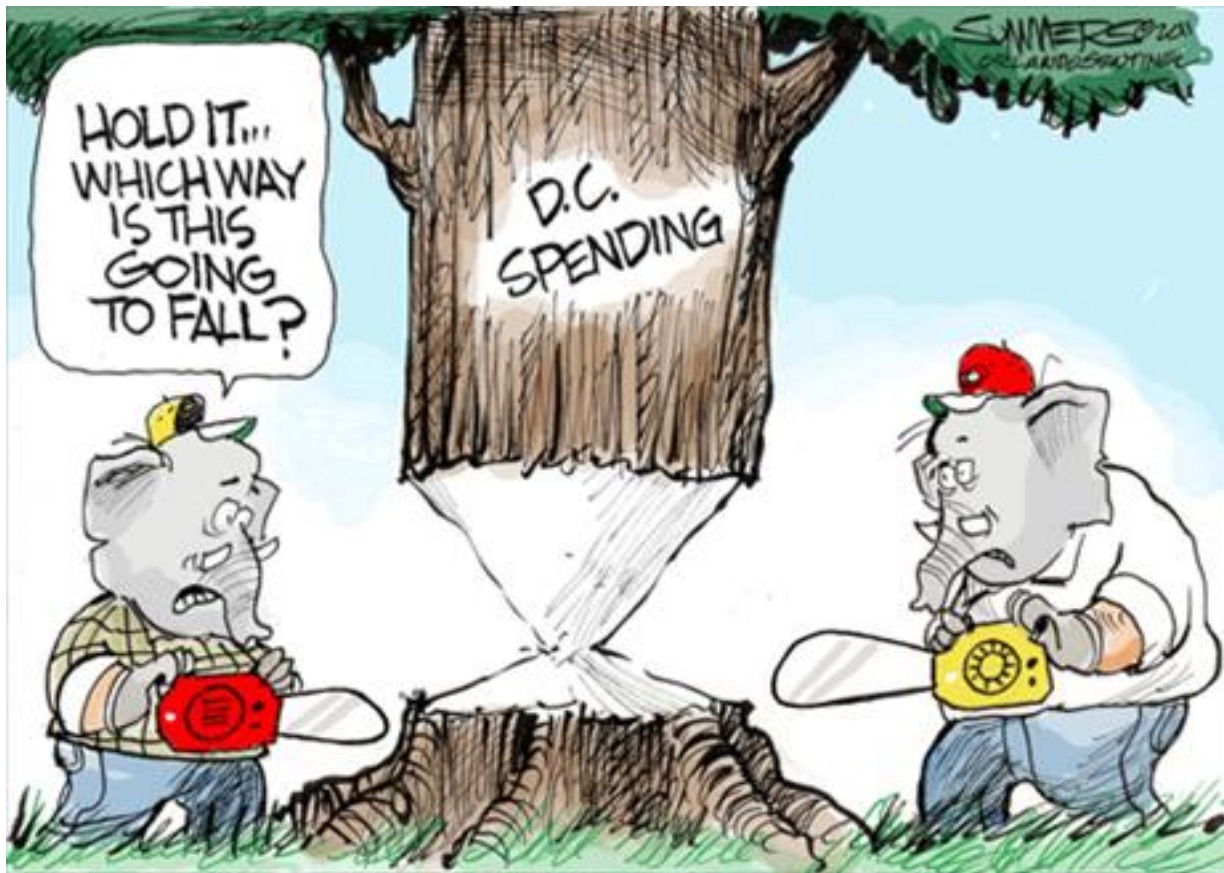
The larger districts grow, [the less representative](#) lawmakers become. Since 1910, the average number of constituents per House member has climbed from 210,000 to more than 710,000. Over the same span, members of Congress have grown more remote, more undefeatable, more beholden to

special interests, and less capable of reflecting the diversity of their districts' values and views. Smaller, more numerous districts, would be far more democratic, more accessible to new blood and new ideas, and more difficult to gerrymander.

Congress worked better when the size of the House was elastic. The Framers reckoned congressional districts should contain about [30,000 constituents](#); districts comprising nearly three-quarters of a million would have struck them as ludicrous.

A 435-member House was fine for 1910. It's time we traded up to something bigger.





# HEARING AID

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ALL I WANT FOR CHRISTMAS IS MORE LIBERAL JUDGES!...

Obamacare declared unconstitutional

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