

May 22, 2012

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*And where's the harm in it? Everybody does it – at least in the circles in which Obama hangs. At Harvard Law School, where young Barack was "the first African-American president of The Harvard Law Review," there's no end of famous firsts: As The Fordham Law Review reported, "Harvard Law School hired its first woman of color, Elizabeth Warren, in 1995." There is no evidence that Mrs. Warren, now the Democrats' Senate candidate, is anything other than 100 percent white. She walks like a white, quacks like a white, looks whiter than white. She's the whitest white since Frosty the Snowman fell in a vat of Wite-Out. But she "self-identified" as Cherokee, so that makes her a "woman of color." Why, back in 1984 she submitted some of her favorite dishes to the "Pow Wow Chow" cookbook, a "compilation of recipes passed down through the Five Tribes families."*

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*Ever ever ever ever! Even in a world where everyone's incredible, some things ought to be truly incredible. Yet Harvard Law School touted Elizabeth "Dances with Crabs" Warren as their "first woman of color" – and nobody laughed. Because, if you laugh, chances are you'll be tied up in sensitivity-training hell for the next six weeks. Because in an ever-more incredible America being an all-white "woman of color" is entirely credible. ...*

[National Review](#) piece on how Oprah cratered her career.

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*Oprah appeared on Larry King Live in May 2007, flush with pride, and was asked the questions lots of women in her audience had on their minds.*

*"Is there a side of you, the woman side, that would lead toward a Hillary?" King inquired.*

*"Well, I have great respect for Hillary Clinton," Oprah said. I think I've said this before, and it's true: Because I am for Barack does not mean I am against Hillary or anybody else."*

*So much for the sisterhood!*

*And so much for that Oprah honesty that her mostly female — and mostly white — audience had come to expect all of those years.*

*Oprah had chosen the less-qualified, less-experienced black man over the more-qualified, more-experienced white woman. It didn't take long for Oprah to feel the backlash.*

*Hell hath no fury like millions of women scorned. ...*

Pickerhead wonders where this [David Brooks](#) was for the last four years.

*... In Europe and America, governments have made promises they can't afford to fulfill. At the same time, the decision-making machinery is breaking down. American and European capitals still have the structures inherited from the past, but without the self-restraining ethos that made them function.*

*The American decentralized system of checks and balances has transmogrified into a fragmented system that scatters responsibility. Congress is capable of passing laws that give people benefits with borrowed money, but it gridlocks when it tries to impose self-restraint.*

*The Obama campaign issues its famous "Julia" ad, which perfectly embodies the vision of government as a national Sugar Daddy, delivering free money and goodies up and down the life cycle. The Citizens United case gives well-financed interests tremendous power to preserve or acquire tax breaks and regulatory deals. American senior citizens receive health benefits that cost many times more than the contributions they put into the system.*

*In Europe, workers across the Continent want great lifestyles without long work hours. They want dynamic capitalism but also personal security. European welfare states go broke trying to deliver these impossibilities.*

*The European ruling classes once had their power checked through daily contact with the tumble of national politics. But now those ruling classes have built a technocratic apparatus, the European Union, operating far above popular scrutiny. Decisions that reshape the destinies of families and nations are being made at some mysterious, transnational level. Few Europeans can tell who is making decisions or who is to blame if they go wrong, so, of course, they feel powerless and distrustful.*

*Western democratic systems were based on a balance between self-doubt and self-confidence. They worked because there were structures that protected the voters from themselves and the rulers from themselves. Once people lost a sense of their own weakness, the self-doubt went away and the chastening structures were overwhelmed. It became madness to restrain your own desires because surely your rivals over yonder would not be restraining theirs.*

*This is one of the reasons why Europe and the United States are facing debt crises and political dysfunction at the same time. People used to believe that human depravity was self-evident and democratic self-government was fragile. Now they think depravity is nonexistent and they take self-government for granted.*

*Neither the United States nor the European model will work again until we rediscover and acknowledge our own natural weaknesses and learn to police rather than lionize our impulses.*

**John Podhoretz** says cool it on the Jeremiah Wright stuff. Just have everyone look at Obama's record.

*Yesterday's breathless campaign hysteria arose out of a not-really-much-of-a-scoop from the broadsheet across town: A rich guy in Omaha wants to spend a lot of money defeating Barack Obama.*

*Stop the presses. Eek.*

*Said rich guy sought the advice of a controversial consultant (who'd very much benefit from getting the rich guy's commission) on a strategy. The consultant proposed reviving the 2008 controversy over Obama's relationship with his egregious pastor, Jeremiah Wright.*

*You'd have thought, from the mainstream-media tweets yesterday morning, that the mere act of mentioning Obama and Wright in the same breath was nothing less than a hate crime in itself. How dare anyone mention the president in the same breath as the anti-American demagogue who officiated at his wedding, baptized his children and gave him the title of his second book.*

*For those of us who enjoy seeing such folk sputter and squirm, the idea of a Wright attack against Obama instantly seemed rather piquant. But it only took a moment's reflection to see how senseless and even stupid such an approach would be.*

*First, the sheer quantity of facts and figures and issues from Obama's actual presidency that can be used to argue against a second term are far more devastating. ...*

**Alan Dershowitz** says it's time to drop the murder charges against Zimmerman.

*A medical report by George Zimmerman's doctor has disclosed that Zimmerman had a fractured nose, two black eyes, two lacerations on the back of his head and a back injury on the day after the fatal shooting. If this evidence turns out to be valid, the prosecutor will have no choice but to drop the second-degree murder charge against Zimmerman — if she wants to act ethically, lawfully and professionally.*

*There is, of course, no assurance that the special prosecutor handling the case, State Attorney Angela Corey, will do the right thing. Because until now, her actions have been anything but ethical, lawful and professional.*

*She was aware when she submitted an affidavit that it did not contain the truth, the whole truth and nothing but the truth. She deliberately withheld evidence that supported Zimmerman's claim of self-defense. The New York Times has reported that the police had "a full face picture" of Zimmerman, before paramedics treated him, that showed "a bloodied nose." The prosecutor also had photographic evidence of bruises to the back of his head.*

*But none of this was included in any affidavit.*

*Now there is much more extensive medical evidence that would tend to support Zimmerman's version of events. This version, if true, would establish self-defense even if Zimmerman had improperly followed, harassed and provoked Martin. ...*

**Jennifer Rubin** posts on the Mormon obsession.

*The New York Times' Jodi Kantor has a piece on Mitt Romney's Mormonism. It is largely sympathetic and reveals, despite Kantor's thesis that everything you need to know about Romney boils down to Mormonism (hmm, funny how the New York Times ignored and deplored similar inquiries about candidate Barack Obama in 2008, but what do you expect from the liberals' paper of record?), that his religiosity is identical to those of other faithful people. ("He prays for divine guidance on business decisions and political races .□.□." or "He is an unabashed, unapologetic believer that America is the Promised Land.""). Perhaps if the liberal media did not treat religious people like Margaret Mead approached natives it would seem less strange.*

*The piece is a troubling, and in many cases a bizarre, attempt to picture Romney as "**The** Mormon candidate," a standard that would repel most Americans if applied to another faith. Take for example this sentence: "He may have many reasons for abhorring debt, wanting to limit federal power, promoting self-reliance and stressing the unique destiny of the United States, but those are all traditionally Mormon traits as well." Now substitute a different religion: "He may have many reasons for abhorring debt, wanting to limit federal power, promoting self-reliance and stressing the unique destiny of the United States, but those are all traditionally Jewish traits as well." You see, it comes across as rank bigotry when we talk about other religions.*

*And since Senate Majority Leader Harry Reid (D-Nev.) is also a Mormon, how would one explain that he is unbothered by big government and not all that interested in curtailing the debt? ..*

[Randy Barnett](#), who led the court charge against the health care act, has a good post in Volokh on our foolish drug war.

*There are so many reasons why drug prohibition is objectionable, it is hard to enumerate them all. In my Utah Law Review article, [The Harmful Side Effects of Drug Prohibition](#), I try to systematically survey just the “consequentialist” arguments against this socially-destructive social policy. If I were to revise this article today, I suppose I would emphasize even more than I did how destructive the “War on Drugs” has been to the black community, perhaps especially because of the incarceration of thousands of black men, depriving their children of fathers, but also because of how the black market profits from the illicit drug trade supports the gang structure that preys upon the community and sucks up its kids. Then there is the differential enforcement of drug laws in minority communities. And I would emphasize how the abnormal profits to be made from black market drugs is systematically destroying the entire political culture of Mexico. All this to stop some people from getting high.*

*But, as I said, the problem with assessing the War on Drugs is that there are so many harmful “side effects” of drug prohibition that it is difficult even to know where to begin. This article is my effort to be as comprehensive about these effects, yet still be accessible. Here is the abstract:*

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Here's [Penn Jillette](#) with his reasoning for ending the drug war. The language here is a little rough, but he was exercised about the juxtaposition of the people in jail with the nonchalant attitude of the president.

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## Orange County Register

### [Eternally shifting sands of Obama's biography](#)

by Mark Steyn

It used to be a lot simpler. As E.C. Bentley deftly summarized it in 1905:

"Geography is about maps

But Biography is about chaps."

But that was then, and now Biography is also about maps. For example, have you ever thought it would be way cooler to have been born in colonial Kenya?

Whoa, that sounds like crazy Birther talk; don't go there! But Breitbart News did, and it turns out that the earliest recorded example of Birtherism is from the president's own literary agent, way back in 1991, in the official bio of her exciting new author:

"Barack Obama, the first African-American president of the Harvard Law Review, was born in Kenya and raised in Indonesia and Hawaii."

So the lunatic theory that Barack Obama doesn't meet the minimum eligibility requirements to be president of the United States was first advanced by Barack Obama's official representative. Where did she get that wacky idea from? "This was nothing more than a fact-checking error by me," says Obama's literary agent, Miriam Goderich, a "fact" that went so un-"checked" that it stayed up on her agency's website in the official biography of her by-then-famous client up until 2007:

"He was born in Kenya to an American anthropologist and a Kenyan finance minister."

And then in April 2007, someone belatedly decided to "check" the 16-year-old "fact" and revised the biography, a few weeks into the now non-Kenyan's campaign for the presidency. Fancy that!

When it comes to conspiracies, I'm an Occam's Razor man. The more obvious explanation of the variable first line in the eternally shifting sands of Obama's biography is that, rather than pretending to have been born in Hawaii, he's spent much of his life pretending to have been born in Kenya.

After all, if your first book is an exploration of racial identity and has the working title "Journeys In Black And White," being born in Hawaii doesn't really help. It's entirely irrelevant to the twin pillars of contemporary black grievance – American slavery and European imperialism. To 99.99 percent of people, Hawaii is a luxury vacation destination and nothing else.

Whereas Kenya puts you at the heart of what, in an otherwise notably orderly decolonization process by the British, was a bitter and violent struggle against the white man's rule. Cool! The composite chicks dig it, and the literary agents.

And where's the harm in it? Everybody does it – at least in the circles in which Obama hangs. At Harvard Law School, where young Barack was "the first African-American president of The Harvard Law Review," there's no end of famous firsts: As The Fordham Law Review reported, "Harvard Law School hired its first woman of color, Elizabeth Warren, in 1995." There is no evidence that Mrs. Warren, now the Democrats' Senate candidate, is anything other than 100 percent white. She walks like a white, quacks like a white, looks whiter than white. She's the whitest white since Frosty the Snowman fell in a vat of Wite-Out. But she "self-identified" as Cherokee, so that makes her a "woman of color." Why, back in 1984 she submitted some of her favorite dishes to the "Pow Wow Chow" cookbook, a "compilation of recipes passed down through the Five Tribes families."

The recipes from "Elizabeth Warren – Cherokee" include a crab dish with tomato mayonnaise. Mrs. Warren's fictional Cherokee ancestors in Oklahoma were renowned for their ability to spear the fast-moving Oklahoma crab. It's in the state song: "Ooooooklahoma! Where the crabs come sweepin' down the plain." But then the white man came, and now the Oklahoma crab is extinct, and at the Cherokee clambakes they have to make do with Mrs. Warren's traditional Five Tribes recipe for Cherokee Lime Pie.

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Ever ever ever ever! Even in a world where everyone's incredible, some things ought to be truly incredible. Yet Harvard Law School touted Elizabeth "Dances with Crabs" Warren as their "first woman of color" – and nobody laughed. Because, if you laugh, chances are you'll be tied up in sensitivity-training hell for the next six weeks. Because in an ever-more incredible America being an all-white "woman of color" is entirely credible.

Entering these murky waters, swimming through it like a crab in Mrs. Warren's tomato mayo, Barack Obama refined his own identity with a finesse that Harvard Law's first cigar-store Indian lacked. In 1984, when "Elizabeth Warren – Cherokee" was cooking up a storm, the young Obama was still trying to figure out his name: He'd been "Barry" up till then. According to his recently discovered New York girlfriend, back when she dated him he was "BAR-ack," emphasis on the first syllable, as in barracks, which is how his dad was known back in Kenya. Later in the Eighties, he decided "BAR-ack" was too British, and modified it to "Ba-RACK". Some years ago, on Fox News, Bob Beckel criticized me for mispronouncing Barack Obama's name. My mistake.

All I did was say it the way they've always said it back in Kenya. But Obama himself didn't finally decide what his name was or how to say it until he was pushing 30. In the shifting sands of identity, he picked his crabs carefully.

"I suppose he'd had the name ready for a long time, even then," says Nick Carraway in "The Great Gatsby." "His parents were shiftless and unsuccessful farm people – his imagination had never really accepted them as his parents at all. The truth was that Jay Gatsby of West Egg, Long Island, sprang from his Platonic conception of himself... . So he invented just the sort of Jay Gatsby that a seventeen-year-old boy would be likely to invent, and to this conception he was faithful to the end."

In a post-modern America, the things that Gatsby attempted to fake – an elite schooling – Obama actually had; the things that Gatsby attempted to obscure – the impoverished roots – merely add to Obama's luster. Gatsby claimed to have gone to Oxford, but nobody knew him there because he never went; Obama had a million bucks' worth of elite education at Occidental, Columbia and Harvard Law, and still nobody knew him ("Fox News contacted some 400 of his classmates and found no one who remembered him"). In that sense, Obama out-Gatsbys Gatsby: His "shiftless and unsuccessful" relatives – the deportation-dodging aunt on public housing in Boston, the DWI undocumented uncle, the \$12-a-year brother back in Nairobi – are useful props in his story, the ever more vivid bit-players as the central character swims ever more out of focus, but they don't seem to know him either. The more autobiographies he writes, the less *anybody* knows.

Like Gatsby presiding over his wild, lavish parties, Obama is aloof and remote: let everyone else rave deliriously; he just has to be. He is, in his way, the apotheosis of the Age of American Incredibility. When just being who you are anyway is an incredible accomplishment, Obama managed to run and win on biography almost entirely unmoored from life. But then, like Gatsby, he knew a thing or two about "the unreality of reality."

## National Review

### Obama's Oprah Problem

by Lee Habeeb

She didn't see it coming. One day, Oprah Winfrey turned around, and her nationally syndicated show was sliding in the ratings, and her audience was fleeing en masse. And it happened soon after a day she thought was one of the best in her life.

Isn't that how all the giants fall? When they least expect it?

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It was the first time that Oprah put her brand on a political candidate. And her audience was expecting a very different choice.

Oprah appeared on *Larry King Live* in May 2007, flush with pride, and was asked the questions lots of women in her audience had on their minds.

"Is there a side of you, the woman side, that would lead toward a Hillary?" King inquired.

"Well, I have great respect for Hillary Clinton," Oprah said. I think I've said this before, and it's true: Because I am for Barack does not mean I am against Hillary or anybody else."

So much for the sisterhood!



And so much for that Oprah honesty that her mostly female — and mostly white — audience had come to expect all of those years.

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Hell hath no fury like millions of women scorned.

Oprah's message board was soon swarmed with angry postings. Even the major media [outlets](#) couldn't ignore the firestorm Oprah had ignited by choosing one part of her identity over another. One ABC News headline [said](#) it most plainly: "Women Angry Over Oprah-Obama Campaign."

Here is how that story began:

The queen of day time talk is facing heat from her largely female fans who have traditionally agreed with just about anything she has done — from the books she reads to the weight loss plans she tries. But Oprah's endorsement of Obama is different from the typical seals of approval the host offers on her show, and as early as November 2007 commenters on her site's message boards began unleashing criticism of her endorsement for the black candidate — Obama — rather than the female one — Hillary Clinton.

How did Oprah and her team not see this coming? Did they consider even for a moment all the trust she'd built up with all those American women over all those years? And how this decision might play?

The ABC News piece then printed a few of the thousands — no, tens of thousands — of posts by irate former Oprah fans. Here is one from a woman who identified herself as Austaz68 in a message thread titled "Oprah is a Traitor!!!"

I cannot believe that women all over this country are not up in arms over Oprah's backing of Obama. For the first time in history we actually have a shot at putting a woman in the white house and Oprah backs the black MAN. She's choosing her race over her gender — hypocrisy at it's finest!! Oprah — you should be ashamed of yourself!!!!

Why didn't Team Oprah anticipate the avalanche of antipathy? I suspect they missed it not because they were incompetent but because they all thought — and Oprah herself thought — she was bulletproof.

That's when we always get in trouble.

There were many more open threads on Oprah's message board, like this one started by a woman who identified herself as wendykwrit:

You know, for so long I've felt a connection to Oprah and all that she's done not only for women but the world in general. She was such an idol to me and I truly loved all that she stood for. Since she threw her support behind Barack Obama I felt like she let me down..... I feel like I lost a friend who I thought identified with me and now I realize she's something she's not, and I refuse to even watch the show anymore.

And there you had it. A healthy chunk of her audience refused to watch her show because Oprah presented herself as something she was not.

Many people actually think Oprah retired, but she was actually about to be retired — by her audience. By her own miscalculations and by her own vanity.

This wasn't her first slipup. Long before her Obama miscalculation, Oprah had begun to forget about the very real values that united her and her audience.

Several years before, she decided to start heavily promoting the work of New Age gurus Eckhart Tolle and Marianne Williamson.

They're perfectly nice people, with a perfectly reasonable worldview that works for them and their adherents. But why, many in her audience wondered, was Oprah so aggressively pushing this New Age philosophy when she was a self-proclaimed Christian? Was she having doubts about her Christian beliefs?

What her audience was hoping for was some candor. They never got it.

Oprah had always presented herself as a Christian, and New Age spiritualism doesn't square with a biblical worldview. Many women in her audience were confused about who the real Oprah really was.

Was she that Christian girl from Mississippi? Or a New Age billionaire who'd evolved beyond Jesus?

Had all that money changed her? Or had the whole Christian thing been an act? Inquiring minds wanted to know, but Oprah never came clean.

She thought she could have it both ways, that she could call herself a Christian and simultaneously promote New Age spiritualism like Tolle's.

But even media moguls can't have it all. Even if they have a hit show, a magazine, a production company, and a line of credit to match a small country's.

The moral universe of her show, which was built on trust and intimacy, started to unravel right then and there. Her ratings were beginning to erode, and Oprah and her team didn't even know why.

Her fans would have had no problem if she had talked about her loss of faith in Christ, if that was what was really happening in her life. I don't know a Christian who hasn't had existential doubts. Heck, even Mother Theresa had them!

And non-Christians wouldn't have cared.

The problem is, Oprah didn't want to offend her mostly Christian audience and thought she was smart enough to circle a square that couldn't be circled.

She thought she was big enough, smart enough, and rich enough to be all things to all people. She thought her audience was either too in love with her to care — or too stupid to notice.

When you get as big as Oprah, you start to think you're too big to fail.

And when you are loved by the media the way Oprah was loved, it only makes it easier to believe you can do no wrong, and harder to hear the sound of the audience tuning out.

Which brings me to Barack Obama, because in many ways his bid for reelection is ripe for an erosion of support for similar reasons.

Two recent examples:

When Trayvon Martin was shot, President Obama quickly weighed in, saying a little bit of this and a little bit of that, and then he said something that many Americans just didn't understand:

"My main message is to the parents of Trayvon Martin. If I had a son, he'd look like Trayvon."

The fact is, President Obama has two daughters. And yet he decided to talk about a son he did not have, in the course of weighing in on a controversial, unsolved criminal case that was beaming on the national airwaves. He did that instead of waiting a few months to talk about another national case beaming into America's homes, one involving the kidnapping of two real-life little girls from their home in Tennessee, and the gruesome murder of two relatives.

Where was the president's message to that family?

Our first black president chose to inject himself into the Trayvon Martin story, just as he had done when Professor "Skip" Gates of Harvard was arrested by a white officer back in July 2009.

He was a bit more careful this time, but still, we wondered, why was he butting in at all? And conjuring up an imaginary son to make his point?

And then came Obama's words on ABC News about gay marriage.

"Same-sex couples should be able to get married," the president told Robin Roberts of ABC News.

Is there anyone in America who didn't really believe Obama supported gay marriage before this non-announcement? Even more interesting, this time he brought up his real-life children and introduced them into his story. "Malia and Sasha," he said, "it wouldn't dawn on them that somehow their friends' parents would be treated different. It doesn't make sense to them, and frankly, that's the kind of thing that prompts a change in perspective."

Strange. I thought it was parents who instructed kids on such complicated matters.

Within minutes of Obama's ABC interview, he was being heralded by media types and gay activists for his courage.

Why did Obama do it? And how can a man who calls himself a Christian circle the square on gay marriage? Some do, but he never explained.

All week long, Obama basked in the afterglow of his announcement, an adoring media and an adoring Hollywood basking with him.

But the American people were not quite ready to join in that exercise. Indeed, the people of North Carolina, a swing state, said no to gay marriage last week, and said no by a stunningly large margin: 61 to 39 percent.

I wonder how Obama's words will play there in November.

Obama says he is a Christian and then takes positions on matters such as gay marriage and abortion that most Christians can't reconcile with their faith. And that confuses Christians and non-Christians alike.

He says he wants to bring Americans together, and then uses the rhetoric of class and gender warfare to separate us.

He says he favors policies that favor job creation, but doesn't seem interested in what real-life job creators have to say.

He says he's going to close Guantanamo Bay, and then keeps it open.

He promises college students hope and change, but all they can see down the road is unemployment and debt.

It turns out that the Obama so many Americans thought they knew when he was running for the White House isn't squaring with the man who's occupying it. And that could be his biggest problem. One for which there is no antidote.

Oddly enough, as Oprah was beginning to lose her connection to her audience, Ellen DeGeneres was building a rapport with hers. Americans supported the openly gay TV personality because she had the guts to declare who she was and let the chips fall where they might. America fell in love with her show, and she has some of the highest ratings in daytime.

Which only proves that what Americans hate the most is a phony. A fugazee.

Many Democrats in 1980 and 1984 voted for Ronald Reagan not because they agreed with everything he said but because they trusted him as a leader and knew he said what he meant. And meant what he said. He didn't equivocate or try to gauge the temperature of the room and modulate his opinions accordingly. He had no authenticity problems.

President Obama is riding high. And I suspect with all of the media help he's getting, many around him think the election is in the bag, especially after the recent circus that masqueraded as a primary in the GOP.

But he should study Oprah's rapid decline.

And come his biggest ratings day — Election Day — he shouldn't be too surprised to discover a serious enthusiasm erosion.

He shouldn't be too surprised if his audience — like Oprah's — sends him into early retirement.

*Lee Habeeb is the vice president of content at Salem Radio Network, which syndicates Bill Bennett, Mike Gallagher, Dennis Prager, Michael Medved, and Hugh Hewitt. He lives in Oxford, Miss.*

**NY Times**

**The Age of Innocence**

by David Brooks

The people who pioneered democracy in Europe and the United States had a low but pretty accurate view of human nature. They knew that if we get the chance, most of us will try to get something for nothing. They knew that people generally prize short-term goodies over long-term prosperity. So, in centuries past, the democratic pioneers built a series of checks to make sure their nations wouldn't be ruined by their own frailties.

The American founders did this by decentralizing power. They built checks and balances to frustrate and detain the popular will. They also dispersed power to encourage active citizenship, hoping that as people became more involved in local government, they would develop a sense of restraint and responsibility.

In Europe, by contrast, authority was centralized. Power was held by small coterie of administrators and statesmen, many of whom had attended the same elite academies where they were supposed to learn the art and responsibilities of stewardship. Under the parliamentary system, voters didn't even get to elect their leaders directly. They voted for parties, and party elders selected the ones who would actually form the government, often through secret means.

Though the forms were different, the democracies in Europe and the United States were based on a similar carefully balanced view of human nature: People are naturally selfish and need watching. But democratic self-government is possible because we're smart enough to design structures to police that selfishness.

James Madison put it well: "As there is a degree of depravity in mankind, which requires a certain degree of circumspection and distrust: So there are other qualities in human nature, which justify a certain portion of esteem and confidence."

But, over the years, this balanced wisdom was lost. Leaders today do not believe their job is to restrain popular will. Their job is to flatter and satisfy it. A gigantic polling apparatus has developed to help leaders anticipate and respond to popular whims. Democratic politicians adopt the mind-set of marketing executives. Give the customer what he wants. The customer is always right.

Having lost a sense of their own frailty, many voters have come to regard their desires as entitlements. They become incensed when their leaders are not responsive to their needs. Like any normal set of human beings, they command their politicians to give them benefits without asking them to pay.

The consequences of this shift are now obvious. In Europe and America, governments have made promises they can't afford to fulfill. At the same time, the decision-making machinery is breaking down. American and European capitals still have the structures inherited from the past, but without the self-restraining ethos that made them function.

The American decentralized system of checks and balances has transmogrified into a fragmented system that scatters responsibility. Congress is capable of passing laws that give people benefits with borrowed money, but it gridlocks when it tries to impose self-restraint.

The Obama campaign issues its famous “Julia” ad, which perfectly embodies the vision of government as a national Sugar Daddy, delivering free money and goodies up and down the life cycle. The Citizens United case gives well-financed interests tremendous power to preserve or acquire tax breaks and regulatory deals. American senior citizens receive health benefits that cost many times more than the contributions they put into the system.

In Europe, workers across the Continent want great lifestyles without long work hours. They want dynamic capitalism but also personal security. European welfare states go broke trying to deliver these impossibilities.

The European ruling classes once had their power checked through daily contact with the tumble of national politics. But now those ruling classes have built a technocratic apparatus, the European Union, operating far above popular scrutiny. Decisions that reshape the destinies of families and nations are being made at some mysterious, transnational level. Few Europeans can tell who is making decisions or who is to blame if they go wrong, so, of course, they feel powerless and distrustful.

Western democratic systems were based on a balance between self-doubt and self-confidence. They worked because there were structures that protected the voters from themselves and the rulers from themselves. Once people lost a sense of their own weakness, the self-doubt went away and the chastening structures were overwhelmed. It became madness to restrain your own desires because surely your rivals over yonder would not be restraining theirs.

This is one of the reasons why Europe and the United States are facing debt crises and political dysfunction at the same time. People used to believe that human depravity was self-evident and democratic self-government was fragile. Now they think depravity is nonexistent and they take self-government for granted.

Neither the United States nor the European model will work again until we rediscover and acknowledge our own natural weaknesses and learn to police rather than lionize our impulses.

**NY Post**

**[Exit, stage Wright](#)**

by John Podhoretz

Yesterday’s breathless campaign hysteria arose out of a not-really-much-of-a-scoop from the broadsheet across town: A rich guy in Omaha wants to spend a lot of money defeating Barack Obama.

Stop the presses. Eek.

Said rich guy sought the advice of a controversial consultant (who'd very much benefit from getting the rich guy's commission) on a strategy. The consultant proposed reviving the 2008 controversy over Obama's relationship with his egregious pastor, Jeremiah Wright.

You'd have thought, from the mainstream-media tweets yesterday morning, that the mere act of mentioning Obama and Wright in the same breath was nothing less than a hate crime in itself. How *dare* anyone mention the president in the same breath as the anti-American demagogue who officiated at his wedding, baptized his children and gave him the title of his second book.

For those of us who enjoy seeing such folk sputter and squirm, the idea of a Wright attack against Obama instantly seemed rather piquant. But it only took a moment's reflection to see how senseless and even stupid such an approach would be.

First, the sheer quantity of facts and figures and issues from Obama's actual *presidency* that can be used to argue against a second term are far more devastating.

There's little point in going after Obama for what someone else said in his earshot years ago, when so many damning things have come out of his own mouth since he became president in 2009.

The trick for Republicans in 2012 is to keep the voter's eye on Obama's record as president. If they can do this well and authoritatively, while Mitt Romney offers a positive vision of a post-Obama America, they'll almost surely win the day.

Obama's record will allow Republicans to make this a fight about policy, not about personality — about what he has done rather than imputations about what he thinks and what he secretly believes. That's not only better for the country, it is better politics.

Yes, an aggressive strategy raising important issues from 2008 that got flattened by the Obama steamroller seems immensely alluring to some — that is, to a great many people who can't get over the fact that America put its fate in the hands of a neophyte Leftie with no record and an effective speaking style.

The impotent rage generated by Obama's improbable rise has caused many seemingly rational people to seek comfort in all kinds of weird theories to account for his out-of-nowhere triumph.

There's the birther lunacy, according to which the president wasn't born on American soil.

There's the "Obama didn't write his own book" theory, according to which "Dreams from My Father" was secretly produced by the domestic terrorist William Ayers — whose own turgid writings bear not a trace of the overwrought lyricism of "Dreams" and who had no reason to ghost the memoir of an unknown Harvard Law man. (The latest twist: One leading "ghoster" even says Obama didn't write the incredibly pretentious post-collegiate letters he sent to his girlfriend.)

Then there's the "secret Muslim" theory, according to which a man who openly says he attended an Islamic school in Indonesia actually follows the faith of the father he barely knew — which would make his 20 years in Jeremiah Wright's pew quite puzzling, now, wouldn't it?

These ludicrous blatherings have this in common: They all seem to suggest that Obama's life has been some kind of Leftist-Marxist-Islamist laboratory experiment designed from birth to land him in the White House.

If that were true, we should all just give up now. The geniuses who figured out that a mixed-race kid in Hawaii partly raised in Indonesia with the middle name of Hussein would be the perfect presidential candidate in 2008 must have had supernatural abilities to mind-read an entire society four decades later. If they're that good, they can have America.

Sure, reminding people of Obama's willingness to tolerate Wright's disgusting views is perfectly fair. It's just a worthless political strategy. Which is what the rich guy in question decided yesterday in announcing he'd rejected the proposal from his consultant.

That consultant, by the way, is the guy who came up with the worst political commercial in recent history — the one in which Senate candidate Christine O'Donnell offered the jaw-dropping assurance to the people of Delaware that she was not a witch.

Smart move, rich guy.

## **NY Daily News**

### **[Drop George Zimmerman's murder charge](#)**

#### ***New evidence suggests Trayvon Martin's killer acted in self-defense***

by Alan Dershowitz

A medical report by [George Zimmerman](#)'s doctor has disclosed that Zimmerman had a fractured nose, two black eyes, two lacerations on the back of his head and a back injury on the day after the fatal shooting. If this evidence turns out to be valid, the prosecutor will have no choice but to drop the second-degree murder charge against Zimmerman — if she wants to act ethically, lawfully and professionally.

There is, of course, no assurance that the special prosecutor handling the case, State Attorney Angela Corey, will do the right thing. Because until now, her actions have been anything but ethical, lawful and professional.

She was aware when she submitted an affidavit that it did not contain the truth, the whole truth and nothing but the truth. She deliberately withheld evidence that supported Zimmerman's claim of self-defense. The New York Times has reported that the police had "a full face picture" of Zimmerman, before paramedics treated him, that showed "a bloodied nose." The prosecutor also had photographic evidence of bruises to the back of his head.

But none of this was included in any affidavit.

Now there is much more extensive medical evidence that would tend to support Zimmerman's version of events. This version, if true, would establish self-defense even if Zimmerman had improperly followed, harassed and provoked Martin.



A defendant, under Florida law, loses his “stand your ground” defense if he provoked the encounter — but he retains traditional self-defense if he reasonably believed his life was in danger and his only recourse was to employ deadly force.

Thus, if Zimmerman verbally provoked Martin, but Martin then got on top of Zimmerman and banged his head into the ground, broke his nose, bloodied his eyes and persisted in attacking Zimmerman — and if Zimmerman couldn’t protect himself from further attack except by shooting Martin — he would have the right to do that. (The prosecution has already admitted that it has no evidence that Zimmerman started the actual fight.)

This is a fact-specific case, in which much turns on what the jury believes beyond a reasonable doubt. It must resolve all such doubts in favor of the defendant, because our system of justice insists that it is better for 10 guilty defendants to go free than for even one innocent to be wrongfully convicted.

You wouldn’t know that from listening to Corey, who announced that her job was “to do justice for Trayvon Martin” — not for George Zimmerman.

As many see it, her additional job is to prevent riots of the sort that followed the acquittal of the policemen who beat Rodney King.

Indeed, Mansfield Frazier, a columnist for the Daily Beast, has suggested that it is the responsibility of the legal system to “avert a large scale racial calamity.” He has urged Zimmerman’s defense lawyer to become a “savior” by brokering a deal to plead his client guilty to a crime that “has him back on the streets within this decade.”

But it is not the role of a defense lawyer to save the world or the country. His job — his only job — is to get the best result for his client, by all legal and ethical means.

Listen to the way a famous British barrister put it in 1820:

“An advocate, by the sacred duty which he owes his client, knows, in the discharge of that office, but one person in the world, that client and none other . . . Nay, separating even the duties of a patriot from those of an advocate, and casting them, if need be, to the wind, he must go on reckless of the consequences, if his fate it should unhappily be, to involve his country in confusion for his client’s protection.”

The prosecutor’s job is far broader: to do justice to the defendant as well as the alleged victim. As the Supreme Court has said: “The government wins . . . when justice is done.”

Zimmerman’s lawyer is doing his job. It’s about time for the prosecutor to start doing hers.

*Dershowitz, a defense attorney, is a professor at Harvard Law School.*

## Right Turn

### The Mormon obsession

by Jennifer Rubin

The [New York Times' Jodi Kantor](#) has a piece on Mitt Romney's Mormonism. It is largely sympathetic and reveals, despite Kantor's thesis that everything you need to know about Romney boils down to Mormonism (hmm, funny how the New York Times ignored and deplored similar inquiries about candidate Barack Obama in 2008, but what do you expect from the liberals' paper of record?), that his religiosity is identical to those of other faithful people. ("He prays for divine guidance on business decisions and political races . . . ." or "He is an unabashed, unapologetic believer that America is the Promised Land.>"). Perhaps if the liberal media did not treat religious people like Margaret Mead approached natives it would seem less strange.

The piece is a troubling, and in many cases a bizarre, attempt to picture Romney as "**The** Mormon candidate," a standard that would repel most Americans if applied to another faith. Take for example this sentence: "He may have many reasons for abhorring debt, wanting to limit federal power, promoting self-reliance and stressing the unique destiny of the United States, but those are all traditionally Mormon traits as well." Now substitute a different religion: "He may have many reasons for abhorring debt, wanting to limit federal power, promoting self-reliance and stressing the unique destiny of the United States, but those are all traditionally Jewish traits as well." You see, it comes across as rank bigotry when we talk about other religions.

And since Senate Majority Leader Harry Reid (D-Nev.) is also a Mormon, how would one explain that he is unbothered by big government and not all that interested in curtailing the debt?

Kantor strains to translate ordinary behavior and views into distinctly Mormon precepts:

Having a higher purpose is part of what motivates Mr. Romney, many of those close to him say, and gives him the wherewithal to suffer the slings and arrows of political life. Mormons have a "history of persistence and tenacity, a sense of living out a destiny that is connected to earlier generations," said Mr. Anderson, the business school dean. Mr. Romney is driven by "responsibility to his father and his father's fathers to use his time and talent and energy and whatever gifts he's been given by the Lord to try to make a contribution."

I got news for you, but Jews also have a "history of persistence and tenacity, a sense of living out a destiny that is connected to earlier generations." So do most people who have been persecuted as minorities.

In sum, the left's obsession with Romney's faith tells us more about their ignorance of faithful people of all religions than anything else. There's virtually nothing in the piece's Mormonology (the equivalent of Kremlinology) that could not be said of many other denominations. In fact, religious voters of other faiths will instantly recognize all these "Mormon traits" as "traits of religious people." I suppose this is generally helpful to Romney in demonstrating how entirely common (in a country of believers) is his attachment to his faith. But that still leaves the matter of defining a candidate by his religion, something JFK eschewed and something never invoked when Sen. Joe Lieberman (I-Conn.) ran for VP.

Whether born of ignorance (i.e. that other faiths don't share these essential values) or rank bias or intention to paint Romney as weird, the definition of Romney as nothing more than a Mormon stick figure is pernicious in our political culture and begs the question; Why is the media entirely uninterested in Obama's religious influences, and indeed has dubbed such discussion racist?

## **Volokh Conspiracy**

### **[The Harmful Side Effects of Drug Prohibition](#)**

by Randy Barnett

There are so many reasons why drug prohibition is objectionable, it is hard to enumerate them all. In my *Utah Law Review* article, [The Harmful Side Effects of Drug Prohibition](#), I try to systematically survey just the "consequentialist" arguments against this socially-destructive social policy. If I were to revise this article today, I suppose I would emphasize even more than I did how destructive the "War on Drugs" has been to the black community, perhaps especially because of the incarceration of thousands of black men, depriving their children of fathers, but also because of how the black market profits from the illicit drug trade supports the gang structure that preys upon the community and sucks up its kids. Then there is the differential enforcement of drug laws in minority communities. And I would emphasize how the abnormal profits to be made from black market drugs is systematically destroying the entire political culture of Mexico. All this to stop some people from getting high.

But, as I said, the problem with assessing the War on Drugs is that there are so many harmful "side effects" of drug prohibition that it is difficult even to know where to begin. This article is my effort to be as comprehensive about these effects, yet still be accessible. Here is the abstract:

Some drugs make people feel good. That is why some people use them. Some of these drugs are alleged to have side effects so destructive that many advise against their use. The same may be said about statutes that attempt to prohibit the manufacture, sale, and use of drugs. Advocating drug prohibition makes some people feel good because they think they are "doing something" about what they believe to be a serious social problem. Others who support these laws are not so altruistically motivated. Employees of law enforcement bureaus and academics who receive government grants to study drug use, for example, may gain financially from drug prohibition. But as with using drugs, using drug laws can have moral and practical side effects so destructive that they argue against ever using legal institutions in this manner.

This article will not attempt to identify and "weigh" the costs of drug use against the costs of drug laws. Instead, it will focus exclusively on identifying the harmful side effects of drug law enforcement and showing why these effects are unavoidable. So one-sided a treatment is justified for two reasons. First, a cost-benefit or cost-cost analysis may simply be impossible. Second, discussions by persons who support illegalizing drugs usually emphasize only the harmful effects of drug use while largely ignoring the serious costs of such policies. By exclusively relating the other side of the story, this article is intended to inject some balance into the normal debate.

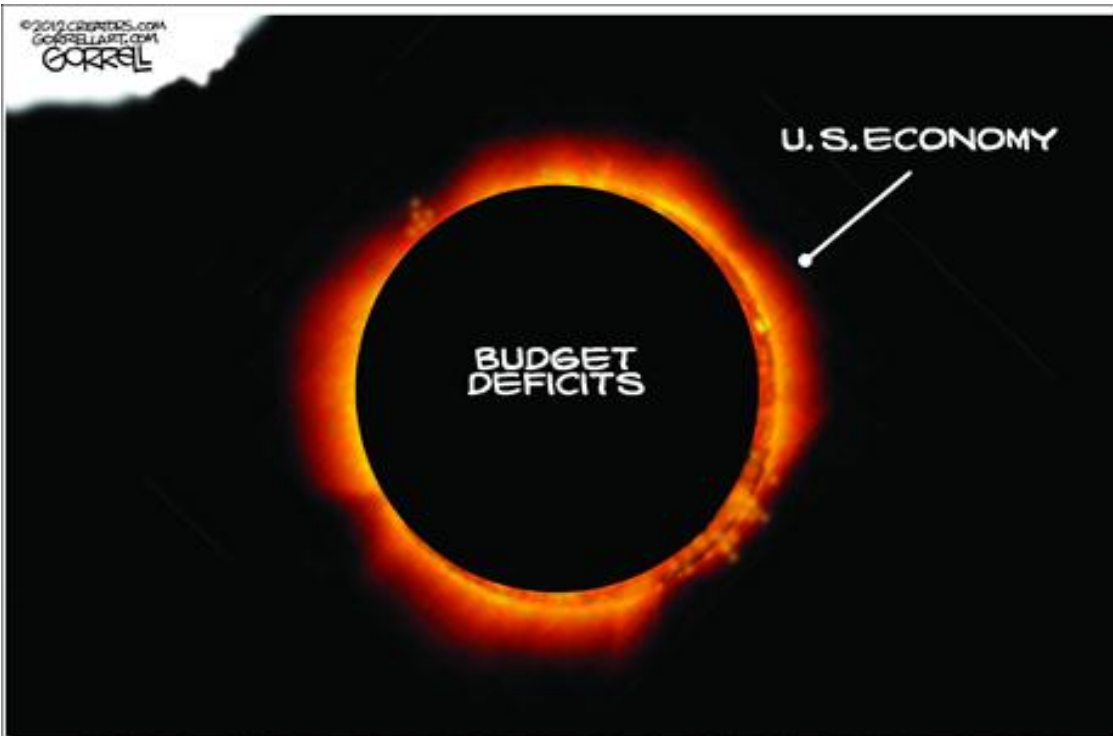
The harmful side-effects of drug laws have long been noted by a number of commentators, although among the general public the facts are not as well known as they should be. More importantly, even people who agree about the facts fail to grasp that it is the nature of the

means — coercion — chosen to pursue the suppression of voluntary consumptive activity that makes these effects unavoidable. This vital and overlooked connection is the main subject of this article.

You can download it [here](#).

Here's [Penn Jillette](#) with his reasoning for ending the drug war. The language here is a little rough, but he was exercised about the juxtaposition of the people in jail with the nonchalant attitude of the president.





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