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THEY SAID IT

“Much of what we loosely call the Western world will not survive this century, and much of it will effectively disappear within our lifetimes, including many if not most Western European countries. There'll probably still be a geographical area on the map marked as Italy or the Netherlands--probably--just as in Istanbul there's still a building called St. Sophia's Cathedral. But it's not a cathedral; it's merely a designation for a piece of real estate. Likewise, Italy and the Netherlands will merely be designations for real estate. The challenge for those who reckon Western civilization is on balance better than the alternatives is to figure out a way to save at least some parts of the West.”

“It's the Demography, Stupid,” Mark Steyn, *The New Criterion*, Jan, 2006.

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AND THE VICTOR IS . . .

Two weeks ago, the conservative, prolific, oft-quoted, and usually right-on-the-mark, political columnist Mark Steyn caused a bit of a stir in the field of geopolitical commentary when he published the article from which the above “They Said It Quote” was taken. Steyn did not break ground that he hadn't ploughed before or that hasn't been well ploughed by others, including Steve and me. But he took a decidedly alarmist approach to the subject and the result was exceedingly thought provoking, which should come as no surprise since Steyn is one of the most thought-provoking political columnists in the business today. You can find his article at www.marksteyn.com.

The fundamental message of the column was that Western civilization is collapsing as a result of a combination of steeply declining birth rates and the wholesale adoption of what Steyn calls the “progressive agenda,” which he describes as a “suicide bomb” made up of lavish social welfare, abortion, multiculturalism, and secularism. Relative to the relationship between the demographic and cultural problems that he describes, Steyn says the following: “The design flaw of the secular social-democratic state is that it requires a religious-society birthrate to sustain it.”

According to Steyn, the ultimate benefactor of this inexorable demise of the Western world will be radical Islam. Indeed, he argues that by employing a skillful combination of terrorism and opportunism, the Islamists will eventually inherit the spoils of the West's demise.

Steyn doesn't explain exactly how this extraordinary transfer of power will occur. He simply notes that the West's romance with multiculturalism, which he describes as a “quintessential piece of progressive humbug,” is rendering it incapable of recognizing and dealing with the threat from Islam. In fact, he says that the

events of September 11, 2001, which should have represented a wake-up call, actually aggravated the West's destructive behavior by raising "tolerance of intolerance" to the "highest, most rarefied form of multiculturalism." He elaborates on this claim in the following two paragraphs:

So you're nice to gays and the Inuit? Big deal. Anyone can be tolerant of fellows like that, but tolerance of intolerance gives an even more intense *frisson* of pleasure to the multiculti masochists. In other words, just as the AIDS pandemic greatly facilitated societal surrender to the gay agenda, so 9/11 is greatly facilitating our surrender to the most extreme aspects of the multicultural agenda....

Terror groups persist because of a lack of confidence on the part of their targets: The IRA, for example, calculated correctly that the British had the capability to smash them totally but not the will. So they knew that while they could never win militarily, they also could never be defeated. The Islamsts have figured similarly. The only difference is that most terrorist wars are highly localized. We now have the first truly global terrorist insurgency because the Islamists view the whole world the way the IRA view the bogs of Fermanagh: They want it, and they've calculated that our entire civilization lacks the will to see them off.

In short, Steyn's vision of the outcome of the much discussed clash of civilizations seems to be that the nations of the West will act out the dictum of Arnold Toynbee, that "civilizations die from suicide, not murder," while the Islamists will kill and rut their way to victory over the dying West.

Now I don't intend to write a critique or even a review of the article. Instead, I would like to use it as a sort of launching pad from which to make a few observations of my own on the long-term future of what Steyn calls "the Western world" and the role that militant Islam is likely to play in this future.

I'll begin by agreeing with Steyn's contention that Western civilization is in the midst of some extremely troubling trends, both social and demographic. I also agree with his contention that Islam is a dangerous and opportunistic rival to Western civilization and is taking advantage of the West's many troubles to increase its influence around the globe. But I don't agree at all that Muslims are going to end up owning all the marbles. Or as Steyn puts it:

But unlike us, the Islamists think long-term, and, given their demographic advantage in Europe and the tone of the emerging Muslim lobby groups there, much of what they're flying planes into buildings for they're likely to wind up with just by waiting a few more years. The skyscrapers will be theirs; why knock 'em over?

There are, I think, several problems with this assumption. The first one is that there is no evidence whatsoever to support the claim that Islamists do indeed "think long-term," if this means having some sort of organized blueprint for victory that sets out certain goals and a practical means for achieving them. They are long-term thinkers only in the sense that a two-bit hoodlum has plans to make a "big score" one day. Steyn is, I believe, confusing the process of thinking long term with dreaming long term.

These people are losers. They are extremely violent and dangerous losers and are not to be taken lightly. But they are losers, nevertheless. They are not the modern day version of the Visigoths, who plundered Greece and sacked Rome in the early part of the 5th century, then settled in to rule all of Spain and much of what is now France for some 400 years. For one thing, the Visigoths were united behind a formal governing body and they controlled a significant chunk of real estate from which they could work to expand their realm.

The Islamists more closely resemble the Native Americans who fought the European settlers. Their *modus operandi* was to launch savage attacks when opportunity presented itself and then to retreat to

their hiding places to celebrate, hoping against hope that these attacks would weaken the will of a cowardly enemy who would eventually skulk off toward the horizon and disappear. They tried desperately to hold back a superior force that was threatening their way of life but had no concept of the vast resources of the force they were up against, no realistic plan to achieve victory, and no idea what victory would look like if it were achieved, other than a hopeless vision of a return to some idealized period in the distant past.

Islamists speak longingly of a world in which all of Islam is united under the political and spiritual leadership of a “caliph,” who would speak for all Muslims as the Pope does for the Catholic Church. But there is no leader anywhere in the Islamic world who is even capable of uniting the various militant factions of Islam, much less bringing all the Muslims in the world under one banner. And even if this were to happen, it is unlikely that the banner would represent the most extreme and murderous form of the religion.

Like the Native Americans, the Islamic culture is intensely tribal and too deeply divided along too many fault lines to achieve even a semblance of unity. The result is that the Islamic militants have no secure, safe haven available to them as a group and no large economic base that can provide reliable financing for their operations. As such, they must get virtually all of their operating funds from an increasingly shaky network of “friends” and sympathizers in various Muslim nations that are run by people whose lives would not necessarily be made better in the event of a victory by the militants.

One of the most important barriers they face as they engage the West for global power in these opening days of the 21st century is that their medieval view of the world is in direct competition with a very different model that is also attempting to tear down and replace the Christian pillars of Western civilization. And unlike the one offered by the Islamists, this one has proven to be extremely attractive to a wide variety of people of all nationalities and creeds all over the world, incorporating as it does some of the most prominent and popular global trends of the day.

Indeed, it is these very trends that Steyn maintains are responsible for the on-going decay of Western civilization. These include a growing acceptance of secular government as the substitute supreme being who guarantees equality, rights, justice, and freedom from want; the emancipation of women from the strictures of male dominated society; a global leveling of cultures around an extremely materialistic social model, and a growing antagonism toward religiously imposed restrictions of any kind on all personal behavior, from sexual practices to matter of ethics and morality.

Not only does the Islamists’ promise of a strict religious society ordered under Islamic law, or sharia, not stack up well against this model, but its promoters do not appear to be all that adept at marketing its alleged attractions, whatever they may be. In fact, the centerpiece of their sales campaign seems to consist almost entirely of grainy videos of people being decapitated or shot in the head, which are distributed haphazardly over a handful of radical websites and a television station that is widely regarded as offering little but propaganda. The competition, on the other hand, offers potential consumers a steady flow of attractive images of cheerful individuals who are enthusiastic about their product. And these are available all over the globe, 24 hours a day, on the Internet, on television, in the movies, and indeed on the streets of virtually every major city in the world. And they are aggressively promoted by the world’s largest corporations with advertising budgets that are larger than the GDP of many small nations.

Which brings me to the final point in my argument against Steyn’s thesis that the Islamists are going to come out on top in the ongoing clash of civilizations. I would maintain instead that militant Islam is going to suffer the same fate that Steyn has forecast for “much of what we loosely call the Western world.” And it will suffer this fate at the hands of the same force, i.e., the “progressive agenda” that is so attractive to citizens in nations all over the world, including many of those in the Middle East. In short, I think one could correctly say about the fate of militant Islam exactly what Steyn says about the fate of what used to

be called Christendom, namely that it will not survive this century and much of it will effectively disappear within our lifetimes.

Steyn seems to think that “liberal pluralist democracy” will not only destroy Western civilization as we know it, but that it will leave in its wake a severely depleted population that is incapable of keeping itself from falling under the dictatorship of radical Muslims, who will then impose their culture on these pathetic souls. Then chaos and old night will descend on the world.

My guess is that sometime before the last remnants of Western civilization march sadly into oblivion like the Neanderthals of yore, the liberal pluralist democracies of the West will strike back. The United States already has done so, and while the Europeans may have been extremely slow to act due to the influence of those whom Steyn calls the “multiculti masochists,” they are unlikely, I believe, to sit back and do nothing to protect themselves and their property right up until the day when the Islamists take over and force them to join the faith and swear allegiance to great caliph in Baghdad or die by the sword.

Even in the worst-case demographic scenarios, the Europeans will represent a significantly large percentage of the populations of their homelands for many decades to come. And more importantly, they will control the governing bodies, the police, the military, the tanks and the guns, and all the accoutrements of power that are vested in a technologically driven, modern state. And while they may be faulted for not having used these powers more aggressively in recent years, they have indeed been using them to keep track of the militant Muslims in their midst and to rid themselves of those who present the greatest threats. And more importantly, they are on the verge of taking much more aggressive actions in the future.

In France, for example, mainstream politicians are openly discussing measures to curb immigration that a few years ago would have been considered in poor taste to even mention. Just last week, for example, the *International Herald Tribune* reported that “Nicolas

Sarkozy, the headline-grabbing interior minister, reiterated that he wanted France to expel 25,000 illegal immigrants this year, up from 20,000 last year and 10,000 in 2002. Like other ministers, he zeroed in on polygamy and pledged to restrict visas for wives and children of immigrants.”

And a recent article in the *New York Sun* reported that the interior minister of Lower Saxony recently stated that he would consider making radical Islamists wear electronic foot tags, which he said, would allow the authorities “to monitor the approximately 3,000 violence-prone Islamists in Germany, the hate preachers [i.e., Islamist imams], and the fighters trained in foreign terrorist camps.” Electronic tags, he suggested, are practical “for violence-prone Islamists who can’t be expelled to their home countries because of the threat of torture” there.

I have no doubt that the fight ahead will be a bloody one. But I also have no doubt that militant Islam will lose. I am reluctant to attempt to forecast the progress of events over the next several decades. But roughly stated, I believe that the socialist economies of Europe will grow steadily worse in the face of global competition. This will mean that jobs will be scarce, so the demand for more immigrants to make up for the declining populations will be limited, as will be the need to retain the immigrants that are already there.

The economic problems will lead to social unrest, which will lead to increased tensions between the Islamic populations and the native Europeans, which will lead to increased measures against the immigrants, which will lead to violence and possibly even severe instances of terrorism. But make no mistake, the Europeans are not only capable of using Draconian measures to control unruly citizens but they also have considerable legal authority within their constitutions to do so. It should be further noted that, despite their protestations of grand allegiances to equality and multiculturalism, the Europeans are arguably among the most racist and class-conscious people in the Western world. Moreover, in their post-Christian, extremely materialistic societies, the qualms they do have against the use of violence against objectionable

minorities are not deeply rooted in ancient moral and ethical dictums, but are part of a highly mutable mishmash of politically correct formulae and nostrums.

During this period, the European governments will increase their efforts to improve the life of the Muslim immigrants and to bring some of the leaders of the Muslim communities into positions of political leadership. Progress on this front will be slow, but eventually the various European nations will be able to boast of communities of moderate, successful Muslims, living happily and peacefully in their midst and helping in the fight against the militants who would overthrow the existing order.

As for Steyn's prediction that much of the Western world will not survive this century, I would only say that I have enough trouble looking out a few years without trying to divine the future in the year 2100. Indeed, just the thought of it reminds me of Woody Allen's famous astonishment at "people who want to 'know' the universe when it's hard enough to find your way around Chinatown."

I would only say that Western civilization will most certainly undergo changes throughout the 21st century, just as it did throughout the past 2000 years. And throughout the century, these changes will prompt citizens of the civilization to forecast its demise in the not too distant future. But as Heraclitus noted some 2,500 years ago, (roughly translated), "Things change. Get used to it." Or as Lord Keynes put it more recently, "in the long run we're all dead."

ANTI-DEMOCRATIC DEMOCRATS: WHY THEY FOUGHT ALITO.

To say that the Democrats on the Senate Judiciary Committee made fools of themselves during last week's confirmation hearings for Supreme Court Justice-designate Samuel Alito is to state the obvious. Indeed, the meltdown was so palpable that not even the normally Dem-friendly Washington media could

pretend that their heroes hadn't looked like bullying, bellyaching, bloviating buffoons. It's distinctly possible that only the perpetually self-enamored and self-deluded Joe Biden thought by week's end that he and his fellow liberals were doing anything but making themselves look like the out-of-touch, hopelessly embittered, has-been power brokers they are.

But as obvious as the Democrats' ridiculousness was, the motivation behind it was considerably less comprehensible. The conventional Washington wisdom had it that they were simply playing the ancient sport of politics, demonstrating to the public that this is the type of nominee the country gets when it is foolish enough to vote for Republicans. Yes, Alito is qualified, but no, he does not share the values of the American people and therefore those people should choose more wisely next time they go to the polls. Or so the conventional wisdom had it.

The problem with this explanation is that it makes no sense. Though the Washington media might not know it, Kennedy, et al. could hardly be "playing politics" with the Alito nomination, since the politics of the issues involved are dreadful for Democrats. The overwhelming majority of Americans disagree with the hard-line positions of the liberal left on the most important questions raised at the hearings, most notably abortion and executive power. Americans may not want abortion banned outright, but only a tiny fraction of abortion supporters embrace the radical position expounded by the likes of NOW (National Organization for Woman) and NARAL (National Abortion Rights Action League) and parroted by the likes of Feinstein, Kennedy, Leahy, and Biden.

A second, but equally wrong explanation for the Democrats' seemingly pointless aggression was offered by a handful of right-leaning critics, who agreed that the Democrats' motives were political, but were more cynical in their understanding of the politics involved. In this account, the Democrats were simply playing to their extremist anti-Bush base, folks like NOW, NARAL, and the Deaniacs at such radical liberal bastions as the Daily Kos and *The New York Times*, in hopes that they could somehow keep

their political foot soldiers engaged and enraged. On Sunday, the incomparable Mark Steyn summed up this explanation thusly:

Throughout last week's hearings, the Democrats had five key concerns: abortion, warrantless wiretaps, abortion, abortion and abortion. Neither abortion absolutism nor constitutional protection for terrorists resonates with the broader public -- and, indeed, going on cable TV round the clock for a week to flaunt such peculiar fixations only makes them look ever more disconnected from reality. When Ted Kennedy & Co. were demanding that the ancient records of the Concerned Alumni of Princeton be subpoenaed, I received a fluttering of e-mails comparing the Dems to Sen. McCarthy. But Red-baiting, unlike partial-birth abortion, had the advantage of public support . . .

During the Roberts hearings, I compared the Senate Democrats to Lord Cardigan's poor doomed dragoons facing the Russian guns in Tennyson's "Charge of the Light Brigade": *"Theirs not to reason why, Theirs but to do & die . . ."*

The poor fellows had no choice but to sacrifice themselves on national TV at the behest of NOW and Daily Kos and the kookier parts of the base. It was said of the British Tommies in the trenches of the Great War that they were lions led by donkeys. In the Democratic Party, the old lions are now led by the grassroots donkeys, and, like some moth-eaten circus act, Ted and Pat Leahy and Dianne Feinstein are obliged to jump through ever more ludicrous hoops for the gratification of the base.

But the problem with this explanation is that it too makes only a limited amount of sense in the current political context. The fact of the matter is that the radical lefties are already incredibly fired up and have

been for years. They really don't need another excuse to hate George W. Bush. Or to put it in the "Inside-the-Beltway" vernacular, this explanation presumes that the Democrats are simply throwing some red meat to their base, when in reality, the base has eaten its fill of red meat and has both the fridge and the deep freeze in the basement stocked with more than enough reserve to get it through the long, cold winter and well into the next campaign season at least.

But if the Democrats were neither cynically trying to exploit the hearings for their own political gain nor super-cynically trying to exploit the hearings for the campaign cash they could generate, then why would they behave so thuggishly and absurdly in front of a national television audience? I apologize upfront to anyone who will be overcome with shock and horror at the following suggestion, but the fact of the matter is that the Democrats fought the Alito nomination -- just as they fought the Roberts nomination -- with extraordinary vigor because they knew better than anyone the enormous stakes involved; they knew that the odds were against them; and they knew that they had to do everything that they could to try to stop the nomination no matter how ridiculous it made them look.

Last week, in a piece for *USA Today*, *National Review Online* Editor-at-large Jonah Goldberg suggested that the Supreme Court is no longer principally a legal institution, but that its "mission has been transformed" to where it now decides "not merely tough legal questions but the tough moral and political issues as well...." He's right about this, of course, but even he doesn't quite grasp the true importance of the court in modern liberal governance. For all intents and purposes, the courts in general and the Supreme Court specifically have become the means by which today's liberals "balance" inequities of American democracy, the place where the "right thinking" go to supercede the "popular" view with the "proper" view.

Among the foundations of modern liberalism is the belief that "the people" cannot necessarily be trusted and that they must therefore be "shepherded" in order to do the right thing. Of course, the Founding Fathers themselves understood that plebiscitary democracy has

significant flaws and that the passions of the masses must be tempered by republican institutions. But modern liberalism has an impatience and arrogance about this process that go well beyond what the Founders envisioned and serve essentially to subvert the will of people in the name of “progress.”

In order to understand the pervasiveness and enduring appeal of this conception of a liberal elite dedicated to compensating for the shortcomings of democratic political discourse – a “shepherd” class, if you will – one needs to go back at least to Woodrow Wilson, who was unquestionably one of the principal architects of 20th century American liberalism. Though Wilson is best known as the inspiration for liberal foreign policy and the patron of the League of Nations, he is also the father of American Public Administration and, as such, of the notion that the “science” of administration can and should be distinct from the hazards of politics.

Wilson and his contemporaries, most notably Frank Goodnow, were reformers, who were understandably concerned about the influence of corrupting political forces (think Jacksonian “spoils” and Tammany Hall) on the emerging science of administration. They believed that they could encourage progress and establish a better society simply by insulating the day-to-day, scientifically based function of government from politics. For much of the early part of the 20th century, the politics-administration dichotomy shaped by Wilson and Goodnow, with its purportedly neutral “professional” administrative class, stood as the ideal type in “reformed” American government. Simply put, this arrangement allowed administrators/bureaucrats to make administrative policy decisions efficiently and sensibly without the interference of coarse political concerns. And this, in turn, allowed the state to exert its will without “undue” concern for the “will of the people.”

Of course, there were drawbacks to this arrangement. For starters, it was, by its very definition, anti-democratic. More to the point, the politics-administration dichotomy was largely fictional in that the purportedly neutral bureaucracy, with its wholehearted belief in the infallibility of progressive

government administration, couldn’t help but favor statist policy prescriptions, thereby betraying its own political biases. Given these sizeable design flaws, by the middle of the last century, most students of American government had conceded that a firm wall between administration and politics was neither possible nor desirable, and the politics-administration dichotomy was replaced, both in theory and in practice, by the system that more or less exists to this day, a system which features a bureaucracy that remains purportedly neutral but which is, through the process of legislative oversight, politically accountable.

But while the liberals lost the battle to insulate the bureaucracy entirely from the influence of politics (and – gasp! – the influence of money in politics) they never gave up the dream of a decision-making elite that would be shielded from politics and would therefore be suited to advance progressive causes that might otherwise be resisted by the electorate. And this brings us back to the point of this discussion, namely the courts.

In the effort to establish an apolitical, progressive policy apparatus, the courts offered a more secure and potentially more effective means by which to circumvent the baser aspects of democratic governance. Indeed, in this pursuit, the courts held several advantages over the bureaucracy. First, because of the role that they played in the manifestly righteous moral endeavors of the 20th Century – namely the Civil Rights movement – the courts had won the trust and admiration of the American public as a seemingly undeniable force for good. Second, the courts’ position as an arm of government predominantly removed from the shabbiness of politics was enshrined in the constitution, as opposed to the writings of a few influential academics, and was therefore largely beyond question.

Over the second half of 20th Century, then, the liberals turned their attention to control of the courts and the establishment of a judiciary that could act in the shepherd’s role, directing American society toward progressive ends, even in the face of popular opposition. And that’s precisely what they got.

Now I am not a scholar of constitutional law, and even if I were, I don't think I could adequately address this subject in the time and space afforded in this essay. But it should suffice to say that it is virtually unquestioned – on both the left and the right – that the second half of the twentieth century was a period of dramatic change in the American judiciary and a time of considerable expansion of judicial powers. Beginning roughly in the 1930s, the Supreme Court and the courts in general, began taking a more aggressive role in the application of judicial review. And by the advent of the Warren Court in 1954, the courts had fully adopted the role of aggressive arbiters of the validity of majoritarian legislation.

This expanded role of the judiciary was, of course, hardly neutral. Like the greatly expanded administrative state before it, the newly emboldened judiciary sought to rectify the inadequacies of the legislative process, this time with an eye on the concept of “social justice.” Social justice that simply could not be achieved through democratic action had, in the eyes of the activist judiciary, to be achieved through the aggressive application of judicial review.

It's against this backdrop that the great legal debates of the last two decades have taken place. Conservatives, of course, have suggested that in expanding the role of the judiciary, liberals allowed the courts to usurp the powers that should, constitutionally speaking, have been reserved for the representatives of the people. Liberals, in turn, have countered that the representatives of the people are, on occasion, unable to arrive at the appropriate conclusion and that the courts must therefore continue to take an aggressive role in dictating policy outcomes.

Watching these debates – the Supreme Court hearings and the less exciting (if that's possible) day-to-day discussions of the federal judiciary – it's easy to see how conservative observers would come to the conclusion that the Democrats are doing little more than carrying water for the radical feminists and the rest of the far left who support absolutely unfettered abortion “rights.” As Mark Steyn put it, last week it

appeared that “the Democrats had five key concerns: abortion, warrantless wiretaps, abortion, abortion and abortion.” But the fact of the matter is that the Democrats' obsession with abortion transcends politics as usual.

A great number of the Democrats who most aggressively defend the right to abortion are at least nominally Catholics, and it is hard to believe that they would risk the wrath of their coreligionists, the antipathy of their religious leaders, and the very real threat of excommunication (not to mention of the loss of their immortal souls) simply to generate a few extra bucks from the feminist lobbies. The obsession becomes more understandable, however, when placed in the context of the greater role of the judiciary in organizing society.

Roe v. Wade is, in many ways, the ultimate application of judicial activism in the pursuit of social justice and the contravention of intransigent democratic sentiment. In deciding *Roe*, the Supreme Court asserted a broad interpretation of the right to privacy and in so doing invalidated extensive, purportedly-regressive state legislation. Democrats rightfully understand that the overwhelming majority of those who are opposed to the *Roe* decision are likely as well to be opposed to the very conception of the judiciary as the ultimate authority in the determination of the validity of democratically derived policy prescriptions. Or to put it more plainly, abortion does, indeed, serve as an appropriate litmus test for liberals, with a nominee's views on subject providing uncomplicated insight into his opinions regarding the role of the judiciary as societal “guardians.”

Of course, the proverbial fly in the ointment for liberals is that their conception of a politically impervious judiciary is flawed. Through the appointment process and the advise and consent function, politics plays a determinative role in the composition of the judiciary and thus of its predisposition to use judicial review as a means to achieve ideological ends. And therefore elections eventually matter.

Obviously, over the course of the last quarter century, Republican politics has been on the ascendance and Republicans have thus had a greater say in the composition of the judiciary. And this has threatened the liberals' notion of a judiciary that serves as the ultimate arbiter of social justice. As a consequence, beginning roughly with Robert Bork's nomination to the Supreme Court, liberals have understood that they have no choice but to pull out all the stops in the effort to defeat nominees whose conception of the role of the judiciary defies their own, even if that means departing from traditional norms with regard to the advise and consent role and resorting to all sorts of unfair and often times dishonest character assassination. Since Bork, Democrats have had little compunction about doing whatever it takes to derail "hostile" nominees. And this is precisely what we witnessed last week.

The irony in all of this is that the Democrats' fixation on the judiciary and on preventing the shift in political fortunes from affecting their conception of the judiciary's role has actually compounded their political woes and made it all the more likely that they will ultimately lose this battle. There is little question that the Democratic obsession with abortion has been devastating politically, exacerbating Democratic troubles in the South and ensuring the hostility to liberal governance of most of the ascendant religious communities. There is also little question that the Democrats' recently acknowledged plan, hatched immediately after George W. Bush's inauguration, to obstruct all efforts to appoint conservative judges has been similarly disastrous, contributing in no small part to the Republicans' significant gains in the Senate in the 2004 election and the ousting of the incumbent Senate Minority Leader, obstructionist in chief, Tom Daschle.

Given all of this, the Senate Democrats' performance last week was all the more inexplicable and all the more pathetic. The Democrats' desperation is

understandable, given what they believe the stakes in this debate to be. But their tactics are, to put it mildly, counterproductive. The sheer spectacle of Ted Kennedy, perhaps the Senate's most renowned moral degenerate, lecturing Samuel Alito on matters of ethics and values was surreal to say the least. At least it would make some sense if the Democrats were, in fact, merely pandering to their base. But they weren't. They were trying to make a broader political stand and ended up once again doing nothing but hurting their own cause.

With all of this in mind, it is appropriate, I believe, to begin to consider the future that the Democrats fear so much. Given that conservative judges tend to be conservative as much in temperament as in ideology, I suspect that the fears voiced by some of the more over-the-top left-wing advocacy groups that a conservative Supreme Court will simply reverse course and legislate conservative, as opposed to liberal, policy from the bench are greatly overblown. This is not to say that liberals have nothing to fear from a shift in the judiciary, but that that fear should center less on the inability of the left to stop the incorporation of conservative judges into the legal system and more on the inability of the left to connect with American people. For if conservative judges do as they have promised, and as the Democrats on the Judiciary Committee undoubtedly fear, they will undermine the judiciary's role as extra-political arbiters and gradually return that power to the states and, yes, to the people. Which means that all the Democrats have to fear is the people. Elections do, indeed, matter. And if liberals want to control the course of public policy, it appears that they will have to start winning those elections again, something they haven't had to do in many, many years.

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