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THEY SAID IT

With the decline of clerical power in the 18th century, a new kind of mentor emerged to fill the vacuum and capture the ear of society. The secular intellectual might be deist, sceptic or atheist. But he was just as ready as any pontiff or presbyter to tell mankind how to conduct its affairs. He proclaimed, from the start, a special devotion to the interests of humanity and an evangelical duty to advance them by his teaching. He brought to this self-appointed task a far more radical approach than his clerical predecessors. He felt himself bound by no corpus of revealed religion. The collective wisdom of the past, the legacy of tradition, the prescriptive codes of ancestral experience existed to be selectively followed or wholly rejected entirely as his own good sense might decide. For the first time in human history, and with growing confidence and audacity, men arose to assert that they could diagnose the ills of society and cure them with their own unaided intellects: more, that they could devise formulae whereby not merely the structure of society but the fundamental habits of human beings could be transformed for the better. Unlike their sacerdotal predecessors, they were not servants and interpreters of the gods but substitutes. Their hero was Prometheus, who stole the celestial fire and brought it to earth.

Paul Johnson, *Intellectuals*, 1988.

POWER, CLASS, AND THE NEW POLITICAL PARADIGM.

According to pollsters, the healthcare “reform” legislation passed this spring is widely and deeply hated. Indeed, Scott Rasmussen reported last week that 53% of all voters want it rescinded. He also noted that support for repeal has been as high as 63%, and that since the bill passed, it has never fallen below an absolute majority of Americans. All of which is to say that Americans really and truly dislike the legislation.

Given this, given the likelihood of large Republican gains in this year’s Congressional midterms, and given the fact that all potential GOP nominees for 2012 now outpoll President Obama in head-to-head match-ups, we can expect to see this legislation axed, or, at the very least, radically watered down. Right? With the soon-to-be-majority party and a large majority of Americans hankering to undo this disastrous mistake, it’s gonna happen. Isn’t it? Even if we have to wait until the 45th president is inaugurated on January 20, 2013?

Well . . . in a word . . . NO.

Repeal is not going to happen. It’s not going to happen now. It’s not going to happen next January, when the new Congress is sworn in. And it’s not going to happen when President Barack Obama is officially ex-President Barack Obama. It is simply not going to happen. Ever.

In this Issue

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Political Paradigm.

Democracy, Republicanism, and
the Constitution.

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Why is that, you ask? Well, for starters, there's the impracticality of it all. From a statist's perspective, that's the beauty of this plan, even if it doesn't get us all the way to single-payer. By creating a new, government-dependent model, you necessarily destroy whatever was left of the old, market-driven model. And once markets are destroyed and replaced by government entities, it's almost impossible to remove those government entities and rebuild the markets. Exceptionally complicated logistics notwithstanding, who in his right mind, after all, is going to invest in a business model that was just destroyed by the government and that can – and maybe *will* – be destroyed again by the government, upon the next swing of the partisan pendulum?

But an even a bigger and more difficult obstacle to repeal will be the Republican Party itself. Don't believe us? Just watch.

The problem with the national-level politicians in the Republican Party – or at least the biggest problem – is that they are politicians, which is to say that they like power as much as the next guy and are unlikely to do anything that will compel them to give that power away. Ideology? Who cares. Principles? Never heard of 'em. When it comes to power, all the rest goes right out the door. Just ask Newt. Sure, he got rid of the House Barber Shop. But did he get rid of anything else? Anything at all?

If you don't want to ask Newt, ask Barack Obama. This is a guy, remember, who was the darling of the left throughout the campaign. He promised to shutter Gitmo. He promised to end renditions. He promised to end the warrantless wiretap programs. He promised to end the secrecy surrounding the interrogations, trials, and punishments of enemy combatants. He promised to end the assassination-bombings of suspected al Qaeda and Taliban fighters in Pakistan. He promised . . . well, a great many things, all of which have been relegated to the dust bin of history. And the reason he hasn't honored his promises? It's because he doesn't want to. He may have wanted to at one point, but not now. Now, he's the guy with the drones and the wiretaps; the guy with

the financial community's gonads in a vice, right next to those of the oil producers and the docs. He's the guy with the power. And he kinda digs it.

And guess what. The Republicans will feel the same way when they regain a Congressional majority and/or the White House. Then, they will have the power. And they will dig it too. You see, governmental power is ratcheted. It moves in only one direction. No party ever gives up power. Ever. And the Republicans are no exception. Their conceit will be that they can use it more efficiently and for a better cause.

As such, the great outstanding question about the future of America in the wake of the Obama administration's great expansion of government power is not whether this power will be voluntarily returned to the people, but to what purpose the post-Obama presidents will use it.

In order for this to make sense, you have to believe at least a couple of things. The first of these is that the point of government in the administrative state is to accumulate power for government, which is to say that the massive incursions that the Obama administration has made into the various components of the private sector are not about improving these sectors for the benefit of all Americans, but about controlling them for the benefit of the power brokers. Controlling you, your behavior, your "lifestyle," and your consumption of commodities such as health services. This is an argument we've made in these pages countless times, most recently in a March 23 piece titled "Shall These Dead Have Died in Vain?" To wit:

We have written a great deal over the last several months about the fact that "health care reform" is about much more than health care. It is about government control of every aspect of our lives. It is about changing the relationship between the citizen and the state. It is, in short, about the evolution from the nanny state to what political commentator Patrick Basham correctly calls the "bully state."

We won't bore you today with a reiteration of these arguments. It should suffice, for our purposes, to note that those of you who are unhappy with the government telling you what to eat, what not to eat, when to sleep, how much to sleep, when and how much to exercise, how much to drink, and so on, should make your peace with this sort of government meddling. It is all but certain to get much, much worse. After all, when the state has a direct financial stake in your well being, it has all the motivation it needs to tell you how best to maintain that well being. And after yesterday, it has the power to do so.

Second you have to understand that this accumulation of power is not necessarily a partisan pursuit. The expansion of government and the advancement of the administrative state – an administrative state that is hostile to liberty and dismissive of the will of the people, by the way – has been a Republican pursuit almost as much as it has been a Democratic one.

When the politicians and pundits on the left insist that the Tea Party supporters are racists and hypocrites because they target the black Democratic president for doing what the white Republican president did as well, they have a point. Not about the racism or the hypocrisy, mind you. But about elected Republicans and their penchant for augmenting the administrative state. Or, as we put it that March 23 piece:

So the Republicans are guilty of ignoring the will of the people and enacting their will over the objections of their opponents as well as their constituents . . . If we're expected to say that this therefore makes the Republicans guilty of advancing the destruction of constitutional governance also, then we'll say it: this therefore makes the Republicans guilty of advancing the destruction of constitutional governance. This isn't news.

For at least a decade now, the Republican Party has been just as responsible as the Democratic Party for promoting the will of the state over the will of the people. George Bush spent like the proverbial drunken sailor; he passed the largest expansion of the welfare state since Johnson. Tom DeLay twisted (and maybe even broke) a few arms to get his way on legislation that massively expanded the size and scope of government.

The Republicans are anything but innocent here. They may have expanded the state and imperiled freedom less dramatically than the Democrats just did, but they still played along and they still did their bit.

What the Democrats and liberal media types don't understand is that most rank-and-file Republicans supported George W. Bush *in spite of* his economic policies, not *because of* them. If the left had had the ability to present itself as being even halfway serious about national security matters, Bush's support would have cratered much sooner and even more dramatically than it did.

The fact of the matter is that a Democratic Party that would, while the country was engaged in two wars, nominate for president the consummate national security opportunist and wannabe anti-warrior, is a party that could not be trusted to run those two wars. Most Republicans and most of those who now protest the administrative state under the banner of the Tea Party understood that. And they held their noses and voted for the tax-cut-and-spend Republican because he was, if nothing else, a far better choice than the cut-and-run Democrat.

None of that means that we need harbor any illusions about who and what the Republican Party in Washington is. It is the party of power, the party of big business, the party of government-business collusion, the party of rent extraction, the party of the bureaucracy, which knows best how your life should

be led and that you are ill-equipped to come to the proper conclusions if left to your own devices. It may be mildly less enthusiastic about all of things than is the Democratic Party. But these differences are, in the grand scheme of things, by and large, inconsequential.

When the history of this era is written, it is, in our opinion, a virtual certainty that the popular revulsion at the current state of political discourse will, in retrospect, appear not merely perfectly obvious, but deep-seated and broadly felt as well. This, despite the fact that those who demonstrate and articulate this revulsion are treated by the education-media-political establishment as fringe elements, merely lashing out at those whom they don't like, don't understand, and desperately fear.

We also believe that it is quite possible that historians will recognize that the *cri de couer* that helped provoke the decisive reaction to this revulsion was delivered by our old friend Angelo Codevilla, a professor emeritus of foreign relations at Boston University and one of the wisest and most deeply insightful men we've ever met. Codevilla's cry, a piece entitled "America's Ruling Class – And the Perils of Revolution" and appearing in the July-August edition of the *American Spectator*, has been the cause for a great deal of discussion among some of the brightest and most influential conservatives in the media and the alternative media over the last several days. Among other things, Codevilla describes, in characteristically trenchant prose, the Republican complicity in the advance of statism:

In fact Republican and Democratic office holders and their retinues show a similar presumption to dominate and fewer differences in tastes, habits, opinions, and sources of income among one another than between both and the rest of the country. They think, look, and act as a class.

Although after the election of 2008 most Republican office holders argued against the Troubled Asset Relief

Program, against the subsequent bailouts of the auto industry, against the several "stimulus" bills and further summary expansions of government power to benefit clients of government at the expense of ordinary citizens, the American people had every reason to believe that many Republican politicians were doing so simply by the logic of partisan opposition. After all, Republicans had been happy enough to approve of similar things under Republican administrations. Differences between Bushes, Clintons, and Obamas are of degree, not kind. Moreover, 2009-10 establishment Republicans sought only to modify the government's agenda while showing eagerness to join the Democrats in new grand schemes, if only they were allowed to. Sen. Orrin Hatch continued dreaming of being Ted Kennedy, while Lindsey Graham set aside what is true or false about "global warming" for the sake of getting on the right side of history. No prominent Republican challenged the ruling class's continued claim of superior insight, nor its denigration of the American people as irritable children who must learn their place. The Republican Party did not disparage the ruling class, because most of its officials are or would like to be part of it.

Never has there been so little diversity within America's upper crust. Always, in America as elsewhere, some people have been wealthier and more powerful than others. But until our own time America's upper crust was a mixture of people who had gained prominence in a variety of ways, who drew their money and status from different sources and were not predictably of one mind on any given matter. The Boston Brahmins, the New York financiers, the land barons

of California, Texas, and Florida, the industrialists of Pittsburgh, the Southern aristocracy, and the hardscrabble politicians who made it big in Chicago or Memphis had little contact with one another. Few had much contact with government, and “bureaucrat” was a dirty word for all. So was “social engineering.” Nor had the schools and universities that formed yesterday’s upper crust imposed a single orthodoxy about the origins of man, about American history, and about how America should be governed. All that has changed.

Today’s ruling class, from Boston to San Diego, was formed by an educational system that exposed them to the same ideas and gave them remarkably uniform guidance, as well as tastes and habits. These amount to a social canon of judgments about good and evil, complete with secular sacred history, sins (against minorities and the environment), and saints. Using the right words and avoiding the wrong ones when referring to such matters -- speaking the “in” language -- serves as a badge of identity. Regardless of what business or profession they are in, their road up included government channels and government money because, as government has grown, its boundary with the rest of American life has become indistinct. Many began their careers in government and leveraged their way into the private sector. Some, e.g., Secretary of the Treasury Timothy Geithner, never held a non-government job. Hence whether formally in government, out of it, or halfway, America’s ruling class speaks the language and has the tastes, habits, and tools of bureaucrats. It rules uneasily over the majority of Americans not oriented to government.

The two classes have less in common culturally, dislike each other more, and embody ways of life more different from one another than did the 19th century’s Northerners and Southerners -- nearly all of whom, as Lincoln reminded them, “prayed to the same God.” By contrast, while most Americans pray to the God “who created and doth sustain us,” our ruling class prays to itself as “saviors of the planet” and improvers of humanity. Our classes’ clash is over “whose country” America is, over what way of life will prevail, over who is to defer to whom about what. The gravity of such divisions points us, as it did Lincoln, to Mark’s Gospel: “if a house be divided against itself, that house cannot stand.”

Now, what Codevilla is describing here, and what we have been trying, less eloquently and less successfully, to describe over the last several months is the emergence of our long-awaited “new political paradigm,” replacing the old, Cold War-era paradigms with a new one, essentially the clash between what Codevilla calls the “ruling class” and the “country class.” Long-time readers know that we predicted this new paradigm well over a decade ago and have been trying ever since to make out and explain its dimensions. The ongoing extension of the administrative state and the irremediable slide toward bureaucratic statism have always been vital components of our analysis, and now, along with Codevilla, we are seeing far more unmistakably the outlines of the battlefield on which the future social, political, and cultural conflicts will be fought.

The full-blown emergence of this paradigm indicates to us several things, some of which are uncomfortable, some of which portend suffering and misfortune, and all of which suggest dramatic changes in the political landscape over the next several years.

We will, as is our wont, give you our take on these changes and shifts over the next several months and years (commission votes permitting) as we learn more

about the specifics of the conflict and the arsenals that both sides will employ. For the time being, though, we think that it's pretty clear that one monumental development that this new paradigm heralds is what we will call the "Great Atomization" of the country.

As the federal government continues to grow and to expand its reach, the states and local communities that disagree with the feds' purpose, principles, and methods, will begin to move inexorably away from blind adherence to the will of the ruling class. And they will use the Constitution as their justification. Federal mandates for this, for that, and for the other thing will, in the not too distant future, rankle enough members of the "country class" to move them to action under the principle that the federal government has radically and treacherously overstepped its constitutional bounds.

The immediate outcome of the on-going fed-state clash will likely depend on how much of the federal judiciary still believes in the Constitution, a sense of which we will get when the courts rule on the "Commerce Clause" justification for the individual mandate in the health care bill.

Ultimately, though, we suspect that atomization process will be the result of the federal government's profligacy and eventual fiscal straightjacket. The government will, someday, run out of other people's money to spend, which will help to cut the tie that binds states and municipalities to their federal patrons.

Obviously, we have no idea how any of this will proceed, whether it will be peaceful, amicable, and clean or violent, contentious, and messy. We hope it's the former, but worry it may be the latter.

In any case, change is coming. And it's not the kind that Barack Obama promised.

DEMOCRACY, REPUBLICANISM, AND THE CONSTITUTION.

As we argue in the above piece; as we have argued in more pieces than we can count over the last decade or so; as several others have argued as well, including, as we note above, our old friend Angelo Codevilla: one of the greatest and most important political stories of the late twentieth and early twenty-first centuries is the transformation of the United States from a modest democratic republic to a harsh and manipulative oligarchy.

Whatever the oligarchs are called – the ruling class, the elites, the bureaucracy, the New Jacobins, the Guardians, progressives, corporatists – the story is essentially the same: a small group of men and women have elevated themselves above the masses and held themselves up as the nation's moral and intellectual superiors. This caste purports to know what is best for the nation, for the world, and for the people themselves, and it imposes its will upon those people, always "for their own good." This is, to put it mildly, an appalling perversion of the Founding Father's conception of a republic.

At the same time, we remain constantly aware of the dangers of true democracy, against which the Founders sought to protect their fledgling nation and so endowed it with a republican character. From Plato to Tocqueville to Santayana, the greatest minds of Western civilization have warned of rule by the masses, that which Santayana described as "a vulgar, anonymous tyranny."

Even John Stuart Mill, an icon of modern liberalism wondered: "Is it, at all times and places, good for mankind to be under an absolute authority of the majority of themselves? Is it, we say, the proper condition of man, in all ages and nations, to be under the despotism of Public Opinion?" By the same accord, Russell Kirk, an icon of modern conservatism warned that "the ordinary citizen does not automatically distinguish false propaganda for what it is," and that this:

ought to be evident to anyone who knows the course of events in modern Germany or Italy. The march of events between the two World Wars convinced thinking men that it is quite possible (and, under certain conditions, probable) that falsehood, rather than truth, may triumph popularly in the market-place of ideas. Nations with a literacy almost complete and a long tradition of self government were brought to ruin by clever propaganda.

In its February, 2009 “Lexington” column, *The Economist* laid out the case against mass democracy as it has been practiced in the United States, contra the wishes of the Founders, detailing the mess created in California after the success of that state’s famous 1978 tax-revolt-inducing Proposition 13. To wit:

That launched an entire industry of signature-gatherers and marketing strategists that now puts an average of ten initiatives a year on the ballot, as Mark Baldassare, the boss of the non-partisan Public Policy Institute of California, has calculated. In 2003 direct democracy reached a new zenith—or nadir, some might say—when Californians “recalled” their elected and sitting governor, Gray Davis, and replaced him with Mr Schwarzenegger.

The minority of eligible Californians who vote not only send extremists to Sacramento, but also circumscribe what those representatives can do by deciding many policies directly. It is the voters who decide, for instance, to limit legislators’ terms in office, to mandate prison terms for criminals, to withdraw benefits from undocumented immigrants, to spend money on trains or sewers, or to let Indian tribes run casinos.

Through such “ballot-box budgeting”, a large share of the state’s revenues is spoken for before budget negotiations even begin. “The voters get mad when they vote to spend a ton of money and the legislature can’t then find the money,” says Jean Ross of the California Budget Project, a research outfit in Sacramento. Indeed, voters being mad is the one constant; the only proposition that appears certain to pass on May 19th would punish legislators with pay freezes in budget-deficit years.

More than half of the initiatives don’t pass, and some that do are sensible. But much of the system has been perverted into the opposite of what Hiram Johnson intended. It is not ordinary citizens but rich tycoons from Hollywood or Silicon Valley, or special interests such as unions for prison guards, teachers or nurses, that bankroll most initiatives onto the ballots.

Then comes a barrage of television commercials, junk mail and robo-calls that leave no Californian home unmolested and the great majority confused. Propositions tend to be badly worded, with double negatives that leave some voters thinking they voted for something when they really voted against. One eloquent English teacher in Los Angeles recently called a radio show complaining that, after extensive study, she could not understand the ballot measures on grounds of syntax.

Now, whether or not one agrees entirely with *The Economist* about referenda and their purportedly deleterious effects, or even with Tocqueville, Mill, and Santayana, there is no question that pure democracy is a potentially dangerous system, given its submission to the masses and given the masses’ at least occasional submission to panic, emotion, and anger.

All of this, though, leaves us with something of a conundrum. Mass democracy, as the Founders on down have noted, is an intolerable form of government. But at the same time, “republican” government, as we have come to know it, is intolerable as well, as we and others have argued (in today’s first piece, nonetheless), because of the insistence by the “ruling class” that it is better, smarter, and “more equal” than the mere “people” over whom it is obliged to rule. So what to do?

Now, one could write a book on the subject of what to do. And we suspect that some have and many will. It seems to us, though, that the key to understanding how this will play out (as opposed to how it *should* play out) is an understanding of the Founders’ will and of the ruling class’s amenability to that will.

The Founders, in their wisdom, endowed this new nation with the institutions necessary for republican governance. By rejecting a monarchy and creating a system of institutional checks and balances, the Founders sought to insulate their nation from the depredations of a permanent and resolute ruling class. The rights enumerated in the Constitution and the source of those rights, as described in the Declaration, were all expressly and painstakingly detailed because the Founders both believed them deeply and understood them to be the key to avoiding the devolution of consensual government into despotism and tyranny.

It should therefore come as no surprise that the ruling class, for more than a century now, has sought to undermine the rights and protections guaranteed by the Constitution. Those guarantees, of course, limit the ruling class’s ability to bend the people to their will. And thus they must be eliminated, or at least emasculated to the point of irrelevance.

There is a reason, for example, that the founder of American public administration and the patron saint of the progressive movement, Woodrow Wilson, referred to the Constitution as “political witchcraft.” There is a reason as well that Wilson explicitly rejected the preamble to the Declaration of Independence, insisting

that “if you want to understand the real Declaration of Independence, do not repeat the preface.” For the record, that preface begins:

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.

There is a reason as well, that, long before he was a candidate for the Presidency, or even for the U.S. Senate, Barack Obama derided the Constitution as a mere collection of “negative rights,” that was inadequate to modern governance and the needs and wants of a modern people. There is a reason, for example, that Obama lamented the fact that the Warren Court, for all its liberal goodness, failed to “break free from the essential constraints” of the Constitution.

The most critical battlefield on which this war on the Constitution has been waged, of course, is among the judiciary. Judicial “activism” as we understand the term is the dedication on the part of certain jurists to substitute their own conception of the Constitution for that of the Founders and thereby to alter the nature of the rights and institutions established in that document.

Last week, *The Wall Street Journal’s* James Taranto, in a discussion about presumptive Supreme Court Justice Elena Kagan, noted that the left’s judicial heroes have always been cynical about the Constitution and its guarantees. Specifically, he noted that “there has been no more effective or enthusiastic practitioner of judicial activism than William Brennan. His judicial philosophy was one that reduced the role of a judge to that of a politician.” He then relayed a story told by Adam Winkler, a constitutional law professor at UCLA, which goes as follows:

Brennan used to ask his new law clerks what the most important rule in constitutional law was. They would ponder the question and respond,

“freedom of speech,” “separation [of] church and state,” or “separation of powers.” No, Brennan would respond with a wry smile. And then he would hold out one hand with his fingers outstretched. “Five,” he would say. A justice needs five votes to make a majority on the nine-member court. With five votes, a justice could do anything.

What we have, then, on the one hand, is a Constitution that was designed specifically to protect the people against both rule by the masses and rule by a power-driven oligarchy; and on the other, is a power-driven oligarchy hell-bent on undermining the Constitution and establishing rule by their own predilections and whims.

What we also have, as detailed in the piece above, is a country that is growing increasingly restless at the arbitrary and punishing rule of said oligarchs and is therefore likely to look for ways to reassert its Constitutional protections and rights. The legitimacy of the federal government itself is at stake here, and the nation will, we believe, continue to push back against what it sees as the illegitimate expansion of that government.

Not to repeat ourselves, but the inevitable conclusion here is that this will lead, in time, to the atomization of the country – or to put it in terms specific to this piece, the reassertion of state’s rights under the federal arrangement detailed in the Constitution. The battle over the legality and the equity of this atomization will be waged, in all certainty, in the courts and specifically the Supreme Court of the United States, which is to say that confirmation battles are likely to grow more, as opposed to less, contentious over the next several years.

There is, as the lawyers who run the Powerline blog have noted, a “dangerous disaffection” rising in the United States today, pitting “the country” against Washington. The ultimate disposition of that disaffection will all but certainly depend on the ability of Founders’ magnum opus, the Constitution, to withstand the onslaught directed against it. In the meantime, be wary of any projections – economic or otherwise – that are based on the premise that the future is going to resemble the past.

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