

June 3, 2013

Because he knows London so well, Theodore Dalrymple provides needed background on the attack in Woolwich.

A witness to the brutal hacking death of a British soldier, Lee Rigby, a few hundred yards from his barracks in London, had the presence of mind to record the explanatory statement of one of the perpetrators, Michael Adebolajo, on his phone immediately after the crime. What Adebolajo said—his hand bloody from the attack and still holding the meat cleaver with which he carried it out—was revealing, as were his manner and body language. Together, they showed him to be the product of the utterly charmless, aggressive, and crude street culture of the less favored parts of London. The intonation of his speech was pure South London, as was the resentful tone of thwarted entitlement and its consequent self-righteousness. His every gesture was pure South London; the predatory lope with which he crossed the road after speaking into the camera was pure South London.

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Charles Krauthammer takes on Dear Follower's Dorothy Doctrine.

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Okay. Let's accept the dubious proposition that the Yemeni prisoners could be sent home without coming back to fight us. And that others could be convicted in court and put in U.S. prisons.

Now the rub. Obama openly admits that "even after we take these steps, one issue will remain — just how to deal with those Gitmo detainees who we know have participated in dangerous plots or attacks but who cannot be prosecuted."

Well, yes. That's always been the problem with Gitmo. It's not a question of geography. The issue is indefinite detention — whether at Gitmo, a Colorado supermax or St. Helena.

Can't try 'em, can't release 'em. Having posed the central question, what is Obama's answer? "I am confident that this legacy problem can be resolved."

That's it! I kid you not. He's had four-plus years to think this one through — and he openly admits he's got no answer.

Because there is none. Hence the need for Gitmo. Other wars end, at which point prisoners are repatriated. But in this war, the other side has no intention of surrender or armistice. They will fight until the caliphate is established or until jihadism is as utterly defeated as fascism and communism. That's the reason — the only reason — for the detention conundrum. There is no solution to indefinite detention when the detainees are committed to indefinite war.

Obama's fantasies are twinned. He can no more wish away the detention than he can the war.

We were defenseless on 9/11 because, despite Osama bin Laden's open written declaration of war in 1996, we pretended for years that no war against us had even begun. Obama would return us to pre-9/11 defenselessness — casting Islamist terror as a law-enforcement issue and removing the legal basis for treating it as armed conflict — by pretending that the war is over.

It's enough to make you weep.

Pajamas Media asks if Thomas Perez will again try to maneuver around a definitive ruling by the Supreme Court.

One of the administration's favorite legal theories, "disparate impact," may get taken up again by the Supreme Court. Will the administration try to engineer some kind of payoff to take the issue away from the Court — again?

In June 2012, the town of Mount Holly, N.J., petitioned the Supreme Court to review the legitimacy of racial discrimination claims premised solely on a disparate impact theory under the Fair Housing Act. Under this theory, a policy — such as requiring high credit scores for loans — can be completely neutral, but if it yields a disparate impact on a particular racial or gender group, an institution using that policy can be held liable for discrimination. In other words, an entity can be found to have discriminated even if it didn't actually intend to discriminate.

Thomas Perez, the assistant attorney general for Civil Rights at the Justice Department and President Obama's nominee to be Labor secretary, has used disparate impact to extort huge settlements from the financial industry under the Fair Housing Act (FHA).

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In other words, they were using the FHA to obstruct the city's attempt to improve the horrible living conditions of poor families. ...

Bart Hinkle of the Richmond Times-Dispatch wonders why a constitutional law professor is so dismissive of the document.

... If the IRS' treatment of tea party groups were an isolated story, you could swallow the explanation that a few low-level bureaucrats went rogue. But that account does not explain why the EPA has been far more generous to freedom-of-information requests from liberal groups than from conservatives. Or why, shortly after the Obama campaign slimed Romney supporter Frank VanderSloot as a disreputable fellow, he was audited three times — twice by the IRS and once by the Labor Department. Or why, after Texas resident Catherine Engelbrecht started a tea party group, she received scrutiny not just from the IRS but also from the FBI. And OSHA. And, just for good measure, the ATF. Or why the IRS took 17 months to respond to an initial tax-exempt status application from the conservative Wyoming Policy Institute. Or why it shared confidential files from conservative groups with the liberal ProPublica. Or why ...

Enough on the First Amendment. The president also has tried with considerable vigor to undermine the Second, and has succeeded in subverting the Fourth: Under Obama, who has gone to court to defend warrantless wiretaps he once condemned, warrantless "pen register" and "trap-and-trace" monitoring has soared to unprecedented heights.

In 2011, the president signed a reauthorization of the Patriot Act with just one regret: Congress approved an extension of only one year, while Obama wanted three. He signed into law a defense reauthorization bill allowing the indefinite detention, without charge, of American citizens, thereby gutting the principle of habeas corpus. Granted, he issued an executive order promising not to exercise that power. But the order does not constrain future presidents or, technically, even him.

From a civil-liberties perspective, Obama has carried forward nearly every one of the war on terror powers that led liberals to denounce George W. Bush as a goose-stepping fascist, and in fact has made many of them worse. When he retires from public life, perhaps he will return to teaching the Constitution. That should be much easier work — given how little of it there will be left.

It is not like this was unforeseen. We have here a October 2008 column by **Mark Tapscott** suggesting obama would try for a Caracas on the Potomac.

Democratic presidential nominee Barack Obama gave us another preview this week of how he will deal with critics if he is elected to the White House when he kicked three newspapers that endorsed John McCain off of his press plane. Merely terminating access, however, is likely to look tame compared to what Obama has in store for his critics after he takes the oath of office.

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There were multiple signs before The Washington Times, New York Post and Dallas Morning News got the boot. Hugo Chavez has long used mob intimidation to pressure opposition forces into submission. Obama has made a limited use of the same tactic, as when National Review's Stanley Kurtz began some potentially damaging reporting about the Democratic nominee's long relationship with unrepentant Weather Underground terrorist bombers William Ayers and wife Bernadine Dohrn.

In retaliation, the Obama campaign issued a call-to-censor alert to its supporters, especially against Milt Rosenberg, a long-time and highly respected Chicago radio host who invited Kurtz to discuss his reporting on air. The Obama campaign declined to provide an official to share the program and rebut Kurtz. Instead, hundreds of callers did what they were instructed to do by the Obama campaign - they jammed the station's phone lines with protest calls demanding that Kurtz be silenced and accusing the show's host of lowering journalism standards.

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City Journal

[Thoughts on Woolwich](#)

Lee Rigby's murder tells us as much about contemporary society as it does about radical Islam.

by Theodore Dalrymple

A witness to the brutal hacking death of a British soldier, Lee Rigby, a few hundred yards from his barracks in London, had the presence of mind to record the explanatory statement of one of the perpetrators, Michael Adebolajo, on his phone immediately after the crime. What Adebolajo said—his hand bloody from the attack and still holding the meat cleaver with which he carried it out—was revealing, as were his manner and body language. Together, they showed him to be the product of the utterly charmless, aggressive, and crude street culture of the less favored parts of London. The intonation of his speech was pure South London, as was the resentful tone of thwarted entitlement and its consequent self-righteousness. His every gesture was pure South London; the predatory lope with which he crossed the road after speaking into the camera was pure South London.

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It is not true that the society in which he lived offered him no opportunity for personal betterment. Adebolajo was for a time a student at Greenwich University, graduation from which, whatever the real value of the education it offered him, would have improved his chances in the job market, especially in the public sector. But it was at the university that he encountered radical Islam, that ideology that simultaneously succors people with an existential grudge against the world and flatters their inflated and inflamed self-importance. It also successfully

squares the adolescent circle: the need both to conform to a peer group and to rebel against society.

In his statement, Adebolajo apologized that women “had to see this.” I doubt that feminists will protest too much at Adebolajo’s condescending view that women should be spared sights of a man being hacked to death: why should women, but not men, be spared it? (As it happens, women on the scene behaved with conspicuous gallantry, and ironically, it was eventually a policewoman who shot him, not fatally.) The turn of phrase, “had to see,” was telling, considering that Adebolajo spoke English perfectly. His wording could not be the result of a faulty command of the language. By saying that women “had to see this,” he distanced himself from the obvious fact that they saw it because he did it, and that he did it because he *decided* to do it. He made it sound as if what they saw were a natural disaster, rather than a voluntary act that he performed.

He went on to say, in self-justification, that “our women” have to see these things every day, and that “you people” will never be safe while the government pursues its present policies. “Our women” and “you people”: these expressions are both revealing and chilling. By “our” he meant all Muslims, though he was neither born a Muslim nor had ever lived in a Muslim country, and probably believed that no Muslim had ever so much as laid a finger on another. By “you” he meant the inhabitants of the country in which he had grown up and spent his life. If ever there was an adolescent identity crisis turned pathological, this was it: Adebolajo felt that he was more morally responsible to abstract millions than to the people by whom he was actually surrounded. Alienation could go no further. And needless to say, it was accompanied by a grandiosity that would have been absurd but for its ultimate effect.

The story of the second suspect, six years younger than Adebolajo, was also instructive, though in a slightly different way. Michael Adebowale was also the son of Christian Nigerian immigrants. At 16, he was smoking crack in a crack house with two friends. A white psychopath and drug addict named Lee James, aged 32, entered, looking for drugs and probably planning to steal them from others. In a state of drug-induced psychosis, James accused Adebowale and his friends of being members of al-Qaida. He shouted, “You fucking Somalis, you want to ruin my country, you want to blow up my country, you want to sell drugs in my country!” He stabbed Adebowale in the hand and shoulder, stabbed one of his friends in the neck so violently that he fractured one of his vertebrae, and killed a third, Faridon Alizada, son of a refugee from Afghanistan who had come to Britain for safety. On recovering from his injuries, Adebowale abandoned the criminal youth gang of which he and his two friends were members, and converted to Islam.

James had a long history of criminal violence, the last such offense being an assault of someone with a claw hammer. In any sensible jurisdiction that took such acts seriously, he would almost certainly have been in prison for so long that he would not have had the opportunity to continue to take crack, kill Alizada, and wound Adebowale. It is impossible to know, of course, what the chain of events would have been if James had been properly incapacitated in prison, but they might well have been different, at least for Adebowale.

What these cases show is that it is not Islam that makes young converts violent; it is the violence within them that causes them to convert to Islam. The religion, in its most bloodthirsty form, supplies all their psychological needs and channels their anger into a supposedly higher purpose. It gives them moral license to act upon their rage; for, like many in our society, they do not realize that anger is not self-justifying, that one is not necessarily right because one is angry,

and that in any case even justified anger does not entail a license to act violently. The hacking to death of Lee Rigby on a street in Woolwich tells us as much about the society that we have created, or allowed to develop, as it does about radical Islam preached by fat, middle-aged clerics.

Theodore Dalrymple is a contributing editor of City Journal and the Dietrich Weismann Fellow at the Manhattan Institute.

Washington Post

Obama's Dorothy Doctrine

by Charles Krauthammer

"This war, like all wars, must end. That's what history advises .□.□."

— Barack Obama, May 23

Nice thought. But much as Obama would like to close his eyes, click his heels three times and declare the war on terror over, war is a two-way street.

That's what history advises: Two sides to fight it, two to end it. [By surrender](#) (World War II), by armistice (Korea and Vietnam) or when [the enemy simply disappears](#) from the field (the Cold War).

[Obama says enough is enough](#). He doesn't want us on "[a perpetual wartime footing](#)." Well, the Cold War lasted 45 years. The war on terror, 12 so far. By Obama's calculus, we should have declared the Cold War over in 1958 and left Western Europe, our Pacific allies, the entire free world to fend for itself — and consigned Eastern Europe to endless darkness.

John F. Kennedy summoned the nation to bear the burdens of the long twilight struggle. [Obama, agonizing publicly](#) about the awful burdens of command — his command, which he twice sought in election — wants out. For him and for us.

He doesn't just want to revise and update the [September 2001 Authorization for Use of Military Force](#), which many conservatives have called for. He wants to repeal it.

He admits that the AUMF establishes the basis both in domestic and international law to conduct crucial defensive operations, such as drone strikes. Why, then, abolish the authority to do what we sometimes need to do?

Because that will make the war go away? Persuade our enemies to retire to their caves? Stop the spread of jihadism?

This is John Lennon, bumper-sticker foreign policy — Imagine World Peace. Obama pretends that the tide of war is receding. But it's demonstrably not. It's [metastasizing to Mali](#), to the Algerian desert, to the North African states falling under the Muslim Brotherhood, [to Yemen](#), to the savage civil war in Syria, now spilling over into Lebanon and destabilizing Jordan. [Even Sinai](#), tranquil for 35 years, is descending into chaos.

It's not war that's receding. It's America. Under Obama. And it is precisely in the power vacuum left behind that war is rising. [Obama declares Assad must go](#). The same wish-as-policy fecklessness from our bystander president. Two years — and 70,000 dead — later, Obama keeps repeating the wish even as [the tide of battle is altered](#) by the new arbiters of Syria's future — [Iran, Hezbollah and Russia](#). Where does every party to the Syrian conflict go on bended knee? To Moscow, as Washington recedes into irrelevance.

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Okay. Let's accept the dubious proposition that the [Yemeni prisoners could be sent home](#) without coming back to fight us. And that others could be convicted in court and put in U.S. prisons.

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Can't try 'em, can't release 'em. Having posed the central question, [what is Obama's answer?](#) "I am confident that this legacy problem can be resolved."

That's it! I kid you not. He's had four-plus years to think this one through — and he openly admits he's got no answer.

Because there is none. Hence the need for Gitmo. Other wars end, at which point prisoners are repatriated. But in this war, the other side has no intention of surrender or armistice. They will fight until the caliphate is established or until jihadism is as utterly defeated as fascism and communism. That's the reason — the only reason — for the detention conundrum. There is no solution to indefinite detention when the detainees are committed to indefinite war.

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Pajamas Media

[More Justice Department Chicanery: Thomas Perez and 'Disparate Impact'](#)

The cabinet nominee fought to keep the Supreme Court from reviewing his preferred extortion technique.

by Hans von Spakovsky

One of the administration's favorite legal theories, "disparate impact," may get taken up again by the Supreme Court. Will the administration try to engineer some kind of payoff to take the issue away from the Court — again?

In June 2012, the town of Mount Holly, N.J., petitioned the Supreme Court to review the legitimacy of racial discrimination claims premised solely on a disparate impact theory under the Fair Housing Act. Under this theory, a policy — such as requiring high credit scores for loans — can be completely neutral, but if it yields a disparate impact on a particular racial or gender group, an institution using that policy can be held liable for discrimination. In other words, an entity can be found to have discriminated even if it didn't actually intend to discriminate.

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Here, Mount Holly is alleged to have discriminated simply because it wanted to redevelop and rebuild a rundown housing development in a high-crime area where almost half the residents are black. Thus, the rebuilding plan would have had a statistically larger impact on black residents than white residents.

The issue of whether a mere disparate impact claim violates the FHA, or whether the more rigorous standard of *intentional* discrimination is required was before the Supreme Court last year. In that case, *Magner v. Gallagher*, the city of St. Paul, MN, was accused of violating the FHA because it aggressively enforced the health and safety provisions of its housing code. Slumlords sued the city, claiming that enforcement had a disparate impact because the majority of their tenants were racial minorities.

In other words, they were using the FHA to obstruct the city's attempt to improve the horrible living conditions of poor families.

Thomas Perez concocted a *quid pro quo* deal to have the *Magner* case dismissed — even though the U.S. was not a party in the case. At the time, the federal government was considering intervening in a separate False Claims Act case worth almost \$200 million against St. Paul. The city had received tens of millions of dollars from the federal government based on what career attorneys within the Justice Department called a "particularly egregious example of false certifications" by the city.

Perez told St. Paul that the Justice Department would stay out of the False Claims Act case if the city withdrew the *Magner* case that the Supreme Court had agreed to hear. The city jumped at the deal.

A report from the House Oversight and Government Reform Committee later concluded that Perez "sought, facilitated, and consummated this deal because he feared that the Court would find disparate impact unsupported by the text of the Fair Housing Act." According to the same report, Perez also attempted to hide both the deal and his involvement in it.

He even called a key lawyer in the U.S. Attorney's Office in Minnesota and told him to make sure there wasn't "any mention of the *Magner* case" in the False Claims Act case files.

Fast forward to the new claim involving Mount Holly: although the U.S. is, again, not a party to the case, the Supreme Court last October asked the Justice Department to file a brief advising whether it thought the Court should accept the case for review.

To no one's surprise, the [brief](#) that Justice recently filed told the Court it should not take the case. The question of whether disparate impact claims are available under the FHA "does not warrant review," it declared. The brief was filed by Solicitor General Donald B. Verrilli, Jr., and right under his name is that of Thomas E. Perez.

Verrilli and Perez argue that disparate impact claims are a "reasonable construction of the statute's text, structure, and history" and that there is no conflict in the courts of appeal on this issue. But the brief ends with an argument you wouldn't expect from Justice, given Perez's *sub rosa* involvement in getting the *Magner* case dismissed — especially in light of recent revelations that he violated federal law and Justice Department rules by using his personal email account to facilitate the deal.

Verrilli and Perez fault Mount Holly for even raising the issue of whether disparate impact claims are valid under the FHA. Mount Holly, they write, had the "opportunity to raise both questions" in the lower courts when the *Magner* case was before the Supreme Court," and therefore can't bring it up now.

With stunning chutzpah, the government is arguing that Mount Holly should have been aware that disparate impact was a live issue when review was granted in *Magner v. Gallagher* and should have raised the issue in its own case.

This is wrong for two reasons. First, the timeliness of Mount Holly's claim that disparate impact does not constitute a violation of the FHA has no relation whatsoever to someone *else's* lawsuit, such as the *Magner* case. Second, even if Mount Holly mistakenly thought disparate impact was not a live legal issue when *Magner* was before the Supreme Court, Mount Holly would have learned it was a live issue when the scandal became public over the government's *quid pro quo* deal that bought off St. Paul and caused the city to dismiss the *Magner* case. Therefore, the government's very actions in *Magner* make the Mount Holly disparate impact claims in the current case timely.

It should also be noted that while the brief *criticizes* Mount Holly for not raising this issue when *Magner* was before the Supreme Court, it fails to inform the Court that a senior Justice Department official (whose name is on the brief) helped get that very case dismissed *before* the Court could hear oral arguments.

Should we be surprised by any of these convoluted machinations?

Probably not, given what happened the last time disparate impact was being considered by the Supreme Court. The House report concluded that the *quid pro quo* in the *Magner* case "manipulated the rule of law and pushed the limits of justice to make" the deal happen.

The Supreme Court should accept the *Mount Holly* case. And if Justice approaches Mount Holly with a *Magner*-esque deal, the city should reject it so the Court can finally rule on the validity of disparate impact claims.

Richmond Times-Dispatch

Professor of Constitution goes to war against it

The president, who first campaigned on a claim to constitutional expertise, is now the document's biggest threat.

by A. Barton Hinkle

A physician's expertise makes him capable of inflicting great harm, noted Plato a couple thousand years ago, and no one is better positioned to steal than a guard. So perhaps we should not be surprised that the most conspicuous foe of liberty and the Bill of Rights turns out to be a former professor of constitutional law.

As a general rule, politicians tend to whipsaw between two poles. Conservatives try to increase economic liberty but show less regard for civil liberties. Liberals care deeply about civil liberties while trying to restrict the economic kind.

But the Obama administration is remarkable for its degree of disdain for both.

The president's principal first-term achievement was the passage of the Affordable Care Act. The law greatly increases government's role in health care and includes an expansion of government power unprecedented in American history: a requirement that all citizens purchase a consumer good irrespective of their personal behavior.

The administration also has pressed relentlessly — and successfully — for tax hikes, which shift control over economic resources from private hands to government. It also has indulged a regulatory binge, which shifts control indirectly, by cranking out burdensome new rules at a rate far faster than the Bush administration ever did. (This holds true even if you count only "economically significant" rules — those costing \$100 million or more — and rely only on administration-friendly accounts.)

The result: Government not only is taking more of your money, it increasingly is telling you how to spend what's left. A recent study estimates the cost of regulation at nearly \$15,000 per household. This means the three principal drains on the family checkbook, in order, are: (1) taxes, (2) housing, and (3) regulation. And Washington is working hard to move regulation into the second slot.

While trends like these drive conservatives nuts, they gladden liberal hearts. Yet liberals are not happy with the Obama administration these days — for exceptionally good reasons.

Most saliently, the Justice Department has been trolling through the phone records of reporters for The Associated Press and, even worse, has accused a reporter (Fox News' James Rosen) of acting as an unindicted co-conspirator in the unlawful leaking of classified materials. Rosen's offense was to do what reporters are supposed to do: break a story. This, too, is unprecedented, and it goes too far even for Obama's most knee-jerk defenders. The New York Times views the investigation as "threatening fundamental freedoms of the press."

The Rosen matter alone would suffice to disqualify the administration from any Friends of the First Amendment society. Yet it is only one of several such assaults. Others include the administration's campaign, through its insistence on a contraception mandate under

Obamacare, against religious liberty; the president's suggestion after Citizens United that "we need to seriously consider mobilizing a constitutional amendment process" to limit the free-speech rights of people who incorporate their social organizations; and its thuggish targeting of its political opponents.

If the IRS' treatment of tea party groups were an isolated story, you could swallow the explanation that a few low-level bureaucrats went rogue. But that account does not explain why the EPA has been far more generous to freedom-of-information requests from liberal groups than from conservatives. Or why, shortly after the Obama campaign slimed Romney supporter Frank VanderSloot as a disreputable fellow, he was audited three times — twice by the IRS and once by the Labor Department. Or why, after Texas resident Catherine Engelbrecht started a tea party group, she received scrutiny not just from the IRS but also from the FBI. And OSHA. And, just for good measure, the ATF. Or why the IRS took 17 months to respond to an initial tax-exempt status application from the conservative Wyoming Policy Institute. Or why it shared confidential files from conservative groups with the liberal ProPublica. Or why ...

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Washington Examiner from October 30, 2008

[Notes on Obama's Coming Caracas on the Potomac](#)

by Mark Tapscott

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The Obama campaign had done the same thing a few weeks earlier when Rosenberg had as a [guest another Obama critic](#), book author David Freddoso, whose book, "[The Case Against Barack Obama](#)," has been lauded as a solid journalistic effort to uncover the rest of the story left out of the Chicago pol's two autobiographies.

Once he is sworn in, expect Obama to move on multiple fronts to intimidate or silence critics. He has expressed opposition to renewal of the Fairness Doctrine, an action that would all but destroy Talk Radio and cripple the expression of conservative dissent. But he could accomplish much the same effect by imposing ownership caps and other measures, as [Jesse Walker](#) pointed out recently:

"There's a host of other broadcast regulations that Obama has not foresworn. In the worst-case scenario, they suggest a world where the FCC creates intrusive new rules by fiat, meddles more with the content of stations' programs, and uses the pending extensions of broadband access as an opportunity to put its paws on the Internet. At a time when cultural production has been exploding, fueled by increasingly diverse and participatory new media, we would be stepping back toward the days when the broadcast media were a centralized and cozy public-private partnership."

The conservative non-profit and think tank communities will also be targeted. The Clinton administration used IRS investigations of trumped-up charges of tax exemption abuse to force The Heritage Foundation, Cato Institute and other other major conservative tanks to spend millions of dollars and countless man-hours defending themselves and their donors. That diverted millions of dollars worth of resources that could have otherwise been devoted to making the case against Slick Willie's liberal policies.

Expect the same from the IRS under Obama, plus even more aggressive efforts in the form of attempts to impose racial and other quotas on think tanks at their director and management levels, via regulatory changes in tax-exemption administration. Legislation to do this in California at the state level is already progressing in the legislature there, so similar federal efforts are a virtual certainty.

And business community organizations like the Chamber of Commerce and National Federation of Independent Business shouldn't think they will be exempt, either. The same exemption

regulation that will be used to throw Heritage and Cato back onto the defensive will be deployed against business associations.

Ditto for defense and other firms doing business with the government. Expect massive increases in regulatory interference in the way these companies do business, including particularly their hiring and firing processes. Davis-Bacon's "prevailing wage" requirements on federal contractors are a mere taste of what an Obama administration will do to insure company executives think twice before criticizing Obama policies in internal communications or in comments to the media.

Won't the First Amendment prevent the creation of this Caracas on the Potomac? Well, ask yourself this: How effective was it in preventing the imposition of speech codes that effectively silence so much dissent from the liberal orthodoxy on the typical American campus?





Democrats had a field day criticizing President Bush because he waited **7 minutes before giving a response to the 9/11 attacks.**



Democrats keep their mouths shut when Obama and Hillary **DID NOTHING for **7 HOURS** while Ambassador Stevens and Navy Seals pleaded for help when they were under attack!**

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