

Conservatives' response to Clinton proves his point



CLARENCE PAGE says the shrillness of right-wingers' rhetoric after the ex-president's mention of the Oklahoma City bombing was way too defensive.

FORMER President Bill Clinton sees parallels between today's harsh conservative rhetoric and the toxic politics that led up to the Oklahoma City bombing. Conservative commentators responded, alas, with more harsh rhetoric. That reaction reveals a problem in today's conservative movement: Harsh rhetoric seems to be all they have.

I know from experience that the conservative movement has more than angry words in its arsenal, but they're not letting much of it show. Too many thoughtful conservative voices that produced an abundance of ideas in President Ronald Reagan's 1980s are allowing themselves to be drowned out by today's version of what Teddy Roosevelt appropriately called "the lunatic fringe."

Ample examples are offered by the right-wing punditocracy's reaction to Bill Clinton's thoughts on the 15th anniversary of the Oklahoma City bombing. In a speech at the Center for American Progress and in a New York Times op-ed, Clinton reiterated what he said as president after the bombing. We need to speak out, he said, and "assume responsibility for our words and actions before they enter a vast echo chamber and reach those both serious and delirious, connected and unhinged."

Conservatives took this as a thinly veiled attack on conservative bloggers, talk show hosts and the tea party movement. If the shoe fits, wear it, I say. If not, condemn those who are making your movement look bad. People are judged by the company with whom they keep marching.

Nevertheless, some conservatives played Can-You-Top-This in irrational reactions. Rep. Michele Bachmann told a Chicago crowd Saturday that, because she called the Obama administration a "gangster government," Clinton wanted to "take her out." She was not talking about a date. She apparently was talking about a gangster-style hit. Not to be outdone in the nut bowl, Rush Limbaugh declared in full fulmination on his radio show that Clinton's remarks "set the stage for violence" because he "gave the kooks in this country an excuse." As if they needed one.

Sean Hannity, interviewing Bachmann on his program, said "there seems to be a coordinated effort to intimidate, silence and demonize any critic of this administration, this House of Representatives, this leadership." If so, the effort has not been very effective. Bachmann

can be seen almost nightly on somebody's talk show, either speaking or being ridiculed. Quotability takes you a long way, if you don't mind embarrassing yourself.

The right's overreaction to Clinton's remarks reminds me of left-wing conniptions after the Sept. 11 attacks when President George W. Bush's press secretary, Ari Fleischer, cautioned Americans to "watch what they say, watch what they do." In fact, Fleischer was calling not for censorship but civility in the wake of reported derogatory remarks by various speakers regarding Arabs, Muslims and American troops.

Ironically, Fleischer's critics were accused of irrational paranoia by some of the same people who exhibit the same irrationality about Clinton's remarks today. The former president was not calling for censorship. I think he was calling for employment by all fair-minded people of old-fashioned conservative virtues like shame and ostracism.

Edmund Burke, the philosophical father of modern conservatism, would approve. More important than government in an orderly society, Burke argued, were the "little platoons" of family, voluntary associations and other institutions of civil society. Government thought police are unnecessary when the people set their own standards of acceptable behavior and shame or shun violators.

"Whilst shame keeps its watch," wrote Burke, "virtue is not wholly extinguished in the heart; nor will moderation be utterly exiled from the minds of tyrants."

Considering how often President Bush was called illegitimate after the Florida debacle in 2000, conservatives have a point when they say the left often is guilty of excesses, too. But "we're not as bad as them" is a pretty low bar to jump over.

It's not easy to criticize your allies, even when their excesses embarrass you by association. The left certainly found that out in the 1960s when legitimate civil rights and anti-war protests led to violence by some hotheaded extremists. It took years for the Democrats to recover from the divisions that fractured their party. Today's Republican leadership is in a similar situation, happy to have the tea party energizing their base yet trying to keep extremists at arm's length. It's better to shame them before they shame you.

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With new man in charge, thunder roars in Trenton



GEORGE F. WILL says a new Republican governor has New Jersey at last facing up to its profligate spending and kowtowing to unions with some grit.

MORRISVILLE, PA. — The bridge spanning the Delaware River connects New Jersey's capital with this town where the nation's most interesting governor occasionally eats lunch at Cafe Antonio. It also connects New Jersey's government with reality.

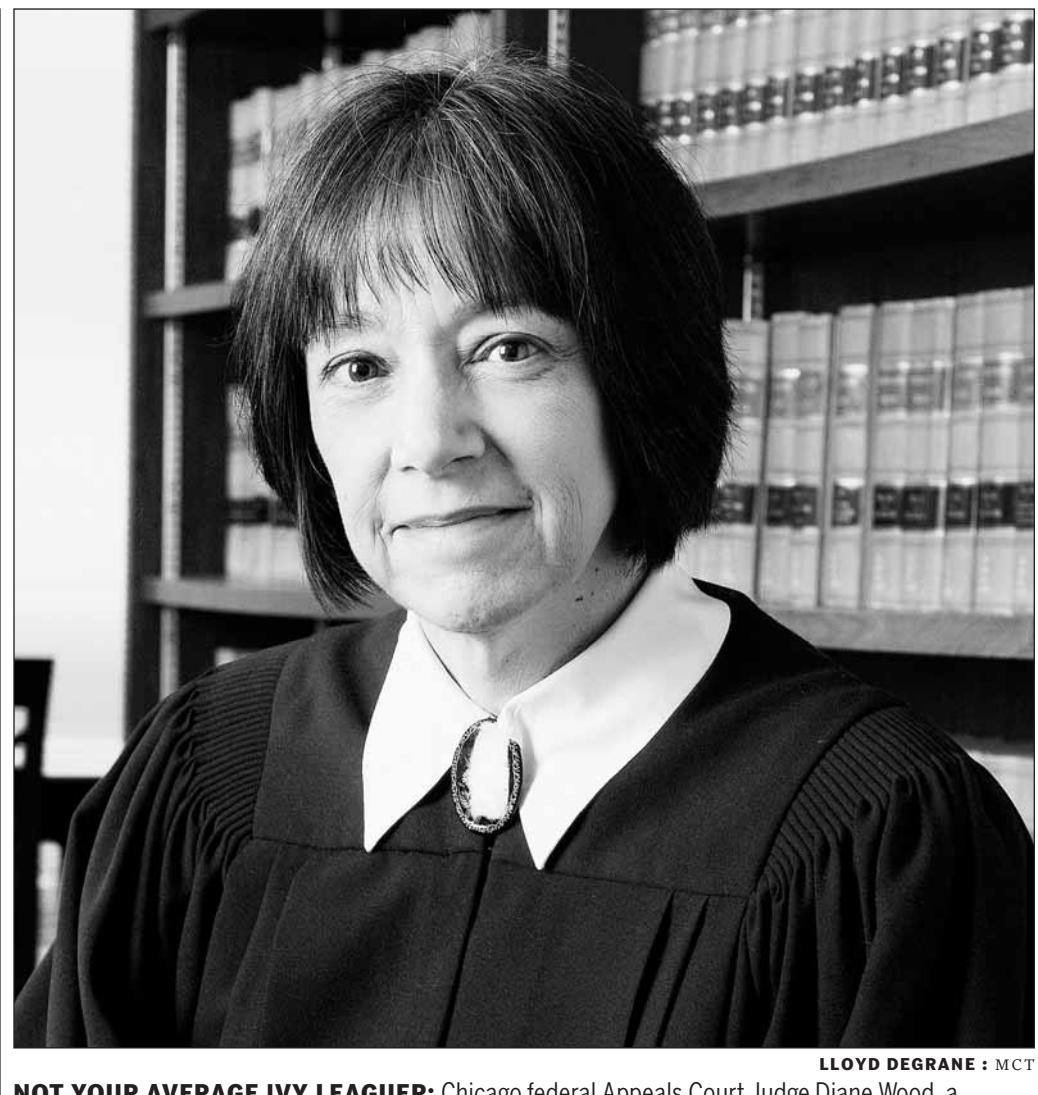
The bridge is a tutorial on a subject this government has flunked — economics, which is mostly about incentives. At the Pennsylvania end of the bridge, cigarette shops cluster: New Jersey's per-pack tax is double Pennsylvania's. In late afternoon, New Jersey Gov. Chris Christie says, the bridge is congested with New Jersey government employees heading home to Pennsylvania, where the income tax rate is 3 percent, compared with New Jersey's top rate of 9 percent.

There are 700,000 more Democrats than Republicans in New Jersey, but in November Christie flattened the Democratic incumbent, Jon Corzine. Christie is built like a burly base-

ball catcher, and since his inauguration just 13 weeks ago, he has earned the name of the local minor league team — the Trenton Thunder.

He inherited a \$2.2 billion deficit, and next year's projected deficit of \$10.7 billion is, relative to the state's \$29.3 billion budget, the nation's worst. Democrats, with the verbal tic — "Tax the rich!" — that passes for progressive thinking, demanded that he reinstate the "millionaire's tax," which hit "millionaires" earning \$400,000 until it expired Dec. 31. Instead, Christie noted that between 2004 and 2008 there was a net outflow of \$70 billion in wealth as "the rich," including small businesses, fled. And he said previous administrations had "raised taxes 115 times in the last eight years alone." So he closed the \$2.2 billion gap by accepting 375 of 378 suggested spending freezes and cuts. In two weeks. By executive actions. In eight weeks he cut \$13 billion — \$232 million a day, \$9 million an hour. Now comes the hard part.

Government employees' health benefits



LLOYD DEGRANE : MCT

NOT YOUR AVERAGE IVY LEAGUER: Chicago federal Appeals Court Judge Diane Wood, a contender to fill John Paul Stevens' seat on the U.S. Supreme Court, earned her undergraduate and law degrees from the University of Texas at Austin.

Next justice could be an alumna of UT-Austin

■ Obama might look past the East Coast law schools

By DANIEL B. RODRIGUEZ

As the White House continues to scrub the list of potential Supreme Court nominees, pundits have focused on the issue of pedigree diversity, that is, the case for a nominee outside the usual coterie of elite East Coast law schools and universities. "Pressure mounts," reads a recent blog headline, "to avoid the Ivy League." The president is urged by Fox News commentator Bill Kristol to stand up against Ivy League law schools, which "have done a lot of damage." Down with Harvard! Stop Yale before it kills again!

The apparent assumption is that someone who has been educated in an environment closer to the real world will bring new perspectives and refreshing common sense to a court both intellectually cloistered and Northeastern in sensibilities. Front-runner Diane Wood, a judge on the appellate court in Chicago and a proud graduate of the University of Texas at Austin (undergraduate and law school), fits this bill; advocates of pedigree affirmative action urge a bump for that reason.

At the level of pure self-interest, I will cop to mixed feelings in this matter. As a law teacher at UT, and also a graduate of both the Harvard Law School and a large state university in Southern California, I have alumni sympathies that run the gamut. More to the point, however, there is precious little to the notion that the experience gained from interactions with colleagues and teachers at the flagship public university in Texas is different in significant ways from what goes on up north.

Students at all our nation's fine law schools come from a wide swath of educated American society. Aspiring lawyers with fancy undergraduate credentials sit cheek to jowl (as we say in these parts) with working-class young people whose life experience is significantly different. Happily, professional schools have become more eclectic in attitude and background over the decades. To be sure, the educational setting in which law students begin their journey toward their chosen profession

matters to their professional outlook, their social sympathies, perhaps also to their political ideologies. And, truth be told, we professors influence these future lawyers by inculcating values and promoting our own ideas about justice, professional responsibility and the rule of law. Fortunately for the younger version of Judge Wood and for the Diane Wood of today, a good law school is a big tent, a place of many perspectives and points of view. There is not an Ivy League way of training lawyers; there is not a wholly different way in the heartland or on the West Coast.

What Diane Wood and her classmates surely received from UT is just what other Ivy Leaguer front-runners received — a first-class preparation for the hard work of lawyering in a complex, diverse society. To be bothered about where one went to college or, worse yet, to urge a thumb on the scale for "mere" Texans because presumably those East Coast intellectuals need some plain talk from plain folks is to engage in just the sort of prejudice that years of attention to equal treatment and scrutiny of individual talents, not group membership, was meant to avoid.

That all said, diversity in the Supreme Court matters. A Supreme Court of the United States will, one hopes, reflect the diverse experience of a complex nation. We might expect President Barack Obama to consider able lawyers who come from elsewhere than the federal court of appeals; and, yes, we might want to see someone from out west. Yet we would do well to discount pedigree diversity and instead focus on the ways in which the professional experience and demonstrable actions of these wonderfully talented candidates help enrich the court's perspectives and worldview. That Harvard can produce jurists of uncommon ability with a common touch is a testament to the democratization and diversity of modern legal education. But, then again, the University of Texas can do the same, and that is good news for our own Diane Wood who, if appointed, will be running with the big dogs.

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are, he says, "41 percent more expensive" than those of the average Fortune 500 company. Without changes in current law, "spending will have increased 322 percent in 20 years — over 16 percent a year." There is, he says, a connection between the state being No. 1 in total tax burden and being No. 1 in the proportion of college students who, after graduating, leave the state.

Partly to pay for teachers' benefits — most contribute *nothing* to pay for their health insurance — property taxes have increased 70 percent in 10 years, to an average annual cost to homeowners of \$7,281. Christie proposes a 2.5 percent cap on annual increases.

Challenging teachers unions to live up to their cloying "it's really about the kids" rhetoric, he has told them to choose between a pay freeze and job cuts. Validating his criticism by their response to it, some Bergen County teachers encouraged students to cut classes and go to the football field to protest his policies, and a Bridgewater high school teacher showed students a union-made video critical of him. Christie notes that the \$550,000 salary of the executive director of the teachers union is larger than the total cuts proposed for 190 of the state's 605 school districts.

He has received some support from the Democratic president of the state Senate, Stephen Sweeney, a leader of a local ironworkers union. This suggests waning solidarity between unionized private-sector workers

who are weary of paying ever-higher taxes to enrich unionized public employees.

New Jersey's governors are the nation's strongest — American Caesars, really — who can veto line items and even rewrite legislative language. Christie is using his power to remind New Jersey that wealth goes where it is welcome and stays where it is well-treated. Prosperous states are practicing, at the expense of slow learners like New Jersey, "entrepreneurial federalism" — competing to have the most enticing business climate.

Christie's predecessor addressed a huge rally of public employees, vowing to "fight for a fair contract." Whom was he going to fight? The negotiator across the table would be ... himself.

Saying "subtlety is not going to win this fight," Christie notes that New Jersey's police officers, the nation's highest-paid, can retire after 25 years at 65 percent of their highest salary. In the state that has the nation's fourth-highest percentage (66) of public employees who are unionized, he has joined the struggle that will dominate the nation's domestic policymaking in this decade — the struggle to break the ruinous collaboration between elected officials and unionized state and local workers whose affections the officials purchase with taxpayers' money.

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