

Gratitude to the past and obligations to the future were shorn in the name of present returns. The idea of trusteeship was rejected for the quarterly report or even the daily stock price as reported in minute and dramatic detail on CNBC. We were promised a golden future based on 10 percent (or better) annual market returns, when the real economy grew at a quarter of that rate. Greed, speculation, and spendthrift ways were actively inculcated in the wider culture and easily found a home amid a populace bereft of the old mainstays of culture.

For much of this period, our political leaders battled over whether a free market or an activist government should hold sway. These seemingly fierce battles obscured the deeper truth that our particular form of free market favors big government and vice versa. Government has always arranged the playing field for the advantage of swift flows of capital. The market, meanwhile, has steadily undermined local loyalties and rendered small-scale solutions increasingly ineffective, thus ensuring our fealty to a tutelary state.

The mortgage crisis has highlighted the tight bonds between a large central government and large centers of financial power. We have also witnessed the way in which a “flat” world permits no quarantine: a financial virus encounters no barriers. Within a few weeks the entire world economy was brought to its knees by America’s bad mortgages. The myth that structures could be built so large that they could not fail should have been laid to rest with the sinking of the Titanic. At least now we have seen the end of the idea that there is some fundamental antipathy between big government and big business.

Conservatives will now enter a time of rethinking and regrouping. It would be the height of folly for the Right’s political masterminds to try to concoct again the particular brew that led to the electoral victory of a deeply unconservative Republican Party under Bush. In the wilderness years to come, conservatives should spend some time encountering minds that paid attention to the notion that conservation is at the heart of conservatism—among them E.F. Schumacher and Wilhelm Roepke, both of whom focused on a form of economics that was mindful of the moral health of the society.

An economy that undermines the virtues of a citizenry, and eviscerates the culture that reinforces those virtues, has lost its purpose. Yet it is too simple to lay full responsibility for the recent collapse on Bush. He perpetuated a bankrupt system, but the rot runs deeper than the last eight years. ■

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A Long Train of Abuses

By Alexander Cockburn

If there’s one thing defenders of civil liberties know, it’s that assaults on constitutional freedoms are bipartisan. Just as constitutional darkness didn’t first fall with the arrival in the Oval Office of George W. Bush, the shroud will not lift with his departure and the entry of President Barack Obama.

As atrocious as the Bush record on civil liberties has been, there’s no more eager and self-righteous hand reaching out to the Bill of Rights to drop it into the shredder than that of a liberal intent on legislating freedom. Witness the great liberal drive to criminalize expressions of hate and impose fierce punitive enhancements if the criminal has been imprudent enough to perpetrate verbal breaches of sexual or ethnic etiquette while bludgeoning his victim to death.

No doubt the conservatives who cheered Bush on as he abrogated ancient rights and stretched the powers of his office to unseen limits would have shrieked if a Democrat had taken such liberties. But now Obama will be entitled to the lordly prerogatives Bush established.

Growing up in Ireland and the United Kingdom, I gazed with envy at the United States, with its constitutional protections and its Bill of Rights contrasting with the vast ad hoc tapestry of Britain’s repressive laws and “emergency” statutes piled up through the centuries. Successive regimes from the Plantagenet and Tudor periods forward went about the state’s business of enforcing the enclosures, hanging or transporting strikers, criminalizing disrespectful speech, and, of course, abolishing the right to carry even something so innocuous as a penknife. Instructed by centuries of British occupation, my native Ireland, I have to say, took a slightly more relaxed attitude. My father once asked an Irish minister of justice back in the 1960s about the prodigious size and detail of the Irish statute book. “Ah, Claud,” said the minister equably, “our laws are mainly for guidance.”

President Bush was also a man unbound by law, launching appalling assaults on freedom, building on the sound foundation of kindred assaults in Clinton’s time, perhaps most memorably expressed in the screams of parents and children fried by U.S. government forces in the Branch Davidian compound in Waco. Clinton, too, flouted all constitutional war powers inhibitions, with his executive decision to rain bombs on the civilian population of the former Yugoslavia.

Bush has forged resolutely along the path blazed by Clinton in asserting uninhibited executive power to wage war, seize, confine, and torture at will, breaching constitutional laws and international treaties and covenants concerning the treatment of combatants. The Patriot Act took up items on the Justice Department's wish list left over from Clinton's dreadful Antiterrorism and Effective Death Penalty Act of 1996, which trashed habeas corpus protections.

The most spectacular abuses of civil liberties under Bush, such as the prison camp at Guantanamo, are acute symptoms of a chronic disease. The larger story of the past eight years has been the great continuity between this administration and those that have come before. The outrages perpetrated against habeas corpus under Republicans and Democrats alike, for example, have been innumerable, many of them little publicized. Take the case of people convicted of sexual felonies, who reach the end of their stipulated terms only to find that they face continued imprisonment without any specified terminus, under the rubric of "civil confinement," a power as fierce as any *lettre de cachet* in France's *ancien régime*.

Free speech is no longer a right. Stand alongside the route of a presidential cavalcade with a humble protest sign, and the Secret Service or local law enforcement will haul you off to some remote cage labeled "Designated Protest Area." Seek to exercise your right to dispense money for a campaign advertisement or to support a candidate, and you will fall under the sanction of McCain-Feingold, otherwise known as the Bipartisan Campaign Reform Act of 2002.

In the case of public expressions of protest, we may expect particular diligence by the Secret Service and other agencies in the Obama years, though his reneging on a campaign promise to accept only public financing has stopped campaign-finance reform in its tracks. Liberals joyously eying Obama's amazing \$150 million haul in his final weeks have preserved a tactful silence on this topic, after years of squawking about the power of the corporate dollar to pollute democracy's proceedings.

Worse than in the darkest days of the '50s, when Americans could have their passports revoked by fiat of the State Department, citizens and legal residents no longer have the right to travel freely even inside the nation's borders. Appearance on any of the innumerable watch lists maintained by government agencies means inability to get on a plane. And today you need your papers for more than just travel. The Indiana statute recently approved by the Supreme Court demands that persons lacking "proper" ID only cast provisional ballots, with a bureaucratic appara-

tus for subsequent verification. Thus, Americans no longer have an unimpaired right to vote, even if of appropriate age.

The late Murray Kempton used to tell me he remembered that Alf Landon, campaigning against FDR and specifically Social Security back in 1936, used to shout to the crowds words to the effect of "Mark my words, those Social Security numbers will follow you from cradle to grave." Landon was right. Today you might as well have the SS number tattooed on your forehead, along with all other significant "private" data, preferably in some bright hue so the monitoring cameras along highways and intersections can get a clean hit. "Drill baby drill" has been the war cry of the government's data-mining programs throughout the Bush years, and we can expect no improvement ahead.

“Warrantless wiretappers had a field day under Bush, and Congress reaffirmed their activities in the FISA bill, for which Obama voted in a turnaround from previous pledges.”

Fourth Amendment protections have likewise gone steadily downhill. Warrantless wiretappers had a field day under Bush, and Congress reaffirmed their activities in the FISA bill, for which Obama voted in a turnaround from previous pledges. Incoming vice president Joe Biden can claim a significant role here since he has been an ardent prosecutor of the war on drugs, used since the Harrison Act of 1914—and even before then with the different penalties attaching to opium as used by middle class whites or Chinese—to enhance the right of police to enter, terrorize, and prosecute at will. Indeed, the war on drugs, revived by President Nixon and pursued vigorously by all subsequent administrations, has been as powerful a rationale for tearing up the Constitution as the subsequent war on terror. It's like that with all wars. Not far from where I live in northern California, combating narcotics was the excuse for serious inroads in the early 1990s into the *Posse Comitatus* statutory inhibition on use of the U.S. military in domestic law enforcement, another constitutional abuse whose roots have continued to sink deeper during the Bush years.

In the past eight years, Bush has ravaged the Fourth Amendment with steadfast diligence, starting with his insistence that he could issue arrest warrants if there was reason to believe a noncitizen was implicated in terrorist

activity. Seized under this pretext and held within America's borders or in some secret prison overseas, the captive had no recourse to a court of law. Simultaneously, the "probable cause" standard, theoretically disciplining the state's innate propensity to search and to seize, has been systematically abused, as have the FBI's powers under the "material witness" statute to arrest and hold their suspects. Goodbye habeas corpus.

Not only individual liberties but federalism and the rights of states have been relentlessly eroded in the Bush years, often amidst liberal cheers at such excrescences as the No Child Left Behind law. Property rights, too, have suffered great setbacks. Government's power to seize land under the canons of "eminent domain" received sinister buttress by the Supreme Court in the 2005 *Kelo* decision.

Have there been any bright patches in the gloom? I salute one: the vindication of the Second Amendment in the Supreme Court's recent *Heller* decision, written by Justice Scalia. Liberals would do well to acknowledge the wisdom of that ruling, just as conservatives should recognize the continuity between the outrages they decried under Clinton and the strip-mining of American liberties that has taken place under Bush. ■

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Discounting Family Values

By Allan Carlson

Traditional conservatives had grand hopes as the George W. Bush team rode into Washington. Unlike his father (alas, "Poppy" was puzzled by the little concerns of Middle Americans), the new president seemed able to speak their language without wincing and to understand their fears of moral and social decay. During his campaign, the younger Bush had reached out to Washington's pro-family leadership, organized as the Arlington Group, and convinced them that they finally had a real seat at the table.

Eight years later, they know their place. On matters tangential to political life, where little was at risk, the Bush White House usually delivered. But when the interests of normal American families collided with military ambitions in the Middle East or with the claims of the Fortune 500, social conservatives were dismissed—sometimes with contempt.

Early actions held promise. At the cabinet level, pro-family leaders applauded Bush's choices of John Ashcroft as attorney general and Tommy Thompson to head the Department of Health and Human Services. Ashcroft had a solid pro-life and pro-family voting record during his Senate years. Wisconsin governor Thompson won praise for his welfare reforms, which cut sharply back on the welfare subsidies for unwed mothers and tried to encourage marriage.

The new administration also placed good people in important second-level posts. Bush named Dr. Wade Horn to the key position of HHS's assistant secretary for children and families, the federal agency most deeply engaged in family policy. As a veteran of the elder Bush's administration, Horn had emerged as a reliable conservative through service on the National Commission on Children and, during the Clinton years, as president of the National Fatherhood Initiative. Bush also named former Maryland legislator Ellen Sauerbrey as U.S. delegate to the United Nations Commission on the Status of Women, where she took on the *über*-feminists swarming through the UN's Secretariat.

One personnel disappointment, which carried an ominous message, came at the Pentagon. Retiring Indiana senator Dan Coats, who had a solid pro-family voting record and a keen grasp of social issues, was a finalist for the secretary of defense post. During an interview, though, he reported that he would seek to reverse Clinton-era policies that had opened numerous near-combat military specialties to women. This reportedly struck a nerve in Bush's inner circle. They opted instead for Don Rumsfeld, who cast the role of women in the military as a mere "management" issue.

All the same, the first Bush term delivered on a number of policy fronts. The 2001 tax cut included an increase in the relatively new Child Tax Credit to \$1,000 per child, as had been recommended by the National Commission on Children, a boon to larger families. The administration successfully implemented another commission recommendation: increased funding for abstinence-education initiatives, toward parity with the Title X birth-control program. Over at HHS, they launched promising fatherhood and marriage initiatives intended to strengthen traditional families. The administration created a high-profile President's Council on