



The Good Guys

From tradition to reason

Men without faith flee from the truth, or: Why does the left so fear Janice Rogers Brown?

GREGORY SANFORD

FORMER CALIFORNIA state Senator H.L. “Bill” Richardson once suggested that the way to tell whether or not a conservative was actually accomplishing anything was to listen for screaming from the left: lots of it, good; silence, and you could pretty well conclude that the conservative was achieving little. Not, I’d say, a foolproof method, but certainly worth considering along with others, and if we employ the H.L. standard in choosing subjects for this column, it would be difficult to find anyone to beat U.S. Fourth Circuit Court of Appeals Judge Janice Rogers Brown. Brown, though born in Alabama, is a luminary California can claim for its own: she graduated from UCLA law school and taught law, worked as an attorney, was first named a judge, and rose to the level of state Supreme Court all here in California. And it was her work in California that put her in the national spotlight for President Bush to notice and elevate her to the nation’s second most powerful federal bench (as well as onto the short list to fill a future U.S. Supreme Court vacancy).

Back to the Richardson standard: Judge Brown, through her brilliant writing, her courage, her thorough grasp of (and evident love for) the Western culture that has given us our freedom, her determination to succeed through hard work, and, what’s more, her actual success at the highest levels in the wild world of politics and power — and to do it all while being *the* Democrats’ symbol of absolute victimhood, a black woman and daughter of a sharecropper — it all quite simply reduces the barbarian left to screams of perfect apoplectic tonality.

For instance, Brown adopts the identical common

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sense skepticism about big government more or less unanimously held by America’s founding fathers, and by almost all Americans at least until the New Deal. For this she is routinely labeled an “extremist” out to enslave the nation. Democrat Senate Leader Harry M. Reid, in opposing Brown’s confirmation to the D.C. Circuit, gave what he evidently considered a fair assessment, saying she “has repeatedly assailed protections for the elderly, for workers, for the environment, and for victims of racial discrimination. If confirmed today, she will be newly empowered to destroy those protections.”

This because she points out what anyone willing to open his eyes can see without difficulty: “Government,” Brown said in an April 2000 speech to The Federalist Society at the University of Chicago Law School, “is the only enterprise in the world which expands in size when its failures increase. Aaron Wildavsky ... notes that the Madisonian world has gone ‘topsy turvy’ as factions, defined as groups ‘activated by some common interest adverse to the rights of other citizens or to the permanent and aggregate interests of the community,’ have been transformed into sectors of public policy. ‘Indeed,’ says Wildavsky, ‘government now pays citizens to organize, lawyers to sue, and politicians to run for office. Soon enough, if current trends continue, government will become self-contained, generating (apparently spontaneously) the forces to which it responds.’”

ALITTLE LATER in her remarkable speech, Brown vividly portrayed the present and future reality that has followed this transformation of American government. “At this moment,” she said, “it seems likely leviathan will continue to lumber along, picking up ballast and momentum, crushing everything in its path. Some things are apparent. Where government moves in, community re-

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treats, civil society disintegrates, and our ability to control our own destiny atrophies. The result is: families under siege; war in the streets; unapologetic expropriation of property; the precipitous decline of the rule of law; the rapid rise of corruption; the loss of civility and the triumph of deceit. The result is a debased, debauched culture which finds moral depravity entertaining and virtue contemptible.”

What has any of this to do with Reid’s complaint about “destroying rights”? The evidence demonstrating the truth of Brown’s insight is plain to see:

- What are the massively powerful public employee unions dictating policy in Sacramento if not factions activated by a common interest adverse to the rights of other citizens and to the permanent and aggregate interests of the community?
- What is the Sheila Kuehl legislative agenda if not war against the family?
- What is the dysfunctional, increasingly hopeless existence of, say, inner city L.A. — fathers without families, mothers without husbands, children raised and taught by gangs instead of parents or schools — all of it punctuated every decade or so by a riot of self-lacerating destruction — what is this if not war in the streets?
- What is the daily activity of the Coastal Commission, the EPA, and the *Kelo* courts if not unapologetic expropriation of property and decline of the rule of law?

As for “a rapid rise of corruption, loss of civility, and the triumph of deceit,” try the perjurious Clinton presidency pardoning criminals while turning the FBI and IRS into agencies of harassment and revenge against political opponents — and you can throw in (although to a markedly lesser degree) the dear departed Republican congress, last seen out-Democratizing the Democrats in special interest pork barreling and pompous self-congratulation. And what of a governor who, having talked himself into office quoting Milton Friedman,

opens the door through his Greenhouse Gas bill for potentially the most irresponsible, draconian bureaucracy in California’s history let loose to suffocate the productive life of his state?

What will avail a people beset by such adversaries as these? We must have, above all, clear thinking, straight talking, courageous leaders neither taken in nor cowed by the lies of a corrupt establishment. Judge Brown is just that. She understands where we as a people have gone wrong and eloquently, yet simply, explains it:

I want to suggest that the belief in and the impulse toward human perfection, at least in the political life of a nation, is an idea whose arc can be traced from the Enlightenment, through the Terror, to Marx and Engels, to the Revolutions of 1917 and 1937. The latter date marks the triumph of our own socialist revolution. All of these events were manifestations of a particularly skewed view of human nature and the nature of human reason. To the extent the Enlightenment sought to substitute the paradigm of reason for faith, custom or tradition, it failed to provide rational explanation of the significance of human life. It thus led, in a sort of ultimate irony, to the repudiation of reason and to a full-fledged flight from truth — what Revel describes as “an almost pathological indifference to the truth.”

The left, too often with conservative acquiescence, continues to dodge responsibility for its consistent failure to deliver on its promises by recycling the old excuse that socialism is not at fault in itself; it just has not yet been implemented fully or properly. Janice Rogers Brown will have none of that. The left, she says, opposes faith on the ground of defending truth, then abandons truth as soon as faith is defeated; it opposes tradition and humanity’s historic understanding of its own human nature on the ground that reason can transcend natural law, then abandons reason the moment tradition and understanding have been overthrown. Brown knows the problem inheres within leftism: its pride, its self-deception, its rebelliousness against reality itself. She knows that any form of leftism will always destroy, the sole cure being its absolute repudiation and the restoration of humility and respect for who we are and why we are alive.

Judge Brown is one of America’s, and California’s, Good Guys. Just listen to the left scream whenever her name crops up.

CPR

See page 19, this issue of CPR, to read Janice Rogers Brown’s commencement address to Ave Marie School of Law delivered last month.
— editor

Sinclair Paint Spill



**The weasel
word 'fee'
(replacing
'tax') oozes
through the
budget.**

by Ray Haynes

I met Zaremberg at a golf course in El Dorado Hills. Zaremberg is currently president and chief executive officer of the California Chamber of Commerce, having held the Chamber's position at the time of that conversation, then-Assemblyman Tom McClintock and I introduced bills — his in the Assembly, mine in the Senate — to repeal the car tax, a move we both believed would be popular with California taxpayers. Knowing that the likelihood of the Democrat-dominated Legislature repealing *any* tax was nil, McClintock had also filed an initiative to repeal it. We were looking for support for the initiative, and since I had a good relationship with Zaremberg, we decided I should talk to him.

To generate support from the business community, we had added a provision to overturn the California Supreme Court's 1997 *Sinclair Paint* decision (*see sidebar, facing page*). Zaremberg was aware of the decision and aware of the initiative, but told me the Chamber would not participate in our initiative because a repeal of the car tax was too controversial, and would "guarantee that the public employee unions would oppose the repeal of the *Sinclair Paint* decision." I argued that the unions would oppose any initiative to overturn *Sinclair Paint* and that the only way business could counteract the union opposition was to attach *Sin-*

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