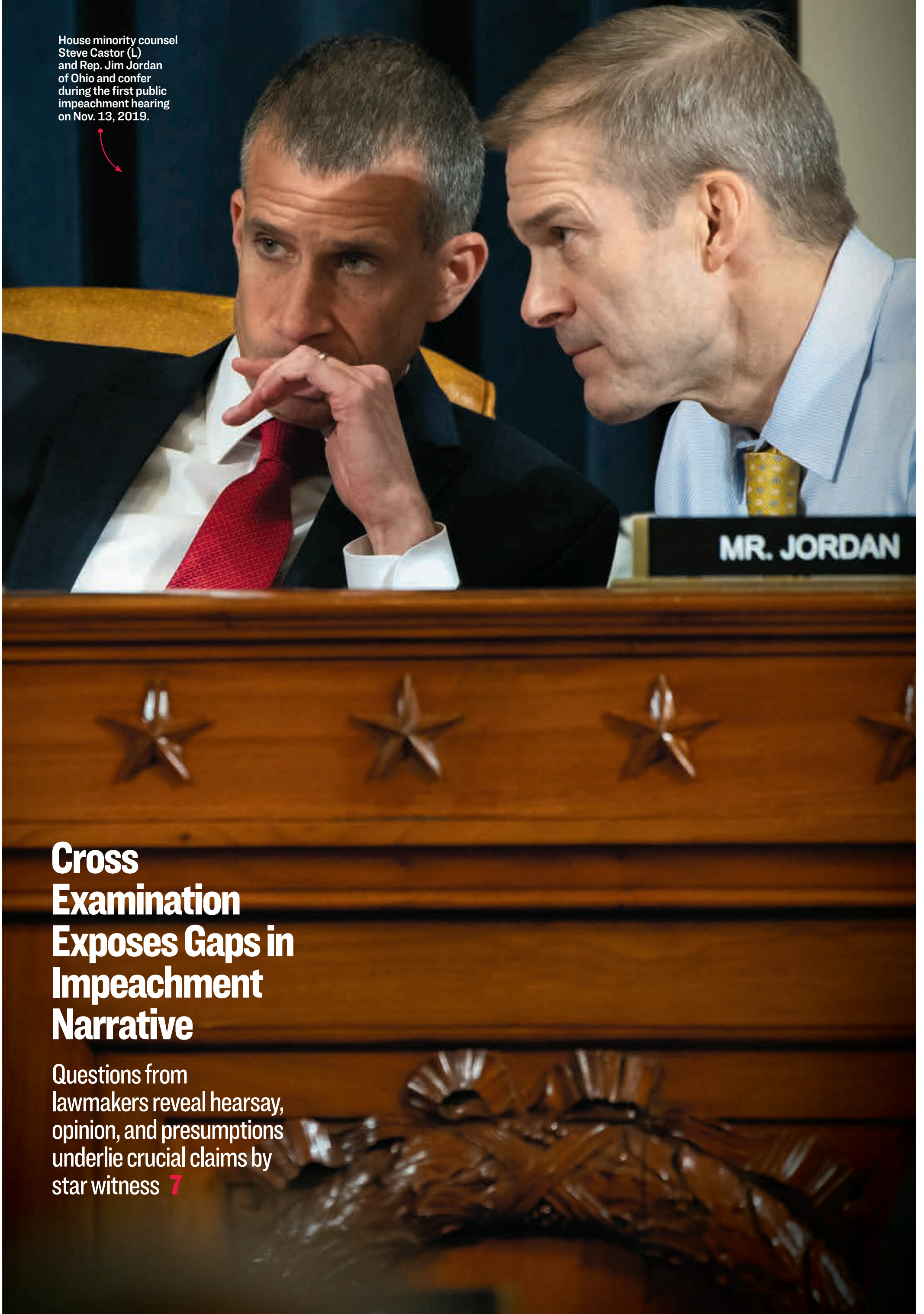


WEEK 46, 2019

# THE EPOCH TIMES

# OUR NATION

House minority counsel Steve Castor (L) and Rep. Jim Jordan of Ohio and confer during the first public impeachment hearing on Nov. 13, 2019.



## Cross Examination Exposes Gaps in Impeachment Narrative

Questions from lawmakers reveal hearsay, opinion, and presumptions underlie crucial claims by star witness **7**

# Virginia Goes Blue: Pro-China Communists Claim Credit

Did a China-based American communist help flip Virginia?

TREVOR LOUDON



News Analysis

It's official. The once deep-red Commonwealth of Virginia is now a blue state. As a result of the Nov. 5 election, Democrats now hold all three of the statewide constitutional offices, both U.S. Senate seats, the majority of its Congress members, and both chambers of the State House.

Laura Ingraham of Fox News says it's because of "changing demographics." That's only partially true. Virginia went blue because a handful of well-organized pro-Chinese communists made it happen.

The group in question, New Virginia Majority (NVM), has exploited Virginia's changing population and "liberal bleed out" from the Washington area to flip not just Northern Virginia but also districts across the state. Based in Alexandria and Richmond, NVM has sent hundreds of paid workers and volunteers out across the commonwealth to register and send to the polls hundreds of thousands of new voters—all under the nose of the Virginia Republican Party.

The Democrats have flipped two state Senate seats, and now hold a 10-vote advantage in the Assembly. NVM endorsed and supported 23 Virginia candidates this cycle and won with 15 of them, including two state Senate races and nine Assembly victories. The 15 who were endorsed by NVM and won are:

- Ghazala Hashmi, Virginia Senate District 10
- John Bell, Virginia Senate District 13
- Wendy Gooditts, House District 10
- Kelly Convris-Fowler, House District 21
- Elizabeth Guzman, House District 31
- Dan Helmer, House District 40
- Kathy Tran, House District 42
- Hala Ayala, House District 51
- Schuyler VanValkenburg, House District 72
- Rodney Willett, House District 73
- Shelly Simonds, House District 94
- Steve Descano, Fairfax County Commonwealth's Attorney
- Parisi Deghani-Tafti, Arlington County and Fall's Church Commonwealth's Attorney
- Buta Biberaj, Loudoun County Commonwealth's Attorney
- Phyllis Randall, Chair Loudoun County Board of Supervisors

None of this electoral success was down to luck or changing demographics alone.

NVM Co-Chair Tram Nguyen has already published an op-ed in The New York Times saying, "Democrats could learn a lot from what happened in Virginia." The message? "Democrats, do what we did in Virginia—everywhere." By going after the minority vote with



WIN MCNAMEE/GETTY IMAGES

mass voter registration drives, you can flip almost any state.

**By going after the minority vote with mass voter registration drives, you can flip almost any state.**

According to Nguyen: "The national Democratic Party spent millions in Virginia this year, but the state wasn't always such a priority. From its position in the South to its prominent role in America's legacy of oppression, Virginia was long considered reliably conservative—unbreakable. As recently as six years ago, Republicans controlled the office of the governor and the General Assembly.

"Local organizations like mine understood the political potential of Virginia when we got started 12 years ago. We are winning because we recognize the power of an electorate that

includes and reflects the diversity of our state. We don't talk to voters only when campaign season rolls around. We try to reach voters of all colors, women, low-income workers and young people where they are, which has made it possible for us to develop a robust base of support along Virginia's so-called Urban Crescent, from Northern Virginia to Hampton Roads. Long before Election Day, we registered more than 300,000 voters, knocked on more than 2.5 million doors, and organized within communities of color to help win significant policy changes like Medicaid expansion, which covered nearly 400,000 people."

Nguyen (who was part of Democratic Gov. Ralph Northam's transition team) also went on to explain the importance of the ex-convict vote.

"Virginia's state constitution bars anyone with a felony conviction from voting until their rights have been restored by the governor. For more than nine years, we organized formerly incarcerated women and men to help them demand that their full civil rights be restored. The former governor, Terry McAuliffe, restored

Virginia voters head to the polls in Arlington, Va., on Nov. 5, 2019.

the voting rights of more than 173,000 Virginians during his term, more than any other governor in Virginia's history. In 2016, of the nearly 20,000 men and women who registered to vote for the first time as a result of the restoration of their rights, a whopping 79 percent voted. They were a key voting bloc in Virginia, the only Southern state that Hillary Clinton won."

NVM worked closely with McAuliffe to win ex-felon voting rights. The organization actually gave the governor an award at its annual dinner for his sterling work.

And the path to success lies in organizing and energizing minority voters who already lean left, but normally vote at very low rates.

"Changes in the shape of the electorate and rising enthusiasm among voters can only go so far, without campaign architecture that channels those changes into tangible political outcomes. ... "Engaging meaningfully with voters of color means talking to tens of thousands of voters to make sure they have the information they need to cast their ballots even after receiving racist Republican campaign communications. ... We didn't need to persuade voters to embrace our worldview—they were already there on the issues. They just needed to be convinced that their vote mattered. To give one example of how this works in practical terms, in precincts in the Virginia suburbs of Washington, turnout this year increased by 24 percent over 2017. ...

"States don't become battlegrounds overnight. Democrats and national progressive organizations have the resources to take their case to the people and win, but they have to start early and organize relentlessly. When they lose, they have to stay in place and keep fighting for every political inch they can get. No place is unwinnable forever."

All this would be serious enough if NVM members were merely well-meaning "liberal Democrats," which unfortunately isn't the case.

NVM is a front for Liberation Road, known until April this year as Freedom Road Socialist Organization (FRSO), the United States' most influential Maoist organization.

Freedom Road Socialist Organization supporters during an anti-Trump march in Washington on Jan. 20, 2017.

Liberation Road's goal is to destroy President Trump and the Republican Party to pave the way for a socialist America.

areas to get a picture of where there was affordable housing in Northern Virginia," according to the Mason Gazette. This information probably proved very useful when Liss established NVM two years later.

According to an Aug. 25, 2011, post on McClure's blog:

"I have been recently working with New Virginia Majority to make a series of maps to inform planning for precinct walks in Virginia State house districts. ... The core data are lists of individual households by pan-ethnic census categories. ... The results are subjective but do suggest ... the ways that actual communities conform or diverge from the discrete territorial units which define an electoral terrain in a democracy."

All this wasn't theoretical. It was designed to help NVM flip districts across the state by micro-targeting potential Democratic voters in low-income and minority communities. In another post, he wrote:

"In the general elections of 2008, Virginia voted Democratic for the first time since 1964 with Obama carrying the state. Demographic shifts and increased voter participation rather than a shift in political allegiances account for this outcome. ...

"Focusing on Prince William County, Virginia, I applied spatial interpolation techniques in a GIS to translate the 2008 election returns from the geography of precincts to year 2000 zoning classification areas for further quantitative analysis. The goal was to produce actionable intelligence for working class organizations building popular power at the base. ...

"The results are presented as maps and diagrams which might illuminate challenges and opportunities for organizations engaging with electoral efforts."

McClure is still actively engaged in giving advice to his U.S. comrades on winning elections for the Democrats.

An article co-written by McClure and Bob Wing, "The Importance of the Fight for the South—and Why It Can and Must Be Won," appeared on the Liberation Road-linked website Organizing Upgrade on Sept. 4, 2017. It states:

"The far right, racism, militarism, inequality, and poverty are all centered in the South. The majority of African Americans, the main protagonist of progressive politics in this country, live in the South. And the South has more electoral votes, battleground state votes, population, and congresspersons than any other region.

"The South is changing rapidly, giving rise to more progressive demographic groups—especially Black and Latino migrations, LGBTQs and urbanites—and a growing Democratic vote. These trends can only be maximized if the importance of the South is understood as a strategic necessity and the chance to win state by state, is acknowledged and acted upon.

"Hard as the fight is and will be, downplaying the Southern struggle is a losing political strategy and forfeits the moral high ground on the biggest issues facing the country."

McClure and Wing (another "former" Maoist associated with FRSO)

**Maoist Groups**

NVM is led by longtime FRSO/Liberation Road cadre Jon Liss of Alexandria. Several FRSO cadres have served in NVM over the years, as have many activists from two NVM satellite groups, LeftRoots and the Virginia Student Power Network.

FRSO/Liberation Road comes out of the militantly pro-China American Maoist student movement of the 1970s. While it's more discreet about its Chinese loyalties these days, several of its leading supporters maintain close ties to the People's Republic.

Fred Engst is a longtime FRSO supporter. Born to U.S. communist parents and raised in China, Engst was educated in the United States, where he became immersed in Maoist politics. He returned to China in 2007 and is now teaching at the University of International Business and Economics in Beijing.

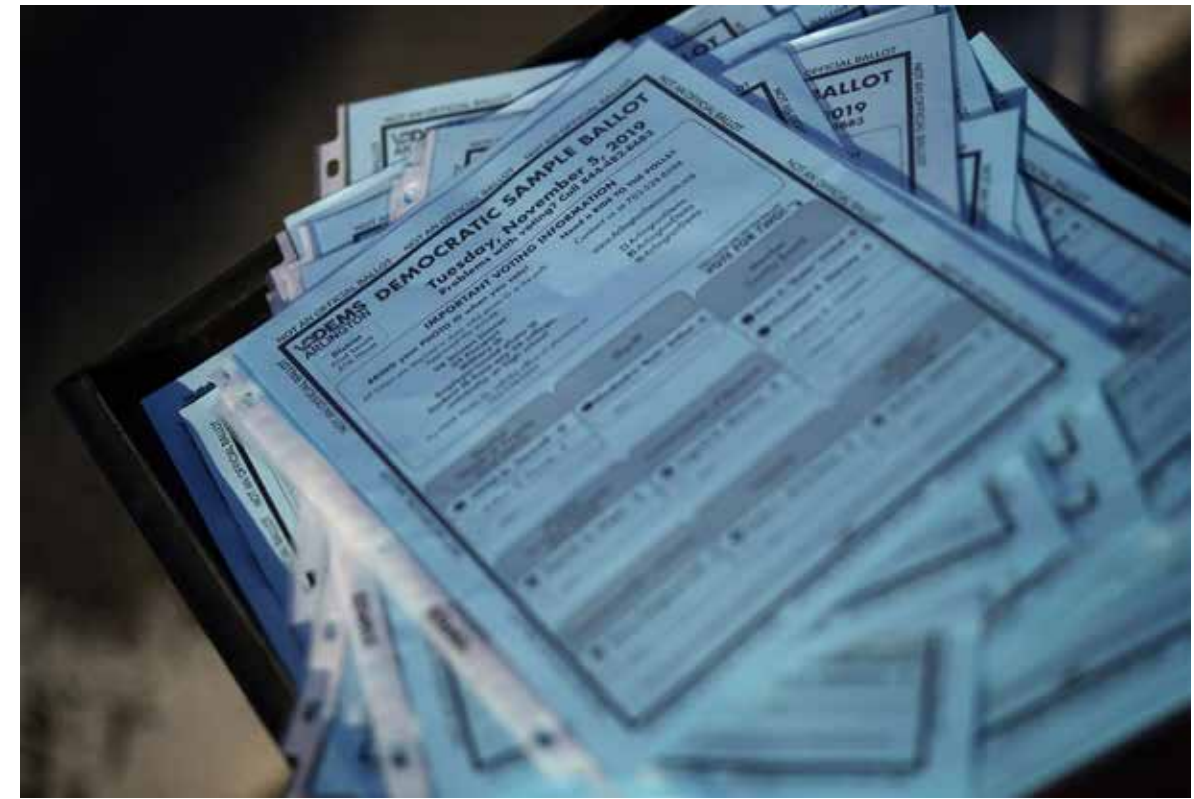
Alex Tom, a leader of LeftRoots and the pro-Beijing San Francisco-based Chinese Progressive Association, in 2012 formed the China Education and Exposure Program to "build a deeper analysis of China for US progressives and leftists and to build relationships with the grassroots movement in China," according to his 2013 LeftForum speaker's bio.

John Marienthal, a San Jose-based FRSO member, has been a leader of the pro-Beijing U.S.-China Peoples Friendship Association for more than 40 years and has taught in several Chinese educational establishments since the 1980s.

Steve McClure is a former Washington resident who, in the 1970s, was active in the pro-Mao Revolutionary Student Brigade. He has close ties to FRSO and NVM. Since 2010, he has worked with the Geography Department of Wuhan University in China, and he is a research associate with the State Key Laboratory of Engineering Information in Surveying, Mapping, and Remote Sensing at the university.

McClure has used his skills in Geographic Information Systems (GIS) to supply highly targeted voter identification information to NVM.

As far back as 2005, McClure was using GIS technology to identify low-income voters for Liss's Tenant Workers Support Committee. McClure "plotted lower-income, high-rental housing



WIN MCNAMEE/GETTY IMAGES

A sample ballot at a polling station in Arlington, Va., on Nov. 5, 2019.

argue that to destroy the Republican Party in the South, black communities must be targeted and mobilized to vote:

"(1) A critical mass of Southern states can and must be won if we are to block or defeat the right in presidential elections. Three of the five or so critical battleground states are in the South: Florida, Virginia and North Carolina. Southern blue and battleground states plus Washington D.C. hold 38 percent of the electoral votes needed to win.

"(2) Winning an anti-rightwing congressional majority depends on winning in the South, as the South has a bigger congressional delegation than any other region and Southern congresspersons also hold key leadership posts within the Republican Party's congressional hierarchies.

"(3) There are tremendous opportunities to build progressive political power and governance at the local level in the South as 105 counties have a Black majority. ...

"While some might dismiss the South, focusing strategically on the Northeast and Pacific Coast as central to a progressive program and the Midwest as the main political battleground, the South's dynamic growth, historical legacy of Black struggle and powerful political weight make it a critical battlefield.

"The nuance is that the South cannot be won as a bloc, but only state by state and county by county. In fact, winning the South in large part means understanding that it is not a monolithic entity and winning it piece by piece: i.e. politically deconstructing the South."

President Donald Trump's victory in 2016 shocked the left and, according to McClure and Wing, has made their goal of flipping the South even more urgent:

"This essay was prepared in March 2015, prior to the 2016 election season that eventually resulted in Donald Trump's victory. However, the far rightwing's capture of the presidency makes this essay's main arguments even more important. ...

"The South is the key center of the far right and the Republican Party; neither can be defeated without bat-

ting for the South."

Liberation Road has a large presence in Georgia, Tennessee, North Carolina (Durham for All), and Florida (the New Florida Majority). Now that Virginia is safely in the Democrat column, look to see an upsurge of Maoist electoral activity in North Carolina and Florida to turn those states blue in 2020; Tennessee and Georgia will be next. Then, Texas.

**Chinese 'Collusion'?**

Trump has been tougher on Beijing than has any other president in living memory. It's no secret that China doesn't like Trump and would love to see him defeated in 2020.

Rather than risk war, or suffer huge economic setbacks, wouldn't it be much cheaper and easier to use China's American assets, such as Liberation Road, to ensure Trump's defeat by "democratic" means?

It's inconceivable that the Chinese government didn't know what McClure was up to. After all, they presumably pay his salary or living costs while he is in China.

It's clear that Liberation Road is tied to China. It's also clear that their front-group NVM is heavily involved in U.S. electoral politics and played a decisive role in turning Virginia blue. It's also obvious that Liberation Road's goal is to destroy President Trump and the Republican Party to pave the way for a socialist America.

Is there Chinese "collusion" here? Do we need investigations and executive action against these subversive groups before they're able to fully realize their goals? With less than a year until the 2020 election, there's not much time left to do so.

*Trevor Loudon is an author, filmmaker, and public speaker from New Zealand. For more than 30 years, he has researched radical left, Marxist, and terrorist movements and their covert influence on mainstream politics.*

*Views expressed in this article are the opinions of the author and do not necessarily reflect the views of The Epoch Times.*

Virginia Gov. Ralph Northam speaks at a press conference at the governor's mansion in Richmond, on Feb. 2, 2019.



ALEX EDELMAN/GETTY IMAGES



SLOWINGA/OPFD 1.2

## Preparations Made to Appeal Judge's Ruling Approving Harvard's Discriminatory Admissions Policies

MATTHEW VADUM

A conservative civil rights group plans to lend its expertise to the legal fight to overturn a federal judge's ruling that Harvard University's policy of discriminating against Asian Americans in favor of whites in the undergraduate admissions process is legally sound.

The ruling in question came Sept. 30 from Boston-based U.S. District Judge Allison D. Burroughs, who was appointed by former President Barack Obama, in a case cited as *Students for Fair Admissions Inc. v. President and Fellows of Harvard College*.

The Trump administration has weighed in on the side of the Asian American students in the lawsuit.

"No American should be denied admission to school because of their race," then-Attorney General Jeff Sessions said in a statement in 2018. "As a recipient of taxpayer dollars, Harvard has a responsibility to conduct its admissions policy without racial discrimination by using meaningful admissions criteria that meet lawful requirements. ... The admissions policies at our colleges and universities are important and must be conducted lawfully."

The Asian Americans adversely affected by the policy are collateral damage on the road to social justice, the judge argued.

Burroughs found that "diversity"—a relatively new concept not mentioned in American founding documents such as the Declaration of Independence or the Constitution—trumps all other factors in the college admissions process and justifies race-conscious social engineering by Harvard officials.

Shrugging off the harm done to Asian American students, the judge wrote that "race-conscious admissions will always penalize to some extent the groups that are not being advantaged by the process, but this is justified by the compelling interest in diversity and all the benefits

that flow from a diverse college population."

"It is somewhat axiomatic at this point that diversity of all sorts, including racial diversity, is an important aspect of education," Burroughs wrote.

"The evidence at trial was clear that a heterogeneous student body promotes a more robust academic environment with a greater depth and breadth of learning, encourages learning outside the classroom, and creates a richer sense of community. The benefits of a diverse student body are also likely to be reflected by the accomplishments of graduates and improved faculty scholarship following exposure to varying perspectives."

Asian American high school students accounted for about 22 percent of total applicants to the college in recent years, even though Asian Americans make up less than 6 percent of the U.S. population, she wrote.

But in an interview with The Epoch Times, attorney Wen Fa of the Pacific Legal Foundation (PLF), a public interest law firm headquartered in Sacramento, California, rejected the judge's reasoning.

"We think that discrimination is wrong and shouldn't be taken lightly just because government takes some vague interest in diversity," he said. "When the gov-

Pedestrians walk past a Harvard University building in Cambridge, Mass., on Aug. 30, 2018.



SCOTT EISEN/GETTY IMAGES

ernment talks about diversity, it is usually talking about a very narrow conception of diversity: racial diversity.

"At Pacific Legal Foundation, we think everyone should be treated based on individual merit, and not based on race."

PLF is preparing a friend-of-the-court brief backing the legal challenges in the litigation, Students for Fair Admissions, in that group's ongoing appeal that is currently pending before the 1st Circuit Court of Appeals. The appeals court could rule in the case next year or possibly the year after, Fa said.

Edward Blum, president of Arlington, Virginia-based Students for Fair Admissions, said when Burroughs issued her opinion that he was "disappointed that the court has upheld Harvard's discriminatory admissions policies" and that his group vows to appeal the decision all the way to the Supreme Court, if necessary.

SFFA describes itself as "a non-profit membership group of more than 20,000 students, parents, and others who believe that racial classifications and preferences in college admissions are unfair, unnecessary, and unconstitutional."

College preparation services already advise Asian Americans how to cope with the discrimination they face in the college admissions

process.

"You see the admissions guidebooks, such as Princeton Review and Kaplan, guide students in the admissions process and a lot of these books say if you're Asian, don't say you're interested in science or math or that you want to be a doctor because then you're too much like the standard Asian," he said.

You shouldn't have to hide who you are or pretend to be someone else to get into a college, he added, noting that the PLF's brief will be based on the Equal Protection Clause of the 14th Amendment.

Critics of affirmative action in college admissions say it's time for the practice to end.

They quote the words of former Supreme Court Justice Sandra Day O'Connor, who left the practice was a necessary evil. In *Grutter v. Bollinger* (2003), she wrote, "We expect that 25 years from now the use of racial preferences will no longer be necessary to further the interest approved today."

Making race-conscious admissions decisions is "dangerous," O'Connor wrote, calling it a "deviation from the norm of equal treatment." Such programs must "be limited in time," she stated, adding that "all governmental use of race must have a logical end point."



Then-Attorney General Jeff Sessions at the Justice Department in Washington on Oct. 25, 2018.

MARK WILSON/GETTY IMAGES

## US Tech Chief Calls China 'Advanced Authoritarian State,' Warns Against Surveillance, Censorship

BOWEN XIAO

U.S. Chief Technology Officer Michael Kratsios said the Beijing regime has built an "advanced authoritarian state" and warned against countries "opening their arms" to Chinese companies for key infrastructure such as 5G network technology and artificial intelligence.

Kratsios, in his first major international remarks on Nov. 7 after being confirmed by the Senate in August, spoke about the Trump administration's efforts to lead in emerging technologies, urging that if they didn't act now, the Chinese communist regime's influence and control of technology would "not only undermine the freedoms of their own citizens but all citizens of the world."

Much of his speech at a major global technology conference in Lisbon, Portugal, was dedicated to urging America and Europe to work together in embracing technology innovation to "defend our free system against our adversaries, that seek to undermine our shared values." He also singled out Chinese technology giant Huawei at the 2019 Web Summit as an example of the Chinese Communist Party (CCP) "extending its authoritarianism abroad."

"We are fighting to defend the free market system that fuels our innovation," Kratsios said. "We're fighting so technological advances driving our economies, strengthening our security, powering our citizens, and defining our future will be built by us with our values."

"If we allow Beijing such a profound degree of access and influence in our technology system, we run the risk of repeating the same mistakes our nation's [leaders] made nearly 20 years ago. In 2001, our leaders [led] China into the World Trade Organization, expecting that as we opened our economies



PATRICIA DE MELO MOREIRA/AFP/APP VIA GETTY IMAGES

U.S. Chief Technology Officer Michael Kratsios delivers a speech on the last day of the Web Summit in Lisbon, Portugal, on Nov. 7, 2019.

**We're fighting so technological advances driving our economies, strengthening our security and powering our citizens and defining our future will be built by us with our values.**

Michael Kratsios, U.S. chief technology officer

to them, the country would liberalize politically and economically.

"Instead, China stole our intellectual property. They forced companies to hand over valuable technology ... to access their market, and now, they require access to all data, information, and secrets contained on any server in China," he continued.

Under Chinese law, Huawei and all other Chinese companies must cooperate with the regime's Intelligence and Security Services, regardless of where the company actually operates, Kratsios said. He also referenced reports about Huawei installing equipment at the headquarters of the African Union, with the union's computer system then being hacked and the data being transferred to servers in Shanghai. He said that occurred "every single night for five years."

The CCP has representatives in almost every large company in China, meaning that they all have the same objective in carrying out the goals of the state, Charity Wright, a cyberthreat intelligence adviser at InSights with 15 years' experience with the

U.S. Army and the National Security Agency, recently told The Epoch Times.

In response to Kratsios's speech, Huawei released a Nov. 7 statement rejecting his assertions, saying it's a "100% private company exclusively owned by its employees." Huawei claimed it had no control or access to the data in the African Union headquarters, saying it was managed and operated by the organization's IT staff.

The United States has been "forced to take steps" to block the infiltration of technology infrastructure, the stealing of American research and innovation, and the use of the resulting technology to violate human rights, Kratsios said. China is the most active perpetrator of economic espionage in the United States, according to a White House Office of Trade and Manufacturing Policy report.

"We have the will to make the right choices now, and the courage to ratify our words with actions. The American government is taking a stand and we cannot do this without Europe and our allies around the world," Kratsios said.

In May, President Donald Trump signed an executive order that would allow the government to block the purchase of foreign-made telecommunications equipment deemed a national security risk to the United States. The Trump administration has also previously lobbied other countries against using Huawei's 5G equipment.

Kratsios's speech came just days after Ajit Pai, chairman of the U.S. Federal Communications Commission, gave remarks similar in scope and tone at the Council on Foreign Relations, a nonprofit think tank. Pai called Huawei's dominance in 5G a "major concern" for the United States that could open the door to surveillance, espionage, and other dangers.

## Trump Honors Veterans at Iconic New York Parade

The first sitting US president to attend the parade pledges to 'always honor our veterans'

BOWEN XIAO

NEW YORK—President Donald Trump and First Lady Melania Trump attended this year's Veterans Day Parade in New York on Nov. 11, making Trump the first president to accept an invitation to the largest commemoration of service in the nation. Trump said in his opening remarks that it was "truly an honor" to be there.

The parade, which was celebrating its 100th year running, featured 300 marching elements and included veterans from different eras and wars. An estimated 20,000 to 30,000 people attended the event, according to the United War Veterans Council. Scattered among them were floats, military and vintage vehicles, and other special elements.

Trump recognized the veterans of World War II in the audience and said this year's parade specifically honors the U.S. Marine Corps, which recently celebrated its 244th anniversary.

"Today we come together as one nation to salute the veterans of the United States armed forces, the greatest warriors to ever walk the face of the earth," Trump said. "Our veterans risked everything for us, now it is our duty to serve and protect them every single day of our lives."

Last week, Doug McGowan, chairman of the United Veterans War Council, said Trump's support for the parade goes back decades. He said during the 1990s Trump personally offered financial support to save the event from insolvency. For the last 25 years, veterans have invited the sitting president to attend the event. Trump was the first to accept.

Trump reflected on the events of 9/11 in his remarks, saying the country would "never forget." He also made mention of last month's raid against the ISIS terrorist group which resulted in the suicide of its leader, Abu Bakr al-Baghdadi.

"Thanks to American warriors, al-Baghdadi is dead, his second in command is dead. ... His reign of terror is over, and his people are running very, very scared," Trump said.

"It is truly an honor to come back to New York City right here at Madison Square Park to be the first president ever to attend America's parade." He later participated in a wreath-laying ceremony.

Vice President Mike Pence observed the day with a speech at Arlington National Cemetery in Virginia, where he placed a wreath at the Tomb of the Unknown Soldier.

Trump said veteran satisfaction has hit "90 percent" under his administration—the highest rate recorded in the

**Today, we come together as one nation to salute the veterans of the United States armed forces, the greatest warriors to ever walk the face of the earth.**

President Donald Trump



SPENCER PLATT/GETTY IMAGES

President Donald Trump speaks at the opening ceremony of the Veterans Day Parade in New York on Nov. 11, 2019.

history of the agency. He also honored Jack Foy, a WWII veteran who fought at the Battle of the Bulge. Trump said the country would be "forever proud" of what Foy did.

"We pledge to always honor our veterans," Trump said. "You are America's greatest living heroes and we will cherish you now, always, and forever."

Under the current administration, the VA has done more in nearly three years to reform itself and improve the care and benefits of veterans than it has in decades, Christina Mandreucci, press secretary for the Department of Veterans Affairs (VA) told The Epoch Times in an email.

Mandreucci referenced a recent Veterans of Foreign Wars survey that found nearly three-quarters of respondents had reported improvements at their local VA and more than 90 percent said they would recommend VA care to other veterans.

Last year, Trump signed the largest funding bill for the VA in history, securing \$86.5 billion for the department. The VA Accountability and Whistleblower Protection Act, which makes it easier to identify problems within the agency and improve the quality of service for veterans, was also put into law by Trump.

In 2018, the department ranked sixth out of 17 federal government agencies in the Partnership for Public Service's most recent "Best Places to Work" survey, up from 17th place out of 18 agencies listed in 2017.

### Recognizing Sacrifice

Carlos Monzon, who served in the army reserves between 2009 to 2017 and did his tour of duty in Afghanistan in 2012, told The Epoch Times that it's critical for Americans to honor military veterans. He said this year was his first time watching the parade in person.

"They volunteered to sacrifice so much for this country," said Monzon, who hails from New Jersey. "All it takes is just a little bit of recognition, a day to recognize them and all that they've done."

Monson said parade attendees approached him on several occasions, thanking him for his service to the country. He called Trump's decision to attend and speak at the parade a "very good gesture."

"I didn't expect it. It's a good thing that he did that," he said.

Under the Trump Administration, veteran unemployment has reached the lowest level ever recorded. And in August, Trump signed a presidential memorandum making the process for eliminating federal student loan debt easier for permanently disabled veterans.

The directive benefits tens of thousands of struggling veterans, as only half of the roughly 50,000 qualified to have their federal loans discharged had received the benefit.

Reggie Regrut, who served in the Army Reserve from 1969 to 1971, told The Epoch Times he believes the day's commemoration helps "unite the country."

Regrut marched in the parade as a member of the nonprofit organization Veterans for Peace. He said every American should take some time to recognize the sacrifice military veterans have made for this country.

Vietnam War veteran Francisco Navarro told The Epoch Times he was "very, very proud" to see so many people show up with their support.

Navarro, who served in Vietnam in 1968 when he was 19 years old, said the mood at this year's parade was "better than last year." He said that he marches at the parade every year that he can, adding that it's a "very significant" event.

"We should all honor those who served and those who never came back," he said.



SPENCER PLATT/GETTY IMAGES

U.S. Marines march in the Veterans Day Parade in New York on Nov. 11, 2019.



# Beyond the Rhetoric: Trump Brings Back Founding Culture

WILLIAM GAIRDNER



Commentary

A good friend amusingly described President Donald Trump as “the mouth that roared,” attempting to define him as ineffectual. But he’s the farthest thing from that.

In an age of slick television and internet imagery that has preempted the centrality of the spoken word, he’s a startling throw-back.

With words alone—in spontaneous off-the-cuff remarks, in unscripted speeches, and on Twitter—he’s a fount of surprise. Sometimes he seems to surprise even himself, and could as well reply to a question: “How do I know what I think, until I see what I say?” That disturbs some listeners, but delights others.

But regardless, fans and foes alike the world over hang on his every word, and every word he thinks he said, or didn’t say, as the world’s media rise and fall in reaction to his moods, wondering what he will say or do next to shock their political sensibilities. It all began with the stunned surprise of the career officers and experts complacently steering Steamship America to a more socialist destiny, when Trump singlehandedly crashed the control room, grabbed the wheel, and began turning the ship back from the brink toward which it had been heading—like every other Western democracy—for more than a century.

Taking the fractured social-engineers’ shipwreck called America back to its original sovereign, free, nation-state foundation, is the underlying theme. Cut sprawling legislation, stop killing millions of unborn children, cut taxation, jack the economy, lower unemployment, get the poor off food stamps, kill the enemy then get out of foreign wars, fight for fair trade, control the nation’s borders, become energy independent, disable outside agencies dictating domestic policy to America, and put judges in place who will defend the Constitution as written. Back to the Founding! “America will never be a socialist country!” A busy man.

No public figure in recent memory has so brazenly and directly railed against the equality-mad, globalizing, anti-nationalist program that has been growing everywhere in the West like an invasive weed in the social and moral compost left by World War II.

Make no mistake. If the Cold War was World War III, we are currently in the thick of World War IV. It’s a war against ourselves. Since 1648, when the Treaty of Westphalia halted the horrific wars of religion by institutionalizing specified rights of national sovereignty for the many different peoples of the world, there have been two incompatible conceptions afoot as to how we ought to live.

## Globalism Versus Nationalism

Should each people, with a defined territory, ethnicity, language, culture, and political-economic system, evolve its own nation-state way of life, settling differences with other nations by way of agreements, treaties, and trade (as Westphalia wisely determined)?

Or should we be trying to unite all humanity under a single international system that defines the most rational political, economic, legal, and moral terms of living, thereby subordinating national ethno-cultural differences, in the hope of ending all wars?

These two ideologies—one nationalist, the other globalist—have been locking horns over mutually exclusive ends since Westphalia, like stubborn mastodons in a duel to the death, and they can never



CAROLYN KASTER/AP PHOTO

President Trump hugs the American flag as he arrives to speak at Conservative Political Action Conference (CPAC 2019), in National Harbor, Md., on March 2, 2019.

be reconciled. Tragically, during the last century, each of them embraced socialism—either national ethnic socialism (Germany and Italy), or international world socialism (all the communist countries)—as a means to further their clashing visions.

Although there are still remnants of each in our universities and on our streets, they were killed off as major forces in costly wars against the free world, against each other, and even against their own citizens—millions of whom were wantonly slaughtered as “internal enemies.”

Then came the United Nations. At first, it was dedicated to peace-keeping, but since then, to the imposition of global moral, social, health, and economic standards on the world’s nations by way of treaties aimed at regulating many of their internal affairs and sovereignty rights.

Upon the heels of this came the European Union, weakening the national borders of European nations, unifying passports, currencies, and trade regulations under a single trans-national European standard. Diminishing the influence of any single national sovereignty or ethnicity over others was, and remains, its overarching agenda. No more power against power. The castration of national powers equally is the theme.

Such organized impositions on the sovereignty of nations are in effect a direct attack on the Westphalian international order, and Trump is the first leader in the free world to say loud and clear that he wants none of it. The rest of you can buckle to a global socialist-style bureaucracy if you want, but America? Never. We are going back to our unique national roots. MAGA: “Make America Great Again!”

But along with those efforts to dissolve tensions between nations has come a further effort to dissolve cultural hegemony within them, and the chief weapon as an effective solvent is the self-contradictory notion of “multiculturalism.”

## Multiculturalism

This term doesn’t, as we may at first imagine, describe the adoption by a nation of many cultures. Rather, it’s an attack on the very idea that any one culture is better—or has ever been better—than any other. If we declare all cultures to be equal in value, then none will have a right to dominance within any nation-state, is the theme.

That’s how multicultural policy has become a weapon of cultural erasure—as was intended. Critics haven’t been surprised to see that this has resulted in a lot of mini-nationalist enclaves within every Western democracy, complete with growing ethnic animosities, violence, and in some countries,

even “no-go” zones where police dare not enter.

For as the prescient French critic Pascal Bruckner has said, multiculturalism condemns ethnicities to house-arrest in their own skins. So, let’s see now ... we fight nationalism between nations, only to create it a hundredfold within them?

Alas, these strategies for ending domination by a single national culture—the main target being the mostly Caucasian, Greco-Roman, Judeo-Christian culture of Europe and North America, or what students used to call “Western Civ”—have been at work in all the democracies, fueled, as mentioned, by the justifying, though unproven assumption of the equality of cultures. So in the United States, the famous national melting pot—e pluribus unum (from many, one)—has been breaking down at warp speed into a salad bowl—ex uno plures (from one, many).

In 1988, in its own confused and self-contradictory campaign, Canada declared itself to be “the world’s first multicultural nation.” Almost a decade prior to that, Canadian Prime Minister Pierre Trudeau had seen this policy as a novel means to dissolve the threat to Canadian unity posed by Quebec separatism, and to water down the dominant British cultural influence he disliked at the same time.

So he responded with characteristic flippancy to citizen complaints about this frontal attack on Canada’s deep culture with a patently false statement: “It doesn’t matter where the immigrants come from.”

But he knew that it matters a great deal. That’s why he was doing it. That’s why he was keen to globalize Canada internally, so to speak, via mixed, nontraditional immigration.

The truth, however, is that Canada, just like the United States and most other nations descended from mother England, has always been “multi-ethnic,” but never before “multicultural.” What is the difference? It’s quite simple.

Multiple ethnicities will assimilate under a single, deep culture they recognize as better than the one they left behind (that’s why most of them came here), and will preserve their cultures of origin privately, if at all. But multiple cultures, if officially informed upon arrival that their culture of origin has equal value to the one for which they emigrated, will divide the population into as many cultures of origin as exist within the state. The former is a recipe for national unity; the latter for national disunity.

Canada has 20.6 percent foreign-born citizens, the highest percentage among the G8 nations. And while the federal government confirmed that Canada had “only six visible minority neighborhoods” in 1981, by 2001, there were 254,

and who knows how many ethnic enclaves there are now? Census-identified foreign cultures now number more than 200 in Canada, and since 1980, far fewer immigrants have become naturalized Canadian citizens—a freefall from almost 93 percent naturalization prior to 1981, to barely over 68 percent by 2010.

What ought to be worrisome is that so strongly do many immigrants now identify with their own cultures of origin that no one can be certain for whom they would choose to fight if Canada went to war with any of their countries of origin. They seem to prefer their own deep culture.

So what is a deep culture? It is to a people as a magnet is to iron filings. It attracts them. It pulls them toward itself and organizes their reality. If you scatter a few million iron filings on a table, they just lie where they fall in a messy jumble, pointing aimlessly like little arrows in all directions, at nothing in particular. However, the moment that you place a big magnet under the center of the table, all those aimless filings will immediately snap into line and point to the center, to the common pull of the big magnet. Big culture. Big magnet. A common attraction. E pluribus unum.

But take away the big magnet, and put 100 smaller magnets under the table instead, and what will you see? All the iron filings will reorganize, each aligning with the closest magnet. The nation-state is then de-centered. Little magnets. Little cultures. No common attraction. Ex uno plures.

Cultures can be deep. Very deep. They can also be skin-deep, moving around on the surface of national life without penetrating deeply into the national psyche. I don’t want to dismiss the fun of skin-deep culture out of hand. Almost everyone living today has direct or indirect access to what has become an international skin-deep culture: French perfumes, bistros, and clothing; American movies; Japanese sushi restaurants; a passerby wearing a turban; lots of foreign cars buzzing around; and a congenial smattering of people with different colored skins and exotic features. Such things make high-consumption, chic societies more enjoyable. But they have no lasting pull. They are little magnets.

A deep culture is profoundly different. It’s the big magnet of a common language, literature, religion, legal system, and economic and political system that penetrates deep into the soul of the people in a thousand conscious and unconscious ways. Like that powerful big magnet, it draws citizens toward each other by way of shared cultural values, traditions, and principles, and most importantly, with the shared shalls and shall-nots of their common moral life. This is a natural product of the Westphalian principle, and it’s currently under attack.

The problem is that citizens will willingly die defending their own deep culture, and throughout history have done so, in droves. But unless engaged in an alliance, they will seldom die for someone else’s deep culture. Nor will they ever die for sushi, French perfume, or their sleek German car.

If you don’t have citizens willing to die to defend your deep culture, you don’t have a culture or a national home. You have a motel.

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Views expressed in this article are the opinions of the author and do not necessarily reflect the views of The Epoch Times.



The Supreme Court in Washington, in this file photo.

## Why McCulloch v. Maryland—Now 200 Years Old—Is Not a ‘Big Government’ Manifesto

ROB NATELSON



Commentary

This year marks the 200th anniversary of the Supreme Court’s ruling in *McCulloch v. Maryland*.

In that case, Chief Justice John Marshall upheld Congress’s power to charter a national bank—a distant forerunner of the modern Federal Reserve System.

Nearly all constitutional writers consider *McCulloch* one of the Supreme Court’s most important cases. They are correct to do so.

But many also depict the *McCulloch* ruling as justifying vast federal powers under a broad interpretation of the Constitution. They portray Marshall as a “big government” judge. That portrayal is wrong.

There are at least two well-grounded reasons why Marshall’s opinion in the *McCulloch* ruling is important. The first is that it clarified some basic facts about the constitutional system.

The *McCulloch* ruling explained that the people, not the states, created the federal government and granted its

**In 1791, leading Founders had debated the constitutionality of a national bank both in and out of Congress—and most of them concluded the bank was constitutional.**

powers. As a young lawyer, Marshall had been a leading spokesman for the Constitution, particularly in Virginia. In *McCulloch*, Marshall said—as James Madison had before him—that the Constitution’s legal force comes from approval by popularly elected state ratifying conventions that met from 1787 through 1790.

It follows that the first rule of constitutional interpretation is the understanding of the ratifiers. It isn’t, as some conservatives say, the “intent of the framers” or “the original public meaning.” Nor should we, some liberals contend, construe the Constitution through “evolving social standards” or novel interpretive theories.

Moreover, the *McCulloch* ruling clarified that, under the Constitution, state and federal governments operate fairly independently of each other. Neither level of government should try to dictate to the other nor obstruct the other’s core functions. Because Congress designed the national bank to assist Congress in carrying out its core functions, *McCulloch* voided a state attempt to tax the bank.

The second reason the *McCulloch* ruling is so important is Marshall’s use of established law and legal methods—rather than tailor-made theories—for interpreting the Constitution. This is noteworthy in his discussion of whether the national bank was valid under the Constitution’s necessary and proper clause.

The Constitution lists the powers of Congress. These include such functions as national defense, borrowing money, taxing, the postal system, the monetary system, and regulating foreign and interstate commerce. In addition to these explicit items, the Constitution adds that “the Congress shall have Power ... To make all Laws, which shall be necessary and proper for carrying into Execution” its listed powers.

The Constitution’s list of explicit powers doesn’t include chartering a national bank. In *McCulloch*, the court had to determine whether chartering the bank was “necessary and proper” to carry out Congress’s

explicit powers.

Marshall, like other lawyers of his time, was familiar with documents by which one person or group granted authority to another—documents such as powers of attorney, wills, trust instruments, and statutes. The phrase “necessary and proper” was common in such documents.

As used in the Constitution, the “necessary and proper” phrase meant that in addition to the functions explicitly listed, the person or group receiving authority could exercise incidental powers. These were lesser powers intended to accompany the listed ones. Lesser powers usually were incidental if they were customary or necessary to carrying out the listed functions.

For example, it is customary for a manager hiring employees to investigate candidates before hiring them. So a manager with power to hire employees usually has incidental authority to investigate candidates. Similarly, a real estate broker with authority to sell a vacant building may have incidental authority to clean it for showing.

In like manner, the Constitution’s grant of power to Congress to impose taxes carries with it incidental authority to obtain office space for revenue officers.

Marshall’s *McCulloch* opinion shows that he understood the necessary and proper clause as embodying the law of incidental powers. He said the Constitution didn’t mention incorporation because incorporation was merely a subsidiary power rather than a “great power” such as national defense and finance. Constitutions, unlike ordinary laws, generally left subsidiary powers to implication. This was the context for Marshall’s famous phrase, “We must never forget that it is a constitution we are expounding.”

Marshall further explained that national banks were customary and necessary for government financial and defense functions.

Marshall used other ordinary legal methods to support his conclusion. For example, he said that, in 1791, leading founders had debated the constitutionality of a national bank both in and out of Congress—and most of them

concluded the bank was constitutional. This process of consulting “contemporaneous exposition” was (and is) a traditional way of interpreting statutes and documents. Marshall didn’t resort to novel interpretive theories or evolving social standards.

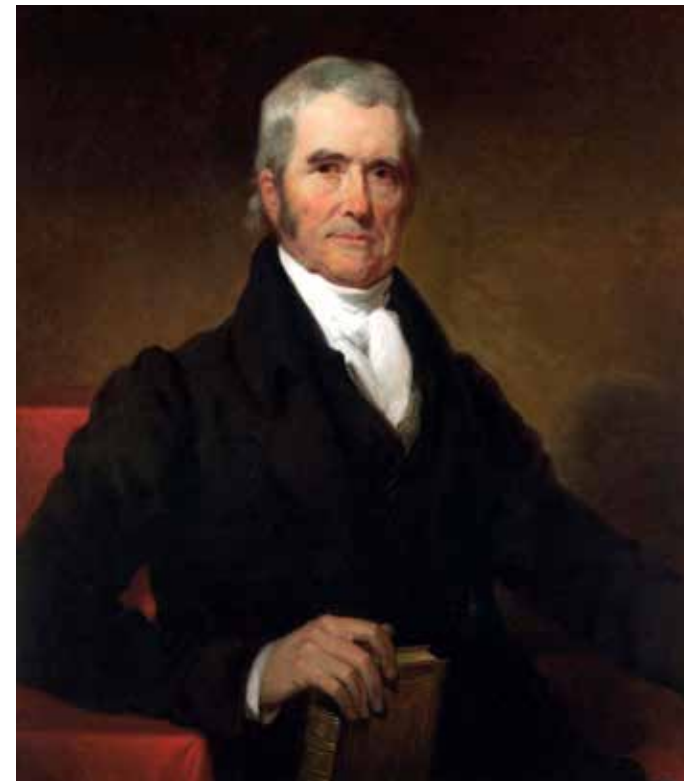
In the 20th century, the Supreme Court cited the *McCulloch* ruling to uphold unprecedented federal spending and regulatory programs. Law school constitutional law courses sometimes treat *McCulloch* the same way.

But with all respect, this approach is the product of historical ignorance. Those who depict *McCulloch* as a “big government” decision generally are unaware of how the founders understood the necessary and proper clause and how the bank debates of 1791 focused on the details of incidental powers law. They usually are unaware of critical changes in the English language—such as the fact that when Marshall used the words “convenient” and “appropriate,” they embodied narrower and tougher standards than they do today. Without that kind of historical perspective, *McCulloch* is a difficult case to understand.

And if you read *McCulloch* in isolation, you might think Marshall’s rejection of narrow interpretation meant he favored broad interpretation. But as Marshall’s other writings make clear, his standard was fair construction: He believed we should interpret the Constitution as its ratifiers understood it—neither more narrowly nor more broadly.

Robert G. Natelson was a law professor for 25 years and is senior fellow in constitutional jurisprudence at the Independence Institute in Denver. His groundbreaking research into the necessary and proper clause is set forth in his co-authored book, “*The Origins of the Necessary and Proper Clause*” (Cambridge Univ. Press, 2010).

Views expressed in this article are the opinions of the author and do not necessarily reflect the views of



A portrait of Chief Justice John Marshall (1832) by Henry Inman.

# It Is What It Is: Love, Control, and Letting Go

PAUL ADAMS



*Commentary*

All parents need to learn a degree of equanimity, a kind of peace with the way things are and what we can and cannot do about it.

We love our children but have limited and decreasing control over them. We want them to be happy, but realize that in the end their happiness depends more on their choices than ours. The same is true of others we try to help, and in the political realm as well as the personal.

We have, and should have, less control than we may think or want.

## Control

Some “helping professionals,” even if they work in child protection or neighborhood safety, like to deny or minimize the element of control that care involves.

Close to 20 years ago, I gave a paper at an international conference in Istanbul, and my wife and young son came along. My son at that time was able to crawl fast but not yet walk, which made for some interesting adventures.

My paper linked social care and control, and I was told by one (European) participant that social work and other professional helping was about education, not control. I argued that caring and love were inseparable from control—knowing when it is needed and when the parent or other carer has to let go.

In our toddler's case, control was critical—which my critic recognized when he saw my son racing off toward the hotel pool we were relaxing by. I picked the boy up, brought him back to where we were lying out in the sun, and off he crawled again. And again. My colleague acknowledged, watching the scene, that exercising control was a part of caring, not least for a parent.

Such dispassionate control was aimed not at manipulating or running someone's life but, in this case, at keeping safe a child who does not have the experience or judgment to see the danger.

## Equanimity

But as every parent knows, children grow up. They go their own way whether we like it or not. They learn from their own experience and the guidance of parents, teachers, and others, that some things that attract them are dangerous. Some choices are self-destructive, as we lovingly

We have to cultivate a dispassionate response to the world that allows us to be at peace with reality as it is.

(or sometimes exasperatedly) try to teach them. But they are their choices to make.

We love them and wish them the best, but their happiness in life depends in the end on their choices, not our wishes for them.

As our children become more independent, they learn, we hope, the habits and virtues of practical judgment and prudence. They learn self-mastery, so they're not ruled by their appetites or addictions. And so on. But we as parents have at the same time to learn and accept that our control is limited, and should be.

Like all humans, our children are not robots with no will of their own. Learning the attitude of letting go, surrendering the control that was only ever temporary and contingent, requires practice and humility. We have to cultivate a dispassionate response to the world that will allow us to be at peace with reality as it is. It's the opposite of the restless agitation we feel when we crave things to be different from the way they are. But it's not the same as indifference, which may look similar, but which is a turning away from reality, an attitude of not caring.

In cultivating our own equanimity, we also model and teach it for those around us. We hope to cultivate gratitude as a way of being in the world—for example, by counting our blessings and teaching our children the habits of gratitude rather than entitlement. In the same way, we learn and teach the limits of our own control of other people and events. We practice an attitude of realistic, but not indifferent or uncaring, letting go.

Such a way of being in the world is necessary not only to our children's flourishing as individuals, in relations with others, and in society, but to their capacity to let go of their own impatient urges to control their elders and transform the world to their own liking.

The Politics of Equanimity Many statesmen, prime ministers, and presidents, among them Clemenceau, Bismarck, Disraeli, Woodrow Wilson, and Churchill, have been quoted as saying, in various versions, that a young man who is not a socialist (or communist or liberal) before a certain age has no heart, but a man who is still one after a certain age has no head.

The ages vary and we can't take literally the contrast of head and heart, as if growth in one meant decay of the other. But the young are more drawn to the left of the political spectrum, both because of the compassion associated with it and because of their own

sense of urgency about the problems they identify and the need to act now, to sweep all obstacles aside.

The virtue of prudence or practical judgment, on the other hand, is only acquired with maturity and experience. Equanimity as a habit and way of being also comes with age and experience. It recognizes the limits on our knowledge and capacity to control our world and society. It doesn't seek to bully others into accepting our point of view or to impose an orthodoxy enforced by the enlightened few on the benighted masses—whether by state power or “woke” corporations. That's the attitude of the utopian revolutionary, the authoritarianism or “God complex” that is an intrinsic part of progressivism or socialism in all its forms.

On the other hand, equanimity or dispassion is not an absence of compassion. It doesn't turn away from reality in the opposite direction, in an attitude of indifference to the common good. Such a “so what?” stance is sometimes associated with, and even expressed by, adherents of libertarianism in economic life or sexual behavior. Such indifference turns away from reality, no less than woke utopianism—it rejects public action to help those trapped in dying industries or regions, for example, or to deal with such public evils as the opioid epidemic, easy care of minors to pornography, or the sexualization of children.

Equanimity, by contrast, doesn't shy away from parental control or government action when it is needed and doesn't unjustly violate another's autonomy and freedom. It seeks to help as it can but also to let go, to respect the choices of others.

The challenge for parents, psychotherapists, and rulers is to learn the difference, to discern when their job is to control and when to let go. Respecting the full humanity of the one we seek to help or guide means being dispassionate and not manipulative. It means accepting the reality that others will make choices that would not be ours, but that are in any case not ours to make.

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*Views expressed in this article are the opinions of the author and do not necessarily reflect the views of The Epoch Times.*



A parent controls an infant out of love when the child is unaware of a dangerous environment.



Every parent knows, children grow up. We love them and wish them the best, but their happiness in life depends in the end on their choices, not our wishes for them.

# Americans Don't Always Vote Pocketbook, nor Should They

CLIFFORD HUMPHREY



*Commentary*

“The economy, stupid.” James Carville, a campaign strategist for former President Bill Clinton, made that phrase famous in the presidential election of 1992. Then it was just a slogan; now, to many people, it has become a truism: The economy is all that really matters in elections.

Last year, talk show host Bill Maher told his audience: “One way you get rid of Trump is a crashing economy. So, please, bring on the recession.”

On the one hand, of course, that plan makes sense: If people are suffering, they will look for any kind of change, and if they are in economic straits, they'll vote for candidates they think will improve their financial condition.

On the other hand, though, human beings are not preeminently concerned with economic or material issues; their highest concerns involve questions of justice. Those who elevate the slogan “Americans vote pocketbook” to the status of a self-evident truth fundamentally misunderstand human nature.

This misunderstanding is bipartisan. Many Republicans think President Donald Trump's reelection is certain so long as the economy remains strong. Likewise, many Democrats think their candidate will be elected if they can persuade enough Americans that socialist policies such as “Medicare for all” are economically feasible.

It's true that economic concerns are unceasing, even in the wealthiest nation in history. Nevertheless, Republicans and Democrats alike should know that people are moved fundamentally by higher claims of justice.

## People Don't Always Vote Their Pocketbook

John Anzalone, who worked for former President Barack Obama's campaigns in 2008 and 2012, told Democrats that to win middle-class voters in 2016, they should remember that

U.S. flags on display outside the New York Stock Exchange on Sept. 12, 2019.



“most people go into that voting booth and vote their pocketbook.” Further, many experts told voters stocks would crash if Trump won in 2016.

Yet Americans elected Trump anyway. In fact, Trump's victory showed that voters were more concerned about the injustice of illegal immigration than they were about trying to raise the federal minimum wage or lower the cost of health care.

Accordingly, don't be surprised in 2020 when millions of Americans vote for a Democratic presidential candidate simply because that person is #AnyoneButTrump, even if they know that candidate will raise taxes and damage the economy. People want to vote for someone who represents their understanding of justice, and no one offends the Progressive ideal of justice quite like Donald J. Trump.

Americans aren't unique in this respect. For all people, concerns for financial security are more immediate, but concerns for justice—however they understand justice—are preeminent.

For example, generations of China experts believed wholeheartedly that if GDP and the standard of living rose significantly in China, then the country would democratize and become a more open, liberal society, interested only in increasing its wealth. The opposite has happened. China is wealthier but more totalitarian now than it

has ever been.

China demonstrates an important lesson: Every kind of regime is an instantiation in law of some idea of justice. The Chinese Communist Party imposes on the Chinese people a certain view of justice that legitimizes its own rule, and the Party is much more concerned with maintaining its hold on power than with making average Chinese people wealthier for their own sake.

## The Preeminence of Justice

In perhaps the first book ever written explicitly on politics, Aristotle distinguishes human beings from animals by pointing out that only humans can speak. Animals, he says, indeed have voice, and they use it to indicate pain and pleasure. Only humans, though, have the faculty of speech, by which they communicate opinions about what is advantageous and disadvantageous, just and unjust.

Because humans have this capacity in their nature, Aristotle describes man as “a political animal.” In other words, man was made to live in a community with others with whom he can converse and discuss issues of greater nobility and importance than mere survival and material interests. Only animals are utterly concerned with their physical well-being.

Some conservative scholars claim that America's founders believed that

humans are concerned with self-preservation above all else. Thus, they think the American government was designed to encourage citizens to elevate base economic rights and cares above noble duties and virtues.

In fact, the founders understood that economic and material concerns are necessary in order to have a stable political community, but they believed that such stability is important because it allows citizens to pursue their higher desires for excellence and nobility—in a word, happiness.

Like Aristotle, the founders believed that the purpose of government includes providing the conditions that make possible “the pursuit of happiness,” not merely the struggle for survival.

George Washington put this beautifully in his first inaugural address. “There is no truth more thoroughly established, than that there exists in the economy and course of nature, an indissoluble union between virtue and happiness, between duty and advantage, between the genuine maxims of an honest and magnanimous policy, and the solid rewards of public prosperity and felicity.”

Don't make a principle out of expecting people to vote purely for pocketbook issues. Often they won't.

Republicans should criticize socialists' policies not simply because those policies might be impractically expensive, but because they are inherently unjust.

In other words, as James Madison wrote, we should elect those “whose wisdom may best discern the true interest of their country, and whose patriotism and love of justice, will be least likely to sacrifice it to temporary or partial considerations.”

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*Views expressed in this article are the opinions of the author and do not necessarily reflect the views of The Epoch Times.*



The statue of George Washington near the New York Stock Exchange in this file photo.

# Federal Judge Denies Rights of Conscience to Health Care Providers

MICHAEL B. THOMAS/GETTY IMAGES



A woman displays a sign in support of abortion legislation during a pro-life rally outside a Planned Parenthood clinic in St. Louis on June 4, 2019.

## MATTHEW VADUM

**A**n Obama-appointed federal judge in Manhattan struck down as unconstitutional a Trump administration rule preventing federally funded health care providers from being forced to participate in abortions and other activities that violate their conscience.

U.S. District Judge Paul A. Engelmayer of the Southern District of New York, who joined the court in 2011 after being nominated by then-President Barack Obama, issued a 147-page opinion and order Nov. 6 invalidating the regulation published by the U.S. Department of Health and Human Services (HHS).

The rule, which the judge wrote “purports to interpret and provide for the implementation of more than 30 statutory provisions that recognize the right of an individual or entity to abstain from participation in medical procedures, programs, services, or research activities on account of a religious or moral objection,” was to become effective July 22. During the course of the litigation, HHS agreed to delay the effective date to Nov. 22.

The ruling came in three lawsuits brought by Planned Parenthood, New York State, and other state and local governments that were consolidated by the court.

Sen. Ben Sasse (R-Neb.) described the court ruling as “absurd mush.”

“The point of the First Amendment—especially the free exercise of religion—is to protect the conscience rights of Americans,” he said in a statement. “In this country, government doesn’t get to tell you that your faith is fine on Sunday at church but not Monday at work.”

Lawyer Alexa Kolbi-Molinas of the American Civil Liberties Union praised the judicial order, characterizing it as protecting patients. “Everyone is entitled to their religious beliefs, but religious beliefs do not include a license to discriminate, to deny essential care, or to cause harm to others,” she said in a statement.

The rule, unveiled in May by the Office for Civil Rights (OCR) at HHS, was created to protect “individuals and health care entities from discrimination on the basis of their exercise of conscience in HHS-funded programs,” and implements “full and robust enforcement of approximately 25 provisions passed by Congress protecting longstanding conscience rights in health care.”

“Finally, laws prohibiting government-funded discrimination against conscience and religious freedom will be enforced like every other civil rights law,” OCR Director Roger Severino said at the time.

**In this country, government doesn't get to tell you that your faith is fine on Sunday at church but not Monday at work.**

Sen. Ben Sasse (R-Neb.)

“This rule ensures that health care entities and professionals won’t be bullied out of the health care field because they decline to participate in actions that violate their conscience, including the taking of human life.”

But in his ruling, Engelmayer didn’t need to reach religious freedom issues covered by the First Amendment or the abortion issue because he found other grounds to invalidate the HHS rule.

The rule, the court found, “imposes ambiguous and retroactive conditions on the States,” which would be required to enforce its provisions because they accept health care funding from the federal government.

“Once a State has accepted funds pursuant to a federal spending program, the Federal Government cannot alter the conditions attached to those funds so significantly as to ‘accomplish[ ] a shift in kind, not merely degree,’” the judge wrote, quoting from the Supreme Court’s 2012 ruling in *NFIB v. Sebelius*.

The judge indicated he was striking down the entire rule instead of just parts of it, because it “was sufficiently shot through with glaring legal defects as to not justify a search for survivors.”

In his opinion, Engelmayer also noted that protecting health care providers’ freedom of conscience would be expensive for the states.

“HHS itself classifies the Rule as ‘economically significant,’ meaning it will have an annual economic effect of more than \$100 million ... [and] will cost around \$1 billion to implement ... over its first five years, not including public health costs.”

“The Rule also puts in jeopardy billions of dollars in federal health care funds,” the judge wrote matter-of-factly, without noting that providing financial incentives for compliance was the purpose of the rule.

Planned Parenthood could be adversely affected, he wrote parenthetically, because “nearly” every one of its affiliates “participates in Medicaid, which garners hundreds of millions of dollars in reimbursement.”

The HHS regulation came two years after President Donald Trump signed Executive Order 13798 to protect Americans’ fundamental rights of conscience and religious liberty.

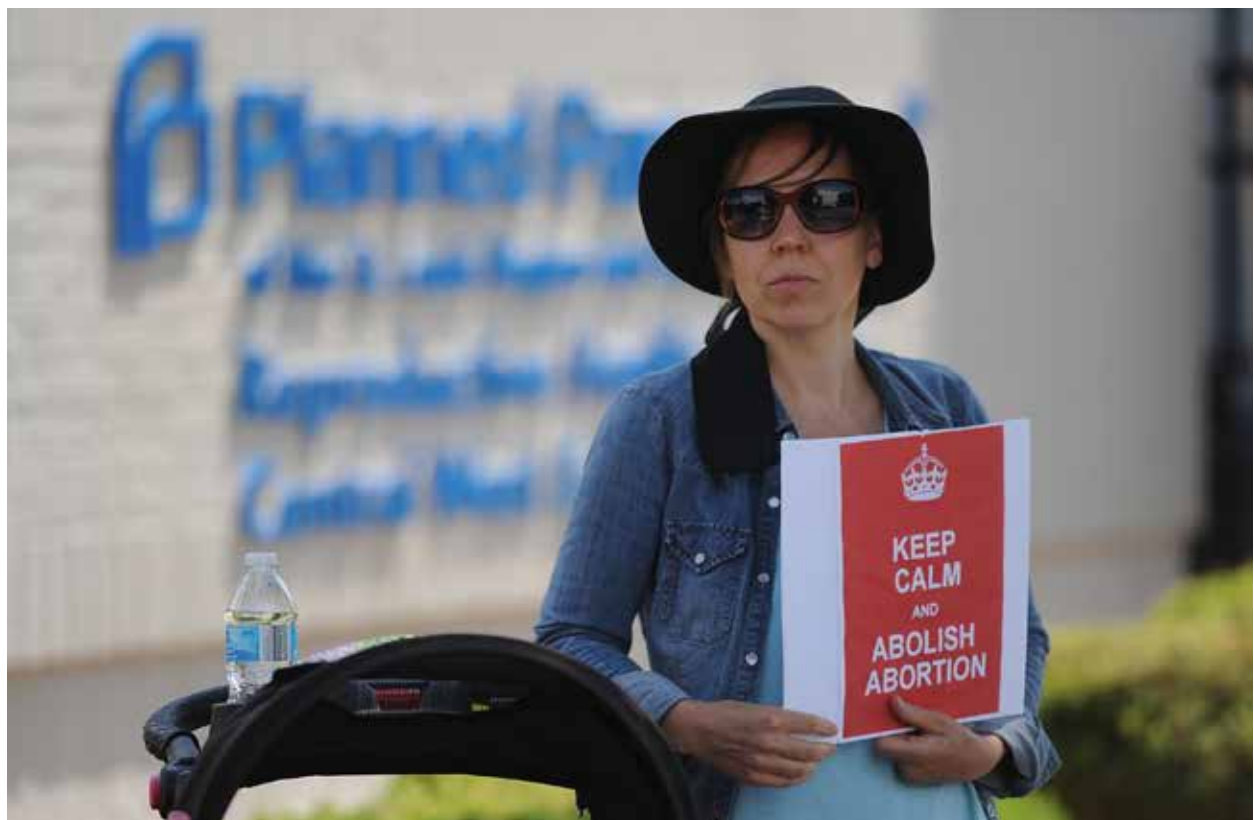
EO 13798 states it “shall be the policy of the executive branch to vigorously enforce Federal law’s robust protections for religious freedom” because our “Founders envisioned a Nation in which religious voices and views were integral to a vibrant public square, and in which religious people and institutions were free to practice their faith without fear of discrimination or retaliation by the Federal Government.”

Trump later signed Executive Order 13831 which created a Faith and Opportunity Initiative in the White House.

The order will “ensure that the faith-based and community organizations that form the bedrock of our society have strong advocates in the White House and throughout the Federal Government,” a White House press release stated at the time.

The Epoch Times asked the Department of Justice if the administration planned to appeal the ruling but didn’t immediately receive a reply.

MICHAEL B. THOMAS/GETTY IMAGES



A woman displays a sign during a pro-life rally outside a Planned Parenthood clinic in St. Louis on June 4, 2019.