Written by **Jack Kenny** on March 21, 2013

The "Best and the Brightest" Strike Again

Lessons from history are more talked about than learned and, if learned, are soon forgotten. We learn very little from our war experience, for example, whether from Vietnam or Iraq. One lesson that appears to be a constant is that the measures we take against the enemy in a war soon find their way into our domestic politics as well. That is why it was neither vain nor foolish for Sen. Rand Paul (R-Ky.) to filibuster against the confirmation of John Brennan as director of the Central Intelligence Agency until there was some assurance, however parsed and halting, that the armed drones, a favorite weapon of the CIA, would not be used against U.S. citizens on American soil.

Decades ago, Congress passed a law barring the CIA from taking part in domestic law-enforcement operations. Yet some local law-enforcement agencies have been happy to receive assistance from the CIA, as well as the FBI. We have gotten used to accounts of secret "black hole" prisons operated by the CIA in parts of Europe that used to be controlled by the Soviet Union. It is sad to think of the old Soviet Union still operating under new management from Washington, D.C., or Langley, Virginia, but it no doubt seemed that way to the prisoners.

We have also gotten used to the president or the Congress, or both, adhering to the tyrannical principle that the government may hold a terrorist suspect, even a U.S. citizen, indefinitely, without a charge and without a trial, by the simple expedient of having him declared by the president an "enemy combatant." He might be held as a "material witness," as the conspirator in some real or imagined criminal plot, or simply someone suspected of cooperating with al-Qaeda or an affiliated organization. With no charge lodged against him, the suspect (we may not even call him "the accused") has no way of claiming his constitutional right to a speedy trial. (A trial? On what charge?) And the government that imprisons him can ignore his right to a writ of habeas corpus.

A great many heedless antiwar voters cast their ballots for Barack Obama in 2008, no doubt misled into believing that Sen. Obama shared their antipathy toward war. But Obama stated quite clearly that he was no pacifist. "I'm not against all wars," he said. "I'm just against dumb wars." George W. Bush's and Dick Cheney's Iraq War fit the bill as a dumb war. But if Obama is partial toward smart wars, it should have sounded an alarm bell in the minds of the American public. David Halberstam's revealing book about the Vietnam War, after all, made much of the fact that the architects of the American role in that Southeast Asian conflict were known as *The Best and the Brightest.* It is the bright people who get the country into the greatest trouble.

Most people are willing to leave matters of foreign and military policy to the "best and the brightest," also known as "the experts." Their spectacular failures on the international stage usually does nothing to diminish their standing, either within the "international community" or among the TV-viewing public.

They are still paraded before us as “the experts” on international affairs.

Now the same thing has been happening to our domestic issues and policies. No sooner had the “best and the brightest” finished getting the nation’s honor burned and some 58,000 American lives lost in Vietnam’s civil war than they began creating an American civil and race war. James Bovard, the tireless chronicler of our lost rights, has written in the last day or so of a decision last week by the Boston School Committee to finally end the 40-year policy of forced busing to achieve integration of the city’s public schools. The busing began when Judge Arthur Garrity threw out the vote of Boston residents in favor of his own autocratic rule that produced racial hatreds, animosity, and violence in the city honored to have been the “cradle of freedom.”

As Bovard recounts the history, the people of Boston in May 1974 voted by a ratio of 15 to 1 against busing children out of their neighborhood schools to achieve integration. Judge Garrity ignored the vote and imposed what amounted to martial law over the school district. Busing children to distant schools to achieve racial balance had been a flashpoint of civil unrest in Southern states where racial segregation had long been established by law and “de facto” segregation, based on housing patterns, persisted.

In Boston, Garrity’s decrees were like throwing gasoline on a fire burning just below the surface of the city’s legal and political life. Unaccustomed to legal battles over segregation, the Bostonians erupted at the imposition. “Under Garrity’s decree,” wrote Bovard, “schools in Roxbury, a poor black area, and South Boston, a poor white Irish area, were merged.” The liberal or “progressive” magazine, *The New Republic*, he noted, observed in 1983 that the policy of forced busing “furnished to the student passengers an educational experience of value only to those aspiring to careers in urban guerrilla warfare.”

Few people want a life of continual warfare, so sooner or later, we give up and let “the experts” have their way with our money, our children, our lives. We see the pattern repeated in the current battle over gay marriage. It is less than a year since President Obama expressed his “personal opinion” that same-sex couples should be allowed the legal status of marriage. Feigning a respect for constitutional scruples and the principle of federalism, however, he said the issue would have to be worked out on a “local level.” In fact the president stated at that time that the reason he instructed the Department of Justice to no longer defend against legal challenges to the federal Defense of Marriage Act is that DOMA “tried to federalize what has historically been state law.”

So what is his administration doing weighing in on a lawsuit seeking the overthrow of California’s “Proposition 8,” adopted by a statewide referendum, affirming marriage to be exclusively a union of a man with a woman? The vote followed a long and heated campaign with plenty of debate. Millions were spent on both sides for ads and mailings making the arguments pro and con. In the end the voters spoke. But the Obama administration and a number of state attorneys general have weighed in on the side of plaintiffs asking the Supreme Court to overturn the verdict on the grounds that it denies equal rights to same-sex couples.

Formally, the amicus filed by the Obama Justice Department addresses only the California law. But logic would dictate that if that state’s law on marriage violates the equal protection clause of the 14th Amendment to the U.S. Constitution, then so do the marriage laws of all other states, but for the handful that have legally “recognized” same-sex marriage. So much for the chief executive’s respect for federalism.

Liberalism has long been recognized as essentially illiberal, so liberals have taken to calling themselves "progressives." Progress, apparently, depends on throwing out judgments arrived at democratically and imposing the rule of the allegedly "best and brightest." Alexander Hamilton said of the House of Representatives, "Here, sir, the people rule." When the executive branch leans on the judiciary to void the will of the people, the essence of "progress" becomes clear: "Here, peasants, the judges dictate!"