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Moral implications

By MICHAEL GERSON

With President Trump's forthcoming nomination of a Supreme Court justice likely to rally and unify the Republican coalition, some commentators are (again) declaring the end of Never Trump conservatism. "On issue after issue," says the Ethics and Public Policy Center's Henry Olsen, the Never Trumpers "are in the minority of their own party." According to Emerald Robinson, writing in the American Spectator, they are "preposterously out of touch." Robinson points to the passing of columnist Charles Krauthammer as an indication that "the eclipse of the neocon intellectuals is complete." Nothing like dancing on the fresh soil of a giant's grave.

michael gerson

It is difficult to deny Trump's strength in the base of the Republican Party, evidenced by the degree of political intimidation felt by many elected Republicans. But the most interesting and important questions remain: Is Trumpism a compelling ideological basis for the Republican Party going forward? Is it really the wave of the political future?

It should give the advocates of Trumpism—defined by some mix of protectionism, nativism and bitter resentment of elites—pause that the strongest advocates of the creed are some of the most frightening figures in American politics. I am not necessarily referring to the politicians Trump chooses to endorse in primaries -- given that the president's favor is more based on loyalty than ideology. I am talking about that subset of Republicans who take the ideals of Trumpism most seriously. People like West Virginia Senate candidate Don Blankenship, who, before losing the primary, ran ads highlighting the Taiwanese heritage of Majority Leader Mitch McConnell's wife. Or Iowa Rep. Steven King, who argues, "We can't restore our civilization with somebody else's babies." Or Arizona Senate candidate and former Sheriff Joseph Arpaio, known for extreme ethnic profiling, terror raids, and cruel and unusual punishment. Or Virginia Senate candidate Corey Stewart, who has associated with white supremacists and thrown his state party into turmoil.

The phenomenon of Republican extremism is hardly new. At the height of the tea-party movement, the GOP had candidate fitness crises in Nevada, Delaware, Colorado, Missouri and Indiana. But two things are now different. First, the GOP establishment is weaker than at any time I can remember. Second, the rhetoric of Trumpism is more explicitly racial than at any

time I can remember.

For a party at its height of influence, Republicans remain in a tenuous position at the national level because of Trump. They lost the popular vote count by nearly 3 million in the 2016 presidential election, and Trump has done almost nothing to expand his appeal. Long-term demographic trends are running against the GOP, with the non-Hispanic white population declining from 76 percent to 63 percent over the last two decades and the country on track to be majority minority by 2045.

Some Trumpites are brutally honest about the political challenge in this environment. "I believe that white voters will begin voting for Republicans in larger numbers than they do now," says Thomas O'Malley in the American Thinker. The political challenge for the GOP, in the meantime, is to "seriously reduce immigration and encourage population growth within the country." Which clearly means population growth in that portion of the country with less melanin.

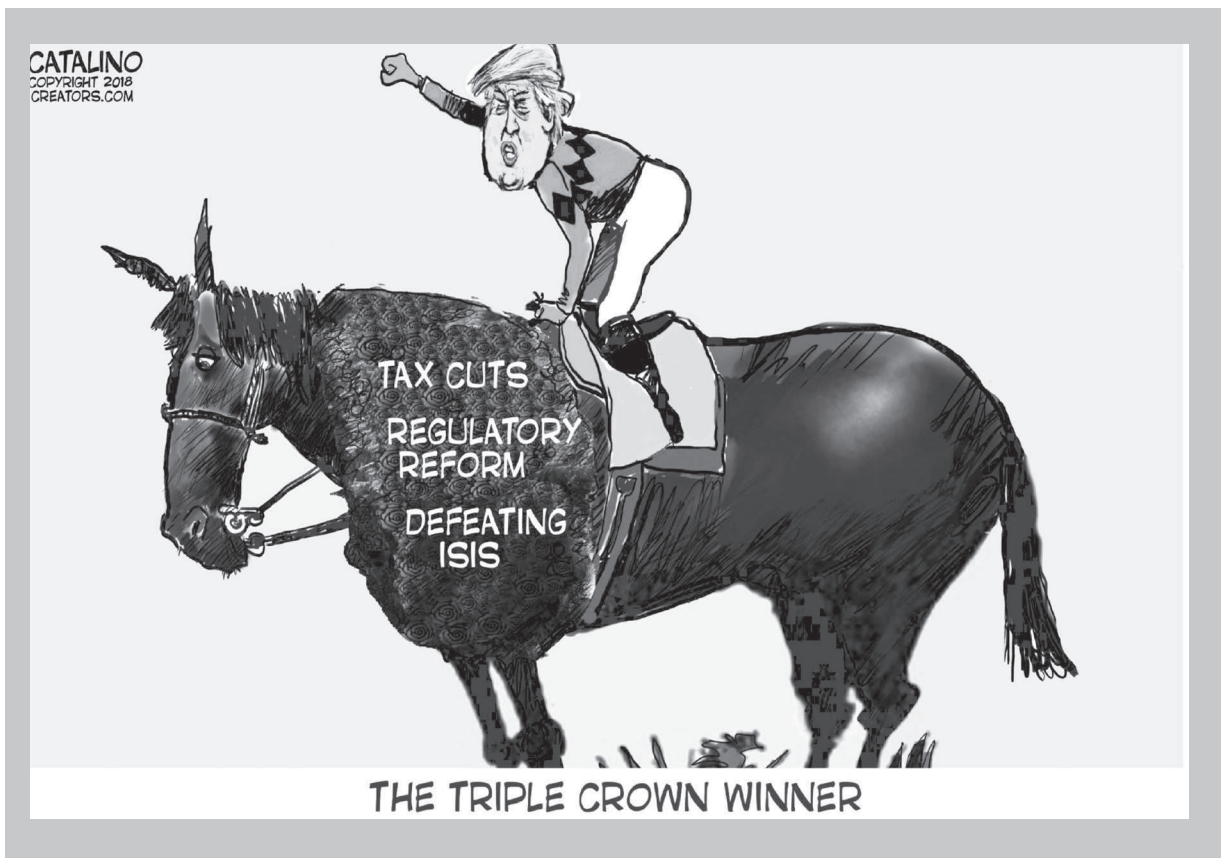
The problem? Trump already won the white vote by more than 20 percentage points in 2016. So how does the GOP rack up even greater white support? If Trump's political strategy is any indication, this will involve a relentless emphasis on race and immigration -- on kneeling black athletes, on immigrants who "infest" our country, and on Muslims who are targeted for suspicion.

A strategy of feeding white backlash against a multicultural future worked for Trump—barely—in 2016. Will it work for Republicans in 2018 and 2020? Perhaps, if Democrats move precipitously to the left. But in the longer run, will Trumpism appeal to millennials (who now consistently give Trump around a 25 percent approval rating)? Will it work with suburban women?

And what are the moral implications of a political strategy that employs racial and ethnic antagonism as a motivating factor? Is this really the set of values that Republican leaders want their children to absorb? Will conservatives so easily abandon conservatism for white identity politics? It is an approach to public life that will indelibly stain all who employ it—and all who excuse it.

"This is the question for Republicans going forward," Amy Walter of *The Cook Political Report* told me, "Will the GOP be defined not just as the party of Trump but as the party that's hostile to non-whites?" And what if there is no difference?

(Washington Post Writers Group)



Who is independent voice on SCOTUS?

By DEBRA J. SAUNDERS

As Justice Anthony Kennedy prepares to retire, all eyes in Washington will be on the battle to confirm whomever President Donald Trump nominates.

Prepare for warnings by Senate Democrats that the new nominee will not be sufficiently "independent," as Senate Minority Leader Chuck Schumer, D-N.Y., and others said last year of now Justice Neil Gorsuch.

An appointee of President Ronald Reagan, Kennedy was reliably independent, the famous swing vote who at times stood with the four fellow justices appointed by Republican presidents and at others with the four appointed by Democrats.

On the high-profile political decisions, the four justices appointed by Democrats pretty much can be counted on to vote as one. Independent? No, they're too high-minded to deviate.

Even when it comes to free speech. Wednesday the court issued an opinion by Justice Clarence Thomas that ruled against the Freedom, Accountability, Comprehensive Care and Transparency Act, a California state law that required anti-abortion pregnancy clinics to post information about where women can find free or low-cost services, including abortion.

The 2015 California law violated freedom of speech as protected in the First Amendment, Thomas opined, as it forced individuals with deeply held beliefs against abortion to promote the procedure by posting a "government-scripted" speech.

The legislation should be as offensive to free speech fans as a law requiring that abortion clinics distribute anti-abortion material. And yet four justices dissented with the decision in

NIFLA v. Becerra. They are Stephen Breyer and Ruth Bader Ginsburg, who were nominated by President Bill Clinton, as well as Sonia Sotomayor and Elena Kagan, who were nominated by President Barack Obama.

The California law is the sort of legislation that states pass when they are heavily weighted to one side and want to use that weight to force their views on others, even after they've won the day.

Abortion is legal and readily available in California. According to the Guttmacher Institute, "California does not have any of the major types of abortion restrictions -- such as waiting periods, mandated parental involvement or limitations on publicly funded abortions -- often found in other states."

So with no legal or financial hurdles facing women who want to terminate their pregnancies, what do abortion-rights advocates do? They go after people who disagree with them. They argue that abortion opponents mislead pregnant women and that pregnant women don't realize what type of clinic they have visited. And they pass a law that requires abortion opponents to do their pro-abortion advertising for them.

Breyer wrote that the California law cannot be considered "viewpoint discrimination" because the law is purely informational. It doesn't require that anti-abortion clinics endorse abortions, he argued, but simply requires that licensed clinics inform pregnant women about the medical care available to them and that unlicensed clinics inform women that they do not provide medical services.

Breyer compared the California law to legislation that requires signage for seat belt use, the location of stair-

ways and garbage collection.

Writing for the majority, Thomas chided the Ninth Circuit Court of Appeals, which upheld the FACT Act on the dubious grounds that it applied to "professional speech" -- as the court never has recognized political speech as less worthy of protection.

As for the law's alleged goal of informing the public, Thomas wrote, the state could wage a public information campaign instead of forcing people who oppose abortion to advertise it.

Kennedy agreed with Thomas, but wrote a concurring opinion to address the insidious issue of "viewpoint discrimination" and "the serious threat presented when government seeks to impose its own message in the place of individual speech, thought and expression."

Keep in mind that Kennedy, a devout Catholic, upheld *Roe v. Wade* in the 1992 *Planned Parenthood v. Casey* ruling and opposed a Texas bill to restrict access to abortion in 2016.

But with free speech at stake, Kennedy continued in his *NIFLA v. Becerra* concurrence: "For here the State requires primarily pro-life pregnancy centers to promote the State's own preferred message advertising abortions. This compels individuals to contradict their most deeply held beliefs, beliefs grounded in basic philosophical, ethical, or religious precepts, or all of these."

That violation of the First Amendment Kennedy could not abide.

In the coming weeks, you'll hear critics charging that Trump's pick is not sufficiently independent, that he's no Anthony Kennedy. They do not ask: Why is there no Anthony Kennedy on the left side of the big bench? (Creators Syndicate)

A new day for women in Saudi Arabia?

It was reported recently that Saudi women are now allowed to drive cars and can decide where they'll go with them. A few Saudi women with the temerity to drive have actually done so before now but were stopped and punished as soon as the authority there—a religious one—could catch up with them.

Formerly, Saudi women were required to have a husband or any male family member to chauffeur them around. This requirement was sometimes both humorous and scary as even young boys, who could barely see over the dash board, were commonly seen at the wheel with a mother or sister sitting frozen in place during the ride.

The Saudi prohibition against their own women did not apply to women of other nationalities as long as those foreign women did not drive outside the "compounds" (the compound in Dhahran, where we lived, was about 5 miles across) in which most ARAMCO employees lived. My wife and I applied for and held Saudi driver licenses while we were there: a bona fide Oregon driver's license sufficed to accelerate the deal.

The female driver reform and other current Saudi reforms have come about by 32-year old Saudi Crown Prince Mohammed bin Salman, the son of current King Salman, the king apparently having granted his son and heir considerable flexibility at modernizing the country. During the 1980s, while we lived there, the Saudi religious enforcers banned music in public places and detained unmarried men and women for so much as sitting together.

Sticks were used by the Islam police to beat women who had the temerity to display so much as their hair or face. The habia with veil in black, covered the entire female body; meanwhile, the male wears an ankle-length shirt and headdress all in white, held in place by a cord circlet that serves double-duty to hobble a camel

should a Saudi guy park his camel at the local oasis. The women bake in black while the men stay relatively cool in white.

More freedoms for women have not been welcomed by the religious majority there that views anything from the West as heretical. Nevertheless, Crown Prince bin Salman has been shaking things up in monumental proportions by allowing music concerts, making movie theaters available, modifying restrictions on gender interactions, and, perhaps most threatening to the ultra-conservatives and most dangerous of all to the royal family's preservation: lessening the powers of the religious police.

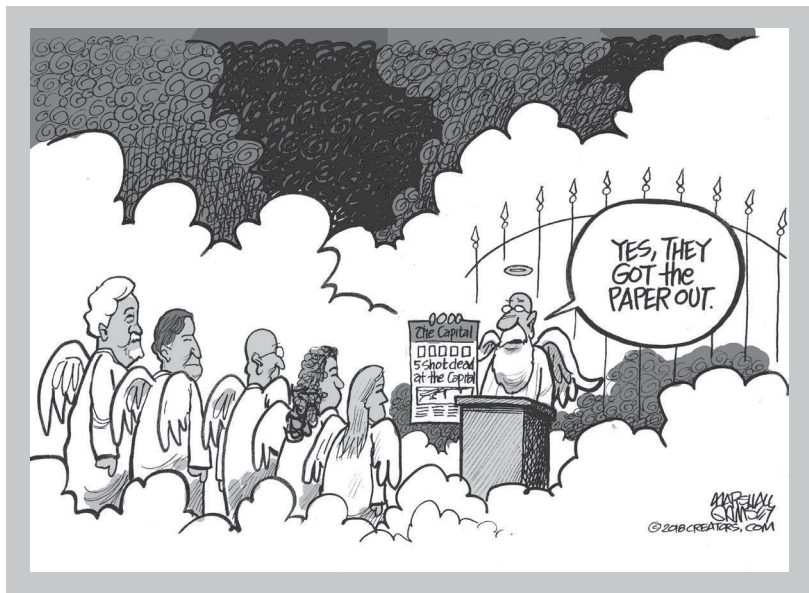
Mitigating factors in favor of reforms is a new era in Saudi Arabia where lower oil prices and the escalating threat to oil profits by renewable fuels has provided the Crown Prince the leverage to push reforms for a different future from when oil was discovered there in the early 1930s. The Crown Prince and King Salman are future-sighted enough to see that more and more Saudis must become less reliant on the Kingdom as provider of jobs, handouts and subsidies. Further, the reforms forecast the arrival of more Saudi women in the work force and they will predictably add to productivity gains and innova-

tions in a new order of things much as women have done so in the U.S. since the 1940s and World War II.

The extreme persecution turning holocaust of Jews by Germany's Nazi regime eliminated the participation in Hitler's government of tens of thousands of German citizens who may have greatly contributed to the success of that nation's quest for domination over Europe. The Saudis have and continue to persecute tens of thousands of their citizens who could make significant contributions to the success of Saudi Arabia in the modern day world. What's referenced is the second class status of Saudis who are minority Shia, not majority Sunni.

The Shia in Saudi Arabia make up about 5 percent of that nation's people although they are more than 30 percent of the population in its eastern province on the Persian Gulf where Saudi wealth derives. Yes, there have been uprisings and riots by Shia, most recently for about 12 months during 2011 and 2012. These occurred mainly because the Sunni majority harshly discriminate against and practice unequal treatment of the Shia. The creation of the two Muslim groups began with the passing of Mohammed in 632 A.D. and the ensuing—and everlasting—fight over who should have succeeded him.

Since the Saudi royal family wants a new direction for that country, it would seem rather obvious that the kingdom's self interest would want to work at finding the ways and means to integrate Shia with Sunni. By doing so, the royal family would increase that nation's wherewithal to succeed on a world stage less and less dependent on crude oil. Such a scenario will require extraordinary effort as change is always difficult.



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