

# The Appalling SOTU

The president's State of the Union message last Tuesday was in many respects, and as has been much remarked upon, an appalling document. It was verbose, stylistically grating, and largely fraudulent, as it took credit for benign developments that have not occurred and unctuously denounced political practices of which he has been the chief practitioner. There was a high point, near the end, when he said: "Surely we can agree that it's a good thing that for the first time in forty years, the crime rate and the incarceration rate have come down together, and use that as a starting point for Democrats and Republicans, community leaders and law enforcement, to reform America's criminal-justice system so that it protects and serves all of us." Surely the country can, but having said that "we may have different takes on the events in Ferguson and New York," he gave no hint what his take was, and he did not propose anything to accelerate the very modest start that has been made to lower levels of crime and incarceration.

It is a notorious fact and an American shame before the whole civilized world that has been mentioned a number of times in this space, that the American criminal-justice system is a mockery of the country's professed championship of the rule of law and the objective fairness of American justice. The Fifth, Sixth, and Eighth Amendment guarantees of due process, the grand jury (as an assurance against capricious prosecution or an official whitewash), no seizure of property without just compensation, access to counsel (of choice), prompt justice, an impartial jury, and reasonable bail have been shredded and burned, while the Supreme Court has sat as mute as pumpkins. It is an inexpressible scandal that 99.5 percent of prosecutions are successful, 97 percent without trial, because of the hideous deformation of the plea bargain, in which witnesses are threatened with prosecution if they do not, with immunity from charges of perjury, deliver incriminating

evidence against a target – whose assets are often frozen in ex parte proceedings over false charges of ill-gotten gains – to prevent a serious defense by America's avaricious trial lawyers. No sane person would dispute the president's evident conviction that there are many wrongs to be righted, but apart from a minor reduction of sentences for some soft-drug offenders, all the over-prosecuted citizens of the carceral state of America have heard from their president on this issue is the sound of one hand clapping.

This, I regret to remind, was the high point of the president's State of the Union message, and it came after a test of the listeners' staying power of nearly an hour, devoted altogether to a rewrite of recent American history, in which Mr. Obama emerged (unrecognizably) as the pristine champion of successful diplomatic suavity abroad and of nonpartisan virtue at home. He claimed huge credit for job-creation figures that were very inferior to those of the Roosevelt, Eisenhower, Kennedy-Johnson, Nixon, Reagan, and Clinton years, and claimed that this success was based on the reversal of outsourcing. It wasn't. He took credit for reducing dependence on foreign oil, though his docility before the eco-radicals caused him to fight against much of what has produced the increased domestic production of which he now boasts. He claimed credit for reduction in oil, gasoline, and other fuel costs, though the reduction is due to the increased production he obstructed and Saudi production increases motivated largely by Obama's failure to take effective action against the Iranian nuclear military program, Iran's support of Hamas and Hezbollah, and Iranian and Russian meddling in Syria. He was taking credit for the success of developments he opposed and the actions of countries motivated by his failure to act.

In domestic affairs, the president gave a menu of blissfully unattainable legislative ideas clearly designed to enable him in his memoirs to claim that he was sandbagged by Republican

reactionaries from transforming Jeremiah Wright's racist and exploitive America into a serene, law-abiding, uniformly prosperous commonwealth. He proposed seven days of sick leave for everyone. We'll have to see his bill, but that sounds like seven more holidays, when he should have said full pay for people absent because of sickness, within reason – that is the norm with most employers. His plan for free community-college education: Again, we will want to see how he funds this immense cost, but unless he has the most creative moments of his public life, apart from his talents as a mythmaker, this won't fly either. The president proposed an "infrastructure plan that could create more than thirty times as many jobs per year" as the XL pipeline he opposes (which requires no government financing and should be built). It is a false comparison.

Even more fatuous were: "Let's simplify the [tax] system and let a small-business owner file based on her actual bank statement, instead of the number of accountants she can afford." And: "Let's close the loopholes that lead to inequality by allowing the top 1 percent to avoid paying taxes on their accumulated wealth. [Yes, he said "wealth" and not "income."] We can use that money to . . . pay for child care and . . . college. We need a tax code that truly helps working Americans trying to get a leg up in the new economy." At best, this smacks of Jimmy Carter's pre-election fulmination in 1976 that "the tax code is a disgrace to the human race." The species has greater embarrassments, but Carter failed to change it significantly, and he had the excuse of not having yet been elected president when he said that. Whose leg did the president think he was pulling by imagining that he could smoke a simplified tax code and a wealth tax through a Congress both houses of which are controlled by his opponents, who, though one would never imagine it from his ungracious reflections on the Republicans in his remarks, had just

thrashed the president to a pulp, running directly against him, in midterm elections two months before?

All this was a mere sorbet; then came foreign policy. "I believe in a smarter kind of American leadership. We lead best when we combine military power with strong diplomacy; when we leverage our power with coalition building. . . . Around the globe, it's making a difference." He claimed credit for pioneering the idea that the U.S. should assist local governments in threatened countries in promoting a victory of the civilized local options. But this was the Truman Doctrine in Greece and even Korea, the Nixon Doctrine, including Vietnamization in South Vietnam, and even Reagan's assistance to the Contras in Nicaragua. And it is not consistent with Obama's somewhat churlish departure from Iraq, which was just as mindlessly abrupt as George W. Bush's plunge into that country, and which helped create the vacuum in which the Islamic State flourished.

But we need not fear: "We're demonstrating the power of American strength and diplomacy. . . . Last year, as we were doing the hard work of imposing sanctions along with our allies, Mr. Putin's aggression, it was suggested, was a masterful display of strategy and strength. . . . Today it is America that stands strong and united with our allies, while Russia is isolated, with its economy in tatters . . . [owing to America's] persistent, steady resolve." It is completely inappropriate, as well as vain and hazardous, to ridicule a foreign leader in such an address when not at war with him. In fact, the United States fumbled and blustered; the allies milled about like worried sheep; and the Saudi oil-price reductions, provoked by American-led Western feebleness, achieved the conditions Obama exaggerated and claimed for his own account.

As the president who has tried to force the Roman Catholic Church to pay for the most expensive birth-control products to ensure that even its most sexually active employees and

students avoid procreating, it was piquant for Obama to cite Pope Francis in implicit support of his overture to Cuba.

And then, the *ne plus ultra*: If the Congress persists in its ambition to layer in new sanctions if Iran does not agree to an agreement forswearing nuclear weapons, he will veto that. In furtherance of this, he prevailed upon the beleaguered British prime minister, David Cameron, to lobby U.S. senators against a veto override. The Churchill-Roosevelt, Thatcher-Reagan tradition has fallen to this – a breach of protocol. (So, admittedly, is the Republican leadership's invitation to Israel's Prime Minister Netanyahu to address Congress without speaking to the White House, but after the stunts Obama has pulled, it is hard to become too angry with the Republicans.) The proposed senatorial action would apply only if these negotiations fail, and Obama fears that this would give the Iranians (but also him) a pretext for the failure of negotiation. But the agreement that is deemed so inviolate reduces Iranian centrifuges only from ten to six times what is necessary for a nuclear application, and promises the delivery of eight tons of nuclear material to the Russians (whose leader Obama had just denounced as a belligerent incompetent whom he had just outmaneuvered). If Iran is allowed to achieve even this advanced state, many other countries, including several in the Middle East, will purport to require an equivalent nuclear-threshold condition and Iran will conduct itself with the swagger of a nuclear state, as it would only be about three undetectable months away from a deliverable nuclear weapon. Further, the president purports to regard any agreement as not requiring Senate ratification – which may be correct, and would make the pending bill that he is making threats against the only look Congress will get to have at this very dubious policy of appeasement of Iran.

From here the speech tapers off into jeremiads about global warming, though that phrase has been abandoned by the eco-terrorists in favor of the *blancmange* "climate change," since

there has been no appreciable warming in 75 years, though the president claimed otherwise. And then, mercifully, it ended, after an hour sprinkled with acoustically painful invocations of “folks,” “kids,” and “mom” (he’s the president, not Mr. Rogers). The State of the Union cannot be good when its twice-chosen leader summarizes it in such an orgy of claptrap. As Tex Ritter used to sing, during his unsuccessful campaign for the U.S. Senate from Tennessee in 1970, “God bless America, again.”

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