COMMENTARY: LET'S HEAR IT FOR ALITO AND 'W' By Bill Murchison

Contributed by Bill Murchison
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William MurchisonFinally, an argument worth having! -- as opposed to the one we’ve lately been having over Valerie what’s-her-name’s “outing” (if that’s what happened) by Lewis what’s-his-name.

I am authorized to announce that few outside Washington and other fever-ridden outposts of political excess give more than a faint hoot about Washington leak stories -- however highly the national media esteem such stories.

I am also authorized -- more than that, inspired -- to note that we in red-state America care a lot about whether the U. S. Supreme Court gets turned around.

We note that President Bush’s nomination of Samuel Alito to the Sandra O’Connor seat on the Supreme Court points in the direction of turn-around.

In other words, Judge Alito, of the Third U. S. Circuit Court of Appeals, is a recognized critic of judicial over-reaching. Any jurist whom Sen. Harry Reid would warn Bush not to appoint seems just the kind of jurist we need on the Supreme Court. If Bush has to make someone unhappy, let it be those senators and mouthpieces – Reid, for instance, and Ralph Neas of the People for the American Way -- who cease showing their teeth only when the president does things exactly their way.

The conservative rap on Bush for nominating Harriet Miers to the job was that, essentially, he was playing games. If Reid & Co. Didn’t know a lot of good about the lady, similarly they didn’t know a lot of bad. Maybe they would confirm her?

On this one Bush came a cropper. But not on the nomination that followed – that of Alito. (It seems worth mentioning that the much-castigated Miers, as White House counsel, worked professionally, even sacrificially, in vetting Alito. The lady is due some as yet-undistributed credit in the character department.)

Back, briefly, to the indictment of poor Lewis Libby for getting caught (allegedly) at dissembling when asked by the special prosecutor whether he had helped put out in the public domain the name of a supposedly undercover CIA employee married to a critic of the Iraq war. Carl Bernstein, of Watergate fame, is presently foretelling the “implosion” of the Bush administration. All one can say is: Huh?

It is plain Libby should not have lied – if lie he did – to the special prosecutor. It should be equally plain that whether he lied, and deserves punishment, is a question extraneous not just to the outcome of the Iraq war but to the whole range of national concerns, from immigration to inflation to energy policy and airline bankruptcies. Though you would not have known it last week from the media’s, and the politicians’, relentless focus on the question. Washington Post media critic Howard Kurtz asks: “[A]re reporters, commentators, Bloggers and partisans using the outing of Valerie Plame as a proxy war for rehashing the decision to invade Iraq?” You could get that impression, couldn’t you?

One hates to generalize. One also hates not to inquire what all this has to do with the price of eggs. With our freedoms, that is to say; with our foreign policy, our economic aims our culture. I don’t think we have to call such a story wholly barren of significance. Nor do we have to salivate over it, as though it were the only big thing going on.

By contrast, a Supreme Court nomination is certifiably large stuff. This is due to the justices’ propensity for inserting themselves into our most vexed national conversations: prayer, human life, gay rights, and so on and so on.

Alito, when the nomination news came down, was shelled instantly by the Left for his supposed “pro-life” outlook. What “pro-life” outlook? I wonder. The judge’s record is pro-choice: that is, pro-letting democracy instead of judges chooses urgent outcomes.

A court that defers, when possible, to the citizens, and resists the temptation to take over the proceedings, is a court worth fighting for. In the outposts of political excess, the boo birds can trill their outrage; but George W. Bush, by naming Sam Alito to the high court, may yet drown them all out.