

permit Hebrew-speaking Jews and Christians, Arab Muslims and Christians, and Druze to become part of an Israeli nation?

That will mean that Israel will have to move beyond the notion of a Jewish ghetto in the Eastern Mediterranean and advance into a new stage in its political and cultural development that Israeli intellectuals describe as “post-Zionism,” in which Israel as a normal European nation-state defines its identity based on territory, language, and culture. Jewish religion and culture will still remain a powerful component of the Israeli identity, in the same way that Christianity is an important element of the national character of many European states, and Jews around the world would maintain familial and cultural ties to Israel, as many Latin Americans feel an attachment to Spain. But in the same way that Jews in North America and Europe have struggled and succeeded in becoming full citizens in the midst of Christian majorities, they shouldn’t be surprised if the Hebrew-speaking Christian community, which will probably grow in numbers in the coming years, strives to win equal rights in Israeli society.

Since—unlike Arab citizens of Israel—no one can accuse Hebrew Christians of posing a threat to national security, there is really no reason they shouldn’t become as Israeli as their Jewish neighbors. Indeed, by permitting new recruits to the Israeli army to pledge allegiance on the New Testament, the government seemed to recognize that one can indeed be a proud Israeli and a observant Christian at the same time. Israel may not be ready for an Arab president, but what about a Hebrew Christian prime minister? ■

Leon Hadar is a Cato Institute research fellow in foreign-policy studies whose forthcoming book is Sandstorm: Policy Failure in the Middle East.

Discriminating Tastes

The ongoing effort to overthrow Prop. 209

By Steven Greenhut

ON NOV. 5, 1996 California voters approved, by 54 percent to 46 percent, a groundbreaking antidiscrimination measure known as Proposition 209. Yet despite the passage of nearly nine years, the assaults on this common-sense measure continue.

Prop. 209 amended California’s Constitution to read: “The state shall not discriminate against, or grant preferential treatment to, any individual or group on the basis of race, sex, color, ethnicity, or national origin in the operation of public employment, public education, or public contracting.” It included necessary caveats, such as allowing sex to be considered as “reasonably necessary to the normal operation of public employment.”

Who could object to something so obvious and fair? Government should not discriminate against individuals. Yet such seemingly unobjectionable language is highly objectionable. We know why. The Left only gives lip service to nondiscrimination, but in fact is committed to a race-based agenda that allows government officials to hand out political spoils to the “underrepresented minority groups” they favor. Which is why political leaders continue to try to chip away at 209.

In May 2005, Sacramento Superior Court Judge Thomas Cecil struck down one of the most recent and blatant attempts to circumvent Prop. 209. Called Assembly Bill 703, the measure, passed in 2003 and signed into law by Gray Davis, gives a fascinating insight into the world of California liberalism.

To 209 foes, nondiscrimination is troubling, as are the precepts of the

American founding. But international treaties and the United Nations are wonderful things. So legislators, led by Assemblyman Mervyn Dymally, sought to replace American-based jurisprudence with UN-style lawmaking. The legislation argued that Section 31 of Article I of the California Constitution—Prop. 209’s language—has created “confusion and conflict” because in banning racial discrimination it does not define what racial discrimination might be.

In my experience, men such as Dymally never have trouble spotting racism, real or perceived, so this is an unusual problem. But the solution is even more unusual and disturbing. The law embraced the definition used by the United Nations’ International Convention on the Elimination of All Forms of Racial Discrimination, as adopted in 1965. And—no surprise—the convention allows discriminatory measures such as racial and ethnic quotas to be used for affirmative-action purposes.

The Pacific Legal Foundation, along with Prop. 209 co-sponsor Ward Connerly, filed suit against former governor Davis and Attorney General Bill Lockyer, an affirmative-action supporter who has tried various ways to undermine Prop. 209. The argument was flawless. The legislature cannot on its own change the language in the state constitution. Dymally is free to collect signatures to put the matter before the voters, but he cannot quietly substitute United Nations language for constitutional language.

“This is a happy day for me personally,” Connerly said, according to news reports. “We’re putting another nail in

the coffin of preferences.” The attorney general’s office said the ruling was no big deal but refused to rule out an appeal. Another attack was dodged, but the never-ending assaults on Prop. 209 suggest that vigilance always is in order.

“The politicians are the ones driving these types of actions,” said Sharon Browne, a principal attorney for the Pacific Legal Foundation. “The people have clearly stated their position to amend the constitution to prohibit the state [and its various subdivisions] from classifying people by race and sex. Then the politicians come and thumb their noses at the voter.”

PLF has been victorious in the ongoing legal challenges waged against public entities that try to use race and sex preferences for contracting, education, almost everything. And the group has succeeded in turning back legislative efforts to strip Prop. 209 of its power. “Almost annually, some politician tries to introduce a bill to undermine 209,” Browne said. It’s not cheap for taxpayers when their governments flout the law. In PLF’s case against the Sacramento Municipal Utility District, the district had to pay \$635,000 in legal fees.

In late May, a San Francisco grand jury issued a report condemning that municipality’s continued use of race and gender preferences in awarding government contracts. Specifically, the city’s Human Rights Commission monitors race and ethnicity in contracting forms, according to a *San Francisco Chronicle* report. This comes on top of legal actions against the city for its race- and sex-based contracting process.

Even San Francisco officials cannot top the efforts of the scofflaws in the education system. Recently John Moores, chairman of the University of California Board of Regents, argued that affirmative-action-addicted academics find ways to impose quotas, despite the law. “Moores ... challenged Berkeley’s admis-

sion of several hundred students with SAT I scores below 1,000 in 2002, while rejecting many other students with top scores near the maximum of 1,600,” reported the *San Francisco Chronicle* in a May 15 news story. Moores was censured by the board for his observation, and Berkeley then quickly conducted its own study alleging that ethnicity plays virtually no role in college admissions.

And the rhetorical attacks are ceaseless. UC Berkeley Chancellor Robert Birgeneau, after being named to his post in April, “said his most significant challenge will be trying to boost the ‘egregiously’ low enrollments of African-American and Latino students at his campus,” according to a *Los Angeles Times* report. Birgeneau used his inaugural address to blast the initiative, accusing voters of ignorance.

“Ultimately, it is a fight for the soul of this institution,” Birgeneau told the *Times*. “Inclusion is about leadership and excellence, principles that California and its leading public university has

ees to violate the law and that penalties for violating the law are severe.

Is there any doubt that without Prop. 209 Birgeneau and others like him would rig the numbers to achieve the desired results? Is there any doubt that a racial spoils system would take over and that discrimination would be the rule of the state?

The bean counters cannot even get their stories straight. First, we’re told the number of underrepresented minorities (Asians are “overrepresented” and don’t count) fell dramatically after Prop. 209. Then officials pride themselves on their other efforts to boost minority enrollment. As the *Los Angeles Times* reported, “In recent years, the percentage of black and Latino students admitted to UC campuses has slowly risen to about what it was before the ban, partly as a result of broader admissions criteria that allow the consideration of such socioeconomic factors as poverty and hardship.” (One reason is a rule that allows the top 4 percent of all graduat-

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long represented—and must again.” Connerly believes Birgeneau’s attacks on Prop. 209 are meant to encourage officials to break the law.

In a letter to Birgeneau, PLF’s Browne argued, “Using race as a factor in the admissions policy to increase African-American enrollment at Berkeley will cause greater problems than it will solve. You would be putting minority students in academic settings in which their academic credentials forecast—often correctly—they will do poorly or fail.” She reminded Birgeneau that it is wrong to encourage Berkeley employ-

ing high-school seniors to attend UC, even though the top at the worst schools is below the mid-range in better schools.)

Which is it: a dramatic falloff in minority enrollment or a wash? When accused of circumventing Prop. 209 to boost minority admissions numbers, officials provide reports showing full compliance—even as leaders actively undermine 209. Without 209, they would be wreaking havoc in a state that has witnessed rapid and profound demographic changes, creating more division in an already divided state.

Minorities comprise 70 percent of Los Angeles County's nearly 10 million residents. Supposedly lily-white Orange County has a 50.5 percent minority population. In 1970, Orange County's population was 86 percent white. San Bernardino County, one of the prime growth areas in the LA basin, has a 60 percent minority population. Likewise, most of the Bay Area counties—not just San Francisco—have minority populations just below 60 percent. The statewide changes have been dramatic and swift, affecting all the most populated parts of California.

Nevertheless, Californians seem to get along reasonably well. With the exception of recent student race riots between Mexicans and African-Americans at some inner-city Los Angeles high schools, there are few noticeable ethnic flare-ups.

One cannot underestimate the role of Prop. 209, and the efforts of Ward Connerly, PLF, and others who promoted and defend Prop. 209 in the courts, in helping calm the potentially troubled demographic waters. Despite the enduring hostility of ethnic activists and liberal politicians, Prop. 209 creates a sense of fairness in public accommodations and minimizes the sense that one group is using the political system to take advantage of others.

We can look around and see that officials such as Dymally will always try to get around the law and enforce their own noxious brand of race baiting. But they achieve their ends only by stealth and rarely succeed in the courts. The attacks on Prop. 209 might never subside, but it's far better to be defending it than to be trying to overturn the byzantine and destructive racial-quota system that would be in place had it never passed. ■

Steven Greenhut a columnist for the Orange County Register.

Mussolini in the Mideast

Neoconservatives justify their global crusades as a search-and-destroy mission for resurgent fascism.

By Paul Gottfried

READING A BLAST on David Horowitz's FrontPageMag.com against journalist Eric Margolis for his "apologizing for Islamofascists," I was reminded of George Orwell's observation about his fellow leftists in 1946: "The word fascism has now no meaning except in so far as it signifies 'something not desirable.'"

In an endorsement of Daniel Pipes, who was then a candidate for membership in the U.S. Institute of Peace, FrontPage praised him as someone who had "perhaps done more than anyone else to clear up the confusion and obfuscation about the threat to our nation from the forces of radical Islamofascism." Significantly, Pipes, who publishes widely on "militant Islam," usually avoids the term "Islamofascism" in his work. After all, it is possible to criticize Islamic fundamentalism and the failure of Europeans to adjust their immigration policy to fit this danger without bringing up Hitler and Mussolini.

That, however, is not how others see this matter. In *Terror and Liberalism*, Paul Berman equates fascism with hatred for beleaguered minorities—"the subversive dwellers in Babylon" allied to Satanic forces. It is the paranoid reaction of those who believe "the Satanic forces were always pressing the people of God from all sides." "Yet, no matter how putrid and oppressive was the present, the reign of God always beckoned in the future."

For Christopher Hitchens, the "bombers of Manhattan represent fascism with an Islamic face . . . What they abominate

about 'the West,' to put it in a phrase, is not what Western liberals don't like and can't defend about their own system but what they *do* like about it and must defend: its emancipated women, its scientific inquiry, its separation of religion from the state." Hitchens deems the essence of fascism, which militant Muslims now incarnate, to be hatred of "the very idea of modernity and the related practices of pluralism and toleration."

Such assertions need to be questioned. Hitchens's "modernity," for example, only refers to the most recent phase of Western modernity, a process of change that starts with the Protestant Reformation, various religious wars, and the age of absolutism. It is also doubtful, if one looks at the rigorous enforcement of political correctness, that we are now living in a time of unprecedented tolerance. One might wonder whether the attempt to drive religion out of public life, a practice that Hitchens proudly endorses, exemplifies toleration or social engineering. Finally, there are competing visions of modernity, not all of which exclude religious piety and traditional gender roles. Hitchens fixes on his preferred notion of modernity, which he makes synonymous with the West.

Critics of Islamofascism never quite succeed in relating their *bête noire* to a historically recognizable interwar movement. A characteristically vague definition crops up in an interview conducted by Jamie Glazov in FrontPage of Stephen Vincent, the author of a book on Iraqi society who is made out to be an