

JOHN G. TOWER CENTER STUDENT FORUM FOR POLITICAL STUDIES

Vol. 2 Issue 1

An SMU Undergraduate Political Studies Publication

Fall 2012



The Supreme Court will hear cases on affirmative action, California's Proposition 8, and voting rights, among other issues, this term.

Don't forget about the Supreme Court

by Brandon Bub

The first Presidential debate of this election cycle focused exclusively on domestic policy and the role of the government. However, both candidates completely ignored one of the most significant ways in which the President can effect national policy decisions: appointments to the U.S. Supreme Court. Journalist Jeffrey Toobin has recently written a book entitled *The Oath* that outlines the confrontational relationship between President Obama and Chief Justice John Roberts when it comes to federal policy, and he has repeatedly decried the lack of discussion about the significance that this election could have on the future of the

Supreme Court (and, subsequently, this country as a whole).

The Supreme Court's term began this month, and the justices are soon expected to offer decisions on hot-button issues including voting rights, campaign finance regulation, and gay marriage. One case, *Fisher v. University of Texas*, challenges the Court's standard of affirmative action promulgated nearly ten years ago in *Grutter v. Bollinger*. In *Grutter*, the Court held that race-conscious admissions practices in public universities were constitutionally acceptable under the 14th Amendment to promote diversity in college classes.

That opinion was originally writ-

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LAW: Winner of presidential race might realign court

ten by Justice Sandra Day O'Connor, but since then her replacement, Samuel Alito, has not signaled that he agrees with O'Connor's standard, and if the Roberts Court is leaning as rightward as pundits suggest, Fisher might prove an opportunity to throw *Grutter* out entirely.

Forecasting Supreme Court decisions can be a messy business. John Roberts, after all, threw almost everyone for a loop when he came down in favor of President Obama's healthcare law. However, that there's a possibility that the Court might strike down one of the most common affirmative action policies in schools nationwide illustrates the magnitude of the Supreme Court in our political sphere. And that power that the Court holds proves just how important this election will be.

Four of the Supreme Court's nine members are now approaching 80 years of age. Two of them, Ruth Bader Ginsburg and Stephen Breyer, are considered part of the Court's more "liberal" wing, and the other two, Antonin Scalia and Anthony Kennedy, are cast as more conservative (though Kennedy's voting record is far more mercurial than Scalia's). If just one of these justices were to retire within the next four years, the political balance of the Court could shift dramatically.

President Obama has already made two appointments to the Court, but both of them replaced "liberal" justices; his administration would have a field day if they got to choose Scalia's replacement, and the same would be true if a Romney administration could replace Ginsburg.

However, when it comes to Supreme Court appointments, there simply are no guarantees. Vacancies on the Court are often unexpected, as we saw in 2005 with the unexpected death of William Rehnquist. Ginsburg and Breyer would likely postpone their retirements in the event of a Romney victory, and the same could be said of Scalia and Kennedy if Obama wins reelection. Presidents do not always get their first picks when they appoint justices to the Court. SMU Law's own Harriet Miers was forced to rescind her nomination to the Court by George W. Bush when the Senate strongly suggested it would deny her confirmation. No matter who wins this election, the U.S. Senate is expected to be nearly evenly divided, making it unlikely that either candidate will have the 60-vote supermajority he would need from his own party to guarantee confirmation of justices. Regardless of these institutional constraints, it's apparent that the ramifications of this election could extend far beyond the next four years.

"Welcome to the Dark Ages"

England's National Healthcare Service doesn't deliver

by Melanie Rosin

While studying abroad in Oxford this past summer, I broke my foot during a weekend trip to Paris. I was nervous because the United Kingdom uses the National Health Service (NHS), and I have heard all sorts of horror stories about experiences with publicly funded healthcare. With a swollen, bruised, and throbbing foot, however, I did not have much of a choice but to see an English doctor.

On a Sunday evening, the college porter gave me the number for the local surgery and told me to call the office when it opened the following morning.

"I'd like to make a private appointment to see a doctor as soon as possible."

"I'm sorry, but we're not accepting appointments," the receptionist replied.

"What do you mean? You don't have any appointments?"

"We don't have appointments this early in the morning. Our appointments start at 9:45," she tried to explain to me.

"So you do have appointments?"

"Why, yes, of course we do."

"Then can I make an appointment?"

"Not at this time, I'm afraid."

I was becoming more and more confused.

"Then when can I get an appointment?"

"9:45."

"Are you telling me I can come in at 9:45 today?"



Britain celebrated its National Health Service during the opening ceremony of the 2012 London Olympics.

“No, I’m telling you to call back at 9:45 to make an appointment.”

“So you’re open and sitting at the receptionist desk yet you won’t take appointments for another hour and a half?”

“Yes, precisely.”

Needless to say, I was frustrated before I even saw a general practitioner (GP).

The following afternoon, I was allotted a ten-minute slot to speak with a GP. I explained to her how I thought I had fractured my foot and wanted to have a walking boot to protect it from further injury until I made it back to the States to see my own doctor. Before she examined my foot, she went on her computer and looked up “broken foot” on WebMD (I kid you not) and read tentatively for several minutes.

“Yes, I believe you’re correct,” she told me.

“Then can I get a walking boot?”

“You’ll have to see an orthopedic specialist to get fitted for one, and unfortunately, you can’t see an orthopedic specialist until you get an x-ray.”

“Well can I get an x-ray?”

“Yes, you can, but you won’t get the results for two to four weeks.”

This must be a joke.

“Is there anywhere I can have it done immediately?”

“You could go to a hospital. However, it’s after six, so they will only take emergencies. You are not

an emergency.”

“Then what should I do?”

“I will send a referral on your behalf. Call tomorrow morning to make an appointment,” she explains as she hands me a piece of paper.

The following morning I woke up early to call the hospital. The number the GP gave me, however, was an invalid number. Although annoyed, I wasn’t surprised considering that the GP I saw actually had to look up the symptoms of a broken foot on the internet to decide whether or not I should have an x-ray. Thankfully, I found the correct number myself and was told I could come in immediately.

The receptionist in the radiology department informed me that she never received my referral and that I could not get an X-ray until she had it. I called the surgery and politely asked for them to send the form over as soon as possible. Once received, I waited and then got my x-ray. I went back to the waiting area and anxiously sat before the technician returned.

“We have your results,” she told me.

“Okay, great. How does my foot look?”

“I’m afraid I’m not authorized to share those results with you. You have to meet with an orthopedic specialist to go over them.”

“Can I make an appointment to see an orthopedic specialist?”

“You’ll first need a referral from your GP.”

“Don’t you have a referral already?”

“That was just for the x-ray. You need a separate referral.”

“Wait, so you’re telling me I needed a referral to see you, and now I need another referral in order for you to refer me to someone else?”

By now, I was already completely fed up with NHS and figured that people probably have frustrating experiences like this all the time. I called the surgery again and explained to the receptionist that I needed the GP I saw the previous day to send another referral to the radiology department.

“So sorry, but unfortunately your GP is out of the office for the rest of the week. Try giving us a ring next week,” she explained.

“Can you have another GP send the referral? I need it today.”

“That’s against our policy. Only your GP can send referrals, and she’s not here, so you’ll just have to wait.”

As my exasperation grew, I boldly explained to her that the person I saw the previous day was not in fact my personal GP, because 1. I am not a citizen of the United Kingdom 2. I have talked to this GP for a total of ten minutes in my entire life, and 3. I will most likely never need medical assistance in Oxford again, and it doesn’t matter whom the GP sending the referral is, just that I had the referral immediately. After some persuasion, she reluctantly told me it was on its way.

The referral arrived, and we waited until the receptionist came to talk to me.

“Orthopedics doesn’t open until the afternoon, so we can’t send your referral yet. We’ll call again after twelve and then give you a ring to let you know they’ve received your referral so you can make an appointment yourself.”

“Okay. Can I at least get a copy of my x-ray so I can have it for my doctor at home?”

“Our computer system is down, so I’m unable to make a copy for you.”

Again, I wasn’t surprised in the least bit.

After noon, I called the radiology department, and the receptionist told me that she had sent my referral to orthopedics. She transferred me, and I was able to get an appointment that afternoon only because they had a last-minute cancellation. Lucky me. Without that cancellation, I probably wouldn’t have been able to see a specialist at all.

The doctor I saw that afternoon was actually friendly and informative. I was pleasantly surprised that I had gone through one office in the NHS system without something going completely awry.

Too soon, I’d soon learn.

The doctor directed me to his secretary’s office to pay for the appointment and for the walking boot.

“400 pounds, please.” I handed her my credit card. “I’m sorry, but we don’t take credit cards.”

I thought this was another joke.

“How? This is a hospital!”

The other secretary on the other side of the room turned around, looked at me, and coyly stated, “Welcome to the dark ages.”

Even months after breaking my foot, the secretary’s words have echoed in my mind above anything else from my experience dealing with NHS. “Welcome to the dark ages.” It’s a scary thought, but that’s where I think we’re headed in the United States. With the exception of the walking boot, had I been a citizen of the United Kingdom, the fees and visits would have been free. But from personal experience, looking at the process I went through while abroad and the care I’ve received at home in Texas my entire life, I know that, in the end, you get what you pay for. Take it as you may.



An Eventful Summer at the State Department

by Alex Mace

It was late May 2012, and as I prepared to take the June LSAT, I thought that my summer plans were set. After defeating that dreadful exam, I planned to head off to the Boundary Waters between Minnesota and Ontario to spend two months relaxing and soaking up nature as a canoe guide in Canada. Yet, on the day I was to mail in my contract for that job, I heard perhaps the most exciting and stressful news of my life. After months spent on the Alternate list, I had been chosen as an intern at the U.S. Department of State.

While I had applied for a number of competitive internship programs in DC and abroad, most were for students with more education or job experience than I had yet mustered. Indeed, when I was informed in January of 2012 that I was an alternate for a position at State, I was proud enough! Still, through the grueling security clearance process and the agony of uncertain summer plans, I kept pushing and hoping that I would get the chance to intern in DC and see diplomacy in action. When I finally received that confirmation phone call, I knew that my time had come. I had found the pursuit that paired my skills and desire for public service with the opportunity to advocate for justice on an international scale.

I worked in the Bureau of Democracy, Human Rights, and Labor in the Office of International Religious Freedom or, as my acronym-addicted colleagues called it, DRL/IRF. Working in this department gave me a chance to grapple firsthand with the extraordinary complications facing U.S. policymakers. American leaders, perhaps more than any others, must sustain mutual and occasionally conflicting commitments to strategic interests and to universal values. Unlike politics as usual — characterized by obstinacy and pandering — diplomacy demanded a willingness to engage, craft, and compromise.

Through work on human rights issues in China, Burma, and Egypt, I witnessed the diplomatic dance in all of its intricate, nuanced, and occasionally frustrating glory. As I sat in on the U.S.-China Human Rights Dialogue in July (perhaps more accurately described as two, tit-for-tat monologues), I saw laid bare the difficulty of balancing economic and political interests with



advocacy for the human rights of repressed Uyghurs and Falun Gong practitioners. I saw, through the plight of Coptic Christians at the hands of the Muslim Brotherhood in Egypt, the difficulties of advancing democracy in different parts of the world. Yet I also saw that achieving these ends was a natural extension of my own interests and experience in the pursuit of reconciliation and mutually beneficial compromise. Both the process and the end results are at times messy, unclear, and incomplete; they demand balance between knowledge and intuition, caution and boldness, success and failure.

These revelations not only stoked the fires of my interest in foreign policy, but also revealed a significant need to expand my knowledge of the art of statecraft. It has given me a new academic focus that I hope to pursue through a number of graduate fellowships to which I have applied. By pursuing a Masters or MPhil in International Relations, I hope to achieve both the depth and the breadth of knowledge necessary to rise to those challenges. Supranational organizations, interconnected financial markets, and instantly global communication technology define modern political interactions, thereby altering predominant conceptions of sovereignty and demanding adjustments in diplomatic strategy. Understanding both the modern age and the Cold War diplomatic paradigms will provide me with the understanding necessary to more intelligently comprehend and to advance modern diplomacy.

What are the culture wars?

America needs an ethics lesson

by Michael Dearman

News anchors love to throw around the term “culture wars,” but what does it mean? It is a seldom defined phrase, and the current presidential election will certainly bear on these culture wars — whatever they are. The state of American ethics is highly important and exceedingly overlooked.

The term “culture war” encompasses several debates: abortion, LGBT rights, and the role of religion, to name a few of the most popular and highly-contested. As the term implies, I think we can characterize culture wars as those heated and contentious debates that lie outside of the realm of economics or politics (though all of these questions certainly have economic dimensions and are political in nature). These issues are distinctly social and far-reaching.

These debates pertain to how Americans should conduct their lives. Intricate philosophical ideas, such as rights, justice, and morality, bear on the culture wars. However, regardless of the public’s ability to wrestle with these fundamental and perplexing concepts, the public’s vote will ultimately shape who wins and who loses in these wars.

Although the 2012 election is the election for more jobs and a better economy, social issues will certainly be broached in the next four years. In addition to the President, Congress and local and state officials will also impact the policy decisions that shape our cultural climate.

But how to determine your vote? Not only must we focus on more than just one issue, we must orient ourselves towards the ethical issues of our times and

let that define our vote. Such a subjective liberalism (the kind we now see) will leave Americans listless, pulled in multiple directions.

The collective, American “us-ness” that many romanticize seems lost, at least on my generation. While the absence of American us-ness may change in the future, if we have no collective conception of what is right and what is wrong right now, how will that affect policy?

President Obama and Presidential-hopeful Mitt Romney both have some systems of ethics upon which they act, but what are they? Behind all of the politics, the grandstanding, the make-up and the lights, there is someone that believes certain things are right and certain things are wrong — more interestingly, they probably have justifications for why they believe these things to be true. The President may only have so much power to affect the ethical direction of the United States; he certainly serves a symbolic role in determining the representative character of the United States.

Are Americans interested in living lives that are deeply fulfilling or living lives that provide a shallow happiness? How much do those questions even matter to Americans anymore?

The way people interact and debate in the culture wars suggests the answers to these questions. Moral arrogance, relativism, intolerance, and straw men abound, so I cannot say that Americans are ethically in-tune at the moment. Blind self-interest may work “well” in the market place of ideas, but that doesn’t mean it is right or that Americans cannot do better.

James A. Baker, III, former U.S. secretary of state, received the Medal of Freedom from SMU’s John Goodwin Tower Center for Political Studies during formal ceremonies on October 17th. The Center presents the Medal of Freedom every two years to an individual who has furthered the cause of freedom throughout the world.

Student sees a different side of Washington

by Jaywin Singh Malhi

This past summer, I spent 13 weeks interning on Capitol Hill—my time split between the offices of Senator John Cornyn and Congressman Pete Sessions. I went to Washington, D.C. with a desire to learn about the formulation of our nation’s public policy in a raw, tangible sense. As a student of political science and business management, I wanted to learn how both of my academic focuses are quintessentially intertwined in our federal government. As a politically outspoken citizen, I sought to gain a better understanding of the various factors which weigh on our elected officials as they make decisions which affect our entire country. Perhaps most importantly, as a first-generation American, I hoped to realize for myself that this nation is indeed the land of opportunities and progress which my parents pursued decades before.

During my time in Washington, DC, I was able to debunk several misconceptions regarding government. Contrary to popular belief, our government is effective. Oftentimes, people admonish our congressional leaders for not accomplishing much. In reality, it is amazing that Congress can accomplish anything. From interest groups to constituents to corporations to foreign governments, there is an extensive array of forces which influences the decision-making of our leaders; more often than not, these interests are divergent. One morning I would find myself sitting in a meeting in which a lobbyist argued adamantly for a certain provision in the Farm Bill and that very afternoon I would hear from another who passionately displayed the adverse byproducts of this very provision on a group of constituents in our district. On top of this, congressional offices have to deal with hundreds of policy issues. Although a certain bill might be in the media spotlight on a given day, staffers still have to juggle their obligations to attend to several other topics throughout that day. Given the large number of issues which Congress addresses and the conflicting forces which pull our leaders in several directions, I came to appreciate that Congress can pass many policies.

Also, my time on Capitol Hill allowed me to better understand partisanship. Although Washington, DC is often perceived to be a hyper-partisan arena in which members from both sides refuse to cooperate with one another, my experience taught me otherwise. Aside from the small, vocal extremes of both parties which criticize compromise,



most of our elected officials do reach across the aisle to work with others on resolving pressing issues of public policy. On the whole, Republicans do not hate Democrats and Democrats do not hate Republicans; if anything, members of these parties simply disagree with their counterparts’ policy opinions. A particular instance with my Congressman reinforced this notion for me. After watching a YouTube video which lambasted President Obama’s policies, my Congressman clicked on a suggested video which was displayed on the screen. This video was a collection of gaffes President Obama’s public speaking gaffes. Much to my surprise, my Congressman—a leader in the Republican Party—was deeply offended by this mockery of the President. He stressed to me that, although he and the President have conflicting opinions concerning policy issues, the President was still a compassionate human deserving of respect. These sentiments expressed by my Congressman were indeed in unison with the general atmosphere of cordiality between both political parties that I enjoyed while on the Hill.

Overall, I left Washington, DC at the end of my internships much more optimistic about the future of our nation than before. The epicenter of our government is run by individuals who work diligently to achieve the policy objectives they genuinely believe are ideal for the progress of this country. Having experienced this, I hope to once again join them on Capitol Hill some day to play a small role in doing so.

Upcomming Events:

Heizo Takenaka Keynote: Prime Minister Koizumi's Reforms

Wednesday, November 7th at 6 pm, Ernst & Young Gallery, Fincher Building

Heizo Takenaka is the Director of the Global Security Research Institute and Professor of Policy Management at Keio University, Japan. He is also a Senior Research Fellow at the Japan Center for Economic Research in Tokyo. He was a cabinet member of the Koizumi administration, serving as Minister of Internal Affairs and Communications (2005–2006), Minister of State for Financial Services (2002–2005), and Minister of State for Economic and Fiscal Policy (2001–2005). He also served as a legislator in the House of Councillors (2004–2005).

Sun and Star Symposium: Are reforms dead in Japan?

Thursday, November 8th from 8 am to 6 pm, Vester Hughes Auditorium, Caruth Hall

Scholars, policy experts, and diplomats will analyze the state of economic, political and foreign policy reforms in Japan today through the lens of PM Koizumi’s dramatic and anomalous reforms from 2001-2006 in an effort to decipher lessons learned, and to craft policy recommendations for Japan’s future.

Admiral Patrick Walsh Keynote: National Security Conference

Wednesday, November 14th at 6 pm, The Martha Proctor Mack Ballroom, Umphrey Lee Center

Admiral Patrick Walsh recently served as commander of the U.S. Pacific Fleet. Prior to that assignment, he served as vice chief of Naval Operations and as a special assistant to the director of the Office of Management and Budget as a White House fellow. Walsh also has chaired the Department of Leadership, Ethics, and Law at the U.S. Naval Academy and directed the Navy Quadrennial Defense Review. He began his career as a Naval Aviator and flew with the Blue Angels.

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