

# OPINION

THE HUTCHINSON  
**NEWS**

**Editorial Board**

JOHN D. MONTGOMERY / Editor-Publisher  
MARY RINTOUL / Managing Editor  
JASON PROBST / News Editor  
DAVINA JAMISON / Copy Desk Editor

**EDITORIAL**

## Fix the system

Forget about the “public option” that remains a hope of Senate Majority Leader Harry Reid and some other congressional Democrats, even as it becomes even more optional in proposed new health care legislation.

A government-run insurance program, whether optional or not, will not fix a broken system, at least not by itself, and the controversy surrounding the public option is distracting attention from more analytical, systemic issues. Consider the idea of shifting to a “bundled” payment system in which health care providers charge a fee for an outcome – for example, a joint replacement, a heart fix or a mended broken bone – an idea intended to strip out excessive procedures, tests and various charges that push up health care costs.

USA Today reported recently that Medicare, the government health care program for the elderly, is experimenting with this on a limited basis, bundling hospital and doctor care for heart and joint procedures rather than paying hospital and doctors separately.

The same could be done on a widespread basis, getting us to a system with a one-line bill for a single service or treatment of a

condition rather than an itemization of charges for everything providers possible could think to put on the bill. And legislation seemingly could mandate such a system on providers and private insurance as well as if the payer is the government.

Medicare should bundle services wholesale. A big part of the problem with the health care system is Medicare setting reimbursement rates for every little procedure, test, service and supply.

We don’t buy an automobile part-by-part. If we did, we probably would end up with some parts we didn’t need and would pay a whole lot more than buying the finished product. Likewise, we’ve ballooned the cost of health care by having an a-la-carte system. That, along with mostly having third parties – insurance companies and the government – paying the bills.

If we have any kind of universal, government-pay system, it needs to be for catastrophic care. But, more importantly, it needs to fix the incentives built into the current system that drive up costs.

Lawmakers would do well to shift the focus to these kinds of fixes. A public option looks like a nonstarter anyway.

**COLUMNIST**

## Not counting doesn’t add up

Sen. David Vitter, a Louisiana Republican, has introduced legislation that, if passed, would instruct the U.S. Census Bureau not to take into account illegal immigrants and other noncitizens in the 2010 census.

I’m all for it. Furthermore, I propose that the government no longer recognize deficits in budgets, record violent crimes in police reports, acknowledge casualties of war or count – let alone give proper names! – to hurricanes in weather reports.

Vitter’s last-minute proposal – census questionnaires, which are scheduled to be sent out in the spring, have already been printed – is the latest in the political right’s increasingly absurdist “fight” against illegal immigration.

I put “fight” in quotes because these tactics actually do nothing to solve the problem of illegal immigration. Indeed, other than deprive the country’s three most populous states of more congressional seats, Vitter’s amendment would simply continue the restrictionists’ strategy of pretending illegal immigration can be solved by depriving people of basic rights or, in this case, refusing to even acknowledge their existence.

In 21st-century America, most fair-minded people know that it’s simply not cool to judge large groups of people as inherently inferior or immoral based on race or cultural practices. In this multicultural era, even fanatics will avoid being called racists.

And that’s the beauty of taking a strong position against “illegals.” That brand is good cover for fanaticism. I mean, my goodness, how can anyone defend something or – someone – that is illegal! Try disagreeing with a rabid restrictionist and, before he accidentally blurts out a nasty racial epithet, he’ll let you have it with a rather brilliant rhetorical question: “What is it about illegal that you don’t understand?”

Let me say it again: I am against the idea of open borders. I believe our nation needs to have strong borders with clear rules and regulations as to who can enter and become members of our club. I also understand that global utopianism notwithstanding, sovereign states are the guarantors of our rights and that, by definition, these states are obliged to decide who can and cannot claim membership.

This goes double for nations that provide entitlements. The state not only protects us but provides us with some level of resources – public goods such as education, unemployment benefits, Medicare, etc. It makes sense, then, that if we want the state to provide us with these goods, we must accept that some form of exclusion is necessary. I understand and believe that not everyone can enjoy the benefits of U.S. citizenship. Like restrictionists, I therefore believe that some forms of exclusion are acceptable. That said, the capaciousness of

our Constitution grants basic protections to all people within our borders, even those who do not enjoy the privileges of citizenship. In other words, even if we deny noncitizens political and civil rights, the principles of our Constitution require that we grant them certain human rights – some level of personal safety and dignity.

When it comes to the census, what that suggests is that even though we may not count them as full members of our polity, we are still obliged to count them as individuals who occupy physical space within our national boundaries. Discounting the existence of illegal immigrants not only has ethical significance, it has a number of practical consequences, not least of which is that a well-regulated nation needs to know how many people reside within its territory. Even rabid restrictionists would agree that, say, a police department might benefit from knowing how many individuals live in a given district. That means that some level of official recognition of illegal immigrants is required for the proper operation of government.

Part of the difficulty in dealing with illegal immigration is that it is a relatively new concept. Prior to the imposition of numerical immigration quotas in the 1920s, there was really no such thing as a class of people who were deemed “illegal.” Sure, before the ‘20s, certain laws excluded Chinese or classes of “undesirable aliens” such as paupers or anarchists, but it was the imposition of comprehensive numerical limits that gave us the modern “illegal immigrant.”

Ninety years later, we still have no idea what to do with the millions of individuals who are in the U.S. without papers. The right wing can conveniently demonize them and seek to banish them from official records, but how does that help us deal with the millions already here or keep even one more person from hopping the border?

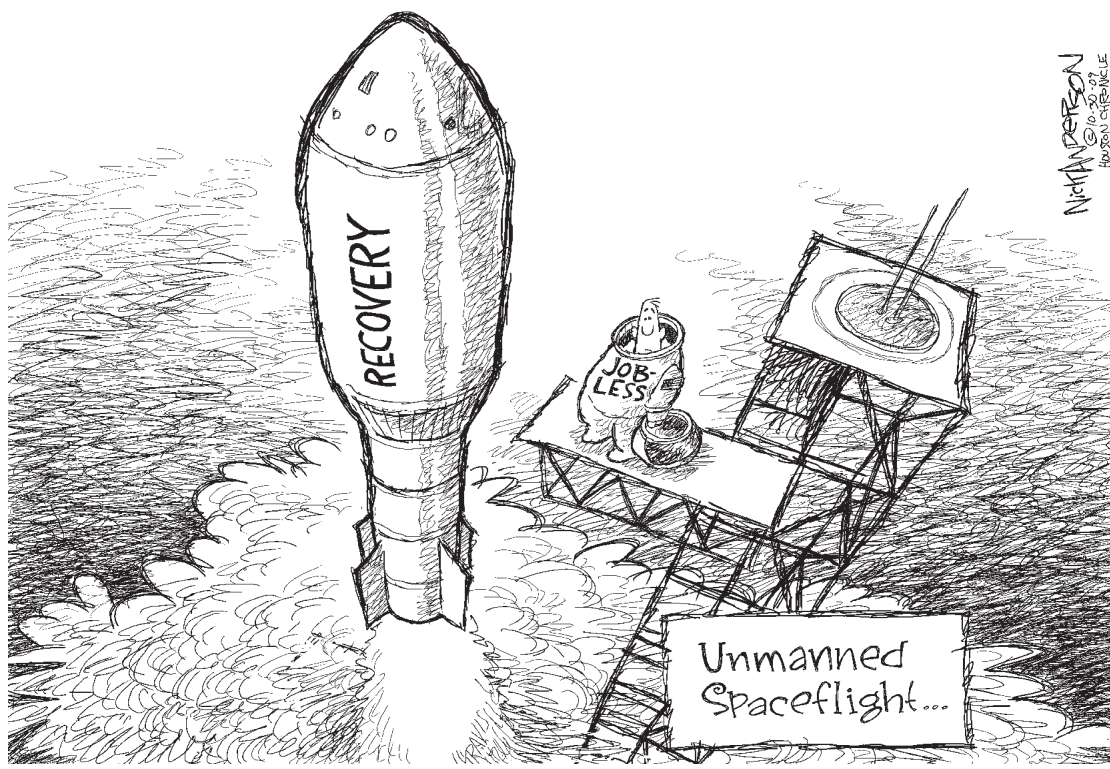
Columbia University historian Mae M. Ngai has called the illegal immigrant the “impossible subject,” a person who exists but doesn’t, a person “who cannot be, and a problem that cannot be solved,” at least as we currently structure ourselves.

Illegal immigrants live with us, yet we do not count them in. We hire them, we even take their tax money, and yet we don’t enter them in the ledger. The only thing Vitter’s proposal would do is have us close our eyes just a little bit tighter.

E-mail Gregory Rodriguez at [grodriguez@latimescolumnists.com](mailto:grodriguez@latimescolumnists.com).



Gregory Rodriguez



DAVINA JAMISON  
BY AND CAPABLE

**COLUMNISTS**

## The Afghanistan we don’t know

In response to my last article, my son sent this response: “My correct rank is Gunnery Sergeant. Yes, a sergeant, but two levels higher than a regular sergeant. I know it is confusing, but I have worked hard to get to the level where I am. Also, it tells the people who read it that the info comes from a source with almost 18 years of military service versus a “sergeant” who may only have 4 to 8 years of expertise.” I apologize, Jeff.

In continuing my quest to understand the situation in Afghanistan, I saw an interview of David Rohde talking about his experience as a prisoner of the Taliban on the Charlie Rose show. Rohde, a reporter for the New York Times, was kidnapped by the Taliban and held captive for 7 months and 10 days. His capture was not reported in the press. He wrote a series of five articles published Oct. 17, 2009. The complete articles can be found on the Times Web site. The following excerpts from the articles have helped me to understand more about the Taliban we are fighting:

“Over those months, I came to a simple realization. After seven years of reporting in the region, I did not fully understand how extreme many of the Taliban had become. Before the kidnapping, I viewed the organization as a form of ‘Al Qaeda lite,’ a religiously motivated movement primarily focused on controlling Afghanistan.

“Living side by side with the Haqqanis’ followers, I learned that the goal of the hard-line Taliban was far more ambitious. Contact with foreign militants in the tribal areas appeared to have deeply affected many young Taliban fighters.

**Community columnist**



Phil Wood

They wanted to create a fundamentalist Islamic emirate with Al Qaeda that spanned the Muslim world. “Several days after the drone strike near our house in Makeen [where Rohde was held prisoner], we heard that foreign militants [the Taliban] had arrested a local man. He confessed to being a spy after they disemboweled him and chopped off his leg. Then they decapitated him and hung his body in the local bazaar as a warning.”

According to Rohde, we face a ruthless enemy with strong religious motivation. He also says this: “Their rigidity was the opposite of the tolerant attitudes I had found among the vast majority of Muslims I had met in Afghanistan and Pakistan.”

I also received, from my son, a copy of a speech by General Stanley McChrystal given to the Institute of Strategic Studies on Oct. 1, 2009. The following quotes give a sense of the speech:

“I arrived in Afghanistan in May 2002 and I have spent a part of every year since then involved in the effort [to defeat the Taliban]. I have learned a tremendous amount about it, and every day I realize how little about Afghanistan I actually understand. I discount immediately anyone who simplifies the problem or offers a solution, because they

have absolutely no idea of the complexity of what we are dealing with.

“I have found that the best answers and approaches may be counterintuitive – i.e., the opposite of what it seems like you ought to do is what ought to be done. When I am asked what approach we should take in Afghanistan, I say ‘humility.’

“However, the cruel irony is that, in order to succeed, we need patience, discipline, resolve and time.

“We must assign responsibility because, ultimately, the Afghans must defeat the insurgency. As a force, however, we must change our mindset. Whether or not we like it, we have a conventional warfare culture – not just our militaries but our societies. Our societies want to see lines on a map moving forward towards objectives, but you will not see that in a counterinsurgency because you do not see as clearly what is happening in people’s minds. We will have to do things dramatically and even uncomfortably differently in order to change how we think and operate.”

I also found on the Web a redacted copy of the general’s assessment report to the Secretary of Defense. There is much more detail than the speech, but the message is essentially the same. Appreciation of complexity, humility and patience are not the characteristic American virtues when fighting a war. I fear that we may lose patience and decide to quit.

Phil Wood, a Baha’i originally from New England, resided in Barbados for 12 years while working as quality assurance manager for Intel. He has lived in Hutchinson for 26 years. E-mail: [puood1937@gmail.com](mailto:puood1937@gmail.com).

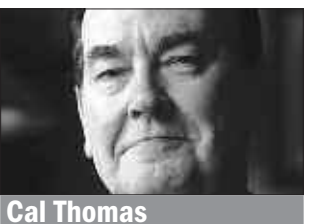
## Can the Tenth Amendment save us?

Does the U.S. Constitution stand for anything in an era of government excess? Can that founding document, which is supposed to restrain the power and reach of a centralized federal government, slow down the juggernaut of czars, health insurance overhaul and anything else this administration and Congress wish to do that is not in the Constitution?

The Framers created a limited government, thus ensuring individuals would have the opportunity to become all that their talents and persistence would allow. The Left has put aside the original Constitution in favor of a “living document” that they believe allows them to do whatever they want and demand more tax dollars with which to do it.

Can they be stopped? Some constitutional scholars think the Tenth Amendment offers the best opportunity. The Tenth Amendment states: “The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.”

In 1939, the Supreme Court began to dilute constitutional language so that it became open to broader interpretation. Rob Natelson, professor of Constitutional Law and Legal History at the University of Montana, has written that even before Franklin Roosevelt’s court-packing scheme, it was changing the way the Constitution was interpreted, especially, “how the commerce and taxing powers were turned upside-down, the necessary and proper clauses



Cal Thomas

and incidental powers, the false claim that the Supreme Court is conservative, how bad precedent leads to more bad court rulings, state elections as critical for constitutional activists, and more.”

While during the last seven decades the court has tolerated the federal welfare state, Natelson says it has never, except in wartime, “authorized an expansion of the federal scope quite as large as what is being proposed now. And in recent years, both the Court and individual justices – even ‘liberal’ justices – have said repeatedly that there are boundaries beyond which Congress may not go.” ... “Chief Justice John Marshall once wrote that if Congress were to use its legitimate powers as a ‘pretext’ for assuming an unauthorized power, ‘it would become the painful duty’ of the Court ‘to say that such an act was not the law of the land.’”

It would be nice to know now what those boundaries are and whether Congress is exceeding its powers as it prepares to alter one-sixth of our economy and change how we access health insurance and health care.

Natelson makes a fascinating argument in his essay, “Is ObamaCare Constitutional?” ([www.tenthamentendmentcenter.com/2009/08/1](http://www.tenthamentendmentcenter.com/2009/08/1)

/is-obamacare-constitutional), using the Court’s Roe v. Wade ruling in 1973. In Roe, he writes, the court struck down state abortion laws that “intruded into the doctor-patient relationship. But the intrusion invalidated in Roe was insignificant compared to the massive intervention contemplated by schemes such as HB3200. ‘Global budgeting’ and ‘single-payer’ plans go even further, and seem clearly to violate the Supreme Court’s Substantive Due Process rules.”

Constitutional Attorney John Whitehead, president of The Rutherford Institute, tells me, “Although the states surrendered many of their powers to the new federal government, they retained a residuary and inviolable sovereignty that is reflected throughout the Constitution’s text. The Framers rejected the concept of a central government that would act upon and through the States, and instead designed a system in which the State and federal governments would exercise concurrent authority over the people. The Court’s jurisprudence makes clear that the federal government may not compel the states to enact or administer a federal regulatory program.”

Americans who believe their government should not be a giant ATM, dispensing money and benefits to people who have not earned them, and who want their country returned to its founding principles, must now exercise that power before it is taken from them. The Tenth Amendment is one place to begin. The streets are another. It worked for the Left.

**Doonesbury**

