

ISSUES IN PERSPECTIVE

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PERSPECTIVE NUMBER ONE

Thinking about the Penn State Tragedy

That the Penn State football coach, Joe Paterno, has been fired is almost unimaginable! I was born and raised in Pennsylvania, and in that state he is probably the most important single individual in PA. But his fall is a powerful reminder that sin permeates this fallen world and even the mighty fall! I want to press this point in this *Perspective*.

- First, some important background. The situation at Penn State is difficult to believe. Joe Paterno and the Penn State football team are legendary. But the fact of child abuse by one of the coaches has brought down this legend. Here is the situation in summary: Jerry Sandusky, a former assistant coach, almost a decade ago, had been observed forcing a young boy into a sexual act in Penn State's football locker room showers. [At one point, Sandusky was considered the likely successor to Paterno; but he retired.] Sandusky had also established a non-profit organization for boys, and he often brought these boys onto the Penn State campus. I believe he also maintained an office at the University. The coach who observed Sandusky abusing the young man informed Paterno, who then informed the Athletic Director and a Vice President. Nothing was done—and this is the point that cannot be ignored. Once this information was made available to Paterno and once he observed that nothing was done, it was obligatory for him to push the issue. He did not. Hence, his complicity in the cover-up that persisted. It is probably not possible to know exactly how many boys Sandusky went on to abuse but Saturday, 4 November, he was arrested and charged with 40 felony counts of sexual abuse involving young boys (stretching from 1994 to 2009). Subsequent to Sandusky's arrest the University's athletic director, Tim Curley, and its senior VP of Business and Finance, Gray Schultz, were also arrested. The grand jury's 23-page report also revealed that both Paterno and the University president, Graham Spanier, had knowledge of the 2002 first-hand report and did nothing. The Board of Penn State has fired both men. The US Department of Education has also announced that it would investigate Penn State's handling of the Sandusky case. Had the University acted on the 2002 incident, every child abused by Sandusky after that could have been spared! This is an ugly and reprehensible situation that could have been avoided. One can only think of David's words after the slaying of Saul and Jonathan—"How the mighty are fallen!"
- Second, what should the church and other faith-based institutions do in light of this horrific scandal? It is imperative that such institutions implement decisive and clear policies on how reports about sexual abuse are reported and handled. I am going to make certain that this is the case in the institution I lead. But I also believe that there is a very personal application that can be gleaned from such a scandal. Each one of us who loves the Lord must be certain that our lives reflect the highest personal integrity and righteousness. Each year, I review the

following questions with my leadership team at Grace University. These twenty questions focus on personal integrity and accountability and are part of a personal strategy for holiness. [They are adapted from Chip MacGregor's *Organization Resource Handbook*.]

1. How often did you have a quiet time last week?
2. What did you study in your devotional life this past week?
3. On a scale of 1 to 10, where would you rate your spiritual life?
4. Besides Scripture, what constructive material are you reading/studying?
5. How did you build up (encourage) your wife (husband) this past week?
6. Were there any times last week when the sun went down on your anger?
7. On a scale of 1 to 10, where would you rate your marriage?
8. What significant investment of time did you make with each of your children?
9. What one thing have you done recently that your family will remember five years from now?
10. When did you struggle with your thought life and how did you respond?
11. What did you do for exercise this past week?
12. What did you do for relaxation?
13. Is your weight up or down? How much?
14. Did your total indebtedness grow or shrink? Why?
15. What percentage of your income did you give away outside your family?
16. Whom did you encourage?
17. With whom did you share your faith?
18. What were your emotional highs and lows?
19. What decisions or problems are weighing on you right now?
20. What are you praying for God to do?

See the news reports in the *Washington Post* (10 November 2011) by Tracee Hamilton and Dave Sheinin.

PERSPECTIVE NUMBER TWO

Radicalism and the Occupy Wall Street Movement

What are we to make of the Occupy Wall Street (OWS) movement? What are its goals, its aspirations? Is it the left-wing equivalent of the Tea Party movement on the right? Is there any ideological coherence to this group? Certainly we can conclude this about the Tea Party movement: This movement is committed to American institutions. It is committed to working within the democratic system of our nation. There is excess and there is irrationality at times, but this is part of a deep American tradition: When there is significant dissatisfaction with government, a group rises up and seeks political change within the institutions of the American system. Is that the case with the OWS movement? Several thoughts.

1. One would find it difficult to conclude that the OWS movement is civil, respectful of public property and organized around the veneration of democratic institutions? Michael Gerson, the columnist, raises these points in his acerbic comments: “. . . the reports of sexual assault in Zuccotti Park and the penchant for public urination. Tea Party activists may hate

politicians, but they venerate American political institutions. . . . On its tie-dyed surface, the OWS movement seems little more than a confused collection of grievances. Some in New York protest the Church of Scientology. In Philadelphia, protesters attempted to occupy the cable provider Comcast. In Boston, they marched against the Israeli consulate, chanting, ‘Long live the intifada!’ Protesters also targeted the Harvard Club.” Is this the best of the OWS? Or is it the fringe?

2. Is there some semblance of ideological coherence within OWS? Gerson observes, “Its collectivist people’s council seem to have two main inspirations: socialism (often Marxist socialism) and anarchism. The two are sometimes in tension. They share, however, a belief that the capitalist system is a form of ‘institutionalized violence’ and that normal, democratic political methods, dominated by monied interests, are inadequate. Direct action is necessary to provoke the crisis that ignites the struggle that achieves the revolution.”
3. In Oakland, protesters “have been playing at the Paris Commune—constructing barricades, setting fires, throwing concrete blocks and explosives, declaring a general strike to stop the ‘flow of capital’ at the port. Here OWS seems to be taking its cues from both ‘Rules for Radicals’ and ‘A Clockwork Orange.’”
4. There are those within OWS that follow the leftist tradition of liberal reform via the democratic process and nonviolent protest. But others within the left seek to undermine and foster the ultimate collapse and crisis of what they contend are fundamentally illegitimate social and economic systems. This latter group seems unquestionably to be in the ascendant within OWS. As Gerson concludes, “It is a leftist movement with a militant wing.”
5. These penetrating questions are the bottom line for the OWS and for the American people to consider: “Will Americans, looking for jobs, turn in hope to the vandalization of small businesses and the promise of a general strike? Will citizens, disappointed by a dysfunctional government, be impressed by the endless arguments of anarchist collectives? Will people, disgusted by partisanship and rhetorical rock-throwing, be attracted to actual rock throwing?”

In considering and evaluating the OWS, Americans will need to process whether this movement represents the vision for America’s future? I sincerely trust that as the American people evaluate and process the OWS movement they will see it for what it truly is: A movement that is no longer credible and legitimate. It is being hijacked by a radical fringe. I believe that the American people will reject the radicalism of the OWS. The Democratic Party will gain no credibility if it embraces the OWS.

See Michael Gerson’s most helpful essay in the *Washington Post* (8 November 2011).

PERSPECTIVE NUMBER THREE

The Core Issue in the Health Care Law

The conventional wisdom is that the Supreme Court will soon agree to hear a case challenging the constitutionality of the healthcare law passed last summer. I believe that the core issue with which the Court will need to deal is the limits of government power to compel its citizens to purchase health insurance. Basic questions are at stake here: If the United States government can force its citizens to purchase health insurance, what else can it force them to do? As columnist Adam Liptak has observed, “What can’t government compel its citizens to do? In other words, has Congress overstepped its constitutional authority in enacting this part of the law? What are the limits of government? These questions and others are some of the most important stemming from President Obama’s healthcare legislation. Fundamental issues about the nature of this Republic are at stake: What exactly do we mean by limited government? What is the nature of the power the national government has over its citizens? Are there limits to that power and what exactly is the nature of that limit?”

Liptak reports that even judges in lower courts who ultimately voted to uphold the law have honed in on the question of the limits of government’s power. For example, Judge Laurence H. Silberman, who later voted to uphold the law, told a lawyer at an argument in September before the US Court of Appeals for the District of Columbia Circuit, “What limiting principle do you articulate?” If Congress may require people to purchase health insurance, what else can it force them to buy? Where do you draw the line? Would it be unconstitutional, he asked, to require people to buy broccoli? He asked, could people making more than \$500,000 be required to buy cars from GM to keep it in business? Judge Brett M. Kavanaugh, asked, “How about mandatory retirement accounts replacing Social Security?” The most familiar justification for this requirement in the healthcare law is the Constitution’s interstate commerce clause. If this is so, to use this part of the law must it be economic in nature, be concerned with true interstate commerce issues and must it address national problems? I am not certain these matters are settled.

In another opinion that dealt with the expansion of federal power, former Chief Justice William Rehnquist wrote: “It is difficult to perceive any limitations on federal power. If we were to accept the government’s arguments, we are hard pressed to posit any activity by an individual that Congress is without power to regulate.” As Liptak reports, when a divided three-judge panel of the US Court of Appeals for the 11th Circuit, based in Atlanta, struck down in August the mandate that individuals purchase and maintain health insurance from private companies, they argued: “The government’s position amounts to an argument that the mere fact of an individual’s existence substantially affects interstate commerce, and therefore Congress may regulate them at every point of their life.”

In short, the primary constitutional issue at stake here is the power of the federal government. What are its limits? Is the interpretation of the interstate commerce clause so broad that it covers this mandate? Is our understanding of limited government, so central to the democratic-republic of the US, being re-interpreted? If Congress can regulate this dimension of its citizens’ private lives, what else can it regulate? These are most significant questions. They are not tangential to the law! They must be answered and they must be a part of the debate. The future and the destiny of our Republic are at stake.

See Adam Liptak in the *New York Times* (14 November 2011).