



The Award Winning
Malibu Rotary Club Surfwriter

June 25, 2014

Official Newsletter of the Rotary Club of Malibu
Malibu Rotary Club President William Wishard

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Pictures by Dr. John W. Elman and M. Stewart

In This Issue (click underlined topics for web link when connected to the Internet)

- Next Malibu Rotary Club Meeting Wednesday July 2 at noon at Pepperdine University Drescher Graduate campus in LC 152 (with fellowship starting at 11:30 a.m.), District Governor Elsa Gilham or Assistant Governor Neil Godsey will induct Carlye Rudkin and Beth Mohiuddin into the Malibu Rotary Club
- Last Week: Former U. S. Ambassador Doug Kmiec Explains How Religious Conviction and Political Civility Need Not Be At Odds
- Check [Calendar](#) on Malibu Rotary website www.maliburotary.org
- Rotary International Website: www.Rotary.org
- Rotary District 5280 Website: www.rotary5280.org/
- RI President (2013-2014) Ron D Burton

- **Rotary District 5280 Governor (2013-2014): Doug Baker**
- **Assistant Governor for Malibu Rotary Club: Alice Muntean (2013-14)**

Former U. S. Ambassador Doug Kmiec Explains How Religious Conviction and Political Civility Need Not Be At Odds

Doug Kmiec was the featured speaker of the Malibu Rotary Club on June 25th and explained how he could be an advisor to President Reagan and George H. W. Bush (as Legal Counsel to the Attorney General), support Republican Mitt Romney and then endorse and help Barack Obama, who had a specific reason for appointing him U. S. Ambassador to Malta. It had a lot to do with his faith, which he believes coincides with the framers of the constitution, who created the “Rule of Law” by using principles of moral law espoused in the Christian religion.



Doug is Professor of Constitutional Law at Pepperdine University School of Law. At the Rotary meeting he gave us a glimpse of how he came to be advisor to US Presidents and how decisions he made affected US laws and policy.

After receiving his undergraduate degree from Northwestern University in 1973 and his Juris Doctorate (JD) from the University of Southern California in 1976 Doug applied for a Fulbright Scholarship and also to be a White House Fellow and was accepted for both. He was a Distinguished Fulbright Scholar on the Constitution in Asia, and he was one of 12 people out of 6,000 applicants, to be selected as a White House Fellow. The White House Fellows are from all walks of life, but all high achievers. In his class there was an MD, a farmer, an astronaut, and the person who became the producer of the PBS Sesame Street show.

Doug was assigned to Attorney General Ed Meese as a White House Fellow. Ed was part of Ronald Reagan's Gubernatorial Administration. Reagan took him to Washington when he became president and he was Attorney General when Doug got there. Officially Doug became United States Deputy Assistant Attorney General for the Office of Legal Counsel. He served under President Reagan in 1985 and continued when George H. W. Bush became president in 1988. In 1992 Doug would write a book about those years: *The Attorney General's Lawyer*.

As "the Attorney General's Lawyer" Doug had to research and advise the president on several issues of historical note. One of these involved the largest increase in size of the United States since the Louisiana Purchase and the acquisition of Alaska. Up until Reagan the border of the United States extended 3 miles into the sea. Doug tells us that 3 miles was chosen because that was the distance thought to be the range of a cannon ball fired from an offshore ship. Under Reagan, and after Doug advised it was ok, the United States claimed the area of the sea extending to 12 miles offshore.

Another issue confronting the United States when Doug was Legal Counsel to the Attorney General was whether AIDS patients should be eligible for Federal benefits. Doug explains that there was a lot of misinformation about AIDS in 1980—the way it was spread, whether casual contact with afflicted individuals could spread the disease. Ryan White, who was an Indiana teenage hemophiliac, contracted the HIV virus by a tainted blood transfusion and was diagnosed with AIDS at age 13. He and his mother Jeanne White Ginder fought for his right to attend school when the school administration expelled him, which caused the boy and his mother gain international attention as a voice of reason about HIV/AIDS. He died when he was 18. President Reagan asked Doug to find the truth about AIDS, and Doug went to C. Everett Koop MD, the United States Surgeon General, to get accurate information. The result of this was the Ryan White Comprehensive AIDS Resources Emergency Act in 1990, which gave support to those with AIDS. Koop wrote the official U.S. policy on the disease, and in 1988 he took unprecedented action in mailing AIDS information to every U.S. household.

Doug said Reagan, as probably most presidents before and after him, favored a line item veto. Many laws that congress writes have parts that a president likes, but other parts, such "pork barrel" appropriations, which the president doesn't like. Reagan had read an article in the *Wall Street Journal* that recommend that it made sense for the president to invoke a line item veto for the sections of a law that he didn't want. The president asked Doug to look into that possibility, find something in the constitution that would allow him to have his line item veto.

Doug could not find in the constitution anything that would allow the line item veto. The president was disappointed. He told Doug "Well, I suppose you did the best you could. It is what it is." Doug said that he saw that in the checks and balances of government, that each branch, legislative, executive and judicial, has equal power. When the legislature writes a law, the various parts of the law have to be decided by congress, and the congress representatives can't line item veto parts of the law they send to the president, and the president cannot line item veto parts of the law either.

One thing certain presidents have done is to write "signing statements." The president can write what he doesn't like about the law that he ultimately has signed. President Reagan issued 250 signing statements, and all the presidents since Reagan have issued signing statements. No United States Constitution provision, federal statute, or common-law principle explicitly permits

or prohibits signing statements. However, there is also no part of the Constitution which grants any legal value to signing statements. Article I, Section 7 (in the Presentment Clause) empowers the president to veto a law in its entirety, to sign it, or to do nothing.

Doug is proud that the teaching of law at Pepperdine considers a “knowable reality”, a morality. The idea that laws of government can and should be compatible with moral laws of church is an old one. Scottish Presbyterian minister Samuel Rutherford published the book *Lex Rex* in 1644 with the English subtitle "The Law is King". It was intended to be a comprehensive defense of the Scottish Presbyterian ideal in politics. The book defends the rule of law and the lawfulness of defensive wars (including pre-emptive wars) and advocates limited government and constitutionalism in politics and the "Two Kingdoms" theory of Church-State relations (which advocated distinct realms of church and state). Doug talked about the current clash of civilizations brought about when the rule of law, the *Rex Lex*, that most of the world is governed by, meets fundamentalist Islam, *Sharia*, where the word of Allah supersedes human law, and which justifies murdering the Infidel, anyone who is not a fundamentalist Muslim

Doug had been a lifelong Republican and was supporting Mitt Romney for president in 2008 until Romney dropped out of the race when McCain became the Republican presidential nominee. As he explained in an interview with the Chicago Tribune, "One of the things I kept discovering...was that Obama was sounding more Catholic than most Catholics I know." Doug admired Obama for several things. Republicans had generally been the party that embraced people of faith and the Democrats made fun of people of faith. Doug said that he was impressed that Obama told his supporters, the Democratic party, “Stop making fun of people of faith.” To those fellow Catholics and pro-life advocates who were surprised at his position, he argued that Obama's desire to "alleviate social conditions that correlate with abortion", such as poverty, was convincing.

As a result of endorsing the pro-choice Obama, Kmiec was denied Communion in May 2008 at a Red Mass for Catholic business people in California. Doug had initially attempted to keep the entire incident confidential so as not to embarrass the Church, mentioning it only to his Pastor emeritus at Our Lady of Malibu in Malibu, California and to a priest friend in the Dominican House in Washington, D.C., since the priest involved was also a member of that religious order.

Thinking that conscientious American Catholics were exploring the same ethical issues raised by the 2008 election as he was, Kmiec wrote, the book *Can A Catholic Support Him?: Asking the Big Question About Barack Obama*.

Doug's support of Obama was important to the Obama campaign, and a majority of Catholics voted for Obama.

In July, 2009, after becoming president, Obama sent for Doug. The president asked Doug “Do you know where Malta is?”

“Of course I know where Malta is.”

The president continued,”There are 365 Catholic churches in Malta.”

Doug said, "One for every day of the year,"

Doug said that the president gave him that Obama smile and said, "Make sure you go."
He was confirmed by the Senate.



The White House anticipated his assignment to Malta would have as much to do with faith as diplomacy. This was evident at Doug's swearing in where he was introduced by Joshua DuBois, the President's director of the White House Office on Faith-Based and Neighborhood Partnership, before Doug was sworn in by Justice Samuel Alito (pictured above). DuBois said "The Special Presidential Logic for appointing Ambassador Kmiec is his invaluable insight and steadfast and intelligent contribution to the President's commitment to diplomatic answers premised upon inter-faith understanding."

President Obama's instruction about to Doug making his way to the Malta Catholic churches was a very astute. It got Doug out of the embassy and into neighborhoods.

According to Doug, the president hoped an interfaith dialogue would give rise to a blossoming of diplomacy. President Obama was inserting Doug in a pivot point: to the south, Africa and a Muslim world; to the east a Hebraic world; to the north, Christianity and Europe.

Doug paraphrased the president as saying, "See what you can do, so you can [anticipate] when sensitivities have been crossed that might give rise to violence or military action."

There was a concern that Iran was developing nuclear weapons and since Malta was the headquarters for Iranian shipping, it was postulated that materials for the nuclear weapon would come through the Malta port, and in fact, it did. Evidence of nuclear materials discovered on an Iranian ship was presented at the UN by American UN Ambassador Richard Holbrooke.

Because Malta is a busy port and on the threshold of the Middle East, one primary responsibility was to ensure the effectiveness of Iranian sanctions. Since 1/3 of the shipping in the Malta harbor was Iranian, it was an economic hardship on the people of Malta, who worked in the harbor, to give up the money from Iranian ships. But Doug, through shared religion and cultural exchanges managed to befriend the people and convince them that their sacrifice in enforcing the Iranian embargo was good for the world.

Malta was Libya's closet neighbor. When civil war and NATO-led military intervention in 2011 resulted in the ousting the oppressive Muammar Gaddafi, no one knew what would happen in the country. Secretary of State Hillary Rodham Clinton came to Ambassador Doug and told him that he had to get Americans and other people out of the Libyan capital Tripoli.

Doug asked, "Don't you have a Navy for that?"

No. They were busy, and we aren't going to send the military into more places, was the answer. It's up to you.

Doug was charged with getting 450 people out of the Tripoli embassy when Gaddafi decided he was not going to step aside. Things got very dangerous very quickly. He rented a large catamaran and after sailing through tough seas--a hurricane which caused the normal 9 hour voyage to take 36 hours he was not allowed to dock. "For a while it was pretty dicey." Doug was finally able to talk to some of the people at the port, who didn't want to be responsible for allowing the people off the boat. Finally they agreed to "Look the other way for five minutes" while the 450 passengers made their way off the catamaran.

The people were a combination of Americans and others, but afterward as he was driving in the embassy car he saw an 80 year old Maltese fisherman salute the American flag. He asked the driver to stop so he could talk to the man. The driver said:

"If you stop for everyone saluting the American flag you'll never get to your destination."

He was proud to be an American when he heard people from other countries say "God Bless America."

Doug ran for U.S. Congress as an Independent this year in the California Primary Election, and although he received only a small percentage of the votes, made his points on line with a very interesting website which is still available for viewing: www.kmiec2014.com

Doug was a friend of Ambassador Chris Stevens, who was killed along with 3 others, during the terrorist attack on Benghazi September 11, 2012. He has continued to endorse Secretary of State Hillary Clinton, who many feel lied about what happened there. He explains his position and the dangers and inadequacies of security in our mid east embassies in the Q & A of his website:

Q. How can you endorse Mrs. Clinton after she lied about Benghazi?

A. Secretary Clinton has been entirely forthcoming about the tragic attack in Benghazi that took the lives of Ambassador Chris Stevens, press officer Sean Smith and Diplomatic Security Veterans, Ty Woods and Glenn Dougherty. Benghazi does not condemn Hillary Clinton; when the full story is told, it will exonerate her. Not that she -- unlike her extreme right wing opponents -- will take any pleasure in revealing who really let this bright young diplomat and his important mission down. As noted earlier, the details remain classified. But know this, send my independent voice to Washington and it will be un-intimidated in pursuit of the truth -- but then, there is no need for me to exaggerate since "the truth is like a lion," said St. Augustine, "just let it loose and it will defend itself." When the complete analysis and accounting is completed, those responsible for the vulnerability that led to the loss of my colleague Chris Stevens and the three other well-liked and dearly missed diplomats.

Christopher Stevens was my colleague and friend. As Libya was still in turmoil when he reported for duty as special envoy, he needed a nearby embassy to assist his preparations. Malta is 200 navigable miles due north, and our embassy enjoyed the benefit of his presence for those purposes. His life represented the best of America: empathetic, encouraging, intelligent, and courageous.

Q. Did he know that he was going into harm's way?

A. Yes. From our living room and back yard conversations, he was thoroughly briefed on the restive nature of tribal Libya and the tentative hold on territory the Qaddafi opposition possessed.

Q. Did Ambassador Stevens receive adequate assistance in advance of the fire fight?

A. No, neither before nor especially during. Resources today that are commonplace when needed for the security of our embassies in western and eastern Europe are, by Congressional default precipitating military misjudgment ,not dedicated to the defense of U.S. nationals in North Africa. This has political as well as economic consequences . . .

but those resources were missing over the objection of Secretary Clinton not because of her.

Q. Did Hillary Clinton and Chris Stevens think that our government would come to the assistance of a diplomat in trouble?

A. Of course.

Q. Did the military commander of AFRICOM offer assistance within the meager resources he was given to deploy?

A. It is unclear; in any case what was offered was nowhere near parity with embassies in EUCOM. What is clear from the FOX news outlet quoted below and the digging done by Adam Housely, is that the EUCOM strike force had been reassigned after the attack began, but because of Congressional resource failure, the military mindset was to husband the use of these air assets and as a result the nominal shift in the deployment did nothing but create the appearance of readiness where there was none.

Q. Would Ambassador Stevens say the same thing were he alive?

A. That is asking for more insight than I have, but my honest thought is he would not. Chris was a can-do Ambassador and he would not highlight anything that might hold back his larger diplomatic mission. But you see, this is why ambassadors like Chris and myself are not asked to assess military logistics or supply -- we have defense attaches for this special judgment; the State Department frankly has to rely on Congress, and the Pentagon to alert Congress as to military threat or terror threats that require Congressional augmentation. This is getting close to classified material now so I can say nothing further, beyond, if you have no other reason to be inclined to favor this independent candidate, who can exercise independent judgment, please keep the needs of our diplomats in mind, and most of all don't let a bunch of macho men sitting back on their lower brains finger point at Hillary Clinton. How many men threatened by equality concoct a lie to try to secure their importance? Was there adequate security preparation for Christopher's diplomatic mission? No, and it is only the discretion of Sec. Clinton, and her respect for both the Stevens family and our military overall, that she has chosen to remain publicly silent about the extent to which the Congress of the United States left the military command in the Mediterranean and North Africa without adequate resource. This resource deficiency was and remains in complete disregard of the strategic plans and recommendations of Mrs. Clinton's state department, including those of this ambassador. If a rookie ambassador like myself could spot the deficiencies in the military's defense of this vital region for both trade and passage to and from the Middle East, why is it that Congress did not address the gaping vulnerabilities of this region?

Other News and Guests at the Last Meeting

President Elect Margo Neal was still out nursing her foot surgery. At his final meeting as President Bill Wishard was excited about having our illustrious speaker. He announced that the first Rotary District Breakfast of the new Rotary year will be 7:00 a.m. Tuesday, July 15th on 51st Floor of City Club, 555 Flower St, LA. Speaker will be Laker Hall of Famer author Kareem Abdul Jabbar. Reservations must be turned in by our next meeting—no walk-ins. There will be complimentary valet parking—no self park.

Guests

Guests at the meeting included **Carly Rudkin** and **Beth Mohiuddin**, who will be inducted as members of the Malibu Rotary Club at the next meeting, and also Beth's husband **Qadir Mohiuddin Ph.D** who teaches International Business and Management at a university in Nanjing, China, as well **John Miller** who is a member of LA 5 Rotary.

Upcoming Speakers (yet to be confirmed)

- Randy Klingensberg, Performing Arts Studio West (who trains disabled artists to perform--school attended by blind autistic musical savant Rex Lewis)
- Founder of the National Veterans Foundation, Floyd 'Shad' Meshad
- Dana Sherman of the Fleet Street Bike Project
- Dan Wise on history of the 25,000 acres from Marina del Rey to PV Peninsula to Western Ave

Please see Malibu Rotary Club Website www.maliburotary.org for latest Calendar and future speakers and facebook pages for other news.

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Calendar

July 2 at noon at Pepperdine University Drescher Graduate campus in LC 152 (with fellowship starting at 11:30 a.m.), District Governor Elsa Gilham or Assistant Governor Neil Godsey will induct Carlye Rudkin and Beth Mohiuddin into the Malibu Rotary Club

July 9 (at Pepperdine LC 152)

Brian Turner—“How to Kill a Lawsuit”

July 15 (Rotary District Breakfast-51st Floor of City Club, 555 Flower St, LA)

Keynote Speaker—Kareem Abdul Jabbar

July 16 (at Pepperdine LC 152)

Nora MacLellan “Vision to Learn”

July 23 (at Pepperdine LC 152)

Jo Anne Books “Life After Polio

July 30 (at Pepperdine LC 152)

Qadir Mohiuddin Ph.D (to be announced)

Aug 6 (at Pepperdine LC 152)

Laura Cazares “Master your Mind, Master your Cash”

Aug 20 (at Pepperdine LC 152)

Carl Christman “Carl Reads Minds”

September 10 (at Pepperdine LC 152)

Dr Alison Wishard Guerra “Early Childhood Development”

October 25 Hollywood Halloween Costume Party Fund Raiser