

REVOLT IN EGYPT: Daniels, Pryce-Jones, The Editors

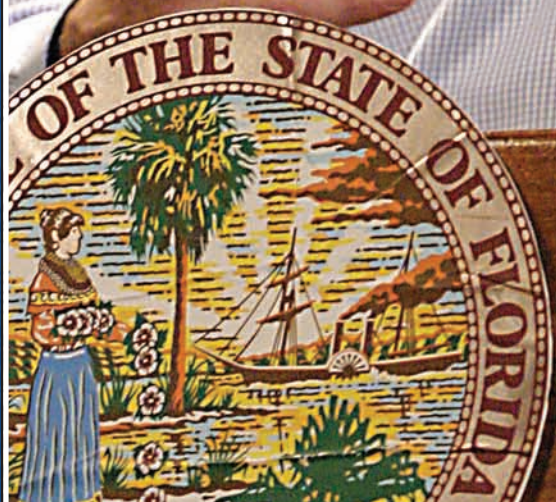
NATIONAL REVIEW

PALIN
VS.
ROMNEY?

THE Jeb Model

Lessons from the can-do
conservative reformer

JOHN J. MILLER



20%

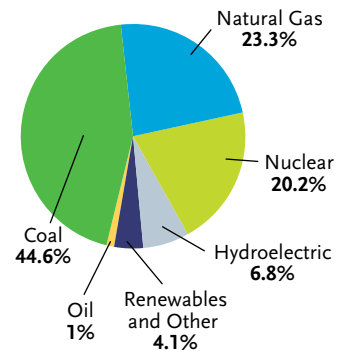
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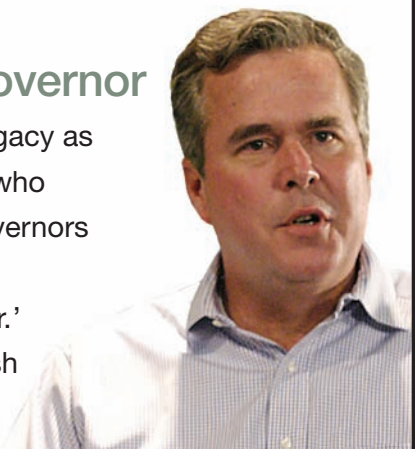
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The Education Ex-Governor

Jeb Bush is quietly building a legacy as something other than the Bush who didn't reach the Oval Office. Governors everywhere boast of a desire to become 'the education governor.' As Florida's chief executive, Bush really was one. *John J. Miller*



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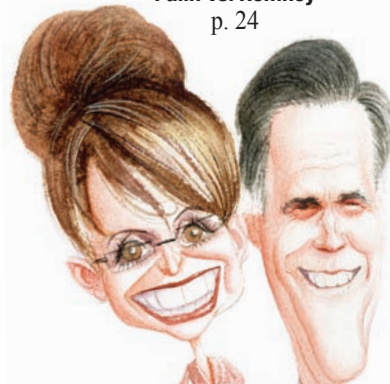
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Letters



Marital Goods

Jason Lee Steorts misses the boat when he argues that monogamous same-sex unions and heterosexual infertile unions possess the same kind of value, and that therefore we should have no objections to some form of same-sex marriage ("Two Views of Marriage," February 7).

I would argue that the value of a heterosexual union is its *intrinsic capacity* for procreation. A homosexual couple does not have this intrinsic capacity, but an infertile heterosexual couple does.

An infertile couple will admit there is something wrong with them, and it is typically quite sad for all involved. However, there is always hope for the infertile couple—either time or treatment may allow for fertility. There is no hope for a homosexual union's fertility—it does not have the intrinsic capacity for procreation. While we should not value one marriage over another on its degree of fertility or fruitfulness, a marriage should, at a minimum, possess the basic intrinsic capacity for procreation.

It is completely sensible to me that a "maximal experiential union" with the intrinsic capacity for procreation should get special treatment in society—let's call it a "marriage." One man and one woman.

Joe Gustainis
Chapel Hill, N.C.

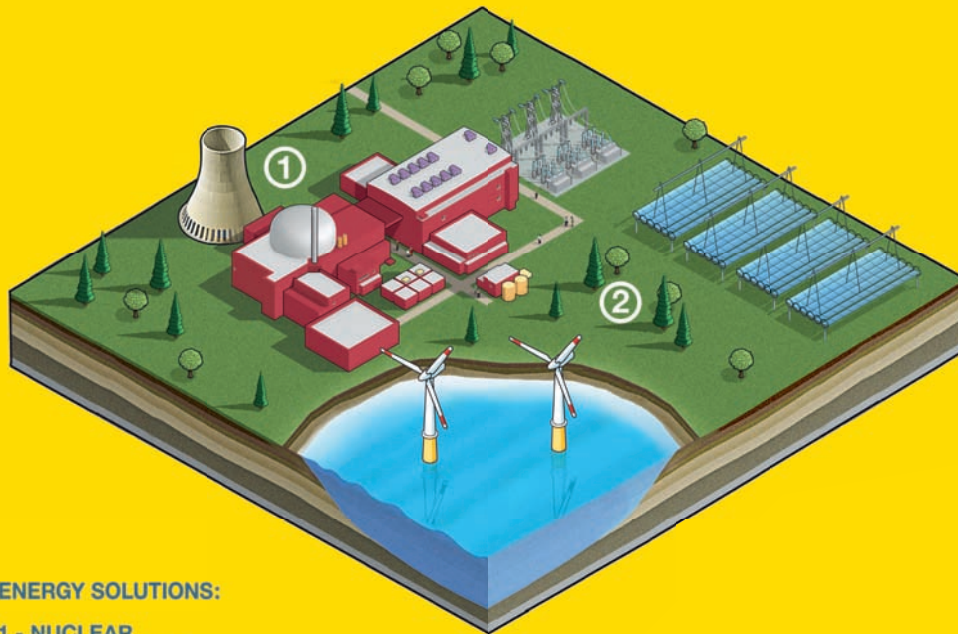
JASON LEE STEORTS REPLIES: No, fertility is not just a matter of degree. For some heterosexual couples, having children is an irremediable impossibility, and there is no sense in which such couples can be said to have an "intrinsic capacity for procreation." Nor is it true that all married couples who have "something wrong with them" in this way are sad about it, for not all married couples wish to have children. The point is that when you take away marriage's reproductive facet—the fact of having reproduced, the capacity to reproduce, the desire to reproduce—there remains a great good deserving of protection. Whether by necessity or by choice, it is the only good many mixed-sex couples will ever attain in their relationships, and it is a good equally available to same-sex couples. Let the law protect it, and then protect children by imposing appropriate requirements on those who actually have them.

Reed's Theodicy

In reviewing *City of Man*, by Michael Gerson and Peter Wehner ("Salt of the Earth," December 31), Ralph Reed discusses what he calls "jeremiad," the idea that "national calamity" is to be associated with God and retribution for "collective sin." Considering that Gerson and Wehner's title, "City of Man," is an allusion to St. Augustine's *City of God*, I wish Reed had mentioned that Augustine's work is partly a refutation of the ancient belief that reward and punishment (victory or defeat) in this world come to us because of our virtue or lack thereof. Augustine shows how the Hebrews (the good guys) suffered while their enemies (the bad guys)—Egyptians, Babylonians, Persians, Greeks, Romans—triumphed. One would like to believe that America is uniquely blessed because of its inhabitants' piety, but Augustine is difficult to dismiss.

Thomas Swanzey
Via e-mail

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The Week

■ It looks like Egypt has discovered term limits.

■ The House vote to repeal Obamacare is being treated by the media as a political stunt, since the bill is unlikely to pass the Senate and certain to be vetoed by President Obama if it does. Nonsense. Everyone knows that repeal is a project that cannot be completed until 2013 at the earliest. But everyone also knows that the project would have died this year if a Republican House had not approved the repeal bill. When Obamacare passed in the spring of 2010 by seven votes, nobody predicted that within a year the House would have voted to repeal it by a 56-vote margin. Nor did anyone predict that 28 states would have challenged the law's constitutionality in court. (One federal judge has ruled against a key provision, and another recently ruled against the whole law, though appeals are pending.) If present trends continue, expect liberals to keep insisting that Obamacare is starting to gain popularity and that the repeal campaign is losing steam—right up until the day that repeal becomes inevitable.

■ When President Obama proposed, in his State of the Union address, using “our generation’s Sputnik moment” to promote American technology, he was closer to the mark than he realized. Like the USSR in the 1950s, China today is a poor and repressive country that talented people want to leave—but one that, by throwing its weight around and concentrating on showy technological feats, has made itself into a world power. And like the America of the 1950s, today’s America has a significant lead in every area of technology that matters. Obama cites China’s research in clean (and expensive) energy, but in reality, Chinese industry remains a smoky, toxic horror. As for high-speed rail, it may make sense in a nation with few cars, high population density, and terrible roads, but in America it would be a wasteful niche product at best. Perhaps the biggest difference between 1957 and today is that when a real Sputnik moment comes along, you don’t need the president to declare it. And if China ever does threaten America’s security and supremacy, the weapon it would most likely use is financial instead of technological—so if this were actually a Sputnik moment, we would embark on a crash program to cut government expenditures instead of increasing them.

■ Rep. Paul Ryan of Wisconsin, the Budget Committee chairman, happily took a scalpel to the Obama agenda in his State of the Union rebuttal. “We face a crushing burden of debt,” he warned. “Endless borrowing is not a strategy; spending cuts have to come first.” But he did more than wag the finger. House Republicans, he acknowledged, “owe you a better choice and a different vision.” That’s just what he provided in an able national debut.

■ Keith Olbermann, MSNBC anchor, left the network after almost eight years. Olbermann’s niche was mad yelling—mad in the double sense of angry and unhinged. He caught on because liberalism was sick of George W. Bush, beginning with *Bush v.*



Gore and abating only briefly after 9/11. The Iraq War caused a recurrence; Olbermann was like the noise—intercoms, screams, blaring TVs—in the hospital where the patient was confined. He kept it up after Obama won (viz., his 2010 comment on Scott Brown: “an irresponsible, homophobic, racist, reactionary, ex-nude model, tea-bagging supporter of violence against women, and against politicians with whom he disagrees”). He had many, sometimes public, conflicts with his bosses, notwithstanding his demure and genial personality. Not a great enough railer to survive his time (cf. Voltaire, Mencken), he will be filed in journalism’s cabinet of curiosities.

■ Rep. Mike Pence of Indiana opted not to try to become the James Garfield of 2012 by going directly from the House to the White House. Instead the conservative stalwart is expected to run for governor of Indiana. The decision disappointed some of his fans, who do not see the same mix of fiscal and social ardency in the rest of the field. But some executive experience would serve Pence well. And he is only 51.

■ Rudy Giuliani appears to be at least sticking his toe in the presidential-primary koi pond, telling Larry Kudlow that he will “take a look” at a run, and scheduling a speech at a Manchester, N.H., GOP funder in March. Giuliani’s toughness and executive flair recommended him to many Republicans, including some who do not share his liberal views on abortion. So, why didn’t he run for president in 2008—in Iowa, New Hampshire, or South

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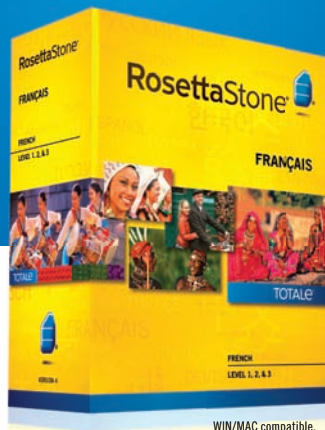
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Carolina, where it might have mattered? Giuliani's wait-till-Florida strategy then was not only obviously wrongheaded; it also bespoke a fatal ambivalence to the inescapable scrum of national politics. Being his city's savior and the nation's mayor is enough luster for any man; further futile presidential campaigns will only dim it.

■ Sen. Rand Paul of Kentucky has proposed cutting the budget by \$500 billion—not over ten years, but immediately. Not all of the cuts seem sensible. Eliminating foreign aid, while tempting and popular, would also eliminate a potentially useful tool of U.S. foreign policy. Reform would be wiser. Many of Paul's cuts are excellent ideas, on the other hand, such as: Cutting farm subsidies. Ending Amtrak subsidies. Shrinking the FCC. Selling unused federal assets. The only trouble with these ideas is that, at the moment, they are probably too sensible for Washington.

■ A politician announced last month that he wanted new government regulations to mandate that every vehicle be capable of running on ethanol or methane. No, we're not talking about the president's latest green-energy initiative. This big-government boondoggle is the pet project of none other than Newt Gingrich, who gave a talk detailing his love of ethanol to the Iowa Renewable Fuels Association Summit. Gingrich joins a long line of Republicans, chiefly midwestern but including outsiders seeking presidential votes from midwesterners, who see the folly of government intervention in just about every industry but ethanol. That industry is currently supported by legislation mandating its use, taxes on imports, and tax credits domestically (which Gingrich would allow to expire). It doesn't need any more help—and forcing all consumers to shoulder the higher costs of ethanol-compatible cars is a little like, well, forcing all consumers to buy health insurance.

■ Democrats have assailed newly elected Republican congressmen as hypocrites for taking health insurance from the government even though they say they oppose socialized medicine. At least four Republicans have lent credibility to this charge by refusing coverage. But the charge is absurd. Congressmen are federal employees being provided salaries and benefits as part of their compensation package. It is no more hypocritical for a congressman to take government-provided health insurance while opposing Obamacare than it is for a congressman to take government-provided wages while opposing federal-jobs-for-everyone. Instead of giving in to the Democrats, the Republicans ought to turn the tables: How many of their accusers say that school choice would “undermine public education” but put their own kids in private school?

■ Senate Democrats were unable to muster enough unity to push through rules changes. Enough of their members fear being in the minority, as early as after the next election, to make them wary of reducing its power. The rules changes to which Harry Reid and Mitch McConnell agreed were innocuous. “Secret” holds on nominees and legislation—which were always open secrets—have been abolished. If amendments are filed 72 hours in advance they do not have to be read out loud on the floor. Reid and McConnell have made a “gentleman's agreement,” by which the minority will have more opportunities to amend legislation in return for filibustering less. These minor changes let the

Democrats who wanted bigger changes save face, but without threatening the Senate's ability to deliberate. There is, alas, no deal that can make it actually deliberate.

■ It's no surprise that in the wake of the Tucson shooting, liberals are agitating for more gun control, and in particular a revival of the “assault weapons” ban that was in effect from 1994 to 2004. But banning assault weapons is utterly pointless. What distinguish these guns from hunting rifles are militaristic-looking but harmless baubles such as flash suppressors. Because of their weight, bulk, and expense, they are very rarely used in crimes. Nor would another component of the ban, which prohibited the manufacture and importation of magazines that hold more than ten rounds, have clearly helped in Tucson. The shooter, Jared Loughner, used a magazine that held 30 rounds, emptied it (plus a bullet he had stored in the chamber), changed magazines, found that his gun would not fire, and was tackled. The problem with the gun was that a spring had jammed—something that is far more common among non-standard and high-capacity magazines. It is quite possible, therefore, that if Loughner had used ten-round magazines, he could have continued to change them indefinitely. If, as the saying goes, gun control means hitting your target, these proposals fail.

■ The Credit CARD Act of 2009 was supposed to save consumers from greedy credit-card companies by strictly limiting when the companies could hike interest rates. Since it is now harder for companies to jack up rates when they see signs that customers are mismanaging their finances, they have decided to give everyone higher rates from the outset. The result has been record-high interest rates, with rates on new credit cards now averaging 15 percent APR, a 20 percent jump from two years ago. For consumers with lousy credit, rates can be as high as 60 percent. Look for a price control without perverse consequences, and you will search in vain.

■ Frances Fox Piven is an old socialist (honorary chair of the Democratic Socialists of America) thrust into prominence by Glenn Beck. In a 1977 book, *Poor People's Movements*, Piven and her husband, Richard Cloward (since deceased), praised the race riots of the Sixties: America's poor, they wrote, were so disempowered that they could better their condition only by abandoning “quiescence in civil life: they can riot.” In December 2010 Piven returned to her theme: “Local protests,” she wrote in *The Nation*, “have to accumulate and spread—and become more disruptive. . . . An effective movement of the unemployed will have to look something like the strikes and riots that have spread across Greece.” N.B.: Greek rioters threw a Molotov cocktail in a bank that killed three people. Glenn Beck acted the *enfant terrible* by taking Piven seriously. Now she complains she has gotten threatening e-mails. We deplore them. How can she? After all, she urges other people to riot, and accepts that still other people will die.





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■ When the South Carolina NAACP held a Martin Luther King Day rally at the statehouse in Columbia, it built a temporary box around the statue of George Washington that stands atop the steps. Tea Party activists and Fox News took note: The NAACP, said Lloyd Marcus of the Tea Party Express, should be focusing on high-school dropout rates rather than “covering up statues of dead white guys.” The NAACP said they build the box every year to provide a backdrop (which other groups rallying at the statehouse steps don’t seem to need). How would the honoree of the rally have used Washington’s statue? Maybe this way: “When the architects of our republic wrote the magnificent words of the

Constitution and the Declaration of Independence, they were signing a promissory note to which every American was to fall heir.” If you cut off your usable past, how can you use your present?

■ Feisal Rauf, once the public face of the proposed Ground Zero mosque, has been replaced by Abdallah Adhami, a 44-year-old former architect and current cleric born in Georgetown. Rauf had become a drag on the project, thanks to his notoriety. Will Adhami equal him in that regard? Asked last year about sharia and apostasy, he gave a ten-minute answer in which he said, *inter alia*, that

On the Down Grade

SOMETIMES the best argument in favor of buying one type of asset is a damning analysis of another. There are lots of places to invest one’s money, and U.S. government bonds are beginning to look terrible.

With the U.S. government deficit hovering around a trillion and a half dollars, our nation’s creditworthiness is coming under increased scrutiny. The Congressional Budget Office issues budget outlooks that get grimmer and grimmer, and even those bleak projections are the result of implausibly rosy assumptions.

The journey to insolvency can be quick, or it can be slow, but most analysts agree that the first signpost along the way will be the withdrawal of the U.S.’s coveted Aaa bond rating. And when that happens, woe be unto him that owns government bonds.

Throughout modern history, the U.S. has had a relatively low cost of funds because Moody’s and the other ratings agencies have given it the highest rating possible. If Uncle Sam loses that rating, then borrowing costs will increase. These higher costs will make the U.S. fiscal situation more untenable, inviting subsequent downgrades and an ultimate death spiral that can be stopped only by massive policy intervention.

Thomas Friedman accurately characterized the impact of ratings in 1996, when he said, “There are two superpowers in the world today in my opinion. There’s the United States and there’s Moody’s Bond Rating Service. The United States can destroy you by dropping bombs, and Moody’s can destroy you by downgrading your bonds. And believe me, it’s not clear sometimes who’s more powerful.”

When bombers show up on radar, it’s time to head for the shelters. What should bond investors look at? No one can know for sure, but there is a fairly regular and predictable relationship between a nation’s total level of indebtedness and its bond rating. As debt goes up, ratings go down.

The question then becomes, how high must U.S. debt climb in order to make a downgrade inevitable? The accompanying chart provides the sobering answer. It

plots two different measures of national debt for large industrialized countries in the year that these countries lost their Aaa status. For comparison, it provides the same number for the U.S. in 2010, and for the U.S. at the end of the current ten-year budget window.

Canada, for example, was downgraded in 1994. At the time, its net debt, that is, debt held by the public, was 68 percent of GDP. Its gross debt, which includes debt that the government owes itself in trust funds and the like, was just shy of 100 percent of GDP.

The U.S. in 2010 looked very similar to Canada of 1994, suggesting that a downgrade is possible. By 2020, the U.S. will have a net debt as a share of GDP that is above even the high levels experienced by Japan just prior to its downgrade.

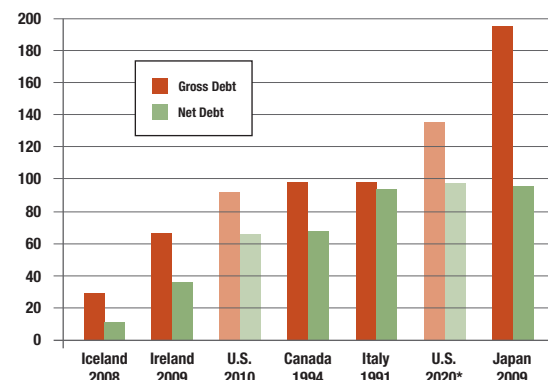
Every other country in this chart that has reached levels as high as the CBO projects has seen a downgrade, and the U.S. will too.

Equities, anyone?

—KEVIN A. HASSETT

Is It Time to Downgrade the U.S.?

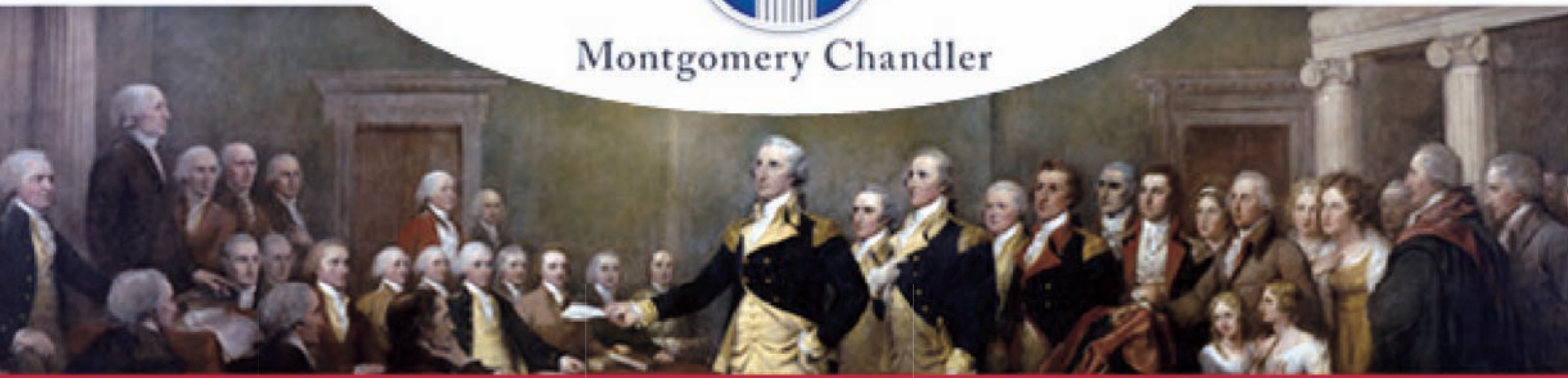
Debt as a percent of GDP



NOTES: BARS DISPLAY THE ANNUAL GROSS AND NET DEBT AS A SHARE OF GDP IN SELECTED COUNTRIES FOR THE YEAR CLOSEST TO THE DATE OF THEIR SOVEREIGN-RATING DOWNGRADE BY MOODY'S INVESTORS SERVICE (EXCEPT FOR THE U.S., WHICH HAS MAINTAINED A AAA RATING TO DATE). *USA 2020 FORECAST IS THE CBO ALTERNATIVE-FISCAL-SCENARIO FORECAST WITH CROWDING OUT. SOURCES: IMF WORLD ECONOMIC OUTLOOK DATABASE; CBO



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some jurists had prescribed death, though perhaps imprisonment was enough (comforted yet?); private apostasy might incur no sanction (how private?). Adhami also has associations that would take more than ten minutes to explain. He has spoken for the now-defunct Islamic Association for Palestine, a Muslim Brotherhood front, and he designed a mosque for Siraj Wahhaj, a black-radical convert who was a character witness for Omar Abdel-Rahman, the blind sheik behind the 1993 World Trade Center plot. Will he invite Wahhaj to preach at Ground Zero now?

■ At the state dinner for Chinese boss Hu Jintao, President Obama and the White House laid on some entertainment, including Lang Lang. He is the young Chinese pianist educated and launched in the United States. Among his selections was “My Motherland,” which many Chinese describe as an anti-American propaganda song. Hu Jintao was visibly delighted, embracing Lang Lang. Chinese democracy leaders were shocked and amazed, saying that the United States had been humiliated, in its own house. Before the dinner, Lang Lang had a statement for Chinese television: “I thought to play ‘My Motherland’ because I think playing the tune at the White House banquet can help us, as Chinese people, feel extremely proud of ourselves and express our feelings through the song.” After the dinner, when a controversy arose, he told the American media that he had no idea the song had any political or propaganda associations. He is just a simple musician, you know. He is also a vice chairman of the All China Youth Federation, that country’s version of the old Soviet Komsomol. In 2009, the pianist

played at the Nobel ceremony for Obama. He would not have dared play at the next year’s ceremony. The 2010 laureate languishes in a PRC prison.

■ Pharaonic tombs have been objects of plunder throughout history, as the treasures that were to have accompanied god-kings to the next world enriched thieves in this. Marauding armies and new religions take their own toll. During the present upheavals looters broke into the Egyptian Museum in Cairo, looking for gold. They damaged several dozen pieces and pulled the heads off two mummies. There were also attempted thefts at Luxor and elsewhere. Egypt’s past is deeply alien to its present, yet it still looms, in gigantic monuments and thousands of small artifacts. Through Joseph and Moses, Plutarch and Shakespeare it has been woven into minds around the world. The awe men feel in the face of death and the dead adds another layer of interest. Ordinary Egyptians and the army are doing their best to prevent further destruction. So pride, curiosity, and fellow feeling struggle against cupidity and carelessness.

■ The *Mavi Marmara* is the ship used by Islamists for an anti-Israeli publicity stunt. They filled her with dozens of activists, set sail from Istanbul with the blessing of the Turkish government, and attempted to run the Israeli blockade of Gaza whose purpose is to prevent weapon-smuggling to Hamas. Israeli commandos duly boarded her and met resistance, and in the fighting nine Turkish activists were killed. Investigating this event, an Israeli commission found that nothing illegal had occurred. The Turkish

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prime minister exploded that the report had “no value or credibility.” In a report of their own, the Turks then released a barrage of adjectives and false allegations to blacken the Israelis. Commenting, the State Department spokesman said that Turkey and Israel had both worked seriously to get at the facts. Which had the advantage of being half-true.

■ We have reported in previous issues on stories of animal misbehavior in the Muslim world, all attributed by locals to the evil machinations of you-know-who. It seems we have barely scratched the surface of this genre. Released Guantanamo Bay inmate Walid Muhammad Hajj, in a story reported by a sympathetic Al Jazeera news anchor in prime time, alleged that Jews employed at Gitmo bewitched him, and the local fauna too, with alarming results: “The birds on the barbed wire would talk to me, and tell me to urinate in the milk. . . . Once, when I was sleeping . . . I suddenly felt that a cat was trying to penetrate me. It tried to penetrate me again and again. I recited the *kursi* verse [Koran 2:255] until the cat left.” (How did he know it was a cat?) Oh, and Iran has arrested 14 squirrels for spying. The rodents were, says the state news agency IRNA, “carrying spy gear of foreign agencies, and were stopped before they could act, thanks to the alertness of our intelligence services.” If it was nuts those squirrels were seeking, they certainly came to the right part of the world.

■ It’s a good idea to be suspicious of a referendum that obtains a 99 percent vote, but in the case of the southern Sudanese it is cast-iron. Christians and animists, they have been fighting for

years against the rule of the northerners who are Muslim and have introduced sharia law. The long-drawn-out civil war was an atrocity, with massacres, rape, hunger, and refugee camps. North and south signed a peace treaty in 2005, the United States backed it, but few believed that Sudan really would split into two. There are obstacles: The south has substantial oil reserves that the north is reluctant to part with, a crucial area is disputed, and in the Islamic perspective land that is Muslim cannot be allowed to pass to non-Muslims. But that unmistakable 99 percent prompted the vice president in the north to say, “We wish our brothers in the south good luck and a fruitful future.” And so say all of us.

■ The *Guardian* has published a book on Julian Assange and WikiLeaks. On the day of publication, the paper touted some revelations of the book. For example, “Assange initially rejected pleas to redact documents to protect sources.” At an “early meeting with international reporters in a restaurant,” he said, “Well, they’re informants. So, if they get killed, they’ve got it coming to them. They deserve it.” The book says that, “for a moment,” there was “silence around the table.” Perhaps two moments of silence were in order. The nature of Assange and his project grows ever clearer.

■ Drug smugglers on the Mexican border, hindered by fencing in the Arizona sector, have resorted to ancient siege-engine technology. U.S. National Guard troops observed several people launching packages over the fence into Arizona by means of a



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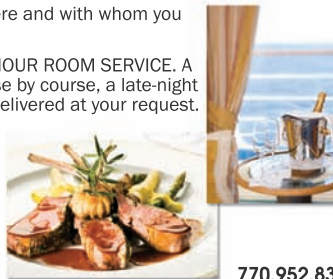
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ballista—the spring-loaded giant catapult used by Roman legionaries to fire rocks or volleys of darts into walled cities. The projectiles in this case were bales of marijuana. Two of these *ballistae* have since been seized. Nice to know the drug gangs are not without some classical learning; but let's pray the people-smugglers don't get any similar ideas.

■ Foremost among the Confucian virtues is filial piety. A standard handbook in pre-modern Chinese culture was the *Twenty-Four Examples of Filial Piety*, offering exemplars like Dong Wen (176 B.C.), who sold himself into slavery to pay for his father's funeral. Alas, modernity has eroded these fine traditions. Oldsters in today's China too often go neglected by their busy, ambitious children. (Increasingly, child: The oldest offspring of the "one-child policy" are in their thirties.) China now has the world's third-highest elderly-suicide rate. What to do? Pass a law! The nation's Civil Affairs Ministry is pushing legislation that will require adult children to visit their elderly parents regularly. Unvisited parents will have a right to sue the kids. Confucius, who taught that the key to social harmony was self-cultivation, not laws, would have disapproved, and we're with Confucius on this one. In any case, given China's capricious legal climate, we doubt the proposed law will do much to silence moaning—by no means unique to China—that: "You don't write, you don't call . . ."

■ Of all the world's fighting people, few are more feared by their enemies, or admired by their allies, than the Gurkhas of Nepal. A recent story from India reminds us why. Bishnu Shrestha took voluntary retirement from one of India's Gurkha regiments and headed home to Nepal by train. At midnight in the jungle of West Bengal, a band of 40 armed robbers stopped the train and began robbing and assaulting the passengers. Fortunately Mr. Shrestha was carrying his *kukri* knife—the trademark long, curved machete of the Gurkhas. He set about the robbers, killing three and driving away the rest in a 20-minute fight. Now he is a national hero in India; though no doubt if they had American liberals over there we would be hearing calls for *kukri* control.

■ The Obama administration, we are pleased to discover, has at least one sensible economic adviser. He bears the flavorfully American name of Rocco Landesman, and he runs the National Endowment for the Arts. In remarks made at a conference in Washington, he appraised the nation's investment in theater—and shorted it. Noting that many regional theater companies are financially unviable, their numbers proliferating while attendance declines, he concluded: "You can either increase demand or decrease supply. Demand is not going to increase, so it is time to think about decreasing supply." The nation's NEA-dependent thespians immediately began to rhetorically cast Mr. Landesman in various celebrated stage roles, mostly as Jokanaan in *Salome* or Lavinia in *Titus Andronicus*.

■ EDITOR'S NOTE: In our last issue, Jason Lee Steorts wrote a long critique of the defense of traditional marriage made by Sherif Girgis, Robert P. George, and Ryan T. Anderson in an article in the *Harvard Journal of Law and Public Policy*. We will publish a reply to Mr. Steorts in our next issue.

■ When Dickens's David Copperfield resolved to quit the factory to which he had been sent, he worked one last week before making his escape. The reason: He had been paid in advance and did not want to cheat the owners. A similar spirit of fairness is being shown by Gil Meche, a solid right-handed starting pitcher for the Kansas City Royals. Facing surgery on a sore shoulder, he announced his retirement, thus forfeiting \$12 million for the last year of his guaranteed contract—even though collecting on such contracts after an injury is routine in sports. Meche's decision might have seemed pointless if he worked for a rich team like the Yankees, but the Royals are chronically cash-poor, and perhaps they will reward their long-suffering fans by spending the money they save on upgrading the team (though sports economists, as dismal as the rest of the profession, dispute the likelihood of this). In any event, whether principled or quixotic, Meche's decision reinforces the principle of an honest day's pay for an honest day's work. Too many people in too many professions could profitably learn from his example.



■ Utahns love their guns—fortunately for the local ATF bureau, which otherwise would have nothing to do. So it is perhaps no surprise that the state house of representatives has passed a bill declaring the Browning M1911 pistol the official state firearm. If the bill passes, it would be America's first such designation. The gun's inventor, John Moses Browning, was a lifelong Utah resident, and his pistol, which turns 100 this year, remains in widespread use in a form barely changed since its invention. While the M1911 may not be as delicious as an official state snack food (popcorn in Illinois, boiled peanuts in South Carolina), or as existential as an official state question ("Red or green?" in New Mexico, referring to chilis), it's much more useful when dealing with bad guys. And if you're going to designate an official state something, you may as well reinforce a constitutional freedom in the process.

■ These are glum times in Las Vegas. Convention attendance and gaming revenues are down; bankruptcies and foreclosures are up. As one bankruptcy attorney remarked to the *Las Vegas Business Press*: "Elvis has left the building." The city has not lost its ability to generate bizarre news, though. Here is Hubert Blackman, a student from New York City, age unspecified, who visited Las Vegas last December. Mr. Blackman hired a stripper to come to his room and do what such girls do. Alas, he was drunk, and the lady left before the agreed-upon time had elapsed. Mr. Blackman called the police, as anyone might. The officers, however, only reminded him that prostitution is illegal in Las Vegas (who knew?) and advised him to register a complaint with the Better Business Bureau. Back home in New York, Mr. Blackman filed a lawsuit, claiming that he needs treatment for mental distress arising from the incident. This case cries out for Obamacare coverage.

■ Daniel Bell described himself as "a socialist in economics, a liberal in politics, and a conservative in culture," and it's no surprise that he chose the most upbeat option, if not always

the best, in each case. The son of Lower East Side garment workers originally named Bolotsky, Bell was an anti-Stalin Trotskyist in the feverish political ferment of late-1930s CCNY, and throughout his life, he stayed where the intellectual action was—leftist journalism in the 1940s; sociology in the 1950s and 1960s, when that spuriously scientific field seemed destined to run the world; in 1965, founding with Irving Kristol, a fellow CCNY lunchroom debater, the Great Society–skeptical quarterly *The Public Interest* (which he left in 1973 after differing with Kristol over its direction); and in the 1970s, writing influential works on post-industrial society (he coined that now-common term) and the problems of capitalism. He argued stoutly but made few enemies, and while he was hardly a full-fledged man of the Right (in later years he disavowed any association with neoconservatism), his scrupulous attention to research, accuracy, and original thinking, combined with genuine respect for others' views, made him an inspiration to believers in all those timeless virtues. Dead at 91. R.I.P.

■ Milton Babbitt was a mathematician and composer who wrote music of scientific brilliance. It was also music that few could appreciate, and that fewer could enjoy. He wrote a famous article called “Who Cares If You Listen?” The title was an editor's, not his, and it always dogged him. But the title was not inapt. Babbitt, an American born in 1916 and associated for much of his life with Princeton, was an independent-minded fellow. And this independent-mindedness manifested itself in his politics: He was a conservative and anti-Communist. He had the courage to join the Committee for the Free World, the organization started by Midge Decter in 1981. That made Babbitt a very rare artist indeed. He has died at 94. Is heavenly music proudly atonal? R.I.P.

THE WORLD

Mubarak's End

It's not as though Hosni Mubarak didn't have it coming. After decades of his stultifying misrule, Egyptians rebelled. The 82-year-old dictator was forced to say that he will not run for a sixth six-year term as president. As we went to press, he was still clinging to power, if barely.

The protests have been an inspiring display of people's power—exuberant, brave, and mostly peaceful. It's a testament to the human spirit that Egyptians finally said “Enough” to the indignity of political powerlessness and economic deprivation. If it were only a matter of the moxie and sentiments of the anti-Mubarak protesters, the Egyptian rebellion would be an unalloyed good.

Alas, there is the question of what comes after Mubarak. The graveyards are littered with the victims of revolutions that started as heartening breaks with authoritarianism: 1789, 1917, and—most relevant, here—1979. Egypt lacks a galvanizing radical cleric like Ayatollah Khomeini and the protests have so far been largely secular, but the Muslim Brotherhood is the most organized opposition force and it might be able to exploit chaos or a weak post-Mubarak government.

The strength of the Brotherhood is partly the cynical work of Mubarak, who suppressed secular dissent so he could portray himself as Egypt's only alternative to Islamism. If habits and

customs and institutions have an outsized influence on the fate of nations, Egypt is an unlikely candidate for an immediate transition to a liberal, constitutional democracy. It has no experience with true democracy running back through Nasser, the British, and the Ottomans, and its strongest institution is the military. All of this makes it a prime candidate for one-man, one-vote, one-time or a weak, illiberal democracy on the model of Pakistan.

There is probably no saving Mubarak. The longer he stays, the more he is going to discredit the military, and if he orders a crackdown, it could—besides killing many innocent people—further radicalize the street and split the army. The fracture and then the total meltdown of the shah's army in 1979 laid the ground for the takeover of the ayatollahs. It is essential that the Egyptian military maintain its coherence so it can shepherd the political process forward. Ideally, a military-backed transitional government will present a package of constitutional reforms to the Egyptian people for a vote, setting up new parliamentary and presidential elections over the next year or so.

Putting aside Secretary of State Hillary Clinton's absurd early assurance that Egypt is “stable” and Vice President Joe Biden's incredible denial that Mubarak is a dictator, the Obama administration has performed as well as could be expected in the fast-moving conditions of a revolution undercutting a longstanding ally. Especially given that it has put so little stock in reform and democracy. Events in Egypt show that George W. Bush was right to deny the existence of an “Arab exception” to people's natural distaste for repression. But Bush's administration underestimated the difficulty of implanting liberal democracy in the hard-scrabble soil of the Middle East—which is why our hopes and our fears about Egypt are so hard to separate.

POLITICS

Can-Do Collectivism

THE president's State of the Union address wore a flag pin. But to paraphrase the president on another occasion, safeguarding the American experiment takes more than expressions of patriotism. President Obama made a Reaganesque joke about the ham-handedness of government. But he nonetheless seems oblivious, quite unlike Reagan, to the dangers that unconstrained government poses to the American future. Nor, apparently, does the president believe that the protection of Americans from threats abroad warrants more than sporadic rhetorical leadership.

Unless, that is, the threat is to our “competitiveness,” Obama's latest catch-all justification for liberal domestic policies. (Obama's vaunted pragmatism often seems to consist entirely of flexibility in the production of such justifications.) We should welcome other countries' prosperity, not fear it, especially as it typically adds to our own—so long as those countries are assimilating into a peaceful world order. Obama's approach of fretting about their prosperity while ignoring the challenges of keeping the peace is exactly backward.

American workers and companies can hardly be made more competitive in any case by a strategy as confused as the one Obama outlined. He said that the government cannot pick the industries of the future—moments before explaining how it is going to create jobs in renewable energy. His proposal to



improve the nation's infrastructure centered on the faddish boondoggle of high-speed rail, which is wholly unsuitable for a country with our population density. He favors increased subsidies for higher education that are more likely to increase college tuitions than to prepare our work force for the challenges of tomorrow. His plan for Social Security must consist entirely of tax increases, since he ruled out every other expedient. He is unwilling to rethink a health-care plan that is likely to exacerbate the country's economic burdens: increasing insurance premiums, reducing wages, raising taxes, and adding to the national debt. Obama's economic strategy is a high-speed train to nowhere.

Every once in a long while the president made a worthwhile, though usually vague, proposal. He expressed interest in cutting the corporate tax rate while simplifying the corporate tax code: a reform that has become more pressing with each year as other countries have cut their rates. Even vaguer was his call for reforming the rest of the tax code. Regarding these promises the Republican posture should be to distrust and verify.

"We do big things," President Obama said. Too bad that what his administration mostly does is big government.

ROE AT 38

Ho-Hum Horror

THE case of Kermit Gosnell reached the newspapers just a few days before the 38th anniversary of *Roe v. Wade*. President Obama did not mention Gosnell in his official statement celebrating the anniversary. But the case sheds more light on *Roe*'s import than the statement did.

Obama did not refer to the word "abortion," preferring instead to discuss "reproductive freedom" and the "funda-

mental principle" that "government should not intrude on private family matters." The stories about Gosnell were a little less abstract. They told of a Philadelphia clinic where dirty instruments spread venereal disease, cats roamed and defecated freely, and some patients died. The state government conducted essentially no oversight; administrations of both parties wanted to keep abortion as free from governmental intrusion as possible.

The clinic's lack of hygiene is not the detail that has captured the most attention, or inspired the most outrage. It turns out that Gosnell frequently, perhaps hundreds of times, fully delivered intact fetuses and then took scissors to the newborn's spine. In his words, he engaged in "snipping" to "ensure fetal demise." In many cases, the fetuses were in the third trimester.

This procedure, sometimes called a "live-birth abortion," is illegal. But not thanks to President Obama. As a state legislator in Illinois, he argued that the law should offer no protection to neonates if they had been delivered before viability. He said that protecting them would violate *Roe v. Wade* and undermine the right to abortion. What looked like infanticide to most people was for him, it must be inferred, a "private family matter." When Gosnell applied his scissors to pre-viable children, he was, on Obama's terms, merely exercising a cherished freedom.

Credit Obama with a real insight: The physical location of a human being conceived five months ago may mark the difference between whether he is considered a "fetus" or an "infant," but it cannot mark a moral difference. Nor can it make a moral difference whether this being is partly inside the womb. When Congress moved to ban partial-birth abortion, most liberals took the view that any prohibition had to include a health exception: If in the judgment of the abortionist the safest method of . . . ensuring fetal demise . . . was to partly deliver the fetus, crush its skull, vacuum its brains, and then deliver the rest, then he had to be free to do so—at any stage of pregnancy. President Obama favored this health "exception."

A few liberals—notably Supreme Court justices John Paul Stevens and Ruth Bader Ginsburg; also the celebrated intellectual Richard Posner in his role as a judge—made the moral point as well: What difference could it possibly make whether the fetus was partly out of the birth canal when its life was ended? Start with the correct view that location does not matter; add the liberal view that partial-birth abortion is justified whenever an abortionist says so; and it is hard to escape the conclusion that a live-birth abortion is justified whenever an abortionist rules it the safest method of killing.

We don't know that Gosnell has closely followed the Supreme Court's opinions or the president's statements. We can say that his actions perfect the logic of the mainstream of the pro-choice movement. He has followed premises shared by the president and by four Supreme Court justices to their unavoidable conclusion.

Concluding his statement, President Obama said, "I hope that we will recommit ourselves more broadly to ensuring that our daughters have the same rights, the same freedoms, and the same opportunities as our sons to fulfill their dreams." Let us commit ourselves to ensuring that our sons and daughters have the opportunity to live; an opportunity cruelly snatched away from more than 50 million human beings since the day the president commemorated.

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Arab Agony

What the Egyptian unrest says about, and portends for, the region

BY DAVID PRYCE-JONES

U PHEAVAL is shaking the Arab world. Countries there are alike in being under one-man rule, and this authoritarianism is being tested to destruction. The outcome might be political reform and peace, but it could as well be another round of tyranny and war.

The current demonstrations are under one-man rule what a vote of no confidence is in a parliamentary democracy. The people confront their rulers with a choice: either to flee the country in ignominy, or to resist, call out the security forces and the army, and if need arises, order them to regain control by opening fire on the crowds. Zine el-Abidine Ben Ali, president of Tunisia these last 23 years, threw his hand in and flew shame-faced to Saudi Arabia, the refuge of Muslim dictators. In a last-minute heist, he took a ton and a half of gold from the national treasury.

In Egypt, Hosni Mubarak, president these 30 years, in contrast is daring the crowds to do their worst, although at press time he has said he will not seek another term of office in September. Force is the

motor of these politics. To date, as many as 300 people have been killed, more than 1,000 injured, and some 3,000 arrested. Should the army refuse to resort to strong-arm methods, Mubarak too will have to flee.

In today's world, a political order that rests on compulsion and corruption is antiquated, impracticable. The consent of the ruled has to be taken into account. An incident in out-of-the-way Tunisia revealed the psychological pressures at work in millions obliged to undergo injustices against which they are completely unable to defend themselves. A young university graduate could find no employment and was making a living selling vegetables from a barrow. Refusing to give him a license unless he paid a bribe he could not afford, the authorities confiscated his barrow. Slaps from a police-woman completed the humiliation and the brutality. He set himself alight, and died.

Arabs everywhere immediately identified with the fate of this unfortunate man. They aspire to stop being subjects and instead become citizens; force is the motor for that too. Ali Abdullah Saleh has

been president of Yemen since 1990. In the capital, Sana'a, tens of thousands of demonstrators demanded his resignation—an astonishing event in a country that is barely centralized and caught in incipient civil war. Moammar Qaddafi has ruled Libya for 42 years. As soon as they make themselves known, Libyan dissidents disappear, never to be seen again. The downfall of his friend and neighbor Ben Ali greatly distressed him. Tunisians, he said, should have waited for elections due in three years' time, never mind that Ben Ali, who like Mubarak had promised not to stand for president again, could always change his mind and arrange to be unopposed. In Algeria, Abdelaziz Bouteflika served the two statutory terms as president and then changed the constitution for a third. In Syria, the Assads, father and son, have held the people in their unforgiving grip for four decades. Their atrocities in the Arab world are exceeded only by Saddam Hussein's.

A population of 80 million gives Egypt special weight in that world. Egyptians take the lead in the Arab media and cinema, in women's emancipation; they are proud of their preeminence and continuous identity as a nation. "The first lesson from Tunisia is that revolution is possible. You have to remember that there hasn't been anything like it in the Arab world for decades." Speaking like that, one among many others, a popular blogger in Cairo was as good as summoning everyone to turn out for the biggest and best revolution of them all.

The Mubarak years have seen economic growth, a beneficial relationship with the United States, and continued peace with Israel. Eighty-two now and in poor health since a recent gall-bladder operation in Germany, Mubarak is basing a last defensive stand for one-man rule on a record of stability. A military man, he trained as a pilot in the Soviet Union of old. Anwar Sadat appointed him vice president, while making it plain that he did not think too highly of Mubarak's political skills. Sadat's assassination by Islamists was the unforeseen turn of events which brought Mubarak to power. He inherited the indispensable security and police forces as well as a single party, the National Democratic Party, by means of which control and patronage become almost indistinguishable. A lot of the dirty work has been entrusted to Omar

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Suleiman, the chief of the intelligence services until his recent appointment to the vice presidency, and a man with the capacity for it. Few know more than he about the twists and turns of Israeli-Palestinian negotiations.

Pointedly Mubarak had made sure never to appoint a successor to the position he once held as vice president. His personal and exclusive power has been a stranglehold. The sole suggested alternative to his rule has been the promotion to the presidency of his son Gamal, “Jimmy” to friends, a 47-year-old former investment banker in London who leads a life very different from that of the half of the Egyptian population said to subsist on four dollars a day or less. At the moment the crowds are enjoying burning the posters put up everywhere of father and son. They have a slogan: “Gamal, tell your father the Egyptians hate you.” Suleiman is a one-man ruler in waiting, and his abrupt appointment as vice president is late in the day but ends the unwisdom of having Gamal next in line as president.

Tear gas, water cannons, and rubber bullets incite protesters to raise the level of force correspondingly. Disregarding daily curfews, they have been burning police stations and National Democratic Party offices. Tanks are now stationed to protect bridges, the television center, Tutankhamen’s museum, and other potential targets. Here is a classic test of strength approaching the endgame, Kill or Be Killed.

One-man rule ends almost invariably in death or a coup (often the same thing). The White House, European leaders, Arab emirs, and international officials are preoccupied with finding some other way out for Mubarak. He must be spending all his time on the telephone listening to advice and pleas. The space for a political solution is exceptionally bare, he has made sure of that. Playing safe at the time of the 2005 parliamentary election, Mubarak arrested Ayman Nour, the only politician at the head of a genuinely democratic splinter group, sent him to prison for five years, and seemingly broke his spirit. A hopeful contender for the presidency is Mohamed ElBaradei, day after day down on the street with a loudspeaker in hand. The claim to fame of this mournfully uncharismatic man is that at the International Atomic Energy Agency in Vienna he won the Nobel Peace Prize for turning a blind eye to Iran’s evolving nuclear-weapon program.

Egypt is the home of the Muslim Brotherhood, with its membership of millions and its unsettling disposition to jihad and violence; Hamas in the Gaza Strip is an offshoot. Fearing the destructive potential of Islamism, Mubarak and Suleiman banned the Brotherhood officially while tolerating it unofficially, arresting leading militants but leaving alone the rank and file. Once the Brotherhood held 88 seats in a parliament of 454, but Mubarak manipulated the most recent elections to exclude them altogether. Ominously, imprisoned Muslim Brotherhood leaders have succeeded in breaking out, and they are supporting ElBaradei’s campaign. Using him as a stalking horse to gain power, they are repeating the tactics that made the takeover of Ayatollah Khomeini in Iran appear initially to be a victory for democracy. And while waiting to discover who has won the test of strength, looters are out stealing whatever they can. As in Baghdad when Saddam was overthrown, law and order is breaking down. Quite truthfully, Mubarak can tell the dignitaries on the telephone that if he weakens now, compromises, and is finally forced out, Egypt will immediately experience anarchy followed by Islamism. Is that what they really want?

Speaking in Cairo in 2009, President Obama found Mubarak “a force for stability and good in the region.” Reversing into incoherence, the administration now stresses reform and orderly transition, oblivious to the fact that there is no mechanism for this, and the recommendation is anyhow incompatible with stability. Mubarak is urged to refrain from any violence, warned that aid may be cut; in other words, that he may be punished for having been dependable. Confusion and panic in the administration is shaking the position of the United States in the Middle East to pieces. Turkey is ever more resolutely Islamist; Lebanon has become a fiefdom of hostile Iran. Knock-on tests of strength between rulers and reformers are shaping in Jordan, perhaps in Syria, Saudi Arabia, and the Gulf emirates. A Muslim Brotherhood regime emerging from a revolution in Egypt might see fit to revoke the peace treaty with Israel, and via Hamas come to some sort of understanding with Iran. It’s going to be a close-run thing. War and a clash of civilization hang in the balance.

NR

The Fear Of Worse

Comparing French and American responses to the Middle East upheavals

BY ANTHONY DANIELS

ONE of the problems with history is that it is lived forwards but written backwards. Those who are called upon to make it do not have the advantage of knowing how things will turn out; the precise moment at which democracies should ditch their dictatorial allies in favor of their opponents is therefore difficult to gauge. Treachery is an art that requires subtle judgment in its exercise.

When civil unrest breaks out in a dictatorship, how does one know whether it is a revolt or a revolution? One does not wish to be made to look naïve or foolish by supporting a rabble prematurely, just before it is squashed by the power; on the other hand, one does not want to appear to have supported a despot past his deposition date. It is all very perplexing.

When the protests began in Tunisia, the French, who supposedly carry much influence there, were caught by surprise. The trouble was that they were quite content with the status quo, and could not imagine that others were not. The dictator, Ben Ali, and the French president of the day (first Mitterrand, then Chirac, and last Sarkozy) had been photographed like lovebirds in a cage, nestling up to each other not only metaphorically but sometimes even physically. Relations could not have been better, or perhaps I should say more convenient.

We are inclined to defend comfort more fiercely than liberty, especially when the comfort is our own and the liberty is someone else’s. We search our capacious minds for justifications for our attitude, and if we have been sufficiently well, or at least lengthily, educated, we can generally find them. Thus, only days before the overthrow of Ben Ali, the French minister of culture and communication, Frédéric Mitterrand (the former

Mr. Daniels is the author of Utopias Elsewhere and other books.



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Near perfect Scratch-N-Dent Armored Safes that sell new for up to \$872 are now being given away free to the first 2,080 readers who call to beat the order deadline to get the safes valuable contents

By Shawn Oyler
Universal Media Syndicate

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In chummiest days: Sarkozy and Ben Ali

president's nephew, the former president himself having been no slouch when it came to moral equivocation), said in an interview on television that "to call Tunisia a dictatorship is an exaggeration": that is to say, worse could be found in the history of the world, the position of women was better than anywhere else in the region (what might be called the "Soviet women drive tractors" argument), etc. And had not a French president himself said that, in Tunisia, the most basic of human rights, that to nourishment and a roof over one's head, had been met, and moreover progress towards freedom was continuing?

Likewise only days before Ben Ali's overthrow, the French foreign minister, Michèle Alliot-Marie, offered Tunisia French expertise in the quelling of riots, which, she said, was world-renowned. The French knew all about dealing with

la racaille (the riffraff), as M. Sarkozy so tactfully called them back in 2005; and, indeed, it must be admitted that the mode of dress of the Tunisian populace made it difficult for superficial observers to distinguish them from *les beurs* of the Parisian *banlieue*.

Of course, when it was clear that the whole business was not a little local difficulty, the Tunisian army refusing to fire upon the mob, but a revolution, the tone changed. Suddenly it was discovered just how oppressive and corrupt the 23 years of Ben Ali's rule had been, and how desirable the installation of democracy would be. Then, when Ben Ali was told it might be wise to depart, the French announced that the presence of the erstwhile presidential lovebird on French territory (unlike that of his money hitherto) would not be welcome. The most secular of Arab leaders took flight for Saudi Arabia, while

the leader of the Tunisian Islamist party, Rachid Ghannouchi, prepared his return to Tunis from London, where he had lived for 22 years (Islamists turn to Mecca to pray but to London for exile; I think it must be the variety of restaurants). At least the episode illustrated the truth of the one great law of political science, that in politics there are no friends, only interests; the treatment of Ben Ali by France brought to mind that of the late shah by the United States.

When, as widely predicted, the troubles spread to Egypt, the American government found itself in the same position as the French, with the same dilemma. Would the government fall? Even the experts could not predict the future. Roger Hardy, a Middle East analyst at the Woodrow Wilson Center in Washington, wrote on the BBC's website on January 28 that it was not certain that it would. If a man who had devoted his whole life to the study of the region did not know, how could general politicians, with so many other things on their minds, be expected to know? Equivocation was therefore the safest, most sensible bet, and the administration's first policy, before eventually asking Mubarak to step down.

Indeed, the administration found its Frédéric Mitterrand in Vice President Biden. In his opinion Mubarak was not a dictator, properly so called; what he was, he did not specify. In immortal words that bring to mind (by means of contrast) the Gettysburg Address, he called on "President Mubarak to begin to move in the direction of being more responsive to some of the needs of the people out there." The French said the same to Ben Ali, though rather more elegantly.

Of course, Egypt is much more important than Tunisia on the world scale of things; the stakes are much higher and the dangers accordingly greater. If the Islamists were to reach power, conflagration in the whole region might be expected. Should America, therefore, act on the great political principle enunciated in one of Hilaire Belloc's *Cautionary Verses*? The poem tells the story of Jim, who is taken to the zoo and runs into the jaws of a lion, who eats him. The moral is that one should "always keep ahold of nurse / For fear of finding something worse."

This has been the tried and trusted American policy in the Middle East zoo for many years, and it must be admitted that, until now, it has worked well enough

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May 6 (FRI)	Rouen Les Andelys Mantes la Jolie	Morning and early afternoon seminars Tour of Chateau Gaillard Late-night cigar smoker
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for both sides. Mubarak played for decades on American fears of something worse than himself, doing all that he could to make those fears plausible: so plausible, in fact, that they paralyzed Americans when his downfall became inevitable.

But the fact that Mubarak manipulated American fears does not mean that they were or are totally without foundation. The choice in politics is rarely between the good and the bad; it is more often between the bad and the appalling, especially where long-term dictators, friendly to American or other Western interests, might be replaced by revolutionary regimes; and there is plenty of scope for the appalling in Egypt. A change of rulers might be the joy of fools, as the Romanian saying has it, but it is also, often enough, the despair of policymakers.

When Mr. Mubarak goes, Western governments must hope that while everything changes, nothing much will change, above all in Egypt's foreign policy. The prospects for, say, a Scandinavian-style democracy, with transparent government, absence of corruption, universal tolerance, and so forth, are not very strong; so perhaps something rather resembling Mubarakism without Mubarak, watered down and with fewer unpleasant characteristics, would be the best outcome. Thirty years, after all, is a long time in politics, and that is how long Mubarak—known in France as *la vache qui rit*, the laughing cow, on account of his uncanny resemblance to the trademark of a popular brand of *crème de gruyère*—lasted and kept the peace.

While Western chancelleries fret as to what they should do, they might reflect on the consoling fact of their impotence. It is one of the great illusions of power that it is possible to mold people and events entirely according to one's wishes. One can influence them all right, but seldom precisely in the direction that one wants; as for American aid to Egypt, it is a very blunt instrument that can be used only infrequently. And where there is little power, there is little responsibility. Prevarication is sometimes to politics what masterly inactivity once was to medicine.

Poor Mr. Mubarak! He will not be welcome on United States territory for fear of offending his successors. He might very well end up in the Hotel Ben Ali, that is to say Saudi Arabia: no doubt a fitting end to his long career.

NR

Palin vs. Romney

If both seek the presidency, it could split the Republican party

BY RAMESH PONNURU

Two potential candidates for the Republican presidential nomination have been described as “frontrunners”: former governors Mitt Romney and Sarah Palin. According to pollster Scott Rasmussen, they're the candidates with the most supporters among likely Republican-primary voters: Romney has 24 percent, Palin 19 percent. Intrade, the prediction market, has them as the most likely nominees: Romney is given a 23 percent chance of winning, Palin 15 percent. Each of them has a claim to being “next in line”: Romney because he was arguably John McCain's strongest rival for the nomination in 2008, Palin because she was his running mate.

So there is a non-trivial chance that the Republican nomination contest could come down to Palin vs. Romney, and that their conflict could define the primaries. And that's very bad news for the Republican party. A campaign that pits the two against each other would divide the Republican party along each of its fault

lines. Such a race would almost certainly become bitter and leave the eventual nominee damaged.

A Romney vs. Palin match-up would, for one thing, be a straight-up power struggle between the tea parties and the Republican establishment. Romney has avoided association with the tea parties and Palin has courted them. In a Palin vs. Romney race, the party establishment would rally behind him because it regards her as a certain loser in November 2012—and fears that she would lose big enough to do damage to Republican congressional and gubernatorial candidates.

Other presidential candidates could bridge this divide. Gov. Mitch Daniels of Indiana, for example, might gain tea-party support because of his budget-cutting record, but also enjoys establishment support. Neither Palin nor Romney is likely to have the same breadth of appeal. Romney's past liberal positions are likely to strike tea partiers as evidence that his conservative principles are insincere, and his championing of a health-care law in Massachusetts that strikingly resembles Obamacare will make them even more hostile. Palin, meanwhile, revels in the opposition of establishment figures. Their opposition is a key part of her strategy for mobilizing grassroots conservatives. Watching the party establishment line up behind Romney—and thus, from their point of view, behind Obamacare—would enrage the party's populists.

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fortable fault line in the party (as Reihan Salam and I recently described in these pages). Romney's supporters tend to be college-educated, while Palin draws her support from people who didn't get college diplomas. In recent elections, upper-middle-class voters have left the Republican party in part because they regard it as dominated by yahoos and know-nothings. But other voters, particularly in the party's base, resent what they see as a tendency to overestimate the importance of degrees from prestigious colleges. In the Delaware Senate race, populist candidate Christine O'Donnell started an ad by saying, "I didn't go to Yale." (Romney has two degrees from Harvard, Palin one from the University of Idaho.)

There would even be religious overtones to the conflict. Some voters find his Mormonism, and some voters find her evangelicalism, problematic. (And some voters would probably prefer to have a candidate without a strong religion at all, although few of them vote in Republican primaries.) Even if both candidates tried to keep the race from becoming a religious conflict, hotheaded supporters could draw them into one.

The 2008 presidential election was a festival of identity politics in both parties: upper-middle-class white women voted for Hillary Clinton, Mormons and rich people for Romney, evangelicals for Mike Huckabee, young and inexperienced voters for Barack Obama. If Romney and Palin are the top Republican contenders, the next presidential race could become even more tribal.

Not to mention ugly. Palin is not the type of politician who ignores unfair attacks. Instead she invites her fans to share her grievances. Any presidential candidate, and especially a polarizing one, will be on the receiving end of a lot of cheap shots. (Also on the other end.) Count on her or her supporters to turn every dismissive remark or ambiguous statement into a sexist or elitist putdown of millions of voters—and to make sure that everyone hears about every actual offense against her.

At this stage of the campaign, Palin and Romney help each other's candidacies. To the extent the many Republicans who do not want her to win the nomination think that she could, they will feel compelled to get behind whoever they think can stop her. They may well think that

Romney is that man—or, what amounts to the same thing, that enough other people will think so that he is the anti-Palin. To a lesser extent, Republicans who disdain Romney may prefer her as a way to stop him.

If Palin won the nomination, she would have a steep uphill climb as a general-election candidate. An average of recent polls shows that 54 percent of Americans have an unfavorable impression of her and only 32 percent view her favorably. She would also have the burden of having gone through a bruising primary in which she would have won with a message that turns off millions of upper-middle-class voters.

If, as seems more likely, Romney won the showdown, he would have alienated a large chunk of the party's conservative base. He would therefore have to solidify core Republicans before, and sometimes at the expense of, trying to court independent voters. And he would have another problem as well. In his 2008 run, he showed almost no ability to win over middle-class voters. If he beat Palin, he would almost certainly have won with an affluent coalition inside the party and while being mocked as a blueblood. He would then have to turn around and win both downscale conservatives and middle-of-the-roaders.

This scenario is obviously speculative. Palin might not run. Romney might not run, either. And there are a lot of other candidates in the mix. But that's part of the problem: There are too many candidates with less support than Palin or Romney competing with one another.

Four important early contests will be in Iowa, New Hampshire, Michigan, and South Carolina. In Iowa and South Carolina, both of which have large evangelical populations, Palin would have a natural constituency. Romney won Michigan, where his father was governor, in 2008, and will have appeal in New Hampshire as a northeasterner. If they split these states, it's going to be hard for anyone else to get the nomination.

If there are Republicans who would rather not see either Romney or Palin on the ticket, or just don't want to see a bloody primary between them, they had better unite behind another candidate. And given the speed with which the primaries are approaching—the Iowa straw poll is in August—they had better do it fast.

NR

Lost in Space

We're wasting billions on rockets to nowhere

BY RAND SIMBERG

ALMOST half a century after the first man went into orbit, and at a time when the federal government is so deeply in debt that no expenditure can be allowed to pass unexamined, it is long past time to get serious about space—about what it is we hope to accomplish there, and about the best means of achieving it.

The last time space policy topped the national agenda was 42 years ago, when the crew of *Apollo 8* circled the moon, took that iconic picture of Earth from space, and returned home. That was the mission that won the space race against the Soviets, because that's when they gave up and started to pretend that they had never been in a race at all, a fiction the American Left was eager to perpetuate. The subsequent lunar landings were an afterthought, propelled only by the momentum of a huge federal program that had essentially been canceled in 1967.

Since that time, NASA's sending people into space has been primarily a matter of national pride, not national interest. And because space policy is not particularly important, it has been abandoned mostly to those in Congress whose constituencies have the biggest economic stake in it—those whose loftiest interest is not in opening the high frontier but in preserving high-paying government jobs on Earth, particularly in Alabama, Utah, Florida, Texas, and other places with space-program work forces dating from the Cold War.

There is no better example of this situation than the political antics that followed the report of a 2009 presidential blue-ribbon panel warning that Constellation, the program designed to get us back to the moon, would inflict horrific costs on the federal budget. Each lunar

Mr. Simberg is a consultant in space technology and policy, and an adjunct scholar at the Competitive Enterprise Institute. He writes at transsterrestrial.com.



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mission would cost billions of dollars, and the project wouldn't be operational until the 2020s or 2030s. On Capitol Hill, those warnings were largely ignored by the bipartisan space-policy establishment: For many of them, what gets built and whether it ever serves any useful purpose is much less important than where it gets built, how much money is spent on it, and how many people the project employs.

In response to the Constellation report, senators slipped language into the 2010 appropriations bill that prevented NASA from canceling or stopping work on any element of the program. Later, Congress passed an authorization bill that required NASA to build a new heavy-lift rocket, dubbed the Space Launch System, that has no identified payload or mission. The only requirements are that it be built from "shuttle legacy hardware" (to be delivered under existing, expensive contracts) and that it be operational by 2016. The bill failed to stipulate sufficient funding to accomplish that goal, and there is no accompanying appropriations bill to provide even the inadequate funding the legislation calls for, because the entire government is operating on a continuing resolution until March 4. Because of the restrictions imposed earlier by the Senate, NASA can't even cancel the existing Constellation contracts and shift those resources to the new rocket that Congress is now demanding it build.

Sen. Orrin Hatch and other members of the Utah delegation began a campaign in November demanding that NASA "obey the law" and press forward with the Constellation project. Florida's Sen. Bill Nelson recently made the same demand regarding SLS. But given the Catch-22 nature of the conflicting mandates, such demands are absurd.

And even if they weren't, they still would have nothing to do with building useful and cost-effective space hardware. The best way to do that is to purchase launch services on the private market, as proposed by the administration last year. This has several advantages over NASA's traditional way of doing business. One is that private launch firms can be held to a single, fixed price for a particular mission, and held accountable should the results be unsatisfactory; the alternative is the usual NASA practice of paying its con-

tractors on a cost-plus basis, which not only guarantees their profits but gives them incentives to inflate their bills, and offers very little in the way of accountability. Private launch firms generally have a few different kinds of multipurpose vehicles that they use for a variety of commercial and government payloads, whereas NASA generally has its equipment purpose-built to the specs of a particular mission—a much more expensive proposition.

As illustrative of our space program's inefficiency, consider that we remain without cost-effective transportation to and from the International Space Station. We thus pay tens of millions of dollars per year to Vladimir Putin's government for the use of its Soyuz spacecraft, and we pay another way too: In order to legally procure Russia's services, we must waive its requirements under the Iran/North Korea/Syria Non-Proliferation Act.

Congress wants NASA to develop a new rocket, with development costs in the billions costs and a likely per-mission expense of more than \$1 billion, eventually to end our dependence on the Soyuz. Compare that with the mere \$300 million NASA has spent on its contract with Space Exploration Technologies, which in December launched a new rocket and a new pressurized capsule in a flawless flight. To properly deliver a crew to the space station, it needs only the addition of an escape system for emergencies. Boeing is working on its own capsule, which could be launched on an existing rocket. Such programs could also provide the basis for the cost-effective access to space we need to send astronauts beyond Earth's orbit.

Congressional Republicans want to return federal spending to 2008 levels. Reducing NASA's budget to 2008 levels would require a cut of a little less than \$2 billion—about the cost of the "Senate Launch System," conveniently enough. Which is to say, unlike many other government agencies, NASA could be brought in line with Republicans' budget priorities just by cutting a wasteful, counterproductive program. That would be a good first step toward transforming NASA from a high-end jobs program and congressional pork chute into an agency that identifies and achieves American goals in space—an expression of our national greatness, not of our political dysfunction. **NR**

Nullification Temptation

Let's stop Obamacare without blowing up the constitutional order

BY ALLEN C. GUELZO

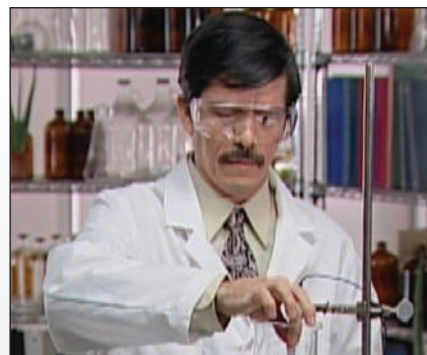
THE House may have passed a bill that would repeal Obamacare, but a Democratic majority in the Senate and a Democratic president who has hung his legacy on the survival of the new law remain formidable obstacles. That is why some conservatives have begun looking for a "nuclear option" to end Obamacare, in the form of state nullification. Libertarian Thomas E. Woods wowed CPAC attendees last February with a passionate call for nullification, declaring that "we need the institutional ability to say no to the federal government." Let the states nullify "a law they believe violates the Constitution" and "the federal government may well have to back down." A year later, ten state legislatures are debating how to nullify Obamacare, and four others have considered the idea off and on. The most recent is Idaho, where Gov. Clement Otter said in his January 10 state-of-the-state address that he is in favor of "actively exploring all our options—including nullification."

Unfortunately, like other nuclear options, nullification is a dangerous weapon to brandish. Its danger lies in how easily it could destroy not just Obamacare, but the entire Constitution.

Nullification has been tested before—and found wanting. At the time of the Constitution's ratification, several of the states tried to add reversion declarations that provided some measure of restraint on the operation of unpopular federal laws. Thomas Jefferson and James Madison both wrote legislative resolutions in 1798 threatening state nullification of the Alien and Sedition Acts. In 1832, a South Carolina state convention adopted a nullification ordinance to prevent the

Mr. Guelzo is Henry R. Luce III Professor of the Civil War era, director of Civil War-era studies, and associate director of the Civil War Institute at Gettysburg College.

Breakthrough Aloe Cure® Solves Digestion Nightmares for Millions



Dr. Santiago Rodriguez, Ph.D.,
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Doctors report new aloe-vera “cocktail” delivers instant relief to people who suffer with **heartburn, acid-reflux, constipation, gas, bloating, diarrhea, and other stomach nightmares...**

By Damian Wexler, Freelance health reporter

“Sometimes you’ll give anything just to make it stop!” says Dr. Santiago Rodriguez about digestive distress. He ought to know. After all, he’s a world-renowned expert on medicinal botany.

“You can see the tortured look on people’s faces as they talk about the scorching burn of stomach acid. Or being so constipated you almost pass out from the pain.” And there’s nothing worse than being “kept prisoner to your bathroom” because of chronic diarrhea.

It’s a nightmare for people who suffer from it. But now, your stomach problems could be over. And the secret is in the healing aloe plant.

FINALLY THERE’S HOPE...

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Dr. Rodriguez explains... the “AloeCure®” can work genuine miracles. It buffers high acid levels with amazing speed. So

your stomach feels completely at ease just moments after drinking it.” In fact, it could wipe out stomach pain, discomfort, and frantic runs to the bathroom.

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collection of “the tariff of abominations,” and in the 1850s the Wisconsin Supreme Court tried to nullify the Fugitive Slave Law by ordering the release of Sherman Booth, an abolitionist who had helped a runaway slave escape to Canada, from federal custody.

At no point, however, did nullification prevail. The state ratifying conventions in 1788 could issue as many reversion declarations as they pleased, but as Robert Bork once wrote, it is the act of ratifying the Constitution, not of issuing nullification declarations, that enjoys legal standing. Neither Kentucky nor Virginia actually nullified the Alien and Sedition Acts, and Madison himself hastened to add in 1800 that the nullification he had had in mind was more an “expression[] of opinion” about the constitutionality of federal acts than a declaration of their invalidity. South Carolina’s nullification of the tariff earned a resounding rebuke from Pres. Andrew Jackson, himself no lover of centralized government. “I consider . . . the power to annul a law of the United States, assumed by one State, incompatible with the existence of the Union, contradicted expressly by the letter of the Constitution,” and “inconsistent with every principle on which it was founded,” Jackson thundered. When federal marshals arrested Sherman Booth and refused to release him to Wisconsin state custody, he had to wait for a presidential pardon before he could walk free in 1860.

The Constitution is nicely specific about the relationship between federal and state power: “This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.” So it is worth asking just what it is that modern nullificationists don’t understand about *supreme*. The wonder only deepens when we remember that the states are expressly forbidden by the Constitution to exercise the greater prerogatives of sovereignty: “No State shall enter into any Treaty, Alliance, or Confederation . . . coin Money; emit Bills of Credit . . . pass any Bill of Attainder, ex post facto Law, or Law impairing the Obligation of

Contracts, or grant any Title of Nobility . . . lay any Imposts or Duties on Imports or Exports . . . keep Troops, or Ships of War in time of Peace, enter into any Agreement or Compact with another State, or with a foreign Power, or engage in War.” If the states lack these powers under the Constitution, how can they retain the much greater power to nullify national laws?

Nullification collides with more than just the letter of the Constitution. It also assaults its spirit. The guarantee that each state will give “Full Faith and Credit . . . to the public Acts, Records, and judicial Proceedings of every other State” is undermined whenever a state nullifies a law and other states refuse to recognize the nullification. And it collides with the rights and obligations of U.S. citizens, since the state nullification of an unwanted federal law ends up restraining a U.S. citizen living in that state from following that law. “The Citizens of each State shall be entitled to all Privileges and Immunities of Citizens in the several States,” says the Constitution—but not in a state where the local legislature has nullified certain of them that it deems objectionable. What the nullifying state is doing is, in effect, canceling the U.S. citizenship of the people living within its borders by asserting supreme jurisdiction over them.

One reply to this argument is that it merely represents the “nationalist theory” of the Constitution (according to which the document creates a single, unified nation, and the states are subordinate to federal authority), as opposed to the “compact theory” (according to which the Constitution creates a league or alliance of independent sovereignties). But it’s not easy to say what a compact theory means in the real world, much less whether it allows nullification. Theories according to which the Constitution is a “compact” also fly in the face of what the Framers thought they were doing. James Madison, both during and after the Constitutional Convention, believed that the national government ought to have the authority “to negative all laws passed by the several States, contravening in the opinion of the National Legislature the articles of Union . . . and to call forth the force of the Union against any member of the Union failing to fulfill its duty under the

articles thereof.” And George Washington was so intent on having the federal government be the government of all the people, and not just of states, that any other result would cause him “deep regret at having any agency in this business.” Nor is it really persuasive to claim that the Tenth Amendment’s reservation to the states of powers “not delegated to the United States by the Constitution” was intended to include the power to nullify. It would be strange that the Framers spelled out an amending process but not a process for nullification.

Nullification is the spirit of anarchy. It sees real enough dangers in the non-enforcement of law, or even perverse lawmaking, but retaliates by setting aside the entire mechanism of lawmaking. It is impatient with the slow, prudent working of the checks and balances in the federal system, and announces (in the words of Donald Livingston of the Abbeville Institute) that “Congress cannot restrain itself, and elections don’t work.” At its worst, nullification places the immediate will of a minority over the process of majority rule. It appeals to special interests and European-style proportional-representation schemes, in which factions and splinter groups are the tail that wags the nullifying dog. Have nullification if you like, but understand that it is as destructive of the Constitution and the rule of law as the legislation it takes aim at, and rejected by our history as well.

Perhaps the reappearance of nullification arguments is simply a measure of how resolutely many Americans are balking at the Obama agenda. Much of nullification’s appeal seems to lie in its promise to strike down the federal dragon with a single mighty thunderbolt. But anger can induce tunnel vision. Hayek wrote that top-lofty state planners always plan for the result they would most like to see, not the one that is most likely to happen. The same is true of those who support nullification. Their anger may be justified, but it does not justify the use of a weapon that would blow the whole house up. “Should the States reject this excellent Constitution,” Washington warned in 1787, as he added his signature to it, “the probability is that an opportunity will never be offered to cancel another in peace; the next will be drawn in blood.”

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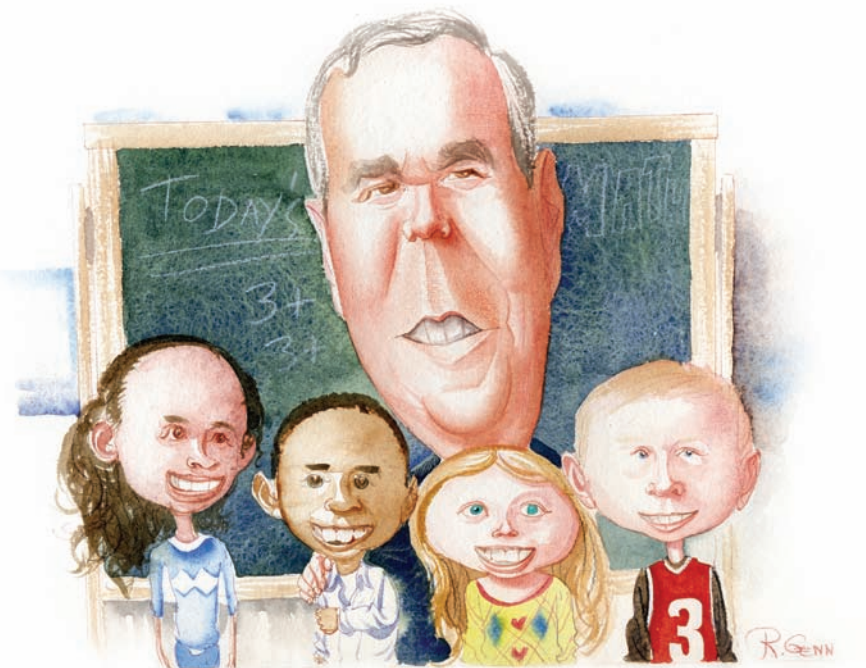
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The Education Ex-Governor

As a private citizen, Jeb Bush remains a mighty force for good

BY JOHN J. MILLER

LAST spring, it looked like the Oklahoma state legislature was going to reject a school-choice bill to provide vouchers for learning-disabled students. Earl Sears, a Republican, announced his opposition on May 19—a bad blow, because Sears is a former principal and several of his GOP colleagues take their cues from him on education.

Around 9:30 p.m. the next night, Sears's phone rang. Jeb Bush was calling. "Excuse me, you mean the governor Jeb Bush of Florida?" asked Sears. The two men didn't know each other and had not spoken previously, but they talked for 35 minutes. Bush urged Sears to support the bill, pointing out that an almost identical piece of legislation had become a successful law in Florida. "I tell you, he made an impact on me," said Sears on the morning of May 21, when he described the conversation in a speech to fellow lawmakers. He switched his vote from no to yes. Hours later, the bill passed. "We couldn't have done it without Sears," says Brandon Dutcher of the Oklahoma Council of Public Affairs, a conservative think tank. "So it's safe to say that we couldn't have done it without Jeb Bush."

Pundits continue to wonder whether this son and brother of presidents ever will seek the White House for himself. While they speculate, Jeb is quietly building a legacy as something other than the Bush who didn't reach the Oval Office. Governors everywhere boast of a desire to become "the education governor." As Florida's chief executive, Bush really was one—and not merely one among many, but by far the best. In 1999, when he took office, Florida schools were some of America's worst. "We were bumping along the bottom," says Bush. Today, almost a dozen years

since Bush pushed through his first package of reforms, Florida is soaring near the top. On January 11, *Education Week* released its annual report on public schools and ranked Florida's fifth-best in the nation. Four months earlier, the American Legislative Exchange Council had ranked them third-best. It's a striking advance—and one that may improve schooling across the United States if Bush succeeds in his post-gubernatorial mission of exporting Florida's reforms to other states.

John Ellis Bush is just now turning 58—younger than his father and older than his brother when they entered the White House. He stands six-foot-four and works from a modest ground-floor office with a drop-tile ceiling beside the palatial Biltmore Hotel in Coral Gables, Fla. His desk is a drafting table without a chair. "I don't sit much," he says. "I'm always moving around."

He was in a hurry from the start. Bush earned a degree from the University of Texas in two and a half years and married his wife when he was 21. She's from Mexico; he's fluent in Spanish. His early career was spent in banking, including a stint in Venezuela. He eventually settled in Miami, where he and his wife enjoyed the area's Hispanic vibe. Bush worked in real estate and soon entered the family business of politics. In 1987, he became Florida's secretary of commerce. The experience introduced him to his adopted state's education challenges. "Every time I would try to recruit a company or go to a chamber-of-commerce meeting, I saw the direct link between the business climate and the workforce," says Bush. "Taxes and regulation are important, but long-term prosperity is all about the quality of education."

By the early 1990s, Jeb's future looked bright. Many in the

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The Truth about the Boycott, Divestment and Sanctions (BDS) Movement

Does it stand for Middle East peace or does it seek Israel's destruction?

Leaders of the effort to boycott, divest from and apply sanctions against Israel—the so-called BDS movement—say they stand for an “end to the occupation of the Palestinian territories,” “justice in Palestine” and “freedom for the Palestinian people.” But what are the real motives of BDS leaders—do they really want peace between Israel and the Palestinian people?

What are the facts?

While the BDS movement uses highly emotive language in their appeals for support—such as “ending repression” and “Israeli war crimes”—a closer look at the real motives of the movement reveals a more sinister goal.

First, note that the BDS movement focuses only on alleged war crimes and repression by Israel—and ignores real war crimes and tyrannical repression by other Middle Eastern nations and terrorist organizations. When Hamas

and Hizbollah target thousands of rockets at Israeli civilian populations in violation of international law, BDS utters not a word of criticism, let alone a call for boycotts or sanctions.

When Iran's government violently crushes peaceful protests and Egypt stifles its press and political opposition with a dictatorial hand, BDS is likewise silent. Why?

By singling out Israel for criticism and economic pressure, BDS employs a double standard—a hypocritical and dishonest tactic frequently used by anti-Israel and anti-Semitic hate groups.

The reason, as we'll see, is that the BDS movement is not really interested in alleged war crimes or repression. Rather its purpose is to delegitimize and then destroy Israel.

The second critical fact about the BDS movement is that while it masquerades behind words like “freedom” and “occupation,” one need only listen closely to its rhetoric to realize that these are code words for the elimination of Israel.

BDS leaders oppose a two-state solution—why? While the United States, Western European powers, Israel and the U.N. Security Council have embraced a “two-state solution” as the basis for peace in the Middle East, BDS leaders, such as Ali Abunimah and Omar Barghouti, are clear: They openly and outspokenly oppose a two-state solution. Why?

Because when BDS supporters talk about “the occupation of Palestine,” they refer not to disputed West Bank territories, but to *all* the land between the Jordan River and the Mediterranean Sea—including all of Israel. When they talk about “freedom,” they don't mean freedom from security roadblocks, they mean freedom from Jews in their midst. When they talk about “occupation,” they mean *not* just Israeli security forces in the West Bank, they also

mean Israelis “occupying” the state of Israel.

The third telling fact about the BDS movement is that it consistently and vehemently opposes any efforts to bring Israelis and Palestinians together to work in peace and on peace. For example, BDS leaders advocate boycotting cultural exchanges between Israelis and Palestinian artists. They condemn educational cooperation between Israeli and Palestinian universities. Most revealingly, they *oppose peace talks* between Israel and the Palestinian leadership, calling them “collaborationist.”

Rather than a movement that seeks peace and freedom, BDS is motivated by an obsessive hate of Zionism.

BDS is not about “occupation.” In short, BDS is not about peaceful coexistence or ending the “occupation” of the West Bank.

Indeed, Omar Barghouti, a graduate student at Tel Aviv University and BDS founder, admits, “If the occupation ends . . . would that end support for BDS? No it wouldn't—no.”

Not only do BDS leaders admit this, but they implacably support the “return” of nearly five million *descendants* of Arab refugees who left during Israel's war of independence in 1947. In fact, most of these Palestinians are not truly refugees—fully 95 percent of them have never set foot in Israel.

Most importantly, the immigration of millions of Arab refugees' descendants to Israel would make Jews a minority in their own state. As President Obama has correctly noted, “The ‘right of return’ would extinguish Israel as a Jewish state, and that's not an option.” Yet destroying Israel by flooding it with millions of Palestinians is precisely what BDS leader Barghouti insists upon: “This (the right of return) is something we cannot compromise on.”

BDS's goal: “Extinguish Israel as a Jewish state.” BDS unequivocally rejects Israel's many peace offers—including numerous land-for-peace proposals supported by the United States—and rejects Israel's willingness to sit down to direct peace talks without preconditions.

Thus, the facts make BDS's intentions clear: Rather than being a movement that seeks peace and freedom, it is a movement motivated by an obsessive hate of Zionism and Jews and opposition to the Jewish state—one bent on fomenting strife, conflict and enmity until Israel is utterly defeated.

If you support peace between Israel and the Palestinians, if you support two states for two peoples—living side by side in cultural, social and economic harmony—please oppose the ill-intentioned BDS movement in your community. Speak out against hateful, one-sided campaigns to boycott Israeli goods, to divest from companies that do business with Israel and to enact sanctions against the state of Israel. This is not the path to peace!

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Bush clan saw him, rather than George W., as the most likely to reach high political office. Both brothers ran for governorships in 1994, challenging Democratic incumbents. Jeb was the favorite in Florida and George was the underdog in Texas. Election Night, however, delivered a shock. George won handily and Jeb lost in a squeaker. When their father called the victor in Austin, all he wanted to talk about was Jeb's fate. "Why do you feel bad about Jeb?" asked the future 43rd president. "Why don't you feel good about me?"

The election wasn't rough just on the elder Bush. Jeb's immediate family also suffered—not from the defeat as much as from his long absences leading up to it. "Had he been elected, it is doubtful whether his family would have stayed together," wrote Peter and Rochelle Schweizer in *The Bushes: Portrait of a Dynasty*. Jeb converted to his wife's Catholicism and started to make a point of being home for dinner.

Yet he didn't give up his political ambitions. Bush started the Foundation for Florida's Future, a policy group. He also prepared himself to be a better candidate. During his failed campaign, he had called for the elimination of Florida's education department. Four years later, when he ran again for governor, he abandoned this rhetoric. "His philosophy didn't change," says Brian Yablonski, who went on to become Bush's policy director. "He just did a better job of putting out a positive vision of what a world with less government would look like." Bush outlined the "A+ Plan for Education" and described his proposals in elaborate detail. There's a wonky side to Bush—"I'm such a nerdball," he admits—and it comes across in any conversation about policy as he floats between broad principles and precise minutiae. On education, his approach mixed greater accountability for schools with more choices for parents. When he won an easy election in 1998, he had a mandate to pursue drastic reform.

As governor, Bush embraced "Big Hairly Audacious Goals," or BHAGs (pronounced "bee-hags")—a term he picked up from reading an article in *Harvard Business Review*. He cut taxes by more than \$19 billion, stashed nearly \$8 billion into rainy-day reserves, and cut 13,000 state jobs as he privatized everything from toll-road collection to the leasing agencies for government offices. During his second inaugural address, Bush explained his purpose: "There would be no greater tribute to our maturity as a society than if we can make these buildings around us empty of workers, silent monuments to the time when government played a larger role than it deserved or could adequately fill." He maintained that the government shouldn't provide any services that are already advertised in the Yellow Pages.

If nothing else, Bush's actions invigorated his foes. Labor activists ignored Florida's strong job growth and protested the privatization of state jobs. Liberal civil-rights groups gave Bush little credit for removing the Confederate flag from the grounds of the capitol and railed against his decision to eliminate racial preferences in college admissions and public contracting. A pair of state senators even invaded Bush's suite of offices and held a sit-in. "Kick their asses out," demanded Bush, who later explained that he was referring to the reporters who showed up to cover the stunt. He also coped with the aftermath of the controversial 2000 presidential election, when his brother's White House hopes came down to the votes of a few hundred Floridians.

When Bush's two terms were over, the *St. Petersburg Times* called him "the most marched-on governor in the state's history." Bush smiles at the line. "You don't want people to dislike you, but it didn't bother me a bit," he says. "It meant that we were doing stuff." Most Floridians liked what they saw. Over eight years, Bush's approval ratings averaged 58 percent and peaked near the end of his second term at 64 percent, according to the *Miami Herald*.

Florida's schools engaged Bush's attention right away. It was obvious that he had to do something. In 1998, the year of his first election, 46 percent of the state's fourth-graders couldn't read. Only the District of Columbia and Hawaii had significantly worse rates of illiteracy. "The key to Bush's success is that he didn't seize on a single reform idea," says Jay Greene of the University of Arkansas's Department of Education Reform. "He pursued a bunch of them at once." Within months of entering office, Bush had signed sweeping legislation. In its wake, students took annual achievement tests that emphasized basics so that educators could measure their progress—or lack of it. Schools earned letter grades based on student performance, creating competitive pressure for improvement. Kids in schools that received failing marks on their new report cards could obtain vouchers for use at public or private institutions. The theory was simple, according to Bush: "You align incentives toward things you want more of and have different consequences for things you want less of. It reeks of common sense, but it's a radical idea for government."

More innovations followed. Florida ended the practice of social promotion for third-graders, meaning that kids now advance to the fourth grade only when they're ready for it. This is an important threshold because fourth grade is when students shift from learning to read toward reading to learn. As the policy kicked in, the retention rate jumped from 3 percent to 13 percent. Kathleen Shanahan, Bush's chief of staff, says that she worried about the political fallout. Would the angry parents of held-back third-graders revolt? "I asked the governor if we could put it off until after his reelection, but he refused. He said it was the right thing to do and so we were going to do it."

Bush also pressed for school choice. More than 20,000 learning-disabled students now take advantage of McKay Scholarships, which are vouchers that they can redeem at private schools. Another 32,000 kids, all from low-income families, receive scholarships through a corporate tax-credit program. Most attend religious schools. In the next few years, participation may balloon to 80,000 children. "We have more school choice in Florida than anywhere on the planet," boasts Bush.

At first, the gains were incremental. "Every year, we'd hold a press conference and talk about the steady progress in elementary schools, but the media always wanted to focus on middle-school students because their scores weren't going up," says Patricia Levesque, a deputy chief of staff who now runs Bush's policy group. Then, in Bush's last year in office, the middle-school scores finally jumped. Levesque attributes the improvement to "Bush babies"—the kids who had gone through elementary schools energized by Bush's reforms were reaching the upper grades. "You've got to be patient with these things," says Bush. "The people who cover politics—the people who are in it—are quick to want to change course."

Along the way, Bush suffered a few setbacks. Teacher unions couldn't block most of his agenda, but they passed a few proposals of their own, including ballot initiatives to limit class

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sizes and create a system of universal preschool. Bush opposed both as costly and ineffective. In 2006, Florida's high court struck down the law that provided private-school vouchers for students in rotten public schools. Bush tried to amend the state constitution but couldn't persuade his legislature to cooperate. Today, he insists that his short-lived voucher plan made a difference: "The threat of vouchers had a big impact—only a few hundred kids received them and they changed how tens of thousands of students learn." Florida's tax-credit scholarships continue to flourish. Research by David Figlio and Cassandra M. D. Hart of Northwestern University, published in the current issue of *Education Next*, suggests that their existence has forced public schools to improve.

WHEN Bush left office four years ago, it was clear that his reforms were working. The results are even more obvious now. By almost any measure, Florida's schools have gone from among the worst in the country to among the best. The percentage of fourth-graders who can't read dropped from 46 percent in 1998 to 27 percent in 2009 (the last year for which numbers are available). One of the best measures of success didn't appear until recently. "It was an 'aha moment' for us," says Bush. Matthew Ladner of the Goldwater Institute, an Arizona think tank, combed through Florida's racial and ethnic subgroup data. He discovered that the typical Florida Hispanic either beats or ties the average of all students in 31 states on fourth-grade reading tests. The typical Florida black matches or outperforms the average student in eight states. "His approach was ingenious," says Bush. "It shows that compassion is not about how much money you spend but about the results you get—and these are great results."

Now Bush is trying to export Florida's results to other states. "Education needs to be a national priority, but not a federal program," he says. Bush visits capitals, delivers PowerPoint presentations to public officials and business leaders, and isn't above making a strategic phone call on the eve of a critical vote. "It's great to have someone who has walked this road," says Leslie Hiner of the Foundation for Educational Choice, an Indiana-based group started by Milton and Rose Friedman. "He can describe what happens, answer questions, and make school choice come alive."

Several states are now trying to remake their school systems in Florida's image, at least in part. Oklahoma copied Florida's voucher program for special-needs children. Arizona, Indiana, and Louisiana are giving letter grades to schools. Arizona, Indiana, and Utah have halted the social promotion of third-graders. The environment for additional reforms in 2011 and beyond is excellent. Following last year's elections, there are 29 Republican governors as well as 25 states in which Republicans control the legislature—and more Republican elected officials around the country than at any time since Calvin Coolidge was president. In New Mexico, new governor Susana Martinez has tapped former Bush aide Hanna Skandera as her education secretary. In Nevada, new governor Brian Sandoval described his agenda in a state-of-the-state address on January 24. The section on education is ripped from the Florida playbook: grading schools, ending social promotion, and creating more choice through vouchers. "Jeb Bush is a case study in how to stay relevant when you're out of office," says Frederick M. Hess, a resident scholar at

the American Enterprise Institute. "He's a policy entrepreneur."

Late in his governorship, Bush reactivated the Foundation for Florida's Future. Then he started a sister organization, the Foundation for Excellence in Education, which focuses on reforms outside the Sunshine State. "I regard it as a do tank, not a think tank," says Bush. In 2008, it began to sponsor a national conference on education reform. The 2010 gathering, held a week after Thanksgiving in Washington, D.C., attracted more than 550 legislators, superintendents, scholars, and activists. The state education chiefs of Florida, Indiana, Louisiana, Rhode Island, and Virginia used it as a venue for announcing the advent of Chiefs for Change, a reform-minded group. The Foundation for Excellence in Education provides staff support and Bush is helping it raise money. "Jeb is a leader," says Paul Pastorek, Louisiana's superintendent of education. "We're modeling a lot of what we do on what Florida has done."

Bush's latest enthusiasm is digital learning. In December, with former West Virginia governor Bob Wise, a Democrat, he released a report on how states can take advantage of the revolution in technology. "We're doing everything the same way we were 50 or even 100 years ago, with seat time, three months off, and a teacher who stands in front of kids," says Bush. "Digital learning is the fastest way to change all of that—and the unions see it as an even bigger threat than vouchers because it's such a disruptive idea." Bush envisions a system in which students receive customized instruction via adaptive software, possibly delivered by for-profit companies and across state lines without regard to old-fashioned methods of teacher certification. "We have a shortage of math and science teachers, but we also have excellent math and science teachers," says Bush. "We can create a repository of rich content, deliver it to homes and classrooms, and allow kids to learn at their own pace." In the future, he believes, children will have the opportunity to take Advanced Placement courses in Mandarin Chinese even if they live in the hills of Kentucky and have to learn from teachers in San Francisco.

The lessons apply to other areas as well. "With the tools at my disposal, I can do the work of three or four Jebbs of 1990," says Bush. "Yet government and the things we ask government to do are mired in the middle of the 20th century." He cites health care as an example: "We've created a whole system based on a policy of employer-provided insurance that was maybe useful in 1950. The result is that people aren't engaged in their own health, they don't know the price of anything, and there's no market." The approach of President Obama is fundamentally wrong, says Bush: "He should have taken a pause and figured out what health care should look like. Instead, he asked for a monstrosity that locks an old model in place."

It doesn't take a great leap of the imagination to picture Bush saying such things on the campaign trail. In January, *National Journal* released its latest "Insiders Poll." In it, Democrats ranked Bush as the GOP's third-strongest potential presidential nominee in 2012 (after Mitt Romney and Gov. Mitch Daniels of Indiana). They apparently see Bush's last name as less of a liability than some Republicans do. When I asked Bush whether there's any chance he'll run for president in 2012, he was blunt: "No." How about taking on Sen. Bill Nelson, the Florida Democrat? Again: "No." So what about 2016? "I sure hope a Republican is running for reelection then," he said. "But I've learned never to say never." Then he added: "Right now, I still have a voice and I intend to use it."

NR

The Sense of THE SENATE

Proportional representation is not the summum bonum

BY WILLIAM VOEGELI

ONE thing leads to another. Complain bitterly that the Senate filibuster undermines democracy and you wind up concluding that the Senate's *existence* is undemocratic. In 2009 the *Washington Post*'s Ezra Klein, for example, punctuated a long series of blog posts criticizing the filibuster with one allowing that while the Senate is "very important," it is also "resolutely, aggressively, anti-democratic."

The crucial defect, according to Klein and others, is that equal representation of states guarantees unequal representation of people. The 38 million Americans who live in the 22 least populous states send 44 senators to Washington, while the 37 million living in California, the most populous, elect just two. "There is nothing fair or just about such a system," Rex Nutting, an editor for the website MarketWatch, wrote earlier this year. "It's a relic of history." Following his logic to its conclusion, Nutting asserts, "The Senate ought to be abolished," and if abolition is infeasible, "we should chip away at [the Senate's] ability to subvert our will."

The case that the Senate *does* subvert our will is far from open-and-shut. Those 44 senators from the least populous states currently include 24 who are Democrats or caucus with the Democrats, including such determined liberals as Bernard Sanders and Patrick Leahy of Vermont, and Tom Harkin of Iowa. The chamber's overall majority party, it turns out, has a slightly larger majority (54.5 percent) among senators from the 22 smallest states than among those representing the 28 most populous (51.8 percent).

The recent denunciations of a 222-year-old legislative body have not emerged *ex nihilo*, as NATIONAL REVIEW's founding editor would have said. They reflect liberals' bitter assessment of the past two years, so different from what they had expected. The Democrats' presidential and congressional victories in 2008 were supposed to mark the beginning of "The New Liberal Order," as *Time* titled Peter Beinart's cover story after the election. Barack Obama has "an excellent chance," wrote Beinart, to "do what F.D.R. did—make American capitalism stabler and less savage—[and thereby] establish a Democratic majority that dominates U.S. politics for a generation."

Some members of the "professional Left" say that so little of this came to pass because Obama, a closet centrist, duped and betrayed his true believers. Meanwhile, back on Planet Earth, the more lucid left-of-center explanation for why 2009's liberal

moment lasted only a few moments is that the president and the House of Representatives spent two years sending policy proposals to stabilize and civilize capitalism to the Senate, where some were neutered and the rest were slaughtered. Even in the midst of a financial crisis, for example, the biggest stimulus bill the Democrats could get through the Senate was hundreds of billions of dollars smaller than liberals wanted. The House passed a cap-and-trade bill and the DREAM Act; the Senate never considered the former and lacked the votes to invoke cloture on the latter.

Obamacare was enacted, of course, but at the cost of time and embarrassments Democrats could ill afford, and stripped of components that most liberals thought essential, such as the public option. As Klein noted at the time, for long months in 2009 progress on the health-care legislation simply stopped, awaiting the outcome of negotiations among a bipartisan group of six senators from Iowa, Maine, Montana, New Mexico, North Dakota, and Wyoming—states whose combined population is smaller than that of metropolitan Los Angeles. Those talks proved futile, the bill lost momentum and prestige, and the Democrats' huge congressional majorities ultimately proved only barely sufficient to send it to the president's desk.

The New Deal paradigm, which has ordered the liberal mind for more than three-quarters of a century, embraces not just the kinds of policies the government should enact, but the way it should enact them. The political scientist Sidney Pearson wrote in 2004 that the Great Depression and FDR's response to it, especially in 1933 during his First Hundred Days, was the "seminal domestic political event of the 20th century." During that crisis, the administration wrote laws and sent them to Congress, "where they were rubber-stamped without debate, and enacted into law. For a brief period," Pearson concludes, "the American people saw how a parliamentary system would function. For many serious students of the American political system this was the way a democracy *ought* to work."

CONSERVATIVES organizing a list of things to worry about over the coming years can leave the abolition of the Senate out of the top 500. For one thing, the ratification of a constitutional amendment to that purpose would require the approval of 38 states, at least some of which would be among the less populous ones that have a bigger say over national affairs with the existing Senate than they would if it were replaced by a unicameral legislature based strictly on population. Any proposal to retain the Senate but do away with equal representation of the states is a complete non-starter: Article V of the Constitution, specifying the amendment process, guarantees "that no state, without its consent, shall be deprived of its equal suffrage in the Senate."

The prospect that merits a higher slot on the worry list is that attacks on the Senate will undermine support for our Constitution's structure and operation, convincing Americans who might otherwise earnestly participate in the work of self-government that the nation's political system is an anachronism and a rigged game, deserving only our sullen contempt. The resiliency of the American experiment has disposed us to believe that democracy is the default option for organizing a nation's politics, rendering the problems of establishing and maintaining democratic government modest and manageable. As a result, 21st-century

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Americans need not have read John Dewey to hold the truth to be self-evident that “the cure for the ailments of democracy is more democracy.” Convince them the Senate is resolutely anti-democratic, and you convince them it’s an institution impossible to support, respect, or even take seriously.

The success of our Constitution, then, has estranged us from its authors’ apprehension that the perpetuation of democracy requires overcoming not only democracy’s enemies and obstacles, but also its temptations and weaknesses. As James Madison argued, “liberty may be endangered by the abuses of liberty as well as by the abuses of power.” Because the Philadelphia convention designed and subsequent generations of Americans implemented an effective “republican remedy for the diseases most incident to republican government,” as Madison wrote in *Federalist* 10, it is easy to suppose that those diseases, like the bubonic plague, are threats only to ancient or primitive peoples. *We* can confidently go on

few, and the many, but make the content of American government democratic throughout. It would resist majority faction by establishing what Mansfield calls a “constitutional space” between the people and the government. Ultimately, the people would always be in charge. As Abraham Lincoln said in his first debate with Stephen Douglas in 1858, “In this and like communities, public sentiment is everything. With public sentiment, nothing can fail; without it, nothing can succeed.”

The premise that public sentiment should be finally decisive does not, however, mandate the conclusion that it must be immediately dispositive. A constitutional space renders good government more likely and majority faction less by guaranteeing that some time and trouble will be necessary to turn brainstorming into laws, giving the considered judgment of the people opportunities to prevail against invidious or half-baked proposals. Checks and balances, no matter how numerous or intricate, cannot indefinitely

The disease most incident to popular government is what Madison called majority faction.

curing the ailments of democracy with more democracy, until every hundred days is just like the First Hundred Days. The de facto parliamentary system that results will jettison the constitutional relics subverting our will, and we will enjoy a government that is “strong, prompt, wieldy, and efficient,” as Woodrow Wilson wrote approvingly.

The case for not only putting up with but admiring the Senate rests on the belief that democracy’s worst proclivities are permanent threats, not archaic ones tamed long ago. As the political scientist Harvey Mansfield wrote in 1988, “Good democrats . . . think that good government as a standard is above democracy; it is what democracy aims at, for example, the ends stated in the preamble to the Constitution. They must not think that government is automatically good merely by being democratic, as this belief can make them both fanatic in their zeal for democracy and complacent as to its behavior.”

The disease most incident to popular government, which militates against democracy’s resulting in good government, is what Madison called majority faction. When a *minority* of the population is “united and actuated by some common impulse of passion, or of interest, adverse to the rights of other citizens, or to the permanent and aggregate interests of the community,” normal democratic processes—popular elections—will suffice to prevent that minority from carrying out its dangerous plans. When a *majority* is united and actuated in this way, however, the workings of democracy won’t constrain it. Worse still, democratic processes will, as a practical matter, facilitate a majority faction’s blunders and depredations, while validating them as moral ones.

The classical mixed regime sought a monarchical and aristocratic remedy for the diseases incident to republican government. Such components were unobtainable in late-18th-century America, given the facts on the ground. The Lockean imperatives woven into the Declaration and the Revolution made the idea of checking majority faction with homegrown kings and dukes repugnant and absurd.

An important part of the Constitution’s republican remedy was to keep the form of the classical mixture of rule by the one, the

resist a majority united in the determination to do something wicked or stupid. The best that can be hoped for is that such constitutional obstacles will spare the country from policies that are wrongly but not deeply popular.

IN *Federalist* 63, Madison argued that an institution like the Senate, at some constitutional distance from the people, “may be sometimes necessary as a defense to the people against their own temporary errors and delusions.” The goal, always, is for “the cool and deliberate sense of the community” to “ultimately prevail.” The cure for the ailments of democracy, according to the Founders’ diagnosis, is not necessarily more but *better* democracy—a more far-sighted, judicious democracy that incorporates the widest possible range of perspectives into its decision-making.

The danger that the cool and deliberate sense of the community *won’t* prevail, Madison concluded, “will be evidently greater where the whole legislative trust is lodged in the hands of one body of men, than where the concurrence of separate and dissimilar bodies is required in every public act.” Students in courses on American government still learn about the ways in which the House and Senate are dissimilar. Representatives serve two-year terms and are voted on all at once; theoretically, if the voters were angry enough they could cashier all 435 members and replace them with different ones. Senators serve six-year terms, and only one third of Senate seats are voted on in any given congressional election. If the voters wanted to replace all 100 senators, the success of that project would require them to stay angry through three election cycles.

The House and the Senate were rendered less dissimilar, and the constitutional space between the people and the Senate reduced, by the ratification of the Seventeenth Amendment in 1913. Before then, each state’s senators were chosen by the state’s legislature. Since then, senators have been elected directly by a state’s voters, the way House members are elected by the voters of a particular congressional district.

Direct election of senators was a progressive cause a century ago, but also a response to genuine difficulties. For one thing, when each party controlled one house of a bicameral state legislature the process of choosing a U.S. senator often descended into a contentious deadlock. There were, as a result, periods where some states had only one senator in Washington, or even none at all.

The Lincoln–Douglas debates were the first step on the road to the Seventeenth Amendment. The two men, nominated for the U.S. Senate by Illinois’s Republican and Democratic parties, traveled around the state speaking to crowds of shopkeepers and farmers—none of whom could vote for either debater. Lincoln and Douglas were, instead, asking voters to elect Republican and Democratic candidates to the state legislature, where they would, depending on which party won the majority, choose one of the two for the Senate. The unfortunate candidates for the Illinois state legislature in 1858 found themselves offering their virtues, experience, and views on state issues to an electorate that couldn’t have cared less: The state’s two most famous politicians had transformed its legislative elections into proxy fights over national policy on slavery and the western territories.

In bringing the U.S. Senate closer to the people, then, the Seventeenth Amendment had the unintended consequence of reaffirming the distinct role of the states, as such, in discharging governmental responsibilities and engaging the people in self-government. Though it altered the nation’s political framework, the Seventeenth Amendment reinforced the idea that ours was “neither a national nor a federal Constitution, but a composition of both,” as Madison wrote in *Federalist* 39. The jurisdiction of the central government in that system, Madison explained, “extends to certain enumerated objects only, and leaves to the several States a residuary and inviolable sovereignty over all other objects.” The most important expression of the composite framework is the bicameral Congress, with its national House of Representatives and federal Senate. The latter will “derive its powers from the States, as political and coequal societies,” which “will be represented on the principle of equality.”

Abolishing the Senate, or requiring it to represent states in proportion to the size of their populations, would bring more democracy to Capitol Hill. But would it bring better democracy to America? The answer to that question depends on whether American federalism detracts from or enhances our democratic republic. If the sovereignty retained by the states over their internal affairs, and the ability to protect that sovereignty in the one house of the national legislature where states are equally represented, are merely legacies of concessions to the political realities of 1787, then federalism has a weak claim on our continuing respect. Those who urge us to scorn or abolish the Senate believe that America has long since outgrown the need not only for refining democracy, but for upholding the division of labor and authority between the national and state governments. If, on the other hand, the demise of the Senate would weaken the states, reduce them to departments administering policies devised in Washington, and thereby give the people fewer devices to resist federal aggrandizement and fewer ways and reasons to participate in self-government, federalism improves American democracy. If it didn’t exist, that is, we would want to create something quite like it, and give states effective means to defend their prerogatives.

The question about federalism depends, to put it another way, on whether you agree with James Madison the author of the

Virginia Plan submitted to the Constitutional Convention in 1787, or with James Madison the author of the Virginia Resolution of 1798. The Virginia Plan would have created a bicameral Congress, both houses of which would have had delegations proportional to the states’ populations. The plan’s determination to reduce the importance of the states, qua states, was made more explicit by its provision to give the new national Congress a veto over any law passed by a state legislature. The Virginia Resolution, by contrast, in denouncing the Alien and Sedition Acts passed by Congress and signed by Pres. John Adams, rebuked what it called the federal government’s desire to “consolidate the states by degrees, into one sovereignty.” In declaring the Alien and Sedition Acts unconstitutional, the resolution echoed the Tenth Amendment, as the Virginia legislature called on the other states to join it in “maintaining the Authorities, Rights, and Liberties, referred to the States respectively, or to the people.”

Scholars continue their efforts to understand the road Madison traveled between 1787 and 1798, and to argue about the extent to which his opinions on federalism are reconcilable. This essay won’t settle that question, and won’t try. It will note that robust states are fully congruent with the other part of Madison’s solution for the problem of majority faction, the extended republic. Where the separation of powers, and checks and balances, concerned the structure of the government, the extended republic concerned the structure of the nation. A large, diverse nation, Madison argued, reduced the danger of majority faction because majorities were likely to be loose, transient coalitions of different interests, sections, and perspectives.

Moderation and magnanimity would result from self-interest rightly understood in the extended republic, since any group that found itself in today’s majority coalition could easily find itself in the minority tomorrow.

If America’s security from foreign enemies and democracy’s worst proclivities has always resided in its being a big country, then it is especially important for such a country to have numerous, healthy mediating structures, both social and political. By “devolving functions to local governments,” as the late Martin Diamond wrote, federalism “helps to limit the size of the central administrative structure and hence make it less formidable to liberty.” Furthermore, federalism “draws masses of citizens into political life by multiplying and simplifying the governments accessible to them, thus activating the citizenry and habituating them to self-government.”

As the expansion of federal power at the expense of the states since the New Deal attests, the Senate is a necessary but not a sufficient condition for sustaining federalism. It is safe to assume, however, that federal aggrandizement would have moved much farther and faster if Wyoming sent John Barrasso and Mike Enzi to a Senate with proportional representation while California elected Barbara Boxer, Dianne Feinstein—and 130 similarly disposed legislators.

If the Senate in its present form strengthens the states, and the states strengthen and improve American democracy, then we have good reason to keep and respect it. Rather than accept the recent argument by *The New Yorker*’s Hendrik Hertzberg that the Senate of equally represented states is “self-evidently offensive and absurd,” we should gravitate to Madison’s claim, in a letter to Thomas Jefferson shortly after the Philadelphia convention had completed its work, that the Senate is “the great anchor of the Government.”

NR

Pigford's HARVEST

*How an honorable farmer's quest for justice
launched an epic fraud*

BY DANIEL FOSTER

ONE unhappy night in 1992, 40-year-old Timothy Pigford, a fourth-generation black farmer having a terrible time of it trying to grow soybeans in North Carolina, sat in the living room of the house he was barely holding on to and drew up the outline of a lawsuit against the federal government. It was a decision more than 15 years in coming, ever since the first of the many times he'd been denied a USDA loan because—he was convinced—of the color of his skin. Before all was said and done, he would spend 20 years of his life trying to convince government officials, members of Congress, judges, and even the president that the USDA had ruined him even as it had given similarly situated whites the credit and support they needed to thrive as farmers. He'd go bankrupt in the process—losing his farmland, his home, and the 1990 Toyota he would put 350,000 miles on traveling up I-95 to Washington to press his case—while his relationship with his wife and two teenage sons would be stressed to the breaking point.

But eventually, he'd win.

And in finally securing justice for himself and the few hundred farmers who first joined his class-action suit, he'd unwittingly set off an injustice greater than the one he sought to rectify: one that would involve the waste of billions of dollars, systemic fraud implicating top federal officials, the unseemly electioneering of two presidential campaigns—even murder.

Timothy Pigford's discrimination case looks plausible. In an extensive 1998 profile in *Business North Carolina* magazine, Pigford spoke at length about his upbringing in the segregated South, where goodly white farmers sometimes let his father bundle his tobacco crop with theirs so the white auctioneers would give him a fair price. A college dropout, Pigford rented and farmed a small tract of land, and paid for a John Deere by working the night shift at a chemical plant. In 1976, after three years of putting in 100-hour weeks to bolster his operations, he submitted an application for a \$110,000 loan through the county representative of the Farmers Home Administration (FmHA), a descendant of the New Deal that gave credit and grants to rural farmers for homes, capital investments, irrigation, and disaster relief. Pigford wanted to own the land he worked.

His loan was denied.

He got other loans from the USDA, including \$21,500 to buy a home later that same year, short-term loans he repaid when he sold his crops, and disaster relief when Hurricane Diana struck in 1984. But he was convinced he wasn't getting a fair shot at success, even as white farmers who worked nearby land were getting loans to expand their operations.

In 1984, a fed-up and indebted Pigford testified before a House

committee investigating USDA loan practices, a move he says made him even more of a target for the USDA reps back home. Denials of debt-restructuring and operating loans followed. By 1992, \$55,000 behind on \$200,000 in loans, Pigford drew up his suit and began lobbying his congressman to take up his cause—and that of other black farmers in the district, who Pigford believed were subject to the same discrimination.

ON its own, Pigford's case was probably a coin flip. On one hand, a 1986 USDA inspector general's report shows that two white farmers named by Pigford received better treatment from FmHA officials, getting large loans quickly despite problems with their applications. On the other hand, the local FmHA officials who handled Pigford's loan applications were cleared of wrongdoing by a separate internal probe: They said they had denied the loan because financing costs, on top of the fact that Pigford's tract was already losing money, made his plan uneconomic.

It's unclear whether the facts would have cohered into a "preponderance of the evidence"—the standard required to prevail in civil suits—for Pigford. But there is statistical evidence of USDA discrimination against black farmers through the 1980s. According to a USDA report, in several southeastern states it took an average of three times as long to process successful loan applications from blacks as from whites—and in a field as time-sensitive as farming, such delays were often disastrous. By contrast, loan denials and foreclosures came quicker for blacks than for whites. The USDA office that investigated such complaints was closed down in 1983, leaving farmers two possible channels of recourse: the same FmHA boards that they believed had discriminated against them, or the federal courts.

Pigford fought his way up the bureaucracy, securing meetings with high-level USDA officials, and even one with President Clinton. By 1997, the Clinton administration was offering ten-cents-on-the-dollar settlements to Pigford and his relatively small cohort of black farmers, in the interest of healing (and avoiding a messy lawsuit). And Pigford might have been ready to settle. But unwittingly, by building momentum for his cause, Pigford—who had been begging attorneys to take up the case for years—had drawn the attention of the sharks.

Enter Al Pires, a trial lawyer and former Justice Department hand who had helped break up AT&T before going into a lucrative private practice. He agreed to take up the cause of as many as 2,500 black farmers, turning their discrimination cases into a class-action suit seeking as much as \$3 billion in damages from Uncle Sam. He promised not to accept a cent in legal fees until the farmers got their awards. Pigford and the others signed on. Within months, Pires had the Clinton administration admitting that there had been costly discrimination over the last two decades, and a trial date was set for *Pigford v. Glickman*.

The government hoped that mediation would keep the case out of the courtroom. Pires wanted the opposite, government lawyers say, and launched a campaign to sabotage the negotiations. He eventually prevailed, and the defeated government offered him terms he could live with. There were unsubstantiated grumbles, then and now, that the timing of the settlement had something to do with Al Gore's desire to compete with George W. Bush in the rural South. Whatever the merits of those claims, there can be no doubt that the Clinton administration's new conciliatory tone

affected the tenor of the negotiations—a 1996 public apology offered by Clinton secretary of agriculture Dan Glickman was seen by all as having been a turning point in the legal battle.

On Jan. 5, 1999, a federal district court in Washington, D.C., approved a preliminary consent decree—essentially a seal of approval for a settlement—granting class-action relief for a wide swath of black farmers. Give or take an unseemly lawyer, it looked like the angels had won. It was a victory bipartisan in the making: Speaker Newt Gingrich had helped push through legislation waiving the statute of limitations for discrimination complaints, allowing the suit to clear a crucial legal hurdle. But the story was far from over, and *Pigford v. Glickman* would prove the settlement that launched a hundred thousand frauds.

The “*Pigford* class”—the range of individuals eligible to claim settlement money—originally was defined as

all African-American farmers who (1) farmed between January 1, 1983, and Feb. 21, 1997; and (2) applied, during that time period, for participation in a federal farm program with USDA, and as a direct result of a determination by USDA in response to said application, believed that they were discriminated against on the basis of race, and filed a written discrimination complaint with USDA in that time period.

Both sides acknowledged that the class size wasn’t likely to exceed 2,500. But the seeds of abuse were already sown. Despite the fact that the class was at first strictly limited to those who had “filed a written discrimination complaint” with the USDA, the settlement crucially allowed that most members of the class lacked any documentation of these complaints, purportedly owing to poor record-keeping by the USDA. So the resolution mechanism offered potential claimants two “tracks” toward settlement money. Track B required a higher bar for evidence—the “preponderance” standard traditional in civil actions, demonstrated during one-day “mini-trials” before court-appointed arbitrators—but it came with no cap on potential awards. Track A provided, in the words of the case’s judge, “those class members with little or no documentary evidence with a virtually automatic cash payment of \$50,000, and forgiveness of debt owed to the USDA.” Track A claimants would also get their taxes on that debt paid directly to the IRS for them, and priority consideration on their next USDA loan application.

To get their checks, Track A claimants were required to show court-appointed facilitators “substantial evidence” that they had had “communication” with the USDA, a member of Congress, the White House, or any federal, state, county, or local official regarding a discrimination complaint. How “substantial”? According to the consent decree, “something more than a ‘mere scintilla’”—in practice, as little as the corroboration of one’s story by a single individual who was not immediate family. The definitions of “communication” and “complaint” were stretched as well: Under the agreement, even participating in a “listening session” with USDA officials was as good as filing a discrimination complaint. And in cases where there was no documentary evidence whatsoever of communication with the USDA, a popular defense was for claimants to explain that USDA officers would not even give them the forms and applications they requested—in one fell swoop both demonstrating the discrimination and accounting for the lack of a paper trail. Thus could blacks who had never cultivated land they’d owned or rented—who in point of fact might never have mown a lawn or tended to

a shrub—claim that systemic racism thwarted their farming careers before they ever started. Such claimants came to be known as the “attempted to farm” class, and by some estimates as many as 92 percent of all *Pigford* filers marched under their banner.

What followed was a feeding frenzy of claimants egged on by fee-seeking tractor-chasers. The original 400 members of the *Pigford* class had swelled to 14,000, and a total of \$1.25 billion had been paid out. The largest single settlement—some \$13,000,000—went to a communal farm in Georgia called New Communities, Inc., headed by Charles Sherrod and his wife, Shirley, who would be hired by the USDA, where she would gain a measure of notoriety, just three days after she received her settlement.

Even after the deadline for submission passed in 1999, claims kept—and to this day, keep—pouring in, such that the number of claimants now stands at nearly 100,000. But there is a curious thing: A 1997 agricultural census found only 18,500 black farmers nationwide, and even the most liberal third-party estimates suggest that there never were more than about 33,000 at any point during the period of eligibility between 1981 and 1996. Even if you accept as sound the decree’s reasoning that persons are entitled to compensation for “attempting to farm,” the numbers force the conclusion that for every black farmer actually working the land there were four or five who’d been prevented from speeding the plow.

IF the queerness of those numbers doesn’t stand out on its own, consider that while the USDA’s credit and benefit programs are federally funded, decisions on individual applications are made at the county level, usually by small committees of local farmers and ranchers elected by their peers. The *Pigford* settlement would have you believe that racism was universal, not just inside the institution of the USDA but across all those semi-autonomous county offices: even in places like Jefferson County, Ark., where numerous discrimination claims came in despite the fact that all the supervisors at that office were black.

Parsimony demands a simpler explanation: that the majority, even the vast majority, of *Pigford* claims are frivolous at best and fraudulent at worst. That is the case being made by perhaps the loudest critic of *Pigford*: journalistic gadfly Andrew Breitbart.

Though Breitbart says the biggest revelations are yet to come, he has coauthored a report detailing some of the crime that has been directly tied to *Pigford*. The most sensational example comes from 2006, when a Mississippi couple was sentenced to life in prison on conspiracy charges in the murder of Clovis Reed, who had plotted with the couple to make fraudulent *Pigford* claims and who they feared would testify against them in court. The year before, two college administrators in Arkansas were convicted of attempting to fraudulently claim \$400,000 after they attended a meeting whose organizers told them the settlement was a “veiled way to collect reparations for centuries-old grievances.”

The government is not unaware of the widespread fraud. According to an anonymous FBI source quoted in Breitbart’s report, a preliminary investigation into *Pigford* suggested that at least half the claims filed had been falsified—but the investigation never went anywhere, because federal prosecutors had no taste for the racial politics that would have attended it.

The USDA itself appears to have turned a blind eye to blatant

irregularities. One USDA employee with firsthand knowledge of the claims process told Breitbart et al.:

We saw claims come in from affluent areas. There were claims from Palm Beach and Palm Springs, and they said they were black farmers. One applicant said the Chicago USDA office discriminated against them. There is no USDA office in Chicago. They got paid anyway.

Others went on record. John Stringfellow, a farm-loan supervisor covering six Arkansas counties, called *Pigford* “the largest scam against federal taxpayers in the history of the United States,” saying that among the 800 or so claims he personally received, over 80 percent had never applied to USDA assistance programs, nor farmed at all.

But even the largest scam against taxpayers eventually runs its course. By 2007, with every filing deadline having passed, the consent decree in mothballs, and tens of thousands of unpaid claimants lingering on the rolls, *Pigford* advocates knew they needed new judicial action, or help from Congress, to get paid. They got the latter in the form of the Pigford Claims Remedy Act of 2007, which came, as so much legislative mischief does, as an amendment to that year’s farm bill. It had a single sponsor: Sen. Barack Obama, Democrat of Illinois (where, incidentally, only 98 out of 77,000 farms are operated primarily by blacks). The bill, which became known as Pigford II, extended the filing dead-

The settlement made use of \$100 million in funds already available for unsettled claims, and in December 2010, Congress added substantially to the kitty, appropriating \$1.2 billion after a last-minute blitz by Vilsack to wring votes out of a reluctant lame-duck session.

Meanwhile, the gravy train shows no signs of slowing down. Many of the few hundred farmers who composed the original *Pigford* class have wound up like Timothy Pigford himself—driven out of farming altogether—or like Willie Head.

Head, a 58-year-old, third-generation farmer and rancher who produces melons, corn, soybeans, and livestock on the southwestern Georgia parcel he bought from his father in 1980, was one of the first *Pigford* plaintiffs. Throughout the early 1980s, many of the loan applications he filed were rejected with little cause, and those he was granted were placed in bank accounts jointly operated by USDA supervisors, a condition to which no similarly situated white farmer was subject. By 1984, Head had gone bankrupt, taking writedowns that have to this day precluded him from asking for any further USDA loans.

He says that when the consent decree was approved, he initially intended to file for broader compensation under Track B, but was pressured by lawyers like Pires to take the sure \$50,000 promised by Track A.

“We were drowning,” he says, “and we took whatever rope we could get, no matter who it was that was handing it to us.”

Many of the few hundred farmers who composed the original *Pigford* class have wound up like Timothy Pigford himself—driven out of farming altogether.

line by more than ten years, through June 19, 2008. It also continued the Track A and Track B routes, appropriated an additional \$1.25 billion for payouts, and added a provision that prevented claimants’ homes from being foreclosed on while their cases were being adjudicated.

It came after Gary Grant, president of the influential and *Pigford*-evangelizing Black Farmers & Agriculturalists Association, had written Obama a letter promising him all the financial and ballot support the BFAA could marshal in the rural South in exchange for his continued work on the plight of the black farmer. Grant had told Fox News he didn’t care whether all the *Pigford* claimants were really farmers, since “if you are an African American, you deserve \$50,000, because your roots are in farming, and your folk have already been cheated.” Claimants, according to Grant, were “collecting what [their] grandparents didn’t have the opportunity to.”

Obama’s championing of Pigford II was seen by some as part of an effort to run up the score against Hillary Clinton with rural black voters in tough southern primaries. Whatever its purpose, the bill languished in committee through the 110th Congress. But Obama didn’t forget. As president, he signed the Pigford II legislation, and charged agriculture secretary Tom Vilsack and attorney general Eric Holder with negotiating a new settlement for unpaid claimants. It came in February 2010, with Vilsack’s announcement that the federal government would no longer stand vis-à-vis *Pigford* claimants “as an adversary, but as a partner.”

Head used the money he received to buy a used pickup truck to haul his produce and to fix his rundown tractor. But he also waited nine years for the debt relief promised in the original settlement, relief that never came. Had he known, he says, he would have spent differently.

Head says *Pigford* “did more harm than good” for black farmers “who are still out here, working the land,” because accepting the settlement meant being “shut out for life” from further compensation.

Head is still farming, “with what I can scrape and can scoop,” but he can afford to work only half his land, and imagines he’ll eventually sell it to the white farmer who owns an adjacent plot. His daughter has passed away, and his son has seen too much to have any interest in carrying the family tradition through a fourth generation.

At a December 8 signing ceremony, President Obama heralded Pigford II as the close of “a long and unfortunate chapter in our history.” In a way, one hopes the president is right—that the credulity, or perhaps the shame, of the American government and its taxpayers cannot be strained to accommodate the petty greed of more than 94,000 phantom farmers, and that the con will finally have run its course. But that is unlikely. Two *Pigford*-style class-action suits—one for Hispanic farmers, another for women—with the potential to dwarf current settlements are working their way through the courts. Like so many *Pigfords* to the trough.

NR

A Lion in HIGH SUMMER

Thomas Sowell, charging ahead

BY JAY NORDLINGER

Stanford, Calif.

THOMAS SOWELL has been a force among us for a long time. He turned 80 last summer, and is more a force than ever. He has the largest audience of his entire career. His syndicated column is now in more newspapers than ever before—over 200. And this at a time when newspapers are cutting back on content, if not disappearing altogether. His latest book, *Basic Economics: A Common Sense Guide to the Economy* (Fourth Edition), is the biggest seller he has ever had. His books number about 40 (depending on how you count). He has taught in many universities: Howard, Cornell, and UCLA, to name only three. But, as a “public intellectual,” he has taught society at large. In 2008, David Mamet, the playwright, called him “our greatest contemporary philosopher.”

The coming of Barack Obama means that we are in a Sowell moment—a moment ripe for what he has to offer. He is a conservative who specializes in reminding people of the fundamental (as suggested by the title of that book, “Basic Economics”). What is a free economy, and what is an unfree one? What does the Constitution say, and why is this document important? In a recent conversation, Sowell said that we are seeing “the slow but systematic dismantling of the Constitution.” And “the idea that ‘We the People’ are self-governing is being eroded at every opportunity.” Society-changing bills are rushed and rammed through Congress, before the public knows what’s in them—before even those voting on the bills know what’s in them. “Czars” dot the executive branch, issuing edicts. These power-wielders are barely known to us, and barely accountable.

Since 1980, Sowell has been a senior fellow at the Hoover Institution on the campus of Stanford University. It’s here that I have that conversation with him. He has a reputation for irascibility and cussedness. And he is surely one of the bluntest men in America. But I have always found him affable and delightful, with a ready and hearty laugh. Indeed, it is one of the readiest and heartiest laughs I know. Though he has not lived in New York for many years, he has an accent that screams of that city. For example, the universities are overrun by “Mawxists.” Sowell shares an accent with another son of Harlem, a man with whom he has practically nothing else in common, certainly politically: Congressman Charlie Rangel.

Sowell’s books cover a range of subjects: economics, of course, for that is the field of his formal training. And civil rights, cultural patterns, race and ethnicity, “late-talking” children, etc. He has no further books planned. He has “sung his songs,” to borrow an old phrase. He says that he has long had the luxury of writing only when he has something to say.

Otherwise, he keeps quiet. (But then, he is rarely without something important to say.) When he was a professor, he was loath to assign term papers to students, because “often there was nothing that they had to say that was worth a term paper.” As we talk over his books, he confides that he has a favorite: *A Conflict of Visions: Ideological Origins of Political Struggles*, published in 1987.

Like many, but not all, writers, Sowell is a constant reader. Lately, he has been reading *India Calling*, a new book by Anand Giridharadas. Sowell is a veteran India-watcher. He classifies India as one of our “fictitious countries.” What does he mean by that? Well, “people in the West who discuss India, discuss an India that bears no resemblance to the country actually located in Asia.” We think of Indians as spiritual, peaceful, and gentle, unlike us crass and violent Americans. This is nonsense. “To think that India had the chutzpah to join the worldwide protest against apartheid in South Africa. If an untouchable in India had the choice to be a black under apartheid, he would take it in a New York minute.” That is the sort of thing that Sowell says—a rather obvious truth—that others do not.

He writes when and what he likes, as we have heard. But there is an exception, at least to the “when” part: He has one recurring gig, that newspaper column. It is a weekly column, due on Monday. Sometimes he writes a two- or three-parter: two or three columns on the same subject, to be published on consecutive days (ideally). “But I only get paid for Part I,” he laughs. “The rest is just blowing off steam.” Among his most interesting and popular columns are those headed “Random Thoughts.” They offer quick, disparate observations or points. I tell him he was the original tweeter—that he was tweeting before it was cool. He has never heard of Twitter. “They call me ‘the last of the Luddites.’”

I have the impression that he writes his books and columns easily, without struggle or drafts. He knows what he wants to say, says it with dispatch, and moves on to the next activity. Is that true, or will he spoil my impression? “I have to spoil it.” He refers to his days of giving lectures in the classroom. “I’m sure there were students who thought that I sort of walked in off the street and started talking.” But that was far from true. Once, a student of his at Howard received a low grade. He told Professor Sowell how deflated he felt. “I studied so hard for that exam. I spent *two hours* studying for that exam.” The professor answered, “Do you realize that I spend more than two hours preparing a one-hour lecture on a subject I have taught before, and studied for years before that?” The student’s eyes widened.

And Sowell thinks back on a “crucial point” in his own student career. He was in his very first semester at Harvard. And his roommate said, “Tom, when are you going to stop goofing off and get some work done?” Sowell thought, *Goofing off? But I’m going full-bore!* When the midterm grades came out, he had two D’s and two F’s. Then he knuckled down. Today, he says the following about his roommate (who became a math professor): “His lighting a fire under me is probably the only reason I graduated”—which he did magna cum laude. He adds a comment about our present America: “How many white students are going to tell a black student, ‘Why don’t you stop goofing off and get some work done?’ Oh, heavens.” These students would be hauled up before deans, “at the very least.”



On Meet the Press, 1981

SOWELL started out in North Carolina, the product of what we might now call a “broken home.” It is spelled out in his 2000 memoir, *A Personal Odyssey*. He writes, “Here and there I encountered white people—usually grocers, peddlers, or occasionally policemen. But white people were almost hypothetical to me as a small child. They were one of the things that grown-ups talked about . . .” When he was eight, he and his mother moved to New York, where he encountered a very wide world. His first great ambition was to be a fighter pilot—this was during World War II. But he needed glasses, and that was the end of that. He next wanted to play center field at Yankee Stadium. “I used to play a lot of sandlot ball. I took a lot of pride in my hitting, but I was absolutely vain about my fielding.”

In the spring of 1948, when he was 17, he had a tryout with the Brooklyn Dodgers. He was really a center fielder, but he had not had time to prepare as he thought he should. So, he took a shot at first base. “They hit to me what they called ‘grass-cutters.’ I was not very good at that.” He did not know, but would soon learn, that if you didn’t pass the fielding part, they wouldn’t let you hit. “There was an old abandoned factory behind right field, and I could just see hitting the ball through some of those windows.” He never got the chance. “I consoled myself by saying, ‘You know, they lost Johnny Mize that same way.’ They tried out Johnny Mize, but his fielding didn’t

impress them, so he never got to hit.” Mize was voted into the Hall of Fame in 1981.

The young man from Harlem earned degrees at three elite institutions: Harvard, Columbia, and the University of Chicago. It was at the third of these that he got his Ph.D. in economics. “I was a Marxist when I went to the University of Chicago, and I was still a Marxist after I took Milton Friedman’s course.” Incidentally, he holds the Rose and Milton Friedman chair at the Hoover Institution. “But just one summer as an economics intern in Washington got rid of *all* of that.” Sowell worked in the Labor Department, in the Wage and Hour Division. He was interested in whether minimum wages helped the poor by raising their pay or hurt them by denying them jobs. He found that the personnel around him were interested in other things: namely, the preservation of their own jobs, and the perpetuation of government programs. “Government has its own incentives,” he says. He was on his way as a conservative and free-marketeer.

For the first decade of his career, he wrote almost exclusively about the history of economic thought. British and Canadian journals were more interested in this subject than American journals were, so he tended to publish there. Editors at these places had no idea of his race. They had no idea that Howard, where he worked in the 1963–64 academic year, was a black institution. They were just receiving submissions from an American economist. Sowell says that he was spared some of the travails that other black writers and academics went through. “They would always wonder, ‘Was I given this because I’m black or because I did the work?’ It’s really a poisonous thing.”

When he started writing about race, in the early 1970s, he had a great deal of support from other blacks—but it was usually “quiet support,” or “private support.” They would cheer him on from the shadows. They would not stick their necks out, as he himself did. For a time, Sowell and another economist, Walter Williams, seemed to be the only black conservatives around. “This was not because Walter and I knew something that nobody else knew; it was because we were the kind of people who would say things that others wouldn’t.” Sowell likes to point out that both he and Williams faced courts-martial: Williams in the Army, Sowell in the Marine Corps. “We both beat the rap, but I think it shows that we were not the kind of people who, you know—fell in line very easily, even in a military organization.”

Did Sowell take any pride or satisfaction at all in the election of Obama in 2008? “No.” He never doubted that a black man could be elected president. “But there are many people with a vested interest in believing that racism permeates everything.” He thinks that Colin Powell should have run, and would have won. “He had a chance to make a major impact on this country.” What if Obama loses in 2012? Will that have an adverse effect on American race relations? Oh, yes. “I would go out on a limb and predict race riots. I can’t imagine that the Al Sharptons, Jesse Jacksons, and the whole group of their imitators would sit idly by. It could be the cleanest election ever held on American soil, and they will say he was cheated out of it.”

Sowell has little patience for the relatively recent term “African American.” In fact, he has almost a spitting contempt for it. He believes the term increases separatism, a racial apartness. Moreover, “the average black family has been in this

country longer than the average white family,” in all probability. “I never heard Eisenhower referred to as a ‘German American.’ I never heard FDR referred to as a ‘Dutch American.’ Even in colonial times, most blacks in the United States had been born in the United States.” He remembers something that Edward Brooke once said. Brooke is the ex-senator from Massachusetts (Republican) who grew up in Washington, D.C., and went to the famed black high school, Dunbar. There was no emphasis on Africa in those classrooms. “We studied Africa like we studied Finland.” The students themselves were Americans, and there was no distant, continental motherland.

In the course of our conversation, Sowell and I talk about one of his pet peeves: the notion that people ought to be evenly distributed across institutions and occupations. Evenly distributed by race and ethnicity, that is. And if they are not, someone has been done wrong, somehow. Sowell says that, if you take a look around the world, “people aren’t evenly distributed anywhere, in anything. Gross disproportions are the norm, whether or not there is any discrimination going on.” He talks about Armenians in the Ottoman Empire, and Chinese in Malaysia. He also cites an example closer to home: “I watch a lot of football. Over the years, I’ve seen hundreds of blacks score a touchdown. I have never seen a black player kick an extra point.” And he has a coda: “Imagine if there were different organizations supplying running backs and extra-point kickers. The ones supplying the extra-point kickers would have the EEOC all over them.”

Later, he recounts a story told about Ronald Reagan, stemming from Sacramento days. Someone said to Reagan, “Governor, if Berkeley admitted students strictly on their academic qualifications, you could end up with an all-Asian university.” Reagan said, “So what?” And Sowell makes a point that has been made before, and should be made again, and again: These students “are inheriting the Jewish quotas of the early 20th century.”

ASKED to comment on abortion, Sowell says, first, that the courts should have stayed out of the matter. “They were solving what was basically a non-problem. There was no serious controversy over abortion prior to *Roe v. Wade*.” States were addressing the issue in their various ways. Second, it is almost impossible to get “an honest discussion” about abortion. No one will say what an abortion actually is. We resort to euphemism and other methods of avoidance. Sowell says that, like many people, he had always thought of abortion in a particular way: An “unformed mass of cells” existed “somewhere in the body”; a doctor removed it, and that was that. But “once I began to learn about these ultrasounds,” it was plain that “there’s a little person in there,” which is a “different ballgame.” Sowell notes that people like to say, “A woman has a right to do whatever she wants with her own body.” But it should be obvious that there’s another body in question.

Now to another “hot-button issue,” namely gay marriage. Many conservatives, even those opposed, believe that it is inevitable. Does Sowell? “Nothing is inevitable until it happens. But I am enormously pessimistic.” As indicated by those words, he believes that gay marriage would be a harmful

development. “There *is* no gay marriage. There is marriage and then there’s the redefinition of marriage. And if you’re going to redefine marriage for the gays, why in the world not for polygamists?” Why not for others as well? The debate about gays in the military, Sowell says, has been “very depressing.” “We talk about the right of gays to be in the military. *Nobody* has a right to be in the military. The military doesn’t exist as a jobs program. I mean, their job is to stop other people from killing us, and at the risk of their own lives.”

Ranging over the world, we light on Europe. Some people think that radical, political Islam will soon alter it forever. Sowell tends to agree. “It reminds me to some extent of what happened in academia in the Sixties, when the people in charge developed a tactic of preemptive surrender. I remember in the Seventies the congratulations that the violence of the Sixties was no longer on campus. Yes, you can always end violence by surrendering.” What about the rise of China? Sowell says that, from a “humanitarian” point of view, it’s a wonderful thing. In the past, millions of Chinese starved to death. “I grew up in an era when, if you didn’t eat your food, your mother would say, ‘There are children starving in China.’” Now it has been determined that “something like a fourth of Chinese adults are overweight, which was utterly unthinkable at one time. So, that’s really a great humanitarian story.” The rise of China militarily is something else. “I think it’s just criminal—criminal negligence at a minimum—that the Obama administration is cutting back the American military while the Chinese are going full blast ahead,” while the North Koreans are playing games with nukes, and while the Iranians are on the verge of acquiring them.

I ask whether Sowell is confident of Israel’s survival. Almost before I can get the words out of my mouth, he answers, “No. I am not.” He continues, “For that matter, I’m not confident of American survival.” Why? “Nuclear weapons are something else again. They’re not just another variable in the equation.” That is a mind-concentrating point, typical of Sowell. So is this: “I don’t find it inconceivable that an American government will surrender. The Japanese surrendered after two nuclear bombs. The Japanese were a *hell* of a lot tougher than Americans are today,” on average.

Here is something maybe a little less apocalyptic: Sowell is a great lover of nature. He spends a lot of time out of doors, in parks, snapping pictures, taking it all in. But he is no environmentalist (as the term is currently understood). He frequently points out the follies and abuses of the greens. “I’m fascinated when they talk about these ‘delicate environments.’ What gets me is how people can get away with undefined terms. What do they mean by ‘fragile environment’?” I suggest that they mean they don’t want you to go there. This earns a long, hearty Sowell laugh. He says, “‘The fragile environment’! I should be so fragile! I’ll be out somewhere, looking around me, thinking, ‘This environment has survived thousands of years of earthquakes, volcanoes, storms, and so forth’”—and yet it persists.

As does Sowell. There is no one else like him, although he is far less lonely, politically and philosophically, than he once was. He is looked up to by many, many people as a guru—or if that is too 1960s, an all-purpose teacher. He will leave behind a stack of books, for future generations to learn from. He shows no signs of slowing down, at least that I can detect. And, while it may be true that no one is indispensable, Sowell is needed.

NR



The Long View

BY ROB LONG

Tweets from @youthcaptain, the next leader of the Democratic People's Republic of Korea:

Was supposed to have some Dad-and-me time today. He's "too busy" watching stuff in Egypt and Jordan etc. Sigh. Just want him to hug me and tell me I matter. #fathersand-sonsarecomplicated

Greatest thing about Pyongyang traffic? Can really open up the 540i. Worst thing? No other traffic to swerve through.

@gamalmubarak Read that Egyptian gov pulled plug on Web. But you're still tweeting. Awesome! #iloveverizon

Talked to Dad re: stuff happening in Cairo. Can't happen here, right? Dad laughs nervously. #stufftoworryabout

To my friends in Cairo: Think about the negativity you're spreading. More flies with honey, is all I'm saying. #howaboutsomegratitude?

@youthcaptain just checked into Hall of the People's Devotion to the Dear Leader. #foursquare

@gamalmubarak Totally sucks about what's going down out your way, bro. Feel for you majorly. #hardto-bethesonofagreatman

Really tense atmosphere around the TV room. Dad and generals watching four screens.

Camille may be unlikable and nuts, but would prefer her to crazy Kim or any of the gals from Atlanta. #RealHousewivesofBeverlyHills

Tunisia, Egypt, Jordan, Yemen. Not loving this. Glued to CNN. (Fox News too right-wing.)

Finally got Dad's attention when he saw one of my tweets on Egypt scroll

by on CNN. Got the famous "I'm not happy with you" look.

@youthcaptain just became Mayor of Hall of the People's Devotion to the Dear Leader. #foursquare

At leadership conference, General Won presented contingency plan for unrest in Pyongyang. Sounded like a good plan to me. Dad disagreed. Had him shot.

DM @gamalmubarak Would love to be able to send you the \$\$\$ you requested. Things tight here, tho. On a short leash thanks to you know who.

I'm on chatroulette! Come find me! #chatroulette

Dad says need to "get serious" and "tighten up" things around here. Hope he doesn't mean my iPhone. Connectivity and social media are what I live for. Oh, and pancakes.

DM @gamalmubarak Paypal? Send me the deets and I'll do what I can. AMEX bill comes to Dad's people so hard to hide.

Say what you like about Fox News. The chicks are a lot hotter than on al-Jazeera. #notbeingsexistjustbeing-honest

Sat with Dad in TV room. He watched news. I played guitar and sang "Cat's in the Cradle" for him. He didn't get it.

Hey Tweeps! If I have to make a fast escape from Pyongyang due to unrest etc. where should I go? Anyone want to meet up at South by Southwest? #sxsw

Long meeting today with Dad and old dudes. Am being ordered to spear-head construction of Internet kill switch. Not sure they get it. Only one on Web in DPRK is me.

@sarahpalin @glennbeck @breitbart How is calling Mubarak a dictator not H8 speech? #whathappenedtocivil-ity?

All of a sudden not allowed to watch *Glee*—apparently we're all supposed

to be focused on unrest a bazillion miles away. I do not get this. #forest-forthetrees

@foxnews I find the terms "dictator" and "despot" to be offensive. Please use the term "post-democratic leader."

@gamalmubarak Just saw you on al-Jazeera! How'd you lose all that weight? Lookin' good, bro! IM me on Skype and we'll chat if your 'net is up.

Dad freaking out at news from Mideast. Planning crackdown here. I keep telling him: Think about your personal brand. He looks at me like I'm speaking Swahili.

Anyone in Twitterverse using Path app? Want to share paths? DM me!

You know who I don't get? Hannity. Seems like weird flow from him to Beck and O'Reilly. Also: never ever answers my DMs.

Tried to talk to Dad about possible collapse of DPRK government. Me: You'll bring me with, right? Him: says nothing, keeps watching Greta. #just-wanttobeloved

@amychua Loved loved loved the Tiger Mom book. Could sing a lot of bars of that. DM me re: sequel on Tiger Dads. Could tell you LOTS of stories.

Dad explains that riot police in Tahrir Square using rubber bullets. Both of us puzzled by why they're not using real bullets and/or flamethrowers.

@youthcaptain just checked into Glorious Pavilion of a People's Love of the Great Leader Coffee and Tea Emporium. #foursquare

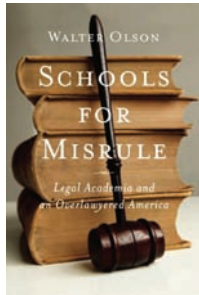
Made a big decision. Would like to go into exile in either South Beach in Miami or in Austin. #hipstersrule

Watching video of Mubarak etc. and panel on Fox News saying he has to go. Getting nervous. Dad puts hand on my shoulder, says if that happens here he'll go nuke first. Feel better. Nice moment.

Books, Arts & Manners

The Gilded Guild

ROBERT VERBRUGGEN



Schools for Misrule: Legal Academia and an Overlawyered America, by Walter Olson
(Encounter, 296 pp., \$25.95)

WALTER OLSON is one of the nation's leading critics of the litigation explosion. Through his blog, *Overlawyered*, as well as his books and his work as a think-tank fellow, he has made the case that lawsuits have become a first resort for resolving many types of conflicts, to the detriment of the economy, the government, and liberty. In his latest work, *Schools for Misrule*, he takes a look at how law schools have contributed to this trend.

If the book has a flaw, it's that it lacks focus; it covers everything from politics in the classroom, to torts, to slavery reparations, to international human-rights law. But if *Schools for Misrule* is seen as a loose collection of essays about what's wrong with the modern legal world, with an emphasis on academia, it works well. An important theme here is that in law, careerism is a powerful force. As a result, the worst left-wing impulses of the legal academy tend to stumble when they come into conflict with lawyers' self-interest, and to succeed when they advance it.

Take, for example, the legal academy's attempt to politicize the classroom. It has been successful in many ways—see, for example, the field of “critical race theory”—but Olson describes a significant and effective pushback. Many

students have used teacher evaluations to complain about professors who teach their political views instead of the basics of the law, and, in the 1990s, several critics sounded the alarm that, as one put it, “law schools and law firms are moving in opposite directions.” Olson reports that “matters have improved” in the years since: “Careerism,” he adds, “just might have saved the day.”

Students have also resisted some elements of on-campus free legal clinics, which were set up in the interest of promoting “social justice” via “public-interest law”—that is, suing the government and private businesses to force them to adhere to the liberal agenda—while giving students the opportunity to do real legal work. This resistance is not a result of conservative principles, but rather of the simple preference of many students to work in more practical fields, such as business counseling. (Another factor is that those who did pursue liberal causes often came away cynical. One student worked with a sympathetic woman, trapped in a marriage with a man who had abused their daughter, with the result that the child was taken away; she wanted a divorce and her little girl back. Except, it turned out after several months of pro bono legal work, it was the woman herself who had abused the child.)

One other reason clinics haven't fulfilled their creators' dreams is that “public interest” litigation has become quite profitable—thanks to plaintiffs' new ability to recover legal fees—and therefore, practicing lawyers are taking all the cases. And that's where we see the true genius of legal academia, and the legal profession in general: It manages to argue, on moral grounds, that it deserves more work, more money, and more power. This subject—how lawyers are

unstoppable when their self-interest jibes with their left-wing beliefs—sits squarely in the middle of Olson's wheelhouse, and he handles it expertly.

Time and time again, the legal profession has leveraged its immense political power—lawyers constitute about 60 percent of the Senate and 40 percent of the House, not to mention nearly 100 percent of the judiciary and a sizable chunk of many politics-related fields—to twist the law in its favor. Lawyers start by advancing perfectly reasonable arguments, often in law reviews, and then slowly push policies into ridiculous territory.

Take, for example, the various shifts that led to the explosion in tort cases. Some of the old policies really were problematic, or at least debatable. The rule of contributory negligence held that if your own negligence contributed to a problem, you could not sue someone else who had been negligent as well. This had the advantage of keeping many cases out of the courts—but if the negligence of two people injures one of them, why should the non-injured party get off scot-free?

Or, say a company sells a product in good faith, and follows the law in doing so. Years later, it turns out that the product causes cancer. It hardly seems fair for the company to have to pay for its customers' medical bills; but it's no more fair for the customers to have to pay, as they did under the old system. It was self-interested, but hardly unreasonable, for lawyers to suggest that the deep-pocketed company should foot the bill.

Similarly reasonable was the use of judicial injunctions to compel school desegregation in the wake of *Brown v. Board*. Southern school districts were openly defying the ruling, and had a long history of racial discrimination, so judges asserted control over the districts' practices.

All of this was soon twisted. Tort lawyers and their academic supporters began advocating policies that advanced no one's interests but, well, tort lawyers'. As a result, class-action suits have become comically easy to file, and product-liability law has become a minefield for



“Don't you hate it when they look back at you?”

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businesses. And don't forget: Whenever an anti-business crusader files a lawsuit, the targeted business has to hire a lawyer, too. It's a win-win.

Injunctions have been abused as well. As is wont following civil-rights victories—which, almost without fail, eventually come to be seen as unimpeachable—the Left took the hammer it had used to implement *Brown* and treated the rest of the legal landscape like a nail. Judges took it upon themselves to decide countless questions far removed from their areas of expertise, right down to whether the hotel rooms that New York City provided to the homeless should have cooking facilities. Yet another win for the Left, and another reason for everyone to hire more lawyers.

There are exceptions to the trend that left-wing activism prevails only when it works hand-in-hand with lawyers' self-interest; on a few occasions, self-interest seems to play little if any part. For example, the American Bar Association and the Association of American Law Schools have been given the authority to accredit law schools, and thus the authority to force their political agenda on students and schools. Similarly, many donors to law schools—the Ford Foundation in particular—have used their funds to push schools in a leftward direction. (Both ABA requirements and Ford grants, for example, helped to drive the rise of on-campus legal clinics.)

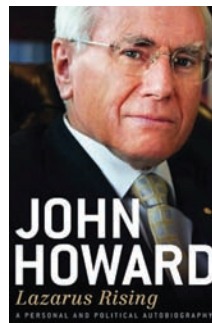
Olson does not, unfortunately, say much about what we should do about all of this. In the book's conclusion, his main suggestion is that law schools should refocus themselves on teaching the law rather than changing it. But one idea, suggested by George Leef of the Pope Center for Higher Education Policy, would be to eliminate the government mandate that lawyers go to law school. We already have ways of making sure a lawyer is qualified—the bar exam, coupled with the revocation of law licenses for crimes and malpractice—and it makes absolutely no difference whether someone acquires his legal knowledge at an accredited law school or from books he ordered on the Internet and studied in his parents' basement.

If law schools are so terrible, why not give students an alternative in the free market?

NR

Australian Model

ARTHUR W. HERMAN



Lazarus Rising: A Personal and Political Autobiography, by John Howard
(HarperCollins, 512 pp., \$59.99)

THINK of him as the Tea Partier from Down Under. John Howard, the second-longest-serving prime minister in Australian history and leader of the Liberal (in American terms, read Conservative) party to victory in four successive elections, was the son of an independent-filling-station owner in a Sydney suburb. One day, the local government council demanded that Lyall Howard move his pumps from the roadside to make room for a traffic light. The move ruined Howard's business. The light wasn't installed for a decade.

"This incident reinforced the feeling in my family that governments, generally speaking, weren't all that sympathetic to small business," John Howard writes in his autobiography. "Big companies could look after themselves and unions were strong, but the little bloke got squeezed."

It was his Obamacare moment. John Howard would dedicate his political career to keeping people like his parents—hardworking, religious, committed to traditional values—on the radar screen of Australian politics, and the focus of conservative economic and fiscal policies. It has made him deeply

*Mr. Herman is a visiting scholar at the American Enterprise Institute. His most recent book, *Gandhi and Churchill: The Epic Rivalry That Destroyed an Empire and Forged Our Age*, was a finalist for the Pulitzer Prize in 2009.*

unpopular with his country's intelligentsia. It also made him Australia's dominant political figure of the past quarter century. It's a record Ronald Reagan might have envied, and one that GOP politicians might emulate today.

The gas-pump fiasco was John Howard's first important political lesson. The Vietnam War was the second, when he became involved in politics in the early 1970s. Americans tend to forget that Australia was our staunchest ally in that ill-starred war. More than 61,000 Australians served and 2,900 were killed or wounded. Howard saw support for America and fighting Communism as matters of honor as well as of defending freedom—an attitude that subsequently made him one of our strongest supporters in the Iraq War and the broader War on Terror.

Back in 1972, Australian Labor-party leader Gough Whitlam used opposition to the Vietnam War to propel himself into the premiership; in that post, he instituted the most sweeping left-wing agenda in

Australian history. Universal health care, an end to the draft and capital punishment, recognition of North Vietnam and Red China, and free legal aid were only a few of Whitlam's radical changes. An economic ignoramus, he sent government deficits soaring when the economy stalled out and, most disastrously, tried to peg wage increases in private industry to wages in the public sector in order to curry favor with Australia's powerful unions. Finally, in 1975, Australia's governor general had to intervene and strip Whitlam of his office. What was left was a country with 14.4 percent inflation, rising unemployment—and an opportunity for some fresh economic thinking.

In 1977, John Howard was a free marketer, even though Australian politicians, notably including his own party's leader, Prime Minister Malcolm Fraser, were—like politicians most everywhere at the time—“all Keynesians now.” That year he became Fraser's treasurer, and pushed cuts in public spending and a rollback of union power. This Thatcherite

agenda was undercut by Fraser's insistence on tax increases to balance the budget. When those increases delayed full economic recovery, Labor came back in. But Howard's stab at free-market reform had proved effective and popular enough that Labor's new leaders—including their chief, Bob Hawke—had to assume a Clintonian mask of fiscal discipline and free-market reform in order to stay in office.

In 1985, Howard was chosen as leader of the opposition Liberals. His account of the intra-party bickering that led to his downfall as party leader four years later makes slow reading for the non-Australian. Nonetheless, in 1995 the Liberals turned back to Howard to lead them out of the wilderness. Their moment came in 1996, when Howard handed Labor the second-worst defeat of an incumbent government since Australia became a federation in 1901. And his performance, once in office, is rich in lessons.

How does a politician govern con-



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servatively in the face of a leftist intelligentsia and media? The most important thing is to stick to your principles. “The goal . . . was to remove . . . the speed limits on the growth of the Australian economy,” Howard writes—and to do so by rolling back regulations and “growing the supply-side factors that are fundamental to our productive capacity.” With the help of his treasurer, Peter Costello, he slashed government spending, privatized industries (such as the communications giant Telstra), and forced Australia’s labor unions to accept firm limits on the growth of wages and pensions. He refused to publicly apologize for Australia’s treatment of its aboriginal population, as the political-correctness squad demanded. Howard believed (rightly) that economic growth was the best basis for racial healing. He got extra help by expanding trade with a growing China, hungry for Australia’s raw materials. The result was 20 years of uninterrupted economic growth.

Also important: Remind people of your successes. Thanks to Howard and Costello, Australia is today one of the freest economies in the world. It is not only one of the lowest taxed, but one of the lowest in terms of the inequality of income and wealth. Many credit this to Howard’s Goods and Services Tax, implemented in 2000, which followed a major tax overhaul involving deep cuts in taxes on income, wholesale transactions, banking, and some fuel sales—combined with rigorous means-testing for government social-welfare programs. Others credit Australia’s burgeoning export trade during the Howard years, from iron and coal to wheat and wool; it is today worth \$90 billion more than all the trade between the United States and Japan. What some worry about as a surrender of sovereignty Howard sees as an example of free trade lifting all boats—but also a valuable lesson in how to remain a partner rather than a vassal of the Chinese dragon.

Value-added taxes are not popular in Washington at this moment, and for good reason. Still, Howard’s achievement shouldn’t be overlooked—especially because of what *hasn’t* happened in Australia: no bursting real-estate bubble; no banking crisis or financial meltdown; above all, no imploding welfare state or deficit avalanche.

You would think this would be enough to qualify John Howard as Australia’s Ronald Reagan. But he also managed to

put Australia back in its rightful place on the world stage. The first act came in 1999, when Maj. Gen. Peter Cosgrove and Australian troops led a U.N.-backed force into East Timor to support its independence from Indonesia. It was a watershed moment for the Australian military, by every measure one of the best and most professional in the world. After Vietnam it had largely retreated into the shell of home defense, including exercises denying imaginary foes access to the Great Sandy Desert. East Timor made it once again an effective expeditionary force, with a mission that has been described by Australian military expert Michael Evans as follows: “as political as possible and as military as necessary.” That’s a good motto in the age of counterinsurgency.

The second came with Australia’s 9/11, the al-Qaeda bombing in Bali that killed 88 Australians (in proportion to the population, the equivalent of 1,200 Americans today). Howard was a witness to our own 9/11, and describes being in Washington on the day Flight 77 struck the Pentagon. The Bali bombing only confirmed his insight at the time—that the most important struggle of the 21st century would be the fight against Islamic terrorism and its allies. He would stoutly back Bush in Afghanistan, and in the invasion of Iraq, sending 2,000 Australian troops there.

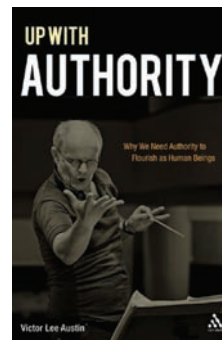
If Australia’s contribution to the Iraq War is small in numbers, it is vast in strategic significance. Australia is steadily emerging as our next strong partner in the Anglosphere, and the ties between Canberra and Washington as the new Special Relationship, as the old one with Britain seems destined to shrivel away.

Even more remarkably, Howard brought about a sharp rightward shift in the domestic public debate. His Labor rival Kevin Rudd discovered this after defeating Howard in a contentious election in 2007, and then trying to implement an ambitious cap-and-trade scheme in obeisance to the global-warming orthodoxy. Public opinion not only defeated the bill; it forced Rudd to step down. Now the government of New South Wales, probably the most progressive in the country, is leasing its offshore waters for natural-gas drilling.

Who knows? The 112th Congress could do worse than to adopt an Australophile position. Maybe there is room in its political menagerie for a kangaroo as well as the elephant.

A Kind Word For the Man

JOHN WILSON



Up with Authority: Why We Need Authority to Flourish as Human Beings, by Victor Lee Austin (T&T Clark, 192 pp., \$29.95)

AUTHORITY is a curiously neglected subject. Round up a gaggle of grad students, and they can discourse about power and hegemony into the wee hours. And as you are nodding off, they are getting their second wind, launching into the mystifications of sovereignty, citing Carl Schmitt and Derrida. But *authority*? What is that, exactly? For their next seminar, they should read Victor Lee Austin’s *Up with Authority*.

Austin is theologian-in-residence at Saint Thomas (Episcopal) Church on Fifth Avenue in New York. His book is as pleasingly idiosyncratic as his title. (How many congregations support a theologian-in-residence?) It is not a work of theology, strictly speaking, or philosophy, or political theory, or psychology, or sociology, though it touches on all of these, grounded in the conviction that legitimate authority “comes from God and no thing, no being, no realm is outside his dominion.” It is not a polemic against what theologian R. R. Reno, commending Austin’s book, calls the “antinomian sensibility” of the “post-modern era,” in which authority is regarded as “something to be grimly endured—or simply overthrown.”

What is it, then? Austin explains his

Mr. Wilson is the editor of Books & Culture, a bimonthly review.

purpose in the very first sentence: "The point of this book is to show that we need authority to be ourselves." Or, as he puts it a bit later, "we humans need authority simply in order to be what we are, because to be human is to live socially, and to live socially at all beyond the most minimal level requires authority." What follows, in roughly 160 pages of text, is an extended essay, at once learned and conversational, fleshing out this thesis.

At this point I imagine two sets of readers deciding that they don't need to hear any more about Austin's book, let alone read it themselves. The first set consists of those already persuaded of the indispensability of authority. The second set comprises diverse parties—libertarians, self-styled populists, and so on—congenitally suspicious of authority (or so at least they suppose). Both sets assume they already know what Austin is going to say. They are wrong.

According to the conventional wisdom, defenders of authority are rather inflexible types. Faced with the ambiguities of life in the Modern World, they retreat to the comfort of premodern convictions. (This perspective seems to have informed President Obama's notorious assertion that opponents of his policies, addled by fear, are resistant to "facts and science and argument.") But Austin begins his account of authority by insisting on the acceptance of paradox—indeed, he speaks of "the paradox that is authority."

Where, to begin with, does authority originate? Not, as some suppose, in consensus. No: "Authority has to do with our

understanding (our consent), but it was there before we began to think about it." Authority is "*already there* in the world around us within which we come to be as humans."

Here again, some readers will be feeling itchy, as if they were being dragged against their will into the thickets of phenomenology. It is all very well, they might say, to talk in this high-toned way about authority, but the mundane reality is quite different—in Chicago, say; or in a small city that has suddenly found itself bankrupted by unsustainable pension commitments; or in Washington, D.C. And it's not only political authority that is frequently corrupt or incompetent or both: "Epistemic authority," as Austin calls it, is often flawed, as is ecclesial authority—authority of all kinds, in fact.

Yes, Austin acknowledges: "That authority is necessary for human flourishing is no guarantee that authority will be exercised wisely." He devotes a chapter to authority and error. Because he is writing to counter a pervasive distrust, he errs slightly, I think, in the direction of deference to authority. But his account is in no way naïve. Indeed, his reflections on how "we live with fallible authority," which would always be in season, are particularly timely just now.

Consider the fashionable notion that there are striking parallels between Germany in the 1930s and the United States at this moment—posing challenges for American Christians today that are very similar to the challenges faced (or evaded) by German Christians then. My friend Eric Metaxas, for example, has

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emphasized this parallel in interviews occasioned by his recent biography of Dietrich Bonhoeffer. Oddly enough, the same notion was advanced by Christians on the left during the presidency of George W. Bush. Austin's frank acknowledgment that human authority is always fallible should encourage us to be wary of such dramatic pronouncements, even as he sketches a range of justifiable responses to errant political authority, all the way through to revolution. But Austin doesn't stop there: "At times," he writes, "the human good requires that we submit to social authority that we believe is wrong." In quotidian circumstances, he counsels patience and humility.

I said that *Up with Authority* is pleasingly idiosyncratic. How else would you describe a book that concludes with a chapter titled "Authority in Paradise"? This chapter goes helpfully against the grain, unapologetically considering the rather astonishing promise that Christians have affirmed for the last two thousand years. How, Austin wonders, might authority function in heaven? Those who have followed his argument only because they want to refute it will feel smug when they arrive at this conclusion. (How fitting, they will say, that Austin meditates on Dante. The man is positively medieval!) But perhaps this chapter will also serve to remind some Christians what they believe.

Austin's account of the "dynamic movement" of the Trinity is the culmination of his argument, illuminating everything that has come before. "Authority is not static," he writes. No: "The Son's authority comes from his eternal, obedient submission to the Father. Authority is the structure of reality: to have it is to be under it. Jesus' resurrection also shows the converse: truly to be under authority is to be lifted into authority. The Father eternally bestows himself upon the Son." Paradox cubed. And a little later: "Heaven is not 'me and God,' not 'me and Jesus'; nor is it 'me and all the other pretty decent people who can learn to exist alongside each other.' Heaven is the realm of the Holy Spirit, the realm, that is, of true communications."

Really? "True communications"? How could we know that? By what authority? What does it even mean? Those are questions for another day. But I suspect that Victor Lee Austin would be happy to take them up with you. **NR**

The Old Is New Again

SARAH RUDEN

THE *GOLDEN ASS* of Apuleius, which I am in the process of translating, is like a telescope. Through this work of the mid-second century A.D., you can see a whole hemisphere and 4,000 years of literature, from the bards of pre-alphabetic Asia Minor in one direction to the New Orleans of John Kennedy Toole's *A Confederacy of Dunces* in the other.

The Roman author (actually a cosmopolitan North African) was also an orator, with all the learning typical for that profession. He could whip out a homily based on Homer; spoof contemporary book fashions; stuff his narrative with incidents and personalities familiar from Plautus, Rome's greatest purveyor of farce; and execute hit-and-runs on every other genre in the ancient Eastern Mediterranean.

On the other side, the telescope shows a gentle stretch down into the Western future. Either *The Golden Ass* or Lucian's *True History* is the earliest complete comic novel we have. In the fragmentary *Satyricon* of Petronius and the epitome of the original Greek donkey story, we can see precedents for Apuleius's novel, but his undertaking still looks wildly odd when set beside either the Latin and Greek canon or mainstream "subliterary" works of the time.

There were romances in Greek, but Apuleius was up to something very different from bringing two beautiful, chaste lovers together in marriage after many tribulations. His narrator, Lucius, beds an eager slave girl near the beginning of the story. The affair is important only in leading to the book's central crisis: Lucius is transformed into a donkey after he persuades his girlfriend to help him meddle in her mistress's sorcery workshop. From that night on, he endures a donkey's slavery and humiliation, relieved only by fragile rescues and species-inappropriate larks, until his miraculous deliverance.

Particularly in its ending, *The Golden*

Sarah Ruden is the translator of, among other classical works, Vergil's Aeneid (Yale).

Ass is something new. Lucius finds a savior in the goddess Isis. Restored to his human form, he devotes his remaining life to her cult as a celibate priest. In the last of the novel's eleven books, he tells of spending whole days in blissful contemplation of her image, and of spending his whole fortune on three posh initiation rites. Though the novel competes with or dismisses Christianity (there's a portrait of a very nasty Christian), the themes of conversion and a personal relationship with the divine feel quite modern. Very much unlike the typical ancient Greek or Roman, Lucius is no longer a creature of his clan or city or property or profession. His homecoming is inward, his god is all-sufficient, and he confidently hopes for a privileged afterlife.

But Apuleius's Latin is anything but cloistered: It reeks of the bazaar, the festival, and the dinner party. He combines the slang of Plautus, the sophistication of Cicero, the mannerisms of Seneca, poetic touches from epic and lyric—and some words found nowhere else. They are *hapax legomena*, "things said a single time" in all of existing literature.

Besides this, he seems unable to keep his squeezing, manipulating hands off any words, no matter how tender or inexperienced they are. For instance, *postliminio*, "by right of return," normally described a legal state and was not very common. Apuleius turns it into a metaphor and throws it all over the place: In his text, it's usually just Fancy-Pantsish for "back again." Legal metaphors (like "to read someone the Riot Act") are nothing unusual; but in every kind of expression, nobody is as excitable as Apuleius. He's much like a 19-year-old boy on a date, for whom *anything*—that tuft of weeds!—or the girl's statement that she wants to go home!—isn't just itself but an *opportunity*.

But Apuleius's is the good kind of excess. With intricate discipline, he *works* his playfulness. He ties up loopy gaps between registers with rhyme or alliteration, tightening meaning at the same time. Smooth rhetorical periods and delicately woven poetic imagery contain obscenity or violence, like a groundhog in a frilly dress: yet another reason to sit up—but always at a swerve of the wild narrative, and therefore never irritating.

As this became clear to me in all its daunting detail, I was more inclined to think of the telescope as a torture device, forcing me to see how, by comparison, modern American literature has gone to

pot. A translator tends to look immediately around her for the analogies without which there is no hope of getting anything across. *The Golden Ass* is the ultimate literary work, so why not look at other literature for hints on how to translate?

Unfortunately, my training as a “creative writer” made me look not just to the wrong books, but to the wrong idea and process of writing. Uselessly, I tried to come up with “original” takes on Apuleian phrasing—as if my understanding and experience of his work were the big cosmic deal—rather than to adopt something like his own methods of borrowing, cultivating, and decorating.

I graduated from a prestigious writing program, you see. Most of my teachers assured me that to communicate is morally wrong. My job was strictly to “express” (like toothpaste) what it was like to be in my head, and in my terms and nobody else’s (just leaning on that tube with my unique poundage). Using, let alone working, let alone extending, a traditional language was tawdry.

But there is hope for my Apuleius in English, since I was ravished from this academic prison by an unfashionably literary man, my husband, Tom. He pointed me to authors far outside of scholarly favor, who are condemned in public for their slatternly ornamentation (as well as their unenlightened minds) but resorted to in secret by persons of culture; authors such as Kipling. From these sources I too began to find relief, though their usual admirers are men. (My private name for this class of books rhymes with “chick lit.”)

Apuleius, like these authors, seems to have freebooted across literary seas to surprise his readers in the complacent metropolis. His terms are often strange-looking at first—as if displaced or poorly fitting, so that writing-handbook strictures about consistent register come to mind. But I learned through my study of outcast modern authors what his purposes likely were. A P. G. Wodehouse heroine decrying her bohemian fiancé’s descent into respectability warns, “Every day you will air the dog, till you become a confirmed dog-airer.” *Confirmed*—like an opium fiend. Similarly, in *The Golden Ass*, a word usually connoting warfare may be used for a domestic fracas, or a word usually connoting political intrigue for a meeting of farm animals—and on and on. Nor does the author limit this device to the potshots of parody: In his tragic insets (dense in the

later books) he uses low language for the pathos of ignorance and simplicity (in a way now usually banned as condescending) and high language for shameless wickedness.

All the time, the first-person narrator, with whom many readers identify the author, is commenting. He is sometimes urbane, sometimes naïve; sometimes ironic, self-pitying, and sympathetic within a single sentence. But for a really ingenious author, it’s possible to whip across three lanes of registers in two seconds and evoke not honks of rage but sighs of admiration.

To translate a passage in Apuleius in which a Roman soldier confronts a monolingual Greek peasant in Latin and finds he must speak Greek—rendered as bad Latin in the text—to communicate, I took a little inspiration from a cross-cultural encounter described by one of Damon Runyon’s narrators. Here is Runyon:

So finally I go over to her, and I say as follows: “What is eating you, little Miss?”

“Oh,” she says, “I am waiting for Elliot. He is to come up from New York and meet me here [at the Yale Bowl] to take me to the game, but he is not here yet, and I am afraid something happens to him. Furthermore,” she says, the tears in her eyes getting very large indeed, “I am afraid I will miss the game because he has my ticket.”

“Why,” I say, “this is a very simple proposition. I will sell you a choice duck- et for only a sawbuck, which is ten dollars in your language, and you are getting such a bargain only because the game is about to begin, and the market is going down.”

Here is Apuleius:

Then the truck farmer responded in submissive tones that, unacquainted with the language as he was, he couldn’t know what the other was saying. So now the soldier asked in Greek: “Where you take ass?” The farmer replied that he was taking it to the nearest town.

“But he need to service me,” the soldier said. “From the fort nearby he must bring here the luggage of our leader with the other beasts.” And straightway he seized me [Lucius, transformed into a donkey], took hold of my lead, and began to drag me away. . . .

The gardener realized that [his] appeals weren’t placating the soldier, whose animalistic aggression was aimed at annihilating him, and who’d already upended the vine-wood rod and was using the monstrous knob to knock his skull into two pieces.

Apuleius and Runyon, two kings of the picaresque underworld, exquisitely manage the tension between the high and low and between the inside and outside points of view. It’s artifice, of course, not one-tenth authentic; but who would want to trade it for something more “real”?

I’ve offered here only a tiny sample of what I had to rethink to pursue this job. In fact, I had to blow off pretty comprehensively the professors who told me that semicolons are pretentious; that adverbs are for trailer trash; that nobody who is anybody ever italicized a word, wrote a long, complex sentence, or referred to an emotion otherwise than through a sensory image. I got all the advice I needed from dead authors, and their advice was so contrary to what I had been taught that it put me in mind of Dave Barry’s Mister Language Person:

WRITING TIP FOR PROFESSIONALS: To make your writing more appealing to the reader, avoid “writing negatively.” Use positive expressions instead.

WRONG: “Do not use this appliance in the bathtub.”

RIGHT: “Go ahead and use this appliance in the bathtub.”

And I finally understood what it was about the Harry Potter books. J. K. Rowling’s story is, on the surface, as absurd as Apuleius’s, but its artfulness—the allusiveness, the layering, the shaping—is that absurdity’s redemption. Literature isn’t real, and that’s the point: It’s all in the author’s hands, and he has the chance to delight and teach. Apuleius did both, and his latest translator is working like a slave to keep from betraying him. **NR**

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Film

The Great Quest

ROSS DOUTHAT

IMAGINE, for a moment, that when Steve McQueen rode his motorcycle up barbed wire in *The Great Escape*, it was the first time that American movie audiences had been exposed to the concept of Nazi prison camps. That will give you some idea of the unusual challenge facing Peter Weir's *The Way Back*. This is a prison-break movie that becomes an epic travelogue: A motley group of men slip through barbed wire in Siberia and set out on an astonishing trek southward toward freedom, across Russia, Mongolia, and Tibet, and finally into India.

Ed Harris in *The Way Back*

But it's also the first major motion picture to be made—ever!—about the Soviet gulag, and this breakthrough turns out to be a burden. No single movie should be asked to carry so much historical weight.

The story is told from the perspective of a Pole named Janusz (Jim Sturgess, effective but upstaged by his co-stars), who is denounced to his country's Russian occupiers—the year is 1940, and Hitler and Stalin have just divided Poland between them—in the most shattering way imaginable: The informant, her spirit broken by some form of torture, is his wife. Shipped off to a snowbound prison camp in the farthest reaches of the Soviet Empire, Janusz is immediately focused on escape. But he doesn't want revenge on

his wife, we eventually realize; he wants to let her know that he forgives her.

In the gulag, he finds co-conspirators: a loquacious actor named Khabarov (Mark Strong), a taciturn American named Smith (Ed Harris), a knife-wielding thug named Valka (Colin Farrell, who failed as an A-list leading man but has recovered his mojo playing sympathetic lowlifes), and a clutch of somewhat less memorable supporting characters. The world of the prison camp is delineated in a few swift strokes: the backbreaking labor in mines and forests; the speed with which frost and malnutrition make corpses of the weak; and the peculiar economy of the camps, which transforms everything from pornographic sketchwork to storytelling ability into currency. (Some currencies are emotional rather than economic: One of Janusz's fellow plotters turns out to be a fantasist who has no intention of escape, but who likes to live off the energy and optimism exuded by the planning.)

Then the men make their break, slip-

ping free of one prison only to be surrounded by another. In the trackless expanses of Central Asia, the threat of pursuit fades soon enough, but other threats take its place: cold, hunger, swarming mosquitoes, and eventually—as the forests of Siberia give way to more arid landscapes, and finally to the Gobi Desert—the brutal calculus of thirst.

Weir makes the story linear and grueling, eschewing the subplots that moviegoers are conditioned to expect from quest narratives. There are no romances, few feuds, and fewer detours. Mostly, it's just seven men—and then six, and then five, as nature and circumstances take their toll—against the wilderness, with every secondary issue burned away by the fires of necessity.

Every secondary issue, that is, save one: the politics of the Soviet Union and the horrors of Communism, which Weir clearly feels duty-bound to keep emphasizing long after the gulag has become a distant memory for his travelers. To this end, the movie introduces a female runaway, Irena (Saoirse Ronan), whose chatty presence persuades the men to unburden themselves of their experiences with Stalin's tyranny. From Voss (Gustaf Skarsgård), a former priest, we hear about the persecution of Christians. From Harris's American we hear about the betrayal of Stalinism's American admirers. From Irena herself, whose parents were Polish Communists, we hear about how the revolution eats its own. And from Valka, who has Stalin and Lenin tattooed together on his chest, we're reminded how the Soviet dictators could command loyalty even from subjects who had every reason to despise them.

As a blow for historical memory, the litany is admirable. But in a movie that's more about man's struggle against nature than man's inhumanity to man, it can feel forced, dutiful, and leaden. It's to Weir's credit that he feels an obligation to use his epic to make up for Hollywood's refusal to give Communism's crimes the attention they deserve. But *The Way Back* would have been a better movie if it could have taken these crimes for granted, and kept its focus on its heroes' impossible, geography-defying quest.

Still, there are moments when the combination works. I watched *The Way Back* shortly after rewatching Peter Jackson's *Lord of the Rings*, and at times Weir's Central Asia took on an almost Middle-earthly quality—vast and empty, beautiful and menacing, with exotic landmarks (Lake Baikal, China's Great Wall, Lhasa) looming like Lothlorien or Minas Tirith. At one point, the weary travelers reach what they think is the safety of Mongolia, only to find a huge Asiatic gate inscribed with the face of Stalin and the hammer and sickle—because Communism had triumphed in Mongolia as well. It's a scene that feels like one of the moments of near-despair in Tolkien's saga, when the fellowship is forced to confront the seemingly invincible power of Sauron and Mordor. And this is, perhaps, as resonant a way as any to remember Josef Stalin, his empire, and his gulag—as the all-too-real equivalent of Tolkien's Shadow in the East.

NR

NEWMARKET FILMS

The Straggler

Morpheme Addiction



JOHN DERBYSHIRE

UNTIL very recently the only thing I knew how to say in Turkish was the proverb *Nerede çokluk, orada bokluk*, which means (I shall bowdlerize slightly) “Where there are people, there is dung.”

I had learned this by the most random kind of chance. Many years ago, I was living in a rooming house in Hong Kong, where I struck up a friendship with a fellow guest, a brilliant and well-educated young Frenchman. He was a compulsive traveler—one of those people who have been everywhere and engaged at close quarters with a score of languages.

The proprietress of the rooming house bore the not-uncommon Cantonese surname Bok. Mention of this name always brought a smile to the face of my French friend. After the third or fourth time of noticing this, I asked him why. He replied that in Turkish the word *bok* means “dung.” He then taught me the proverb, which for some reason stuck in my memory through succeeding decades, though I never felt any inclination to take my knowledge of Turkish further. The thing has a memorable lilt to it: NEH-reh-deh CHOK-luk, OH-rah-dah BOK-luk. It is also, of course, indisputably true.

Forty years on, I have picked up my Turkish where I left off. I am taking a brief trip to Turkey this spring. On a whim, I thought I would try to learn some of the language. Some *more* of it, I mean: The observation that the presence of human beings is inevitably accompanied by their waste products would, I felt sure, prove to be of limited conversational utility.

Though a hopeless linguist who has never gotten much of a grip on any language other than my own, I hate to be in

a foreign country without knowing anything at all about the language. Experience has taught me that memorization of even a few commonplace phrases, with careful attention paid to articulation and intonation, yields a high return in friendliness and convenience. I therefore set about purchasing a Turkish course—a cheap one, the projected trip being for only a few days.

There is a wealth of language-learning materials out there now—a side benefit of globalization, I suppose. The newest and trendiest style is to connect with a native speaker via the Internet and have him coax you through live conversations. The business has certainly come a long way from the old Linguaphone courses, which comprised a pack of vinyl discs and a textbook, with written exercises you had to mail in to be marked.

I settled at last on the Pimsleur product (in which neither I nor NATIONAL REVIEW has any financial interest). Pimsleur is a respectable marque—owned by the publishing house Simon & Schuster—and the cheapness criterion was satisfied. Best of all for my purposes, there is *no written material*.

Like most bookish people, I have a strong inclination not to take anything seriously until I’ve seen it in print. This approach has its advantages—it filters out a lot of nonsense—but it is useless, in fact counterproductive, if you want to master a foreign language. The right way to learn a language is the way you learned your mother tongue: ear and mouth first, eye and hand last. With Pimsleur you dispense with eye and hand altogether, though I confess I have treated myself to a second-hand *Concise Oxford Turkish Dictionary* (1959 edition, the boards laid with that fine old dark-blue cloth) and have been taking notes.

Limiting one’s ambitions to the bare essentials maximizes the pleasure of language learning. You can enjoy the thrill of novelty and the tiny satisfaction of exchanging pleasantries with the occasional native speaker, then bail out before reaching the icy stratosphere of subjunctive inferentials and 5,000-word vocabulary. Sure, it’s dilettantish: so sue me.

The principal novelties of Turkish are two, one in phonetics and one in grammar. The phonetic novelty is vowel harmony: Front vowels (ee, ü, eh, ö) and back vowels (uh, oo, ah, o) are hardly ever mixed in the same word. The grammatical novelty

is agglutination: the piling of suffixes onto—sometimes *into*—a root word to modify its meaning. English does this to some degree (hap, happy, happiness, unhappiness), but in a fully agglutinative language a word can be suffixed up into an entire sentence. The two novelties collide immediately, in Pimsleur’s Lesson One, because a suffix’s vowel has to change to agree with the vowels of the word it’s being attached to.

Such fun! And then there is one’s modest target vocabulary to be accumulated. I note with interest (Lesson Four) that a public square is a *meydan*. Surely this is cognate with the open *maidan* in Kipling’s Indian towns, where subalterns of the Raj used to practice pig-sticking and polo. Does *maidan* come from Turkish, then? From Arabic, says *Webster’s Third*; no, from Persian, insists the *OED*. Not Turkish, anyway. But didn’t Atatürk famously purge his language of all Arabic- and Persian-derived words? Perhaps he missed one. Oh, put away those books! Listen! Speak!

(My favorite Atatürk story: It used to be the case that Turks, like Anglo-Saxons and Tibetans, had no surnames. As part of his Westernization program, Atatürk one day decided that this should change. He summoned his cabinet and walked round the table, giving each cabinet member a surname.)

No matter how hard we geezers try, though, there is no keeping up with the younger generation. The day my discs arrived I went out to walk the dog while listening to Lesson One on earphones. Back home from the walk, I went into the living room, where my teenage son was lounging on the sofa watching TV. Feeling whimsical, I addressed him in Turkish: *Afedersiniz, Türkçe biliyor musunuz?* (Excuse me, can you speak Turkish?)

Without taking his eyes from the TV, or moving any part of himself but his lips, he replied: *Evet*, the Turkish word for “Yes.”

I was stunned. “Good grief! Where on earth did you learn that?”

“*Age of Empires*.” His eyes remained fixed on the TV. Fifteen is the zenith of cool. “The Ottomans talk to each other in Turkish.”

Age of Empires is a computer game. So apparently computer games actually have some redeeming educational value. Who knew? Or as we Turkophones say: *Kim bildi?*

NR

Exit, Stage Left

THE chairman of the NEA recently said we might have too much theater in this country. Rocco Landesman was quoted by the *New York Times* thus: “You can either increase demand or decrease supply. Demand is not going to increase, so it is time to think about decreasing supply.” This is heresy on every possible level. To speak such words in Washington is practically begging the city to physically expel you like a splinter worked out by the body’s protective powers.

Among the enlightened, it’s a given that more people should attend the theater. It’s beyond debate that more money—preferably yours—should be spent on theaters of all kinds, especially those that include the phrase “challenging our assumptions” somewhere in the mission statement. It’s a vital part of the urbanists’ vision of Perfect City Life: You take the light rail to the theater, watch a clever reimagining of the Scottish play with Sarah Palin as Macbeth and the cast of *The View* as the three witches, enjoy a glass of fair-trade Chardonnay at intermission, then take the light rail back to the sustainably dense townhouse. It’s like going to church without all the judgmentalism.

You couldn’t get Congress to subsidize Hollywood films unless all the big robots in the *Transformers* movies agreed to use ethanol. But theater is somehow different. To expect it to survive without federal handouts is, for some, the moral equivalent of wanting tea partiers to crash the Folger Library and use the manuscripts for bathroom tissue.

Obligatory disclaimer: Our family supports local theaters with something called “money,” which we use to buy “tickets,” which are then exchanged for a temporary lease on a “seat.” These theaters thrive because they’re good, and present plays people are interested in seeing. Remarkable idea, really. Not to say we’re not challenged by local offerings: Many years ago a theater of some repute hosted an event in which the playwright’s blood was soaked into paper towels and winched over the heads of the audience. Oh: He had AIDS. It was transgressive as heck, but one could only think of the stagehands at the end of the night arguing whether seniority rules meant the newest hire had to burn the props.

You could make an argument that such a production didn’t need federal money—surely people jammed in every night! Oddly, no. That’s why we need government money! Without Uncle Sam writing the checks for blood-soaked towels hoisted high over the heads of the duly shocked bourgeoisie, we’d be swimming in a sea of middlebrow banality, with nothing but *Our Town* alternating with *Glengarry Glen Ross*, the no-profanity version. (Running time: six minutes.)

Look, if you want to sit under a passing Bounty towel

infused with someone’s personal fluids, go ahead. But in the current fiscal situation we probably shouldn’t borrow money from China to reduce the ticket cost. That’s all. If some art does not get staged because no one wants to pay for it, well, alas poor Yorick. But when you look back to the arid days of American culture before the federal teat was presented to artists previously unsuckled by the stony mother of capitalism, art was created. Art happened. And it was somehow the art that connected with audiences, too. We’re supposed to think it was all commercial tripe that set limits on our imaginations and forced people to see the world through the standard social constructs—you know, patriotism, family, religion, music with melodies instead of shrieking atonal cacophonies, archaic binary notions of gender, all the usual suspects. But even the people who profess a need

for transgressive art and difficult, challenging theater will probably admit they’d rather watch *Meet Me in St. Louis* for the 15th time than sit through *The Vagina Monologues* performed with semaphore lamps by pre-op transsexuals. There’s something to be said for leaving the theater whistling the tunes or quoting the lines. There’s something to be said for enjoying yourself.

So art’s to be held to a pure crass commercial formula, then? No. *Carmen* was a flop; Bizet died without knowing his work would be immortal. Art needs angels, and if that comes in the form of local governments that want to chip in to keep the stage lights on, fine. But the idea that federal dollars are essential to art is like the peculiar notion that magic federal dollars will invent new forms of energy, or raise student performance.

What’s the difference between local and federal funding, one might ask. Simple: You have a better chance of persuading local governments not to fund a play that sticks tiresome topical references into a play where they don’t belong. Over at the *Wall Street Journal*’s website, James Taranto noted the case of a Missoula opera company that included a reference to decapitating Sarah Palin in a production of *The Mikado*. The director might have said it was justified, given Palin’s statement that she could see Japan from her house, but it’s the sort of thing that gives an evening a brackish taste if you’re not inclined to regard her as the enemy of humankind. If your locally funded theater does such a thing, letters in the paper tend to get more attention than e-mails to the NEA do.

Support of the arts should be left to us—but if it has to be a government effort, so be it. A 30 percent surtax on the salaries of creative people, then—and a cap on ticket prices so they can’t pass the costs along. If we then passed laws requiring people to buy theater tickets, the problem would be solved.

It would be worth it, if only to hear the artistic community invoke the Commerce Clause.

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Mr. Lileks blogs at www.lileks.com.



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Why Is The Retirement You Planned **BROKEN?**

The federal deficit problem is raging with the Fed printing \$600 Billion, but there is another financial crisis regarding state and local governments. The media has failed to cover this crisis. In the last two years, since the "great recession" wrecked their economies and shriveled their income, states nationwide have collectively spent half a trillion dollars more than they collected in taxes. There is also a trillion dollar hole in their public pension funds.

States have been getting by on billions in federal stimulus funds, but the day of reckoning is here. This intensifying debt crisis has Wall Street worried it could de-rail any chance of an economic recovery, forcing a depression. This will cost 1,000,000 public employee jobs and require another huge bailout that has Washington shaking in its boots.

Respected Wall Street analyst Meredith Whitney believes no one really knows how deep the debt holes are. She and her staff spent two years and thousands of hours analyzing the financial condition of the 15 largest states. She wanted to know if states could pay back what they borrowed and the risk they pose to the \$3 trillion municipal bond market, where state and local governments finance their schools, highways, and public projects. "How accurate is the financial information that's public on the states and municipalities?" Kroft of 60 Minutes asked. "The lack of transparency with the state disclosure is the worst I have ever seen," Whitney said.



Whitney is afraid some local governments will get squeezed as states are forced to tighten their belts. She's convinced that some cities and counties will be unable to meet their obligations to municipal bond holders who financed their debt.

Earlier this year, the state of Pennsylvania had to rescue the city of Harrisburg, its capital, from defaulting on hundreds of millions of dollars in debt for an incinerator project.

"The most alarming thing about the state issue is the level of complacency," Meredith Whitney, one of the most respected financial analysts on Wall Street and one of the most influential women in American business, told correspondent Steve Kroft. Whitney made her reputation by warning that the big banks were in big trouble long before the 2008 collapse. Now, she's warning about a financial meltdown in state and local governments. "It has tentacles as wide as anything I've seen. I think next to housing this is

the single most important issue in the United States, and certainly the largest threat to the U.S. economy," she told Kroft. Call Now and Order — you cannot afford to sit around and get slammed by this crisis that lies ahead. Gold & Silver is safer than CD's, Stocks, or Bonds, Gold and Silver is safer than cash in the bank. **CALL NOW!** You are running out of time! Remember friend, the only thing worse than failure is regret when you've been warned!

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**Tom Schatz, Council for
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"For those who aren't familiar with the alternate engine for the Joint Strike Fighter, it's the military's version of a Bridge To Nowhere. The Pentagon has said repeatedly it doesn't want or need the engine, and both the Bush and Obama administrations have tried to eliminate it. You can't get more bipartisan than that. But a stubborn Congress controls the purse strings and won't relent."

Cal Thomas, USA Today

"GE typifies the large rent-seeking companies that wage battle not in the marketplace, but in the halls of Congress. Taxpayers and consumers cannot afford to fund the pet projects of politicians and corporations, especially in an economic downturn. Unfortunately, the consumer's voice has been lost in the din of corporations scrambling for government handouts."

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"The \$3 billion contract under consideration would fund the program for the next 6 years, on the faulty assumption that this artificially constructed competition will produce savings for taxpayers...we urge you to vote against any funding for the Joint Strike Fighter engine program and look forward to working with you to end the wasteful earmark process as a whole."

Grover Norquist, Americans for Tax Reform



"For Congress to insist on an alternative engine, which costs billions on the front end for less-than-concrete savings on the back end, is fiscally unsound. It's time to get out of the alternative engine morass and instead work harder to keep the whole F-35 program on-time and on-budget."

**Pete Sepp, Executive Vice President,
National Taxpayers Union**



"The three billion dollars that supporters of this program are seeking for a favored contractor through the earmark process is money that the White House and the Pentagon under both Republican and Democratic Presidents feel does not need to be spent for any valid national security or defense purpose."

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