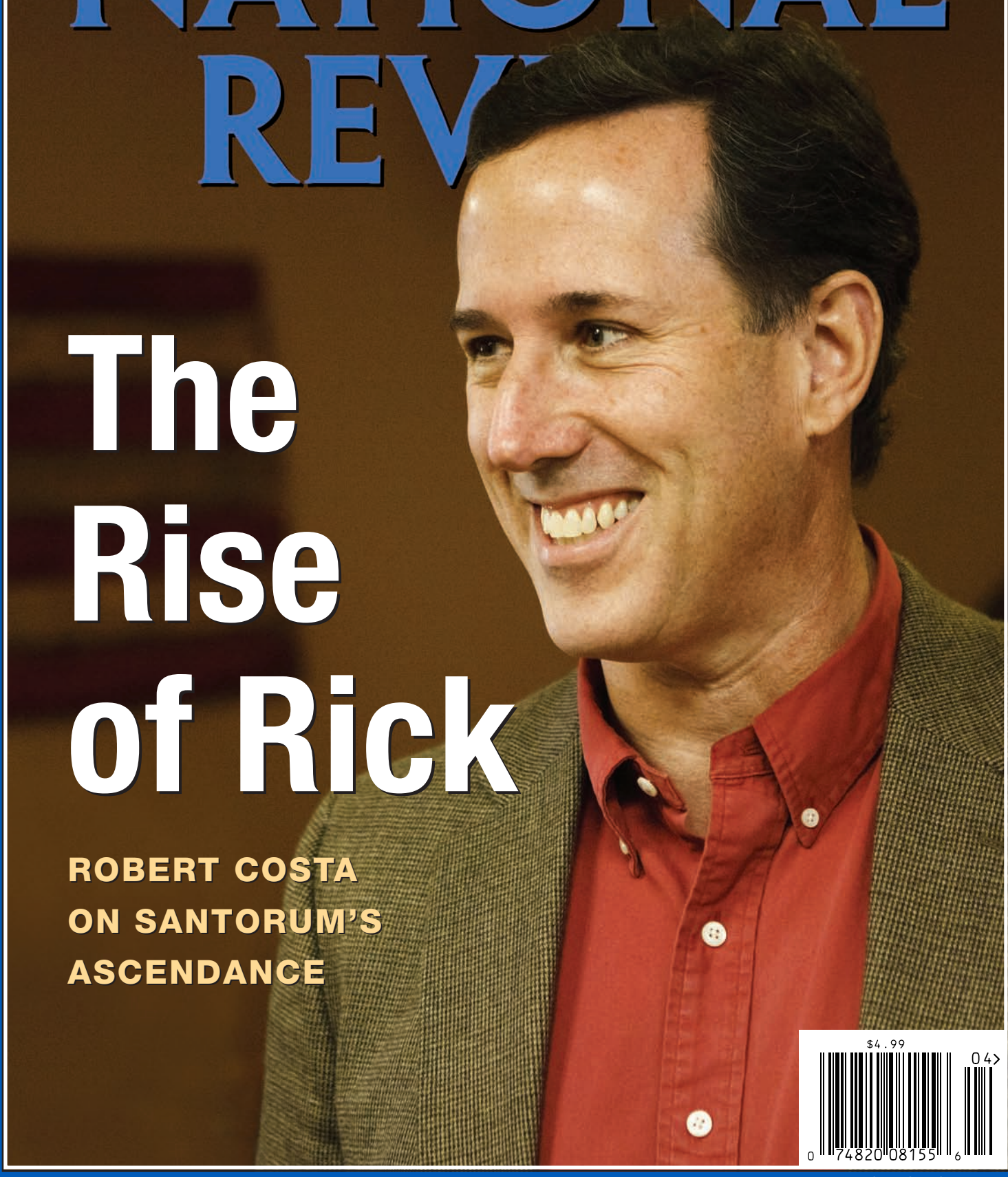
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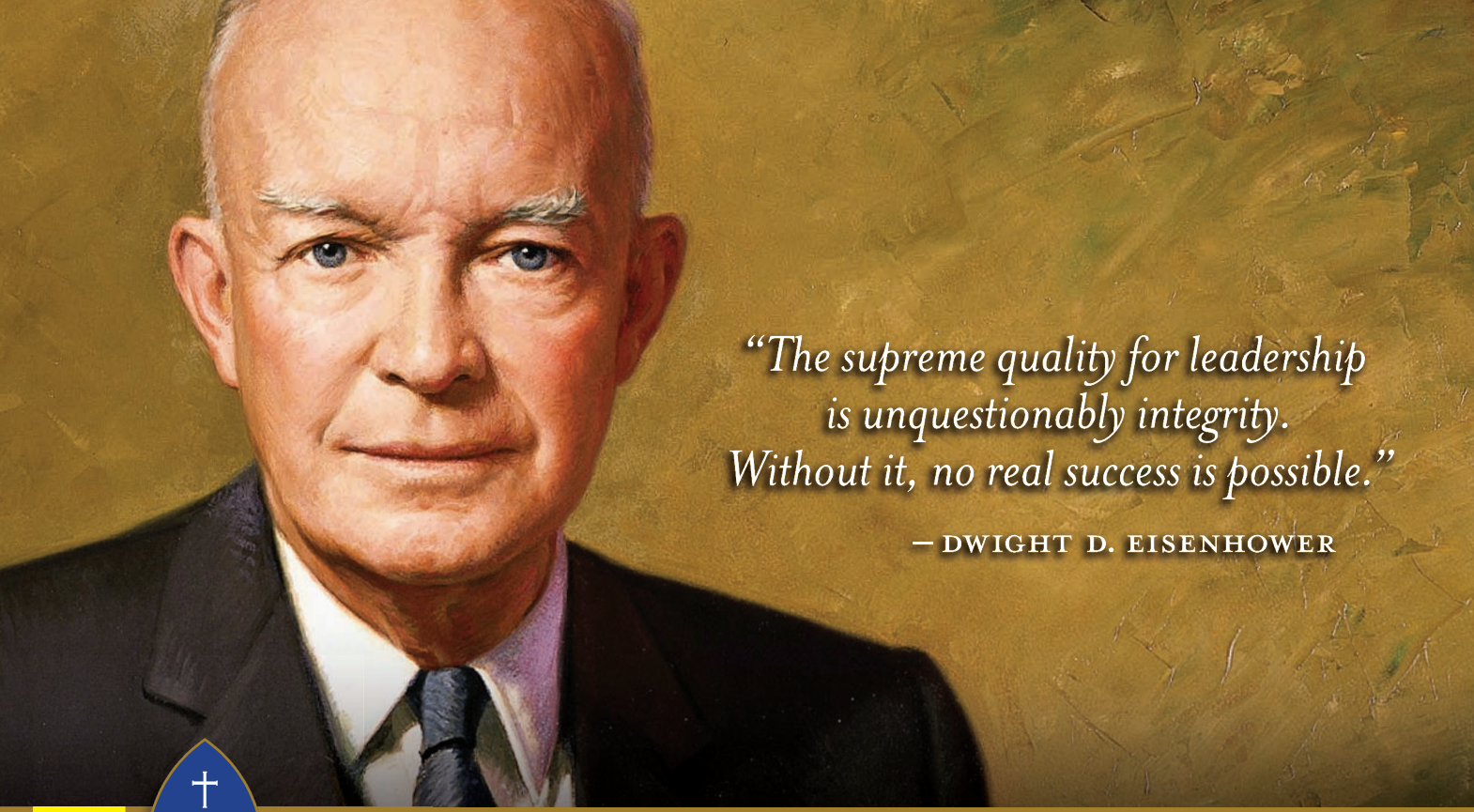


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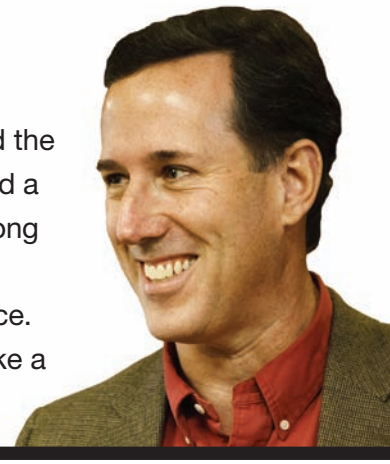


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The Rise of Rick

Suddenly, in the final sprint toward the caucuses, Rick Santorum achieved a last-minute ascent, and with a strong showing in the Hawkeye State, catapulted into national prominence. Santorum became the latest to take a star turn in the GOP field. *Robert Costa*



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Letters

A Taxing Debate

While I'm no fan of taxation generally, I find myself profoundly disagreeing with the Editors regarding online sales tax (The Week, November 28). They opine that if online retail purchases should be taxed at all, they should be taxed only by the shipping jurisdiction, because "this would keep compliance burdens low and promote tax competition."

First, in this digital age, the burden is nil to calculate the sales tax applicable in a consumer's domicile—with the appropriate software, all it requires is the entry of already-necessary information (the purchaser's address). More important, a majority of residents in each sales-tax jurisdiction can be presumed to have voted the consumer and his neighbors a sales-tax rate sufficient to support the local-government services he receives. The consumer who then avoids the local tax by making online purchases, or worse, prefers to pay a lower rate to another jurisdiction that provides him no services at all, practices a tragedy of the commons as he continues to receive local government services for nothing. He has no incentive not to increase the local sales tax through the roof, since he intends to get free services while imposing the cost entirely on his neighbors.

Collecting the sales tax for the place where it belongs, the consumer's residence, still encourages tax competition of a better kind than having fulfillment houses flying by night to the cheapest place: Local governments will compete to offer the best cost-per-services deal to individuals and businesses alike, which in return will put down roots and improve their communities.

E. King Alexander Jr.
Lake Charles, La.

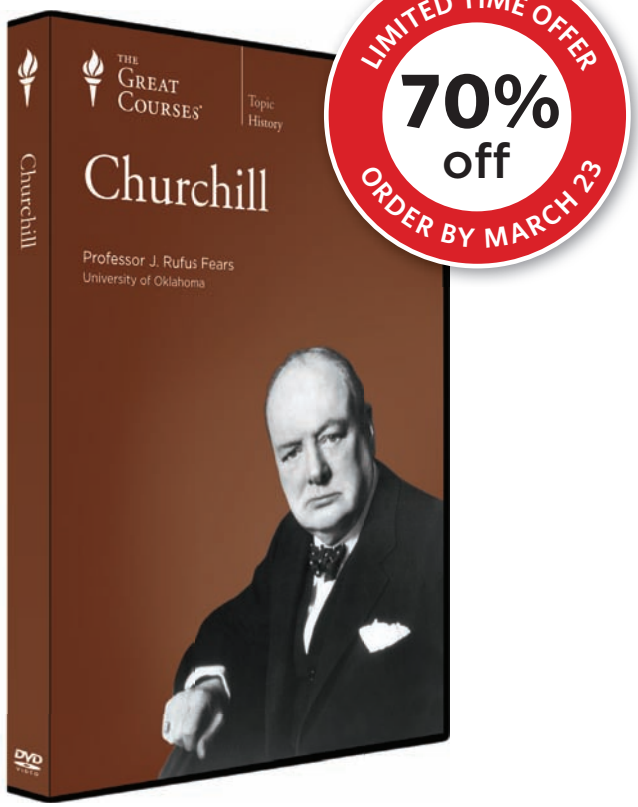
THE EDITORS REPLY: Even in the age of Google, we suspect, the administrative and overhead costs of complying with 8,000 sales-tax systems in 8,000 jurisdictions would be significantly higher than those of complying with one. Further, we are suspicious of the notion that taxing jurisdictions have the right to tax businesses in other jurisdictions. Connecticut has no business taxing Texas: That's why we have 50 different states.

Some state and local governments (we're looking at you, New York) will protest that they are taxing the consumer who lives in the jurisdiction, rather than the business outside of it, and thus are well within their rights in demanding the tax. In that case, let them collect their own taxes rather than conscripting businesses into doing so on their behalf. It's not as though there were a great shortage of taxmen across the fruited plains. Having governments collect their own taxes from their own taxpayers would also make moot the objection that local consumers would have a strong incentive to use online purchases to evade local taxes while voting high rates for their less clever neighbors. Of course, it would be cumbrous and expensive for the tax collectors to do their own tax collecting—in which case, a more intelligent tax regime is called for.

And we have no objection to businesses' "flying by night" from high-tax jurisdictions to low-tax jurisdictions—their customers are doing so (consult the U.S. Census), so why shouldn't they?

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The Week

■ The Iowa contest came down to a choice between representatives of three exotic religions: Mormonism, Catholicism, and libertarianism.

■ The Gingrich campaign issued a paper on the historical and constitutional weakness of the Supreme Court's claim to supremacy in matters of constitutional interpretation, on the dangerous consequences of that claim for self-governance, national security, and human rights, and on how to cut the Court down to size. This last portion of the paper mixed good ideas—such as legislation to limit the jurisdiction of federal courts where appropriate—with half-baked ones. Summoning judges to explain their decisions to Congress, for example, is an idea both pointless (judges already explain their reasoning) and noxious (congressmen have no constitutional power to browbeat judges). Abolishing liberal courts and replacing them with conservative ones is an attempt to do an end run around the Constitution's grant of life tenure for federal judges. Liberals, naturally, threw out the good with the bad, convinced as they are that any check on judicial power is a deadly threat to judicial independence and the Constitution (or, more plausibly, to their Constitution). The paper reflected the mixture of elements in the candidate. On one hand he has the boldness and intellectual independence to raise a question that does not occur to many politicians. On the other his lack of judgment makes the raising of that question seem discreditable.

■ Proverbs 26:11 speaks of the dog that returns to his vomit. Ron Paul's vomit recently returned to him, in the form of newsletters he issued in the late Eighties and early Nineties (they bore his name with a shifting set of descriptions: *Investment Letter*, *Freedom Report*, *Survival Report*). They purveyed some pretty out-there stuff. After the Los Angeles riots, one letter noted, order was restored only "when it came time for the blacks to pick up their welfare checks." Another referred to black congresswoman Barbara Jordan as "Barbara Morondon." They represented an effort, on the part of some libertarians, to proselytize the disaffected Right—Pat Buchanan supporters, survivalists. Paul says he didn't write any of the letters—though he signed them—and he claims not to know who did. His innocence in the matter of low-rent race jibes thus depends on his incompetence. Paul is a man who has been warning that hyperinflation is around the corner for 30 years; who believes that America has no enemies not created by its own actions; who deliberately walks right up to the line of 9/11 Trutherism; and who has no plan to curb entitlement spending because he claims slashing foreign aid and the military will balance the budget. He is a crank with cunning enough to appeal opportunistically to the fringes of larger bodies of opinion. Whatever he wrote or didn't write 20 years ago does not alter Paul's dog's breakfast.



ROMAN GENN

See page 10.

■ A left-wing blog said that Mitt Romney was mouthing an old Klan slogan, "Keep America American." This charge was mouthed by the *Washington Post* and MSNBC. It transpired that Romney had used the phrase "keep America America." And he was referring to entrepreneurship, opportunity, and other savory things. He was not advocating the lynching of blacks and Catholics. The *Post* and MSNBC apologized for, essentially, pulling a white sheet over the Republican candidate.

■ Rep. Paul Ryan does not seem to be the wily type, but he sneaked a last-minute gift under conservatives' Christmas tree while leaving a lump of coal in Democrats' stocking with Wyden-Ryan, the bipartisan effort in which he is joined by liberal Democratic senator Ron Wyden (Ore.) to seek market-oriented Medicare reform. Wyden-Ryan would convert Medicare into a premium-support program, in which seniors would receive help purchasing private health insurance in the marketplace. The level of premium support would be capped, and those who sought more generous benefits whose costs exceeded the cap would pay the difference—helping to create real market mechanisms to control health-care costs. The plan is in one respect a retreat from the budget Ryan persuaded House Republicans to vote for, since it would allow seniors to stay in the traditional government-run Medicare program. It is an advance in another respect, though, since the growth rate of

REVEALED: Massive Hoard Makes Silver Dollar History

American Entrepreneur Sells off Silver Fortune



Actual size is 38.1 mm

When miners found silver in Virginia City in 1857, they knew they'd struck the mother lode. For the next twenty years, silver flowed faster than water out of the Nevada desert. It was a Wild West bonanza. After years of frenzied mining, the vein began to dry up and the town slowly died with it. It seemed like there was no more silver to be found in those hills.

Until I got a call from a Wild West friend.

He was sitting on a collection of silver coins, minted just after silver was found in Virginia City. With the silver market as strong as it is, he decided that it was time to sell off his collection. We had hit the mother lode again.

A 'few bags' become *thirty!*

To call my friend a coin collector is an understatement. When he said he had a few 1000-coin bags of silver coins I was interested. When those silver coins turned out to be New Orleans Mint Morgan Silver Dollars from the 1880s I was intrigued. And when those few bags turned out to be thirty, I was astounded. My buddy wasn't sitting on a collection, he had a hoard!

For a man who loves only the best things in life, I guess I shouldn't have been so surprised.

One of the largest Silver Dollar hoards in decades

For serious numismatists, hoards can come around once in a lifetime. Silver hoards are enormous collections of coins that have been stored away, often secretly, for safekeeping. With silver prices steadily rising over the past few years, many silver hoards have been sold off.

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Morgan Dollars are some of the most coveted coins on the market today. And with the hot silver market, most dealers cannot keep Morgan Dollars around for long. Due to this heavy demand, especially for the finest quality pieces, the price of many Morgan dollars has gone up dramatically in the last six months alone. But because of the sheer scale of this massive hoard, we have been able to keep the price at a pre-frenzy level.

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Each of these silver dollars from the McClaren Collection Hoard (named for my friend's beloved Mercedes SLR McLaren Supercar) are Brilliant Uncirculated Morgan dollars that look as fresh as they did when they were struck by the U.S. Mint in New Orleans over 120 years ago. The coins were submitted to the Professional Coin Grading Service (PCGS) for certification, grading and encapsulation. Once inspected, they were awarded the Uncirculated grade of Mint State 62 (MS62) for their amazing quality.

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BBB ACCREDITED BUSINESS

Medicare spending would be set by competitive bidding rather than determined by a congressional formula. The more immediately relevant point is that Wyden-Ryan will blunt the Democratic campaign to present Republicans as savagers of the elderly. We suspect that where Democratic politicos meet, "Wyden" is becoming a dirty word.

■ Sen. Ben Nelson (D., Neb.) has announced that he will retire from the Senate. It is very likely that the voters of Nebraska would have retired him anyway: President Obama won only 42 percent of the vote in the increasingly conservative state, and many political analysts foresaw a difficult race for the incumbent. Senator Nelson presented himself as a moderate, but in action he was a vote for Harry Reid, for Obamacare, and for the stimulus—with moderates like that, who needs liberals? Absent Nelson, Chris Cillizza of the *Washington Post* writes, the seat "verges on unwinnable for Democrats." Lacking local talent, Nebraska's Democrats are hoping that Bob Kerrey, currently living in New York City, will seek to claim his old Senate seat. But Kerrey may already have found the secret to success for Democrats in the Obama years: head for the coasts.



KENT SIEVERS/THE OMAHA WORLD-HERALD/AP

■ Rep. Laura Richardson (D., Calif.) is under investigation by the Ethics Committee. The public did not know this until Richardson accused the committee of investigating her because she is black. The question before the committee is whether Richardson used her congressional staff for campaign purposes, which is not allowed. The Associated Press did a racial, ethnic, and sexual analysis of the Ethics Committee: who is black, who is Hispanic, who is white, who's a man, who's a woman. You may ask, "Did the congresswoman, in fact, violate the rules?" But AP knows what the important issues are.

■ *The Nation*, which has never quite reconciled itself to the fact that its side lost the Cold War, has published a symposium marking 20 years since the fall of the USSR. The flagship essay, titled "Is the World Really Safer Without the Soviet Union?," was written by Mikhail Gorbachev, the others by an obscure blogger and a left-wing historian. Oddly, no representative from Ukraine, Poland, or any of the Soviet Union's other captive nations was asked whether his world was safer without the handiwork of someone like Stalin, Lenin, et al. Gorbachev has been transformed from Communist apparatchik to bundle of New Age clichés, in which respect he resembles *The Nation*. He proclaims the 2008 financial crisis an indictment of the Western model of political organization, calls for a "new world order" of "global governance," bemoans "hyperprofits and excessive consumption that grinds down the earth's resources and ruins nature," etc. He never gets around to demonstrating how the survival of the USSR would have prevented the American housing bubble, though presumably it would have kept global consumption down a great deal by impoverishing many millions of people. It is true that the Soviet Union was not replaced, at least in Russia, with a decent, democratic, liberal state—which is an indictment of Russian institutions and habits, not Western ones. After World War II, Nazi dominance in Eastern Europe was displaced largely by Communist dominance; and yet—to forestall the next symposium—the world was safer without Hitler.

■ President Obama signed the $662 billion defense authorization bill, which had been mired in a phony controversy over the treatment of detainees. Congress tried to insert language directing that enemy combatants be detained and tried under military law, before pulling back; Ron Paul's followers—led by Sen. Rand Paul, the candidate's son—hysterically countered that our modern-day Reich would soon commence rounding up any American citizen deemed an enemy of the state; and the Obama administration dutifully shrieked for its base over the prospect of being barred from giving our wartime enemies gold-plated civilian due process. The final version of the bill did nothing to alter what the government has been doing for a decade: Military capture (or kill) has been the rule for enemy combatants since Congress authorized combat operations in 2001. This rule has affected only four American citizens in ten years (three detained, one killed), because only terrorists specifically tied to 9/11, al-Qaeda, or the Taliban qualify as enemy combatants, and these were the only four Americans who met that standard. In a final absurdity, Obama issued a Bush-like signing statement (his 20th) insisting that American-citizen enemy combatants would not be indefinitely detained. Presumably he was referring to the ones he has not ordered killed.

■ There is a school of thought on the left, exemplified by Paul Krugman, that the "Bush tax cuts" are what is mainly responsible for the fiscal straits of the United States, and that they represent the triumph of plutocratic interests over those of the middle class. Recent studies from the Organisation for Economic Co-operation and Development and the Congressional Budget Office put paid to that theory: After the Bush tax cuts, federal income taxes became, in the CBO study's words, "slightly more progressive." U.S. taxes are about as redistributive as those of Sweden or Denmark. As NATIONAL REVIEW has reported, tax rates on millionaires could be raised to 100 percent without generating revenue sufficient to balance the federal budget. Those who are concerned about deficits should be looking mainly at entitlement spending. Those who are concerned about economic inequality should be looking at primary and secondary education, health-care costs, trade policy, and the investment climate. What the poor lack is good jobs, and raising taxes on the rich will not provide them.

■ Congressional Republicans rightly overcame their resistance to extending a payroll-tax cut and thus keeping the payroll tax from rising. The Senate reached a bipartisan

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agreement to extend the tax cut for two months, then skipped town. House Republicans insisted that it return to pass a one-year extension. The Democrats and the press hammered them for courting the risk of a tax increase should an agreement not be reached. Finally they caved and passed the two-month extension, and Democrats and the press celebrated a great political victory. The Republican disarray was dismaying, but the effects may not be long-lasting. Since nobody's taxes have risen, there's no reason to expect voters to hold a grudge against Republicans. If this is the sort of victory Democrats are now reduced to lauding—dragging Republicans to cut taxes—the republic could survive a few more like it.

■ Overly aggressive antidiscrimination law has made hiring harder than it should be. It is already exceedingly difficult for a company to give prospective employees a written test: If too many blacks or Hispanics fail, the employer can be hit with a "disparate impact" lawsuit. And an "informal discussion letter" recently posted by the Equal Employment Opportunity Commission hints that federal officials plan to crack down on employers who require high-school diplomas: That requirement discriminates against those with learning disabilities, and therefore is illegal unless a diploma is demonstrably "job-related" (whatever that means). If the Obama administration wants hiring to pick back up, perhaps it should make the process less of a minefield.

■ For all the harmful subsidies the farm lobby has secured, one positive contribution it has made is to keep farms exempt from many of our most burdensome child-labor laws. But that might be drawing to a close: The Obama administration's Labor Department has proposed a variety of new rules with the aim of creating "parity" between agri-

Stealth Redistribution

THE government's response to the Great Recession has been characterized as a bailout for the rich and a cold shoulder for the poor. This perception has been magnified by the media coverage of the Occupy Wall Street movement. The story would present future historians with a puzzle if it were true. How could the most liberal president in American history, accompanied for his first two years by an equally liberal Congress, be so uncharitable?

The answer is, they weren't. Since 2007, and apparently well below the radar, the safety net has expanded radically. The benefits available to those who do not work are sharply higher, and likely explain a good deal of the high unemployment we still see today. Staying home and collecting a government check has never been so attractive.

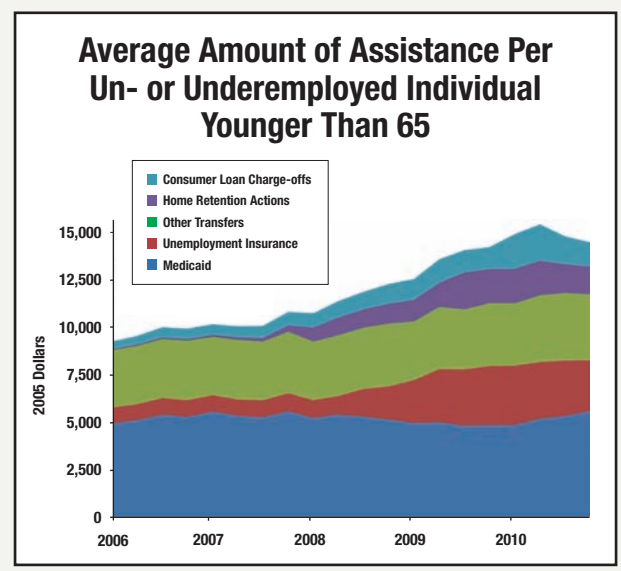
The stark numbers have been highlighted in recent research by University of Chicago economist Casey B. Mulligan. It is very easy to believe that overall spending on social programs has increased following the recession, since the program's automatic stabilizers are always triggered during an economic slump. Mulligan points out that spending increased not only due to the recession, but because the eligibility requirements for most programs were expanded, and their benefits increased. Spending per person has gone up, not just total spending.

The nearby chart taken from the study provides a concise glimpse of his main results. It represents the average amount of assistance (inflation-adjusted) that an unemployed or underemployed individual under the age of 65 received from the beginning of 2006 to the end of 2010. The benefit of not working increased sharply over that time, from about $10,000 to $15,000 per year—a 50 percent increase. And remember that the chart does not show the overall increase in spending. Clearly those in need have not been abandoned.

What has constituted the increase? The average monthly unemployment-insurance payment received was $834 at the beginning of 2006, while by the end of 2010 it was $2,667. Home retention actions (mortgage modifications) were almost nonexistent in 2006 but increased sharply due to pressure from Uncle Sam. Consumer loan charge-offs (commercial banks' declaring that a debt—usually credit-card debt—is unlikely to be collected) increased significantly over the four-year period, for the same reason. Other transfers, such as food assistance, increased as well.

Yes, unemployment is high, but is it any wonder?

—KEVIN A. HASSETT



SOURCE: CASEY B. MULLIGAN, "THE EXPANDING SOCIAL SAFETY NET," NBER WORKING PAPER. DECEMBER 2011. WWW.NBER.ORG/PAPERS/W17654

– SAVE $75 - $150 PER YEAR ON BAGS OF SALT ALONE –

Get Rid of Hard Water Problems Without Expensive Water Softeners

Made with Pride in North Canton Ohio

Eliminate unsightly limescale and actually prevent it from forming

By: B. Michael John, Media Services

Are you tired of hard water problems: **unsightly scale** on fixtures, toilet bowls and showerheads; **scale build-up** in pipes; **poor lather** from detergents and shampoos; **clothes that look dingy** and feel harsh after washing; **hard-to-remove film** on glass shower doors, walls and bathtubs; hair that feels sticky and looks dull; **dry, itchy skin**; **soap scum** on sinks and appliances?

If you answered "yes" to any of these questions, you are the perfect candidate to try the ScaleRID Electronic Hard Water Treatment System in your home for the next 120 days.

If you don't get RID of your hard water problems, you will receive a complete refund.

But that won't happen because ScaleRID is one of the most advanced, effective electronic hard water treatment systems you will find for such a low cost. It's also the easiest to install.

Q. But how exactly does it work?

A. The ScaleRID, which is about 4" x 6" and weighs less than 3 pounds, treats hard water with a patented technology that induces variable electric fields with a continuously changing frequency. This field causes the dissolved minerals of calcium and magnesium to crystalize and remain in suspension, instead of adhering to the walls of piping, faucets or heating elements.

These minerals, now in suspension, flow with the water and are discharged down the drain (see diagram and our ScaleRID white paper at www.usascalerid.com for more details).

Q. How is ScaleRID different from salt-based water softeners?

A. In a salt-based water softener, an ion exchange takes place and the hard ions in calcium and magnesium trade places with the soft ions from the salt poured into the tank used during regeneration.

Most of the salt used for regeneration gets flushed out of the system. The process can be damaging to the environment, not to mention wasting 80-150 gallons of water a week or month and adding unhealthy salt to your water.

Q. What makes ScaleRID so special compared to other electronic water treatment systems?

A. International Home Shopping (IHS) just completed an upgrade of ScaleRID to make it: 1) **the easiest to install;** with our new exclusive Quick Connect Coil you can have your ScaleRID up and running in about 10 minutes, 2) **one of the most advanced;** new computer chips replace integrated circuits to make the ScaleRID the most efficient device for its cost, 3) **the least expensive;** even with all our improvements, we lowered our prices so that everyone with hard water problems can get RID of them simply, safely and inexpensively.

Q. Without regeneration, how will I know the ScaleRID is working?

A. You will get the most important benefit: you will not be bothered by hard water problems. Within the first week, you will see the elimination of new scale deposits and loosening of existing scale. Soap will lather easier; your skin will feel softer and your hair cleaner and more manageable. You will notice the reduced amounts of soap, shampoo, detergents and cleaners you need to use to get jobs done. Cleaning of surfaces, especially chrome, baths and sinks will be easier. Your water pressure may improve without scale clogging your pipes.

Q. This sounds too good to be true; does ScaleRID really work?

A. The science behind ScaleRID has been around for years. There are hundreds of thousands of units operating in 40 countries. But thanks to IHS, everyone can now utilize this science because ScaleRID is so easy to install, so efficient and effective and so reasonably priced.



Pipe Before ScaleRID

Pipe 4-5 weeks of ScaleRID use

Q. What is the difference between the SR-1000 and the SR-2000?

The big difference is that the ScaleRID SR-1000 is for moderate to hard water and comes with one Quick Connect Coil. The ScaleRID SR-2000 is for very hard water or for homes/duplexes with large water usage and comes with two Quick Connect Coils.

You cannot afford not to try ScaleRID in your home for 120 days. If it's not for you, return it for a complete refund. YOU RISK NOTHING.

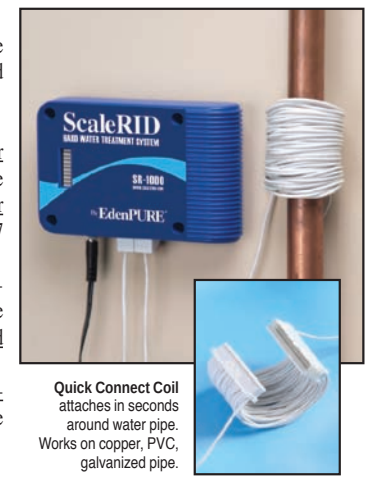
Just think how you'll enjoy not lugging those salt bags around, but still getting rid of hard water problems.

How To Order

The ScaleRID SR-2000 for very hard water is regularly $497 plus $10 shipping. For the next 10 days you receive a $250 discount, over 50% off, plus FREE shipping and pay $247 delivered.

The ScaleRID SR-1000 for hard water is regularly $197 plus $10 shipping. Over the same time period you receive a $50 discount and FREE shipping and pay only $147 delivered.

For more information or to start your 120-Day ScaleRID No Risk Challenge call toll-free or go online at **www.usascalerid.com.**

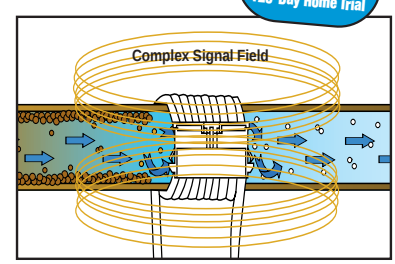


Quick Connect Coil attaches in seconds around water pipe. Works on copper, PVC, galvanized pipe.

ScaleRID How It Works

100% Satisfaction Guarantee 120-Day Home Trial

- Install in 10 Minutes - **No Plumbers**
- **No Maintenance**
- The system consists of the energizing unit and a **Quick Connect Coil** that simply snaps around the pipe of the incoming water supply.
- The 21st century way to **eliminate limescale and hard water problems** in city water and well water.
- Unit **weighs less than 3 lbs.** No more big tanks and heavy salt bags to lug around.



Incoming water saturated with calcium and other mineral ions in solution.

Solution less saturated with calcium and able to dissolve existing scale.

ScaleRID vs. Salt-Based Water Softener Comparison

	ScaleRID	Salt-Based Water Softener
Cost	under $150	$400 - $1,800.00
Maintenance	none	constant maintenance
Treatment Method	electrical field	salt-based ion exchange
Installation	10 minute do-it-yourself	professional
Scale Removal	YES	NO
Scale Prevention	YES	NO
Back Flush	NO	YES 80-100 gallons per week
Skin Test	makes skin softer	makes skin dry
Soap Test	soap suds wash away	soap suds difficult to remove
Health Benefits	leaves in essential minerals	exchanges minerals with sodium

Non-Paid ScaleRID User Testimonials

The ScaleRID has helped my plumbing tremendously. It has cleaned out the build-up on all my faucets. There is no more residue on my sink... and most importantly, not in my coffee pots. I am a very satisfied customer.

Mrs. Wagner, WY

The product is very wonderful. There is no more build-up on my shower heads. They are no longer plugging up ...from all the years of build-up. I have only had the product for several months, however I am very satisfied.

Mr. Finch, WA

Our water is much cleaner and we get more suds when we do laundry and dishes. Also, the unit was very easy to install. I would recommend this unit to many more friends.

M. Sousoures, NV

CALL 1-800-555-1659 • Offer Code SCA170 • www.usascalerid.com

cultural and non-agricultural work—for example, under the proposal, children under the age of 16 may not operate "power-driven equipment." The department is correct that there is no logical reason for treating farms differently than other businesses, and the new rules would not apply to children working on their parents' farms. But there is also no reason for the federal government to prevent children from learning valuable skills, which is all too often a result of child-labor laws.

■ The spending bill for next year includes a provision giving a nine-month reprieve to the incandescent light bulb. The Department of Energy will not be allowed to spend money implementing rules that would effectively ban it. Without this last-minute switch, the feds would have cast the pale pall and dreary buzz of compact fluorescence over every home in America. Democrats inserted language forcing the recipients of DOE grants over $1 million to meet the mothballed standards. Such grants should continue to be targets for conservative cuts. The branches have been pruned; next up, the roots. The obvious joke here is, "How many bureaucrats does it take to screw up the light bulb?" Thanks to this small victory, we will have to wait at least until September to hear the punch line.



FISKER AUTOMOTIVE, INC.

■ Fisker is a maker of hybrid high-performance sports cars. Because its products are "green," it received a $529 million loan guarantee as part of the Obama stimulus—and then announced that it would be making the cars at a facility in Finland instead of in the U.S. And now it has announced a recall of its Karma luxury sedan, because the batteries are a fire hazard. It appears the company has worked quickly to replace the defective battery packs, but then, the battery packs are not the most defective part of this story.

■ Just before Christmas, New York City witnessed what is known as a "culture clash." A woman named Meredith Graves visited the 9/11 memorial. She had driven up from Tennessee. At the memorial, she noticed a sign that said "No Guns Allowed." She remembered that she had her usual pistol in her purse. So, as a polite and conscientious Tennessean would, she asked a security guard where she could check it. The guard directed her to a policeman. She asked the cop the same question. He then arrested her. Graves is due in court on March 19, to be tried for illegal gun possession. New York is not like Tennessee. If convicted, she could get three and a half years in prison. Her mother-in-law, who lives in New Jersey, was quoted as saying, "Everyone down there [in Tennessee] carries. . . . She was being honest, and this is the treatment they give innocent people." But if gun laws distinguished between dangerous and peaceable people, then they wouldn't be gun laws, would they?

■ As CEO and chairman of international derivatives brokerage MF Global, Jon Corzine was handsomely remunerated. When he was hired in March 2010, his base salary was $1.5 million. That is not to speak of sign-on bonus (another $1.5m), annual bonuses ($2m guaranteed for the first year), stock options (on shares worth $18m at the time), and expense deals (around $200,000 worth). All that for a part-time position! Corzine remained a partner at private-equity firm J. C. Flowers & Co., and also held a visiting professorship at Princeton. Alas, MF Global filed for bankruptcy a year and a half later, and Corzine has been trying to explain to the House Financial Services Committee what happened to $1.2 billion in customer funds that's missing from the firm's accounts. Corzine blamed the little people: "The back office in Chicago explicitly confirmed to me that the funds were appropriately transferred," he weaseled to the lawmakers. That back office has a lot of responsibility. Maybe it should get a raise?

■ Faced with a deepening budget crisis and an unemployment rate hovering intractably around 11 percent, California legislators busied themselves by passing some 760 new laws in 2011, many of which are now beginning to take effect. One of these requires children to ride in car seats until attaining eight years of age or 4 feet 9 inches. An estimated 1.1 million six- and seven-year-olds who had graduated to boosterless travel under the previous law will undergo the humiliation of returning to their car seats in the New Year, or their parents will risk a minimum fine of $475. Public officials expressed sympathy for the inevitable tearful resistance parents will encounter, and one proponent of the mandate recommended they explain to their children that "it's not Mommy and Daddy's decision, it's the law, it's the police." Perhaps someone might explain to public officials that they shouldn't be acting like Mommy and Daddy.

■ Immediately after U.S. troops departed, Iraqi prime minister Nouri al-Maliki moved against Sunni officials in his coalition government in a naked sectarian power play. Definitely emboldened by our departure, and perhaps by President Obama's otherworldly happy talk about political conditions in Iraq during their recent meeting in Washington, Maliki could be creating the conditions for a return to civil war. The targeted officials are from Iraqiya, the heavily Sunni party of secular nationalists. Its leaders accused Maliki in the *New York Times* of "attempting to drive us out of Iraqi political life and create an authoritarian one-party state." The Obama administration needs to use every remaining lever of our influence to pull Maliki back—if, that is, it cares at all about the fate of Iraq.

■ The North Korean dictator Kim Jong Il died at age 69. He has been succeeded by his youngest son, Kim Jong Un, aged either 27 or 28. It is not likely that young Kim is capable of wielding much real power. The nation's affairs have probably passed into some kind of regency under Kim's uncle, Jang Sung Taek, and his clique of military leaders. For U.S. policymakers, the transition offers opportunities. North Korea is an international pest, trading in narcotics, counterfeit currency, and WMD expertise. The nation is also a totalitarian horror show blighted with vast labor camps and periodic famines. Regime collapse would be a blessing for international order and for civilized values. That outcome is, however, undesirable to China and South Korea, which will therefore strive to

keep the odious Kim despotism in business. While they are maneuvering to do so, the U.S. should make it plain that ours is the opposite aim. We should step up surveillance, respond forcefully to provocations, and set our face firmly against any deals that benefit the regime. If we cannot bring down the appalling Kimocracy, we should at least impose some price on its future misbehavior.

■ The United States, the European Union, and even the United Nations finally look set to apply real sanctions to prohibit the purchase of Iranian oil. So the ayatollahs of Iran are suddenly dropping their habitual air of injured innocence and instead baring their teeth. Any such sanctions, several military and civilian spokesmen in Tehran have declared, will be countered by closing the Strait of Hormuz, a crucial passageway for oil tankers for all Gulf producers, including Iran. Over a ten-day period, the Iranian navy has been conducting exercises, and test-firing what are said to be new types of missiles and torpedoes. At the same moment, according to the Associated Press, Iranian scientists have announced that they have overcome international sanctions and made the rods that fuel nuclear reactors. Iran depends wholly on oil for its income, so closure of the strait would be economic suicide on its part. The regime is thought quite widely to be bluffing, but if not, the U.S. Fifth Fleet, with its 20 or more ships and its combat aircraft, is in those waters.

■ Five separate attacks on Christian churches in Nigeria on Christmas Day left at least 50 dead. The worst attack, on St. Theresa Catholic Church in Abuja, the nation's capital, killed 37. An Islamist sect named Boko Haram ("Western things forbidden") claimed responsibility. The group has killed more than 500 people in terrorist acts these past two years, with the pace increasing in recent months. Nigerian president Goodluck Jonathan has declared a state of emergency and promised "decisive measures." His task is daunting, however. Nigeria is the most populous country in Africa, the eighth most populous in the world. It is also an oil exporter, ranked seventh in the world. For all that, the nation is miserably poor and sensationally corrupt. The security services are venal and shambolic. Half the population—living mainly in the north—is Muslim. Religious divisions in a nation are challenging enough; when one of the religions is Islam, they are doubly so; add in widespread dire poverty and rampant corruption, and the prognosis for Nigeria cannot be good.

■ The Institute of Egypt is no more, a victim of the Arab Spring, set on fire in the latest protests in Cairo's Tahrir Square. The Institute dated back to 1798, when the French invaded. Napoleon Bonaparte, the army's commander and someone always pursuing knowledge for its own sake, had brought with him a team of experts to classify and catalogue everything they could find in the country from the pharaohs to the present. These researches lasted 20 years. Their handwritten *Description de l'Egypte* was in 24 volumes, a monument to orientalist scholarship. Four handwritten copies exist, but most of the original is now burnt, probably beyond repair. During the two subsequent centuries, the Institute collected close to 200,000 books, documents, maps, and manuscripts. Staff and volunteers tried to salvage what they could after the fire, and truckloads of damaged items were taken away. What was left on the pavements, it is reported, was little more than charcoal debris. The loss is irreplaceable, and civilization is the poorer.

■ Sometimes the Chinese government sends bureaucrats to enforce its one-child policy, telling expectant mothers that second children result in heavy fines. And sometimes it sends thugs, heavy sedatives, and an abortionist. Either way, it takes a great deal of bravery to stand up for that particular freedom—as Chinese women have been doing in greater numbers and with greater publicity lately. One of them, Wu Weiping, recently told a reporter that she carried a knife when she left home towards the end of her second pregnancy because "I was going to fight to the death if they found me." Who could condemn the children of such a mother as that?

Suddenly the ayatollahs of Iran are dropping their habitual air of injured innocence and instead baring their teeth.

■ Chen Guangcheng is a great man. He's the blind "peasant lawyer" who blew the whistle on forced abortion and sterilization in his area of Shandong Province. For the last six years, he has been brutalized by the dictatorship. He is now out of prison, but is enduring a torturous kind of house arrest. A variety of brave souls have trooped to his village, Dongshigu, in an effort to see him. For their troubles, they have been beaten, robbed, detained, and "disappeared." Last month, the movie star Christian Bale made the same journey to Dongshigu. Like the others, he was denied access, and he was even roughed up. Let it be remembered, however, that a Hollywood actor performed a noble act.

■ Because this was not said about a Republican president, perhaps the tastemakers will take note. Matt Damon told *Elle* magazine that "a one-term president with some [manhood]" would be better than the incumbent. Damon did not say "manhood," but an anatomical plural. This was not the first time Damon tackled Obama. He expressed disappointment with him as early as last March, prompting the president to zing Damon with a joke at the White House Correspondents' Dinner in May. It's a free country, and Matt Damon may say what he likes. But why we, or the president of the United States, should pay attention is a mystery. Vulgarity, it seems, it simply a modern accompaniment of holding forth. Toads make a racket, and they breed in swamps.

■ In 2009, President Obama demonstrated his knack for diplomacy by returning a bust of Winston Churchill to the

United Kingdom. The U.K. had loaned the bronze from its art collection to Pres. George W. Bush after September 11, and the 43rd president displayed it with pride in the Oval Office. But Obama, ever anxious to alienate our friends and to assuage our enemies, decided to spurn this symbol of the not-so-special relationship. Last month, House Speaker John Boehner introduced a resolution recognizing that the Capitol "does not currently appropriately recognize the contributions of Sir Winston Churchill or that of the United Kingdom" and instructing the architect of the Capitol to procure an "appropriate statue or bust" of the former prime minister for the building. The resolution passed by voice vote. Now the Senate needs to act, and it shouldn't have too much to discuss. We even have a bust in mind.

■ The fifth edition of the *American Heritage Dictionary* was published in November. Among other new coinages it recorded the expression "anchor baby," defined as: "A child born to a noncitizen mother in a country that grants automatic citizenship to children born on its soil, especially such a child born to parents seeking to secure eventual citizenship for themselves and often other members of their family." This bland objectivity ignited the wrath of the Immigration Policy Center, an open-borders lobbying group. Mary Giovagnoli, director of the IPC, stirred up a mighty fuss on the Internet. The *American Heritage Dictionary* quickly came to heel, posting a revised definition on its website in early December. "Anchor baby" is now flagged as "offensive" and defined to be "a disparaging term." Steve Kleinedler, executive editor of the dictionary, groveled that he had "rectified" an "error"—the error, presumably, of having insufficiently politicized a work of reference.

■ On hearing that the Environmental Protection Agency awarded $25,000 to a Utah modern-dance troupe, our first reaction was: At least the EPA is harming the economy less than usual. Using avant-garde choreography to reduce pollution may seem as logical as using synchronized swimming to teach Hungarian, but as a representative of the dance troupe explains: "Kinesthetic learning will be used to examine air quality issues and encourage youth and their families to adopt healthy living practices." An EPA spokeswoman gamely suggests that dance is "uniquely capable of providing environmental education and awareness in a multicultural and multi-lingual community" (such as famously diverse Utah). "Unique" is indeed the mot juste to describe a program that uses pliés and arabesques to tell kids that pollution is bad.

■ A while back, the Toronto Zoo made news with its pair of gay penguins, Pedro and Buddy. The two were inseparable, catching fish together while nuzzling and attempting to mate; observers fancied that their tuxedos always seemed impeccably pressed. Eventually, though, the zookeepers decided to split them up, much to the fury of gay activists. Canada, being slightly warmer than Antarctica, needs to breed its penguins in captivity, so each one was separately turned loose among the females. The good news, from a family perspective, is that Buddy (the older of the two) has already found a lady friend. Pedro has yet to settle down, though not (as zoo officials mysteriously note) "for lack of trying." So have Pedro and Buddy suddenly gone straight, or were they just very close friends before? With penguins, not everything is black and white.

■ Fans of the original Tarzan movies were distressed to hear of the December 24 death of Cheetah the Chimp, who had co-starred with Maureen O'Sullivan and Johnny Weissmuller in those memorable productions. Distressed and also surprised, since the dates of the movies—early 1930s—required Cheetah to be an octogenarian. The death announcement was issued by the Suncoast Primate Sanctuary in Florida, which claimed to have received Cheetah around 1960 when Weissmuller's estate was dispersed. Primatologists were soon expressing skepticism, noting that the normal lifespan of chimps in captivity is 35 to 45 years, and that the documentation on the deceased's actually being Cheetah was sketchy at best. Suncoast Sanctuary, however, is vigorously defending its claim, and promises to release photographic evidence. We expect this controversy to continue for at least another 80 years, perhaps eventually joining such evergreens as the fate of D. B. Cooper and the authorship of Shakespeare's plays.



■ In a historic moment in 1989, hundreds of thousands of Czechs gathered in the center of Prague to call on Václav Havel to be their president. There and then, a democratic Czechoslovakia was freed from the Soviet bloc. It was the triumph of an individual. All his life, Havel had behaved as if Communism was not worth the attention of a free man. No firebrand by temperament, no revolutionary, he was an artist who became a dissident by writing plays to defend freedom and to mock its enemies. Rising international fame could not protect him from persecution. First he was condemned to stacking barrels in a brewery, then he had to serve various spells in prison, sometimes doing hard labor. This hardened his determination to do what he thought right. In later writings, and speeches as president, he could attest from experience that Communism had made everyone morally ill, spiritually impoverished. One more service to his country remained. Early in the course of his presidency, Slovak nationalists said that they wanted independence from the Czechs. Havel preferred to maintain unity, but for the sake of peace and yet again freedom he conceded separation of Czechs and Slovaks into two states, sparing them both what might have been Yugoslav-style violence. R.I.P.

■ As befit a man so voluble and so headstrong, Christopher Hitchens left a mixed legacy. His books, except for his charming memoir, *Hitch-22*, were slapdash affairs (what he didn't know about Thomas Jefferson would fill a book). His criticism relied on the Oxbridge hauteur that makes Americans reach for their forelocks. He shone at polemics and controversy; unfortunately, many of his causes were terrible. He came out of the totalitarian Left and he remained a snake-

AP

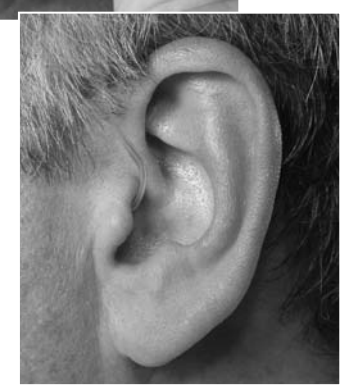
The invention of the year is great news for your ears

Perfect Choice HD™ is easy to use, hard to see and costs far less than hearing aids… it's like reading glasses for your ears™!

New Personal Sound Amplification Product is an affordable alternative







Affordable, Simple to use, Virtually impossible to see

Over the years, technology has made the way we live easier, safer and more convenient. In many cases, it's even made many products more affordable… (remember how much the first VCRs used to cost?). Unfortunately, the cost of hearing aids never seemed to come down. Now, a new alternative has been invented… it's called Perfect Choice HD™.

"Reading glasses for your ears"

Perfect Choice HD is NOT a hearing aid. Hearing aids can only be sold by an audiologist. In order to get a hearing aid, you had to go to the doctor's office for a battery of tests and numerous fitting appointments. Once they had you tested and fitted, you would have to pay as much as $5000 for the product. Now, thanks to the efforts of the doctor who leads a renowned hearing institute, there is Perfect Choice HD. It's designed to accurately amplify sounds and deliver them to your ear. Because we've developed an efficient production process, we can make a great product at an affordable price. The unit has been designed to have an easily accessible battery, but it is small and lightweight enough to hide behind your ear… only you'll know you have it on. It's comfortable and won't make you feel like you have something stuck in your ear. It provides high quality audio so sounds and conversations will be easier to hear and understand.

Perfect Choice HD vs Traditional Hearing Aids

	Perfect Choice HD	Traditional Hearing Aids
Lightweight and Inconspicuous	YES	Some
Easy Toggle Switch Adjustment	YES	Few
Intelligent Setting Memory	YES	Few
Tests and Fittings Required	NO	Yes
Affordable	YES	as much as $5000
Friendly Return Policy	**YES**	**rarely**

Try it for yourself with our exclusive home trial. Some people need hearing aids but many just need the extra boost in volume that a PSAP gives them. We want you to be happy with Perfect Choice HD, so we are offering to let you try it for yourself. If you are not totally satisfied with this product, simply return it within 60 days for a refund of the full product purchase price. Don't wait… don't miss out on another conversation… call now!

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…and other times where you need to turn up the volume

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80325

handling atheist all his days. His hatred of Bill Clinton, which first won him conservative plaudits, seemed merely mischievous. But life in America and the spectacle of violent jihad had an effect on him. He came to appreciate the benefits of a free society and some of the virtues of a free people. 9/11 galvanized him: He saw immediately that it was an act of war, and turned in fury on its captains, cheerleaders, and enablers. He took the oath of citizenship at the Jefferson Memorial. His struggle with the cancer that finally killed him was notably gallant. Dead at 62. Could he ever enjoy R., or P.? Let us pray.

■ She was a highly regarded child actress gone . . . right. Susan Gordon appeared in numerous movies and classic TV shows (*Gunsmoke*, *The Twilight Zone*, *My Three Sons*) from the late Fifties to mid-Sixties, and then she grew up. Not to a life of misfortune and rehab, but to marriage, motherhood (she had six children), faith, and happiness. A real role model, she passed away last month, at 62. R.I.P.

2012

After Iowa

THE top two vote-getters in the Iowa caucuses, Mitt Romney and Rick Santorum, are intelligent, knowledgeable, and politically experienced men who have taken conservative positions on the issues. But their political situations are very different.

Senator Santorum, widely regarded as not a serious candidate mere weeks ago, gets a bigger boost from the results even though Romney received a handful more votes than he did. His near-victory speech was tremendously affecting as well as savvy, highlighting subtle but important differences between him and other Republicans, differences that might be attractive to voters. It was addressed squarely to middle-class voters, and emphasized that while Santorum supports tax cuts for people in the top income brackets, he does not believe they would be sufficient to restore broad-based growth. And it tied Santorum's policies and personality together with the theme of dignity: the dignity of each life, including those of the unborn; the dignity of each person, whatever his economic station.

Santorum's heady victory will be followed by daunting challenges. He must raise money and then convert it into organizational capacity in multiple states—and do both of these things quickly. He must also survive press scrutiny that is likely to be more intense and hostile than any he has yet received during this campaign. Expect to hear a lot about his remark that as president he would explain the evils of contraception to the nation. Even people who share his convictions might balk at this most quixotic use of the bully pulpit. If Republicans come to believe that Santorum's priorities are not their own, they will reject him.

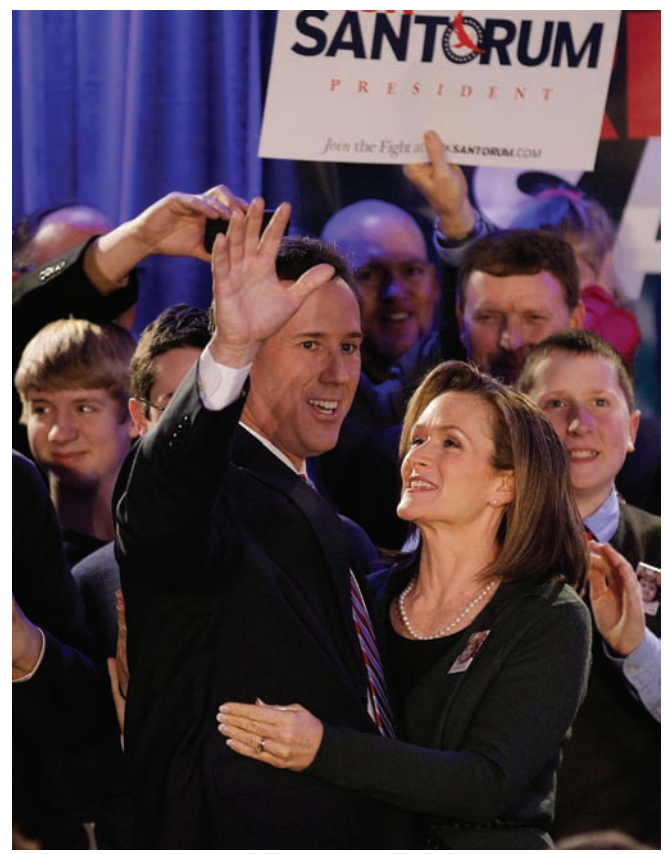
Romney has never had a commanding lead in the polls and has not inspired much enthusiasm among Republican voters. His rather complacent speech following the caucuses will not inspire more. He may well believe that he faces no serious challenge for the nomination. But the more he shows that he believes this, the less it will be true. He has also won a potentially effective enemy in Newt Gingrich, who seems likely to become a de facto ally of Santorum. On the other hand, Romney might easily counter Gingrich's petulant complaints about negative campaigning by promising to be just as tough on Obama.

Romney should be careful in his attacks on Santorum. If he disagrees with Santorum's approach to winning over blue-collar voters—and some of the policies Santorum recommends in that regard deserve criticism—he will nonetheless have to express that disagreement in a way that does not deepen his own difficulty in appealing to them. Romney would be well within his rights to stress his business and executive credentials, and implicitly or explicitly Santorum's lack thereof, and to make the case that he is a stronger general-election candidate. But if he appears to cooperate in a media campaign to portray social conservatism as extreme, he will weaken himself severely.

Rep. Michele Bachmann recognized that her campaign is over. As she has said time and again on the trail, she has been a leading rhetorical opponent of the Obama agenda in the House—and it is to that urgent work she should return.

On caucus night it seemed likely that Gov. Rick Perry, too, would quit the race after a dismal showing. Instead he is apparently betting that this race still has more turbulence left in it. If before Iowa he had to prove that he would make a winning nominee, after it he must also prove that he still has a shot at the nomination.

Gov. Jon Huntsman has the same burden. He must make the case that his record and agenda should yield conservative support at a time when most attention will be on the Santorum–Romney duel. If he fails, then after New Hampshire he will face the same choice as Congresswoman Bachmann.



CHARLIE RIEDEL/AP

The Santorums celebrate in Iowa.

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The Rise of Rick

A report on the Santorum insurgency

BY ROBERT COSTA

Johnston, Iowa

One hot August night in Ames, Rick Santorum stood on the basketball court at Iowa State University's Hilton Coliseum and huddled with his wife, Karen. Few people noticed him, and his handlers, if he had any, were elsewhere. Reporters breezed past the couple to chat with big-name strategists working for Mitt Romney and Tim Pawlenty. Steps away, under a cavern of Klieg lights, Sean Hannity spoke with Michele Bachmann, who was expected to sweep the upcoming Republican straw poll. Santorum, surveying the scene, scowled. As he waited for Bachmann to finish the interview, he tapped his foot like a backup player itching to get into the game. "This is unbelievable," he told Karen, shaking his head. "Two questions in the beginning, and I had to wave my hand to get them."

Five months later, on a bitterly cold January night in central Iowa, Santorum took the stage at the Stoney Creek Inn, and those summer doldrums were long forgotten. Suddenly, in the final sprint toward the caucuses, he achieved a last-minute ascent, and with a strong showing in the Hawkeye State, catapulted into national prominence. Santorum—until recently a B-list former lawmaker, one whom the talk-show producers kept waiting—became the latest to take a star turn in the GOP field.

Santorum's Iowa showing shocked Beltway pundits, many of whom wrote him off months ago. They credit his long, strange trip into the primary's top tier to the isolated enthusiasm of midwestern evangelicals and to finicky conservatives who settled late on an also-ran. But on the trail, at Pizza Ranch restaurants and small-town diners, it's clear that Santorum's climb is about more than luck or the whims of Iowa's social conservatives. It's not about celebrity, either. His usual outfit—single-color, slightly pilled sweater-vests over pressed white shirts—is the look of the ill-at-ease soccer dad, not the confident frontrunner. Republicans have flocked to him at the eleventh hour, encouraged by his dogged, shoe-string operation, by his accessible, at-ease manner, and, perhaps most notable, by the power of reinvention.

A little more than five years ago, Santorum, then a member of the Senate GOP leadership, lost his reelection bid in Pennsylvania to Democrat Bob Casey, the lackluster scion of a popular governor. Even though Santorum was only in his mid-forties, his political obituary was filed. But he neglected to pass away: Instead, he became a television commentator and a popular figure in the conservative movement, stumping for candidates and sustaining relationships with activists. He became, in the words of one aide, "looser, less stuffy." When he was at the top of the Washington heap, he became a tad insulated, friends say, and it was only when he was tossed into the wilderness that he began to seriously engage grassroots groups, working with them as a compatriot and not as a high-powered politician.

In 2010, Santorum jumped on the Iowa "judge bus" and helped knock liberal justices off of the state's high court. That experience introduced him to many of the volunteers who now work as lead organizers on his presidential campaign, including Chuck Laudner, the political strategist who directed his Iowa efforts. "It's been a blast to watch this thing come together," Laudner says. "The biggest thing, to me personally, is that we're having fun—he's having fun. We built this campaign from the ground up," he says. Early on, Santorum recognized that he'd have to use a different campaign model than the rest of the field. With few reporters paying attention, no money, and a candidate who looked more like a math teacher than a leading man, Laudner says that "everything that we knew about how to generate momentum, in terms of ads and media," was discarded. Organization, the campaign's only option, became paramount.

Santorum, often packing only his cellphone and a book, jumped into the "Chuck Truck," the silver Dodge Ram 1500 pickup owned and driven by Laudner. Together, the pair set off to hamlets and small cities, from Sioux

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City to Davenport, asking voters, one by one, to consider Santorum and to sign up to be "caucus captains," the people who speak in the candidate's behalf at each of Iowa's 1,774 voting precincts. By early December, Santorum and Laudner had enlisted hundreds. By mid-December, as Santorum began to finally get a look from on-the-fence Republicans, that number began to creep above 1,000. The website for the campaign, RickSantorum.com, was be - sieged with donations large and small. From July through September, the campaign collected a mere $700,000. By New Year's Day, it was skyrocketing beyond that.

All this was the consequence, Laudner says, not of a debate zinger or a snazzy ad, but of Santorum's dedication to the road and the 350-plus town-hall meetings he held in farming and meatpacking communities that barely appear on the state map. Now, as the candidate looks ahead, Santorum's nascent, tight-knit team faces significant hurdles. But his Iowa method underscores his ability to put together a coalition of open-minded Republicans who respect his old-school politicking in the age of Facebook and Twitter. Many of those voters are suspicious of Romney and uncomfortable with Ron Paul's doctrinaire libertarianism. They're open to someone who can connect the tea-party impulse of the primary to the reality of conservative governance.

In coming weeks, Santorum's challenge will be to build upon his success—tapping donors, hiring staff—and to dodge the attacks from Romney and the other candidates left standing. During the final sprint in Iowa, Santorum was trailed by swarms of journalists, from print scribes and network producers to pushy Swiss bloggers. As one might expect, Santorum is confident that he can sustain his surge. Iowa evangelicals may have bolstered his bid, but he sees himself as a full-spectrum conservative: an insurgent, to be sure, but one with mainstream potential.

"I'm out there talking about faith, family, limited government, and strong national security," Santorum says. "That's what people don't really understand about my campaign. It's not different messages for different folks. Instead, we have a very strong and consistent message, one about who we are as Americans. The foundations of that are faith and family, as well as free markets and limited government." In other words, as he looks to contrast himself with Romney, Santorum is casting his late-breaking candidacy as a national one, taking a different tack than Mike Huckabee, the former Arkansas governor and Baptist preacher who won the Iowa caucuses last cycle but fizzled when he struggled to build on his evangelical base.

Santorum believes that he can use his Senate savvy to complement the fervor stirred up in Iowa. "It's now about the next step, keeping the character of the campaign intact, that Iowa spirit, and broadening the themes," says one senior adviser. "You'll hear more about his story." Indeed, at this stage in the race, the years on Capitol Hill are a plus, Santorum says, with scars from the Clinton wars marking him as a conservative warrior, as opposed to Romney's CEO. If he can raise enough money, his team believes, there is an opening to make Romney sweat on two fronts—knocking him both on his conservatism and on his experience, inviting voters to choose between a veteran legislator and a management consultant.

Romney, who earlier this season jockeyed for position with a pair of House members (Paul, Bachmann) and a scandal-plagued pizza magnate (Herman Cain), could have a trickier time with Santorum. In late January and February, "there is going to be a conservative alternative," Santorum says, and, with his Iowa breakthrough, he's poised to keep rising as the field tightens, battling Romney deep into the spring. "I think we're in a position to do that," Santorum says. "We just haven't had many ups and downs. We just haven't."

When he meets with voters, Santorum touts his low-key hustle, urging supporters to enlist for what could be a long, brutal contest. "Mitt Romney has a lot of money; I have a lot of energy," he said at one event in western Iowa. At the most basic level, he says, the decision is between settling on a moderate or nominating a fighter. Republicans, he predicts, will choose him, the candidate with "energy and ideas who's willing to face the tough questions." It's a simple argument, one rooted in Republican unease with Romney, who has been an able campaigner this year but hardly a conservative favorite.

Santorum suggests that the difference between him and Romney is not merely political but also temperamental—the privileged son of a millionaire governor versus the scrappy grandson of a coal miner who grew up in a middle-class home in western Pennsylvania, the son of an Italian immigrant. Santorum's electoral record, for the most part, shows that his blue-collar Catholic appeal, coupled with his firebrand rhetoric, is more than some scrambling strategy. In fact, it's worked for the 53-year-old attorney since he emerged on the political scene in 1990 as a 32-year-old House candidate who was ignored by the National Republican Congressional Committee but still managed to oust Democrat Doug Walgren, a seven-term incumbent from the Pittsburgh suburbs. Four years later, running for the Senate, Santorum toppled another influential liberal, incumbent Democrat Harris Wofford.

In 2000, he was reelected in an increasingly Democratic state. That year, George W. Bush lost Pennsylvania, but Santorum won handily, boosted by a better-than-expected margin in the

If Rick Santorum can raise enough money, his team believes, there is an opening to make Romney sweat on two fronts—knocking him both on his conservatism and on his experience.

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wealthy, socially moderate Philadelphia suburbs. Then, as in Iowa, Santorum credited his zealous commitment to retail politics. His critics rarely point to these earlier races as an indicator of his prowess, citing the benefits of incumbency for his 2000 win and the Republican wave for his 1994 upset. In their eyes, he is still the Rick Santorum of 2006, who suffered an 18-point loss to Casey.

But John Brabender, Santorum's close associate and chief adviser since his first congressional race, rejects the notion that Santorum's 2006 campaign is an omen of disaster. He calls the Casey race an outlier, and those who focus on it, he says, miss the broader lessons of Santorum's career, as well as his promise. "You've got to remember his history," Brabender says. "At the beginning, he had no chance, and then he wins. In 1992, they redistrict him into a Democrat-heavy district, and he wins in a year Clinton won Pennsylvania. If you think about it, every time he runs, no one thinks he can survive. The stuff we've heard all year, it's nothing new. Obviously, 2006 was one of those years where we beat our heads against the wall. There wasn't much we could do. But people tend to forget that he has always surprised, that he relishes coming back and winning difficult areas."

Romney's counterargument has been that Santorum's real problem isn't so much his electability as his credibility. He may have wooed Iowans, supported by a bloc of pastors and Corn Belt conservatives—but, as Romney sees it, Santorum spent much of the past two decades as a Republican grandee with close ties to big-government spenders and K Street lobbyists. Santorum's critics point out that, after leaving office, he did work for legislative-policy groups in Washington—work that, while common enough among former legislators, is not far removed from lobbying. Romney's partisans argue that Santorum will be forced to address the full scope of his senatorial record—especially his embrace of earmarks, including the "Bridge to Nowhere," the infamous Alaska boondoggle.

As Santorum plods ahead, that's but one of the political ghosts haunting him. Beyond policy particulars, Santorum has some conservatives concerned about his political judgment. They respect him, they admire him, and they applaud his family, which has endured tremendous personal trauma. (In 1996, he and Karen had a son, Gabriel, who died soon after birth; their daughter, Bella, has trisomy 18, a genetic disorder.) But when it comes to politics, he hasn't won everyone's trust. Explaining his 2008 endorsement of the man he is now running against, Santorum told NBC News: "I made, I hate to say it, a calculated political decision," backing Romney to reduce Sen. John McCain's chances. That's a tough admission for a campaign that asks voters to elevate conservative principle over cold pragmatism.

And conservatives have not forgotten Santorum's 2004 endorsement of liberal Republican Arlen Specter, then the senior senator from Pennsylvania. At the time, Specter was struggling in a close primary against conservative darling Pat Toomey. Many Toomey backers believe that if Santorum had supported their guy, he would have won instead of losing a nail-biter, and they're still bitter about it. Even Santorum's confidants concede that that episode could hurt his credentials as a conservative stalwart.

Brabender, for his part, isn't worried. In Iowa, Santorum has proved that he can talk like a senator while campaigning like a tea-party unknown. "He thinks it was actually beneficial for him to get out of Washington for a while," Brabender says. "It turned out to be a huge benefit, as he began to look at a presidential run, since he came into this with fresh eyes, not as someone in a position of power." Santorum remains the wonky, youthful politician he's always been, but now he's shown that he has survival instincts. That may be enough to keep his campaign going beyond the Iowa cornfields. **NR**

Beyond policy particulars, Santorum has some conservatives concerned about his political judgment.

Electable You

To unseat Obama, vote Romney

BY RAMESH PONNURU

"THE only reason I'm supporting [Mitt] Romney is because he can win the election," an Iowan named Tim McCleary told the *Washington Post* in late December. It seems to be a common sentiment among Romney supporters. But Romney's critics are putting forth a vigorous set of counterarguments that can't be easily dismissed.

Some say that he is actually a weak candidate: someone to whom voters have never really warmed. Or they say that if nominated he will not be able to motivate conservatives to show up to vote for him. Some conservatives say that electability is overrated: Merely electing someone who calls himself a Republican wouldn't be much of an accomplishment. Reps. Michele Bachmann and Ron Paul have said in debates that anyone can beat President Obama in November, in which case there is no reason to judge the primary candidates' electability. The electability skeptics often cap their argument by pointing to John McCain: Didn't many of the people who call Romney the strongest of the candidates say the same thing about him four years ago? Look how that turned out.

The McCain example should indeed serve as a reminder of the fallibility and provisionality of judgments about electability. Observers who touted his potential strength in a general election—this observer included—did not predict that a financial crisis would hit the country a few weeks before that election, and thus raise the importance of issues with which the senator had no familiarity. But McCain nonetheless ran ahead of the rest of the Republican ticket in most places; and even in retrospect, it is not obvious that any of his primary-campaign rivals would have done better than he did. Mike Huckabee never showed any ability to reach beyond his evangelical base. Many of Fred Thompson's own supporters came to view his campaign as lethargic. And so on.

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What are the facts?

A death wish for Israel. Ahmadinejad and the ayatollah who is the "supreme leader" have publicly mused that one or two nuclear bombs would obliterate Israel, but that, though it would cause devastating damage and millions of casualties, Iran would survive Israel's retaliatory attack. Iran is a huge country, with about 60 million inhabitants, so they are probably correct. And who can doubt that those religious fanatics would not hesitate to allow the destruction of much of their country and to sacrifice a third or even one-half of their population in order to eliminate the hated Jewish state. When our country was entangled with the Soviet Union in the bitter 40-year long "cold war," with both sides having sufficient nuclear weapons to destroy the opponent's country and its people, things were kept in place by MAD – Mutually Assured Destruction. However "evil" the leaders of the Soviet Union (the "Evil Empire") may have been, there was one great consolation and assurance: They were not crazy. But the Iranians and other Muslims are crazies, as we understand the concept. Because they take instructions directly from Allah, who tells them to kill the Jews and other infidels, whatever the cost.

> "An attack on the Iranian nuclear installations would fall under the heading of "anticipatory self-defense," recognized and sanctioned by international law and by common sense."

Israel has no problem with Iran. They share no borders and have no territorial dispute. In fact, they face common Arab enemies and should be natural allies, as they indeed were under the Shah. Iran's death wish for Israel is based entirely on religious fanaticism. In contrast even to the intractable North Koreans, the determination of the Iranians is immutable. It cannot be changed by persuasion, by diplomacy, by sanctions or by threats.

Once Iran is in possession of nuclear weapons, it will not only be a deadly danger to Israel, but to all of the Middle East and to virtually all of Europe. The flow of oil from the Middle East, the lifeblood of the industrialized world, would be totally under its control and so would be the economies of all nations of the world, very much including the United States.

What is to be done? In 1981, then prime minister of Israel Menachem Begin, being aware of Iraq's nuclear ambitions and looming realization of those ambitions, decided that its nuclear reactor at Osiraq had to be destroyed. The IAF (Israeli Air Force) accomplished that in a daring and unprecedented raid. Iraq's nuclear capability was eliminated in one stroke, never to rise up again. Israel had done the world an enormous service. Had it not been for Israel's decisive action, the Iraqi conquest of Kuwait and, without question, also of Saudi Arabia and its enormous oil fields, and, for that matter, of Iran, could not have been prevented. Saddam Hussein would have been the ruler of the world.

The solution to the deadly threat that Iran poses to the world is obvious. Of course, diplomacy and persuasion, threats and promises, sticks and carrots – every possible means short of military action – should be used until it becomes clear even to the most obdurate that nothing can deviate Iran from its chosen path of becoming a nuclear power and to dominate the Middle East.

There is reason to believe that the people of Iran, especially the young people, oppose the oppressive and theocratic regime of their country and are hostile to the mullahs who control everything. But the government has the tools of power firmly in its hands. It controls the instruments of coercion – it can kill people and it controls the oil money. While it would be most desirable and in the interest of the world to be able to foment an overthrow of the Iranian regime, that is an unrealistic and unattainable prospect.

Regrettably, there is only one solution to the terrible dilemma confronting the world, the unacceptable danger of a nuclear-armed Iran. The terror, the destruction and the 60 million dead of World War II could have been prevented at several times during the Nazi regime. But the Allied powers, under the leadership of Britain's prime minister Neville Chamberlain, opted for appeasement and for "peace in our time." We cannot afford to make that same mistake again. The world must give Iran an ultimatum: Desist immediately from the development of nuclear weapons; if you do not, we shall destroy the facilities that produce them. There still is a window of opportunity to do that. That window may close very soon. But who would do the job? The United States would be the obvious choice. But if the United States were in accord, Israel could do it, just as it did the job in 1981 in destroying Iraq's nuclear potential once and for all.

An attack on the Iranian nuclear installations would fall under the heading of "anticipatory self-defense," recognized and sanctioned by international law and by common sense. Nobody really knows for sure how far Iran is from reaching its goal — six months. six years? The experts disagree. But if Iran is not stopped now, it may well be too late not very long from now.

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FLAME

Facts and Logic About the Middle East
P.O. Box 590359 ■ San Francisco, CA 94159
Gerardo Joffe, President

FLAME is a tax-exempt, non-profit educational 501 (c)(3) organization. Its purpose is the research and publication of the facts regarding developments in the Middle East and exposing false propaganda that might harm the interests of the United States and its allies in that area of the world. Your tax-deductible contributions are welcome. They enable us to pursue these goals and to publish these messages in national newspapers and magazines. We have virtually no overhead. Almost all of our revenue pays for our educational work, for these clarifying messages, and for related direct mail.



Electability isn't everything, of course: Otherwise Republicans could just nominate Obama and call it a day. But electability matters more in races where the main primary candidates have very similar programs, where the parties' programs differ dramatically, and where there is a high probability that the general election will be tight. In the current race all three conditions obtain. The fact that no judgment about electability can be conclusively proven to be right does not excuse us from having to make one.

Jonathan Last, a writer for *The Weekly Standard*, has made the case that Romney

> has the least-impressive electoral history of any Republican frontrunner in a very long time. Most of the politicians who chase the White House are proven vote-getters with very few electoral blemishes on their record. John McCain, Mike Huckabee, Bill Clinton, John Kerry, George W. Bush, Bob Dole, Michael Dukakis—what unites all of these men is that before getting to the presidential level, they had demonstrated a talent for getting people to vote for them.

Last figures that Romney has run in 22 elections and won only five of them. He lost to Ted Kennedy by 17 points in 1994, a great Republican year. Even his greatest political achievement, winning election as governor of Massachusetts in 2002, is unimpressive on Last's telling. Republicans won the three previous gubernatorial elections with larger percentages of the vote. And Romney ended the party's winning streak: Republicans lost the 2006 election as he left office.

Nothing in Last's indictment is inaccurate, but he has chosen the most hostile possible interpretation of the facts. It is true, for example, that Kennedy beat Romney, as he beat everyone the Republicans ever put up against him in Massachusetts. It is also true that Romney held Kennedy to the lowest vote percentage he ever got after his first election (in, yes, a good Republican year). Last's win/loss record treats each primary defeat in 2008, dubiously, as an independent event. Consider them collectively and his win/loss record is 3–2. (Wins: 1994 Senate primary, 2002 gubernatorial primary, 2002 general election; losses: 1994 Senate general election, 2008 presidential primaries.)

It is also possible to read the gubernatorial record Last discusses more favorably. Almost anywhere, a gubernatorial candidate trying to continue a winning streak for his party is going to confront time-for-a-change sentiment, and that sentiment is likely to be stronger the longer that streak has lasted and the smaller the minority the winning party represents. Under Romney's Republican predecessors, Massachusetts had turned even more liberal than it already was. In 1992, the Republican presidential candidate's share of the vote in the commonwealth was 8.5 points lower than his share of the national vote. In 1996, it was 12.6 points lower; in 2000, 15.4 points lower. Republicans were bound to end their streak eventually, and keeping it going as long as they did was a real achievement.

Keep in mind the liberalism of Massachusetts, and Last's list of former party nominees does not look so clearly stronger than Romney. McCain, Kerry, Dole, and Dukakis had all run in states that favored their parties.

None of which makes Romney a political dynamo. Last's critique has real force. It is not hard to identify Romney's political weaknesses. If he is the nominee, President Obama will relentlessly attack his work at Bain Capital as vulture capitalism. In 2008, his appeal in most states was limited to the affluent, and political reporters have made great sport of his sometimes awkward interactions with voters on the campaign trail. A significant portion of the electorate will hold his Mormon religion against him. His campaign flailed when Newt Gingrich began to climb in the polls. Romney himself raised the "issue" of Gingrich's debts to Tiffany, which only made Romney look foolish.

But the important question about electability isn't whether Romney has political vulnerabilities or even how well he stacks up against past party nominees. It's how he compares with the other available candidates. Compared with them, he starts to look much more impressive.

First consider their political résumés. Several of Romney's rivals—Speaker Gingrich and Representatives Bachmann and Paul—have not been elected statewide to any office. (Gingrich hasn't been elected anywhere during this millennium.) One, Gov. Rick Perry, has a perfect record of winning in statewide elections in Texas. But his gubernatorial

wins came after the state had become safely Republican. Gov. Jon Huntsman was elected in deep-red Utah.

Romney has executive experience, which separates him from Representatives Bachmann and Paul, Speaker Gingrich, and Senator Santorum. Voters seem to value such experience. Since 1928, the presidency has gone only once to someone without strong executive credentials—who was not, that is, a former governor, former high military commander, or sitting president—over someone who had such qualifications. (In 1988, when the elder Bush beat Massachusetts governor Michael Dukakis.) Romney is the only one of the current Republican candidates who—like Ronald Reagan, Bill Clinton, and George W. Bush—both has executive experience and has won an election in a competitive jurisdiction. (Note that this would not be true if Gov. Tim Pawlenty of Minnesota were still in the race, or Gov. Jeb Bush of Florida had entered it.)

Most of the primary candidates are running on the same agenda, so the differences among their positions are fairly small. What differences exist tend to work in favor of Romney's electability and against the others. Perry and Romney both have fairly sensible ideas about how to reform Social Security, for example. But Perry, unlike Romney, has expressed a degree of hostility to the popular program that will be easy for Democrats to exploit in the fall. The view of Bachmann, Perry, and Santorum that abortion should be banned even in the rare cases where pregnancies arise from rape or incest, while defensible (and in my view correct), would also be a serious political liability.

The candidates would probably have different strategies in the fall campaign. George W. Bush adopted "compassionate conservatism" in large part to ensure that the public did not form an impression of him as simply a conservative Christian from Texas, with all the negative associations that would accompany that impression. Disagreeing with Bush's solution is one thing. Perry seems not to acknowledge the political problem at all: The premise of his campaign has been that the public wants a pure, uncompromising conservatism. Many conservatives believe, or want to believe, this premise, but the evidence for it is weak and it is at the very least an awfully risky premise for a nominee to adopt.

Then there's the question of how the candidates would come across personally if nominated. This is admittedly subjective territory. The danger with Romney is that he will come across as (in order of increasing political worrisomeness) boring, phony, or uncaring. But he seems just as likely to appear intelligent, calm, and responsible. Gingrich runs a high risk of projecting an image of grandiosity, instability, and callousness, Santorum of arrogance and self-righteousness. Many people have gotten the impression that Perry is dumb. That may be unfair, as it was in the cases of Reagan and the second Bush. But it is an impression that Perry keeps reinforcing, both in debates and in remarks to reporters.

Some weaknesses are easier to address than others. Romney at least seems to understand that he needs to connect with middle-income voters, which is why he keeps emphasizing the middle class when he talks about taxes. Gingrich cannot, however, rearrange his marital history. Nor can any of these candidates change their basic personalities. Note Gingrich's recent comparison of his failure to get on the Virginia primary ballot to Pearl Harbor, which no other candidate would have made. Gingrich also has a steeper climb in public opinion: Roughly half the country already has an unfavorable view of him, while closer to a third of the country feels that way about Romney.

Romney cannot do much to change the minds of anti-Mormon voters. But two things might work in his favor. The longer he spends in the spotlight, the lower his religion may go down the list of associations people have with him: He could become "moderate," "the Republican nominee," and "a rich businessman" before he is "the Mormon" in people's minds. And the closer voters get to the election, the more they may focus on the important issues before the country, which do not include his theology.

Romney isn't one of the great political talents of American history. (Neither is Obama, by the way, but that's another article.) But he looks like a strong candidate. He might not win in November: I would rate him as a slight underdog, myself. But he still looks like the best bet to beat Obama. **NR**



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The Constitution And the Coot

In which we chat with the Paulista at the end of the bar

BY ROB LONG

It should be some kind of requirement, according to constitutional scholar Adam Freedman, that every presidential election have a candidate who represents the Constitution.

The "constitutional candidate" wouldn't have a prayer of winning, of course—the best way to win the presidency, we've learned, is to promise to do all sorts of extra-constitutional things, to toss the text and all of its tiresome restrictions and counterweights aside in an orgy of promises and giveaways—but it would be useful, and instructive, to have someone up there on the dais to act as a kind of constitutional ombudsman. Someone tiresome and irritable, probably, who doesn't mind beginning every sentence with "The Constitution doesn't give you the authority to do that" or "Where does it say in the Constitution that government gets to tell me to lay off the carbs?" That sort of thing.

Although if you really think about it, we have had exactly that sort of candidate in the past two presidential elections.

The bad news is that the candidate has been Ron Paul.

It was always fun to see Paul's dyspeptic, curdled expression during the 16,000 Republican debates this autumn. (There were 16,000 of them, weren't there?) It was bracing to see him shrug off appeals to weasel-word his responses—just shutter the Fed! dump NATO!—and it was especially interesting to watch the other candidates, who, philosophically, aren't supposed to be all that different from Paul, ballet-step around him, like he was one of those loud talkers at the neighborhood bar who make a lot of sense, mostly, but then every now and then say something—Lincoln was a tyrant!—that makes everyone think, "Oh, I get it. You're just . . . insane."

Ron Paul isn't insane, of course. His views on sound money and central banking, and even his narrow interpretation of the national-defense interests, are principled—and not novel—conservative positions. You and I may not agree with them—I do, mostly, up to the part about allowing Iran to bomb Israel—but on the crackpot scale of 1 to Lyndon LaRouche, they're barely a 3. And if we're all really honest about it, the sainted Abraham Lincoln did, in fact, violate the Constitution on several occasions. And over a few beers, say, among friends, these are interesting and diverting topics of conversation.

But like all of those kinds of conversations, they always end up the same way. The conversation winds along interesting abstractions and what-ifs, and then someone—usually the old guy at the end of the bar—says something truly out-there—"There's no constitutional reason, for instance, why the children of illegal immigrants cannot be eaten"—and then the conversation devolves into weird irrational tributaries, and everyone moves on to something else, but you always have the feeling that one guy—usually the old guy at the end of the bar—really meant it.

In other words, there's Ron Paul, and there's the Ron Paul newsletters, and you cannot have one without the other. One, in fact, leads inexorably to the other. First you start talking about sane, grounded stuff—sound money; harmful central banking—and then, eventually, you start suggesting how it might have been the Israeli Mossad that bombed the World Trade Center in 1993, or how the AIDS virus is quite possibly a product of secret government research gone awry.

The Ron Paul newsletters—published in the 1980s and 1990s under various hilariously pompous titles, such as "Ron Paul's Freedom Report" and "The Ron Paul Survival Report"—are filled with a nutty blend of libertarian boilerplate and conspiracy fruitcakery. Take the first part away, and what you have left is basically interchangeable in tone and idiocy with any left-wing rag you can get your hands on. Oh, sure, you'll have to substitute some words—"corporate fat cats" for "urban blacks"—but you'll find that the writers of both the "Ron Paul" oeuvre and your standard lefty scandal rag have saved the phrase "Jewish bankers" on a macro.

The problem with the crank at the end of the bar isn't that he's one of those flinty libertarians who demand that we all live in a Randian paradise of winner-take-all—that's what makes libertarians often tiresome and irritating, but it's an interesting and thoughtful philosophy—it's that the only reason guys like that can see for why we don't live in a splendid constitutional utopia is that someone—the government, the guy in the black helicopter, the Jews, the urban blacks—is holding us down.

Ron Paul the candidate occupies an interesting and useful place in the race. He's a principled weirdo, the unlikable old coot down the street, the guy you have to respect for his stubborn adherence to the rulebook of the great American experiment. And that's what most voters see in him, too. "Really admire the point of view," they say. "Too bad he's too weird to be president."

Whatever the reason for the weird ramblings in the Ron Paul family of publications—and to me, anyway, the most likely one is: the guy wanted to move some product, and his customers ate that crap up—it does suggest a sad conclusion: that the job of the constitutional candidate—the ombudsman for the founding document, the champion of the framers—is unlikely to appeal to anyone except the humorless crank at the end of the bar. And that's not Ron Paul's fault. That's ours. **NR**

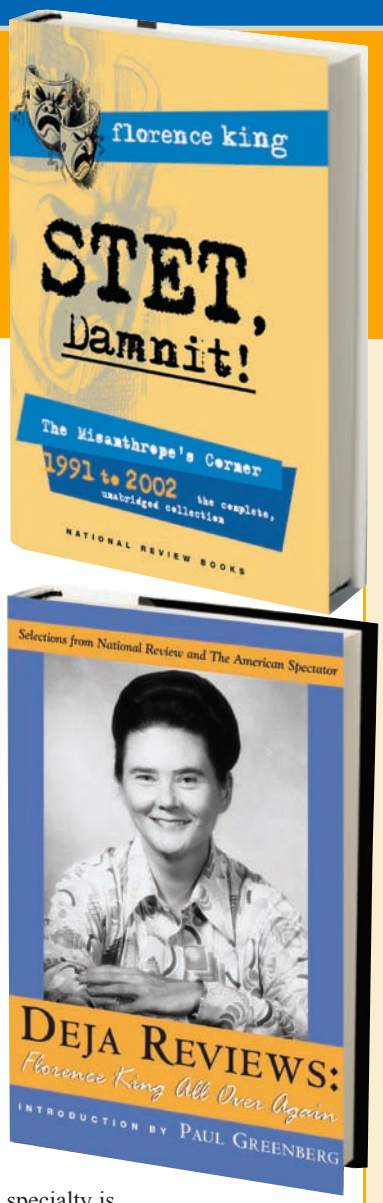


CHARLIE NEIBERGALL/AP

Ron Paul debates in 2011.

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Nikki Haley's Rough Start

South Carolina's rock-star governor collides with reality

BY JOHN FUND

Columbia, S.C.

THE race for the Republican presidential nomination has pivoted towards South Carolina's January 21 primary. Because the state's primary voters have selected the eventual GOP nominee in every contested White House race since 1980, every campaign is putting out a maximum effort.

One of the aces that Mitt Romney believes he holds in the Palmetto State is the endorsement of Nikki Haley, the new 39-year-old governor who rocketed to political stardom last year by challenging the good-ol'-boy political network in the state. Fueled by endorsements from both Sarah Palin and Romney, Haley was able to marshal tea-party support to crush a sitting attorney general, a sitting congressman, and the state's lieutenant governor, winning the GOP nomination and then the general election.

It was classic political Cinderella theater, with the story of the state's first governor from a minority group (Haley is Indian-American) taking place on the 150th anniversary of its secession from the union and providing a powerful symbol of just how far the South has progressed. But one year after she was sworn in, enough of the luster has worn off that former governor Mark Sanford, her immediate predecessor and political mentor, is discouraged. "I wonder if she'll be more of a liability to Romney than she is an asset," he told me. "She's taken her eye off the ball and lost focus."

His comments are echoed by several tea-party leaders I spoke with, who say her efforts at cutting government have been half-hearted at best. "She is increasingly falling back in line with legislative leaders bent on preserving the old system," says Brit Adams, a leader of the Upstate Coalition, a collection of tea-party groups in the Greenville area. "She talked about school choice and zero-based budgeting in the campaign, and now those things have dropped away," says Talbert Black, the founder of Palmetto Liberty, a local political action committee.

Haley certainly has seen her approval ratings slump since being sworn in, although just how much is a point of dispute. According to a December Winthrop University poll, the governor's approval rating is 35 percent, with only a little more than half of Republicans giving her a thumbs-up. Since every statewide official in South Carolina is a Republican, the GOP controls the legislature, and Republicans have a seven-to-one advantage in the congressional delegation, the Winthrop survey rang alarm bells everywhere.

The governor punched back. Appearing on NBC's *Meet the Press*, she dismissed this "local poll" because it also showed that President Obama would today win South Carolina, which would be a bizarre result since he lost the state by 9 percentage points in 2008.

But the poll in question didn't test President Obama's general-election prospects in South Carolina, only his statewide approval rating. This came in at 45 percent—higher than Haley's. The governor's office was forced to admit she had misspoken.

"She sure didn't have a problem with this 'local poll' when we correctly predicted her gubernatorial victory in 2010," Scott Huffmon, the director of the Winthrop poll, commented, noting that his survey predicted Haley's defeat of Democrat Vincent Sheheen in the general election. Nonetheless, Team Haley has a point when arguing that the survey is somewhat suspect. "I have consistently found a durable ten-point Republican-party affiliation edge in South Carolina elections," says Haley strategist Jon Lerner. "The Winthrop poll surveyed 3.6 percent more Democrats than Republicans, so there was an inaccurate partisan weighing."



Nikki Haley and Mitt Romney in December 2011

RAINER EHRHARDT/AP

That appears correct, but fixing it would still leave the governor with an approval rating only in the 40s, which is what recent private polls I was shown all pegged her at. A Public Policy Polling survey in September had her at 41 percent approval.

That level isn't what an incumbent governor would hope for after a year in office. Even Governor Sanford, who crippled his own administration in 2009 when he admitted to leaving the state to meet his Argentine lover, ended his two terms in office a year ago with an approval rating near 50 percent.

"Everyone knows she has a weak governorship in which the major budget decisions are made by a five-member control board, on which she is only one vote," says Ashley Landess, president of the free-market South Carolina Policy

Mr. Fund, a columnist, is the author of Stealing Elections: How Voter Fraud Threatens Our Democracy, *which was recently published in a new edition.*

Council. "That said, she hasn't taken on the power structure like her allies hoped, but rather accommodated herself to it."

Chris Drummond, a former communications director for Governor Sanford, agrees. "The control board has a reform-minded state treasurer and state comptroller and two legislative committee chairmen and the governor on it," he told me. "Too often the governor is voting to logroll with the legislative chairmen rather than voting for reform." Although she will submit her own budget for the first time this month, her line-item vetoes of last year's budget were minuscule and, in Sanford's eyes, "prearranged" with legislative leaders. "She misled a lot of reformers. I regret my efforts to help her get elected," Drummond told me.

Nikki Haley rode to prominence on a key issue in 2010. As a state representative, she bravely led the fight against legislative secrecy, pointing out that less than 8 percent of the bills passed by the legislature had a roll-call vote. She was ridiculed by Bobby Harrell, Speaker of the state house, who stripped her of a committee assignment and dismissed attempts to require roll-call votes "as a waste of taxpayer time and money." But the issue of transparency resonated with the public and helped propel her to an improbable primary victory, with sleazy last-minute allegations of adultery barely slowing her down.

"Nikki agreed with us that there is a great disconnect between the people and the governing elites in South Carolina," Ashley Landess told me. "We have an electorate that mostly supports small government, but most of the legislative leaders are slavish supporters of corporate welfare who think they are the conduit to prosperity." She says that, far from breaking up that system, the governor has increasingly coddled it.

The governor's office vehemently disagrees, and notes that the last legislative session saw the passage of tort reform, a requirement that all spending votes in the legislature be recorded, and a law requiring that a photo ID be shown at the polls. She was also a fierce opponent of attempts by the Obama-appointed National Labor Relations Board to sanction Boeing for building a new plant in South Carolina.

Drummond calls most of those issues "low-lying fruit" that were so popular it's no surprise the legislature passed them. And as for transparency, he says there's a clear distinction between rhetoric and reality in the Haley administration. Columnist Isaac Bailey of the *Myrtle Beach Sun News* concludes that "she's done just about everything to make it impossible for the public to know what she is doing and why, even going out of her way to hide or delete emails or using personal accounts to dodge open document requirements."

Indeed, some Republican activists are furious at her sudden decision to ask the state's environmental board to reverse itself and approve a permit to allow a dredging project that will benefit the port of Savannah, Ga., a competitor of Charleston's port. Some Republicans ran an ad during a recent football game between the University of South Carolina and Clemson accusing her of making a backroom deal. When the Republican legislature held hearings on the issue, Haley staffers initially refused to testify and cooperated only after subpoenas were issued.

Rob Godfrey, the governor's communications director, says such criticism shouldn't surprise anyone because "when you run for office as a champion of transparency, you always set yourself up for critics saying you are not transparent enough. But the reality is that no governor in South Carolina history has been as transparent as Governor Haley. She goes further than is required by law."

Many of Haley's original supporters say they understand she entered office without executive experience, and they expected some rocky moments. But they say hiring a very young staff known more for its loyalty than its competence has compounded her problems. Mark Sanford has an edge of sadness in his voice when discussing her first year with me: "She's on the cover of national magazines, her book will be out in April—I think it can be confusing, and all this has led her to punt on some of the really big issues she ran on."

Nikki Haley remains a political superstar in national Republican circles, and her charm and fighting spirit are undeniable. But it's increasingly clear that many of the people who elected her are worried that because of either national distractions or an unwillingness to fully confront the power structure she ran against, she is becoming what last year she said she loathed—just another politician. **NR**

For Shame

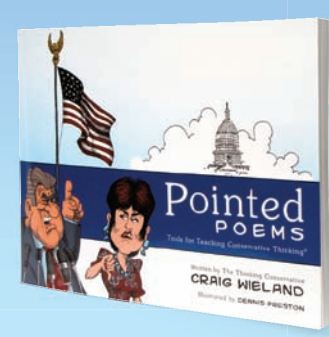
Whither the Cinderella Men?

BY DANIEL FOSTER

WOULD you believe me if I told you that America's entitlement problem is not, at the end of the day, about unfunded mandates, changing demographics, out-of-control health-care costs, or marginal tax rates, but about *shame*? And for the sake of argument, would you further indulge the assertion that the year-end spending battle between congressional Republicans and the White House was not about the payroll tax or the Keystone XL pipeline, but about restoring a measure of shame to the welfare state? And if you've come with me this far, won't you come a little farther in accepting that the key to understanding the role of shame in the American experiment isn't found within a CBO report or a historical study, but in the first act of a good (though not great) Russell Crowe boxing movie from 2005?

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Not convinced? Well, let's elaborate, starting first with that last claim. The good-but-not-great boxing pic to which I refer is Ron Howard's *Cinderella Man*, based on the life of Depression-era pugilist James J. Braddock, who went from dockworker to champion of the world in inspiring fashion. In it we find a standout sequence that elegantly and efficiently dramatizes the social and cultural value of shame, and demonstrates why we miss it so much today. Injury-plagued, semi-retired from boxing, and relying on scant work as a longshoreman, Braddock is depicted living with his wife and small children in a dingy tenement in New Jersey, splitting a single ham steak four ways for supper. But even then, he has too much pride to tap the government for help. It is only after the utility man shuts the heat off, and Braddock's wife farms the children out to a relative for fear they are slipping into pneumonia, that the fighter relents.

We cut to the counter at New Jersey's Emergency Relief Administration, where a woman whose very job it is to administer public assistance counts out $19, looks at Braddock with something between disappointment and pity, and says, "I never thought I'd see you here, Jimmy." Braddock, eyes turned downward, collects his money and shuffles off. In the next scene we see Braddock in a smoke-filled saloon inside the old Madison Square Garden, where he begs a room full of boxing promoters, trainers, and suits—quite literally with hat in hand—for the additional few bucks he needs to turn on the heat. Some men turn their backs, others offer their two bits with a gentle condescension. One trainer, played by Paul Giamatti, tells Braddock (who is by now mumbling apologies and choking back tears) that he has nothing at all to be sorry for. And, of course, Giamatti's character is right: Braddock owes no apologies for doing whatever it takes to keep his family together. But Braddock *is* sorry nonetheless, and more important, he's *ashamed*. It's a shame so powerful that it kept Braddock from looking for a handout until he had exhausted all other possibilities. And it's a shame so powerful that by the end of the second act, with Braddock well on his way to the miraculous championship bout that gives the film its title and its central metaphor, he returns every cent of charity he ever took.

It's an inspirational tale and a thoroughly American one. Or at least, it *was* a thoroughly American tale. Now I wonder whether the great crime of America's entitlement culture is that it has killed all the Cinderella Men at just the moment it needs them most. Indeed, I was moved to rewatch the film on the occasion of the demise of the House payroll-tax plan that, although chalked up as a mere political miscalculation, attempted to do something far more important for the future of the country than any temporary tax holiday would: It tried—and failed—to reintroduce some small measure of shame long missing from our thinking about entitlements.

Against the backdrop of shameful anecdotes such as the one about the jet-setting Seattle couple in the $1.2 million house who have nevertheless collected more than $100,000 in welfare checks, the bill attempted to strengthen safeguards that ensure public assistance goes to the truly needy. Against the shameful backdrop of a recent CBO study showing that, over the last 30 years, the share of government transfer payments going to the poorest 20 percent of Americans has declined from 50 percent to 35 percent, while the share going to the wealthiest 80 percent has increased from 50 to 65 percent, the bill introduced modest means-testing for Medicare. Against the backdrop of a president who says, to his shame, that yet another extension of unemployment benefits will be better for the American economy than the Keystone pipeline, the bill took steps to gradually, responsibly reduce the maximum benefit eligibility from 99 to 59 weeks, checking the descent of that program from insurance to de facto welfare.

Each of these measures is long overdue, and each is at its core about shame, arguably *the* social virtue most critical to the success of the American project. For a limited government in which all are free to pursue their own ends requires a cultural counterbalancing to assure, as William F. Buckley Jr. once put it, that not everything that is legal is reputable. Shame provides such balance. And while we think of it as primarily deployed against undesirable personal habits—everything from sexual promiscuity to alcoholism—there was once in this country a great shame associated with dependence, with being on the dole.

At the start of the Great Depression, "welfare" was largely a private affair, administered by churches and charities, and it was in most cases reserved for widows and the infirm. That changed in 1930, when the federal government first waded into unemployment assistance, and again during the historic first term of Franklin Roosevelt, whose New Deal produced a litany of new "direct relief" programs. Still, the public was suspicious. While contemporary surveys showed Americans broadly supportive of the public-works projects that made assistance contingent on labor, welfare for the able-bodied continued to be seen as a shameful handout—



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a disreputable, if temporarily necessary, affair. Even the presentation of Social Security (as with Medicare a generation later) as a kind of investment from which one expected no more than a fair return couldn't fully alleviate this shame. As none other than FDR himself announced at the beginning of 1935, "The federal government must and shall quit this business of relief."

But things have changed. Due in part to the very acceptance and perceived success of the New Deal and its progeny, the taint of shame associated with being on the dole has long since faded. What's worse, this moral change has coincided with demographic and actuarial changes that have made entitlements more lopsidedly redistributive, and thus unsustainable. Now, dependence on the federal government—not just by the poor, but by the middle and even upper classes—for everything from health insurance to home ownership, college to retirement, is so complete that most of us don't notice the stream of subsidies until it is interrupted. And worse, we're not even ashamed of ourselves.

Indeed the overriding characteristic of our bloated welfare state is its shamelessness. There is no shame in the Seattle couple, or the president who thinks putting people back to consumption is better than putting them back to work. Just as there is no shame in the Occupiers who starved coffee shops of business in New York or shut down productive ports in Oakland demanding that others pay off their student loans or their underwater mortgages. Just as there is no shame in the politicians who fear-monger on entitlements.

To note this is not, as some would no doubt imply, to argue for the wholesale dissolution of the welfare state. Just about everyone from Paul Ryan leftward agrees on a well-tailored safety net for those who cannot help themselves. And to be sure, the Great Recession, like the Great Depression, has seen a dramatic spike in their number. But the Depression generation remained possessed of a shame that helped both curb abuses of the welfare state and power the country into an unprecedented era of growth. Can we say the same of ourselves?

So long as we are shameless, our entitlement crisis remains as much moral as fiscal. The paradox we are left with is that the only society that can make entitlements work is one that doesn't feel entitled. **NR**

The Lioness In Winter

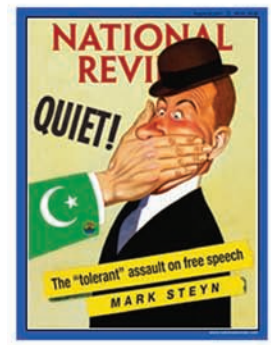
'Lady Thatcher' comes to the big screen

BY JOHN O'SULLIVAN

"The Iron Lady"—a term coined as a hostile criticism of Margaret Thatcher by the Red Army newspaper in 1976—proved to be an accurate prediction of her impact in the Cold War. It is, however, an ironic and ultimately misleading title for this Meryl Streep portrayal of the last British prime minister to play a major role on the world stage as she lives in lonely retirement. A better one would have been *The Lioness in Winter*.

For the film's narrative is framed as a series of flashbacks in the memory of an elderly Lady Thatcher grieving over the death of her husband some years before. We first encounter her as a slightly confused old lady who, having escaped her police escort, is buying a pint of milk in a local store. She returns home to complain about its price to Denis, who is as lively in death as he was in life: He crops up regularly throughout the movie's narrative of his wife's political career to comment on her memories, her decisions, her ambition, her guilt, and her selfishness while she packs his clothes and other effects. When others are around, however, he conveniently disappears into the woodwork. Whether she is aware that "Denis" is a hallucination is never really clear—until the very end of the movie, when, all his belongings having been dispatched to a charity shop, he walks away into the next world, leaving his wife alone and bereft.

Several critics otherwise favorable to *The Iron Lady* have criticized this framing device as distasteful. To portray a living person, especially a distinguished stateswoman, as suffering from senile delusions is thought to be unpleasantly intrusive. That is a fair criticism. But it need not have been a disabling one if Denis's commentaries had been kept within limits both of time and of taste. They are, however, almost the whole movie, or at least its central narrative



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theme. Actual historical footage of real events—the miners' strike, the Falklands War—is little more than confirmation of Denis's insights and observations.

It matters greatly therefore who "Denis" is and what he says. He is certainly not the historical Denis Thatcher, who would have been alarmed at some of the remarks put in his mouth. He did not believe his wife was moved by ambition rather than duty (as he argues in one crucial scene) or that she was "always alone" rather than a full family member (as he says in his final appearance). The real Denis Thatcher told friends as early as the early 1960s—a few years after his wife entered parliament—that she would be the first woman prime minister. He was inordinately proud and entirely supportive of her.

He is presented here as the spokesman for the confused paradox at the heart of this film. It is an anti-feminist film insofar as it depicts Margaret Thatcher as the prototypical feminist career woman careless toward her family. And it is a feminist film insofar as it shows her defeating the massed ranks of prejudiced maledom to get to the top.

This paradox itself rests on a mystery: How on earth did Margaret Thatcher get elected to the leadership of a Tory party here composed entirely of male chauvinists? The various scenes in which Mrs. Thatcher battles, triumphs over, leads, and is eventually betrayed by an all-male three-piece-suited chorus line of Tories are almost balletic in character, beautifully composed, flawlessly filmed, and aching to be set to music. They have some claim to symbolic truth as a description of her relationship with the patrician Tory "wets" who provided the top leadership of the party for much of her time in politics. But these scenes are absurdly false as a portrayal of rank-and-file Tories (who, among other things, are socially much more *normal* than depicted here) and of her rapport with them. Mrs. Thatcher was the Tory leader most comfortable with the grassroots party since Bonar Law (d. 1923). She was elected Tory leader almost entirely with male votes—but most of them male-backbencher votes. (We know the exact total of the male-chauvinist vote in that election; it was 16—the number of MPs who voted for the *other* right-winger standing against Ted Heath, an aristocratic Hugh Fraser.) She soon established herself as



ALEX BAILEY

Meryl Streep as Margaret Thatcher

the darling of the whole party. All of which means that if Denis Thatcher, a self-confessed Home Counties Tory, had been an unmarried MP at the time, he would have voted for her too.

If "Denis" is not Denis, then, who is he? As a hallucination produced by her mind/imagination/conscience, he is presumably a reflection of the inmost "feelings" that, as she boldly tells her doctor, she distrusts (preferring "thoughts"). But has anybody heard Mrs. Thatcher express the "feelings" relayed through "Denis," either today or before she began to suffer the ravages of age? None of her friends or former colleagues can remember her doing so. Nor do they ring true as typically "her." And that being the case, "Denis" is really a ventriloquist's dummy for the scriptwriter and director.

That must be so in some sense, of course. But the defective sense in which it is true here is that this ventriloquist's dummy is also a Greek chorus. He is the truth-teller who gives us the psychological reality of Margaret Thatcher that explains her politics, her rise, and eventually her fall.

At first glance the politics described by the film is a kaleidoscopic jumble—the struggle against inflation, the Falklands War, the miners' strike, the end of the Cold War—each conveyed in a few phrases, some footage of rioting and fighting, a handful of bold declaratory speeches by our heroine, and then on to the next item. To some extent, this compression is a cinematic necessity. The Cold War is compressed into Thatcher dancing with Reagan, the Berlin Wall coming down, the Paris conference that ended the Cold War (and that received the news of her defeat by Michael Heseltine, which triggered her downfall). Her opposition to the euro is alluded to in a single sentence (perhaps added very recently). The 1974 Tory crisis is pictorially represented by dramatic scenes of rubbish piling up that really relate to the 1979 "winter of discontent" under Labour. And so on. But we get very little context that would explain the reasons for these various conflicts—nothing about the revived Soviet threat of the mid- to late-1970s, nothing about the miners' leader, Arthur Scargill, mounting an explicitly political challenge to the government, nothing about the erosion of national sovereignty within the European Union. This is a film about politics without politics.

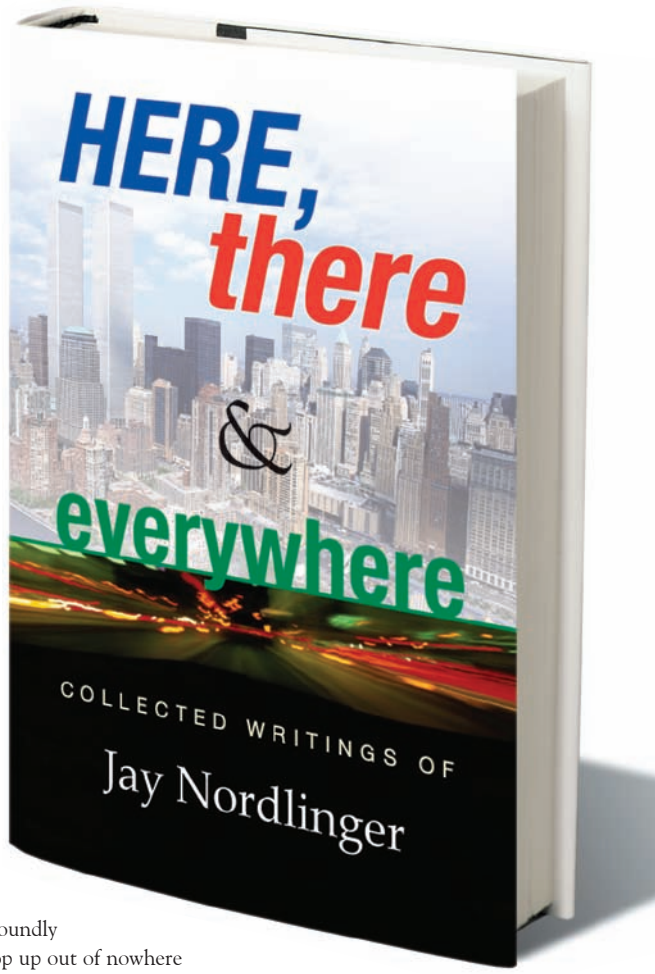
In the absence of political context, however, all these different conflicts seem to be united by only one thing: namely, the nature of Thatcher herself and her "divisive" leadership. And that is really the movie's all-too-evident subtext: She is "a battler" who has "battled all her life." She battles her way through all these various conflicts accompanied by her tap-dancing cabinet, first as sullen plotters, then as reluctant warriors counseling inaction, then as toadying sycophants in the face of her successes, then as sullen plotters again who realize that she has finally gone too far and can be brought down. Her career was magnificent in its way, but was it really necessary? Did Britain pay too high a price? Did her family pay too high a price? Did she herself pay too high a price?

No! No! No! is an appropriately Thatcherite answer to those last three questions. But I shouldn't let that deter you from seeing the movie. Though in the end this is a sentimental story about an elder stateswoman reliving her life in a melancholy mood, it is a riveting story cleverly told and elevated by a superb and uncannily accurate performance from Meryl Streep that goes far beyond brilliant imitation. A moving and exciting story, but, as our parents used to say, it's just a story. And one that, even if it were about someone else, I don't think Lady Thatcher would go to see. **NR**

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Courting the Cranks

Murray Rothbard is still hurting the Right

BY KEVIN D. WILLIAMSON

For most of the past century, left-wing fringe nuttery in American politics came in one color: red. Say what you will about Communism—and go ahead and start with 100 million murders, the Gulag, the Cultural Revolution, the permanent intellectual and moral scars inflicted on much of Europe and Asia—Marxism-Leninism had a conveniently centralizing effect. From union goons to environmental radicals to Occupy Wall Street, even today it's still pretty much one dinky degree of separation between the mainstream Left and the wretched remains of the Communist Party USA and other historical appendages of the Kremlin, a more or less unbroken chain of Rosenbergs and Alger Hisses and Harry Dexter Whites. On the other hand, right-wing fringe nuttery, which never attached itself to a European totalitarian movement, is one big bag of political Skittles: a rainbow of fruit flavors, a fair sampling of which can be found floating around the Ron Paul movement, thanks in no small part to two of the Right's great confectioners of kookery—Murray Rothbard and Lew Rockwell.

Ron Paul's less-pathetic-than-expected presidential campaign has brought fresh attention to his newsletters and the occasionally odious sentiments expressed therein, which were first brought to general public attention by the journalist James Kirchick, writing in *The New Republic* in 2008. Kirchick's report inspired two distinct responses. The first can be summarized: "Eek! A Jew!" Save your crayons, kids, unless you can account for such verbatim sentiments as "Gay, Zionist Jew James Kirchick bashes Dr. Ron Paul" and "The people that hate Ron Paul are the same people that hate Jesus. They are New World Order/Illuminati/Zionists/Satanists." I've been around the far right and far left long enough to know that "neocon" and "Zionist" are how well-schooled kooks pronounce "dirty Jew." And that was the response of the great Paulite unwashed.

The second response, that of the respectable libertarian world, the "Orange Line Mafia" in Washington and its affiliates in sensitive and sober intellectual enclaves from Manhattan to Orange County, was: "Heavens! How could this be?" Ron Paul's own response was a variation on that theme: Libertarians can't be racists, he argued, because libertarians are individualists, and racism is a collectivist idea. Which is all fine and good and dandy, but doesn't get us very far toward answering the question of how precisely those un-libertarianly racist sentiments ended up in a newsletter published by the country's most influential libertarian politician. *Oops!* is not the answer we're looking for. The answer is: It was all part of a plan. A very stupid plan.

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That plan was hatched by one Murray Rothbard, a brilliant man and in many ways an admirable one. He was a tireless exponent of the Austrian school of economics and had a real talent for exposing the self-interested motives of self-proclaimed patriots and esurient servants of the public weal who spent the post-war era building what he dubbed the "welfare-warfare state." He was also the Right's example par excellence of what happens when political positions calcify into ideology and then metastasize into mania. Taking inspiration from the Vietnam-era anti-war movement and the rise of David Duke, he hoped to build a hippie-redneck coalition to resurrect the program of the 1930s Right, and his opening bid was the "total abolition of the New Deal, the whole kit and kaboodle of the welfare state, the Wagner Act, the Social Security Act, going off gold in 1933, and all the rest. . . . Some would stop at repealing the New Deal. Others would press on, to abolition of Woodrow Wilson's New Freedom, including the Federal Reserve System and especially that mighty instrument of tyranny, the income tax and the Internal Revenue Service." *Okay*, your average conservative-libertarian type might be thinking, *so far, so awesome*. Then Rothbard adds: "Still others, extremists such as myself, would not stop until we repealed the Federal Judiciary Act of 1789, and maybe even think the unthinkable and restore the good old Articles of Confederation." They may not be Topic A in the nation's political discourse, but Rothbard had a thing for the Articles of Confederation—not because they represented, in his mind, a good blueprint for government, since he denied that there could be such a thing. He regarded the Articles as overly statist but greatly preferable to their hideous and lamentable replacement, i.e. the Constitution of the United States, the ratification of which he described as a "statist *coup d'etat*" backed by the villain he called "Generalissimo Washington." Lincoln and FDR get even worse treatment. It is worth noting that while Ron Paul promises to restore the American constitutional order, his most energetic partisans have as their intellectual North Star a man who despised the Constitution and hoped for its overthrow. (Free advice: Do not bother asking Ron Paul partisans about this. Take it from one who knows.)

Always keen to distinguish himself from the mid-century Right—he loathed National Review, and wrote about the magazine acidly and obsessively—Rothbard had no time for the libertarian-minded conservative, or even for the fellow anarchist who out of patriotism "reveres the American government as the 'freest in the world'" while "he worships the Founding Fathers . . . loves and admires the two major enforcement goon-squad arms of the State: the army and the police . . . supports their clubbing, beating, and torturing of dissenters and opposition movements to the State. Totally ignorant of the American guilt for the Cold War and of the long-time expansionist nature of U.S. imperialism, he supports that Cold War in the belief that the 'international Communist conspiracy' is a direct military threat to American liberties. Critical of Establishment propaganda in domestic affairs, he yet has allowed himself to be totally sucked in by the Establishment propaganda about the Communist bogey. Hence, he supports the American military. . . . Although a self-proclaimed libertarian, he shows no concern whatever for the genocidal American murder of millions of . . ."—but you get the point: He talked about the Communists approximately the way Ron Paul talks about the jihadists and the atomic ayatollahs. He believed that American militarism supplies its own enemies, and that everybody would just leave us the heck alone, and invite us on a jolly little picnic or something, if only we would follow his foreign-policy prescriptions, which were to have no foreign policy, because foreign policies are for states, and we weren't to have one of those, either.

William F. Buckley repaid Rothbard's attentions with a famous obituary that begins, "Murray Rothbard had defective judgment," and goes on to recount that in the 1950s Rothbard "physically applauded Khrushchev in his limousine as it passed by on the street. He gave as his reason for this that, after all, Khrushchev had killed fewer people than General Eisenhower, his host." (Rothbard regarded Ike's defeat of Senator Taft at the 1952 convention as a key moment in the rise of the wrong kind of Right.) Rothbard, WFB wrote, ended his days with "about as many disciples as David Koresh had in his little redoubt in Waco. Yes, Murray Rothbard believed in freedom, and yes, David Koresh believed in God."

As you might imagine, forging a functioning political coalition out of Americans who believe that history's great villains are George Washington and Abraham Lincoln and the boys who stormed the beaches at Normandy, and who want nothing more than to restore the Articles of Confederation as a stepping stone toward achieving total, blissful anarchy—and building that coalition around *conservatives*—turns out to be kind of hard. And that is where Rothbard really went spectacularly wrong. In his more rigorous mode, Rothbard is defensible as a political theorist; agree with him or not, his critique of the state is compelling and intellectually coherent. As a political *strategist*, however, he was a disaster, and he continues to hobble the libertarian movement from beyond the grave. Part of that is a consequence of his puritanical consistency-at-all-costs approach to politics, which cannot account for the actual variations of human experience and political conditions.

But a big part of it was biographical, too. As talk-radio listeners will appreciate, the more populist elements of the Right are wont to wag their fingers accusingly at pundits who are "trapped in the Beltway" or are Manhattan-dwelling elitists who seldom sally forth into the Real America. But Rothbard was in fact for many years a virtual prisoner of New York City, stricken by a range of phobias—bridges, tunnels, airplanes—that made it all but impossible for him to travel. (He was also terrified of elevators, which made life in Manhattan inconvenient. One former colleague relates an amusing story about the near-impossible task of getting Rothbard to attend a reception for Robert Nozick on the 108th floor of the World Trade Center. Led pale and terrified from the elevator, Rothbard greeted his fellow libertarians: "I bring you greetings from Planet Earth.") Rothbard knew Ayn Rand (and had the good sense to recognize her for a cult leader), he knew Mises and Nozick and other high-grade intellectuals, but he was not, to say the least, exactly up to his armpits in Real Americans. Still, he wanted to build a populist movement, and he needed allies. And, like many New York intellectuals before and since, he believed that Real Americans are basically boobs. When he noticed that former Ku Klux Klan kingpin David Duke seemed to be getting some traction in Louisiana, he was rapt: *Eureka! There is the comrade in liberty for whom I have been pining lo these many years*. He celebrated the emergence of this

new avatar of "right-wing populism," and, when Duke went down in ignominy, Rothbard wrote mournfully:

> Well, they finally got David Duke. But he sure scared the bejesus out of them. It took a massive campaign of hysteria, of fear and hate, orchestrated by all wings of the Ruling Elite, from official right to left, from President Bush and the official Republican Party through the New York–Washington-run national media through the local elites and down to local left-wing activists. It took a massive scare campaign, not only invoking the old bogey images of the Klan and Hitler, but also, more concretely, a virtual threat to boycott Louisiana, to pull out tourists and conventions, to lose jobs by businesses leaving the state. It took a campaign of slander that resorted to questioning the sincerity of Duke's conversion to Christianity.

That's right, America—a campaign of "fear and hate" in which the Klansman was the victim, not the perpetrator, and a political movement that has no room for Lincoln or Washington but welcomes the pillowcases-on-their-heads set, and nobody could quite figure out why that never caught on. Rothbard added: "There was nothing in Duke's current program or campaign that could not also be embraced by paleoconservatives or paleolibertarians." And that's the problem with Rothbardism—and Ron Paulism—in a nutshell: *I want to abolish the Fed, some KKK wacko wants to abolish the Fed, ergo we're on the same team*, as if everybody who opposes smoking ought to make common cause with Adolf Hitler: *Sure, the Holocaust was awful and all, but Hitler was really good on smoking*. *And those autobahns are pretty sweet!* Note that it was precisely *judgment* that WFB found Rothbard to lack, and, as it turns out, those who had the judgment to question the sincerity of Duke's conversion were right to do so: Today, you can find him at the "White World's Future" conference or hitting the Holocaust-denial circuit with Mahmoud Ahmadinejad.

Beyond the Duke campaign, Rothbard found inspiration in a variety of comprehensively bananas causes: the militia movement, neo-Confederates, and the like. A few months before the Oklahoma City bombing, he had the bad sense to celebrate a "glorious phenomenon" that included

> an erupting "county militia" movement . . . extensive civil disobedience by county sheriffs. . . . The Committee of the 50 States, a states' rights group, has been resurrected to push the Ultimatum Resolution, proclaiming the dissolution of the federal government when the national debt reaches $6 trillion. . . . In addition, there are various flourishing separatist and secessionist movements: for example, the desire of southwestern Nebraskans and northwestern Kansans to get out from under the despotic controllers and taxers of their "Eastern" big cities, such as Omaha and Wichita. Staten Island wants to secede from horrible New York City, and Vermont wants out of the U.S. Southern secessionists are on the march again, in such new organizations as the Southern League and Peaceful Secession, and grassroots anti-immigration groups are booming in California, Texas, Florida, and other states. . . . Finally, permeating all sectors of this variegated right-wing movement, there is a healthy and intense abhorrence of the Federal Reserve.

Secessionists, militias, David Duke: all fantastic on the Fed.

It is not coincidental that it is anti-Semitism generally and Holocaust denial specifically that form the ideological nougat holding this particular nut-cluster together. In Rothbard's view, the state is evil, and war is the characteristic activity of the state. Therefore, there can be no "good wars." But to your thinking American, not every war looks like an obviously fraudulent excuse for Leviathan to gorge on the pillage buffet. The Civil War was a horror, but then so was slavery. And Americans are to this day, damn their eyes, sort of *proud* of shellacking Hitler and Tojo. Rothbard was having none of that: "Lincoln was a master politician, which means that he was a consummate conniver, manipulator, and liar. The federal forts were the key to his successful prosecution of the war. Lying to South Carolina, Abraham Lincoln managed to do what Franklin D. Roosevelt and Henry Stimson did at Pearl Harbor 80 years later—maneuvered the Southerners into firing the first shot." That we should think of the Japanese imperial army as the cat's-paw of the FDR administration is prima facie bonkers, but Rothbard has a story he wants to tell. The Holocaust tends to get in the way of the Hitler-was-an-innocent-bystander view of history, and so Rothbard found himself making common cause with the "revisionist" historians of the Third Reich. That sort of revisionism has two main expressions: One is the view furthered by, among others, Pat Buchanan in his *Churchill, Hitler, and the Unnecessary War*, which holds that World War II was just another case of the British Empire's fecklessly trying to look out for its own interests while being enabled by America's "Anglophile elite." (Rothbard, like the LaRouche nuts, also wrote suspiciously of "Anglophiles," and a week after the 9/11 attacks, Rockwell's website ran a cautionary remembrance by the JoAnn B. Rothbard Historian in Residence at the Ludwig von Mises Institute about the runup to World War I: "The Anglophile Willies Find Us a War.")

Americans are to this day, damn their eyes, sort of *proud* of shellacking Hitler and Tojo. Rothbard was having none of that.

Rothbard and his faction fully embrace the first form of revisionism and are culpably indulgent of the the second, which specifically denies that the Holocaust actually happened or holds that it was in some way exaggerated. It is this that explains the association of Rothbard, a secular Jew, with the likes of James J. Martin, the libertarian revisionist and publisher who ended his career with a stint on the editorial board of the Institute for Historical Review, as slimy a bunch of anti-Semites as you will find outside of a United Nations conference. It is very much the same impulse that today allows the Ron Paul movement to make common cause with the conspiracy theorists of the John Birch Society: *Sure, they're a bunch of space cadets, but they're great on monetary policy*.

THE main vector of contagion transmitting Rothbardism to the Ron Paul movement is Lew Rockwell, formerly Ron Paul's congressional chief of staff and believed by many libertarians to be the author of the controversial passages in the Ron Paul newsletters. (Rockwell denies this.) Rockwell has had a long career on the right. He worked at Hillsdale College and is the founder of the Ludwig von Mises Institute, and he has probably done more than any other figure to keep alive Rothbard's dream of a grand far-right/far-left alliance, with the David Duke populists and the John Birch Society and the Fed obsessives joining up with the Vietnam-vintage anti-war Left. As the current state of American libertarianism suggests, Rockwell is every inch as defective a political strategist as Rothbard, but without his mentor's energy or scholarly flair. What Rockwell lacks in intellect, he makes up for in savagery. Like Rothbard, he is happy to associate with the worst sort of cranks, among them the late Joseph Sobran, who spent the end of his career hobnobbing with the aforementioned slimy anti-Semites of the Institute for Historical Review. After WFB fired Sobran from NATIONAL REVIEW because of his Jewish obsessions, Rockwell provided him with an outlet. Sobran's later output was characterized by such gems as this: "History is replete with the lesson that a country in which the Jews get the upper hand is in danger." Don't tell it to the people of the American West: One of the zanier proposals floated by Rockwell's website is to achieve peace in the Middle East by establishing a "New Israel" straddling the Nevada–Utah border and relocating Israelis there, a kind of Navajo reservation for Jews (perhaps with a casino?), a Zionist entity near Zion National Park.

That sort of flippancy is hardly the exception on Planet Rothbard and its satellites. Writing about the film *Schindler's List*, Rothbard complained that "the only criticism of the film has come from reviewers who claim that the movie is not pro-Jewish or anti-Gentile *enough*." (How anti-Jewish is a Holocaust film expected to be?) Informed that some film-goers had left the theater because of a group of black teens jeering at the concentration-camp scenes, Rothbard asked, "So what does Spielberg expect, if he won't make shooting scenes sufficiently realistic?" and he pined for the day when the Holocaust is just another historical curiosity and we "can put it all behind us." Rockwell, for his part, does not much appreciate the differences between the United States and Nazi Germany—recent headlines include "Heil Obama!" and "Towards a National Socialist America."

For a man who professes to carry forward the intellectual legacy of the erudite Professor Mises, Rockwell writes a lot of low-brow and barely literate sub-Chomskyite dreck: "Like Rome, England, and other empires, the U.S. divides to rule. In Arab countries, the subjects of the latest conquests, this is done geographically and tribally. The U.S. establishes 'freedom and democracy,' that is, mass killing, puppet tyrannies, and control of the oil. Some human beings like to murder and torture. Serial killers, we call them in the private sector. Mr. President, Madam Secretary, General, Mr. Director, we call them in the government." All of which sounds more Temple U. than Hillsdale to me.

Like his mentor Rothbard, the rebarbative Rockwell, who used to contribute occasionally to NATIONAL REVIEW, is particularly scathing on the subject of your favorite magazine, which he and his acolytes will never forgive for having exiled the Birchers and the other conspiracy nuts and Jew-fever sufferers from the conservative movement. I'm probably a little low in the NATIONAL REVIEW food chain to say so, but: You're welcome. **NR**

How to End Judicial Supremacy

Newt Gingrich has the right idea but not always the right tactics

BY JOHN YOO

FORMER House Speaker Newt Gingrich knows how to press the Left's soft spots. Even as he fades from the front of the Republican presidential pack, he deserves credit for attacking the judiciary's seizure of power over some of society's most important issues. Choosing new Supreme Court justices will be one of the next president's most influential tools for changing direction on controversies ranging from the balance between national security and civil liberties to a woman's right to an abortion.

Sometimes, however, Gingrich presses so hard that he ends up hurting his own cause. He stands on firm constitutional and historical ground when he attacks the commonly held idea that Supreme Court decisions bind the president or Congress and suggests that they could ignore judicial opinions under certain circumstances. He is surely right that the executive and legislative branches have a number of ways to corral wayward judges, including the power to change the jurisdiction of the courts, to eliminate judgeships, and perhaps to make greater use of impeachment.

Unfortunately, Gingrich couldn't stop there. He undermined the main thrust of his plan, posted in a white paper on his campaign website, by advocating extreme methods for imposing accountability on judges. He proposed the use of subpoenas to drag federal judges before congressional hearings to explain themselves—a counterproductive thought that drew fire from all sides of the political spectrum. But it would be a shame if Republican politicians concluded that the water is too hot just because Gingrich got burned when he tried a running belly-flop.

Every year, conservatives and liberals claim some victory at the end of a Supreme Court term. Conservatives may praise the justices for reading the Second Amendment to protect an individual's right to bear arms, while liberals may wrap their arms around *Roe v. Wade*. But the biggest winner of all is the Court itself, at the expense of the people's right to self-government.

Slowly but surely, the justices have expanded their power to decide many of our society's fundamental political, social, and

Mr. Yoo is a law professor at the University of California, Berkeley, and a visiting scholar at the American Enterprise Institute. He served in the Bush Justice Department from 2001 to 2003 and is co-author of Taming Globalization: International Law, the U.S. Constitution, and the New World Order, *forthcoming this spring.*

moral questions. Only the Court now decides whether schools or states may take skin color into account when admitting students or doling out public contracts. The justices choose whether religious groups may help educate inner-city children or deliver welfare while staying true to their beliefs. Use of the death penalty—indeed, each individual execution—goes to our unelected judges for approval.

In recent years, the Court's power grab has become even more vividly clear in national security. In *Boumediene v. Bush* (2008), five justices—the wandering Anthony Kennedy joined by a liberal bloc of John Paul Stevens, David Souter, Ruth Bader Ginsburg, and Stephen Breyer—took the unprecedented step of striking down a wartime law enacted by Congress and the president. U.S. history has never seen what the *Boumediene* majority imposed: Alien enemy prisoners at war with U.S. forces and detained outside the United States have the same right as criminal suspects to challenge their capture in civilian courts. Hundreds of years of practice, and the decided views of the elected branches, to which the Constitution gives all the powers over war, were tossed overboard.

Our greatest presidents agreed with Newt Gingrich's claim that Supreme Court decisions do not bind the other branches.

Conservatives and their presidential candidates should agree that the power of judicial *review* does not confer a bonus of judicial *supremacy*. Judicial review refers to the right of the federal courts to refuse to obey laws that violate the Constitution. As first explained by Chief Justice John Marshall in *Marbury v. Madison* (1803), a case may call on federal judges to choose between a constitutional provision and an Act of Congress when deciding whether a plaintiff or defendant should win. A court must uphold the former over the latter; otherwise "it would be giving to the legislature a practical and real omnipotence" and would "subvert the very foundation of all written constitutions."

With judicial review, neither the president nor Congress can force the courts to cooperate with their unconstitutional actions. But notice that this right is not unique to the courts, and *Marbury* never claimed it was. Presidents and congressmen have the same obligation to refuse to violate the Constitution. Indeed, many of our nation's greatest constitutional debates occurred first on Capitol Hill or in the White House before they ever reached the courts. Whether the federal government could establish a national bank was first resolved on the floor of the House and Senate, which passed the bill, and by Pres. George Washington, who chose to sign it, decades before the Supreme Court upheld the Bank of the United States in *McCulloch v. Maryland*.

And the elected branches, at times, have used their unique powers to oppose judicial opinions. Thomas Jefferson, for example, refused to accept the constitutionality of the Alien and Sedition Acts, which had made criticism of the government a crime, even though the federal courts had upheld the law. When he took office in 1801, he ordered all prosecutions dropped and pardoned those already convicted. "You seem to think it devolved on the judges to decide the validity of the sedition law," Jefferson later explained to Abigail Adams. "But nothing in the Constitution has given them a right to decide for the Executive, more than to the Executive to decide for them. Both magistracies are equally independent in the sphere of action assigned to them."

Jefferson was no outlier. Other great presidents used their constitutional powers to take on the courts. Andrew Jackson famously vetoed legislation rechartering the Bank of the United States because he believed the law was unconstitutional, even though the Supreme Court, the first Congress, and Presidents Washington and James Madison had all approved it. "The Congress, the Executive, and the Court must each for itself be guided by its own opinion of the Constitution," Jackson declared in his veto statement. "The opinion of the judges has no more authority over Congress than the opinion of Congress has over the judges," he emphasized, and "on that point the president is independent of both."

Abraham Lincoln, whom Gingrich explicitly invokes, presents the most aggressive case. In large part, Lincoln rose to prominence through his opposition to a single Supreme Court decision, *Dred Scott v. Sandford*, which overturned Congress's efforts to restrict slavery in the territories. In his famous debates with Sen. Stephen Douglas, Lincoln claimed that the judgment in *Dred Scott* applied only to the parties in the case itself, and that the Court's reasoning explaining the decision could not compel the other branches. Lincoln, in other words, would have forced the courts to hear each individual case before a master could seize a slave; as president, he would give the judges no help. "If the policy of the government, upon vital questions, affecting the whole people, is to be irrevocably fixed by decisions of the Supreme Court," Lincoln said in his first inaugural address, "the people will have ceased to be their own rulers, having to that extent practically resigned their government into the hands of that eminent tribunal."

Our greatest presidents, in other words, agreed with Gingrich's claim that Supreme Court decisions do not bind the other branches. Judicial supremacy, however, goes far beyond the Court's modest power of review, one hemmed in by the other branches and their own views of the founding document. Supremacy stands for the idea that the Supreme Court is not just *an* interpreter of the Constitution, but *the* interpreter—its opinions prevail over those of any other branch of government. The Court did not announce this stunning doctrine until 1958, as it confronted southern resistance to *Brown v. Board of Education*'s desegregation of the public schools. In *Cooper v. Aaron*, the Court declared that state officials could not interpose a different interpretation of the Fourteenth Amendment's guarantee of equal protection of the laws. It is a "basic principle," the Court claimed, that "the federal judiciary is supreme

in the exposition of the law of the Constitution." The Supreme Court's decisions, the justices asserted, are "the supreme law of the land"—apparently on a par with the text of the Constitution itself.

Gingrich is right to criticize the Warren Court's extravagance; conservatives and their candidates should share his disagreement. *Cooper* itself need not have gone so far; the case involved a conflict between federal and state officials, not between the Supreme Court and the president or Congress. But the case heralded the rise of the judiciary as the arbiter of our nation's controversies. Constitutional litigation became the Left's end run around the democratic process when politics and public opinion blocked its social agenda. It is far easier to persuade five justices to find a new right to abortion or homosexual sodomy, or to drive religion from the public square, or to expand the rights of criminal defendants, than to persuade a majority of state and federal legislators.

While the question has come up rarely since *Cooper*, the Court has gotten away with similar moves at least twice. In one case, the justices struck down the Religious Freedom Restoration Act of 1993 for attempting to reverse a Supreme Court decision that had downgraded protections for religious minorities. In another, they blocked a law that sought to overturn the oft-criticized *Miranda* warnings (probably the only part of the Constitution that most Americans can recite from memory that is not in the Constitution). Ironically, both decisions issued from the allegedly conservative Rehnquist Court. While Pres. Richard Nixon nominated judges who were hostile to the Warren Court revolution, apparently one agreeable part of it was judicial supremacy. And who wouldn't like it, once he put on the black robes? The Rehnquist Court's failure to reject judicial supremacy shows that this threat to constitutional government is not a partisan issue, and that we cannot rely on judges alone to confront it.

DIAGNOSING the courts' ills should not divide conservatives. Finding the right cure might. Gingrich proposed a number of possible remedies of varying soundness, including restricting the jurisdiction of federal courts, impeaching ideological judges, eliminating liberal courts such as the U.S. Court of Appeals for the Ninth Circuit (which covers the West Coast), and hauling judges before congressional hearings. The last is simply a bad idea: Gingrich would have federal marshals lay hands on federal judges, under the power of a subpoena, if they refused to show up before Congress. Anyone who recoiled at President Obama's clumsy partisan attack on the Supreme Court over a campaign-finance case during his 2010 State of the Union address should reject the proposal. Such hearings would be useless anyway—any judge worth his salt would merely spend the hearing reading his opinion out loud.

These extremes should not obscure the sensible principle at the proposal's core. The Constitution is not the exclusive purview of the courts, and the elected branches can and should use their power to influence constitutional meaning themselves. Some of Gingrich's proposals have a historical pedigree. Congress, which has the constitutional authority to create the lower federal courts, has eliminated judgeships in the past. In 1802, Jeffersonians repealed the new judicial positions that had been created by a lame-duck Congress under control of the Federalist party and filled by Pres. John Adams. Congress has narrowed the jurisdiction of the Supreme Court to reduce its ability to review policy, most notably during Reconstruction, when the justices threatened to end military government of the South. Impeachment for reasons other than corruption is not unheard of either, though it has not seen much use since Jefferson's effort to remove Justice Samuel Chase failed in the Senate. So most of Gingrich's ideas have precedent on their side; his mistake, I think, is that he attempts to combine all of these tools to retaliate against individual judges or courts for specific decisions, instead of attacking the more general doctrine of judicial supremacy.

Gingrich seeks to correct the judiciary's half-century leftward lurch, a laudable and monumental task, by fiddling with the structure of the courts and judicial independence. All of that is fine and well, but in the end it may have little effect. Conservatives can take a lesson from Pres. Franklin Roosevelt's failed court-packing plan. FDR proposed to increase the Supreme Court by six seats in an obvious effort to change the justices' resistance to the New Deal. He lost the battle—the bill failed—but won the war. The Court changed direction swiftly, in decisions that today provide the constitutional theories for Obamacare's takeover of health care nationwide. But FDR's political agenda crashed and burned—the New Deal stalled, southern Democrats blocked the rest of his plans, and his presidency might well have failed if it had not been for his greatness in leading the nation through World War II.

Borrowing from the wisdom of George Costanza, a Republican president should say to the courts: It's not you, it's me. Instead of tinkering with the judiciary, conservatives should seek to restore the role of the presidency by using its unique powers to define the Constitution. A Republican president, for example, could order prosecutors to stop enforcing unconstitutional laws that violate federalism, separation of powers, or individual rights. He could veto unconstitutional laws, instead of leaving the job up to the courts. He could place constitutionality on a par with cost-benefit analysis in issuing regulations or conducting foreign policy. He could nominate only judges who reject judicial supremacy and understand the courts' modest role vis-à-vis the political branches.

Under rare circumstances, a Republican president could even refuse to obey a Supreme Court decision. In time of war, he could refuse to release terrorist leaders from Guantanamo Bay—should the federal courts ever make the mistake of interfering so excessively in national-security policy. He could take inspiration from Lincoln, who in the early days of the Civil War refused a direct order by Chief Justice Roger Taney to release a Confederate sympathizer held at Fort McHenry in Baltimore (Taney, the author of *Dred Scott*, was sitting as a circuit judge at the time). Just as the courts need not cooperate with the unconstitutional actions of other branches, the president need not let the Supreme Court have its way when the Constitution vests all of its war powers in the elected branches. Of course, presidents should make clear that this extreme measure would be taken only in times of the direst emergency. Republican candidates can join Gingrich in restoring the proper balance of power between the president and the courts, without following his suggestion that the extraordinary should become the everyday. **NR**

'Islam Is Islam, And That's It'

The Arab Spring was not hijacked

BY ANDREW C. McCARTHY

THE tumult indelibly dubbed "the Arab Spring" in the West, by the credulous and the calculating alike, is easier to understand once you grasp two basics. First, the most important fact in the Arab world—as well as in Iran, Turkey, Pakistan, Afghanistan, and other neighboring non-Arab territories—is Islam. It is not poverty, illiteracy, or the lack of modern democratic institutions. These, like anti-Semitism, anti-Americanism, and an insular propensity to buy into conspiracy theories featuring infidel villains, are effects of Islam's regional hegemony and supremacist tendency, not causes of it. One need not be led to that which pervades the air one breathes.

The second fact is that Islam constitutes a distinct civilization. It is not merely an exotic splash on the gorgeous global mosaic with a few embarrassing cultural eccentricities; it is an entirely different way of looking at the world. We struggle with this truth, which defies our end-of-history smugness. Enthralled by diversity for its own sake, we have lost the capacity to comprehend a civilization whose idea of diversity is coercing diverse peoples into obedience to its evolution-resistant norms.

So we set about remaking Islam in our own progressive image: the noble, fundamentally tolerant Religion of Peace. We miniaturize the elements of the *ummah* (the notional global Muslim community) that refuse to go along with the program: They are assigned labels that scream "fringe!"—Islamist, fundamentalist, Salafist, Wahhabist, radical, jihadist, extremist, militant, or, of course, "conservative" Muslims adhering to "political Islam."

We consequently pretend that Muslims who accurately invoke Islamic scripture in the course of forcibly imposing the dictates of classical sharia—the Islamic legal and political system—are engaged in "anti-Islamic activity," as Britain's former home secretary Jacqui Smith memorably put it. When the ongoing Islamization campaign is advanced by violence, as inevitably happens, we absurdly insist that this aggression cannot have been ideologically driven, that surely some American policy or Israeli act of self-defense is to blame, as if these could possibly provide rationales for the murderous jihad waged by Boko Haram Muslims against Nigerian Christians and by Egyptian Muslims against the Copts, the persecution of the Ahmadi sect by Indonesian and Pakistani Muslims, or the internecine killing in Iraq of Sunnis by Shiites and vice versa—a tradition nearly as old as Islam itself—which has been predictably renewed upon the recent departure of American troops.

Mr. McCarthy, a senior fellow at the National Review Institute, is the author, most recently, of The Grand Jihad: How Islam and the Left Sabotage America.

The main lesson of the Arab Spring ought to be that this remaking of Islam has happened only in our own minds, for our own consumption. The Muslims of the Middle East take no note of our reimagining of Islam, being, in the main, either hostile toward or oblivious to Western overtures. Muslims do not measure themselves against Western perceptions, although the shrewdest among them take note of our eagerly accommodating attitude when determining what tactics will best advance the cause.

That cause is nothing less than Islamic dominance.

"THE underlying problem for the West is not Islamic fundamentalism," wrote Samuel Huntington. "It is Islam, a different civilization whose people are convinced of the superiority of their culture." Not convinced merely in the passive sense of assuming that they will triumph in the end, Muslim leaders are galvanized by what they take to be a divinely ordained mission of proselytism—and proselytism not limited to spiritual principles, but encompassing an all-purpose societal code prescribing rules for everything from warfare and finance to social interaction and personal hygiene. Historian Andrew Bostom notes that in the World War I era, even as the Ottoman Empire collapsed and Atatürk symbolically extinguished the caliphate, C. Snouck Hurgronje, then the West's leading scholar of Islam, marveled that Muslims remained broadly confident in what he called the "idea of universal conquest." In Islam's darkest hour, this conviction remained "a central point of union against the unfaithful." It looms more powerful in today's Islamic ascendancy.

Of course, conventional wisdom in the West holds that the Arab Spring spontaneously combusted when Mohamed Bouazizi, a fruit vendor, set himself ablaze outside the offices of the Tunisian klepto-cops who had seized his wares. This suicide protest, the story goes, ignited a sweeping revolt against the corruption and caprices of Arab despots. One by one, the dominos began to fall: Tunisia, Egypt, Yemen, Libya—with rumblings in Saudi Arabia and Jordan as well as teetering Syria and rickety Iran. We are to believe that the mass uprising is an unmistakable manifestation of the "desire for freedom" that, according to Pres. George W. Bush, "resides in every human heart."

That proclamation came in the heady days of 2004, when the democracy project was still a Panglossian dream, not the Pandora's box it proved to be as Islamic parties began to win elections. Like its successor, the Bush administration discouraged all inquiry into Islamic doctrine by anyone seeking to understand Muslim enmity, indulging the fiction that there is something we can do to change it. Inexorably, this has fed President Obama's preferred fiction—that we must have done something to deserve it—as well as the current administration's strident objection to uttering the word "Islam" for any purpose other than hagiography. In this self-imposed ignorance, most Americans still do not know that *hurriya*, Arabic for "freedom," connotes "perfect slavery" or absolute submission to Allah, very nearly the opposite of the Western concept. Even if we grant for argument's sake the dubious proposition that all people crave freedom, Islam and the West have never agreed about what freedom means.

The first count of contemporary Muslims' indictment of Middle Eastern dictators is not that they have denied individual

liberty, but that they have repressed Islam. This is not to say that other grievances are irrelevant. Muslims have indeed been outraged by the manner in which their Arafats, Mubaraks, Qaddafis, and Saddams looted the treasuries while the masses lived in squalor. But the agglomerations of wealth and other regime hypocrisies are framed for the masses more as sins against Allah's law than as the inevitable corruptions of absolute power. The most influential figures and institutions in Islamic societies are those revered for their mastery of *Islamic* law and jurisprudence—such authorities as top Muslim Brotherhood jurist Yusuf al-Qaradawi and Cairo's al-Azhar University, the seat of Sunni learning for over a millennium. In places where Islam is the central fact of life, even Muslims who privately dismiss sharia take pains to honor it publicly. Even regimes that rule by whim nod to sharia as the backbone of their legal systems, lace their rhetoric with scriptural allusions, and seek to rationalize their actions as Islamically appropriate.

If you understand this, you understand why Western beliefs about the Arab Spring—and the Western conceit that the death of one tyranny must herald the birth of liberty—have always been a delusion. There are real democrats, authentically moderate Muslims, and non-Muslims in places such as Egypt and Yemen who long for freedom in the Western sense; but the stubborn fact is that they make up a strikingly small fraction of the population: about 20 percent, a far cry from the Western narrative that posits a sea of Muslim moderates punctuated by the rare radical atoll.

Surely the Tahrir throngs wanted self-determination, not sharia. Never you mind the fanatical chants of *Allahu Akbar!* as the dictator fell.

THE Muslim Brotherhood is the *ummah*'s most important organization, unabashedly proclaiming for nearly 90 years that "the Koran is our law and jihad is our way." Hamas, a terrorist organization, is its Palestinian branch, and leading Brotherhood figures do little to disguise their abhorrence of Israel and Western culture. Thus, when spring fever gripped Tahrir Square, the Obama administration, European governments, and the Western media tirelessly repeated the mantra that the Brothers had been relegated to the sidelines. Time had purportedly passed the Islamists by, just as it was depositing Mubarak in the rear-view mirror. Surely the Tahrir throngs wanted self-determination, not sharia. Never you mind the fanatical chants of *Allahu akbar!* as the dictator fell. Never mind that Sheikh Qaradawi was promptly ushered into the square to deliver a fiery Friday sermon to a congregation of nearly a million Egyptians.

With a transitional military government in place and openly solicitous of the Brotherhood, there occurred the most telling, most tellingly underreported, and most willfully misreported story of the Arab Spring: a national referendum to determine the scheduling of elections that would select a new parliament and president, with a new constitution to follow. It sounds dry, but it was crucial. The most organized and disciplined factions in Egyptian life are the Brotherhood and self-proclaimed Muslim groups even more impatient for Islamization, collectively identified by the media as "Salafists" even though this term does not actually distinguish them from the Brothers, whose founder (Hassan al-Banna) was a leading Salafist thinker. By contrast, secular democratic reformers are in their infancy. Elections on a short schedule would obviously favor the former; the latter need time to take root and grow.

Egypt being Egypt, the election campaign was waged with the rhetoric of religious and cultural solidarity. A vote against a rapid transition was depicted as a vote "against Islam" and in favor of the dreaded Western hands said to be guiding the Christians and secularists. The vote was the perfect test of the Arab Spring narrative.

Four-to-one: That's how it went. The democrats were wiped out by the Muslim parties, 78 percent to 22 percent. While Western officials dismissed the vote as involving scheduling arcana, it foretold everything that has followed: the electoral romp in the parliamentary elections, a multi-stage affair in which the Brotherhood and the Salafists are inching close to three-fourths control of the legislature; the ongoing pogrom against the Copts; and the increasing calls for renunciation of the Camp David Accords, which have kept the peace with Israel for more than 30 years.

Four-to-one actually proves to be a reliable ratio in examining Islamic developments. In a 2007 poll conducted by World Public Opinion in conjunction with the University of Maryland, 74 percent of Egyptians favored strict application of sharia in Muslim countries. It was 76 percent in Morocco, 79 percent in Pakistan, and 53 percent in moderate Indonesia. Before American forces vacated Iraq, roughly three-quarters of the people they had liberated regarded them as legitimate jihad targets, and, given the opportunity to vote, Iraqis installed Islamist parties who promised to hasten the end of American "occupation." Three out of four Palestinians deny Israel's right to exist. Even in our own country, a recently completed survey found that 80 percent of American mosques promote literature that endorses violent jihad, and that these same mosques counsel rigorous sharia compliance.

THE Arab Spring is an unshackling of Islam, not an outbreak of fervor for freedom in the Western sense. Turkey's third-term prime minister Recep Erdogan, a staunch Brotherhood ally who rejects the notion that there is a "moderate Islam" ("Islam is Islam, and that's it," he says), once declared that "democracy is a train where you can get off when you reach your destination." The destination for Muslim supremacists is the implementation of sharia—the foundation of any Islamized society, and, eventually, of the reestablished caliphate.

The duration of the ride depends on the peculiar circumstances of each society. Erdogan's Turkey has become the model for Islamist gradualism in more challenging environments:



Rachid Ghannouchi is swarmed by supporters in Tunis.

Slowly but steadily bend the nation into sharia compliance while denying any intent to do so and singing the obligatory paeans to democracy. Erdogan came to this formula after no shortage of stumbles—it is now rare to hear such outbursts as "The mosques are our barracks, the domes our helmets, the minarets our bayonets, and the faithful our soldiers," the sort of thing he used to say in the late Nineties when he was imprisoned for sedition against Atatürk's secular order. His banned Welfare party eventually reemerged as the new and democracy-ready AKP, the Justice and Development party. Ever since a quirk in Turkish electoral law put these Islamists in power in 2002, Erdogan has cautiously but demonstrably eroded the secular framework Atatürk and his followers spent 80 years building, returning this ostensible NATO ally to the Islamist camp, shifting it from growing friendship to open hostility toward Israel, co-opting the military that was Atatürk's bulwark against Islamization, and salting the country's major institutions with Islamic supremacists.

The Turkish model will be the ticket for Brotherhood parties that have just prevailed in Tunisian and Moroccan elections. In Tunisia, Rachid Ghannouchi, a cagey Islamist of the Erdogan stripe, heads the Ennahda party, convincingly elected in October to control the legislature that will replace ousted ruler Zine el-Abidine Ben Ali. In Morocco, an Islamist party whose namesake is the AKP won the fall elections, but further Islamization is apt to be slower. Far from being driven from power, King Mohammed VI remains popular, having balanced his affinity for the West with deference to sharia norms. Moroccan Islamists are making significant inroads, though, as are their neighbors to the east. Algerian Islamists are poised to accede to power this spring after being thwarted by a military coup that blocked what would have been their certain electoral success in 1991.

Egypt, by contrast, will go quickly. There, the most salient development is not the weakness of secular democrats but the impressive electoral strength of the Salafists. Their numbers are competitive with those of the better-known Brothers, and they will tug their rivals in a more aggressively Islamist direction. Vainly, the West hoped that the country's American-trained and -equipped armed forces would serve as a brake. But the Egyptian military, from which several top al-Qaeda operatives have hailed, is a reflection of Egyptian society, especially as one descends to the conscripts of lower rank. The undeniable trend in Egyptian society is toward Islam. That trend is more blatant only in such basket cases as Libya, where each day brings new evidence that today's governing "rebels" include yesterday's al-Qaeda jihadists, and in Yemen, the ancestral home of Osama bin Laden, where even the *New York Times* concedes al-Qaeda's strength.

Led by the Muslim Brotherhood, Islamic parties have become expert at presenting themselves as moderates and telling the West what it wants to hear while they gradually ensnare societies in the sharia web, as slowly or quickly as conditions on the ground permit. They know that when the West says "democracy," it means popular elections, not Western democratic culture. They know the West has so glorified these elections that the victors can steal them (Iran), refuse to relinquish power when later they lose (Iraq), or decline to hold further elections (Gaza) without forfeiting their legitimacy. They know that seizing the mantle of "democracy" casts Islamists as the West's heroes in the dramas still unfolding in Egypt, Libya, and Syria. They know that the Obama administration and the European Union have deluded themselves into believing that Islamists will be tamed by the responsibilities of governance. Once in power, they are sure to make virulent anti-Americanism their official policy and to contribute materially to the pan-Islamic goal of destroying Israel.

We should not be under any illusions about why things are shaking out this way. The Arab Spring has not been hijacked any more than Islam was hijacked by the suicide terrorists of 9/11. Islam is ascendant because that is the way Muslims of the Middle East want it. **NR**

NICOLAS FAUQUE/ABACAUSA.COM/NEWSCOM

Athwart

BY JAMES LILEKS

License to Photocopy

THE new year brings new laws—over 40,000 statutes at the state level, each another incremental criminalization of some element of life. If every law in the country were eliminated tomorrow and a new batch drawn up, it's hard to see how we could write more than 500, because after that you're writing laws as stupid as "The guy who runs the copier at Kinko's shall be licensed by the state" or banning beer with caffeine. Hold on: California just did that. Apparently perk-me-up lager is a problem in the Golden State, but it's solved forever now. It would never occur to anyone to order a tap and a cup of coffee and alternate sips. If you're keeping track of these things, the bill to ban the peril of wide-awake beer drinkers was Section 25622 of the Business and Professions Code, so if you've memorized 25,621 sections, one more shouldn't be a problem. Keep them in mind as you go about your daily affairs.

Number of laws repealed? You can guess. The only laws that get repealed these days are sodomy laws, because we want to get the government out of certain bedrooms clucking in disapproval, so it can be hustled into other bedrooms to shout "Hurrah!" Now and then you'll read a story about some absurd old law—"It shall be illegal to brandish a yam at an ox whilst it is in harness"—but when you ask if it's been repealed, the answer's no. It could come in handy. You never know.

As for the character of the laws, well, it boils down to DON'T and SHAN'T and DASN'T and other forms of prohibition. It's rare you see a description that begins "California will now permit," unless it's a law about interspecies cohabitation ("The State shall permit a resident to have carnal knowledge of a horse with the animal's consent, which shall be signified by stamping three times") or the granting of yet another right, like extending OSHA benefits to performance artists. Be it resolved: The State shall extend disability payments to anyone who gets repetitive-motion injury playing Rock-Paper-Scissors with a reflection of himself in a mirror for six months on end. "It's overdue, frankly," said Overdue Frankly, a San Francisco street artist. "Our injuries may not be as real as those suffered in an industrial accident, but man, the cramps I get."

Here's an example of an actual California law, according to the National Conference of State Legislatures. "New legislation in California increases the misdemeanor penalty for animal neglect and makes it a crime to sell a live animal on any street, highway, public right-of-way, parking lot, or carnival." That'll stop folks from an impulse purchase of an elephant when the fair's in town. They only end up getting dumped on a country road, eventually. Dad, what will happen to Jumbo? He'll find a nice farm. This law includes "fully protected reptiles," so if you set up shop on the highway shoulder to sell Javanese burping dragons, forget it—although there's probably another law forbidding police to ask a dragon about his endangered status, so who knows how it all works out.

This statute was part of a larger bill about animal cruelty, and requires people who abuse animals to get mental counseling at their own expense. You say: Why, what of impoverished dog-botherers? Don't worry. The bill provides for the negotiation of a deferred-payment schedule for counseling, with a sliding fee. On and on and on it goes, but you suspect it was already against the law to mistreat animals. Indeed, the statute assures us that nothing in the law affects enforcement of—ready? take a deep breath—the "Lockyer-Polanco-Farr Pet Protection Act contained in Article 2 (commencing with Section 122125) of Chapter 5 of Part 6 of Division 105 of the Health and Safety Code, or Sections 597 and 597l of this code."

> The bill also exempts public goat sales. In related news, there are public goat sales in California.

The bill also exempts public goat sales. In related news, there are public goat sales in California.

California also attacked "cyber bullying," the practice of being mean on social-network sites by use of "electronic device." This includes pagers, in case anyone intends to go back to 1993 and send a taunting string of numbers. But nothing really compares to this:

> The county clerk shall maintain a register of professional photocopiers, assign a number to each professional photocopier, and issue an identification card to each one. Additional cards for employees of professional photocopiers shall be issued upon the payment of ten dollars ($10) for each card.
>
> (b) The identification card shall be a card not less than 3 1/4 inches by 2 inches, and shall contain at the top the title "Professional Photocopier" followed by the registrant's name, address, registration number, date of expiration, and county of registration. It shall also contain a photograph of the registrant in the lower left corner.

This will quiet the lamentations of those victimized by rogue photocopiers. But some in the state house might have said, Hey, we have photocopier people in governments and schools. We can't expect them to pay $10. And so: "If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code."

No doubt there are hundreds of lawyers who specialize in Part 7 of Division 4 of Title 2, to say nothing of the educators who teach its arcane and subtle ways.

And they say government stifles job creation. NR

Mr. Lileks blogs at www.lileks.com.



The Long View

BY ROB LONG

From the Twitter feed of Kim Jong Un, @youthcaptain

Wondering why they bothered to make Sex and the City 2.

Problem with Cheetos: orange fingers. Gets all over my black jumpsuit. Dad goes ballistic. Calls me too fat to be a dictator. Solution: get a great big spoon. No telltale dust! #Igotsolutions

Home alone! Dad's on a train! I can hop around on my big piano key thing! #lovethemovieBig

The best thing about Dad being away on a trip is that I can do my Risky Business dance. Here's me in my undies: Twitpic tinyurl.345.23

Things suddenly weird here. Was dancing in my underwear to David Guetta and Usher (LOVE "Without You!") and 2 generals just walked in and looked at me and then told me to get dressed. Something's up.

OMG. Just heard from Party Center. They think Dad may be dead. He hasn't moved in 17 hours. Another hour and it will be a record. Worried.

Waiting for news about Dad, watching reruns on iPad. Why were there 2 Darrens in Bewitched? Help, Tweeps?

Lots of activity. No one tells me anything. Think something really bad is happening. Am trying to remember that food is not a stress reliever and that I will regret eating the entire scallion cake. #foodisnotlove

L Please RT.

So everyone is looking at me and wondering what's next. And I'm wondering if this means I get to kidnap Sandra Bullock now. Not quite getting all that's going on, clearly.

Dad is gone. I'm eating pizza and crying. Looking though old photos of him. Don't see the resemblance. But maybe that's just a protective measure. #thatawkwardfeeling

Walking along the funeral procession watching the people go crazy with grief. Am I wrong or is this a perfect time to try to pick up girls? Get the sympathy vote? #donthatetheplayer

Once when I told Dad that I should represent DPRK on American Idol, he threw his tea cup at me. Left a scar. I told him I hated him. Now I run my fingers over that scar and think, Dad, why couldn't you just love me for me?

Standing in front of Dad's casket thinking about that song "Cat's in the Cradle." He never had time for me. And now it's too late. Tweeps, hold your kids close and tell them that you love them.

Wondering when I get to choose my bride. Very interested in Pippa Middleton. Unclear how to go about abducting her. #buildingbridges

Big picture of Dad on the funeral car. Had a moment alone with it. Told it I loved it and would always miss it. It didn't say anything. Just looked on impassively. Just like Dad. Just like Dad.

Have to go into big series of meetings with the army. Won't be fun. They think I'm too young and not tough enough. Am wearing all black which is slimming. #whyimsexy

Don't like the vibe here in this meeting. Keep talking about "question of succession." Question? Hello? Don't we all know who is taking over? Why is everyone looking at me that way?

#youknowyoureindangerwhen I thought this Coffee Heath Bar Crunch ice cream tasted funny. Gave some to my cat and she just collapsed. Bad batch?

#youknowyoureindangerwhen In a meeting with generals, suggested that we create an all-girl topless and bottomless army. Who would be able to resist such a thing? General Park grabbed me by the throat and started strangling me.

Wow! Everyone is so uptight right now. General Yoo tried to stab me in the heart with a pencil just now. Got lodged in the fatty tissue around my left pectoral. Dad? Are you still mad about the Ben & Jerry's? Saved my life!

Nobody misses Dad more than me. But this is really giving me the opportunity to shine. For instance, according to the newspaper, I invented Facebook! Cool, huh? #thingsyoudidntknowaboutme

Mom just showed me something great! Picture of Generals Yoo and Park hanging by piano wire! Celebrated by frying some peanut-butter sandwiches. #ilovemymom

Pyongyang newspaper reports that my weight is 180. Which is fantastic because I could have swore I was about 290. Nice to know the jumpsuits have shrunk somehow.

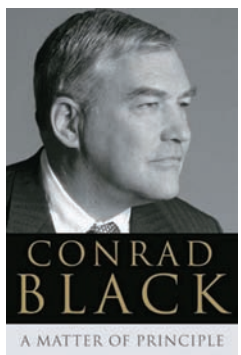
Hey! Let's crowdsource the next move. Should I 1) invade South Korea. 2) appear in a Bollywood film. 3) marry cougar hottie Helen Mirren? PLEASE RT!

@youthcaptain is now the Mayor of the Democratic People's Republic of Korea. #foursquare

Hey! Tweeps! Hold me to this! No carbs in 2012! For serious.

Always Bet On Black

ROGER KIMBALL



A Matter of Principle, by Conrad Black (McClelland & Stewart, 592 pp., $35)

In the United States, as in most other modern democratic regimes, one of the most important political issues today concerns the relation between the individual and the coercive power of the state, which is suddenly up for fundamental renegotiation. This is an odd turn of events, since one of the main points of being a modern democratic regime was to have worked out a way of securing the individual against arbitrary and intrusive state power. Did folks like James Madison and Alexander Hamilton labor in vain? No. They helped devise a splendid system of checks and balances. Human ingenuity, however, never rests, neither are the forces of despotism idle. Clever ways around those checks, new reasons to ignore the balances, are always being discovered, with the result that liberal-democratic societies are increasingly illiberal and non- if not anti-democratic.

The European Union is a case in point—is anything put to a popular vote there anymore?—but let's draw a veil over that sorry invalid and concentrate our attention on the United States. It was not so long ago that we could call it "the land of the free." Increasingly, though, it is the land of the regulated. Many commentators, myself included, have dragged out Tocqueville's famous passages on "What Sort of Despotism Democratic Nations Have to Fear" to illustrate the problem. Primarily, it is despotism through infantilization, tyranny through dependence.

In our legal system, there are many facets to this spectacle of encroaching despotism. If you want an overview, allow me to recommend Harvey Silverglate's *Three Felonies a Day: How the Feds Target the Innocent*, which I published at Encounter Books. If you want a detailed, pulse-rattling account of what happens to a prominent individual when the Feds target him, let me recommend Conrad Black's *A Matter of Principle*, which I wish I had published at Encounter, but McClelland & Stewart got there before me.

Conrad Black—since 2001, Lord Black of Crossharbour—will be well known to readers of NR. He writes frequently and forcefully for the magazine and its online emanation. The Canadian-born historian is the author of magisterial biographies of FDR and Richard Nixon, among other books. In the 1990s he presided over Hollinger International, the world's third-largest media empire, a complex enterprise that included plum publications in Canada, England (the London *Telegraph*, *The Spectator*), the U.S., Australia, and Israel. In the opening years of the present millennium, disgruntled minority shareholders of his company succeeded in enlisting the attention of overzealous regulators and, eventually, overzealous U.S. Attorneys. That yielded a highly publicized four-month trial in Chicago—that bastion of legal rectitude and fair play—which ended with Lord Black's conviction on three counts of fraud and one of obstruction of justice. This fell a long way short of the laundry list of charges prosecutors initially had brought—they wanted him put away for some 30 years, a life sentence for a man in his early sixties—but it was enough to allow for a sentence of six and a half years in a federal penitentiary.

This book is Lord Black's riveting account of this saga, from his first newspaper acquisition, for $500, when he was still at university, up through his legal travails, his incarceration, and his recent legal victories. He tells the fascinating story of his acquisition, in 1986, of the *Telegraph*—the event, he writes, from which "all else follows." If getting an eight-page local paper for $500 seemed like a good deal, acquiring the *Telegraph* for $30 million (Can.) was even better. "Mr. Black," said Robert Maxwell at the time, "has landed Britain's largest fish with history's smallest hook."

There are two reasons to buy and read this book. One is its entertainment value, which is high. Black is a masterly stylist and engaging narrative historian. He sets out to tell his story and winds up telling the story of his, and our, times. The book bristles with illuminating anecdotes and character sketches, not to mention intelligent asides on matters historical and political. When the U.S. responded with military action to the terrorist attacks of 9/11, it was widely criticized by testosterone-challenged wets who insisted it seek "permission" from the U.N. But whence, Lord Black wonders, did the idea arise "that the armed forces of the United States could be deployed in response to successive acts of war against the United States only with the permission of the other permanent members of the United Nations Security Council"? I've often wondered that myself.

The book is also a gratifying trove of gossip. Did you know, for example, that the newspaper editor Max Hastings put it about that British prime minister John Major tucked his shirt inside his underpants? From his position as proprietor of the *Telegraph*, Lord Black knew, well, everyone. He was close to Margaret Thatcher, Henry Kissinger, and WFB, for starters. London and New York society was at his beck and call. (Speaking of knowing people, perhaps this is the place to note that I know and greatly admire Lord Black. I will not, however,

Mr. Kimball, editor and publisher of The New Criterion *and publisher of Encounter Books, is the author of several books, including* The Fortunes of Permanence: Culture and Anarchy in an Age of Amnesia, *forthcoming from St. Augustine's Press.*

let that deter me from praising his book. Even the picture captions are brilliant. I particularly liked the one about Judge Richard Posner. Of course, *quandoque bonus Homerus dormitat*: There are a few slips that will doubtless be corrected in one of the many future editions of this book. The Waugh who wrote *Scoop* was Evelyn, not Auberon; the Conservative leader was Alec Douglas-Home, not "Alec-Douglas," etc.)

But what ensures *A Matter of Principle* an important place in the library of liberty is not its entertainment value but its careful anatomy of prosecutorial abuse, that triumphalist system whose end is not justice but intimidation (of us) and aggrandizement (of the government). File under the venerable principle: "Innocent until investigated." "For the last six and a half years," Lord Black writes, "I have been fighting for my financial life, physical freedom, and what remains of my reputation against the most powerful organization in the world, the U.S. government."

A word about reputations and their fragility. A year or so ago, I was proud to publish in *The New Criterion* a long essay by Lord Black about the fate of newspapers in a digital world. I was at a party in upstate Connecticut with some early copies of the issue and, ever alert to enlist support for *The New Criterion*, I gave a copy to someone identified as a likely prospect. As he scanned the table of contents, his benevolent expression dissolved into one of glowering contempt. "Conrad Black! He's a thief and a blackguard." Really? I asked him what he knew about the case against Lord Black, which turned out to be what he'd read in organs such as the *New York Times*, i.e., nothing, or near enough for government work. The truth of the case didn't matter, only the publicity, which I suppose is what reputation is all about.

Lord Black was not without resources; how would ordinary folk fare under such an onslaught? In part, the book is an admonitory tale about the nearly unfettered deployment of state power against individuals. When Lord Black sought to defend himself by engaging the storied Brendan Sullivan of Williams & Connolly, the government froze a large portion of his assets so he could not supply the required $25 million retainer. Deprive a chap of expert legal counsel, you deprive him of justice. It is a story of threats and harassment of Lord Black's friends and associates by various government agencies from the FBI on down: Testify against Conrad Black, they insisted, so we can win a high-profile conviction, or else we'll indict you, too. It's a story of what Mark Steyn, who wrote a brilliant, near-daily account of Lord Black's trial for the Canadian magazine *Maclean's*, called "statute creep": Take a law designed to combat racketeering, say, and apply it to a businessman who, whatever he may have done, has not engaged in racketeering. It's the story, too, of a U.S. Attorney—the egregious Patrick Fitzgerald—run amok, and of a "special monitor," former SEC chairman Richard Breeden, who began by claiming that Conrad Black was guilty of a "$500 million kleptocracy" but who went on to pocket over $25 million for his own "services" to Hollinger. When the case against Black began, Patrick Fitzgerald got up on his highest horse and declared that this was a case of "a systematic fraud of the shareholders." His concern for Hollinger's "shareholders" is rich: When Black was booted out of Hollinger in 2004, the stock was trading in the neighborhood of $18. It quickly collapsed, and now the company is no more. It was picked clean by those appointed to rescue it before being absorbed into the Sun-Times Media Group. How's that for the shareholders?

A Matter of Principle is not really a "rise and fall" narrative, however. There is much heartache and loss chronicled in the book, but it ends on an upward arc. Lord Black, who acknowledges he may have been guilty of "misjudgment" but convincingly denies criminal wrongdoing, instantly appealed his conviction. His appeal was initially denied by a three-judge panel presided over by Richard Posner. But the case was heard by the Supreme Court, which decided that the "honest services law" that was used to convict him of fraud was too vague and ordered a federal court to review the decision. Lord Black was then, after two and a half years in prison, granted bail. But when Richard Posner "reviewed" his decision, he decided that if the fraud charges couldn't stand, there was still the obstruction charge. That charge, in fact, provided the one Perry Mason moment of the trial. The prosecution gleefully played a security videotape of Lord Black and his chauffeur removing boxes from his Toronto office. How's that for "Gotcha!"?

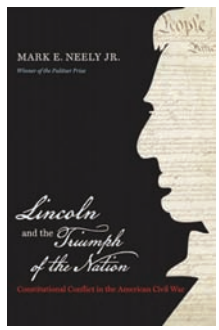
A Matter of Principle is not really a 'rise and fall' narrative. There is much heartache and loss chronicled in the book, but it ends on an upward arc.

Not so good, actually. Lord Black's secretary was packing up because he had been evicted from the premises. Two attorneys hired to deal with a U.S. Securities and Exchange Commission investigation into Hollinger's affairs testified that they hadn't notified him of the SEC's interest in the documents he removed. When ordered to return them, he did so *tout de suite*. So where, pray tell, is the obstruction? Ask Judge Amy St. Eve. She must have discerned it somewhere, for she decided to send him back to prison for another seven months. He gets out in the spring and then, being a felon who is not a U.S. citizen, he must leave the country.

Meanwhile, though (this is the real upward bit of the arc), Conrad Black has not been idle. He recently won "substantial" damages—reportedly, a healthy seven-figure sum—in a libel suit against Richard Breeden and others. He has many other libel suits pending. On Christmas 2005, Lord Black reports, he read the Book of Job: "I discovered that while Job had endured more severe oppression than I had, he had been much less patient." His patience, I am happy to say, is beginning to be rewarded. Long may it be. **NR**

Lincoln's Constitution

FRED SCHWARZ



Lincoln and the Triumph of the Nation: Constitutional Conflict in the American Civil War, by Mark E. Neely Jr. (North Carolina, 408 pp., $35)

In early February 1861, President-elect Abraham Lincoln sat down in his Springfield law office to write his inaugural address. Since his election the previous November, seven states had seceded from the union, and he knew that nobody would care about his administration's plans for internal improvements or tariff reform; all the nation wanted to know was what he would do about the rebellion.

The logical first step was to explain why secession was illegal, but as Penn State professor Mark E. Neely Jr. writes in his engrossing new book: "He obtained a copy of the Constitution from his law partner. When he examined it, he discovered, perhaps to his surprise and certainly to his dismay, that it offered no straightforward solution. Even the feeble Articles of Confederation had said at least that the Union was perpetual . . . [but] nothing in the Constitution explicitly declared the Union perpetual."

Faced with the possibility of asking Americans to die for a principle he had to scratch his head over to explain, Lincoln, ever the resourceful lawyer, came up with several justifications of varying soundness. First, he said, the union's perpetuity was implicit. Second, since all the states had agreed to create the union, all would have to agree to dissolve it. Third, the Constitution had created a "more perfect union" than the Articles, and how could an impermanent union be more perfect than a permanent one? And fourth, a union that allowed for secession would be absurd on its face, since it could never last. Debatable, to be sure—though, a month after Lincoln delivered his address, Confederate batteries fired on Fort Sumter, making the point academic.

Secession was not the most controversial constitutional question to arise during the Civil War, just the first. The best-known such issue was habeas corpus. In the chaotic spring of 1861, Lincoln suspended the right to habeas in certain areas of Maryland where pro-Confederate sentiment was active, and began arresting suspected insurrectionists. He did so without authorization from Congress, which the Constitution seems to require (Congress, which was not in session at the time, finally gave him the power in March 1863).

Judges, legal scholars, and Lincoln himself supplied learned reasoning to justify the suspension, all of which boiled down to saying: The founders cannot possibly have meant to forbid this, therefore they didn't. Lincoln was a subtle and eloquent political theorist, but above all a practical man, and he had a war to win. Most of his supporters fell into line, though some turned against the president as he expanded the suspension beyond battle zones and active acts of insurrection and used it throughout the country against merely "disloyal" speech and writings. Before long, newspaper editors, anti-war legislators, and uncooperative judges were being held without charges; in at least one case, an army officer arrested a judge who had arrested army officers who had arrested civilians.

For all the high-profile cases involving purported sedition, though, habeas was most often invoked on behalf of soldiers seeking discharge from the army because they had signed up while still minors. In a number of these cases, the question arose: Did the president have the power to overrule a habeas writ issued by a state judge? It turned out that, with delicious irony, the administration could cite a clear-cut precedent, *Ableman v. Booth* (1859), in which a state court's habeas writ for a federal prisoner was quashed—only, in that case, the prisoner was a Wisconsin abolitionist who had helped free a fugitive slave. Wisconsin's supreme court had ordered the prisoner freed and declared the Fugitive Slave Act, under which he was being held, unconstitutional. The U.S. Supreme Court nullified the writ. So a decision intended to entrench slavery was invoked to support the army that would end it.

Better yet, the *Ableman* decision had been written by Supreme Court chief justice Roger Taney, of *Dred Scott* infamy. Until his death in 1864, Taney missed no chance to advance his severe states'-rights views: He wrote one of the first decisions invalidating Lincoln's suspension of habeas corpus (Lincoln ignored it), and when the army's right to conscript soldiers was contested, he drew up rulings against the practice, ready for use when a suitable case came before him, though fortunately none did. (In general, Neely notes, the civil rights of soldiers got little attention during the war: Suspected deserters were stripped naked and subjected to an intense spray of cold water, sharp enough in some cases to break the skin, until they confessed.)

Other constitutional issues covered in the book include the shaky legal status of the Emancipation Proclamation (even Lincoln had doubts), the ramifications of the lack of a congressional declaration of war (not very great, it turned out), and the validity of the first-ever federal issuance of fiat money (confirmed on the ground that it was necessary for the war effort and thus for the nation's survival). A welcome inclusion is the book's treatment of southern constitutional thought, which was debated in considerable depth before and during the Confederacy's brief existence. For example, Neely explores Confederate citizens' uneasy reaction, in a land that had twice rebelled against an overweening central government, when Jefferson Davis suspended habeas corpus in Richmond and began arresting dissidents.

Overall, Neely credits the South with maintaining a genuinely egalitarian democracy (for white males only, of course), an open and spirited debate over secession, and a sincere belief in states' rights that was not merely a cover for justifying slavery. This last point, as others have noted, was a handicap in building the strong central government needed to prosecute a war: Confederate judges taxed their ingenuity to justify

conscription by the central government when states were being left defenseless against Yankee invaders.

At several points Neely takes up the question, much discussed nowadays in historical circles, of whether nationalism inevitably leads to authoritarianism. He answers in the negative, even feeling compelled to point out that "in the middle of the nineteenth century, nationalism was not pathological." He also dismisses the assertion that southern institutions in all areas of life were designed to mimic the master-slave relationship, another thesis that has recently been fashionable on college campuses.

A more important question for most of us is how the Constitution held up under the strains of wartime. Did it emerge from the conflict stronger because it had been clarified—with the "compact theory" discredited, secession and nullification put to rest, and necessary amendments added? Or did war make the Constitution weaker, because so much fudging had been needed to get around its awkward parts?

The case for stronger: War reinforces the Constitution by focusing attention and discussion upon it, reminding unworldly theorists of down-to-earth realities, bringing open questions before courts for resolution, and inspiring the development of new interpretations and the discarding of old doctrines (the transcontinental railroad could not have been built until secession removed southern constitutional objections). Moreover, the Civil War proved that a constitutional republic could hold together under stress, after mixed experiences globally in that regard in the first half of the 19th century.

The case for weaker, by contrast, is more a case for lost innocence, a realization of the fallacy of thinking that (as Daniel Webster put it during the debate over the Compromise of 1850) "what is right may be distinguished from what is wrong with the precision of an algebraic equation." The document once thought to be an impenetrable bulwark against invasions of fundamental rights turns out in a crisis to be full of holes—and if the government can get away with violating it during a war, the argument goes, it can do so anytime.

But it doesn't—and that's the key. The Civil War's aftermath, which, tragically, had to take place without Lincoln's guiding hand, unfolded like the aftermath of many American wars: The grossest violations of civil rights disappeared when the crisis was over, as did (for a while) such unwelcome wartime innovations as federal conscription, paper money, and eventually the income tax; but the overall expansion of federal power at the states' expense remained. It would be easy for conservatives to decry this, but considering that southern state governments had allowed the enslavement of a large part of their population and led their people into a suicidal war, it's hard to argue that the shift was all bad.

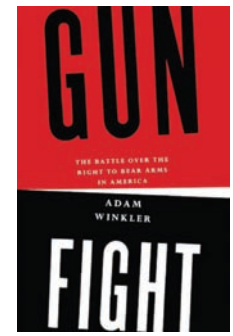
In addition, while federal power tends to expand following a war, so does nationalism—or, as conservatives would call it, patriotism. This gives liberals something to gripe about too. As always, however, we should be wary of generalizing from past wars to current ones; among other differences, past wars usually had an end.

In the final analysis, most constitutional debates boil down to a question of rules vs. tools. The first of these approaches sees the Constitution as a set of rules that must be followed scrupulously and exactly, however odd or quaint they seem, until they are changed. The latter views the Constitution as a box of tools that can be wielded to achieve a desired result, and if you have to use a chisel as a screwdriver and drive nails with a pair of pliers, it's okay so long as you don't need too much duct tape to hold it together. The unique stresses of war test and refine our principles regarding how strictly we follow the rules and how far we allow the repurposing of tools.

As Robert VerBruggen wrote in these pages (Nov. 15, 2010), discussing *Brown v. Board of Education*: "In its fight against racism, America has used highly questionable means at key junctures—means that were legitimate only because of the extreme severity of the wrong they sought to remedy." Fiddling with the Constitution must occur only in response to a great emergency or a severe long-term problem where every other avenue has been exhausted, not as a shortcut for impatient reformers. If we always apply this severe criterion before we reluctantly resort to bending the Constitution, we will be assured of still having a Constitution to bend. **NR**

Pistol Whipping

ROBERT VERBRUGGEN



Gunfight: The Battle over the Right to Bear Arms in America, by Adam Winkler (Norton, 361 pp., $27.95)

District of Columbia v. Heller and *McDonald v. Chicago*, the two recent Supreme Court gun cases, resolved a lot of conflicts, but they left a lot of work to be done. Local, state, and federal governments may no longer ban handguns, but they have to decide among other forms of gun control—with the threat of being overruled in court if they go too far. In *Gunfight*, constitutional-law professor Adam Winkler tells the story of the Second Amendment and makes the case that the Supreme Court did the right thing, both by protecting an individual right to bear arms and by leaving many forms of gun control on the table. Some topics deserve more discussion than they receive, the book's whiplash-inducing lack of organization is frustrating, and an anti-gun bias is evident in places, but on the whole, *Gunfight* offers readers a concise and balanced account of where the American gun debate stands and how it got there.

Over the course of several decades in the middle of the 20th century, gun-control advocates managed to plant a great fiction in the mind of the American public: the idea that the Second Amendment protects only a "collective right"—the right of states to form militias—despite its unambiguous declaration that the right belongs to "the people." Even numerous appellate

courts, trying to construe a poorly written Supreme Court decision from the 1930s, adopted this interpretation. But by the time the Supreme Court heard its recent cases, this theory was dead; even the defenders of gun control made little use of it.

As Winkler explains, historical research had simply made this idea untenable. At the time of the founding, various sources—including commentators and Second Amendment precursors in state constitutions—made it perfectly clear that the Second Amendment protected an individual right, even if the main purpose of that right was to stop the federal government from disarming members of state militias. And Winkler traces the right to bear arms even farther back than that, noting that the English Bill of Rights protected individual gun ownership (at least for Protestants).

Winkler spends little time, however, on an alternative theory that developed: the "limited individual right" interpretation that was championed by numerous historians and other academics, and that animated the liberal judges' dissent in *Heller*, the first of the two recent cases. In this interpretation, the right to bear arms is somewhat like the right to serve on a jury—it's a right retained by individual people, but it's merely a right to be considered for government service, in this case the militia. Winkler outlines the basics of this argument and notes that its proponents are a distinct minority, but more detail would have been helpful.

However, Winkler does a fantastic job of explaining how the *Heller* case—a challenge to Washington, D.C.'s handgun ban—made it to the Supreme Court. He interviews all of the participants and explains all of the tactical maneuver - ing and infighting on both sides. (The National Rifle Association opposed the suit, preferring to wait until the Supreme Court was more conservative; some gun-control supporters similarly urged D.C. not to appeal the case to the Court, fearing an adverse ruling.) He also gives a play-by-play of the arguments before the Court, right down to Clarence Thomas's silence and Antonin Scalia's openly helping the pro-gun lawyer, Alan Gura, argue his case. ("You want to say, 'Yes.' That's your answer.")

Winkler's most valuable contributions, though, are his explorations of what the right to bear arms means in a post-*Heller* and post-*McDonald* world. As he points out, the fact that the Supreme Court has taken handgun bans off the table should not only quell the fears of gun-rights hardliners, but also cool the jets of the most extreme gun-grabbers. Thus are both sides pushed toward the middle, and forced to consider the more reasonable measures that are still on the table—and rightly so, constitutionally speaking.

As Winkler explains, gun control is much more a part of American history than some may realize—and he isn't afraid to explore the dark side of gun control's past. From the nation's founding, despite the Second Amendment and similar provisions in state constitutions, state and local governments passed various laws restricting gun rights—from banning concealed carry, to limiting how ammunition might be stored, to confiscating privately owned guns for militia use. Few observers alleged that these provisions violated the right to bear arms. And in the South, governments and private militias went to great lengths to disarm blacks—a problem that helped give rise to the Fourteenth Amendment, which applied the Second Amendment to the states.

Winkler is much better at explaining the history and constitutional law of gun control than at evaluating which kinds of gun control might actually work. In his rush to paint himself as a moderate crusader against the "extremes" (on both sides, but especially the evil National Rifle Association), he always sounds sensible, but his claims often fall apart on closer analysis.

For example, he spends much of his brief discussion of the Columbine massacre on Robyn Anderson, a friend of the teenaged killers who bought guns for them. Anderson didn't want to buy guns through a federally licensed dealer, because that would have left a paper trail, so she bought them from a private seller instead, which could be done without a background check. Anderson later said that if an anonymous purchase hadn't been an option, she wouldn't have bought the guns. From this, Winkler argues that if private sales had to go through licensed dealers, a measure the NRA continued to oppose even after the killings, Columbine "might have been avoided."

But this is unlikely, thanks to facts that Winkler doesn't provide. Anderson was not the only source of Columbine guns; a different acquaintance sold the killers the TEC-9 that became Dylan Klebold's primary weapon. And in a video released after the shootings, Eric Harris said that if they'd failed to get the guns the way they did, "We would have found someone else. . . . We would have gone on and on."

And unlike the two men who helped the killers get the TEC-9, Anderson

FACELESS DREAMS FULL OF NUMBERS

Every now and then for a few days
The same dream presents a problem that can't
Quite be solved or sent away. It comes
Like the dawn breeze, something to be counted
Or explained but you never quite know how
Or why. A house in University City—
Who lives in it? A group of students ask
What book should be read? But the questions
Are never as clear as these. You get
The first half but not the second, the house
And the students but no words, no voice
And above all never a face.
It comes back
Until you recognize it for a dream
And it dissolves in the face of reality.

—LAWRENCE DUGAN

faced no repercussions for knowingly buying firearms on behalf of people who couldn't buy them themselves. It's hard to see how what Anderson did was better than selling a handgun to the killers directly, but it meant the difference between a six-year prison sentence and getting off scot free. Perhaps background checks for private gun transactions are a good idea. But they probably wouldn't have prevented Columbine, and perhaps we should try less aggressive measures first—such as making sure that people who do what Anderson did get prison time.

Also lacking is Winkler's discussion of the "cop-killer bullets" controversy of the 1980s. In his telling, some well-meaning legislators tried to ban handgun bullets made of unusually hard substances—which had been designed to help police officers and soldiers pierce heavy materials such as car doors and windshields, but also could pierce the body armor that police officers themselves wore. The NRA opposed the measure, offering ridiculous arguments: Why single out armor-piercing handgun bullets when most rifle bullets pierce armor too? (Because most criminals use easily concealable handguns, not bulky rifles.) And shouldn't we be worried that banning ammunition whose only civilian purpose is to kill police officers will lead to a slippery slope? (Uh, no.) This annoyed a number of gun-rights supporters, especially cops, and eventually a measure passed.

While the NRA opposed some early measures to ban "cop-killer bullets," it did not do so on principle. As Howard Kurtz wrote in the *Washington Post* in 1984, "All sides in the dispute say they support a worthy goal: protecting the police from bullets made of several hard alloys." What the NRA objected to was the overly broad language in the early bills. The NRA helped improve the legislation, and the organization did not oppose the bill that eventually passed, though some more hard-core gun-rights groups did.

On the whole, *Gunfight* offers a wide-ranging and readable account of the struggle over gun rights in America, touching on history, politics, policy, and legal wrangling. It is a good introduction for newcomers to the debate, and even veterans are sure to find interesting new tidbits of information. **NR**

Music

Prima Donna Assoluta

JAY NORDLINGER

Angela Gheorghiu waltzes down to the lobby of the Plaza Hotel in New York. We will have a tête-à-tête in the Champagne Bar. Who is Gheorghiu? In prosaic terms, she is a Romanian soprano born in 1965. In less prosaic terms, she is "the most glamorous and gifted opera singer of our time." I have quoted from her website. This is publicist's hyperbole, of course—but it is not far off.

Gheorghiu is not only an extraordinary singer and performer, she is great copy. There is often controversy swirling about her, as well as excitement. She has run-ins with opera administrators and stage directors. She has marriages and romances. People love to gossip about her, snipe at her, hate her, adore her.

She is certainly a top-notch interviewee. In the Champagne Bar, she is amusing, frank, coquettish, catty, and smart as hell. She speaks in a flavorful English, mixing in French, Italian, and Romanian. It is an opera-world patois. And her name, by the way, is pronounced (something like) Ghee'or-GHEE'oo.

It is now the evening after a concert performance of *Adriana Lecouvreur* at Carnegie Hall. The title role was taken by Gheorghiu, of course, and she, Adriana, is an actress. So is Gheorghiu, very much. In fact, she tells me, the National Theatre in Bucharest has invited her to appear in a play, just straight, "*basta* with the music." She is looking forward to it.

We talk a bit about Ionesco, the late playwright, whose daughter she knows. ("Elle habite à Paris.") We also talk about Enescu, the composer. "Did he write any songs?" I ask. (I can't remember.) Oh, yes, she says. Gheorghiu has done recitals, and done them well. But she does not look with favor on, for example, an all-Schumann evening. "It's nice," she says, "but not nice enough. Something is missing. It's like a prelude to making love. I want more!"

What she is, principally, is an opera star, born to be. She is fully aware of this fact. "Shame on me!" she says. She has no problem whatsoever with being a prima donna. "I'm proud of it," she says. "I've always been proud of it. And I always knew it"—always knew she was one. When she was five years old, she sang with her sister in front of an audience. She saw the emotions in that audience. She saw similar emotions in Carnegie Hall, for her *Adriana*. "I have seen this reaction all my life."

Her sister, Elena, died several years ago in a car accident. When she mentions her death—maybe halfway through our conversation—she falls suddenly silent and somber.

Romania, when they were growing up, was one of the worst of the Communist dictatorships. There were not many opportunities for budding singers (or for anyone else). "Imagine me to be an American!" says Gheorghiu. Imagine if she had been an American. "Everything I did, I did only because of me—*moi*!" She worked and scrapped for everything she achieved.

She did have a teacher, of whom she speaks gratefully. Her name was Mia Barbu, and she taught Angela for some five years—from the time the girl was 14 until she was 18. "I did my *canto* lessons," says Gheorghiu, "pure *canto*. All the studies" (the Vaccai method and so on). But she did everything "very quick." What can take others years, she says, took her just a day. She remembers a particular occasion: Barbu said to her, "Breathe." Angela breathed. The teacher said, "That's it! Don't ever change that."

According to Gheorghiu, she has never had any teaching or coaching help since she was 18. There are two reasons for this, she says: "First, I really want to be original. Even if I make a mistake, it's me. Second, I understand *canto* very well, trust me. You can ask my colleagues."

Her first trip out of the Eastern bloc was to Vienna, where she was agog at the beauty and the abundance. She couldn't understand why people weren't celebrating in the streets. They were walking around as though such beauty and abundance were normal. She stared at the meat, the fruit, the flowers. I mention to her that René Pape—the Dresden-born bass—had the same reaction when he first went to Austria. She says, "The shops in Romania—not like in Germany, excuse me—were *completely empty*. Just white. Just white."

In 1994, she had a big breakthrough,

singing *La traviata* with Georg Solti in London. As she reminds me, the conductor was then 82, and cried when hearing the young soprano sing "Addio del passato" in a rehearsal room. Overcome, he had to leave that room. He made a much-circulated statement, to wit, "The girl is wonderful. She can do anything."

Two years later, having ditched her husband (whose name she retains), she married Roberto Alagna, the Italian-French tenor. The ceremony took place during a performance of *La bohème* on the stage of the Metropolitan Opera, Mayor Rudolph Giuliani presiding. In the years that followed, the legend of Gheorghiu grew and grew. She walked away from productions, and was dismissed from them. She made incendiary and delicious statements to the press—e.g., "If directors want to do something new with operas, why not do something beautiful?" She canceled performances on what seemed like whims.

They are never whims, says Gheorghiu in the Champagne Bar. If she feels she cannot do her best, why should she suffer, and why should the audience suffer? Callas did the same, she says. "She said, 'I'm not good enough tonight—*ciao, ragazzi*.'" That is what a prima donna worth the name should do, says Gheorghiu.

Her latest album, by the way, is called *Homage to Maria Callas—Favourite Opera Arias* (EMI). In conjunction with this album, she has made a video that takes advantage of some technical wizardry: She appears to sing a duet with Callas herself. "Why not?" says Gheorghiu. "She's with EMI. She's my colleague."

For her conflicts with directors, Gheorghiu makes no apologies. She feels she must stand up to those who would undermine composers, librettists, and their operas. In her mind, she is defending art against the barbarians. Take the current *Faust* at the Met (please). She was to appear in it but withdrew because she could not abide the production. It transplants Faust into the nuclear age (etc.). This production was a "fiasco" at the English National Opera, Gheorghiu says, and it is a fiasco here in New York. Moreover, why should she and other experienced singers be good boys and girls and obey a "Mr. Nobody" (i.e., the director)?

I can assure readers that many, many singers wish they could take the stands that Gheorghiu takes. But they lack the status and independence. Frankly, they may lack the guts as well.



JONATHAN SHORT/AP

Angela Gheorghiu in London last September

In a Met *Traviata* two seasons ago, Gheorghiu clashed with Leonard Slatkin, the conductor. He did not return after the opening night. Slatkin has admitted that he was ill-prepared for the opera, but has also claimed that the diva was intolerable to him (not hard to believe). I ask her, "Do you have any regrets about the *Traviata* with Slatkin?" She does not recognize the name, or affects not to do so. After a few moments, she says, "Ah, the conductor. He left. This happened." Okay, but *why* did he leave? Gheorghiu makes the general point that people often use her as a scapegoat. "My name helps, you know what I mean?" If a person is having problems, he can blame the raven-haired terror from Transylvania. "I don't care. Use my name, but use it well: Ghee'or-GHEE'oo!"

There are books of opera anecdotes, and I suggest to this soprano that books in the future will have whole chapters devoted to her. Yes, she says, "and I'm not finished yet!" I ask her about one of my favorite stories: Did she really demand hair and makeup for a radio interview? No, she says: There was a photo-shoot the same day as the radio interview. Too bad, I say, it's such a good story. Yes, she says, "but I have lots of others."

Unquestionably, she is the target of some envy, jealousy, and overall resentment. She lets me in on a secret: It's worse from men than from women. "Really?" I ask. "Yes," she says. I ask whether she can explain this. She hesitates (which is unusual for her). I hazard, "Is it because men desire you and, when they can't have you, get angry?" She gives me a look that says, *Bingo*. That is a major reason, yes. "Thank you for helping me," she says.

Gheorghiu provokes big emotions, in colleagues and audiences alike, in a field of big emotions. She is an especially operatic personality in a field (naturally) filled with them. And an opera role takes a lot out of her, she says. "I'm not just making a sound. I am *living* that sound. I am *living* the *personnage*. And it costs me." She cites her latest outing in *Adriana*. "After the monologue, I thought I was going to faint."

Singing cannot go on forever, and I ask Gheorghiu a delicate question: Does she fear retirement? Not at all, she says. She has thought about it for a long time. And an idea has come to her strongly in just the last month: She will direct. I say, "Then *you* will be the boss." "No!" she protests. In opera, there can be no boss, as it is a collaborative process. Everyone has a part to play, and each part is connected to another. Once, she relates, a conductor was trying to boss her around. "*I'm* doing the *personnage*," she told him. He retorted, "I'm not [merely] accompanying you." She answered, "Oh, you're not accompanying me? Then change your job, dear. Of *course* you are accompanying me. Excuse me?"

Gheorghiu loves being famous, as she readily confirms. But she says there is a big downside to having the kind of career she has. You are "everywhere and nowhere," and are "alone almost all of the time." There is always a post-performance *tristesse*, "a little emptiness." You go back to your hotel room, talk on the phone, click through YouTube. The roar and adulation of the crowd are gone. And "I want it back!" says Gheorghiu. "All that love, I want it back! It's never enough for me." But then there is another performance, more roars, more adulation—"a *rinascimento*" (rebirth).

After we say goodbye, she goes off with companions to a concert by Sting. She has a nickname for him: "Stingo" (rhymes with Ringo). "He's such a nice artist," she says. Gheorghiu herself is an artist and a half: a great opera singer, an immortal. And whatever else you may say about her—and you could say plenty—she is just about the fizziest guest the Champagne Bar will ever see. **NR**

Film

You Can't Go Home

ROSS DOUTHAT

One of the early trailers for *The Girl with the Dragon Tattoo*, the David Fincher adaptation of history's most successful Swedish potboiler, promised "the feel-bad movie of the year." It was a good line, but it wasn't truth in advertising. Despite its long parade of rapes, assaults, and serial murders, *The Dragon Tattoo* in all its iterations (the Stieg Larsson novel, the Swedish film, and now Fincher's version) is fundamentally a conventional revenge fantasy: *Dirty Harry* for nerdy Marxists, you might say, in which a left-wing journalist and the leather-clad lesbian computer whiz who sleeps with him mete out long-overdue justice to rich woman-hating Nazis. Despite its lurid material and exotic locales, it actually boasts one of the more predictable story arcs of Hollywood's holiday season—and indeed, of any project that the prickly Fincher has undertaken.

To find the *real* feel-bad movie of the year, you'll have to turn to a less eccentric but equally talented director: Jason Reitman (the son of the comedy impresario Ivan Reitman), whose oeuvre—*Thank You for Smoking*, *Juno*, and 2009's *Up in the Air*—has quietly established him as one of the sharpest observers of the contemporary American scene. His latest film, *Young Adult*, reteams him with the *Juno* screenwriter Diablo Cody, and it pushes past the tragicomedy of his earlier movies into far darker terrain. Sold as a black comedy in the *Bad Santa*/*Bad Teacher* vein, *Young Adult* is really a tragedy disguised with laugh lines, which turns the clichés of high-school dramas and adult rom-coms to bleak and entirely unsentimental ends.

Reitman's protagonist is Mavis Gary (Charlize Theron), a former high-school queen bee—gorgeous, leggy, and self-centered—who's grown up to be the superficially successful ghostwriter of a series of popular *Gossip Girl*–style young-adult novels. Her career pays for a large, arid, and unkempt apartment in a Minneapolis high-rise, a Mini Cooper, and the kind of yappy little dog that every reality-TV starlet seems to covet—which isn't a surprise, since Mavis's flat-screen is constantly blaring the troubles of Real Housewives, Bachelorettes, and Kardashians.



MANDATE PICTURES

Charlize Theron in Young Adult

It takes a birth announcement from her high-school beau (Patrick Wilson) to jolt her out of this endless feedback loop of narcissism, and into a feedback loop of self-delusion instead. After eyeing the baby picture for a while, Mavis decides to head back to her hometown of Mercury, pretending that she has real-estate business to conduct in order to buy time to seduce her ex-boyfriend away from domesticity and back into her bed. What follows is an escalating series of uncomfortable come-ons, in which Mavis proves that you can't go back to high school, even as her sense of entitlement plumbs ever-more-horrifying depths.

In a more conventional movie, there would be a grand small-town comeuppance awaiting the former queen bee, which would leave her both personally humbled and morally improved. *Young Adult* supplies comeuppances in abundance, and it even provides a romantic alternative to Mavis's married ex, in the form of Patton Oswalt's Matt, a limping comic-book geek whose locker was next to hers but whom she remembers only because of the vicious, life-altering beating he endured at the hands of a gang of cruel jocks.

But as the movie proceeds, we realize that Mavis isn't just a spoiled princess in need of a reality check, or a superficially "unlikeable" heroine who's really decent way down underneath. She's a deeply damaged person, less deplorable than pitiable, with no easy happy ending awaiting her—in Mercury, or anywhere on Planet Earth. *Young Adult* isn't interested in teaching the self-absorbed prom queen a few lessons in humility. It's up to something harder and more interesting: portraying the prom queen as a damaged, defeated, tragic figure, a former victimizer who's become her own most tortured victim.

This portrait doesn't quite add up to a consistent whole, because Reitman and Cody never quite decide where to lay the stresses. Sometimes they seem to be simply portraying a beautiful narcissist whose pathologies have hardened disastrously with age. Sometimes they seem to be making a movie about the wages of alcoholism, since most of Mavis's disastrous behavior is floated on a tide of liquid courage. (Oswalt's Matt becomes her confidant in part because he distills his own spirits and happily supplies her with them.) Then near the end, the filmmakers suddenly supply their protagonist with a tragic secret that makes her psychological profile seem almost too pat, and her behavior in Mercury too predictable.

But even when they've over-egged the pudding, Theron's performance manages to hold it all together. *Young Adult* is not a pleasant movie, to put it mildly, and it isn't an entirely successful one. It's worth seeing, though, for the fearlessly plausible way that its lovely star inhabits a frequently repellent character, finding both moral abysses and raw humanity in one of popular culture's great clichés. This isn't a movie that makes you root for the bad girl. But once you've seen it, you'll never feel quite so comfortable rooting against her again. **NR**

Country Life

Rural Repast



RICHARD BROOKHISER

WHAT in the world was that? Ahead of us on the dark road (night falls before five o'clock this time of year, and there are few houses to break the gloom), six red lights appeared, arranged in a triangle: three-two-one. A Christmas tree? Some unknown traffic signal? They moved along ahead of us at cruising speed for a mile or two as we followed the creek. But at the stoplight before the bridge, we caught up to them, and saw that they were lights on the back of a large fuel truck.

Only an emergency would bring such a rig out on a holiday night. It preceded us, over the falls, into the town parking lot where we were bound. "I bet it's going to the restaurant," I told my wife. "It could be a long night."

Gastronomically, upstate is a desert. There is a college town with kid places: bars, ethnic stuff. There is a fish market with a good seafood restaurant attached, hung with stuffed sailfish and sharks. In one of the old Jewish destinations (the only Jews who still come up here are Hasids), there is a bakery that makes good bagels. Otherwise the lone and level sands stretch far away—except for this restaurant.

The story of its founding has become a local legend. Once upon a time there was a young man who wanted to be a chef. His parents were already in the business—they owned a pizzeria—but his father, with the willfulness often attributed to the Irish, but proper only to the Italians, refused to help his son. The son approached the local rich man, heir to a cement-mining fortune (just about the only fortune ever made in the county). With help, he bought an 18th-century stone building, originally a tavern, then a wreck. With sweat equity he restored the roof and sealed the walls. He opened for business, and in the first month was visited by the restaurant critic for the *New York Times*, who, delighted, gave him four stars.

He had a lot to learn. His wines at first came from jugs. When a skeptical guest questioned the wine steward (like the chef, a teenager), he said, "We have white, red, and rosé—what else do you want?" In defense of the chef and his team, this was the end of the *Mad Men* era, when Americans drank mostly cocktails. So he learned, but he also had what cannot be taught—a flair for the work.

Skill and talent will take you far in the world. We acquire skill by learning and practicing the basics until we have mastered them; talent is the aptitude that smoothes the path of mastery. The angles are true, the engine runs, the books balance. Flair is different, and extra; it is the quality of daring, play, or wildness that adds the shimmer of an overtone, or of heat lines rising off a road on a hot day. Flair when you see it makes you step back and nod. Attitude is often considered, wrongly, a marker for flair. But flair resides in the act or the thing itself. An artist with flair can be a long-haired maniac, or dull as dirt. But when you meet his work you step back in appreciation.

An artist with flair can be a long-haired maniac, or dull as dirt. But when you meet his work you step back in appreciation.

The menus at the restaurant were arranged like partitas. There could be five courses—amuse-bouche, soup or appetizer, entrée, cheese, dessert—or sometimes seven—soup *and* appetizer; I forget the seventh. One night one of the entrées was a banana risotto with squid. Banana risotto with squid! It sounded like the punch line of a joke told at the Culinary Institute of America. I looked back at it three times, until I felt I was being dared to order it. I did, and it was a home run. The chef whiffed now and again, but his batting average was much higher than Ty Cobb's.

Small businesses are a labor of Sisyphus, and restaurants belong in a special circle of Hades. Starting up is famously murderous, but the long haul can be a killer too. Another favorite restaurant of mine, this one in the city, lasted 24 years, then, with the suddenness of a chase scene in a silent film—the economic downturn was one of the bad guys—it all ended; the owner moved out of town and is looking for work as a waiter. Something equally drastic unfolded upstate. For a while the chef had a store in a house across the way that sold little goodies and tourist items; then he rented that out. In the stony bowels of the old tavern he also had a bistro, with a cheaper menu. Then that closed. Then everything closed. Gossip, the sewer of malice and envy, supplied details, but I did not want to know. I am idealistic enough, and childish enough, to wish to remember the chef only at his best.

Children and work are all that most of us ever achieve, and both offer foretastes of our end. Children survive us, but they move away and become themselves, not our own dear creations. And work ends with retirement, or failure—the little interment before the big one.

So it was pleasant—no, it was great—to learn that the restaurant was reopening, for three holiday nights. True, they needed a fuel delivery at the last minute, and there was a slight whiff of gas in the main room. So we ate in the bar. But the carrot pasta pinwheel was as good as ever, the shrimp cocktail was one shrimp nestled in an endive stuck in a plaster cup decorated with Cupids, the venison was another homer. Gossip, now friendly, burbles about some possible new deal. Who knows? Sooner or later the restaurant will go dark for good, and there will be nothing like it again ever, except in memory, which will go dark too. But for now, it was good to be home again. **NR**

Happy Warrior

BY MARK STEYN

Our Sick State

A couple of months back, I was with a friend of mine when she suddenly collapsed and I found myself having to run her to the emergency room. After a fairly harrowing 14 hours, the hospital released her, the doctor writing her a prescription for the still-very-intense pain she was in. So we stopped at her local Kinney Drugs in Vermont.

Despite having been called in by the doc, the prescription wasn't ready. Come back in an hour. Heigh-ho. So we left it an hour and a half, and then, not wishing to make another pointless trip, called the pharmacy just to make sure. No, sorry, the druggist said. They ran the insurance number and it was denied. So they canceled the prescription. Without calling the patient to tell her they'd canceled it. I passed the phone to my friend, lying on the couch like a tubercular Victorian heroine, and she explained that her employer had recently switched plans from Blue Cross/Blue Shield to Cigna and, midst groans, gave them the new policy number. She waited another hour in pain and we then returned to Kinney Drugs, using the convenient drive-thru lane.

This time, they had the drugs. My pal handed over her new insurance card. After some 15 minutes, the clerk returned and said the insurer had declined it. There were two cars backed up behind us. My friend said that couldn't be right, the number was valid, could they please run the number again. They did. Same result. There were now four cars behind us. The clerk suggested we drive around the building, join the back of the drive-thru line, and maybe when she'd taken care of the four cars behind things would have quietened down sufficiently for her to call someone and try to find out what the problem was.

Never mind my friend's crippling pain, spare a thought for me: I'd had to spend untold hours being kindly and supportive and sympathetic, which is not a role to which I'm naturally suited, and the strain was beginning to tell. In that useful Americanism, I didn't need this in my life right now. So I enquired of Kinney Drugs whether it would be possible for us just to pay for the prescription—you know, with money—and then bugger off to resume our lives. She went off to see whether that was still possible. Upon her return, I grabbed my wallet and pulled out a credit card.

"That will be eighteen dollars and 79 cents," she said.

Oh. For whatever reason—perhaps the sheer dogged determination required to negotiate this time-consuming transaction to a successful conclusion—I had assumed this would be one of those expensive pills about which one hears so much and I'd be ponying up 500 bucks. Instead, I put away the credit card and fished out a $20 bill.

And then I thought of the opportunity cost not only to me but to the four cars behind. It seemed a very expensive way to buy 18 bucks' worth of pills.

It turned out my friend's prescription was denied because someone at the pharmacy had transposed two numbers. Oh, well. Could happen to anyone. And, in fact, it does. Speaking as an unassimilated foreigner, I notice when you're standing in line that the big difference between a trip to the pharmacy in the U.S. and one in the rest of the developed world is that in America the druggists spend virtually their entire time talking about not the medicine but the "customer"'s degree of access to it. For example, while guest-hosting for Fox News just after Christmas, I was taken ill while in New York. Saw a doc, got a prescription, this time went to a Duane Reade pharmacy on Sixth Avenue. The lady ahead of me was going away for New Year's. Too bad. Her health-care provider declined to provide her with a renewal of her prescriptions before the 31st. The stylishly accoutered lady ahead of her had a better strike rate. After some delay, the pharmacist returned. She informed her (and the rest of us) that the good news was that her insurer had approved her Ortho, but the bad news was that they'd denied her Valtrex. Ortho is a birth-control pill. Valtrex is a herpes medication. Had her dinner date been a couple of places behind me in line, the news might have cast a bit of a damper on his evening. As it was, it occasioned general amusement among the women present.

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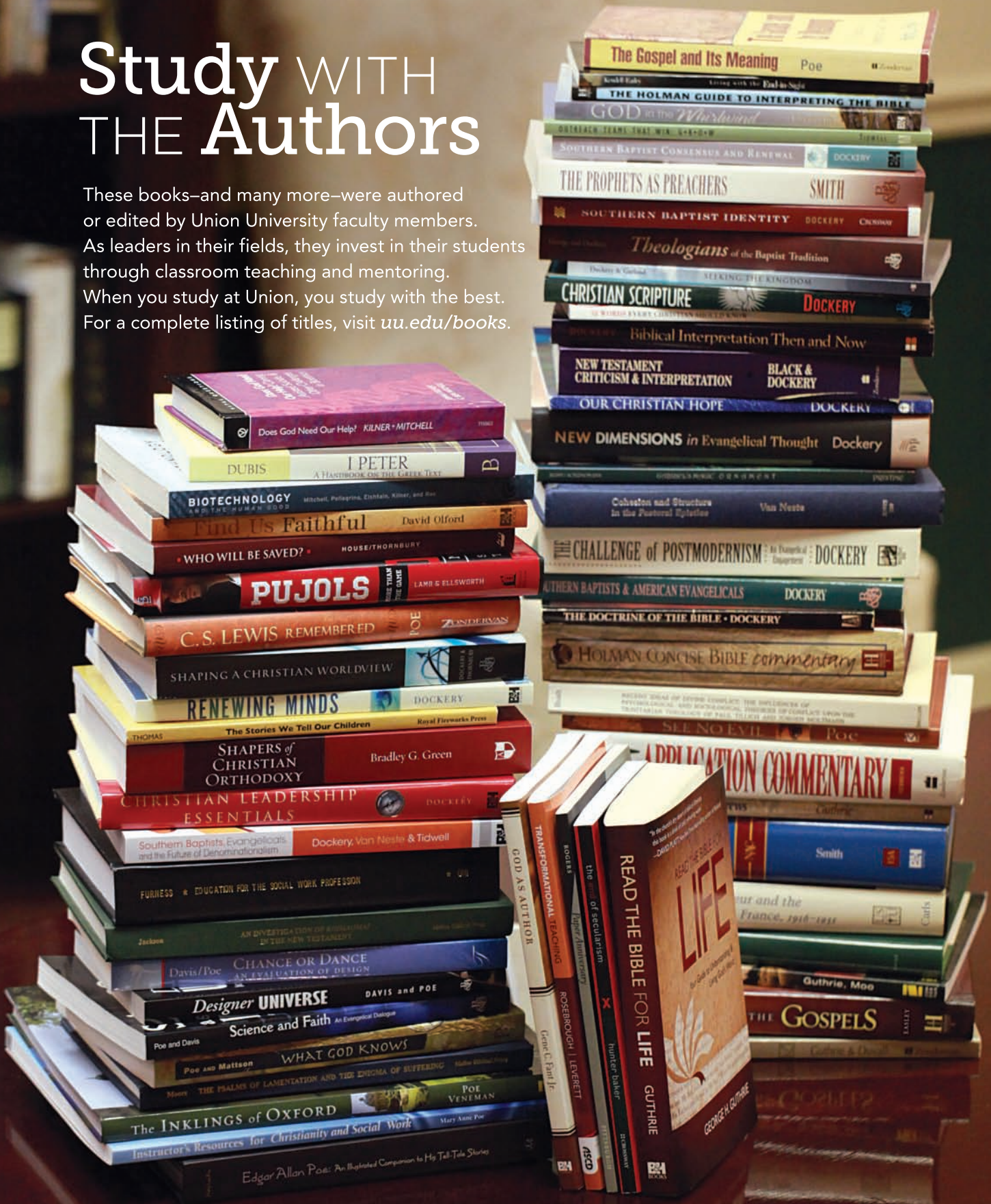
I don't quite know what you'd call these rituals, but the term "private health-care system" doesn't seem the most obvious fit. Indeed, as in so many other areas of American life—the Fannie-Freddied mortgage market, the six-figure college education—the main purpose of these dysfunctional labyrinths ever more disconnected from any genuinely free market seems to be to discredit the very concept of a "private" system and thus soften up the electorate for statist fixes. I've argued for years in these pages that governmentalized health care fundamentally transforms the relationship between citizen and state in ways that make it all but impossible to have genuinely conservative government ever again. But at least the Canadian and British systems have the saving grace of an equality of awfulness. Both Obamacare and, alas, Romneycare seem designed to combine the worst aspects of the Scottish NHS and America's present third-party pseudo-market—and thus a scale of bloated, bureaucratic, inflationary capriciousness unknown to human history.

In free, functioning societies, it ought to be easy to buy a bottle of pills. The fact that it isn't is one reason why America has a real bad headache. NR

Mr. Steyn blogs at SteynOnline (www.steynonline.com).

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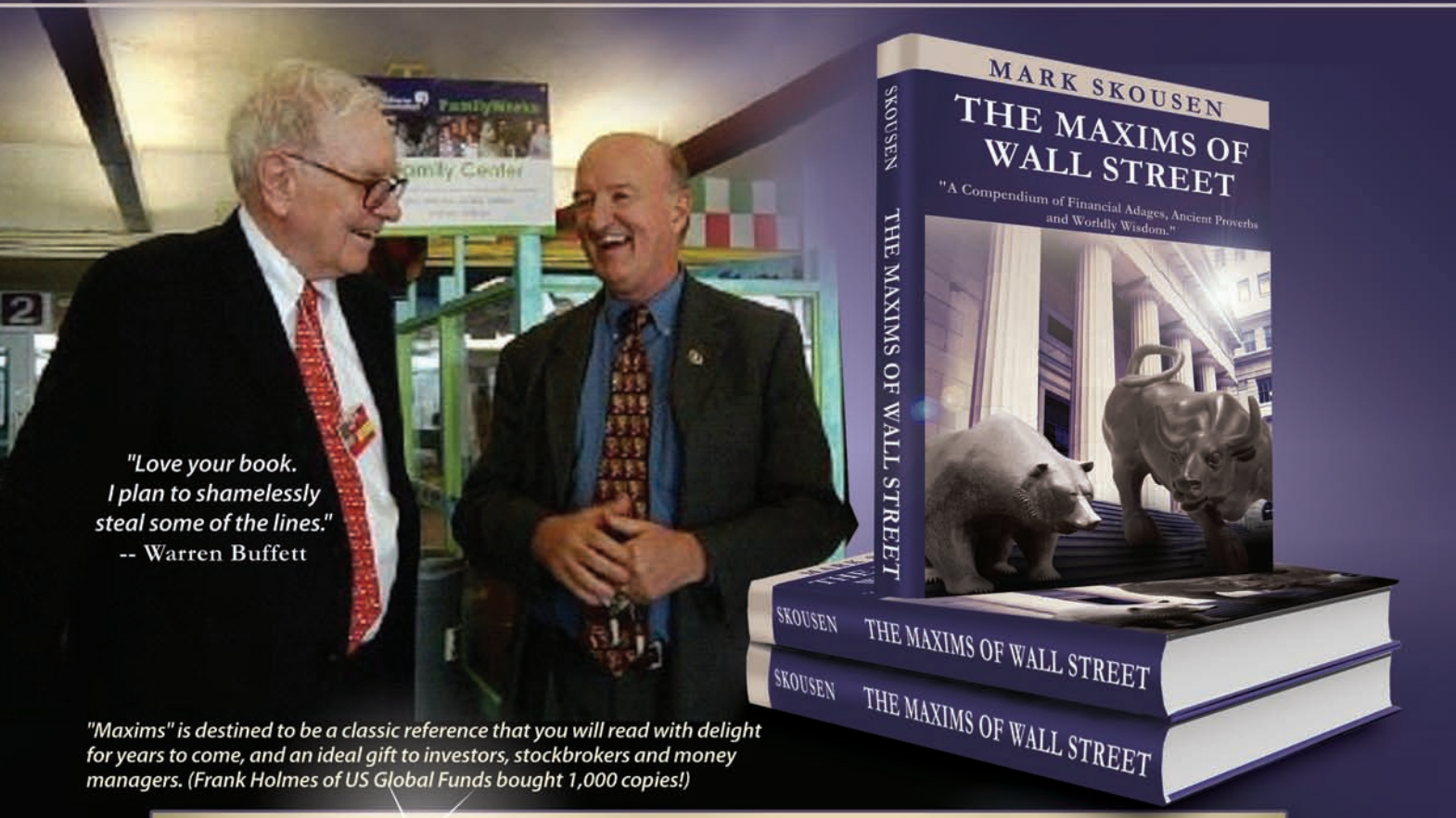
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Mark Skousen, Ph. D., is editor of the award-wining Forecasts & Strategies. He has taught at Columbia Business School and is the author of over 25 books (**www.mskousen.com**). Join him July 11-14 in Las Vegas at **www.freedomfest.com.**

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