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THE EDITORS: AGAINST AMNESTY

NATIONAL REVIEW

To Live and Die in Chicago

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Obama the Sportsman *Rob Long*
Conservative Success
in the States *John Hood*



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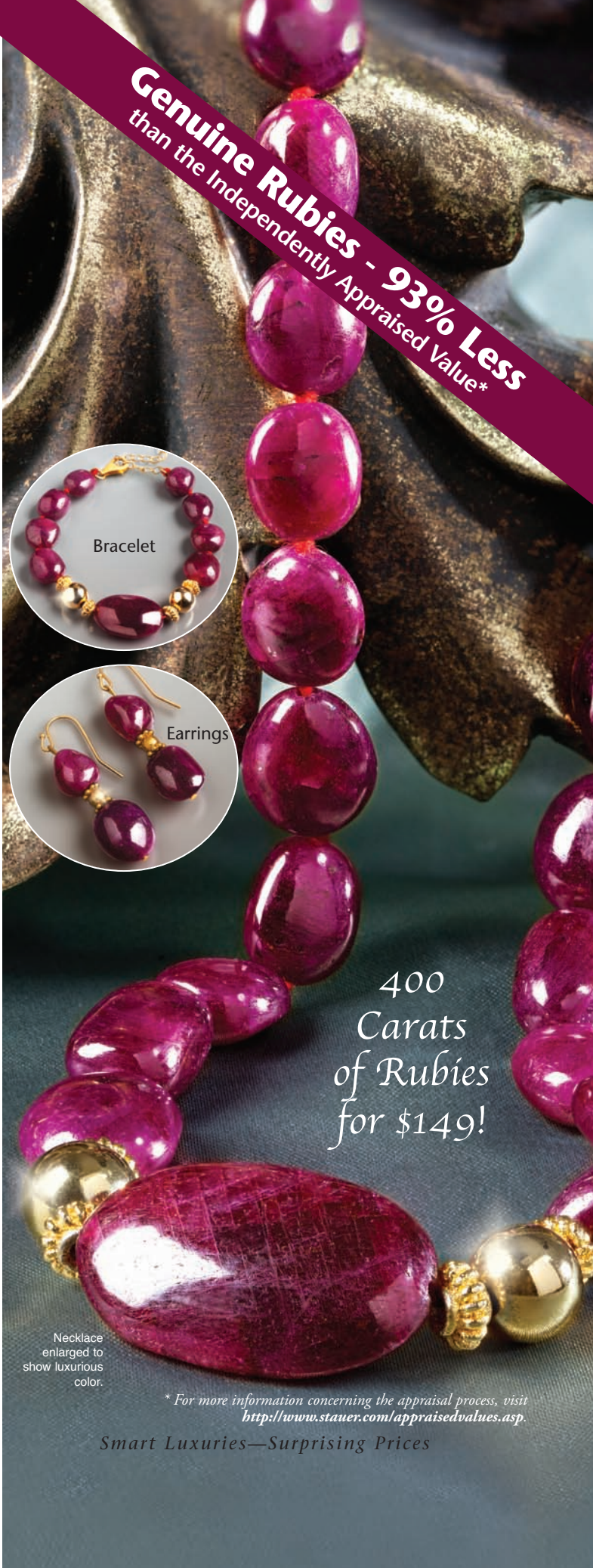
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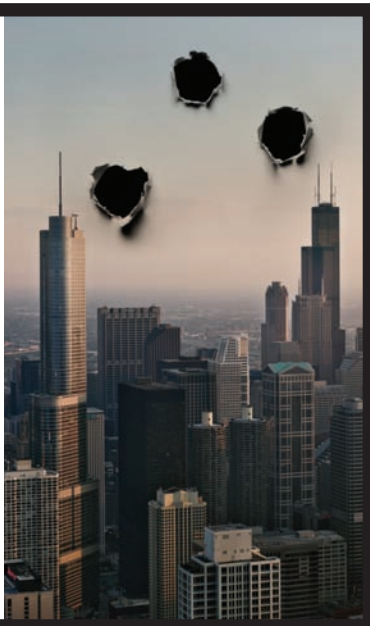


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Gangsterville

Chicago may have torn down the projects, but the gangs haven't just gone away: Today, 80 percent of Chicago's homicides are gang-related. In a city in which 15-year-olds are running criminal enterprises and shooting each other over the slightest of slights, it's not clear that even the best policing practices will be sufficient. *Kevin D. Williamson*



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Keeping Up with the Trapps

My six-year-old daughter and I both enjoyed your reprint of Aloïse Buckley Heath's piece on trying to emulate the Trapp family's Advent activities. I, too, have read Maria von Trapp's book, and tried—and utterly failed—to incorporate some of her Advent ideas into my celebrations with my three small children. So it was some consolation to me that I am not the only one who has met with less than success in this endeavor.

The other morning, I found my six-year-old daughter reading NATIONAL REVIEW. When I asked her what she was reading, she replied, "Some article about a man who confuses Ash Wednesday with Christmas. I stopped reading it."

I look forward to your magazine, and now apparently my six-year-old will as well (assuming I can convince her that not all the articles are about the liturgically challenged).

*Hannah Ard
Bainbridge Island, Wash.*

Laughing with Aloïse

I thoroughly enjoyed Aloïse Buckley Heath's piece about Christmas in a large family. I find it interesting that, despite the fact that I was born two years after her death, the experience she details could easily have been repeated in my home this year.

I am a mother of nine, so holidays are a wrench thrown into my well-oiled machine. I can do either Christmas or everyday life. Not both. Not both very well.

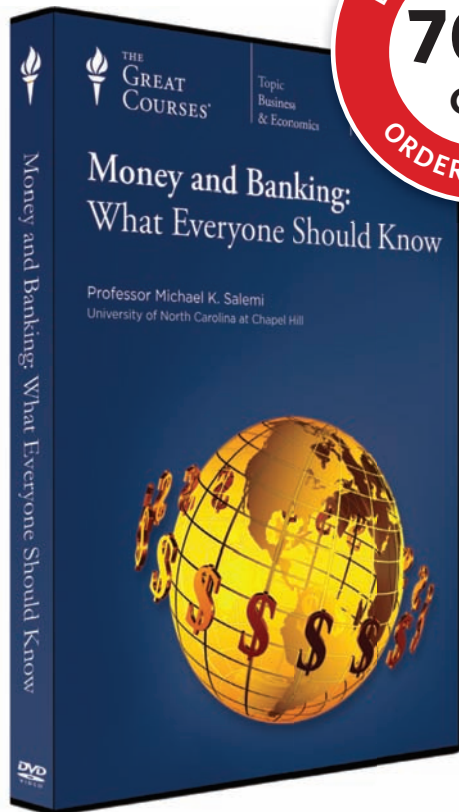
To try to focus on Christmas and impart the deep spiritual truths that propel our civilization forward . . . well, it usually goes about as well as drawing names for Aloïse's Christkindl project. It doesn't stop my husband and me from trying, mind you. I cling to the hope that something we do will stick. At least it will provide laughs at Christmas Eve dinners to come—laughs primarily at our expense, as they are about what our children were doing or thinking instead of paying attention during the Advent Jesse Tree devotion times.

As I continued reading the article, I had to stop myself from enjoying it so much, because my laughter was going to wake up the baby I was nursing before her bedtime. (You will always find my copy of NATIONAL REVIEW next to my rocking chair in my room.) Thanks for the bonding moment with an eloquent woman—no one can laugh at her life like another mom of a large family.

*Kristina Ormand
Via e-mail*



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The Week

■ Chinese hackers penetrated the *New York Times* system. Maybe they wanted to be Tom Friedman for a day.

■ Who is that, clinging to his shotgun? It looks like President Obama, acoustic earmuffs in place, squeezing off a shot. The White House released the photo of Obama on the range at Camp David after he told *The New Republic* that he shoots skeet there “all the time.” Oh come on. This is the first time in Obama’s two-memoir life that he, or anyone else, has ever mentioned his shooting. Obama compounded the phoniness of his attempt to mollify supporters of gun rights by adding that he has “a profound respect for the traditions of hunting.” At least until 2017.

■ Someone leaked a “white paper” offering the administration’s legal justification for targeted assassinations of such American citizens as al-Qaeda operative Anwar al-Awlaki, who was killed by a drone strike in Yemen. The guidelines push the envelope of executive war powers beyond the Bush markers that had supposedly shredded the Bill of Rights. Abundant precedent supports the proposition that Americans who join with a foreign enemy in wartime may be treated as enemy combatants—which includes being targeted by lethal force. While Bush merely reaffirmed these law-of-war principles, Obama extends them by Orwellian redefinitions of “imminent” threat and the “infeasibility” of capture, licensing assassinations far away from traditional battlefields on the say-so of unspecified “high-level officials.” To paraphrase Richard Nixon: It’s not a crime when this president does it.

■ On *The Honeymooners*, Jackie Gleason as Ralph Kramden would say “*Homina homina homina*” when flabbergasted. Chuck Hagel should have said it when he appeared before the Senate for his confirmation hearings for secretary of defense; it would have been better than what he did say. The prospective secretary turned his coat on a host of awkward positions and statements, from the malign powers of the Jewish lobby to the suitability of gays as ambassadors. He characterized the administration’s Iran policy as “containment,” until he was passed a note pointing out that it isn’t; he tangled with John McCain over the surge (the stopped scold is right twice a day). It was not quite as bad as John Tower’s disastrous hearings in 1989, derailed by his history of boozing and boffing, but it was pretty bad. The Democratic majority will carry Hagel home, and the president will have an ideal defense secretary: out of his depth, craving a job after four years of retirement, and beholden to the man who tapped him.

■ After a months-long wait that featured scheduling challenges, investigative delays, ministerial concussions, and the small matter of a presidential election, Secretary of State Hillary Clinton finally came to Congress to testify about what happened in Benghazi. And what did she have to say? “Was it because of a



*Courtesy of www.iOwnTheWorld.com,
a photo of President Obama that the White House did not release*

protest or was it because of guys out for a walk one night decided to go kill some Americans? What difference, at this point, does it make?” That was Clinton’s response to a line of questioning about why it took so long for the administration to conclude, as the rest of the world already had, that the September 11 murder of four Americans in Benghazi was an act of terrorism, and not of the spontaneous enthusiasms of a Muslim populace stirred to rage by an amateurish and little-noticed YouTube video. Indifference was just one of the poses Secretary Clinton struck. Joining it, at turns, were strained revisionism and professed ignorance. Clinton repeatedly emphasized that the administration had early on referred to “acts of terror” in the same breath as Benghazi, while hedging that she “wasn’t involved in the talking-points process” that nevertheless continued to arm Susan Rice and others with bogus dodges for weeks after the fact. This tedious waltz between culpability and blamelessness permeated the entire affair. Mrs. Clinton said she is ultimately responsible for Libya but that none of the particular failures manifested there were her fault. She claimed that heads have rolled at the State Department, but the three individuals who were removed from their posts remain on paid administrative leave. She assured Congress that the State Department was acting on umpteen recommendations of a review board, but maintained, broadly, that the system worked. The spectacle left the American people



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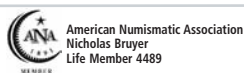
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no better informed about September 11, 2012, than they had been in the weeks immediately following it. When one congressman asked Clinton, in amazement, why she was not interviewed by the independent board in its review of the attack and the department's response to it, the secretary suggested it was because the board did not find her "relevant" to the investigation and thought she "did not have information that could help" it. Judging by her performance before Congress, it sounds as if the board was right.

■ American Crossroads, a Republican group associated with Karl Rove, announced that it would start intervening in Senate primaries to prevent unelectable candidates such as Todd Akin from winning nominations. Many conservatives assailed the group, claiming that it is trying to sideline tea-partiers. (Its leaders protest that they have spent a lot of money trying to get some tea-party favorites elected.) It is not clear how much good the organization can do in primaries. Akin himself narrowly won a three-way primary: Would the group really have been able to unite his opponents behind one of the other candidates? Akin's spectacular self-demolition has also distracted Republicans from the fact that plenty of Senate candidates without his notorious debilities lost. George Allen, Tommy Thompson, Denny Rehberg, and many other defeated candidates could not be said to have been foisted on the party by tea-partiers or social conservatives. The flap over the American Crossroads plan has gotten the party's factions doing what they seem to like doing best: blaming one another for the party's failures, and refusing to acknowledge that there is more than enough blame to go around.

■ Steve Kroft of *60 Minutes* explained why President Obama keeps granting interviews to the show: "I think he knows that we're not going to play gotcha with him, that we're not going to go out of our way to make him look bad or stupid, and we'll let him answer the questions." As the *New York Post* pointed out, *60 Minutes* brandished phony documents concerning George W. Bush's military service. *60 Minutes* asked Mitt Romney whether he and his wife, who was sitting next to him, had had sex before marriage. Kroft is surely correct, though, that the ground rules are clear to everyone.

■ Democrats and Republicans in the Senate reached a deal on the filibuster. The minority party—for now, the Republicans—will get to offer two amendments to every bill. In return, the length of debate on some nominations will be shortened. A majority with more control over the calendar will be able to push more things through. Democrats refrained, however, from setting the precedent that a simple majority could alter the Senate rules. Deals such as this one can be made only when there is uncertainty about what would happen in their absence. (Would Democrats have held together for a bigger reduction in minority power?) But the guarantee of amendments is a step forward for Republicans in Harry Reid's Senate. Time to make the most of that new power, both to improve bills and to expose their flaws.

■ A team of sociologists at the City University of New York published a study on participants in the Occupy Wall Street movement in New York City. Among the findings: More than a third of respondents had household incomes of \$100,000 or more, placing them at the cusp of the top quintile of income distribution in America. Seventy-six percent of those who were not currently

students held at least a bachelor's degree, and more than a quarter of graduates went to top-ranked schools. Overall, almost three-quarters of respondents were employed in professional occupations. The protests were led by a core group of experienced activists who were "disproportionately white and male," according to the report. "Many were the children of the elite, if you will," one of its authors told the *New York Post*. Not quite disadvantaged, then; just badly educated.

■ The FBI has raided the offices of Salomon Melgen, a Florida eye surgeon who is a longtime friend and backer of Senator Robert Menendez (D., N.J.). Menendez sits on the Foreign Relations Committee, where he lobbied the State and Commerce departments to pressure the Dominican Republic to honor a half-a-billion-dollar contract with a port-security company that Melgen controls. Was there any quid for this quo? Melgen has donated big-time to Menendez's campaigns, and flown him to the DR for R&R (Menendez belatedly reported and paid for two trips; there are allegations that the trips involved underage prostitutes). New Jersey is a funky state, morally: better than Illinois, but worse than Louisiana. It will take a lot to sink Robert Menendez.

■ For 40 years, John Kerry has been one of the leftmost figures in our politics. He began his career by returning from Vietnam and accusing American forces of atrocities. In the 1980s, he was an apologist for the Sandinistas. He and Senator Tom Harkin went on a "peace mission" to Nicaragua, arranged by the Institute for Policy Studies, a hard-left group. The secretary of state, George Shultz, decried these "self-appointed emissaries to the Communist regime." Kerry worked hard to link Vice President Bush to drug-running. He was the only senator to vote against money for police training in Central American countries allied to the United States—even Chris Dodd voted for it. About our Grenada operation, Kerry said, "The invasion represented a bully's show of force against a weak Third World nation." He harassed Felix Rodriguez, the legendary CIA operative, about the capture of Che Guevara, whom he obviously admired. Elections have consequences, some of them harrowing.



■ In January 2012, Obama's Department of Health and Human Services announced that it would require almost all employers to provide coverage for contraception, sterilization, and some abortion drugs. After being criticized, it announced that it would issue further rules to accommodate religious organizations that object to this mandate. These rules, it said, would make insurers rather than employers cover the cost of this coverage. A year and an

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election later, the administration is sticking to this logical absurdity. And really, why should anyone have expected any step in the direction of liberty? The press largely accepted the Democrats' conceit that resistance to the rule amounted to a war on contraception and women, the Democrats won, and this issue is widely believed to have helped them. Conservatives cannot drop the matter without abandoning religious liberty and the rule of law. (The Religious Freedom Restoration Act has to trump the admin-

istration's regulatory dictates, as some courts have rightly ruled.) Anyone with eyes to see should now understand, at least, that social liberalism is at best only incidentally related to freedom.

■ Ohio governor John Kasich has joined Jan Brewer and Susana Martinez on the dishonor roll of Republican state executives who are knuckling under to the Obama administration by backing the expansion of Medicaid under the Affordable Care Act. Like the

America Needs Workers

THE output of an economy can surge only if the key factors of production—capital and labor—surge, or if firms combine inputs in a more productive way. For most economies, labor input accounts for about twice as big a factor in output as capital input does, so growth of the labor force, accordingly, is the most important driver of supply-side growth. A rule of thumb often relied upon by economists is that a 1 percent increase in the labor force produces about half a percentage point of extra output growth.

With their fertility levels declining, developed nations have increasingly relied upon immigration policies that recruit highly productive workers to augment the growth of the labor force. In this regard, the U.S. has fallen far behind its trading partners.

To illustrate how U.S. immigration compares with immigration to other developed countries, the nearby chart displays the number of immigrants admitted legally in 2010 in the 20 wealthiest OECD member states (measured by their per capita GDP that year) as a proportion of their populations.

Perhaps surprisingly for a country that has long thought of itself as a nation of immigrants, the U.S. falls far behind almost all the other countries in the number of immigrants it admitted in 2010 relative to its population size. To put our position in stark contrast, the chart includes the estimated number of undocumented immigrants who entered the U.S. in 2010 (the yellow bar). Even when they are included, total immigration to the U.S., legal plus illegal, is still lower as a share of population than legal immigration is in all but four of the other countries.

To be fair, 2010 was a year of comparatively low illegal immigration, but even at its peak of 850,000, in 2002, the proportion of the U.S. population composed of new immigrants was smaller than that of all but five of the other countries in 2010. (Consider as well that EU countries, which make up most of the rest of the sample, allow citizens to move freely between member states. The sources of their immigration might nonetheless surprise: Of the 459,000 immigrants who entered the U.K. in 2010, for example, only 156,000 were EU citizens.)

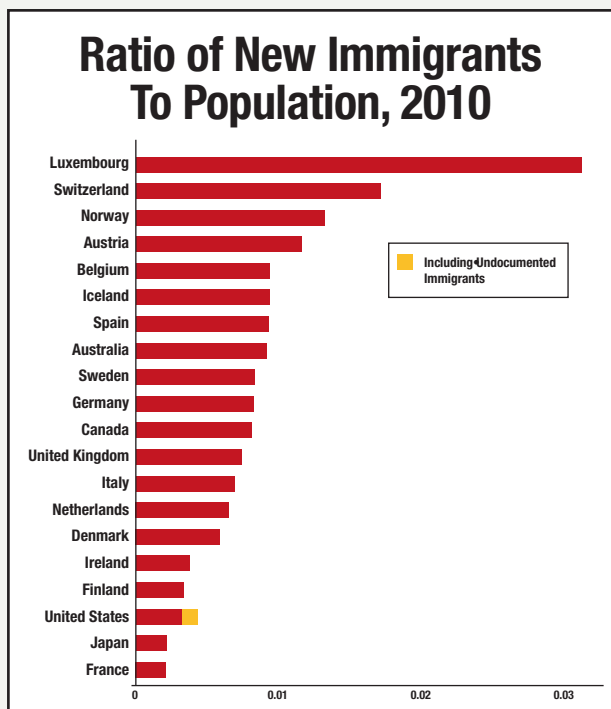
In addition to being comparatively restrictive, our immigration system prioritizes immigrants with family ties to U.S. citizens and residents over people wishing to enter for employment. Of the roughly 1 million immigrants admitted in 2010, just under 150,000 were admitted for

employment. Almost 700,000 others were relatives of citizens or residents.

Because the number of employer-sponsored visas is limited, many qualified foreigners wishing to work in the U.S. are unable to do so. Australia, which has one of the highest rates of immigration by skilled workers, recently enacted a policy of allowing all foreign graduates of Australian universities to stay and work for two to four years following their graduation. It also increased the number of visas issued to foreign workers, with a large share of them going to highly skilled applicants.

With lackluster GDP growth threatening to become our new normal, allowing more immigrants to enter for the sake of employment is one of the few policies that might restore our old normal. If the U.S. doubled its total immigration and prioritized bringing in new workers, it could add more than half a percentage point a year to expected GDP growth. That is not the only relevant policy consideration, but it should be weighed carefully as Congress considers immigration reform.

—KEVIN A. HASSETT



SOURCE: OECD AND PEW HISPANIC CENTER

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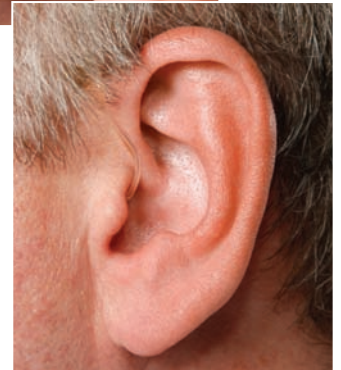
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others, he has been lured by the false promise of “free money,” as though Ohio taxpayers were not also federal taxpayers on the hook for the deficit-expanding health-care entitlements. This is particularly disheartening in that the Medicaid expansion is not like the usual pork scramble in which governors, on the theory that they are looking out for the best economic interests of their taxpayers, attempt to maximize their state’s income from programs they may or may not support in principle. The Supreme Court has ruled that the federal government may not coerce the states into participating in the Medicaid expansion, meaning that if enough of them resist, they will significantly hinder implementation of the ACA. Ohio’s taxpayers may feel better off in the short term with more Medicaid funding, but in the long term they’ll be poorer for it—and so will the rest of us.

■ The D.C. Circuit Court of Appeals concluded that President Obama had no authority to make recess appointments to the National Labor Relations Board when the Senate was not, by its own lights, in recess. (The Republican House refused to allow a recess precisely in order to prevent Obama from naming appointees to get around the possibility of a filibuster by Republican senators.) The ruling was impeccably originalist, holding that the recess-appointments clause was intended to allow appointments only in cases where vacancies arose between congressional sessions—not in cases where the president wants to fill a vacancy that happens to persist through a short congressional break. This original understanding of the clause has not been honored for decades, though, and the court did not need to press the point to reach its decision. The Supreme Court, when it takes this case, as it should, may therefore not go as far as the circuit court. Knowing that recent practice is constitutionally suspect should, however, strengthen its resolve not to expand presidential power even further.

■ *Zero Dark Thirty*, the film that tells the tale of the tracking and killing of Osama bin Laden, has been dogged with controversy from the beginning. First, when only the film’s basic subject was known, conservatives suggested that Hollywood would turn out a film that doubled as Obama-administration propaganda. Then, when it was revealed that the first act of the movie, about the search for al-Qaeda’s leader, would dare to portray intelligence being gathered from detainees via “enhanced interrogation,” it was liberals who wanted the filmmakers on the rack. Now that the film has been released, audiences have found that its message is ambiguous: We see that enhanced interrogation, which critics call torture, played a role in the search for bin Laden, but it is hard to say how essential it was; other methods were important, too. Former CIA director Leon Panetta has confirmed as much. Yet the critics remain enraged: Senators Dianne Feinstein and John McCain have demanded that the movie’s makers state that the controversial techniques played no role in finding bin Laden, and that they can never be effective—both things manifestly untrue. Opponents of these techniques would do well to make their case on ethical grounds and avoid making absolutist claims about efficacy, and in any case to try to win at least one liberal victory without Hollywood’s help.

■ Hurricane Gay is blowing over the Boy Scouts. The national executive board has postponed until May its decision on letting local chapters choose whether to admit gay scouts and scout-

masters. Once made optional, allowing gay scoutmasters will surely become mandatory, not least because troops will no longer be able to tell courts that the Boy Scouts consider the rule important. The controversy is a textbook case in the mechanics of social pressure. Gay activists have deluged the Scouts with petitions; businessmen on the 70-member board—Randall Stephenson of AT&T, James Turley of Ernst & Young—eager to avoid boycotts or complaints from their own human-resources departments take the protests inside. Offstage, President Obama has assured the nation that gay liberation is the same thing as voting rights for women and blacks (Stonewall, Seneca Falls, and Selma, in his alliterative inaugural formula). In the new order, anyone will be free to think ill of the gay lifestyle—in the privacy of his own home, and so long as he doesn’t tell anybody.

■ There are taboo subjects, and, for Phil Mickelson, taxes are apparently one of them. The golf champion disclosed to the press that he was thinking about moving out of his native California,



“because I happen to be in that income zone that has been targeted both federally and by the state.” He had wanted to be part-owner of his beloved San Diego Padres, but decided against it, for tax reasons. Later, Tiger Woods disclosed that he himself had moved out of his native California, for tax reasons—that was in 1996. (He went to Florida.)

There was a storm of criticism directed at Phil: Who was this Richie Rich complaining about taxes? Did he have no regard for his fellow man? Where was his patriotism? Actually, Mickelson is tremendously charitable. Stung by the criticism, he issued a statement: “Finances and taxes are a personal matter and I should not have made my opinions on them public. I apologize to those I have upset or insulted and assure you I intend to not let it happen again.” He would have been better off talking about his sex life.

■ In late January, it was announced that the office President Obama established to close the U.S. detention camp at Guantanamo Bay has been . . . closed. The special envoy appointed to find legal resolutions or new detention locations for the hundreds of terrorist suspects still held at the U.S. Navy’s base has been reassigned, and the task will now be handled by other legal offices. Many of the detainees who had been released or sent elsewhere have returned to terrorism, and those who remain are even more dangerous or undesirable; Guantanamo, for now, is a necessary evil. In this case, as at other times, we are grateful President Obama has failed to fulfill his campaign promises.

■ The Environmental Protection Agency, never known for its realism, has really outdone itself with its green-fuel mandates. Last year, it demanded that refiners purchase 8.65 million gallons of cellulosic biofuel, made from non-edible plant sources. The problem? The U.S. has never, ever, ever produced 8.65 million



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gallons of cellulosic biofuel. The inputs don't exist because plant waste isn't grown commercially; the U.S. lacks the infrastructure to convert large amounts of plant waste to fuel; and the piddly 20,069 gallons of cellulosic biofuel produced domestically last year never made it to the market, but were instead exported as a party trick for the Rio Climate Conference. Refiners' failure to purchase a nonexistent product cost them millions of dollars, and they were understandably peeved. They got some relief in late January, when a federal appeals court ruled the EPA had overstepped its authority by demanding the impossible. The EPA responded by ignoring the court ruling, promptly issuing a 2013 mandate that orders refiners to buy 14 million gallons of cellulosic biofuel this year. It is fueling its green agenda on fantasy alone. If wishes were cellulosic ethanol, then beggars would ride.

■ In the last few years, the conceit that traumatized soldiers returning from Iraq and Afghanistan are responsible for a spike in suicides has nestled into our conventional wisdom. But a new Veterans Administration study says otherwise. The report, released in late January, finds that among veterans and active-duty personnel it is in fact older veterans who are most likely to take their lives. The average age of veterans who commit suicide is around 60, the study concludes, adding that Vietnam veterans and women are particularly at risk. Veterans account for a declining percentage of suicides, as the overall number of suicides increases. Whatever is behind the growing number of Americans who are choosing to end their lives, it does not appear to be the wars of the past decade.



■ To be or not to be a member of the European Union, that is the question to which the British must find an answer. After days of tension and postponement, Prime Minister David Cameron at last made a speech to clarify the issue. Or not, as the case may be. His preference is to stay in the EU, but for that to happen the EU must reform in matters great and small. Over the next five years, he proposes to

negotiate in the hope of obtaining what he wants. Once the British can see where these negotiations have led, they are to hold a referendum: In or out? He doesn't specify what exactly he will be negotiating about, nor what the consequences are if the countries in the EU refuse to negotiate. On behalf of Germany, Chancellor Angela Merkel says she's willing to listen to the British, but the French are not even lukewarm, condemning the speech as breaking the rules of the club. Washington asks Britain to stay in the EU, though why it wants its firmest European ally to submerge its identity in an anti-American supranational organization is inexplicable. Negotiating for five years indeed! A good part of the Conservative party, and the country too, wants Cameron out in five months, even five weeks.

■ In 2008, Sergei Magnitsky, a Russian lawyer, accused officials in the interior ministry of corruption. Those same officials had him arrested for tax evasion. He was held for almost a year without trial, during which time officials pressured him to recant his

accusations. He refused. They tortured him to death. That was in November 2009—and Moscow has now announced that Magnitsky will be put on trial, posthumously. The Kremlin's behavior in this entire affair has been completely Soviet.

■ Saudi mothers may now need to buy baby-size burkas, for sharia-compliant daughters to wear when the religious police come around. Imam Sheikh Abdullah Daoud has called for infant girls to wear full-face veils, which he says will protect them against molestation, though it is not clear how. To be fair, not every Muslim is on board with this; in fact, Daoud may be the Reverend Terry Jones of Islam. Saudi authorities were quick to disavow his directive, pointing out that officially approved fatwas cover only such clear and uncontroversial matters as banning Western movies and Valentine's Day, or preventing women from driving or dyeing their hair black.

■ Senator John McCain took to Twitter for a cut-rate riff about Iran's cut-rate strongman Mahmoud Ahmadinejad, who offered himself as a test pilot for that country's nominal space program. "So Ahmadinejad wants to be first Iranian in space—wasn't he just there last week?" the senator asked rhetorically, linking to a news item headlined: "Iran launches monkey into space." The joke irked some, including young Representative Justin Amash (R., Mich.), who is of Syrian and Palestinian descent. Amash told McCain to "wisen up" and called the tweet "racist." We suppose it wouldn't be America without the occasional ethnically Arab American criticizing an ethnically Scotch-Irish American for making fun of an ethnically Persian Iranian in a manner sometimes intended to slur African Americans. And for the record, we agree with Congressman Amash. The tweet was offensive: The lower primates deserve better.

■ Now is the winter of our disinterment
 Made summer by the glare of media hype.
 Here fought I manfully; now my remains
 Are brought to light from 'neath a parking lot.
 And if the good interrèd with my bones
 Be yet redeemed from Tudor calumny,
 My shade receiving then strange new respect
 It ne'er did win in life, 'tis no surprise:
 'Twas ever thus with dead Plantagenets.
 Now civil war gives way to MPs' jests
 And Englishmen drive Volvos to the mall
 On blood-soaked ground o'er which I reigned, where shops
 Sell chicken vindaloo with tea and scones.
 Oh, cursed be he who parks upon my bones!

■ New York City in the mid-Seventies was a grim place: frayed, stinking, unsafe, bankrupt, a fit home for the Son of Sam. Edward Koch's victory as mayor in 1977 was a breath of fresh air (with a lot of hot air in the mix). Koch, who had already served eight and a half years as a typical liberal congressman, had morphed into something more interesting, an off-and-on critic of liberalism's excesses. Most of all he was an authentic New Yorker. Churchill said meeting FDR was like opening a bottle of champagne; hearing Koch was like opening a bottle of Dr. Brown's cream soda. He became the face (and mouth) of Gotham, kvetching, kvelling, and letting everyone know that he and it were in business. After losing his fourth race for mayor in

1989, he stayed in business, as a talking head, movie reviewer, man about town, and idiosyncratic pol. One of his last efforts was to back a Republican for an outer-borough congressional seat when he thought the Obama administration was not being tough enough on Iran. If he did not truly turn New York City around—that was left to Rudy Giuliani, a more effective mayor though a less pleasant personality—he lifted our spirits. Dead at 88. R.I.P.

■ The Reagan administration was stocked with interesting men, and Max M. Kampelman was one of the most interesting. He was born in New York, the son of Jewish immigrants from Romania. He became a pacifist, and was a conscientious objector during



World War II. But he did not do nothing: He participated in the starvation experiment at the University of Minnesota, an experiment that proved useful in treating former POWs and concentration-camp survivors. He went from 160 pounds to 100. In later years, he threw off his pacifism and joined the Marine Corps, as a reserve

officer. He was a Democrat, a Humphrey adviser—and a hawk. Like many others, he drifted from his party after the nomination of McGovern. He served Reagan as an arms-control negotiator with the Soviet Union. He was chairman of Freedom House. He was a champion of freedom all around: not just someone who liked freedom, but someone who knew what it took to gain it and keep it. Max Kampelman has died at 92. R.I.P.

IMMIGRATION

A Pointless Amnesty

MANY Republicans are rushing, out of panic, to embrace a grand bargain on immigration. All of the proposals being advanced—by President Obama, by a bipartisan group in the Senate, and by a bipartisan group in the House—include an amnesty for the dozen million or so illegal immigrants in the country, and inadequate security provisions. Republicans who support these proposals are wrong on both the politics and the policy. Piecemeal reform emphasizing empirical security benchmarks is a far better option.

Whether it is desirable to regularize the status of those illegals already here, and on what terms such a regularization might be offered, are questions that can be answered only when the immigration system is under control. That is a matter of political prudence—the experience of the 1980s amnesty suggests that it is easier to offer an amnesty than to secure the border—but also of context: Reviewing and processing the millions of illegals already here would be a vast administrative task, and we will not know how to go about managing it intelligently until we see what the environment looks like after illegal immigration is under control.

Why an amnesty now? Maybe it is only the polls. John McCain, a principal instigator of the Senate group, has made his motives clear: “Elections, elections—the Republican party is losing the support of Hispanic citizens.” His plan apparently is to develop a bipartisan approach to helping Republicans win elections; per-

haps Chuck Schumer imagines other outcomes. Senator McCain has not said why he believes that the interests of Hispanic citizens are to be identified with those of non-citizens, why those interests should trump the interests of citizens (including Hispanic citizens) harmed by the lawlessness of our borders, or why a senator with an established record of supporting amnesty could not muster one in three votes from those Hispanic citizens.

Republican immigration reformers with an eye on political reality should begin by appreciating that Latinos are a Democratic constituency. They did not vote for Mitt Romney. They did not vote for John McCain. They did not vote for George W. Bush in either presidential race. In 1998, George W. Bush was re-elected to the governorship of Texas with 27 percent of the black vote—an astonishing number for an unabashed conservative. Bush won 68 percent of the overall vote in that election, carrying 240 out of Texas’s 254 counties. A majority of Hispanics still voted for Democrat Garry Mauro.

If we are to take Hispanics at their word, conservative attitudes toward illegal immigration are a minor reason for their voting preferences. While many are in business for themselves, they express hostile attitudes toward free enterprise in polls. They are disproportionately low-income and disproportionately likely to receive some form of government support. More than half of Hispanic births are out of wedlock. Take away the Spanish surname and Latino voters look a great deal like many other Democratic constituencies. Low-income households headed by single mothers and dependent upon some form of welfare are not looking for an excuse to join forces with Paul Ryan and Pat Toomey. Given the growing size of the Hispanic vote, it would significantly help Republicans to lose it by margins smaller than those by which they have recently lost it. But the idea that an amnesty is going to put Latinos squarely in the GOP tent is a fantasy.

No immigration reform deserving the name is possible without first enforcing the law at the border and at the workplace. Conveniently for Republicans, doing so is very popular—two out of three voters support building a border fence. Indeed, even Senator McCain has been known to utter the words “Complete the dangd fence.” There is no reason, political or substantive, for failing to do so. Securing the border is more popular in the polls than is amnesty, even in the Associated Press poll that carefully omits the word “amnesty.”

Unless we mean to legalize every illegal alien in the country—including violent felons, gang members, cartel henchmen, and the like—there will be of necessity a system for sorting them out. It is difficult to believe that the same government that failed to enforce the law in the first place will be very scrupulous about standards as it deals with the consequences of its own incompetence.

It is for that reason that broader reform measures should wait until credible enforcement mechanisms are in place. Those mechanisms include, at a minimum, a secured border and mandatory and universal use of the E-Verify system, which confirms the legal status of new hires. We agree with Senator Rubio’s view that “we can’t be the only nation in the world that does not enforce its immigration laws. . . . Modernization of the legal-immigration system is impossible unless we first secure the border and implement an E-Verify system.” We very much doubt that Senator Rubio will achieve meaningful border security in cooperation with Senators Schumer, Durbin, Menendez, and Bennet. And the other party in this negotiation,

President Obama, is even less likely to place enforcement at the center of his immigration agenda; the president has nominally endorsed the Senate reform principles, but the White House already has signaled that it thinks Rubio's proposal is too tough.

Rather than getting their heads handed to them in yet another grand bargain, Republicans should push for piecemeal reform through focused, narrow legislation. Senator Rubio's security measures would be a good place to start. Mandatory and universal use of E-Verify, together with improvements to it, should have been legislated years ago. We should create a technological system for monitoring and preventing visa overstays, the source of 40 percent of our illegal immigration, to say nothing of the 9/11 plotters; Congress has mandated this five separate times in the past 17 years, and it's still not done. Likewise, Congress passed a law in 2006 mandating that a double-layer border fence be completed; it has not been. Which is to say, the executive branch is no more in compliance with the law than the illegals are themselves. Congress should demand that the fence be completed in accordance with the law. Other reforms, such as making economic skills rather than the reunification of extended families the main criterion for legal immigration, also deserve consideration. But rather than achieve that, both the president's program and Rubio's would expand "guest worker" provisions, as though there were an acute shortage of low-skilled labor in the United States.

Senator Rubio argues that a grand bargain is necessary because an enforcement-only bill could not pass the Senate, while an amnesty-only deal would not pass the House. But he is drawing the wrong conclusion from that stalemate: The better course of action is to fight for sensible enforcement provisions right now and let Democrats explain to an anxious electorate why they insist on holding enforcement of the law hostage to an immediate amnesty. And no grand bargain will take immigration off the table as a political issue: Liberals can always argue for weaker enforcement provisions in the future, easier pathways to legal residency and citizenship, and the like.

Senator Rubio, an exemplary conservative leader, is correct that our immigration system is broken. And he is correct that, at some point, we are going to have to do something about the millions of illegal immigrants already here. But he is wrong about how to go about repairing our immigration system, and wrong to think that an amnesty-and-enforcement bill at this time will end up being anything other than the unbuttered side of a half-a-loaf deal. There is no reason to make a bad deal for fear of losing a Latino vote Republicans never had.

THE MILITARY

AWOL Republicans

WOMEN may be ready for combat, but Republicans aren't. When the Obama administration announced that it would allow women into combat units, prominent Republicans were quick to say that they supported the policy—generally without any reservations or hints that there might be reasons for concern. A party that fought for decades against allowing open homosexuals to serve in the military is now thoughtlessly accepting a much more problematic change in military-personnel policy.

They are doing so on naïve assumptions. The first is that physical standards will not change, and only those few women who meet ones developed for men will be placed on the front lines.

The chairman of the Joint Chiefs of Staff, General Martin Dempsey, has already breached that defense: "If we do decide that a particular standard is so high that a woman couldn't make it, the burden is now on the service to come back and explain to the secretary, why is it that high? Does it really have to be that high?" Thus were the Armed Forces welcomed to the world of disparate impact that corporate attorneys have come to know so well.

The second mistaken assumption is that only women who volunteer for combat will ever have to engage in it. It has been reasonably well understood until now that any man who joins the military, whatever his reasons for doing so, becomes the military's to use as it sees fit. There is no reason to think women will be treated any differently by a military that officially denies that average differences between the sexes should have any impact on its treatment of individuals. (Nor will there be any reason to restrict draft registration to men—as we trust the courts will find in short order once this policy takes effect.)

Many women who have volunteered to serve our country in the military do not wish to play a combat role. As people come to see that a woman who joins the military may be effectively signing up for the possibility of combat, the number of female applicants may actually decline. The military bureaucracy will presumably see that as another reason to lower standards.

Initial polls suggest that the public likes the idea of giving women who want to serve in combat a chance. This support, no doubt, partly explains the reluctance of Republicans to say anything negative. But we suspect Americans would oppose lowering standards and forcing women into combat zones if these issues were brought to their attention. The pollsters have not asked whether it is possible that military men can be trained to treat their female colleagues in distress the same way they would treat men on the battlefield, or in enemy camps, or whether it is desirable.

Republicans—and for that matter, sensible Democrats—who have been silent about the new policy should speak up against it. Those who have prematurely endorsed it should read General Dempsey's words and reconsider. This policy barely even pretends to serve the goal of military effectiveness, which means it is not in the best interests of men or women, inside the Armed Forces or out.



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The Immigration-Policy Fence

Conservatives should not build one between themselves

BY RAMESH PONNURU

WE may not be building a fence between the U.S. and Mexico, but conservatives on different sides of the immigration debate are busy building one between themselves. Supporters of a “comprehensive reform,” as they call it, see opponents as irrational or even bigoted. Opponents of what they call “amnesty” see supporters as naïve and unprincipled.

This division is not going away soon and may grow more bitter as Congress considers legislation. There is nothing wrong with a vigorous debate among conservatives, of course, but there are a few things each side should keep in mind while the heat rises.

Let’s start with the supporters.

There are no “natural conservatives.” Many Republicans who support comprehensive legislation argue that Hispanics are “natural conservatives” who vote for Democrats in large numbers only because Republican rhetoric and policies on immigration have alienated them. Change the rhetoric and the policies, and they will start voting for Republicans.

The evidence for this conservatism generally consists of the assertion that they are religious, family-oriented, and

hard-working. Yet most people in human history have had similar traits without being movement conservatives attached to limited government and the free market. When pollsters examine Hispanic attitudes toward public-policy issues other than immigration, and particularly economic issues, they uncover few signs of incipient conservatism. Nor have Hispanics given a majority of their votes to pro-immigration conservatives such as Ronald Reagan, George W. Bush (whose success among them is routinely exaggerated), or John McCain. That doesn’t mean that comprehensive reform couldn’t boost Republican vote totals among Hispanics; but talk of natural conservatism is much too optimistic.

Do the math and show your work. While many conservatives support comprehensive legislation on principle, it’s the hunt for votes that is swaying Republican minds on Capitol Hill. Setting aside whether it is too crass to perform this sort of political calculation about a matter of such import, does the math make sense on its own terms? Supporters have generally rested their case on a faulty argument: Hispanics tend to favor offering legal status to illegal immigrants; Republicans need to do better among

Hispanics; Republicans should therefore support legalization.

Especially on Capitol Hill, the supporters rarely grapple with the obvious counterarguments: Hispanics will give credit for this legislation to the Democratic president who signs it, not to Republicans—especially since many Republicans are guaranteed to vote against it. Support for the bill may reduce enthusiasm for the party among conservatives and white working-class swing voters. Democrats will always be able to find immigration-related issues to continue to outbid Republicans for Hispanic voters (more on this below). If the legislation increases the number of Hispanic voters, Republicans could easily lose more on volume than they gain in margin. Maybe the supporters who are convinced their political strategy makes the most sense have good answers to these objections, but if so they have not shared them.

Exercise charity. This one’s important for participants in any debate, but it is especially important for conservative comprehensivists not to attack the motives of their opponents. Conservatives with reservations about this approach will not be won over by being told they are haters and know-nothings. And people who want more Hispanics to vote for conservatives will not advance their goal by portraying a large fraction of conservatives that way.

Apply your arguments for your reform to your reform. Conservative advocates of comprehensive reform often say that splitting up families through deportation is inhumane. They also say that they are committed to enforcing immigration laws in the future. What then will they do if the guest workers they want to come to this country have children while they’re here? Under the prevailing interpretation of the Constitution, those children will be U.S. citizens. So: Kick out small citizens, break up families, or forget enforcement? If the political point of comprehensive reform is for conservatives to look pro-Hispanic, won’t that militate against enforcement in the future?

For that matter, how does the guest-worker program, which would invite immigrants to work here but deny them full political rights, serve that goal? Democrats would constantly push to make it easier for guest workers, and formerly illegal immigrants now given legal

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status, to become citizens. Republicans who wanted to hold the line would be labeled anti-Hispanic.

Remember that the country is more than an economy. Supporters of a comprehensive bill often make the case that more immigration would help the economy. Opponents dispute this point. What sometimes gets lost in these debates is that immigrants affect our culture and our politics as well as our economy, and people have legitimate concerns about whether our immigration policies strengthen or weaken our national identity.

Assimilation, in particular, is not just a matter of economics. We should want

to offer legal status (particularly if we have reason to think the offer will spur new illegal immigration). But many people will not be persuaded by, or attracted to, a case against legalization that fails to acknowledge these points. And the more opposition to legalization seems to be rooted in personal antipathy to illegal immigrants as wrongdoers, the more it will come across as anti-Hispanic.

Don't obsess about the border. Foes of illegal immigration—which is what most people on both sides of the conservative divide say they are—sometimes talk about “border security” to the exclusion of workplace enforcement. Yet nearly half

it. One of the ways it could fail, though, is if President Obama and the Democrats insist on conditions that make Rubio walk away from the table. Take Rubio out of the coalition, and House passage of the bill becomes unlikely. Opponents of reform thus have a delicate task: They want to raise the pressure on Rubio to stop supporting the bill, but they also have to leave open the possibility of giving him a warm welcome if he does, which they won't be able to do if they've damned him to hell.

Make your own deal. Opponents might be able to split, or at least put pressure on, the comprehensivist coalition by

Nearly half of illegal immigrants came here legally and overstayed their visas. Building a fence won't do anything to stop this type of illegal immigration.

newcomers to the United States to have a good shot at becoming successful Americans who can support themselves rather than rely on taxpayers, to be sure, but we should also want them to participate fully in local, state, and national political deliberations and in our culture, and to see themselves and be seen by others as Americans. It may be that comprehensivists can make a case that their preferred reforms will help newcomers and native-born Americans come to have a shared sense of belonging, consider their interests common rather than antagonistic, and be able to communicate with one another. But these concerns need to be addressed rather than ignored or dismissed.

Now for the opponents:

Focus your ire on policy, not people. Illegal immigrants have broken laws—laws that the government had the legitimate authority to put in place—and can rightly be faulted for it. Still, the motivation of most illegal immigrants for breaking these laws is an understandable and even laudable one: to provide for themselves and their families through hard work. Opponents of comprehensive reform should acknowledge, as well, that for many years the U.S. government wasn't taking these laws any more seriously than the illegal immigrants were. We were more or less inviting an illegal inflow.

These points do not, as far as I'm concerned, mean that we are morally obliged

of illegal immigrants came here legally and overstayed their visas. Building a fence won't do anything to stop this type of illegal immigration. Opponents of comprehensive legislation should not concentrate their energy on tightening border enforcement, or treat concessions on it as more important than they are.

Go after the guest-worker program. Opponents of comprehensive legislation have attacked its earned-legalization component as a betrayal of the rule of law but have been comparatively silent about guest workers. That's a mistake. The guest-worker program is an ill-considered idea. It poses practical problems its proponents have not begun to grapple with. It is suspect in principle: It is hard to think of a good reason for wanting a large labor force in our country without full political rights. And it splits the comprehensivist coalition, since labor unions generally oppose it while business groups favor it.

Don't be too tough on Senator Rubio. Conservative opponents of comprehensive legislation have generally refrained from attacking Rubio as a sellout for several good reasons. Many of them like him, agree with him on most other issues, and consider him a promising young leader. They also see that taking shots at one of the Republican party's top Hispanics over immigration could easily backfire.

There's another reason the opposition should be careful in its treatment of Rubio. Comprehensive legislation has a formidable coalition of supporters behind

supporting more limited legislation. The comprehensivists have in the past blocked bills to allow more high-tech immigrant workers on the ground that such bills are insufficiently comprehensive—thus refusing to move ahead on an idea almost everyone in Congress supports unless illegal immigrants are also legalized. There is no good reason these ideas have to be tied together.

Mark Krikorian, the head of the restrictionist Center for Immigration Studies, has broached the possibility of combining the DREAM Act—legalization for some people who came here illegally as youngsters—with a requirement that businesses use E-Verify to determine whether hires are here legally. The idea, again, is to split the comprehensivist coalition and take its strongest arguments off the table.

Opponents of comprehensive legislation might even consider going a bit farther than the DREAM Act. The act offers legalization to illegal immigrants who came here as minors if they go to college or serve in the military. Skeptics of comprehensive reform might decide it would be worthwhile to offer legalization to other minors, too, in return for reforming legal immigration so as to place a lower priority on reuniting adult siblings.

The debate over immigration among conservatives is bound to be rancorous. If each side is willing to concede some of the good points of the other, though, it could also be productive. **NR**

Coal Meets Markets

Cheap natural gas, not the EPA, is closing old plants

BY JERRY TAYLOR & PETER VAN DOREN

WHILE Mitt Romney's 2012 presidential campaign fades in the rear-view mirror, the issues he ran on—particularly, his charge that President Obama is engaged in an economically disastrous “war on energy”—continue to inflame many conservatives. Nowhere is this more apparent than in the consternation over the shutdowns of coal-fired power plants across America, shutdowns that many conservatives blame on the Obama administration. The Right should resist the temptation to score political points, however, and should instead cheer the closing of those plants.

Over the course of President Obama's first term, 135 coal-fired power generators were shut down, and at least another 175 have announced that they will go dark by 2016. By 2020, about one-sixth of today's coal-fired generating capacity will likely have disappeared. Why should conservatives applaud this news? There are two very good reasons.

The first reason is that these coal-fired power plants are being replaced by cheaper gas-fired plants. The gas-fired plants come courtesy of the revolution in hydraulic fracturing (“fracking”), which has delivered a vast supply of low-cost natural gas to an electricity market that has struggled with steadily rising coal prices since 2001. Smaller coal-fired plants are now more expensive to operate than gas-fired plants, and the price gap is narrowing for large plants as well.

Some have claimed that it's not cheap gas that's killing coal; it's the regulations coming out of President Obama's EPA, regulations that will cost coal-fired generators an estimated \$126–144 billion in compliance expenditures. To be sure, the EPA regulations are expensive, but fuel

costs are a much more important factor in the decline of coal. An analysis from the Brattle Group, a consultancy specializing in economics, concludes that future coal-plant closures will be “due mainly to lower expected gas prices.”

Peter Furniss, the CEO of Footprint Power, agrees. Speaking about the Salem (Mass.) Harbor Power Station, which Footprint bought in August 2012, he explained: “When we were first looking at the overall project, it really was a toss-up as to whether it would be more the environmental rules or the gas price that was going to drive coal plants to shut down. It now is very clearly the gas price.”

Should we at least decry the economic dislocations that follow from all this? No. The Bureau of Labor Statistics projects that, in 2020, only 3,100 fewer people will be employed in coal mining than were employed in 2010, while the total output of coal mines will increase from \$20.9 billion in 2010 to \$27.7 billion in 2020. The job losses will be the result of increased productivity rather than declining coal production.

Complaints about the impact these coal-plant shutdowns will have on consumers are equally ill founded. The

Brattle Group analysts concluded that shutdowns will not lead to any regional shortages of power, and while conceding that “it is plausible that there will be at least a transitory increase in wholesale energy prices,” they also said: “We generally expect that the effects on wholesale energy prices will not be very large or long-lasting.” One might expect the predicted loss of 49 to 57 gigawatts of coal-fired generating capacity by 2016 to put stress on the generation sector, but the market can replace that much capacity—and more—in relatively short order. For example, 97 gigawatts of new electrical generating capacity came online between 2007 and 2011, a period of relatively slack demand.



The second reason conservatives should cheer the demise of old coal-fired power plants is that the survival of those plants stems from government interference in markets. Their closure will end the state-sponsored transfer of wealth from everyone else in the electricity-generation business to the owners of these old plants.

Almost all of the coal plants being shuttered were in operation before the passage of the Clean Air Act of 1970. That's important, because the Clean Air Act im-

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**THE INTELLECTUAL
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Mr. Taylor is a senior fellow at the Cato Institute.

Mr. Van Doren is a senior fellow at the Cato

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posed emission limits only on facilities built after its passage. Plants already in operation when the act was passed were to be regulated by the states. The EPA could require pre-1970 plants to adopt “best available control technologies” (as determined by the EPA) to limit air pollution—the same standards required of post-1970 power plants—but only if they underwent non-routine modifications that increased emissions.

Environmentalists didn’t mind this provision too much, because they thought the pre-1970 plants could not operate profitably for more than a decade or two. Their confidence was greatly misplaced, for two reasons. First, plant owners were able to modernize their grandfathered facilities without restriction until 1994, because the EPA did little to enforce the provisions requiring updated anti-pollution equipment. After 1994, the EPA decided to police modifications on a case-by-case basis. Those efforts have involved frequent trips to the federal courts to adjudicate difficult disputes about what constitutes a non-routine modification, which is legally equivalent to building a new plant. The industry’s legal and administrative resistance to enforcement added almost 20 years to the life of the old power plants, but court rulings against the industry’s position have now ended that tactic.

Second, the law’s exemptions provided a tremendous cost advantage for pre-1970 facilities relative to post-1970 facilities, and, until recently, industrial obsolescence has not increased costs enough to overcome this state-bequeathed advantage. Installation of a full complement of pollution-control devices, as required for new coal-fired power plants under the Clean Air Act, adds about 25 percent to a plant’s construction cost, and retrofitting

those devices onto existing plants would certainly cost even more. New EPA regulations and legal consent decrees have increased the costs of existing plants, but those increases are a minor consideration compared with the doubling of coal prices and the halving of natural-gas prices, which has finally offset the advantage provided by the unfettered right to pollute.

This is a good thing. The proper measure of whether the government is too large is not how much it taxes, spends, or regulates; it’s how much wealth is redistributed as a result. By grandfathering old coal-fired power plants, the government bestowed an artificial economic advantage on them, and, as a consequence, revenue that would otherwise have gone to owners of post-1970 coal-fired plants, gas-fired plants, nuclear power plants, and renewable-energy plants went instead to the owners of pre-1970 coal-fired plants.

That this wealth transfer occurred indirectly, via regulatory policy, rather than directly, via fiscal policy, is not particularly important. We would surely object to a proposal to levy a special tax on every post-1970 power plant, with the proceeds going to owners of pre-1970 coal-fired plants; yet the exemption for pre-1970 plants brings about exactly the same result.

Some conservatives argue that the Clean Air Act’s pollution-control regulations are indefensible, and that while it’s unfortunate that new plants are forced to comply with them, at least the old plants do not also have to do so. But can we really believe that their emissions impose no significant health harms on anyone? Most of the coal-fired plants that have been or will be retired during the Obama administration lack *any* pollution-control devices. One can question current emissions standards and regulatory approaches without denying that *some* regulation to control pollutants is necessary.

Environmentalists’ blanket hostility to fossil fuels has encouraged many who are hostile to environmentalists to defend the use of all such fuels. But that sentiment should not lead us to blindly defend the existence of all coal-fired generation anywhere, under any circumstances. Thanks to the revolution in hydraulic fracturing, the Clean Air Act’s economic favoritism is coming to an end, and low-cost natural-gas-fired power is reducing wholesale electricity prices. Those who believe in free markets should be pleased. **NR**

Copyright For the Internet Age

What we like doing online should be legal

BY JOE KARAGANIS

JANUARY 18 marked the first anniversary of the Internet Blackout Day, when Wikipedia and other websites shut down in protest against SOPA—the Stop Online Piracy Act. Although the Internet activists beat SOPA, the core concerns of both sides remain unresolved. Content-industry groups complain about widespread piracy. Activists raise fears about the consequences of stronger copyright enforcement. Despite the legal stalemate, there is no status quo. In July 2011, Google received about 130,000 requests per week to remove links to infringing content. By December 2012, it was receiving 2.5 million per week. In January 2012, hundreds of thousands of users of the cloud-storage service Megaupload lost their files when the Department of Justice shut the site down for hosting infringing materials. Hundreds of thousands of Americans, and millions of Europeans, face private copyright enforcement in the form of accusation letters and demands for payment. A copyright-alert system that enlists U.S. Internet-service providers in identifying, warning, and punishing alleged online infringers is scheduled to launch in early 2013. Even without SOPA, we are entering an era of hyperactive copyright enforcement, scaled up and automated to meet the boundless new capacities for speech, association, and—yes—infringement on the Internet.

And so we face a dilemma. When we download a movie we infringe. But we also infringe when we forward an e-mail or repost a funny picture to Facebook or upload a video of kids dancing to a pop song. We are safe as paying consumers of our rich audiovisual culture but not as active users of it—and we are all active

Mr. Karaganis is the vice president of the American Assembly.

users now. This mismatch between law and practice has persisted, more or less, because enforcement has been rare. The vast array of casual infringements passed below notice. But now, as the capacity for enforcement scales up, we need to be better at setting boundaries around the spheres of activity we value. Last winter's debate over SOPA was in part about whether Internet intermediaries (Internet-service providers, search engines, social-networking sites, and other services) would become preemptive monitors and censors of their users' activity. The tentative answer was no. But we'll need to do better than that.

All of this is a far cry from the narrow purposes of intellectual property (IP) outlined in the Constitution and early copy-

value doing with digital culture is legal and to expand rights to reuse and remix copyrighted works in non-commercial contexts. We should think carefully, too, about appropriate and proportionate enforcement that minimizes harms to freedom of speech and individual liberty. The recent suicide of Aaron Swartz, who faced charges of 50 years in prison for unauthorized downloading of academic journal articles, brings the problem of excessive punishment into sharp relief.

The price of the first path is our privacy and at least some of our emerging cultural agency—our right to be producers and users as well as consumers. The price of the second path is disruption of the kind we have seen in the music industry and are beginning to see with

terms of innovation. Even so, most also believed the bill would pass easily, like every other IP-enforcement bill of the past 20 years.

Instead, support dropped in the face of tech-sector lobbying and mounting protests. By early 2012, the four remaining Republican presidential candidates had come out against SOPA. Democrats and especially Republicans began to defect in large numbers. By February, SOPA supporters decided not to risk a vote.

And so a powerful political coalition broke apart. Part of the story was the shift in the balance of lobbying power, as Internet companies began to throw their weight into policy debates. And part of it was the emergence of an Internet grass-

In the past, the vast array of casual infringements passed below notice. But now, as the **capacity for enforcement** scales up, we need to be better at setting boundaries around the spheres of activity we value.

right law. The first U.S. copyright law, passed in 1790, established a 14-year term of protection, renewable for another 14 years. It was about short-term incentives—about weighing monopolies on speech against its “natural condition” of circulation. Over the past century, this prioritization of the public domain was reversed. Now we have copyright terms that make the public domain a mostly historical artifact, a century out of date. Now we can challenge the imperfect control of the Internet that enables piracy but allows us free speech.

There are two paths through this dilemma. The first is to view copyright as an incomplete system of regulation, and then to complete it. Doing so would mean ensuring that computers couldn't copy or exchange files without verifying permissions and that users couldn't find infringing material online. Digital surveillance would be a cost of the system, as would damage to legitimate speech and activity when software proved bad at navigating the tangle of rights, limitations, and exceptions that defined our copyright law. It would be a paradise of property rights, or a nightmare of litigation, depending on your perspective.

The second path is to change our copyright laws to ensure that more of what we

TV, film, and publishing. Piracy is part of this disruption, but it is a symptom, not the cause. The cause is simply the declining cost of copying, storing, and distributing digital culture. The cause is computers. That is our new “natural condition” (to update Thomas Jefferson) of speech and expression.

Which path will we take? Until last year, the answer seemed clear. For decades, Republicans and Democrats marched together down the first path. IP bill after IP bill passed with near unanimity or voice votes. Back-channel conflicts engaged industry stakeholders but rarely the public.

What a difference a year makes. In the wake of the SOPA fight, we have a real public debate. The Republican party is in the middle of it, and split by it. What happened?

Signs of discord emerged in 2011. Critics of SOPA (and its Senate counterpart, PIPA, the Protect IP Act) on both sides of the aisle worried that the bills would lead to increased surveillance and censorship as Internet intermediaries took steps to avoid liability for infringement by their users. They worried that the bills would create new barriers to entry in the tech sector by allowing content owners, particularly Hollywood, to dictate the

roots ready to mobilize against perceived threats. The two developments were linked on many levels: The youth-driven adoption of the Internet has been accompanied by the commercialization of many of its platforms. In many respects, the SOPA fight was the first test of this generational politics.

Tensions over the issue are therefore likely to increase. In October, the Republican Study Committee (RSC) released a policy brief, by 24-year-old Derek Khanna, that described copyright as a violation of “nearly every tenet of laissez faire capitalism” and advocated a major rethink of fair use, penalties, and the duration of copyright protection. For copyright reformers, this was a messy but refreshing statement. To the copyright industry, it was heresy. By all accounts, the industry lobbyists made themselves heard. The document lasted less than a day on the RSC site before being removed. An RSC spokesman told *The Hill* that “it did not account for the full range of perspectives among our members.”

The RSC's sensitivity focused attention on the underlying opportunity: Could the Republican party take up the mantle of copyright reform? The opportunity exists because the breakdown of unanimity on

IP policy has not yet been channeled into distinct alternative visions presented by the two parties. This absence of a partisan politics of the Internet is often seen as an advantage for those in the netroots, but it also means that the major parties don't take the issues seriously enough to publicly dispute them—yet.

At the American Assembly, a public-affairs forum at Columbia University, we surveyed (with support from a Google research award) 2,300 U.S. adults on these issues in August 2011, before the peak of the SOPA battle. We found that most Americans generally recognize the dilemma of IP rights: Most support copyright enforcement in general but not when it begins to compromise free speech (through censorship or overblocking) or privacy (through monitoring of Internet activity). Two questions got to the heart of the issue:

“Would you support blocking if some legal content were also blocked?” No: 57 percent. Yes: 35 percent.

“Should your Internet use be monitored in order to prevent copyright infringement?” No: 69 percent. Yes, or sometimes: 26 percent.

These should be cautionary numbers in the enforcement debate.

We also asked whether people should face penalties for downloading “an unauthorized copy of a song or movie.” Fifty-one percent support penalties, and 7 percent say it depends on the circumstances. That is not strong support for penalties, much less for the increased criminalization of infringement over the past 15 years. But it's more than we'll have in a few years. Among 18- to 29-year-olds, only 37 percent support penalties for unauthorized downloading; 53 percent are opposed. Seventy-six percent

view the sharing of music files among friends as “reasonable,” compared with 50 percent for other age groups.

Partisan differences were minor, with Republicans showing slightly more enthusiasm for enforcement than did Democrats, and slightly more concern for privacy.

By all appearances, we are headed toward strong majority support for most of the elements of an IP-reform agenda, including wider user rights and a de-escalation of the enforcement wars. Which political party will represent this new majority?

Let's rephrase the question: How would an Internet politics emerge in the Democratic party? The answer is probably simple: It is impossible in the short term because of the power of Hollywood and inevitable in the long term because of the power of time. Most of the young are already Democrats.

How would an Internet politics emerge in the Republican party? Given the decades of rhetorical entrenchment around property rights and law enforcement, it would probably require the recasting of intellectual-property rights as government monopoly, of SOPA-style bills as crony capitalism, and of Internet enforcement as part of a digital-surveillance state.

Such views in favor of recasting IP rights already have a home on the right, and are supported by congressmen such as Darrell Issa and Jason Chaffetz. Tactical considerations alone could produce Republican-led majorities on these issues, galvanized by the prospect of wounding the Democrats' Hollywood money base or splitting Silicon Valley libertarians.

From such tactics we might get better laws or at least fewer bad ones, but we probably wouldn't get a stronger Republican party—or a bigger one. For that, the transformation needs to be broader. The Republican party has an opportunity to take ownership of these issues by embracing the better impulses of the libertarian Right: opposition to monopolies and cronyism, and support for innovation and privacy protections. A majority of Americans endorse these principles already. A strong majority of young ones do. To be sure, it is a soft majority that has not yet consolidated its positions or allegiances. That's what political leadership is for. **NR**

Gradgrinds Of Rights

*Why is our moral
imagination so limited?*

BY THEODORE DALRYMPLE

FUTURE historians will marvel (at least I hope that they will) at the rapidity with which our age transmutes a politically contingent change in the law into a self-evidently unalienable human right similar to that of freedom of speech or a fair trial: a change in the law that only shortly before would have seemed bizarre or ridiculous even to its supposed beneficiaries. Never has the passage from patent absurdity to unassailable orthodoxy been shorter.

A sentence from President Obama's inaugural address captured perfectly our society's peculiar tendency to sudden moral enthusiasms, a sign not so much of its critical open-mindedness as of its bored restlessness. The president seemed to have been seized by a fit of moral exaltation (and exhortation) about homosexual marriage:

Our journey is not complete until our gay brothers and sisters are treated like anyone else under the law—for if we are truly created equal, then surely the love we commit to one another must be equal as well.

This is not only preposterous from beginning to end but probably disingenuous into the bargain. The last thing a professional reformer, that is to say a person who derives his sense of transcendent purpose from directing political change, ever wants is for our journey to end, for there to be fixed and settled principles (such as that marriage is by definition an arrangement between a man and a woman) by which we can live at the end of our life as we lived at its beginning. A professional reformer must be up and doing precisely because he is a reformer, and consequently always on

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the lookout for new moral applecarts to upset. His need to find something to reform is greater than his need to reform anything in particular. As a burglar in prison once protested to me when I asked him whether he was going to give up his life of crime, “How can I give up? I’m a burglar, burgling’s what I do.”

To suggest that if we are all created equal we must all receive equal treatment is to make a category mistake. Equality before the law does not mean that the law-abiding and the criminal must meet with exactly the same fate, any more than fair dealing means treating people in exactly the same way irrespective of their conduct. A doctor must explain things to all his patients, but in doing so he must adapt what he says to their level of understanding. His estimate of their capacity might sometimes or even often be wrong, but the possibility of error does not absolve him from the necessity of making the attempt. A doctor who spoke in exactly the same fashion to a man with an IQ of 75 as to a Ph.D. in astrophysics would not be obeying the ethical injunction to treat every patient equally: He would be acting incompetently in failing to make a proper distinction.

The language of rights (other than the most basic ones) soon leads to the most atrocious humbug, and not only in America. In France, for example, the campaign for homosexual marriage uses the slogan *Mariage pour tous*, “Marriage for all.” But “all” cannot possibly mean all: or if it does, it empties “marriage” of its specificity or significance (which may, of course, be the underlying motive of the campaign). “All” in this context almost inevitably means all in the sense of *le tout Paris*: But as an astute bisexual letter writer to the *Guardian* pointed out, he surely would have a right both to a male and a female spouse, if he was not to be the object of discrimination by the marriage laws. For, as President Obama said, if we are truly created equal, then the love we commit to one another must be equal as well, no matter how many we commit it to.

There may be arguments in favor of homosexual marriage, but equality of rights is assuredly not one of them.

The discovery of hitherto unsuspected rights, which because they are supposedly universal and human must always have existed on some ethereal plane or other,

like the truths of mathematics, is one of the most insidious but effective ways of politicizing life, to the great benefit of the political class and its bureaucratic subalterns. For human rights are like a jealous god that will have no other gods before it; they must be worshipped exclusively.

For example, when I say to people that I do not believe that anyone has a right to health care, they look at me—a doctor—almost in disbelief. “How can you say that?” they ask. “Do you think that people should be allowed to die in the street of curable diseases?”

To this I reply with a question of my own. “Can you think of any reason why people should not be allowed to die in the street of curable diseases other than that they have a right to health care?” Oddly enough, often they can’t: It is as if the doctrine of rights had driven all other moral considerations and feelings from their minds and hearts. They are the Thomas Gradgrinds of human rights:

Teach these boys and girls nothing but Rights. Rights alone are wanted in life. Plant nothing else, and root out everything else. You can only form the minds of reasoning animals upon Rights: nothing else will ever be of any service to them. This is the principle on which I bring up my own children, and this is the principle on which I bring up these children. Stick to Rights, sir!

The notion of rights acts as a kind of

virus in their brains that constricts their moral imagination. They must suppose that people go to the assistance of an old lady who falls because she has an unalienable right to be helped up.

Rights have an inherent tendency in statist societies (such as all Western societies have become or are in the process of becoming) to move from abstractions that impose no financial burdens on others to tangible benefits that do. This is because the category mistake about equality is repeated over and over again: For many people there is no equality without equality of outcome or at least of treatment. Rights become meaningless unless they are actually exercised.

Thus the right of a woman to have a child once meant that no legal power existed to stop her, for example by sterilization or forced abortion, from having one if she so wished: But increasingly it has come to mean the right actually to give birth to or possess a child. Thus treatment for infertility becomes a right; and since equality means equal treatment or equal outcome, no distinction may be made between the kinds of woman or couple seeking such treatment. A further nail is thereby driven into the coffin of the time-honored family; and the Promethean bargain is no longer made on behalf of mankind, but on behalf of each individual man or woman who decides for him- or herself where limits should be set, or whether



there should be any limits. In countries such as Britain, where health care is all but nationalized, everyone must pay for everyone else's right to a child, however unsuited to parenthood the other party may be, for to exclude anyone would be to deny equality of treatment and the universal right to health care.

The extension of rights increases the scope, reach, and power of government, the state, and the law by a variety of mechanisms. Rights need defending and adjudicating where they clash one with another, and the only plausible way of defending or adjudicating them is by means of the courts. An employee of the town council in the little English town in which I live believed that the council had infringed her "rights," and she sued unsuccessfully. It cost the town council more than \$500,000 to defend itself against the action, money that will be irrecoverable from the plaintiff: but not from the townspeople, at a cost of perhaps \$200 a household. They, of course, will have no right of refusal to pay.

Entire bureaucratic departments have been set up in every public institution to ensure compliance with various complex and often conflicting rights, departments that thrive on complaint as a justification for their own existence, and therefore sow dissension. The existence of a maze of regulations destroys informality in institutions, turning practically all encounters into formal procedures, than which no better method for the promotion of mediocrity (to say nothing of dishonesty and insincerity) could well be found.

In the last year of my employment in a British public hospital, a form was circulated from the personnel department asking for (among other things) the employees' race, religion, and sexual orientation. This was allegedly so that no discrimination could take place in promotion. Of course, if the information was not already known to the promoting authorities, they *could* not discriminate, even if they wanted to; but never mind, the shameless obtrusiveness let us know just who was boss. Here was a case of the medium really being the message. There were 17 races, twelve religions, and six sexual orientations to choose from. I wrote to say that if the department could think of only six sexual orientations, it must have a very limited sexual imagination. I received no reply. **NR**

Faking It and Making It

A few notes on lip-synching, etc.

BY JAY NORDLINGER

At the recent inauguration of President Obama, Beyoncé, the one-named pop star, sang the national anthem. But not really. She lip-synched it. This was obvious from the first note, when lips and music were not in sync. Beyoncé and the Marine Band had recorded the anthem. When it was showtime, Beyoncé pretended to sing, the band pretended to play, and the conductor conducted—though there was no need to, except to keep up appearances.

The lip-synching made the news, and some of the more uptight among us murmured. Beyoncé was defensive, even defiant. It was too cold to sing, she said. There hadn't been a "proper sound check." And so on. "I did not feel comfortable taking a risk." Plus, singing along with a "pre-recorded track" is "very common in the music industry." It certainly is.

A pop singer at an inauguration is a relatively new phenomenon. Traditionally, we have had classical singers: Marian Anderson, Marilyn Horne, Jessye Norman, Susan Graham . . . And classical musicians have higher standards than pop musicians, right? They have greater integrity, and a purer sense of art. Right? Well, consider Obama's first inauguration, in 2009.

On that occasion, Senator Dianne Feinstein announced that the nation would be treated to "a unique musical performance." It was, actually. A quartet had been assembled: Gabriela Montero, piano; Itzhak Perlman, violin; Yo-Yo Ma, cello; and Anthony McGill, clarinet. (They made a near-perfect modern-American tableau. Diversity committees everywhere must have rejoiced.) The four played a piece by John Williams—but not really. They pretended to play. They had recorded the piece in the Marine Barracks two days before. At the inauguration itself, they "hand-synched."

They did a lot more than that—they went all out, in this charade. Perlman made his usual faces. (He bites his lip, à la Bill Clinton.) Ma made his usual faces. (Think silent movies.) The musicians pretended to coordinate with one another, as ensembles do. It was a brazen, shameless act.

Later, everyone explained that it was simply too cold to play. The instruments could not have taken it. "It would have been a disaster if we had done it any other way," said Perlman. "This occasion's got to be perfect. You can't have any slip-ups." Ma said, "A broken string was not an option. It was wicked cold."

Fair enough. But what would you have done, reader? Would you have gone through the charade, as these guys did? Or would you have said something like the following? "Play the recording, and announce why. Or make some other arrangement. I don't want to take part in a deception. I don't want to pretend I'm playing when I'm not."

The great Pavarotti lip-synched, on more than one occasion. In my opinion, it was the most disgraceful thing he ever did (in his professional life). He committed fraud, basically. In 1992, the BBC demanded its money back, because they had paid for broadcast rights to a live concert, not for lip-synching. And how about people who had bought tickets? If they wanted to listen to Pavarotti recordings, couldn't they have stayed home and saved themselves the expense?

The most famous instance of operatic lip-synching took place in 1916. It is a beautiful episode. The Metropolitan Opera was performing *La bohème* in Philadelphia. When it came time for the bass aria, "Vecchia zimarra," in Act IV, Andrés de Segurola had no voice. He whispered to the tenor onstage with him, "I can't sing." The tenor was Enrico Caruso—who said, "Don't worry. I'll turn my back to the audience and sing the aria for you. You stand there and mouth along"—which he did.

In 1952, there was an incident that shook a lot of people up. The EMI label made a recording of *Tristan und Isolde*, conducted by Wilhelm Furtwängler. Kirsten Flagstad was the Isolde. But she could not sing the high C's in Act II, so Elisabeth Schwarzkopf sang them for her. These notes were dubbed in. When the public found out, many were, as I said, shaken up. Scandalized. It

was a trick, a fraud, a deception!

If you had been Flagstad—first of all, congratulations—what would you have done? Would you have allowed the notes to be dubbed? “What’s important is that the music sound right,” you might have said. Or would your position have been, “It is a matter of honor, and honesty. If I can’t sing the notes, either I will not record the role, or I will sing some alternative to the high notes [as happens in live performances all the time]. But I won’t let people think I’m singing them when I’m not.”

In 1965, Vladimir Horowitz played a recital at Carnegie Hall—one of the most famous piano recitals ever played. Horowitz was performing in public for the first time in twelve years. The recital was recorded—and when the “live recording” came out, those who had attended the recital were shocked: because the wrong notes were missing. Correct ones had been substituted. The recording was not a faithful representation, was not really live.

Horowitz defended himself passionately. It had been hot in the hall, he said, and he was nervous, and he was sweating. The sweat got in his eyes, blinding him. He missed notes. It was not his fault. It was an “act of God.” That was the line he clung to: “act of God.” He was entitled to correct the notes, he said, because they were not really his fault in the first place. They did not have to do with his ability. And he had to think of posterity—what would future generations think? He was certainly not the type to miss notes, except when God was filling his eyes with sweat.

As the years rolled on, recordings got ever more doctored, ever more sterile, ever more scrubbed. They are, to a degree, unnatural. The critic and scholar Dennis Rooney told me a story about Miriam Fried, the violinist. She was recording the Bach sonatas and partitas, and, after a particular take, someone informed her that she had squeaked. “So?” she said. Violinists squeak. But thereafter, she became self-conscious about these occurrences, and this self-consciousness had an inhibiting effect. Rooney is one who decries the “cosmetic perfection” of modern recordings.

Listen to a recording of Josef Hofmann, or Alfred Cortot! (These are pianists who recorded in a pre-modern age.) You may hear some missed notes, but

you will also hear a genuine article. Rare is the pianist who plays note-perfectly. I have heard Mikhail Pletnev play this way, and a handful of others—but not a large handful. In reviewing a concert, I’ll often say, “Virtuosic as he is, he missed a few notes. But that only proved that it wasn’t a studio recording, thank heaven.” There’s nothing like the realism—the wondrous, exciting, human realism—of live.



Beyoncé, making her mouth move

Let’s return to a more popular world. Hollywood, land of make-believe, made people believe that such stars as Audrey Hepburn, Deborah Kerr, and Natalie Wood were singing. Actually, Marni Nixon was singing, for those three. (The “Ghostess with the Mostest,” she was called.) Marilyn Horne sang for Dorothy Dandridge in *Carmen Jones*. Was this a fraud, a deception? Will I get on my high horse about it? My answer is, it was Hollywood, the movies—and one would not want to take the show business out of show business.

The dawn of MTV, in 1981, must have been important. Everyone lip-synched then. You were supposed to. One of the network’s taglines was, “You’ll never

look at music the same way again.” So true. Forget inaugurations, what about an even greater American rite, the Super Bowl? Whitney Houston lip-synched, Jennifer Hudson lip-synched, everyone has lip-synched. In 2009, music director Rickey Minor said, “There’s too many variables to go live. I would never recommend any artist go live, because the slightest glitch would devastate the performance.” What a sad commentary. Doing away with live is like doing away with life. Those “variables” are what makes it great!

Most have accepted the modern way, surely, but there are still murmurs, even the occasional shout. At an awards ceremony in 2004, Elton John ripped into Madonna, who had been nominated in a “live act” category. “Since when has lip-synching been live?” Sir Elton said. “Anyone who lip-synchs in public onstage, when you pay 75 pounds to see them, should be shot.”

I think Beyoncé was sheepish about what she had done at this year’s inauguration. Days later, she went down to New Orleans, to sing (or whatever) at the Super Bowl. At a press conference beforehand, she asked everybody to stand up. Then she sang the national anthem, for real—as though she had something to prove. “Any questions?” she said, with a laugh. She issued no apology for what happened at the inauguration. In fact, she said, “I am very proud of my performance.” (That is very modern-American: to be very proud of oneself.)

But get this: “I will absolutely be singing live” at the Super Bowl. She said it again: “I will absolutely be singing live.” Then she said, “This is what I was born to do, what I was born for.”

What would you have done at the inauguration? Would you have lip-synched, sung live, or what? I don’t think we can lay down hard-and-fast rules on these things. It’s a matter of stomach, conscience, taste—circumstance. But I don’t believe I myself could have pretended to be singing the national anthem, when I wasn’t. Lip-synching isn’t the worst thing in the world. It was not the worst thing at that inauguration. But it is problematic, at a minimum. And if people don’t know you’re doing it—if they don’t expect it, and think otherwise—it’s a lie. An artistic illusion, you might say. But still, a lie, of a kind. A swindle. **NR**



Gangsterville

How Chicago reclaimed the projects but lost the city

BY KEVIN D. WILLIAMSON

Chicago

‘HEY, man. Hey, man. What you need?’ The question is part solicitation, part challenge, and the challenge part is worth paying attention to in a city with more than 500 murders a year. The question comes from a young, light-skinned black guy with freckles. We’re in the shadow of what used to be the infamous Cabrini-Green housing projects, only a 15-minute walk from the Hermès and Prada boutiques and the \$32 brunch at Fred’s that identify Chicago’s Gold Coast as highly desirable urban real estate, a delightful assemblage of Stuff White People Like. Just down Division Street from the boutique hotels and the more-artisanal-than-thou Goddess and Grocer, Cabrini-Green is still in the early stages of gentrification, though it does have that universal identifier of urban reclamation: a Starbucks within view of another Starbucks.

All that remains of Cabrini-Green is sad stories and the original section of row houses around which the projects grew up. Those row houses are being renovated as part of the foundations-up effort to rebuild the neighborhood. Even the name “Cabrini-Green” is being scrubbed from memory: The new mixed-income development on the site of the old Cabrini-Green Extension heaves under the unbearably pretentious name “Parkside of Old Town.” But some of the old commerce remains, and Freckles is pretty clearly an entrepreneur of the street. “You buying?” I ask what he’s selling, and he explains in reasonably civil terms that he is not in the habit of setting himself up for entrapment on a narcotics charge.

Cabrini-Green has had its share of tourists—in 1999, the film *Whiteboyz* found a group of Wonder Bread-colored hip-hop fans from Iowa visiting the site. But real estate and the scarcity thereof is the ruling fact of urban life, and once downtown Chicago began to evolve from a place in which people worked in factories and

warehouses into a place in which people work in litigation offices and university classrooms, Chicago’s near north began to fill up with the sort of people who prefer urban lofts to suburban picket fences, public transit to car commutes, and \$32 Sunday brunches to church, all of them living in the orbit of Cabrini-Green. Chicago is a very liberal place, but it’s a very liberal place in which about half of the very liberal public-school teachers preach the virtues of the city’s very liberal public schools while sending their own kids to private schools. Chicago may vote for the party of housing projects, but nobody wants to live next to one, or even drive past one on the way to Trader Joe’s. One local tells of the extraordinary measures he used to take to avoid driving by Cabrini-Green, where children would pelt his car with bottles and trash whenever he stopped. And eventually, he learned not to stop at all, blowing through red lights on the theory that it was better to risk a moving violation than risk what the locals might do to him.

So they tore down Cabrini-Green. And they tore down the Robert Taylor Homes and the Henry Horner Homes and practically every other infamous housing project in the city. And in doing so, Chicago inadvertently exacerbated the crime wave that now has the city suffering more than twice as many murders every year as does Los Angeles County or Houston.

YOU cannot really understand Chicago without understanding the careers of Larry Hoover, David Barksdale, and Jeff Fort, the three kings of the modern Chicago criminal gang. Chicago has a long history of crime syndicates, of course, including Al Capone and his epigones. In the 1950s it had ethnic street gangs of the *West Side Story* variety, quaint in pictures today with their matching embroidered sweaters and boyish

DARREN GYGI

names: the Eagles, the Dragons. But in the 1960s, marijuana began to change all that. Marijuana, that kindest and gentlest of buzzes, was a major moneymaking opportunity, both for the international syndicates that smuggled it and for the street criminals at the point of purchase. Inspired partly by Chicago's long mob history, partly by the nascent black-liberation ethic of the day, and a great deal by the extraordinary money to be made, Chicago's black gangs came to dominate the marijuana business—an enterprise model that would soon become supercharged by cocaine and heroin. David Barksdale built a tightly integrated top-down management structure for his gang, the Black Disciples, while Larry Hoover and Jeff Fort did the same thing for their organizations, the Gangster Nation and the Black P-Stone Rangers, respectively. Barksdale and Hoover would later join forces as the Gangster Disciples, a group that, though faction-ridden, remains a key player on the Chicago crime scene today, with thousands of members—53 of whom were arrested for murder in 2009 alone.

Fort had real organizational flair and transformed the P-Stones, a gang dating back to the 1950s, into one of the first true modern gangs, combining racialism, neighborhood loyalties, a hierarchical management structure complete with impressive-sounding titles, and the shallow self-help rhetoric of the 1960s into something new—and holding the whole thing together with great heaping piles of money. His audacity was something to be wondered at: He formed a nonprofit organization and managed to convince city and federal officials that he was engaged in efforts to help disadvantaged urban youth. Government grant money was forthcoming, and soon the Gangster Disciples got in on the action, founding their own project, called “Growth and Development”—note the initials. Bobby Gore and Alfonso Alfred of the rival Vice Lords secured a \$275,000 grant from the Rockefeller Foundation. Like the Mafiosi of old, Chicago's new generation of gangsters learned to recycle some of that money into political campaigns and donations to influential ministers.

In fact, though they trafficked in narcotics and murder with equal ease, as often as not it was financial crimes ranging from misappropriation of federal money to mortgage fraud that brought down many of the top Chicago gangsters. Fort went to Leavenworth in the early 1970s for misuse of federal funds and continued to run his operations from federal custody until just a few years ago, when he was shipped off to the ADX Florence supermax lockup in Colorado and his communication with the outside world severely curtailed. Hoover got 200 years for murder and a life sentence for a federal narcotics charge but also continued to run his organization from prison.

Those government grants may not have amounted to very much, drops in the roaring river of money that the drug business was generating, but government contributed mightily to the growth of the modern gang by providing the one key piece of infrastructure that the Barksdales and Hoovers of the world could never have acquired for themselves: the high-rise housing project. The projects not only gave the gangs an easily secured place to consolidate their commercial activities, they helped to create the culture of loyalty and discipline that was the hallmark of the Chicago street gang in its golden age. With most members living and working under the same roof, the leaders could quickly quash intra-gang disputes or freelance criminality. Fort, Hoover, and Barksdale were children of the 1940s and 1950s, men who came of age before the cultural rot of the 1960s—practically Victorians by the standards of the modern

gangster. They were (and are) brutes and killers, but they managed to maintain some semblance of cohesion and structure. Barksdale went so far as to collect taxes—fees from unaffiliated drug dealers operating on his streets.

When the towers came down, Chicago's organized crime got a good deal less organized, and a number of decapitation operations run by the Chicago police and federal authorities had the perverse effect of making things worse: Where there once were a small number of gangs operating in a relatively stable fashion under the leadership of veteran criminals, today there are hundreds of gangs and thousands of gang factions. Chicago police estimate that there are at least 250 factions of the Gangster Disciples alone, with as many as 30,000 members among them. Vast swathes of Chicago are nominally under the black-and-blue Disciples flag, but in reality there is at least as much violence between those Disciples factions as between the Disciples and rivals. Some are one- and two-block operations, many with young teens in charge. The Barksdales and Hoovers may not have been Machiavellian in their subtlety, but they were far-seeing visionaries compared with the kids who came streaming out of the projects in their wake.

MR. BUTT is dearly missing his AK-47. He's a native of Pakistan, where Mikhail Kalashnikov's best-known invention is as common as the deer rifle is in the United States, but in Chicago he cannot possess even a peashooter, which has him slightly nervous in his role as my ghetto tour guide, chauffeuring me through the worst parts of Englewood and Garfield, the biggest battlegrounds in Chicago's 21st-century gangland warfare.

“In Pakistan, everybody has an AK-47,” he says. “But it's not like here. They don't go walking into a school and shooting people.” I ask him if he thinks that applies to the case of 15-year-old Malala Yousafzai, the Pakistani girl who was shot by Islamists for the crime of wanting to go to school. He allows that this is a fair point. He points out Bridgeport, home of the venerable Daley clan, and informs me wistfully that in the old days blacks simply were not allowed to cross the bridge into Bridgeport, a social norm enforced with baseball bats and worse. Mr. Butt is a big, big Daley fan—“He was very strong, strong with the mob!”—and no fan at all of Chicago's new breed of gangsters. “On the South Side, it is just like Afghanistan. Every square mile has its own boss, and everybody has to answer to him. From the business district through 31st Street, everything is perfect.” *Perfect* may not be the word, but I get his point. “Below 31st Street, everything is jungle.”

Mr. Butt locks the doors, and we cruise through Englewood and environs. Martin Luther King Drive, like so many streets named for the Reverend King, is a hideous dog show of squalor and dysfunction, as though Daniel Patrick Moynihan's depressing reportage in 1965's *The Negro Family* had been used as a how-to manual. Mr. Butt points out the dealers, who don't really need pointing out. It's about 8 degrees outside, and the Windy City is living up to its name. In the vicinity of Rothschild Liquors, grim-faced men in heavy coats smoke cigarillos and engage in commerce. Mr. Butt's habit of pointing out miscreants by literally pointing them out brings scowls from the street. Lying low is not Mr. Butt's strong suit.

Mr. Butt informs me that for many years the South Side dealers favored gas stations as bases of operation, which makes sense: Cars have a legitimate reason to be pulling in and out.

Plausible deniability keeps probable cause at bay. Nobody is flying any obvious gang colors, no gold bandanas for the Four Corner Hustlers or crowns for the Latin Kings. But maybe that is simply because it is so godawful cold and even the proudest gangster is bundled up. I've been told to look for Georgetown gear to identify the Gangster Disciples, but it may be that the Hoyas have become passé. Commerce is impossible to hide completely, however, and in truth it doesn't look like the locals are trying particularly hard to hide it. A maroon Cadillac sedan of Reaganite vintage comes slowly rumbling around the corner with four very serious-looking young men inside. Another young man in a heavy coat, carrying a plastic grocery bag that I suspect is full of commerce, comes out of a house to parley. Maybe they're talking about the weather, but probably not.

Mr. Butt takes me to see the sights: In front of Alexander Graham Bell Elementary School, there's commerce. On Garfield Boulevard, at 58th and Ashland, in front of the various storefront churches, pawn shops, tax-refund-loan outlets, the mighty wheels of endless commerce roll on and on.

"They do this to their own neighborhood," Mr. Butt says, exasperated. "They make it a place no decent person would want to be. Why do they do that? It's very bad, very scary at night." This from a guy who vacations in Lahore.

MALALA YOUSAFZAI was a 15-year-old schoolgirl who got shot for a reason—a terrible, awful, evil reason, but a reason. (Say what you like about Islamic radicalism, at least it's an ethos.) All of Chicago is aghast at the story of 15-year-old Hadiya Pendleton, who was shot—and, unlike Malala Yousafzai, killed—apparently for no reason at all, at 2:20 in the afternoon in a public park. Miss Pendleton was a student at King College Prep, and a majorette in the school's band, which had the honor of performing at President Obama's first inauguration. Miss Pendleton had just recently returned from a trip to the president's second inauguration when she took shelter from the rain under a canopy at Harsh Park. Miss Pendleton was not known to have any gang connections—in fact, she appeared in a 2008 video denouncing gang violence.

The shooting of Miss Pendleton commanded the attention of the White House and, naturally, that of President Obama's former chief of staff, Rahm Emanuel, now mayor of Chicago and fecklessly reshuffling the organization chart of the police department. The usual noises were made about gun control, and especially the flow of guns from nearby Indiana into Chicago, though nobody bothered to ask why Chicago is a war zone and Muncie isn't. But the mayor's latest promises did not impress 17-year-old Jordyn Willis, who organized a march in Miss Pendleton's memory. "He can't control his city," Miss Willis told the *Chicago Tribune*.

It's not clear that anybody can. Chicago has had three police superintendents since 2007. Current superintendent Garry McCarthy, formerly the head of the Newark police, has instituted the data-driven CompStat system first developed by the NYPD. But in a city in which 15-year-olds are running criminal enterprises and shooting each other over the slightest of slights, it's not clear that even the best policing practices will be sufficient.

"Some gangs require a shooting as part of the initiation," explains Art Bilek of the Chicago Crime Commission. Mr. Bilek is a wonderful anachronism, a very old-fashioned gentleman who uses the word "wiseneimer" without a trace of irony and

refers to his former colleagues in the Chicago Police Department as "coppers." Now in his 80s, he joined the police force with a master's degree in hand at a time when it was unusual for a cop to have an undergraduate degree. He eventually rose to the rank of lieutenant in Chicago and chief of the Cook County sheriff's police, and founded the academic discipline of criminal-justice studies along the way.

"The purpose of tearing down the projects was to regentrify the neighborhoods. And now, where there had been projects, you have chain stores, exclusive restaurants, delis, everything people want. But it also sent those gangs out into the neighborhoods, into new places in the city and the suburbs, places where they had not been." He estimates that about 80 percent of Chicago's homicides are gang-related.

He sketches a pyramid. "In the old days, you had a Jeff Fort or a David Barksdale at the top of the pyramid. You had a very rigid structure, like the old Mafia, with a boss at the top, enforcers, and advisers. There was very strict enforcement of the rules—they'd beat you, maybe even kill you. And to an extent, the gangs could cooperate, because you had some structure. And you had it all going on in the projects, in those tall towers of criminality. And life was terrible for the people who had to live there. At the same time, you have a strong incentive to take those projects and do something else with them, to create revenue-producing lands—public housing pays no taxes. You can get rid of the towers, but the gangs that were in them don't just go away."

Worse, the move out of the projects has made it easier to bring juveniles into the gangs. "In the homes, they had a limited number of juveniles at any given time. Now, it's unlimited," he explains. "You have juveniles rising to positions of power, and they just don't have the street smarts or wisdom that even a Jeff Fort would. They're doing impulsive things that the old guard just wouldn't have dreamt of. And the money is bigger now, too. Before, the money went straight up to Hoover, Barksdale, or Fort, but now you have 1,000 leaders all competing for that. And you have the street gangs, the Mexican cartels, the narcotics, and the violence forming a unitary cultural phenomenon." He'd like to see stricter gun control and stiffer sentences—"burying them"—for violent offenders. He cites procedural changes in the legal system making it more difficult to secure charges as a factor in the growing violence.

Chicago was the only U.S. city to break 500 murders last year, and that is a spike—but a spike only over the past few years. Chicago has seen these waves before: In 2008 the city saw 516 murders, and it had nearly 1,000 in 1974, the year David Barksdale's past finally caught up with him and he died of kidney failure resulting from a gunshot wound suffered years before. Things have been worse in the past, but there is a sense that Chicago is moving in the wrong direction. New York City had nearly 2,000 murders in 1974, and more than 2,000 the year before. But those numbers are unthinkable today: New York City finally got control of itself, which is a big part of the reason why Rudy Giuliani, a thrice-married recreationally cross-dressing pro-choice big-city liberal, was taken seriously as a candidate for the Republican presidential nomination. Rahm Emanuel would need a miracle worthy of his surname to follow a similar path, to get Freckles to give up commerce and to get Mr. Butt to regard him as something other than a municipal joke. Chicago may have torn down the projects, but building the city is a different thing altogether.

NR

Amnesty Anew

*A bad idea
rises from the ashes*

BY MARK KRIKORIAN

ON consecutive days in January, two immigration proposals were put forward. The first was by Senators Chuck Schumer and Marco Rubio, representing the Gang of Eight—Democrats Schumer (N.Y.), Dick Durbin (Ill.), Robert Menendez (N.J.), and Michael Bennet (Colo.) and Republicans Rubio (Fla.), John McCain (Ariz.), Lindsey Graham (S.C.), and Jeff Flake (Ariz.). The second proposal was put forward by President Obama. The similarities between the proposals are more notable than the differences. As iterations of “comprehensive immigration reform,” both seek to overhaul the whole immigration system in one vast law, as Obamacare and Dodd-Frank did the health-care system and the banking industry, respectively.

Both proposals have three main parts: immediate amnesty for almost all illegal aliens, more effective enforcement of the law to prevent further illegal immigration, and increases in legal immigration. Both bills would certainly achieve the first and the third objectives, but its ability to achieve the second is questionable. Critics fear that an immigration measure along these lines would simply be a replay of the 1986 amnesty fiasco, when nearly 3 million illegal aliens were legalized but the promised enforcement never materialized, leading the population of illegal aliens to grow to its present size.

In the absence of actual legislative language, which won't be introduced for weeks or months, it's worth looking at the Schumer-Rubio proposal in more detail, especially since the president has said he'd rather see legislation from Congress than submit a detailed proposal himself.

The amnesty feature of the Schumer-Rubio plan would result in immediate “probationary” legal status for almost all illegal aliens. After applicants met certain requirements, their probationary status would be converted to formal legal residence (the green card), which would permit them to apply for citizenship, usually after five years.

But the various tough-sounding requirements in the Schumer-Rubio proposal are a sham. The version of them described for the press was as tough as they would get. All subsequent movement would be toward weakening them.

FOR instance, according to the proposal, the requirements that candidates for amnesty must meet to receive probationary legal status “will include passing a background check and settling their debt to society by paying a fine and back

taxes.” In a later press conference, however, Schumer tacitly conceded the vacuity of the language about “settling their debt to society” when he noted that “on Day One of our bill, the people without status who are not criminals or security risks will be able to live and work here legally.” That means that illegal aliens would face no fine or requirement to pay back taxes before receiving their probationary status, which would allow them to receive a work permit, a Social Security number, a driver's license, and the right to leave and reenter the U.S. freely.

The amnesty component of the Schumer-Rubio proposal includes the claim, lifted from earlier bills, that “individuals with probationary legal status will be required to go to the back of the line of prospective immigrants” and “will only receive a green card after every individual who is already waiting in line for a green card, at the time this legislation is enacted, has received their green card.” Of course, it's of little consequence how long the green-card line is, since they can live and work here legally during their wait while those applying lawfully must wait abroad.

As for the enforcement provisions, the transition of probationary aliens to full green-card status would be tied to certain objectives. These include improved efforts to stop border infiltration and visa overstays. The proposal would also “increase the number of unmanned aerial vehicles and surveillance equipment, improve radio interoperability and increase the number of agents at and between ports of entry.”

But the frivolous nature of the enforcement objectives fairly jumps off the page when you read this: “Our legislation will require the completion of an entry-exit system that tracks whether all persons entering the United States on temporary visas via airports and seaports have left the country as required by law.” This is an important objective, since some 40 percent of the illegal population entered the country legally on a temporary visa and never left. Fences and drones are irrelevant to combating this kind of illegal immigration.

Congress required “the completion of an entry-exit system” 17 years ago, in the wake of the first World Trade Center attack. It has reiterated this requirement five times since then, and the system is still not complete. So why is this presented as a trade-off for amnesty? Shouldn't the existing requirement be met before we make a sweeping promise of amnesty? Moreover, the entry-exit system would be applied only to foreigners entering by air or sea, even though most who overstay their visas enter through land ports.

When would enforcement requirements be considered met, so that formerly illegal aliens could proceed to the green-card stage? Schumer-Rubio would “create a commission comprised of governors, attorneys general, and community leaders living along the Southwest border to monitor the progress of securing our border and to make a recommendation regarding when the bill's security measures outlined in the legislation are completed.”

McCain has for years been pushing this debatable idea that people in the Southwest should have special say over a national problem. But within days of the proposal's release, it was shown to be a gimmick. It came out that, in a pre-announcement conference call with leftist groups, Democrats had emphasized that the commission would not have a veto over the path to citizenship and that it was, in the words of a top open-borders lobbyist, “something that gives the Republicans a talking point.” Schumer later acknowledged publicly that Democrats were “not going to use [border patrol] as a barrier to prevent the 11 million [illegal

aliens in the U.S.] from gaining a path to citizenship” and that the secretary of homeland security—that is, the White House—would make the final call.

Schumer-Rubio calls for “an effective employment verification system,” though its implementation is not one of the enforcement objectives that must be met before the plan for amnestied aliens to obtain full green-card status is implemented. What’s more, Schumer-Rubio carefully avoids referring to E-Verify, the free online system for checking the legal status of new hires. Its use is now voluntary, but making it an obligatory part of the hiring process is key to removing the magnet of jobs that attracts illegal immigrants in the first place. Schumer wants to replace the bird-in-the-hand E-Verify with a two-in-the-bush system that doesn’t exist but supposedly would be better. E-Verify is currently used to screen about one-third of new hires; canceling it and trying to replace it with something “better” would be disruptive and time-consuming, allowing millions more illegal aliens to settle here in the interim.

What would happen to those who didn’t qualify for amnesty? The proposal says that “individuals with a serious criminal back-

Rubio plan, we dramatically increased the number of visas, thereby shortening the wait, even more people would apply than do now, creating pressure for yet further increases. By increasing the supply of workers, such a system would also exert downward pressure on wages. This, combined with the likely eagerness for employment of workers newly admitted to this country, would increase the number of occupations considered “jobs Americans won’t do,” producing demands for yet more increases in the number of visas.

There is no practical limit to the number of people who want to move here. Contrary to claims that sources of immigration are drying up, Gallup reported last year that 150 million people would like to move to the United States. Ten percent of all people born in Mexico live here already. Millions apply for the visa lottery, whereby green cards are awarded at random to people from countries other than Mexico, China, India, the Philippines, and other leading sources of immigration to the United States. For 50,000 annual slots, there were 13.6 million applicants in 2010, 16.5 million in 2011, and 19.7 million in 2012.

There is no practical limit to the number of people who want to move here.

ground or others who pose a threat to our national security will be ineligible for legal status and subject to deportation,” but surely a background check wouldn’t be the only requirement. There would be a fee, and probably a deadline, and possibly other criteria to be met. Many aliens would therefore be rejected, if they applied at all. Experience suggests that they would be able to continue living here illegally. An amnesty that doesn’t have as a priority the identification and removal of all who don’t qualify creates the nucleus of a new illegal population, as Doris Meissner, a former commissioner of the Immigration and Naturalization Service, recently observed of the 1986 amnesty.

As for the increase in legal immigration, the details are still being worked out among business interests, unions, and ethnic interest groups. Today’s annual admission of more than 1 million legal immigrants (green-card recipients) and perhaps 750,000 “temporary” workers (many of whom go on to get green cards) would be supplemented by the admission of more white-collar workers, more blue-collar workers, and more relatives of immigrants already here.

The increases would surely be enormous. The Schumer-Rubio proposal bemoans that so many people are on the waiting list for green cards. But considering that there are currently more than 4 million people who are waiting their turn (owing to numerical limits in the various categories of immigrants rather than to “backlogs” caused by bureaucratic lethargy), one might think this would mean doubling legal immigration for four years. (The spouses, parents, and minor children of U.S. citizens do not wait in this queue, since they are admitted without numerical limitation; the queue is for more distant relatives.)

As problematic as 2 million immigrants a year would be, the real number would be higher and would not fall. One of the reasons there are “only” 4 million people on the waiting list is precisely that a wait is involved. If, as is foreseen in the Schumer-

The “future flow” of immigrants, to use the lobbyists’ shorthand, is key to understanding how amnesty supporters reconcile the risible nature of the enforcement specifics they offer with the promises of no further illegal immigration. The usually unspoken assumption is that their new, improved version of amnesty—whether the Schumer-Rubio plan, the president’s, or any other—won’t repeat the 1986 plan because every non-terrorist who wants to move here will be able to do so. A limit on immigration only “incentivizes illegal immigration,” as Schumer-Rubio puts it, and so getting rid of all limits on immigration would, by definition, eliminate the illegal-immigration problem and therefore the need for most enforcement.

That is the ground on which the immigration debate should really be held. If legality is the only problem, why shouldn’t all illegal aliens simply be amnestied and all immigration limits removed? No illegals, no problem. But in a society with a post-industrial, knowledge-based economy, a welfare state, and weakened assimilative institutions, mass immigration is harmful whether it is legal or not.

Reconfigured, the three pieces of the Schumer-Rubio plan could be the building blocks of sensible policy. Enforcement must happen up front, with no preconditions or tradeoffs—E-Verify, entry-exit tracking, systematic state and local cooperation with federal immigration authorities, aggressive measures against visa and green-card fraud. First these measures must all be in place, tested, staffed up, and, if legally challenged, given the imprimatur of our judiciary. Only then should the other two features of the package deal come into play: amnesty for the remaining non-criminal illegal aliens, in exchange for adjustments to the rate of legal immigration—deep, permanent cuts, not increases.

That won’t be the shape of this year’s debate, of course. We’ll hear a lot of pious talk about a nation of immigrants (“Give me your tired, your poor”), but the incompatibility of mass immigration with a modern society is a problem that can no longer be avoided.

NR

States of Conservatism

*Beyond the Beltway,
the Right is thriving*

BY JOHN HOOD

INAUGURATION DAY 2013 was a moment of jubilation for conservatives. After four years of lackluster economic growth and a series of personal and policy mistakes, the incumbent chief executive, a history-making Democrat, was replaced by a conservative with an attractive policy agenda and a skillful campaign team. In a concise, hopeful inaugural address, the newly elected Republican leader of the executive branch promised to focus the administration's attention and resources on job creation and economic growth in the short run, while setting the stage for long-term solutions to the government's fiscal woes.

I'm describing the inauguration of Pat McCrory, North Carolina's first Republican governor in 20 years. His election to replace retiring one-term Democrat Bev Perdue, the state's first female governor, was one of the few bright spots for the GOP last November, so McCrory got more national attention than the incoming governor of the nation's tenth-largest state would normally have received.

In general, however, Republican success in state and local politics is an underreported story. It extends far beyond the Tar Heel State. The post-2012 talk of conservatism's electoral weakness and policy failures is disconnected from the personal experiences of many politicians, journalists, analysts, and activists who work at the state and local levels. While grassroots conservatives were disappointed at the reelection of President Obama and Republican misfires in races for the U.S. Senate, they continue to enjoy unprecedented influence and success in state capitals—while local liberals feel alienated from the governments and institutions they long dominated.

Even after giving up some of their 2010 legislative gains thanks to Obama's 2012 coattails, Republicans still control more state offices than they have in generations. They hold 30 of 50 state governorships and 58 of 98 partisan legislative chambers. The nonprofit news service Stateline reports that in 25 states, comprising 53 percent of the U.S. population, the GOP controls both the executive and the legislative branch. Only 13 states, with 30 percent of the U.S. population, have unified Democratic governments. In addition, Republicans are strongly represented in local government, albeit primarily at the county level rather than in the increasingly Democratic big cities. In some states, such as my native North Carolina, the GOP's local success has no modern precedent: A majority of the state's 100 county gov-

ernments are now under Republican control, which hasn't been the case since General Sherman's army was camped outside Raleigh.

As it happens, the political transformation of North Carolina and other states in the formerly Democratic "Solid South" is a big part of the story. In the 2012 cycle, voters in the last state of the old Confederacy with a Democratic legislature—Arkansas—gave Republicans control of both chambers. In the broader South, only Kentucky's house of representatives retains a Democratic majority. Elsewhere in the country, Democrats regained some legislatures they lost in the Republican-wave election of 2010, such as those in Minnesota and Maine. But the GOP retained its recent gains in other presidential-blue states, such as Michigan and Wisconsin.

The regional dynamic reveals much about the ideological effects of recent political trends. Partisan affiliation doesn't always predict political views or voting behavior. In the past, there were significant numbers of center-left Republicans and center-right Democrats. Members of the latter group traditionally held many congressional, gubernatorial, and legislative seats in the South and Midwest. But the days of boll weevils and blue dogs are approaching dusk. Once southern and midwestern state electorates became more amenable to the Republican label for state and local offices, the two parties began to polarize by ideology. Individuals who might once have run and served in office as center-right Democrats have either become Republicans—usually moving rightward to win their primaries—or yielded to GOP candidates with even more reliable conservative inclinations. Both phenomena have red-shifted the ideological spectrum in state government.

Another way to think about these political trends is as a giant switcheroo. From 1968 to 1988, Republicans won popular-vote majorities in five of six presidential elections while Democrats were firmly ensconced as the majority party of state governments and the U.S. House. But from 1992 to 2012, Democrats have won popular-vote majorities in five of six presidential elections while Republicans have gained the advantage in House races and the states. (Control of the U.S. Senate hasn't precisely tracked the other results.)

The Founders intended the U.S. House to represent popular will through direct election and the U.S. Senate to represent popular will as channeled through state legislatures. Since the ratification of the 17th Amendment, popular votes have decided all races—but, interestingly, state legislatures have come to exercise a significant influence over the House. Responding to recent Voting Rights Act jurisprudence and using sophisticated data-analysis techniques, Republicans have redrawn congressional maps to their party's advantage. To an extent that remains underappreciated in Washington, the power of Speaker John Boehner and other Republican leaders of the House to challenge President Obama and the Democratic Senate originated with GOP success in legislative races and depends on its continuation, as does resistance to the implementation of Obamacare.

How did Republican candidates and conservative ideas become more competitive at the state and local levels? A number of factors are at work. The migration of GOP-leaning voters from northern and midwestern states to the South during the 1970s, 1980s, and 1990s helped strengthen southern

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Republican organizations at the local level. More generally, the Republican party has channeled significant resources, including money and political talent, into state and local politics from coast to coast. The process began in 1978, when former Delaware governor Pete du Pont founded GOPAC to recruit and train Republican candidates for state and local office. It ramped up when Newt Gingrich, then a House backbencher, took over GOPAC operations in 1986.

Separately, conservative donors began to create a panoply of new institutions—independent-expenditure committees, grassroots organizations such as Americans for Prosperity and FreedomWorks, the American Legislative Exchange Council to advise conservative state lawmakers, and state-based think tanks—to promote conservative principles in general, to fashion free-market policies, and to propel these policies through the legislative process. Using print, broadcast, and online media, they transformed the flow of information to policymakers, activists, and the voting public. Where liberal academics, special-interest lobbyists, and government staffers once monopolized the crafting of legislation, conservative think tankers and policy experts now offer different ideas to governors and lawmakers. Where liberal media outlets once monopolized the coverage of legislative issues and political scandal, new conservative media (such as the statewide newspaper I publish, the *Carolina Journal*) now play a role in setting the political agenda and exposing wasteful or corrupt government programs and officeholders.

The donors and policy entrepreneurs who spent the past two decades building a strong conservative movement at the state and local levels knew exactly what they were doing. The policy environment matters a great deal in state politics. If you are a successful, goal-oriented conservative who is thinking of running for public office, you consider more than just the possibility of getting elected. You wonder what it will be like after the election. Will you be a lonely voice in the wilderness, fated to champion doomed bills and subject to constant attack and ridicule by the liberal establishment? Or will you be joined in office by other thoughtful conservatives, and receive support and encouragement from like-minded opinion leaders and effective, well-financed public-policy groups?

In the past, many able conservatives took a look at their bleak post-election prospects and decided against running for governor, the legislature, or county office. Now, many of them seek office with the expectation not only of winning in November but also of winning subsequent battles over taxes, government spending, regulation, education, and other issues they care about. Greatly improved candidate recruitment has proved to be one cause of Republican political success at the state and local level.

Understandably depressed about the 2012 federal elections and the manifest inability of Washington to take on the nation's economic, fiscal, and foreign-policy challenges, some conservatives might be tempted to dismiss the significance of down-ballot political trends. They might well ask what difference it makes who controls the governor's offices in Virginia and Ohio, or the legislatures in Michigan and Florida, if the Obama campaign still won these states' electoral votes and conservatives couldn't win their U.S. Senate seats. I would answer that conservatives should not place such a strong emphasis on Washington and the daily to-and-fro of Capitol Hill politics.

Often without a great deal of national attention, conservatives have turned their electoral victories in the states into legislative victories on many policy issues. These victories include Wisconsin's initiatives on tort reform and public-sector unionization, Michigan's passage of right-to-work protection, the implementation of criminal- and civil-justice reforms in Texas, and successful referenda in a dozen states—nearly all governed by Republican majorities—to enact constitutional amendments outlawing eminent-domain abuse. These victories are important not only on their own terms but also because they can build institutional knowledge, conservative confidence, and momentum for future battles, including those in the nation's capital. Two examples merit a closer look: fiscal policy and education reform.

AMERICA'S fiscal problems aren't confined to short-term federal deficits or unfunded liabilities in federal entitlement programs. According to the Tax Policy Center, total government spending made up a record 37 percent of America's GDP in 2010, a statistic that fell only a single percentage point in 2011. State and local expenditures accounted for roughly one-third of these amounts, and even more if you consider that much of the federal "stimulus" package consisted of bailing out profligate states with supplemental Medicaid, education, and unemployment-insurance funds. Moreover, underfunded state and local pension and health-care plans add trillions to the nation's long-term liabilities.

The good news is that, while conservatives are properly frustrated at the inability of Republican politicians in Washington to make major headway on spending restraint and tax reform, the new generation of GOP leaders elected to state office over the past few cycles has a far better record. Both case studies and statistical comparisons demonstrate that partisanship makes a difference in state budgeting. Until recently, that wasn't the conventional wisdom, because analysts focused too much on governors. When it comes to fiscal policy, legislative control matters much more.

Writing in *The Journal of Politics* in 2000, James Alt of Harvard and Robert Lowry of Iowa State described their study of more than four decades of state budgeting and partisan affiliation. They found that "Democrats nearly everywhere target a larger share of state incomes for the public budget than Republicans," and that when either party enjoyed unified control of a state's legislature, it tended to get its way on fiscal policy even when the governor was of the other party. In 2006, University of Oklahoma economist Robert Reed examined 40 years of state tax data and found something similar: States with Democratic governments consistently had higher tax burdens than states with Republican ones. And once Reed adjusted for partisan control of the legislature, partisan control of the governorship had little effect.

At the onset of the Great Recession in 2007, states and localities found themselves with falling revenue forecasts and escalating service demands. Their responses reflected party and ideology. Democratic governments tended to raise taxes across the board. Republican governments tended to say no to new taxes, or at least to broad-based tax hikes, while cutting budgets. According to the Tax Foundation's analysis of 2010 data from the U.S. Census, the ten states with the highest combined state

and local tax burdens took an average of 11.2 percent of their residents' income in 2010. The average for the ten lowest-taxed states was 7.9 percent. Put differently, the high-tax states took 42 percent more of the typical person's money. Nine of the ten most-taxed states had Democratic legislatures. Most of the ten least-taxed states had Republican legislatures, and three others were southern states with relatively moderate Democratic legislatures. Since 2010, all three have been replaced by more conservative Republican legislatures.

It's not just in overall spending and tax amounts that the new generation of Republican leaders is having an effect. Governors and legislative leaders in several states are now pushing sweeping reforms of their state tax codes, seeking to reduce or eliminate punitive taxation on investment and job creation. For Democrats, tax reform is about filling "loopholes" to make government larger. For Republicans, tax reform is about eliminating biases to make the private economy larger.

As for education, those who expected rising Republican power in state and local government to result in universal vouchers and large-scale privatization of public schools were guilty of inventing either utopian or dystopian fantasies, depending on their point of view. In reality, conservative leaders and policy experts had fashioned a strategy for education reform by the mid-1990s that included several elements: 1) higher academic expectations with rigorous assessments of student progress; 2) reform of teacher tenure and compensation policies; and 3) greater choice and competition in the delivery of education services.

Once they achieved electoral success, conservative policymakers set higher standards and instituted annual testing. They challenged teachers' unions on performance evaluation, pay, and work rules, especially in the Midwest and South. Nearly every state now allows the creation of independent public schools, run by private entities with government charters. As of the 2011–12 academic year, there were some 5,700 charter schools in operation across the country, enrolling about 2 million elementary and secondary students. That's up from only 1,650 charter schools in 2000–01. As for helping parents send their children to private schools, the Friedman Foundation reports that 22 states have some kind of tax deduction, tax credit, educational savings account, or scholarship program in operation—often more than one. Almost all of these programs have been implemented since the 1994 Republican-wave election transformed state capitals, although many of the bills have received bipartisan support.

Perhaps the best example of the conservative strategy in action can be found in Florida. Republicans took control of its senate in 1992 and its house in 1996—marking the first time since Reconstruction that both legislative chambers in a southern state went red. Two years later, Jeb Bush was elected governor on an ambitious platform of education reforms including higher standards, new testing, letter grades for every public school, alternative teacher certification, management reforms, and school-choice programs focused on students who had special challenges or were trapped in low-performing schools. The results have been difficult for even left-wing critics to dispute, although some have tried. Graduation rates are up 20 percent. According to the Thomas B. Fordham Institute, which grades state educational systems, Florida's math standards leapt from

an F to an A from 2005 to 2010, and its English standards rose from a C to a B. Once mired near the bottom of the list in National Assessment of Education Progress scores, Florida has posted dramatic gains during the past decade. And in the latest international study of reading performance, released in December, Florida excelled—outscored 48 of 52 participating education systems and tying the others.

Since leaving office in 2007, Jeb Bush has advised governors, legislators, and education leaders across the political spectrum. For the most part, however, his Republican audiences have responded most favorably. Last year, Indiana and Louisiana enacted sweeping education-reform bills crafted by conservative leaders (including Mitch Daniels and Bobby Jindal) that built and even improved on Bush's ideas, including tenure reform and a greatly expanded role for private schools.

I don't mean to suggest that Florida has been the only incubator of education innovation. Years before Bush was elected, other states acted separately to implement elements of the strategy with impressive results. Minnesota, for example, enacted the nation's first charter-school law in 1991. A couple of years later, Massachusetts pioneered the idea of raising academic standards and using rigorous annual testing to measure progress. North Carolina implemented both ideas in tandem in the mid-1990s. As it happens, Minnesota, Massachusetts, and North Carolina joined Florida among the highest-achieving education systems on recent international math tests. In these three states, the reforms of the 1990s emerged from divided governments, as the election of Republican governors or legislatures created opportunities that bipartisan coalitions then translated into legislation. Because Governor Bush had a Republican legislature to work with, however, he was able to fashion a more comprehensive approach.

We should not be naïve. New Republican governments at the state and local levels haven't always produced conservative leadership, and conservative leaders still have a lot of work to do if they seek to transform state and local governments into smaller institutions that promote economic growth, refrain from encouraging dependency, and deliver a bigger bang for the taxpayer buck.

And state Republicans' successes can be difficult to apply at the federal level. The federal government lacks elements of the required institutional framework for conservative victories of the type found at lower levels of government. Enforceable rules against funding operating deficits with debt have been critical, and state experience suggests that an item-reduction veto (i.e., giving the governor the ability to reduce spending on a line item rather than vetoing the item or the entire bill) is a key tool for governors who want to cut spending. Without enacting some kind of balanced-budget requirement or constitutional cap on federal spending, and without strengthening the president's veto power, Republican success in future federal elections will likely prove insufficient to the task of imposing fiscal discipline on Washington.

What I am suggesting, however, is that the conservative movement should stop wallowing in its recent failures and start studying and replicating its recent successes. You'll find those successes, and most conservatives, far from the banks of the Potomac.

NR



The Long View

BY ROB LONG

FROM THE DESK OF PRESIDENT BARACK OBAMA

TO: V. Jarrett; D. Axelrod
RE: Gun nuts

Guys:

Need to do something about the gun thing. Looks like we may be slipping here. Have written up a kind of article/feature piece I think will address the gap. Thinking it should be titled something like “Barack Obama, Sportsman-in-Chief: My Outdoor Adventures by President Barack Obama” but open to suggestions as long as “Barack Obama” appears there twice.

Maybe talk to Alter re: placement? He’s always loyal. Could also be a NYTimes Sunday Magazine deal. Everybody reads that, right?

Let me know your thoughts ASAP.

BO

PS: These are just fragments. Will need someone to knit them all together. Again: Alter?

“Pull!” I shouted to the man behind the wind-up thingy that sends the Frisbee-ish thing into the air.

It whirled away, whistling as it sliced through the early Camp David mist. I do this all the time.

I trained my sights on it, placing the whirling Frisbee-type disc in between the two little toothpick doodads that you’re supposed to put the thing you’re shooting at between and slightly above, and I followed

the object with the gun, peeking at it with one eye and the other eye sort of shut, as we sportsmen do. Then, suddenly, I pulled my finger and the trigger went off.

Bang! Bang! went the gun. It does that all the time.

The skeet shattered into a million pieces as the gun smoked in my hands. Honestly and truly, there’s nothing I love more—or respect more—than shooting a rifle gun at a skeet ball. It’s a terrific way to relax on a weekend. Ask any sportsman!

The deer was dead. My single shot had felled her, and her antlers were still sharp and pristine. “These will make a fine wall sconce for the Oval Office,” I thought to myself, ever mindful of the hunter’s creed to use every part of the fallen prey.

“Girls, find Daddy’s knife. It’s time I taught you how to field-dress a deer,” I said, as my daughters happily reached into my rucksack and removed the sharp blade I use all the time for procedures such as this.

Let me be clear: I love to kill big animals with horns and antlers that can be used decoratively. And the meat that I harvest from their bodies is also delightful to cook up and serve in a meal—or several—which is why I do it all the time.

With a quick slice, I removed the deer’s head and tail, as is traditional (ask any sportsman!), and began to remove its inner organs, which I handed to my daughters for proper coiling and safekeeping.

They’re sportspersons, too. And despite some initial misgivings, they’ve really taken to joining me in my outdoor lifestyle pursuits. Kids are like that: They resist initially, but eventually they come to love something the way their parent (of either or both genders) does. Fellow sportsmen, am I right here?

Cloaked in the warmth of the

newly shorn deerskin, and arms full of delicious venison steaks, the girls and I headed back to Camp David, where we cooked up a delicious dinner and snuggled under our new furry deer blankets as Michelle fashioned the antlers into fun napkin rings. We do this all the time.

“Shhhh,” I said, shushing my best friends from childhood, whom I see all the time, as we crept through the overbrush along the river bank.

My best friends and I have always been close—closer, even, than my many ex-girlfriends. (Guys, am I right? Back me up here!) We get together all the time for outdoor stuff like shooting skeets and hunting for deer horns. A lot of you fellow sportsmen will relate to this, I know.

But my friends were making a little too much noise as we crept along the river bank, in search of ducks to kill.

We do this all the time.

Although I am a well-known shooter and gun-firing expert, I often like to change it up and hunt with other types of hunting implements. Ducks, especially, are sort of easy to hit with the tiny bullet balls that are inside most shotgun bullets, so when my friends and I want to have some more challenging outdoor fun, we opt for broadswords.

Hunting ducks—or any kind of water bird, for that matter—with a broadsword is a terrific way to spend an afternoon reconnecting with close old friends. In addition, the use of a broadsword in no way violates the proposed gun legislation I’ve submitted to Congress, which isn’t very sweeping anyway. Fellow sportsmen, am I right?

END OF PAGE ONE

The Magic Bullet

WHY does President Obama want to put weapons of war into the hands of criminals? What sort of craven, stone-hearted monster can be so beholden to the cackling goblins of the NRA that he would equip would-be mass murderers with war tools—*Kriegswerkzeuge*, as the Nazis so gleefully called them?

There. That should cloud the issue the next time you're arguing with someone who believes the only virtuous response to an armed intruder consists of "decomposition." But let's explain.

The president does not want "weapons of war" on the street, and by his definition this means a ban on magazines that contain more than ten bullets. It's the eleventh that makes all the difference, you know. Soldiers are known to balk at combat duty with ten-bullet rations, but toss in No. 11 and they'll take on the world.

Those who believe that right-wingers killed JFK scoff at the "magic bullet" that took an unusual path. They also believe that bullet number 11 is so infused with necromancy that forcing the shooter to carry it in a pocket and load it after exhausting its predecessors will lower the nation's murder rate. You see, while the bad guy is inserting another magazine—which contains bullets 11–20, which by definition are morally worse than 1 through 10—he will be stopped. Not by an armed guard at the school; don't want those. Not by anyone in the school who has a concealed-carry permit; sends a bad message.

No, someone will stab him with scissors, as suggested by a recent Homeland Security video on how to Not Die Entirely During a Workplace Crisis. You could also give the invader a painful paper cut with one hand and spray lemon juice with the other. (NOTE: Federal regulations prohibit offensive-capacity-lemon-juice containers greater than 3 ounces.)

You ask: Please, get back to that point about the president wanting war weapons to flood the street. Gladly. Stumping for new laws, he spoke in Minneapolis about his desire to limit mags to *ten* bullets. But the Minnesota state legislature has a different idea. A new bill, carefully crafted to smother the evils smoldering in the gun safes of citizens, bans "large-capacity magazines." This does not mean *Vogue* around the spring-fashion time. It means "any ammunition feeding device with the capacity to accept more than *seven* rounds."

Since seven is more restrictive than ten, it must be better. Only gun nuts would howl if we enacted such reasonable restraints. But what if a citizen fixes the number of Good Bullets between nine and eleven, *as the president does*? Hello, hoosegow. The bill makes possession of the magazines a felony, and you can get five years and a fine of \$25,000.

Mr. Lileks blogs at www.lileks.com.

It's legal Wimpyism: I will gladly jail you tomorrow for something that is legal today.

You may be surprised to learn the law does not apply to "any government officer, agent, or employee." Surprised, since the goal of these people is to make *everyone* a government officer, agent, or employee.

Speaking of which: Mayor Bloomberg has a group, Mayors Against Illegal Guns, presumably to fight the NRA-supported Mayors Who Are *Totally* All About Illegal Guns, Yay! Who could oppose such a commonsense idea? Well, anyone who recognizes a rhetorical trick. The moment those good *legal* guns are turned into illegal murder-sticks because Congress banned any gun that does not include the word "NERF" in its name, the mayors can be counted on to demonize something they previously supported.

Eurasia is using seven-bullet magazines on the Eastasia front. Eurasia has *always* used only seven-bullet mags.

There's some good to come out of this.

1. Those who believe that statutes banning fully automatic Gatling guns that fire cop-killing ammo will reduce big-city gang violence will have another failure on their side, and they'll have convinced no one in the process. Forty-two thousand and forty-five more examples and they might lose some credibility.

2. Gun owners are reminded that snarky young D.C. pundits hate them, because they remind the pundits of a girlfriend's dad who sized them up fast as wusses.

3. The failure of any bill in Congress increases the chance that Piers Morgan may, like Rumpelstiltskin, become so consumed with fury he grabs his shins and splits himself in two.

4. The public sees the president skeet-shooting, compares it with previous images of the fellow throwing a baseball in mom jeans or riding a bike with a dorky brain bucket, and thinks, "On the Putin Scale of Propagandistic Manliness, 1 being 'bare-chested on a horse' and 10 being 'carrying a boar over his shoulders while swimming the Volga,' it's about a 3."

5. People who are not gun people become gun people. The Left defines "gun nut" as anyone who objects to gun regulation of any kind on constitutional grounds. While this appeals to people who want more controls and restrictions on everything that does not involve profanity or sex, it pushes away people who previously had no strong opinions.

So you want to make more gun nuts, want more people to own guns? Keep acting like you really want them all to go away. You want more people to suspect you regard "law" with the same faith-based magical thinking you deride in religious people? Mandate more "Gun-Free Zone" signs and see how that works.

Don't talk about mental illness. Don't talk about dysfunctional cultures. Don't talk about drug laws. Talk about gun laws, and be honest: Ten laws aren't enough. Go for eleven, a high-capacity bill. "Resolved: No one should shoot anyone."

It's the law. That should be enough.

NR

Books, Arts & Manners

Up from Little Red

JAY NORDLINGER



Tested by Zion: The Bush Administration and the Israeli-Palestinian Conflict, by Elliott Abrams
(Cambridge, 352 pp., \$29.99)

Little Red: Three Passionate Lives through the Sixties and Beyond, by Dina Hampton
(PublicAffairs, 336 pp., \$25.99)

IN the eight years of Reagan, Elliott Abrams served in the State Department. In the eight years of George W. Bush, he served in the White House. He was a national-security aide, and had a few different titles. Basically, he was “the White House Middle East guy,” as he writes. He dealt with the Israeli-Palestinian conflict, in particular. And he has now written a memoir of that experience, *Tested by Zion*.

Readers of this magazine know Abrams, not only for his public service, but because he has long contributed to these pages, and to our website.

Even as his memoir is appearing, a book about him, or partially about him, is appearing: *Little Red: Three Passionate Lives through the Sixties and Beyond*, by Dina Hampton. “Little Red” refers to the Little Red School House and Elisabeth Irwin High School, one institution, despite the two-part name. This is a radical school in Manhattan. Hampton is an alumna of the school, and she writes about three other alums, who have lived those “passionate lives”: Angela Davis, the famous Communist; Tom Hurwitz,

the less famous New Left figure; and Abrams. Her book reminds me a little of *Gang of Five*, a 2002 book by Nina J. Easton that chronicled five conservatives, including William Kristol and Grover Norquist.

I will mention some other “Little Redders” of note: Mary Travers, of Peter Paul & Mary; the sons of Julius and Ethel Rosenberg, the atomic spies; and Robert De Niro. Hampton writes that De Niro’s parents “were both well-regarded Greenwich Village artists whose bohemian credentials were equal to those of any of the school’s parents.” Some future conservatives came out of Little Red, in addition to Abrams. These include Abigail Thernstrom and Ronald Radosh. In her Prologue, Hampton refers to Radosh as an “anti-communist ideologue.” I wanted to stop reading right there—because anyone who would describe Radosh as an ideologue is probably not worth the time. In leaving the Left, Radosh left ideology, certainly of a rigid kind. I persevered in the book, however, to find as soon as page 7 that Hampton was at it again: describing Radosh as a “conservative ideologue.” At least she’s committed.

Her sympathies are consistently on the left. Unlike Radosh, Thernstrom, and Abrams, she did not rebel, evidently. She is a true-blue Little Redder. She groups Communists with “progressives.” (Some of us think of them more as “destructives.”) Angela Davis can be expected to wear a white hat, Elliott Abrams a black one. But you can learn interesting things from Hampton, including about Abrams. And she has bursts of fairness—though she always takes care to reestablish her left-wing street cred (or so it seems to me).

Abrams was a dissenter at Little Red, a nonconformist. There used to be a bumper sticker on the left: “Question Authority.” Abrams did. He saw that the library carried such periodicals as *I. F. Stone’s Weekly* and *The Nation*. “Why, he asked Isabel Suhl, the sweet-faced librarian, could the school not achieve some balance in the publications it displayed? Why not stock a magazine like *The National Review*?” (People have been putting a *The* in front of our name

for eons.) Abrams was for diversity before it was cool. And though most of the students “saw Castro as a romantic revolutionary who was bringing economic and social justice to his people,” Abrams “viewed him as just another standard-issue Communist dictator.” That’s our boy: clear-eyed even then.

He was a liberal, not a leftist, and later went to work for two Democratic senators, Henry “Scoop” Jackson and Daniel Patrick Moynihan. Then, like so many others of his mind and temper, he entered the Reagan orbit.

I found that I could usually filter out left-wing bias to learn and profit from Hampton—even enjoy her. But sometimes it was very hard. For instance, she says that Abrams learned from Norman Podhoretz, the conservative intellectual leader, and Abrams’s father-in-law, that “it was not a problem to dissemble, even to lie.” Oddly enough, that is a characteristic of the Left—as many supporters of the Rosenbergs well knew.

There are some touching things in this book. Tom Hurwitz, as a child, had a fondness for Christianity (a fondness that would stick). Early on Sunday mornings, he would watch TV sermons, behind the backs of his irreligious or anti-religious parents. And I was amazed to read something about Angela Davis. It comes from *People* magazine, but Hampton quotes it: When Davis got married, in her mid-thirties, she walked down the aisle to the march from Wagner’s *Lohengrin*. That tickles me no end: the great, fist-clenching Communist, clutching a bouquet and marching to *Lohengrin*.

Now to serious business, *Tested by Zion*. This is a memoir, yes, but Abrams has also solicited the memories and opinions of other participants in the relevant events. We may call his book a history, as well as a memoir. And it is packed with details. Abrams must have taken copious notes, during those White House years. The book may have too many details for some, but if you want to know about U.S. policy toward the Israelis and the Palestinians from 2001 to 2009, you will. Abrams has laid it out, with great authority.

Contrary to popular belief, the George

W. Bush administration cared a lot about the Israeli–Palestinian conflict, and worked like a dog on it, for the entire eight years—not just in a mad rush at the end (which there was, as in the Clinton administration). When Bush asked Condoleezza Rice to be secretary of state in the second term, she actually put a sort of condition on it: The president and his administration had to remain focused on the development of a Palestinian state.

The main characters in this book are two Israelis, prime ministers Ariel Sharon and Ehud Olmert; two Palestinians, Yasser Arafat and Mahmoud Abbas; and two Americans, Bush and Rice (along with the author himself, naturally).

I once heard an Arab journalist say why he liked Bush: “Arafat told him one lie, and he divorced him!” Statesmen had been lied to for years by Arafat, not really caring. Arafat was the most frequent foreign visitor to the White House during the eight years of Clinton. The particular lie that Arafat told Bush was that he had no involvement in the *Karine A*: the ship loaded with Iranian arms, seized by the Israelis in 2002. Appalled by the lie—the sheer brazenness and absurdity of it—Bush effectively “divorced” Arafat, as the journalist said.

Bush did not want a future Palestinian state to be yet another terror state, an Arafatistan: He wanted it to be decent and worthwhile. He thought that a reduction in terror and the development of

civil society ought to precede statehood. As Abrams says, “he ‘tilted’ to Israel but to the Palestinians as well.” I have always chafed at the terms “pro-Israel” and “pro-Palestinian”: Good people want happiness and peace for them both. (Neither the PLO nor Hamas is in the happiness-and-peace business.) Bush wanted a deal between the Israelis and the Palestinians, to be sure. But he was firm on Israel’s right to defend itself. And, as he told the Jordanian king, he was not going to try to force a deal just to get a Nobel Peace Prize.

One learns any number of things from Abrams’s book: For example, Abbas was worried about losing an election to Hamas (rightly so). He asked Israel to forbid voting in Jerusalem, so that he could postpone the election and blame Israel for it. (Israel declined.)

I thought I was pretty well-versed in U.S.-Israeli relations, but apparently not: I was very surprised at the extent to which we call the shots for Israel. The extent to which we impose our will on Israel. At times, the country seems barely sovereign. There was an instance in which Israel definitely went its own way, however. In 2007, Israel discovered that Syria was building a nuclear reactor. Bush wanted to go the diplomatic and international route: the IAEA in Vienna, the Security Council in New York, blah, blah, blah. Olmert said, No, we have to bomb. If you Americans won’t, we will. And they did. Bush was

unbothered by this, commenting on Olmert’s “guts.” Similarly, Reagan had been unbothered when Israel took care of Saddam Hussein’s nuclear reactor (1981).

Olmert’s predecessor, Sharon, looms large in the first part of this book, as he loomed large in life. Those who loved him will love him even more; those who hated him may have some second thoughts. Here is a personal tidbit about the man: In Rome, he had a big plate of meats brought out, to be shared by Abrams and him. He quickly tucked into something that looked a lot like ham. Abrams said, “What meat, exactly, is that?” The prime minister answered, “Elliott, sometimes it is better not to ask.”

Bush’s first secretary of state, Colin Powell, is a player in the drama, though not as important as the second secretary of state. In brief, Powell thinks and acts like a man who would later endorse Barack Obama, twice (which, of course, he did). About Rice, Abrams has various and fascinating things to say. He was an “enthusiastic member” of her White House team, “dazzled by her efficiency, lightning intelligence, and charm.” He was less enthusiastic about her performance in the State Department, when she pursued a more traditional Foggy Bottom line in the Israeli–Palestinian conflict.

He writes that the secretary compared the plight of the Palestinians to that of black Americans in the Old South. I thought of Jimmy Carter (a southerner, like Rice). He shared a thought about an intifada—a spree of terror by the Palestinians—with one of his biographers, Douglas Brinkley: “The intifada exposed the injustice Palestinians suffered, just like Bull Connor’s mad dogs in Birmingham.”

The main character in this book—and much the most interesting one—is George W. Bush. He has been out of office for the blink of an eye, historically, but, frankly, I had sort of forgotten about him: how impressive he was. How talented, how smart, how individualistic, how well-informed. (John Negroponte, the veteran diplomat who served as director of national intelligence, once told me, “It was kind of hard to tell Mr. Bush much that he didn’t know.”) Most impressive, I think, was Bush’s moral sense. At any rate, I doubt there has ever been a greater gap between the popular



Little Red School House and Elisabeth Irwin High School, in New York City

image of a public figure and the reality.

Abrams has a wealth of Bush stories and quotations, and, as with Sharon, I will relate one tidbit: An Israeli explains that his countrymen are nervous about a Palestinian “right of return.” Bush says, “No s**t. ‘Here come three million people.’”

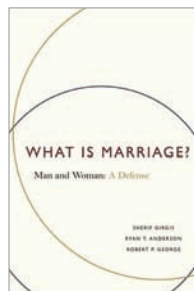
In his book, Abrams is as he is in life: straight, clear, hugely knowledgeable, tremendously sharp. Sympathetic too. He always tries to understand the other guy’s position, and to walk some in his shoes. Seldom are his judgments harsh. His book is sometimes colorful and pointed, but not dishy. He does make a confession, however: “I had been in Washington for 30 years and had never met anyone with a larger ego.” He is speaking of James Wolfensohn, the former World Bank president. I wonder whether Abrams has ever met President Obama.

All your life, I bet, you have heard that the Israeli–Palestinian conflict is very, very complicated: layer upon layer, shade blending into shade, nuance after nuance. Why, you could spend years in the region, searching for the truth, and still not understand. A Bernard Lewis can barely scratch the surface. For what it’s worth, I don’t buy it: I think that, when the smoke clears—probably not the right metaphor for the Middle East—the question is, Will the Arabs coexist with Israel, or will they not? If they will, everything is possible. If not, nothing is. This view is way too “one-sided” for most people, probably including Elliott Abrams. But it is the reality, I believe, and not a few Arabs will acknowledge it, behind closed doors, and in whispers.

Some people have hoped that, as older generations die out, the hatred will too. The problem is, the hatred is inculcated in the cradle. As Olmert said to Rice, in an emotional soliloquy, “How do we solve this [meaning, the conflict at large]? By education. But what are they teaching children about us?” The new president of Egypt, the most important Arab state, gave a speech in 2010: “Dear brothers, we must not forget to nurse our children and grandchildren on hatred toward those Zionists and Jews, and all those who support them. They must be nursed on hatred. The hatred must continue.” That is what the Israelis face. And there is nothing to do but hang on, to survive, until the day comes, if it comes, when the fever breaks. **NR**

It’s Not About Bigotry

MONA CHAREN



What Is Marriage? Man and Woman: A Defense,
by Sherif Girgis, Ryan T. Anderson,
and Robert P. George
(Encounter, 126 pp., \$15.99)

‘**W**HAT we have come to call the gay-marriage debate is not directly about homosexuality, but about marriage,” declare the authors of this timely polemic. Few advocates of same-sex marriage will believe it—because they have become wedded, as it were, to the concept that opposition to same-sex marriage is merely a form of bigotry.

Advocates for changing the marriage laws have the advantage of a simple plea with deep resonance for Americans. Gays and lesbians are asking, they say, for simple justice—that the state not withhold the “right” to marry purely on the grounds of sexual orientation. It is the latest iteration of the race analogy that has dominated liberal advocacy for decades. Women, Asians, illegal immigrants, Hispanics, the handicapped, and many other groups have laid claim to the race analogy and the civil-rights movement to press their claims for affirmative action and other benefits. Today, same-sex-marriage advocates argue that restricting marriage to male–female couples amounts to unconscionable bigotry. A state that declines to redefine marriage is discriminating against an entire class of people, as Jim Crow laws did.

Mona Charen is a nationally syndicated columnist.

The analogy is flawed, but the urge to correct mistreatment of homosexuals is a good one. Though gays haven’t suffered the degree of persecution that blacks endured, they have been subjected to often savage humiliation over the course of human history. There have been cultures and countries in which homosexuality carried no stigma. But the overwhelming majority of cultures, including our own, have treated this universal human variation with scorn and sometimes with cruelty.

Since the advent of AIDS, Americans have eschewed this casual contempt—a change that the authors of *What Is Marriage?* sincerely celebrate. It’s the next step—presenting same-sex marriage as the only possible answer to centuries of mistreatment—that the authors contend is a non sequitur. Sherif Girgis, a Ph.D. candidate in philosophy at Princeton; Robert P. George, the McCormick Professor of Jurisprudence at Princeton; and Ryan T. Anderson, William E. Simon Fellow at the Heritage Foundation, first issued this brief for traditional marriage as an article in the *Harvard Journal of Law and Public Policy*. It is here expanded to book form, and responds to some of its most prominent critics.

The authors argue that it’s a category error to perceive or characterize the same-sex-marriage dispute as being about homosexuality or equality or invidious discrimination. Americans, highly sensitive to accusations of bias, are loath to oppose gay marriage if doing so is seen as an acknowledgment of bigotry. Same-sex-marriage advocates, dubbed the “revisionists” by the authors, perceive marriage to be primarily the seal of an emotional union between two individuals. The authors acknowledge that this is consistent with the drift of the culture generally, but they deny that love is the essence of marriage. If marriage is merely the seal of love, then when love fades, the marriage will as well. The authors urge that “conjugal marriage” should be the standard—a comprehensive union of two individuals, body and mind, that uniquely brings forth new life. Coitus, they suggest, is essential to the union of bodies and lives: “Being organically united—as ‘one flesh’—spouses should have, by *commitment*, the exclusive and lifelong unity that the parts of a healthy organic body have by nature. Their mind-body union is ordered to the comprehensive good of

rearing new members of the human family—their children—an open-ended task calling for the coordination of their whole lives, which in turn requires undivided commitment.”

“If marriage is primarily about emotional union,” they ask, “why privilege two-person unions, or permanently committed ones? What is it about emotional union that requires these limits?”

Girgis, George, and Anderson do not deny that the revisionist view of marriage is making headway. In fact, that’s the problem: They oppose same-sex marriage precisely because it furthers what they regard as a harmful, undermining interpretation of marriage. “As more people

advocates, including Ivy League professors, issued a manifesto titled “Beyond Same-Sex Marriage” that calls for the legal recognition of relationships with more than two people. There are currently half a million Americans who report such relationships.

Conjugal marriage, a mountain of statistics confirms, is the best framework for raising happy and healthy children. Society accordingly has a strong interest in teaching that conjugal marriage is ideal and ought to be the norm. The option of same-sex marriage, the authors argue, will teach that there is no ideal, and this will continue to undermine the norm. All of the cultural assumptions

Conjugal marriage, a mountain of statistics confirms, is the best framework for raising happy and healthy children.

absorb the law’s lesson that marriage is fundamentally about emotions, marriages will increasingly take on emotion’s tyrannical inconstancy.”

There is as well a nagging worry about the true aims of the revisionists. Do they truly desire only to share in bourgeois domesticity, marrying their partners for life and raising adopted kids together? Or do they seek to change marriage laws only to achieve a kind of Good Housekeeping Seal of Approval for same-sex unions, while planning to reshape marriage to other priorities?

Andrew Sullivan, one of the originators of the argument that gays who seek marriage are pursuing a conservative goal, i.e., to join the traditional family in a new way, has suggested that homosexual marriages might not be quite so strict about monogamy. This “openness,” he contends, strengthens rather than weakens relationships: “Same-sex unions often incorporate the virtues of friendship more effectively than traditional marriages; and at times, among gay male relationships, the openness of the contract makes it more likely to survive than many heterosexual bonds. . . . There is more likely to be greater understanding of the need for extramarital outlets between two men than between a man and a woman.”

More than 300 LGBT scholars and

about what marriage should be—man and woman, monogamous, and permanent—are weakened if one of the assumptions is.

The authors have treated the revisionists’ arguments with sensitivity and respect. In a very short space, they’ve covered a lot of moral, philosophical, and political ground. They’ve done it with keen logic, clear writing, and the civilized hope that they will not be misunderstood. A bit more attention to the damage that our culture had already done to marriage before same-sex advocates entered the picture would have been welcome.

Political and cultural trends appear to be against traditional marriage. Whereas before November 2012 same-sex marriage had been imposed only by judges or legislators, it has now been freely chosen by the voters of four states. Thirty states rejected such initiatives in the past, but public opinion is clearly moving in the revisionists’ direction. Particularly among voters aged 18 to 34, support for legalizing same-sex marriage has mushroomed. Seventy percent of that cohort expressed support in 2011, and the numbers continue to rise.

It’s a safe bet that most of those Americans think that opposition to same-sex marriage can’t arise out of anything but prejudice. *What Is Marriage?* offers a clear and carefully reasoned rebuttal. **NR**

A Bloodbath Begins

FLORENCE KING



The Caning: The Assault That Drove America to Civil War, by Stephen Puleo (Westholme, 374 pp., \$28)

IF a history of the United States were written with chapter titles taken from the threadbare clichés of today’s television news, an incident that took place on May 22, 1856, would come under “Surreal” and “Out of Control.”

Just such a book, with no clichés to mar its confident prose and irresistible readability, is the work of *American History* magazine contributor Stephen Puleo, who specializes in significant events that tend to fade over time. His subject here is the blood that was spilled on the floor of the U.S. Senate when South Carolina congressman Preston Brooks beat Senator Charles Sumner of Massachusetts nearly to death with his gentleman’s walking stick. The ferocious attack rates barely a mention in today’s history textbooks, but Puleo shows conclusively that, although it did not actually cause the Civil War, it created a “visceral maelstrom” that eliminated the middle ground and silenced reasonable voices in the ongoing debate over slavery, cutting off even the pretense of political civility until armed conflict was inevitable.

If that moves you to the kind of pensive curiosity that our media linguists call “déjà vu all over again,” you have a

Florence King can be reached at P.O. Box 7113, Fredericksburg, VA 22404.

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DAY/DATE	PORT	ARRIVE	DEPART	SPECIAL EVENT
Thur./Aug. 1	Amsterdam, Netherlands		4:00PM	evening cocktail reception
Fri./Aug. 2	AT SEA			morning/afternoon seminars
Sat./Aug. 3	Bergen, Norway	8:00AM	5:00PM	afternoon seminar "Night Owl"
Sun./Aug. 4	Flam, Norway <i>Scenic cruising Sognefjord</i>	8:00AM	6:00PM	afternoon seminar late-night smoker
Mon./Aug. 5	Eidfjord, Norway <i>Scenic cruising Hardangerfjord</i>	10:00AM	6:00PM	evening cocktail reception
Tue./Aug. 6	Stavanger, Norway <i>Scenic cruising Lysefjord</i>	8:00AM	4:00PM	afternoon seminars "Night Owl"
Wed./Aug. 7	AT SEA			morning/afternoon seminars evening cocktail reception
Thur./Aug. 8	Amsterdam, Netherlands	7:00AM		



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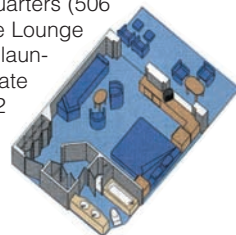
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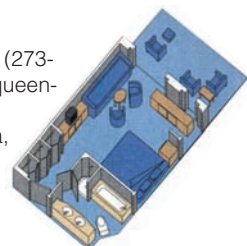
DELUXE SUITE Magnificent luxury quarters (506 sq. ft.) features use of exclusive Neptune Lounge and personal concierge, complimentary laundry and dry-cleaning service. Large private verandah, king-size bed (convertible to 2 twins), whirlpool bath/shower, dressing room, large sitting area, flat-panel tv/DVD player, mini-bar, and refrigerator.



Category SA

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SINGLE OCCUPANCY RATE: \$ 8,499

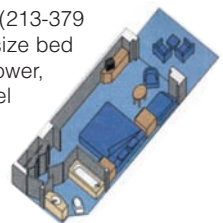
SUPERIOR SUITE Grand stateroom (273-456 sq. ft.) features private verandah, queen-size bed (convertible to 2 twin beds), whirlpool bath/shower, large sitting area, mini-bar, refrigerator, flat-panel tv and DVD player, floor-to-ceiling windows.



Category SS

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SINGLE OCCUPANCY RATE: \$ 6,299

DELUXE VERANDAH Spacious cabin (213-379 sq. ft.) features private verandah, queen-size bed (convertible to 2 twin beds), bath with shower, sitting area, mini-bar, refrigerator, flat-panel tv/DVD player, floor-to-ceiling windows.



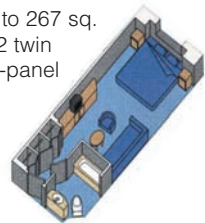
Categories VA / VB / VC

DOUBLE OCCUPANCY RATE: \$ 3,399 P/P
SINGLE OCCUPANCY RATE: \$ 5,299

Categories VZ (Similar cabin located forward or aft)

DOUBLE OCCUPANCY RATE: \$ 3,199 P/P
SINGLE OCCUPANCY RATE: \$ 4,999

OCEAN VIEW Comfortable quarters (169 to 267 sq. ft.) features queen-size bed (convertible to 2 twin beds), bathtub with shower, sitting area, flat-panel tv/DVD player, ocean-view windows.



Category C

DOUBLE OCCUPANCY RATE: \$ 2,649 P/P
SINGLE OCCUPANCY RATE: \$ 3,499

INSIDE Cozy but ample cabin quarters (from 141 to over 200 sq. ft.) features queen-size bed (convertible to 2 twin beds), shower, flat-panel tv and DVD player.



Category J

DOUBLE OCCUPANCY RATE: \$ 2,199 P/P
SINGLE OCCUPANCY RATE: \$ 2,699





point. The political atmosphere of 1856 was very much like that of 2012. The caning happened during a presidential-primary season amid mutters of “secession,” and the principals represented the same North-vs.-South polarization we see today.

A Boston intellectual whose friends included Thoreau, Longfellow, and Emerson, Charles Sumner stood six-foot-four and was as handsome as a leading man, but he was far less imposing on the inside. Unable to please his impossibly demanding father, he overcompensated with a pose of superiority and a resolve never to let his mask crack. His lack of “imagination, wit, and a sense of humor” was noted by Oliver Wendell Holmes. “He was totally put off-balance by good-natured banter,” said one friend, “and when anyone tried to joke with him, his expression was one of total astonishment.” He was especially afraid of being trapped at parties by well-bred, sophisticated women who were good at small talk. Whenever his friends saw him in such situations, they made bets on how long it would take him to extricate himself.

As paternal rejection continued to eat away at his grandiose self-image, he was drawn to politics as a route to the acceptance and recognition he

craved. One of the last of the moderate Whigs, he was anti-slavery and, as a Free Soiler, he was against the extension of slavery, but his supporters felt that his aristocratic, statesmanlike demeanor would mollify the South. The northern electorate was almost solidly composed of “Union men” who dreaded the possibility of secession, and Sumner was considered representative of this opinion when he was named to the Massachusetts Senate seat recently vacated by Daniel Webster (who had famously sworn, “Liberty and Union, now and forever, one and inseparable”).

Sumner was lucky that senators at this time were chosen by state legislatures, because he never could have won a popular vote. “Brilliant in some ways, he possessed little in the way of street smarts and instinctual savvy,” writes Puleo. “The inspirational music of Sumner’s anti-slavery message was often drowned out by the tone-deaf insolence of its messenger. . . . His language, at once stinging and eloquent, roiled the chamber with a rancorous turbulence.” But Sumner, consumed by a driving need to hurl invective to assuage his buried resentments, was “oblivious to the wounding power of his venomous words.”

The inspirational music of his anti-

slavery message changed keys when he abandoned statesmanship and its compromises for the radical stance of abolition. It did not seem so radical to Sumner, because it was also the stance of his progressive, liberal friends, including Ralph Waldo Emerson, who praised John Brown as “the new saint . . . awaiting his martyrdom, and who, if he shall suffer, will make the gallows glorious like the cross.”

The abolitionists demanded an immediate and unconditional end to slavery without compensation to slave owners that—equally important to mercantile New England—stood to bankrupt the Yankee textile mills that spun the cotton picked by southern slaves. But Sumner, in tones of “sneering arrogance that dripped with condescension,” called the southerners and their northern supporters “Lords of the Lash and Lords of the Loom” and alienated both, savoring the image of himself as a martyr standing alone against all injustices wherever they existed.

His martyrdom of May 22, 1856, occurred after his five-hour speech against the Kansas-Nebraska Act, which let territories vote on whether to be slave or free. Sumner was already notorious for his personal attacks on public men, and his father-substitute on this occasion was the venerable Senator Andrew Butler of South Carolina, a leading supporter of the act. Butler was not present, owing to a recent stroke that had left him with partially paralyzed facial muscles—and just as well, said Sumner, who delivered his own 12,000-word speech from memory, for Butler was capable of voicing nothing but “incoherent phrases that discharge the loose expectorations of his speech.”

It was too much for Butler’s kinsman Preston Brooks. Two days after the speech, the South Carolina congressman waited for the visitors’ gallery to be clear of ladies, and then marched up to the desk where Sumner was still seated and struck him over the head with all his might. Blow after blow rained down, opening Sumner’s scalp and exposing his skull. The cane broke midway into the fray, so Brooks continued the assault with the heavy metal knob; the tall, 45-year-old Sumner made no attempt to rise and defend himself against the short, 36-year-old Brooks. The author maintains that,

while Sumner's long legs were stuck under his desk, all he needed to do was push back on his roller chair. Why didn't he? Was he *embracing* the martyrdom?

What happened next transformed slavery from a political issue to "a titanic moral struggle replete with religious overtones." Someone (we aren't sure who) collected the slivers of the broken cane and had them made into rings, bracelets, and necklaces—"like sacred relics," said the flattered but astonished Brooks—while thousands across the South sent him new canes the way today's Americans send teddy bears. Sumner, who was carried home to his Washington rooms instead of to a hospital, left a trail of blood for his friends to preserve and enshrine. His soaked frock coat was displayed to celebrities such as the former slave Frederick Douglass, who was granted permission to touch it reverently.

Southern newspapers reacted predictably, characterizing northern men as either arrogant or effeminate. "Fanatics of the male gender, and weak-minded women and silly children, are horribly affected at the thought of blood oozing from a pin scratch." "Cowhide the bad manners out of them and good manners into them." "They have grown saucy, and dare to be impudent to gentlemen. They must be lashed into submission." (Inevitably, one southern paper even praised Brooks's chivalry for waiting until all the women had left the visitors' gallery.) The northern reaction, while also enraged, contained a self-congratulatory note that we still hear today whenever liberal urbanites discuss the South: In 1856, the word was "barbarian"; today, it is "redneck"; but it's still the same stereotype, and there's no slavery around today to justify it. It lives on, says the author, because "both sides still believe the other does not understand their values." As Henry Ward Beecher said when he heard about the caning: "The symbol of the North is the pen; the symbol of the South is the bludgeon."

The most important result of the caning was its astonishing effect on the election of 1856. The Democrats nominated the pro-South James Buchanan and his Kentucky running mate; the Know-Nothings ran Millard Fillmore; and the new party, the Republicans, chose explorer John Charles Frémont

to run on their anti-slavery platform. The South had threatened to secede if the Republicans won, but no one expected the Republicans to get more than a token vote; yet a combination of New England "Union men" disillusioned by the caning plus the many new, less emotionally involved voters in western states and territories gave the Republicans 33 percent of the popular vote. "The Republicans have suffered a glorious defeat," said one Philadelphia editor. "They have not got a Presidency but they have got what is better—a North."

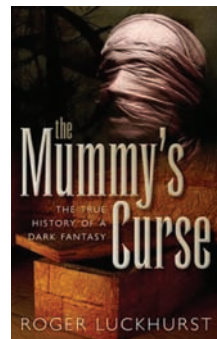
There is much, much more, but I don't have the space to go into it except to say that this is the best book I have read in years, packed with fascinating details of the kind that seldom make it into lesser works. There is Chief Justice Roger Brooke Taney, the Maryland tobacco planter who handed down the *Dred Scott* decision, and so resented northern cultural elitism that he refused to let his daughter vacation in Newport, R.I.—because, he said, "This is nothing more than the unfortunate feeling of inferiority in the South, which believes everything in the North superior to what we have." There is the U.S. attorney for the District of Columbia, Philip Barton Key, nephew of Chief Justice Taney and son of Francis Scott Key, author of "The Star-Spangled Banner," who lowered Preston Brooks's charge of attempted murder to simple assault. There is the masochism of Charles Sumner, who refused ether or chloroform when his doctor applied open flames on his vertebrae to relieve the pressure on his brain. And there is an account of Preston Brooks's sudden death just seven months after the caning episode that will make you feel as if you are watching a horror movie.

Best of all, there is Puleo's superb writing, as in his description of John Brown: "A confrontational, enigmatic Moses-like giant whose flowing beard, mercurial disposition, and anti-slavery fanaticism branded him indelibly—the deep furrowed brow, the sneering, contemptuous turned-down mouth, the lines etched in his face like dried parchment, and the cold, hard steel-blue eyes."

Don't miss this one. There's no telling whom you might find in it. **NR**

Unearthing The Uncanny

JOHN J. MILLER



The Mummy's Curse: The True History of a Dark Fantasy, by Roger Luckhurst
(Oxford, 321 pp., \$35)

THE Egyptian pharaoh Ramses III died more than 3,000 years ago, but it wasn't until December that researchers figured out how: A CT scan of his mummified corpse revealed a slashed throat. Ancient papyrus documents had spoken of an assassination plot led by one of his wives in what scholars call "the Harem Conspiracy." Yet the historical record neglected an important question: Did her scheme succeed? Nobody knew. Even now it's still a mystery, though the big gash in the pharaoh's neck may be a clue.

The fate of Ramses III brings to mind a line from *The Mummy*, the 1932 film starring Boris Karloff. In an early scene, an archaeologist gazes upon the remains of Imhotep, a long-dead Egyptian priest: "Looks as though he died in some sensationally unpleasant manner." He didn't die in the conventional sense, of course. Imhotep revives and begins to make life sensationally unpleasant for those around him.

That's the thing about mummies: They wake up cranky. As surely as Halloween mummies wrap themselves in toilet paper, every mummy tale comes with a curse—the enduring cliché that disturbing the eternal slumber of embalmed Egyptians is a rotten idea. They terrorize the mortals, taking their sinister place as familiar horrors alongside vampires, werewolves, and witches. The difference

is that, unlike their monstrous brethren, revitalized mummies don't emerge from traditional folklore: They're a modern invention. In *The Mummy's Curse*, Roger Luckhurst examines their origin and evolution with impressive thoroughness.

Just as Mesoamerican scholars spent much of last year explaining that the Maya didn't really believe that the world would end on the winter solstice of 2012, Egyptologists have pointed out for decades that Ramses III and his contemporaries didn't really scrawl threats on the doors and walls of their tombs. These warnings are a fiction—"a later cultural imposition," as Luckhurst puts it. Yet it would be wrong to condemn the whole phenomenon as artificial, because it grows organically from the 19th-century British encounter with Egypt, the rise of science, and the power of supernatural thinking. Although mummies and their curses may not be folklore, they have become tradition.

The British Museum took in its first mummy in 1756, but it wasn't until after the French surrender of Egypt in 1801 that the relics of the Nile began to pour into London. They included the Rosetta stone, which the Frenchman Jean-François Champollion deciphered in 1822, as well as countless other items that wound up in private collections and the semi-public museums known as cabinets of curiosities. By the 1830s, mummy unwrappings had become spectacles of infotainment—a bit like the recent research into Ramses III, which was partly funded by the Discovery Channel. As "mummymania" spread, it encouraged peculiar behavior. The tenth duke of Hamilton, who died in 1852, ordered his body to be mummified, placed in an ancient Egyptian sarcophagus, and buried on his Scottish estate. An obituary in the *Times* commented that he wasn't known for much else.

"Egyptology" became a word in 1859, as scholarship into ankhs, hieroglyphics, and cat goddesses matured. Yet the field also acquired its permanent doppelgänger: occultism. Forerunners of New Age nonsense prattled on about forbidden knowledge and psychic investigation. Before long, the writers took up their pens. In 1869, the American Louisa May Alcott, best known as the author of *Little Women*, wrote "Lost in a Pyra-

mid," a short story that is one of the world's first mummy-curse shockers. Soon everyone was doing it. Arthur Conan Doyle set aside Sherlock Holmes to write "Lot No. 249" and "The Ring of Thoth." The most popular writer of the era, H. Rider Haggard, filled his books with Egyptian mystique. For a while, Bram Stoker's famous vampire faced stiff competition from the Egyptian undead: Richard Marsh's 1897 novel *The Beetle* initially outsold *Dracula*, which came out the same year. In 1903, Stoker issued *The Jewel of the Seven Stars*, his own mummy novel. Luckhurst explains the appeal: "Supernatural fictions achieve their best shivery effects when they rely on a penumbra of uncer-

SMOOTH AS A WHISPER

The North Star,
being the one around which
the others appear to circulate,
is the one by which
we actually navigate,
and have for millennia.
A deep-seated awareness
of thunder in the distance
will not bring the storm.
It could go elsewhere.
Our understanding of the still point
is always caught up
with the time when
the storm comes;
it is where the mind goes,
it is what we remember.
When the storm goes elsewhere,
we forget.
The mind that thinks upon the infinite
will ever be caught up in experience,
limited and colored, yet no less true.
The life we live
is driven by the arrow of time,
is colored by its spinning feathers,
holds the secrets of its shaft,
bears its own point of truth,
and feels the gravity
of its passage
in the endpoint we call death.
There are, after all, so many stars;
the pattern of the archer
moves slowly with them
as an ancient truth of legend,
and the clouds, smooth
as a whisper, have moved on.

—WILLIAM W. RUNYEON

tainty between fact and fiction, Gothic fantasy and archaeological knowledge."

The literature may have been sensational, but so were the supposed cases of real-life hauntings. Luckhurst recounts episodes involving socialite Thomas Douglas Murray, journalist Bertram Fletcher Robinson, and adventurer Walter Herbert Ingram. They meddled with mummies and misfortune befell them, according to the Victorian and Edwardian rumor mill. The granddaddy of all mummy-curse legends was born after Howard Carter opened King Tutankhamun's tomb in 1922. Carter's patron, Lord Carnarvon, soon died. So did railroad magnate George Jay Gould, who succumbed to a fever he purportedly contracted on a tour of Tut's burial chamber. Death also paid visits to Carnarvon's brother, a radiologist who X-rayed Tut's sarcophagus, and the governor general of Anglo-Egyptian Sudan. People debated whether it was a curse or just a series of coincidences.

In 2002, the *BMJ* (formerly known as the *British Medical Journal*) surveyed Westerners who entered Tut's resting place in the three years following its discovery. It turns out that they lived to an average age of 70, and that there was no evidence of a "significant association between exposure to the mummy's curse and survival." Perhaps Edgar Allan Poe was on to something when he came up with a satiric name for the only mummy he ever put into one of his stories: Allamistakeo.

The urban mythology was just a case of confirmation bias: Whenever something unusual happened that could be tied to Tut, it provided more proof for those determined to believe the fantasy. The fact that a leading academic publication looked into the matter at such a late date, of course, is a tribute to the power of the mummy's curse in the popular imagination.

The debunkers perform a service, but they're also killjoys. An antiseptic faith in the ability of science and rationalism to solve every riddle robs us of one of life's great pleasures: mystery. In a 1921 poem, W. B. Yeats announced, "I have mummy truths to tell / Whereat the living mock." If nothing else, taking a close look at the mummies can teach us important truths about ourselves.

NR

Film

Movie Crazy

ROSS DOUTHAT

OVER a lifetime of moviegoing, I've seen more heartwarming flicks about the mentally ill than I care to admit, but until now I'm not sure I had ever seen one where the main character seemed like he might have been based on the director. Artistic motives are a complicated thing, and maybe something else attracted David O. Russell to the script for *Silver*

afar by going back to basics—living with his parents in the Philadelphia suburbs, getting in shape by jogging every day, and reading his way through the classic novels that she teaches to her high-school students.

This story somewhat parallels Russell's own career, which began with promising independent work, crested with 1999's brilliant Gulf War movie *Three Kings*, and then was nearly undone by his own demons and anger problems. Russell was a nightmare on sets, screaming at cast and crew alike: He nearly had a fistfight with George Clooney, his star on *Three Kings* (Clooney called the filming "without exception, the worst experience of my life"), and after his vicious rant at Lily Tomlin during the making of 2004's *I*

the hero is actually unbalanced, which lends the early part of the movie a stronger crackle of unpredictability but makes its happy ending feel a little bit more forced. The mental instability isn't confined to Cooper's Pat; it predominates among the nominally sane as well. His father, played by Robert De Niro, is a part-time bookmaker whose gambling looks like an addiction and whose Philadelphia Eagles fandom is shot through with OCD. Pat's best friend, Ronnie (John Ortiz), is barely holding it together as he tries to live up to his chilly wife's expectations and his new baby's demands. And his love interest, Tiffany, is a head case in her own right: Played by Jennifer Lawrence, the satin-cheeked star of *The Hunger Games*, she's a cop's widow who dealt with her husband's death by sleeping with every man who would have her (and some women), and who falls into a deeper relationship with Pat (and persuades him to become her partner for a dance contest) only because he's too obsessed with winning back his wife to respond to her sexual advances.

That's a lot of madness or near-madness to spin into a happy ending, and the strain of getting there ultimately shows. *Silver Linings Playbook* intends to be a crowd pleaser, and in a barren period for romantic comedies it's nice to see the movie-star chemistry between Cooper and Lawrence supplemented with strong supporting performances and Russell's spiky, clever script. But the first act, in which craziness eclipses happiness, does its work too well: While I enjoyed the movie's arc, I never quite believed that the characters' personal problems could actually be conquered by the gimmicks that the script falls back on in the second and third acts.

The best scene in *Silver Linings Playbook* comes relatively early, when Pat and Tiffany have their first night out together, and their respective pathologies unite to create an epic, dishes-smashing, all-too-public disaster of a date. It's a rawer and more authentic moment—and one that's truer, alas, to the realities of mental illness—than the Hollywood business of bets and dance contests that ultimately brings and keeps the couple together. And its presence in this movie is a reminder that while squareness and conventionality may have saved David O. Russell from career oblivion, he knows more about darkness than his last two movies would suggest.

NR



Bradley Cooper and Jennifer Lawrence in *Silver Linings Playbook*

Linings Playbook, which has become this year's entrant in the Oscar bracket reserved for quirky, low-budget character studies. But the parallels between Russell's Hollywood career and his protagonist's trajectory are part of what makes the movie interesting.

Bradley Cooper plays Pat Solitano, a high-school teacher who catches his wife in flagrante delicto with a fellow pedagogue, beats his cuckold savagely, breaks down, and lands in a mental institution. When he emerges eight months later, he has a shrink, a restraining order, medication, and a plan—the “look on the bright side” attitude that gives the movie its cumbersome title—to keep his rage in check. That optimism convinces him that he can save his marriage, and even though he isn't allowed by law to see his wife, he hopes that he can win her admiration from

Heart Huckabees hit YouTube, he didn't release another movie for six years.

What saved him was a return to the simple, the straight-ahead, the conventional. Mark Wahlberg brought him on to direct 2010's *The Fighter*, a feel-good, blue-collar, Boston-set boxing movie with no pretensions or indie fussiness, and it was a commercial and critical hit. Having succeeded once with squareness, Russell has gone back to the well: *Silver Linings Playbook* swaps Philadelphia for Boston, the Italians for the Irish, and a combination of dance and football fandom for boxing, but like *The Fighter* it's an old-fashioned, upbeat, relatively predictable movie in which a white ethnic guy from a wacky, sports-obsessed family triumphs over adversity, winning the love of the right woman along the way.

The difference is that in *Silver Linings*

Iron Men



RICHARD BROOKHISER

I SEE my trainer, Shawn, three days a week, and one day he told me something that had happened the last time he had been at the new Barclays Center in Brooklyn. He had been getting a soda during a game when he saw the Champ at the back of the concession, talking to a friend—not front and center, but not incognito or buffered by entourage.

Shawn's sports were football, powerlifting, and bodybuilding, but he follows all the popular ones—and everyone knows, or knew, the Champ. One of Shawn's terms of praise is "old school," and the Champ is surely that. He was the heavyweight champion of the world in the late Eighties, when he had an aura of invincibility and sheer force that lifted him above the average champion and made him a totem. He was as well known as Muhammad Ali. My wife and I were in a game preserve in southern India where the guide praised the size and strength of an Indian bison—height, six to seven feet; weight, about a ton—by calling it by the Champ's name. His fall was almost as spectacular as his fame, and in a way augmented it—losses; divorce; jail time for rape; dirty fighting; beggared by parasites and his own fecklessness.

Professional boxing itself is old school these days. The Champ was succeeded by some high-profile fighters, then by some obscure fighters, then by some obscure foreign fighters. Recently one of the regulars in the gym asked who the heavyweight champion of the world was, and no one knew offhand. Some Russian? What people watch instead is mixed martial arts.

But now here was an opportunity to speak to the former champion, and

Shawn was not going to let it pass.

"I don't want to interrupt," he told the two men, "but I wonder if I could talk to the Champ?" No problem, they assured him. Another one of Shawn's terms of praise is "humble," which is a general rule for living, but applies especially to people who have any sort of fame or standing. Don't be arrogant, be mindful of your admirers. One of the bodybuilders at the gym got his pro card—an arduous process, requiring years of training, thousands of dollars of drugs, and prevailing in amateur contests which are capriciously judged. After he had completed that obstacle course, Shawn told him that he would have fans, and he would have to be humble. Whatever he had once been, the Champ was now humble himself.

Shawn pressed on: "I met you before, but you probably don't remember, it was years ago."

"I have a good memory," the Champ said, interested now as well as agreeable. "Try me."

Shawn is from the Bahamas and in his early twenties he worked security at a big resort outside Nassau. The Champ was there, in his glory days, enjoying himself in the casino. Also there was a local boxer named Buster—a big deal at home, but with no skills beyond brawling. He had the personality of a brawler too, and he decided to get in the Champ's face, blustering, provocative. He thought he could be the man who slugged Liberty Valance. The Champ took it for a while, then knocked out four of his teeth. Uproar. Casino security moved in and hustled the Champ out by a side door, away from prying eyes and yakking mouths.

Twenty-five years later, the Champ remembered the episode, and even seemed to remember the guards who had helped him out. "Yeah, thank you, man," he said to Shawn. Then he thought of his punch and laughed. "I knocked his teeth out!"

No wonder the Champ enjoyed the memory. He had been minding his business when Buster picked the fight. It had been a fair fight—one on one. Although he had hurt his assailant, he had not killed or permanently crippled him (you can always get false teeth). Morality was satisfied. So was manly prowess. Life had sprung a nasty little surprise, and he had handled it himself. Best of all, there had been an audience, both astonished and admiring. Shawn at the Barclays Center was an extension of that

audience a quarter-century later. News had become history.

Officially we put less value on the physical aplomb the Champ showed than we once did. Worsting the tough guy used to be a mythic story in the biographies of leaders. George Washington did it in the Revolution, after taking command of the troops besieging Boston. Men from two regiments got into a scrap, which escalated from jeers to snowballs to biting and gouging. The commander-in-chief strode into the thick of it, grabbed the two biggest contestants by their throats, and shook them like dogs. He ended the melee, and impressed the men he led. Abraham Lincoln underwent an impromptu test of strength after he moved to Illinois as a young man, wrestling the leader of a posse of neighborhood roughs. "It was an ordeal through which all comers had to pass," one local recalled. Lincoln's opponent found he could not throw him without using a trick takedown; it ended with the two shaking hands and the tough guys becoming Lincoln's earliest supporters. *The Making of the President 1860*.

We no longer encourage such behavior. People can get hurt; there might be doctor bills, lawsuits. Who was the last president who valued his aggressiveness and actual physical strength? Probably TR, Rough Rider and big-game hunter, who spent a lifetime compensating for childhood asthma. Seventy years later Gerald Ford was both a college-football star and a combat veteran, and yet that never penetrated the public mind. Is the atavistic tug



of admiration for the man who can mix it up when he has to quite gone, though? Is the world so safe that it should be?

"Whatever happened to Buster?" I asked Shawn.

"Arrested," he said. "Later, his girlfriend shot him." **NR**

Ghost Cities

In a dispute between Hamas and Fatah, it's tempting to take the old Kissinger line re the Iran–Iraq War: It's a shame they can't both lose. But, in fact, only one side wins: In Gaza, al-Aqsa University has just announced that female students will be required to attend in proper Muslim garb from head to toe—i.e., the full body bag. At present, some still wear headscarf, trousers, and a long coat, but that's too revealing for the new Gaza, so time to get fitted for your burka, niqab, or abaya. Al-Aqsa University is funded by the Palestinian Authority—i.e., Yasser Arafat's old Fatah—but it's controlled by Hamas. The higher-education minister, Ali Jarbawi, fumed impotently from Ramallah that the new dress code is illegal and must not be implemented, but the hard men on the ground in the Gaza Strip regard him as just another irrelevant member of a shriveling personality cult for a dead kleptocrat with a taste for Aryan rent boys.

And so it goes across the region: Regimes that represented nothing but their Swiss bank accounts have fallen, and in their stead arises the only alternative—an Islam purified by decades in opposition to the secularists and distilled to a scorching 175° proof. What else is left?

Some years ago, for a telly documentary, the BBC sent the novelist Lawrence Durrell back to Alexandria, the setting of his eponymous *Alexandria Quartet*, his “prose poem to one of the great capitals of the heart.” Durrell had lived in Egypt during the war years, and did not enjoy his return. “The city seemed to him listless and spiritless, its harbor a mere cemetery, its famous cafés no longer twinkling with music and lights,” wrote Michael Haag in *Alexandria, City of Memory*. “His favourite bookshop, Cité du Livre on the rue Fuad, had gone, and in others he found a lamentable stock.”

Only on the Western fringe of the Ummah, in a few Moroccan redoubts, can you still discern the flickers of the way it was. Otherwise, to anyone who knew the “Muslim world” of the mid–20th century, today's Maghreb and Levant are dull places, drained of everything but Islam. And Durrell was returning in 1977: Another third of a century on, and Alexandria's stock is even more lamentable. Indeed, his cast of characters would be entirely bewildering to contemporary Alexandrians: an English writer (of course), a Greek good-time girl, a homosexual Jew, a wealthy Copt. In the old days, Alexandria bustled with Britons, Italians, and lots and lots of Greeks. All gone. So are the Jews, homo- and hetero-, from a community 50,000 strong down to some four dozen greybeards keeping their heads down. I got an e-mail a year

or so back from the great-grandson of Joseph Cattai, a Jew and Egypt's finance minister back in the Twenties: These days, the family lives in France—because it's not just that in Egypt a Jew can no longer be finance minister, but that in Egypt a Jew can no longer *be*. Now, in the absence of any other demographic groups to cleanse, it's the Copts' turn to head for the exits—as in Tripoli and Benghazi it's the blacks'. In the once-cosmopolitan cities of the Arab world, the minority communities are confined to the old graveyards, like the rubbish-strewn Jewish cemetery of broken headstones, squawking chickens, and hanging laundry I wandered through in Tangiers a while back. Islam is king on a field of corpses.

Nowadays, for the cosmopolitan café society Durrell enjoyed, you have to go to the cities of multicultural Europe, where “diversity” is not a quirk of fate but the cardinal virtue. At Westminster, the House of Commons has just voted in favor of same-sex marriage. Almost simultaneously, a group calling itself the Muslim London Patrol posted a YouTube video of its members abusing a young man for “walking in a Muslim area dressed like a fag.” Another Londoner is made to empty his beer can: “No drink in this area.” An insufficiently covered woman is warned, “This is not so Great Britain. This is a Muslim area.”

The “moderate Muslim” Maajid Nawaz writes in the *New York Times* that his youthful European-born coreligionists, back from Islamic adventuring during the Arab Spring, are anxious to apply the lessons learned abroad. The Danish group Kaldet til Islam (Call to Islam) has introduced “Sharia-controlled zones” in which “morality patrols” of young bearded men crack down on underdressed and bibulous blondes. In the Balearic Islands, Muslims took against the local meter maids, and forced the government to withdraw them. In Dagenham, 20-year-old Naomi Oni, a black Londoner, suffered horrific burns after a woman in a niqab hurled acid in her face. She was returning home from her job at Victoria's Secret. Not secret enough.

Meanwhile, the BBC reports that February 1 was the first World Hijab Day, in which non-Muslim women from 50 countries took a stand against “Islamophobia” and covered themselves to show how much they objected to society's prejudice against veiled women. From Gaza to Alexandria to Copenhagen to London, I don't think we'll have to worry about that. As Balthazar, Durrell's homosexual Jew, muses, “Narouz once said to me that he loved the desert because there ‘the wind blew out one's footsteps like candle-flames.’ So it seems to me does reality”—for the footsteps of Copts in Egypt, meter maids in Majorca, and Victoria's Secret clerks on the streets of the East End.

NR



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



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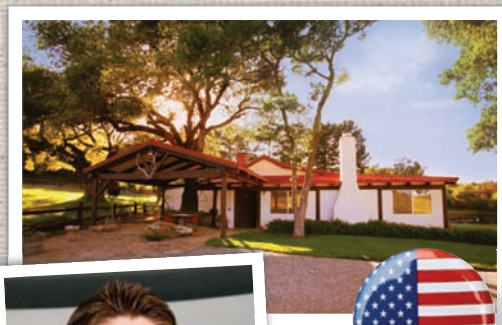
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