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Contents

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GOLDBERG: The Shrine of FDR . . . p. 18

COVER STORY

Twelve Zeroes

Page 26

In Washington, some strange new Zimbabwean unit seems to have been introduced between the election and the inauguration: No matter how many zeroes you stick on the end, the next guy will always add a couple more. *Mark Steyn*

THOMAS REIS

ARTICLES

FEATURES

BOOKS, ARTS & MANNERS

SECTIONS

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NATIONAL REVIEW

JANUARY 26 ISSUE; PRINTED JANUARY 8

Letters

Loaded History

Kevin D. Williamson repeats a couple of myths in his review of *American Rifle: A Biography* ("Politics in the Round," December 15). One is that the colonists fought the British with hit-and-run tactics; true to a point, but the major battles of the Revolution were in fact fought on the European model. Only Cowpens, and possibly Kings Mountain and Saratoga, might be considered exceptions. Cornwallis did not surrender to buckskin-clad riflemen lurking in the underbrush (er, I mean, taking intelligent advantage of available cover).

The other is that the long rifle was originally named for where it was going, Kentucky. It was not called the Kentucky rifle, as far as I know, until the early 19th century. Up until then it was a Pennsylvania rifle.

Charles Knapp
Carson City, Nev.

KEVIN D. WILLIAMSON REPLIES: Tell it to Daniel Boone.

Practice What You Preach

I'm just curious. NATIONAL REVIEW supported the "nuclear option"—a move to end a filibuster with a simple-majority vote, rather than a three-fifths majority as is normally required—when the Republicans had 55 votes in the Senate and Democrats tried to block Bush's judicial nominations. Now that the Democrats will have 58 or 59 votes in the Senate, will it continue to do so?

Phil Houston
Via e-mail

THE EDITORS REPLY: The Constitution hasn't changed, so we still consider the nuclear option a constitutional move. Just as you expect consistency from us, however, we expect consistency from Senate Democrats—and if they're consistent, they won't employ the technique.

Feigning Civility Is a Waste of Time

I take issue with one comment regarding Ann Coulter in Kevin D. Williamson's critique of the book *Media Madness*, by James Bowman ("Biased and Bonkers," October 20). Williamson laments Bowman's praise of Coulter for her being "daringly outspoken."

She is that indeed, and therein lies her popularity. Many of us are sick of the elitist tactic of feigning kindness and civility in the face of rabid hatred and vitriol coming from the left, because we see this civility as driven by political correctness rather than honor. Daring outspokenness is a hell of a lot more real.

Also, the particular episode that Bowman chose to showcase Coulter's bravery was an excellent example of how to handle the media. When a BBC commentator asked her if she would "withdraw derogatory comments she made about 9/11 widows," her response was, "No . . . [but] quote me accurately. I didn't write about the 9/11 widows. I wrote about four widows cutting campaign commercials for John Kerry and using the fact that their husbands died on 9/11 to prevent anyone from responding." That kind of comeback is why Coulter has such a broad following.

Sylvia Thompson
Spring Hill, Tenn.

KEVIN D. WILLIAMSON REPLIES: Feigning civility is a waste of time. Practicing civility is not. If we're not to conserve civility, what is it we conservatives are conserving?

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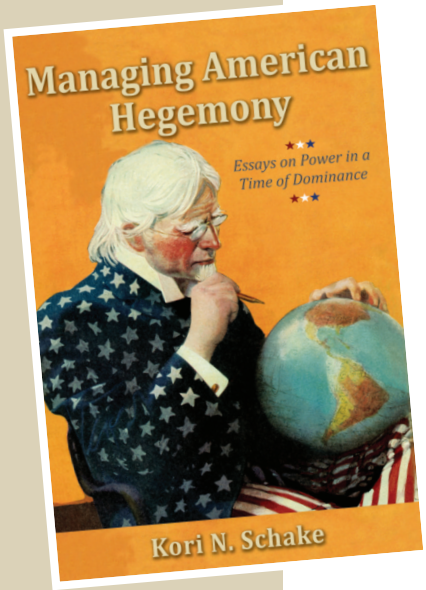

Managing American Hegemony

Essays on Power in a Time of Dominance

BY KORI N. SCHAKE

Schake examines key questions about the United States' position of power in the world, including Why is the United States' power so threatening? Is it sustainable? Does military force still matter? How can we revise current practices to reduce the U.S. cost of managing the system? What accounts for the United States' stunning success in the round of globalization that swept across the international order at the end of the twentieth century? The author also offers suggestions on which issues the next president should focus on to build an even stronger foundation of U.S. power.

She concludes that the United States has succeeded internationally for reasons deeply rooted in the political culture of the country, namely, tolerance of risk and failure, veneration of individual initiative, encouragement of immigration, fewer constraints on social and economic mobility than most other countries, and—critically—a malleable, absorptive definition of itself.

Kori N. Schake is senior policy adviser to the McCain campaign. She is on leave from being a research fellow at the Hoover Institution and the Distinguished Professor of International Security Studies at the United States Military Academy at West Point, New York.

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The Week

■ If Harry Reid is so worried about being embarrassed by new senators, shouldn't he keep Al Franken out?

■ With the Fed having done all it safely can to stimulate the economy—perhaps more than it safely can—President-elect Obama is proposing that Congress pass a $1 trillion stimulus. He wants that figure to include $300 billion in tax relief—mostly in the form of the credits he campaigned on. If Congress is willing to take that revenue hit, though, it is able to finance better tax cuts, such as reductions in the corporate-income tax and the payroll tax and increases in the child tax credit. Republicans should seize the opening that Obama has given them.

■ The recorded conversations of Illinois governor Rod Blagojevich, soliciting bids for Barack Obama's Senate seat, threatened to embarrass the president-elect. How could Venus have arisen from such a polluted local sea? Blagojevich then made his million-dollar move, awarding the seat, gratis, to Roland Burris, a comfortable old hack. Did you know Burris was black? If anyone forgets, there is Rep. Bobby Rush (D., Ill.) to remind him; Rush has warned reporters not to "hang or lynch" Burris, and accused the Senate of "plantation politics." Democrats in Illinois and nationally find themselves in this pickle because they did not want to call for a special election—Republicans might have won—yet they could not arrange Blagojevich's impeachment quickly enough. Majority leader Harry Reid threatened not to seat Burris. The Constitution may give the Senate that power, but what's the justification for using it? Nobody alleges that Burris bought the seat: pristine conduct by Illinois standards. All hail Senator Burris; *vox Blago vox Dei*.

■ "In the most popular governments," wrote John Adams, "elections will generally go in favor of the most ancient families." The Kennedys have confirmed his judgment, providing representatives, senators, and a president over 60 years. But now Caroline Kennedy wants to skip the annoying election process, and seeks to be appointed by New York governor David Paterson to Hillary Clinton's soon-to-be vacant Senate seat. She would then have to run for real in 2010. No matter that she has never run for, nor ever particularly done, anything. Her political résumé consists of being a little girl in her father's Oval Office and campaigning for Barack Obama last year. The local media have not been kind to her public appearances ("vague . . . undefined" —*New York Times*; "cringe-inducing" —*New York Daily News*). The governor would do himself, Ms. Kennedy, and New Yorkers a favor by appointing some minimally seasoned figure and letting the heiress-not-so-apparent prove herself next year.

■ Al Franken pulled 225 votes ahead of Sen. Norman Coleman in the recount of Minnesota's poll, according to the state canvassing board. The Coleman campaign believes that 150 ballots in Democratic Minneapolis were double-counted, and that some 650 absentee ballots in Republican-inclined counties were wrongfully rejected. They will take their case to the Minnesota supreme court. Conservatives have to resign themselves to the possibility that Coleman may have lost narrowly, but fair and square. Bad years happen, and 2008 was a whopper. If the people of the North Star State wish to be represented by a left-wing comedian, then they—and we—will have him for the next six years.

A Garrison Keillor Christmas
(see page 12)

ISMAEL ROLDAN

■ Until 2005, the standard biography of New Mexico governor Bill Richardson included an item about how the Kansas City Athletics drafted him as a pitcher. It turns out that this wasn't true, but nobody knew until the *Albuquerque Journal* decided to vet the story. The Obama transition team appears not to have done much vetting of the governor, either. Before Obama announced Richardson as his choice for commerce secretary, his aides apparently shrugged off a federal probe into Richardson's campaign finances. Investigators would like to know if CDR Financial Products, a California company, captured nearly $1.5 million in New Mexico state contracts because of its political contributions. On January 4, Richardson said that he no longer wanted the cabinet post. The next day, he hired a lawyer. It remains to be seen what will happen to him. For Obama, the episode is an unexpected balk.

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■ Get used to it. Jihadist demonstrators in Jakarta, enraged (this minute) by Israel's invasion of Gaza, waved a poster of Obama, with symbolic bullet holes in his forehead. When George W. Bush gave a press conference in Baghdad last month, an Iraqi zealot threw his shoes at him. This was the culmination of years of the demonization of Bush by Islamists and Muslim totalitarians (the shoe is a degrading item in the Middle Eastern wardrobe). Bush's many critics here tend to assume that he brought such hatred on himself by a variety of mistakes. They are wrong. Our enemies in the Muslim world hate us, liberals and conservatives, Democrats and Republicans, because we are Americans: because our women are free, our Jews aren't killed, and our public speech doesn't have to square with some mullah's reading of the Koran. They will hate President Obama as much as they hated his predecessor. We shall greet their new hatred with the contempt that all of us should have shown for their current brand.

■ President-elect Obama shrewdly sequenced his cabinet appointments. Early picks such as Tim Geithner for Treasury and Bob Gates for Defense established the media narrative of Obama's "centrist and pragmatic" advisers. The script has stuck even as Obama has appointed a labor secretary, Hilda Solis, who opposes free trade and the secret ballot in unionization elections; a science adviser, John Holdren, who has long associated with the discredited environmental hysteric Paul Ehrlich; and an HHS secretary/"health czar," Tom Daschle, who seeks a government takeover more thoroughgoing than what Obama proposed during the campaign. If Obama wants to lurch left, he will have the personnel to help him.

■ Obama's invitation to Rick Warren, evangelical megapastor, to deliver the invocation at his inauguration accomplishes several things and seeks to accomplish several others: *Thank you*. Warren invited Obama to an AIDS conference in 2006, and was firm but polite to him in the candidates' debate he moderated last August. One good turn deserves another. *I set my own agenda*. Obama's gay supporters howled—Warren supported Proposition 8—but the president-elect is letting everyone know that he intends to call his own tune. Enemies, and friends, take note. *The seamless garment.* Don't Christians care about an array of issues when they go to the voting booth, besides abortion? This has been a maneuver of Catholic liberals for years. Could there be a similar trend among the new generation of evangelicals? Warren probably won't fall for it, but Obama wants to float the idea. *Come unto me*. Obama wants to establish himself as a national arbiter of moral concerns, heeding us all, left and right. He wants to build a governing coalition, and a governing image, for the next four and eight years. Nice work if you can get it.

■ President Bush spoke about life after January 20: "One thing I don't want to do is stay on the stage. The spotlight needs to shift to President-elect Obama . . . because he's the president. Therefore, I won't try to get it to shift to me. And I'll be very respectful of him during his presidency." Well, that's no different from Clinton and Carter, right?

■ Remember all those reports suggesting that Hillary Clinton might have a conflict of interest as secretary of state in dealing with the foreign donors who contributed zillions of dollars to her husband's foundation? Well, the reports were right. Under pressure from all sides, the William J. Clinton Foundation made public its donor list in late December. It turns out the government of Saudi Arabia gave between $10 million and $25 million. (The disclosure did not reveal the exact number.) Government agencies in Australia and the Dominican Republic kicked in similar amounts. The government of Norway gave between $5 million and $10 million. And the governments of Kuwait, Qatar, Brunei, and Oman each threw in between $1 million and $5 million. "Also among the largest donors," reported the *New York Times*, "were a businessman who was close to the onetime military ruler of Nigeria, a Ukrainian tycoon who was son-in-law of that former Soviet republic's authoritarian president, and a Canadian mining executive who took Mr. Clinton to Kazakhstan while trying to win lucrative uranium contracts." And on top of it all, the Dutch national lottery gave between $5 million and $10 million. The disclosure solves part of Mrs. Clinton's problem; now we know where her husband's foundation money came from. But what about the conflict? A secretary of state can't exactly recuse herself from issues involving Saudi Arabia, Kuwait, Qatar, etc. It seems to us that this is a chronic problem, a mess built into Barack Obama's choice of Hillary Clinton to head the State Department. It will pop up from time to time, because it can't be resolved.

■ Charlie Rangel has ventured out from his complex of rent-controlled Manhattan apartments just long enough to get himself into another ethical soup, this time by soliciting donations from American International Group, the troubled insurance giant, and from its former CEO Hank Greenberg, who is among its largest shareholders, while considering legislation that would have given the firm millions of dollars in tax benefits. Rangel, in his usual style, was brass-faced when asked about any possible impropriety, protesting: "I can't think of one piece of legislation that impacts them, and there has never been a time that they've raised any legislation to me." That statement is false on both counts. AIG spokesman Joseph M. Norton confirms that the firm contacted Rangel directly about legislation pending before the House Ways and Means Committee, which Rangel chairs. The AIG executive who signed the letter attended Rangel's fund-raising meeting, and Greenberg's charitable foundation committed $5 million to a project that Rangel, with characteristic modesty, has named the "Charles B. Rangel Center for Public Service." Unsurprisingly, Rangel also solicited donations from Donald Trump, who shares the congressman's passion for naming things after himself.

■ Vicki Iseman, the lobbyist whose friendship with Sen. John McCain was the subject of an insinuendo-filled *New York Times* article last February, has filed suit against the *Times* for libel. While we sympathize with Miss Iseman, she faces a difficult road ahead. In the first place, the story's very lameness, its hedging and arm's-length accusations, will work to the paper's benefit. *Times* lawyers will surely attempt to portray the lobbyist as a public figure, which would make a libel suit virtually impossible to win, and during discovery they will dig up the names of every co-worker she's ever smiled at and every classmate she flirted

STEPHEN JAFFE/AFP

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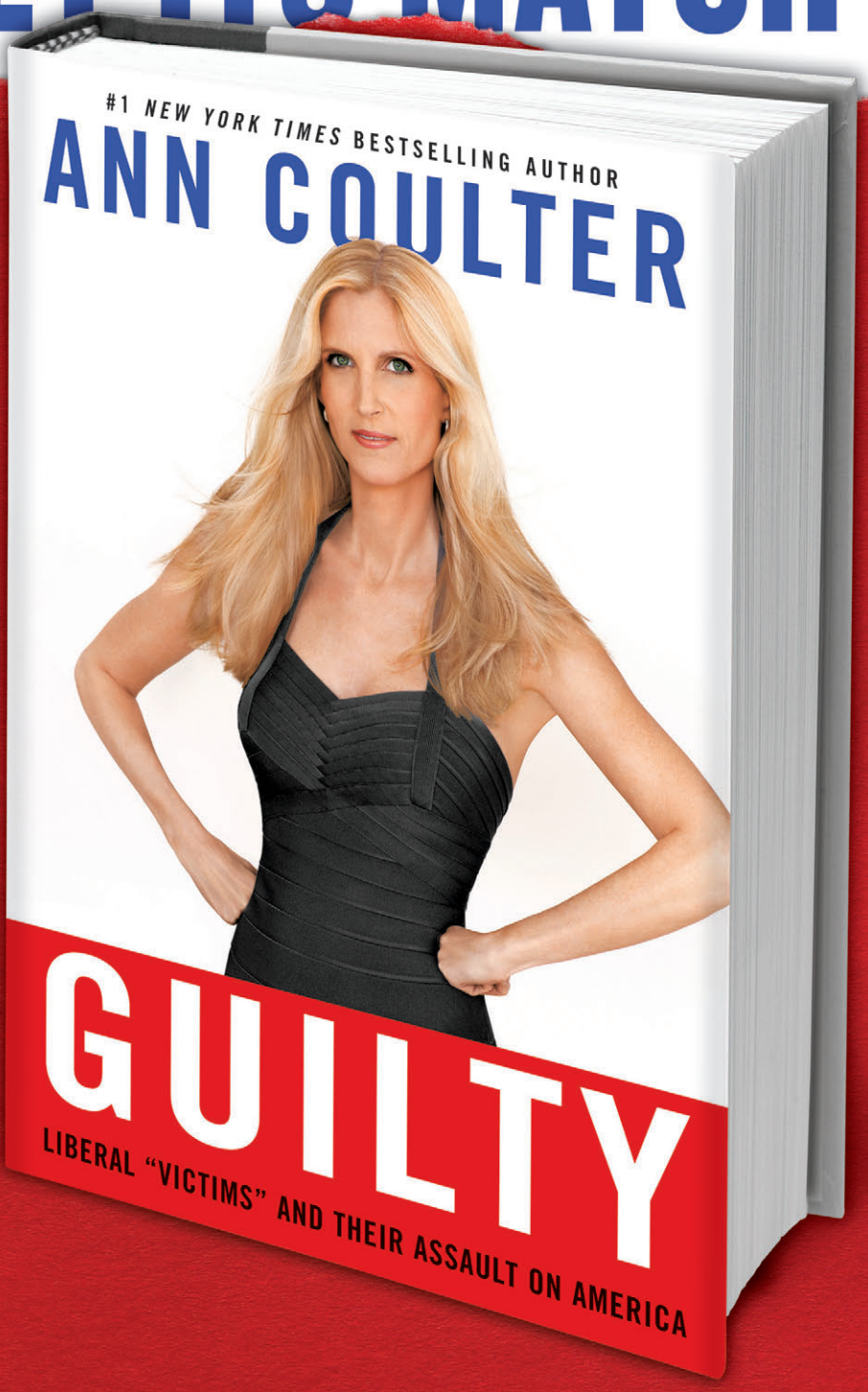

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with in high school. After all, just as the *Times* will eagerly reveal vital national-security secrets but not the ending of a movie, the paper is scrupulously respectful of people's privacy, except when violating it can embarrass the right parties. Moreover, should the case ever go to trial, no one can match the *New York Times* at slanting narratives to make Republican politicians look bad. With all this, it seems likely that the *Times* will prevail, and thus uphold its inalienable right to retail third-hand water-cooler gossip. John Peter Zenger would be proud.

■ In March 2007, the *Los Angeles Times* published an op-ed piece called "Obama the 'Magic Negro.'" Paul Shanklin, a parodist, saw the opportunity: He penned a song called "Barack the Magic Negro," to the tune of "Puff the Magic Dragon." Shanklin is associated with Rush Limbaugh, and is a friend of Chip Saltsman. Saltsman is a politico running for chairman of the Republican National Committee. For Christmas, Saltsman sent to committee members a Shanklin CD, bearing 41 tracks—including the "Barack" song. A controversy ensued. The current RNC chairman, Mike Duncan, flipped out: "I am shocked and appalled that anyone would think this is appropriate as it clearly does not move us in the right direction." One of Saltsman's rivals for the position, Kenneth Blackwell, who is black, took no offense, speaking instead of "hypersensitivity." He was right; the controversy is baloney.

■ John Taylor, former undersecretary of the treasury, is worried about the future of the Fed, and it is fit that he fret. Taylor's first concern is that the Fed has ceased conducting monetary policy—which is to say it has moved well beyond its fundamental duty to fight inflation—and has instead begun conducting what amounts to freelance industrial policy, intervening in the markets, picking

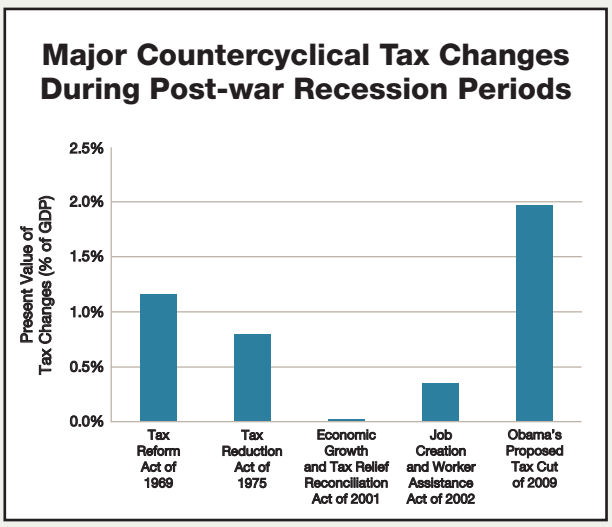
Super-Sized Stimulus

RESPONDING to fears shared by most economists that the current recession might turn into a depression, President-elect Obama pulled out all the stops in early January and proposed the mother of all stimulus packages. He would devote as much as $775 billion over the next two years to stimulus.

The proposed package consists of both spending and tax measures. The proposed increase in spending is a massive $475 billion, roughly 3 percent of GDP. In addition, a tax cut of up to $300 billion would amount to about 2 percent of GDP.

Traditionally, stimulus packages have focused on tax measures. Spending has not generally increased enormously during recessions. The massive spending increase is, then, unprecedented.

The history of stimulus has been studied by Obama's designee for chairman of the Council of Economic Advisers, Christina Romer, and her husband, David. Although taxes change over time for many reasons, the Romers' study identifies the changes that are designed to be short-term stimulus. The nearby chart compares previous tax measures with the Obama proposal as percentages of GDP.



SOURCE FOR FIRST THREE BARS: ROMER, CHRISTINA D. AND ROMER, DAVID H. : "A NARRATIVE ANALYSIS OF POST-WAR TAX CHANGES," UC BERKELEY, NOVEMBER 2008; OTHER SOURCES: *WALL STREET JOURNAL*, BEA.

The first bar on the chart is the Tax Reform Act of 1969, which gradually phased out a 10 percent income-tax surcharge, expanded the personal exemption, increased the standard deduction, repealed a 7 percent investment tax credit, and included a handful of other reform and relief provisions. It was a bit larger than 1 percent of GDP.

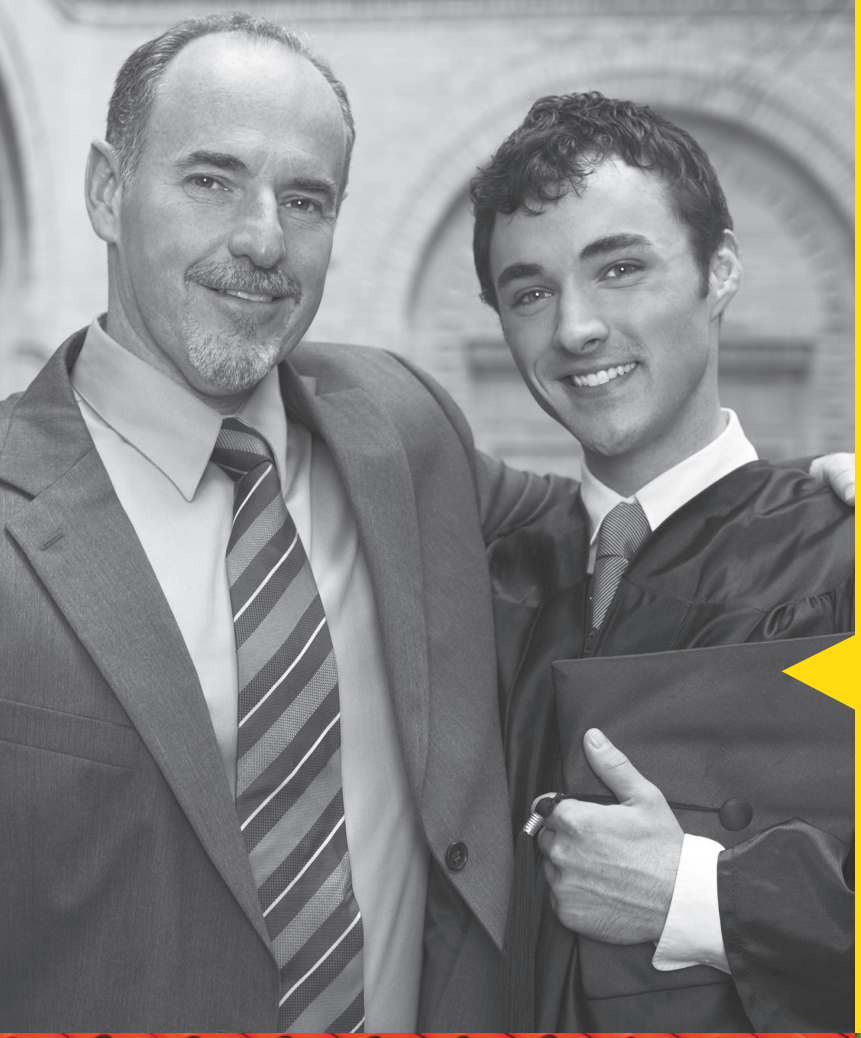
The next three measures were significantly smaller. The Tax Reduction Act of 1975 contained several temporary tax-relief provisions, including rebates, an increase in the standard deduction, new tax credits, and a temporary increase in the investment tax credit.

The Economic Growth and Tax Relief Reconciliation Act of 2001 fulfilled President Bush's campaign promise of a significant tax cut and addressed an impending economic slowdown. The bill reduced marginal tax rates and created a new 10 percent tax bracket. It also expanded the child credit, increased contribution limits for retirement plans, and reduced or eliminated the estate and gift taxes.

Just after 9/11, President Bush and Congress enacted additional tax relief designed to spur business investment. The legislation allowed firms to carry back losses up to five years and claim a bonus depreciation on new investments.

The Obama proposal is almost twice as large as the most significant stimulus bill, the 1969 act. Obama also proposes a spending increase that dwarfs anything in past cycles. One would have to go all the way back to World War II to find such drastic government action.

—KEVIN A. HASSETT



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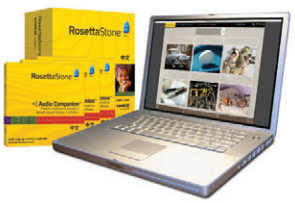

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winners and losers in a broad array of industries, and creating money to finance these ambitions. Taylor calls this by the appropriately ugly neologism *mondustrial policy.* "It's not a monetary framework," Taylor told the American Economic Association, "it's an intervention framework financed by money creation." His second concern is a consequence of the first: Between mission creep and a rapidly growing balance sheet (the Fed's holdings have trebled in recent months), the central bank is all but inviting more meddlesome management of its activities by Congress. The Fed's independence from electoral politics and its sharp focus on monetary stability are its two most desirable features. Losing the former by losing the latter would be a tragedy in two acts.

■ The Bernard Madoff scandal raises the question: What exactly is the point of the Securities and Exchange Commission? In spite of eight separate inquiries into Madoff's operations, neither the SEC nor any other regulator penetrated the financial fog that obscured the scam. It was not for want of evidence: Madoff's hedge-fund rivals eagerly fed information to regulators, and investigators determined that some branches of Madoff's business were generating returns in spite of the fact that they apparently had no clients. Financial analysts were sending the SEC letters accusing Madoff of operating a Ponzi scheme as far back as the 1990s. This evidence was available to the SEC and to the Financial Industry Regulatory Authority (FINRA), which tsk-tsked Madoff for relatively minor technical violations. As a reward for this crack detective work, Obama is naming FINRA boss Mary Schapiro to head the SEC. As much as the lumpen Left would like to characterize the Madoff scandal as a case of deregulatory excess, we note that the relevant regulation here is still very much in force: "Thou shalt not steal." The needful thing isn't better laws, but a better sheriff. It is far from obvious that the SEC is institutionally capable of performing its mission: In 2000 the agency was faced with a vacancy on its Advisory Committee on Market Information, and it filled the spot with one Bernard Madoff, last spotted free on bond and mailing a million dollars' worth of jewelry to far-flung relatives.

■ The Bush administration authorized a $17 billion rescue package for GM and Chrysler. Ford, the only one of the Detroit automakers that was not facing bankruptcy, turned down the cash. GMAC, GM's financing arm, immediately used the money to offer zero-interest financing on three models of sport-utility vehicle that were clogging up its dealers' lots, something GM's vice president admitted it would not have been able to do without the bailout. One would think that giving Ford's competitors the means to offer better deals on their cars would be unfair to Ford, but Ford prefers this state of affairs to the alternatives. The way Ford sees it, a messy bankruptcy for GM and Chrysler might have been too disruptive to the industry, while a government-backed bankruptcy that forced the creditors of GM and Chrysler to accept write-downs and their unions to accept pay cuts would have made GM and Chrysler *too* competitive. It is a sign of just how screwed up the U.S. auto industry has become that Ford's CEO actually asked the U.S. government to help its competitors limp along beside it, and it is a shame that the Bush administration acquiesced to this warped demand.

■ Democrats are intent on cultivating a mythology of torture to discredit George W. Bush's administration, and the latest epistle of their faith is Sen. Carl Levin's misleading and relentlessly partisan report, "Inquiry into the Treatment of Detainees in U.S. Custody." Contrary to the report, the Bush administration did not "redefine" detainee-treatment law; it undertook to determine precisely what the law says and whom it covers. Neither did the Bush administration negate the Geneva Conventions' Common Article 3, which requires that the prisoners it covers be "treated humanely." By definition, al-Qaeda is not qualified for Geneva protections because it is a terrorist organization. Nonetheless, the Bush administration made humane treatment of Qaeda prisoners a matter of policy. Three Qaeda captives have been waterboarded during interrogations, a practice that Congress has declined to criminalize. The abuse of prisoners is not to be tolerated—and under the Bush administration it has not been: Dozens of U.S. military personnel have been disciplined and a number tried in courts-martial. There is a world of difference between freelance wrongdoing at the hands of a minuscule proportion of soldiers at Abu Ghraib and a government policy of torture. The Democrats' attempt to conflate the two is a shameful elevation of politics over the sometimes unpleasant necessities of national defense.

■ Jerry Brown, California's attorney general, thinks that the voters have approved an unconstitutional constitutional amendment. Last year the state supreme court foisted same-sex marriage on the state. The voters undid it. Brown's legal argument is that amendments cannot take away rights granted by the state constitution—never mind that the state constitution includes no such limit on amendments, any more than it includes a requirement that same-sex marriages be recognized. The real principle underlying his brief: When it counts, the people are not allowed to amend the constitution; only judges can do that.

■ As the economy tightens up, many folks will find themselves going out less and seeking entertainment at home instead. Anyone planning to watch much TV in California, though, had better act fast: The state's lawmakers are working on a law requiring retailers to sell only the most energy-efficient television models. It would go into effect in 2011 and become stricter in 2013. Supposedly, this is a measure to save energy, but it's unlikely to be all that effective: Modern TVs use more electricity than older ones did, but they still account for only 4 percent of total usage (10 percent of the average California household's electricity bill). And with California outlawing many TVs, consumers will be more likely to order their sets from out of state. If the state truly needs to lessen the strain on its power grid, a better idea would be to raise the price of electricity. The people and businesses who could most afford to cut back would—some of them by buying appliances, including TVs, that use less energy. This would slash usage across the board, instead of for a single appliance, and wouldn't require dictating to residents what products they can own.

■ Israel's attacks on Hamas are being widely condemned as "disproportionate" since Israel has inflicted more damage than

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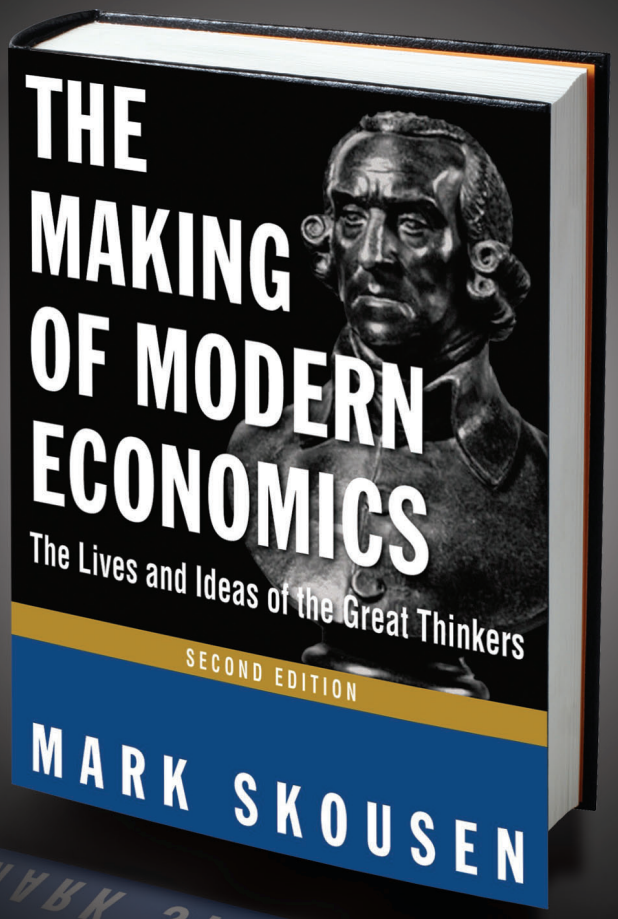

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Hamas has. The criticism is a bizarre distortion of traditional just-war theory, which requires (among other things) that military actions be proportionate to the evils they seek to prevent, e.g., the slow-motion extinction of Israel. If the new tit-for-tat standard were applied to its conduct during World War II, the U.S. would be guilty of war crimes for going beyond the sinking of Japanese ships after Pearl Harbor. So far, however, the standard has been applied only against Israel—because it is not a standard at all, just a rhetorical weapon.

■ The U.S. handed over control of the Green Zone to the Iraqis, in a historic step toward the reestablishment of Iraq as a sovereign independent state. Almost as notably, the *Washington Post* ran a front-page article declaring the war "over, at least the conflict as it was understood during its first five years." The progress in Iraq has indeed been nearly miraculous, with attacks dropping 95 percent from a year ago. But we still confront fighters supported by countries neighboring Iraq, and the Iraqi political situation—on which so much depends—remains perilous, with crucial provincial and parliamentary elections in the offing. A war doesn't end until the enemy is no longer able to operate or acknowledges defeat. Neither has happened in Iraq, even though we celebrate milestones that would have been unimaginable two years ago.

A war doesn't end until the enemy is no longer able to operate or acknowledges defeat. Neither has happened in Iraq, even though we celebrate milestones that would have been unimaginable two years ago.

■ Further signs of Russia's retreat into authoritarianism came with a December 4 raid on the offices of Memorial in St. Petersburg. Memorial is a private organization that for 20 years has been collecting data on the victims of Stalin's dictatorship. The raid was carried out by nine policemen, two of them wearing black facemasks. They spent six hours combing through Memorial's office, finally taking away with them twelve computer disks containing several terabytes of data. The data include thousands of hours of audio histories, digital versions of faded photographs, and video evidence of mass graves. Using Memorial's database, one can easily retrieve images of written denunciations by a son against his father, or hear torture-weakened voices reciting forced "confessions" that implicate family members or colleagues. Most of the data are backed up, we are told, but some may have disappeared irretrievably into the apparatus that generated them in the first place—the ravenous, apparently unkillable beast that is Russian state power.

■ In the 1950s, Cuba was one of the better-off Latin American countries. It had a dictatorship, like so many other countries in the region (and world). That dictatorship was neither the best nor the worst. It was overthrown by revolutionaries led by Fidel Castro, and they promised freedom and democracy. They delivered one of the most brutal Communist police states we have known. Castro's democratic-minded former comrades either fled or were imprisoned. Soon, Castro hosted Soviet missiles. The United States tried to get rid of him, in various ways: We failed. Castro acquired a huge following in the West, people in free countries hailing a tyrant who ruled an unfree one. Stars and starlets sat at his feet. Armando Valladares published a Solzhenitsyn-style memoir: *Against All Hope*. Fewer people sat at his feet. The Cuban Communists are now 50 years in power. We have marked these anniversaries before: have done so for decades. When that dictatorship finally dies, we, and the Cubans, will celebrate with laughter and tears.

■ The British are good at tradition, and one of them is that Queen Elizabeth broadcasts to the nation on Christmas Day. It brings everyone together, don't you know? Britain's Channel Four likes to run an alternative broadcast; this year, Mahmoud Ahmadinejad was the star. He's the fellow who as president of Iran made a point of taking hostage 15 British sailors and humiliating them in public, and he's Gestapo-minded about Jews. That's what gets you a prime spot on British television. Speaking to the camera, Friend Mahmoud lambasted "bullying, ill-tempered, and expansionist powers." Now whomever could he have had in mind? The Left's sense of humor is at work, is it not? But the Queen and her subjects were not amused, and a cry arose to cut the subsidies without which there'd be none of this.

■ Uneasy lies the head that wears a beauty queen's tinsel tiara. Consider, for example, 23-year-old Laura Zuniga of Mexico, who was crowned Miss Hispanic America in a Bolivian pageant last October. Just a few weeks later Miss Zuniga was being paraded in handcuffs with head bowed on Mexican TV news programs, along with half a dozen males whose general appearance brought to mind the crew of a pirate ship. Miss Zuniga, it seems, is a gangster's moll, girlfriend of Angel Urquiza, a senior staffer in the Carrillo Fuentes drug-smuggling organization based in Ciudad Juárez. She was arrested while riding in Urquiza's truck in company with, according to police, two AR-15 rifles, three pistols, 633 cartridges, 16 mobile phones, and $53,000 in cold cash. The Mexican media are enjoying a field day, having dubbed the lady "¡Señorita Narco!" (if the crown fits, wear it, Laura), while Mexico's entire corps of criminal lawyers are falling over each other with offers to defend her. In Mexico's current state of corrupt degeneracy, the wonder is that enough honest cops were found to carry out the arrest.

■ "In the Bleak Midwinter" is one of the most beloved of English carols. It hails the coming of the Christ. But, on National Public Radio, it goes a little differently: It hails the coming of Barack Obama. At least it does on Garrison Keillor's show, *A Prairie Home Companion*. Just before Christmas, the soprano Renée Fleming did the honors. She sang, "In the bleak midwinter, at the Christmas feast, a family leaves Chicago and travels to the East, for a public mansion in Washington, D.C., in a time of trouble and

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festivity. All across the nation, sea to shining sea, people watch the passage of that family"—and so on. We don't begrudge liberals their enthusiasm, but could they try to be a little less creepy about it?

■ Once upon a time, the wire services were pretty good about reporting the facts (and just the facts, ma'am). Today, their reports read a lot like opinion columns—ones that come from the left. Here's a habitual offender, the Associated Press: "When the auto bailout talks collapsed, Sen. Bob Corker won by losing. The freshman Republican from Tennessee represented conservative Republicans who opposed the $14 billion rescue package passed by the House and saw Senate negotiations as one last chance to bludgeon organized labor before the GOP minority shrinks and Democrats expand their control of government." And AP saw one more chance to bludgeon Republicans.

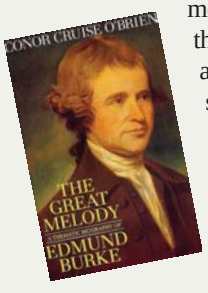
■ Our congratulations to Jim Bob and Michelle Duggar of Arkansas on the birth of their 18th child the week before Christmas. The Duggars are now the proud parents of ten sons and eight daughters, their eldest almost 21. Conservative Baptists, the Duggars take the straightforward view that children are gifts from God, to be welcomed in any numbers. Their kids are all homeschooled, and the Duggars live debt-free on rental income from commercial property they own outright. With food bills at $3,000 a month, it probably helps that they now have their own reality TV show. Not the least reason to speak up for the Duggars is to counter the gross vilification they have come in for from leftist anti-natalist commentators on the Internet, some of whom seem to be personally offended by this family's private arrangements. "Litter" is among the milder of the terms bandied around by the Duggar-haters. Well, the hell with *them*, and good luck to Jim Bob and Michelle; and welcome, little Jordyn-Grace Duggar, to a world in which truth ever vies with falsehood, beauty with ugliness, and good with evil. May your life be filled with truth, beauty, and goodness.

■ Actress Nicole Kidman has just made a movie about Australia. On a German TV talk show to promote the movie, Ms. Kidman was handed a didgeridoo—a crude wind instrument favored by Aborigines down under. She obligingly played a few notes. Alas, this well-intentioned venture into multiculturalism soon boomeranged on Ms. Kidman, as such gestures so often do. The didgeridoo, you see, is a *male* instrument. A female who plays it not only outrages Aborigine sensibilities, but renders herself infertile. Aborigine cultural leaders convened a kangaroo court to condemn Ms. Kidman—who, had she paid more attention to the news, would be better attuned to the multicultural minutiae of her homeland. A few months before Ms. Kidman's German misadventure, the book publisher HarperCollins had to apologize to Aborigines for including a section on how to play the didgeridoo in *The Daring Book for Girls*. It has removed that section from subsequent editions of the book. So many ways to give offense in a multicultural society! So many people ever poised to *take* offense!

■ Paul Michael Weyrich is dead at the age of 66. He was one of the conservative movement's great institution builders. A native of Wisconsin, he was inspired by the presidential campaign of Barry Goldwater and soon moved to Washington, where he made his career. In 1973 alone, he became the first president of the Heritage Foundation as well as a founder of two other enduring organizations: the American Legislative Exchange Council, which coordinates right-of-center state legislators, and the Republican Study Committee, a conservative redoubt on Capitol Hill. He went on to give birth to the Free Congress Foundation and, in the 1990s, to National Empowerment Television. Weyrich had a strong pessimistic streak—coupled, thankfully, with an optimism of the will. R.I.P.

■ Avery Cardinal Dulles, S.J., was in some ways an emblematic figure of the American Century. A scion of the WASP elite—he was the son of Eisenhower's secretary of state, the great-grandson of Benjamin Harrison's, and the grand-nephew of Woodrow Wilson's; not to mention the nephew of JFK's CIA director—he lost his Protestant faith and became, in turn, an agnostic and a Catholic. He was a brilliant theologian, whose 1974 book *Models of the Church* was used by Catholic colleges to teach liberal Catholicism to their students—and whose many other writings have served to reinvigorate conservative Catholicism in the years since. His contribution to the restoration of orthodox Catholic theology was greatly appreciated by Popes John Paul II and Benedict XVI. In 2001, John Paul named him a cardinal; last year, Benedict took time during his U.S. trip to pay the ailing scholar a personal visit. Perhaps the best introduction to his work is the 2008 collection *Church & Society: The Laurence J. McGinley Lectures, 1988–2007*. Avery Cardinal Dulles, dead at 90. R.I.P.

■ The career of Conor Cruise O'Brien, the Irish writer/politician, broke into two halves. In the Fifties and Sixties, as a diplomat and man about the global village, he pushed a neutralist line at the U.N. and worked to no good effect with African despots (Patrice Lumumba, Kwame Nkrumah). Coming home again took him in a new direction, as a scourge of sentimental and murderous Irish nationalism. In his seventies he wrote *The Great Melody*, a biography of Edmund Burke. The lessons he drew from 20th- and 18th-century politics were the same: People, whether Irish Protestants or anti-revolutionary Frenchmen, must not be coerced into grand visions they do not share. When the forces of nationalism or enlightenment forget liberty, they shed blood. His interests turned to early American history; he was working on a study of the Washington administration when he died. NATIONAL REVIEW was pleased to publish some of the fruits of his later years. Dead at 91. R.I.P.



■ Samuel P. Huntington was not afraid of controversy. Serving on the Harvard faculty for almost six decades, the distinguished political scientist was a member in good standing of the mainstream academic elite. But in the early 1990s, when post–Cold War euphoria about "the end of history" gripped the leadership of politics and academia, Huntington wrote of the continuing "clash of civilizations." And in the 2000s, when bipartisan political, academic, and business elites united in support of the ideal of amnesty for illegal immigrants, he raised the alarm about the negative long-term consequences of changing the character of the American people through flood levels of immigration. Both of these Huntington

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ideas will continue to be debated well into the 21st century—a fact for which we have this honest scholar to thank. Samuel Huntington, dead at 81. R.I.P.

■ Helen Suzman was probably the leading anti-apartheid politician among South African whites. She had brains, style, and guts. After apartheid fell, she was staunch against South African corruption, and against the horrors next door, in Mugabe's Zimbabwe. She once said, "I am proud to acknowledge that I am a liberal," one who adhered to "old-fashioned liberal values such as the rule of law, universal franchise, free elections, a free press, free association, guaranteed civil rights, and an independent judiciary." Yes, "liberalism" can be like that, in certain times and places. Suzman died on New Year's Day, age 91. R.I.P.

■ The playwright Harold Pinter was widely referred to as "the Shakespeare of our time" and his obituaries certainly treated him as such. In contrast, many people come out of his plays wondering if there is anything to them beyond the atmospherics of a world somehow going wrong for no very good reason. Pinter himself thought that the United States was the cause of everything going wrong, and he never passed up the opportunity to say so in very short sentences consisting mostly of four-letter words. Being rude was his medium, and swearing at American presidents a favorite recreation. If not Shakespeare, he surely had the smallest and grossest vocabulary of anyone who ever won the Nobel Prize for Literature. R.I.P.

■ You'll notice a new design of NR this issue, part of the long evolution of the magazine's look. We believe in change too! Just the incremental Burkean variety. Most significantly, we've gone to four-color printing throughout (note especially the color illustrations). We've eliminated various "rules" (or lines, for those of you who aren't graphic designers) for a cleaner, more open visual presentation. Finally, after a long run, the "Help!" section has been discontinued. We hope you enjoy the new look—and please let us know what you think.

THE MIDDLE EAST

Conflagration

ISRAEL has been extremely reluctant to respond to the aggression of Hamas, but nobody doubted that the day of reckoning would come. Since taking power in Gaza in January of 2006, Hamas has been preparing for war, training a fighting force maybe 20,000 strong, and stockpiling weaponry. A six-month truce did not stop the regular firing of missiles and mortar shells from Gaza into Israel. New and improved missiles have brought more of Israel's territory within range. The Israeli government was obliged to protect the population and national sovereignty as well.

Israeli reluctance to act was nevertheless well-founded. A peace process is supposed to be under way. But with whom? Hamas has split the Palestinians into two irreconcilable camps, with itself as victorious Islamists and the Palestinian Authority—otherwise Fatah—under Mahmoud Abbas as underdogs and secular nationalists (albeit with elements as eager as Hamas to wage jihad). One of the side effects in Gaza is that Hamas gunmen are now busy murdering members of Fatah on the pretext that they are "collaborators" providing Israel with intelligence. Abbas is in the invidious position of publicly criticizing Israel while privately hoping for its complete victory and therefore the reinstating of a peace process that can only favor him and his lot of Palestinians.

RAFAEL BEN-ARI/CHAMELEONS EYE

Hamas is never going to change its belief that it has a God-given mission to destroy Israel. It is tragic that fellow Islamists are demonstrating on the streets in support of the Hamas decision to attack Israel as though it really were a divinely inspired strategy. Nowhere is this more extreme than in Tehran. The regime of the Iranian ayatollahs sees itself mobilizing the entire Muslim world in a bid for supremacy. To that end, it finances and arms Hamas with the aim of destroying Israel as an essential step toward supremacy. In that same spirit, Tehran financed and armed Hezbollah in Lebanon. The war provoked by Hamas now is an exact reprise of the war against Israel provoked by Hezbollah in 2006.

At this point the ethnic and religious divide between Shiite Iran and Sunni Arabs becomes uppermost and decisive. In the same bind as Abbas, the Egyptian president and the kings of Jordan and Saudi Arabia—all of them Sunnis—stay tongue-tied in public while hoping privately that Israel will curb Hamas and the Islamists. It is therefore not accidental that Arab governments have been unable to formulate a position about the Gaza fighting. Israel in their view is actually doing invaluable work checking Iranian imperialism.

Will there be time enough for the Israeli army to bring the campaign to a satisfactory conclusion, namely, destroying all missile stocks and so eliminating at least for the time being the means of realizing the death-dealing Islamist fantasy? Following the sad example of the earlier Israeli–Hezbollah clash, the United Nations and the Europeans are once more clamoring that Israeli measures are "disproportionate." Their idea of diplomacy is to call for a ceasefire that would only allow Hamas and the Islamists to regroup and fight another day.

Israeli reservists have been called up to defend the Lebanese border, but the good news—at least so far—is that Hezbollah has not tried to come to the rescue of Hamas. Perhaps they are bad at coordination. Perhaps they are realistic enough in Tehran to distinguish between strategy and Islamist fantasy. And perhaps, as their nuclear program moves toward completion, they are testing out the balance of forces with Israel, the Arabs, and the West.

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The Shrine of FDR

Why the Left worships there

BY JONAH GOLDBERG

'A NORMAL person," the liberal economist Brad DeLong recently pronounced, "would not argue that the New Deal prolonged the Great Depression." *New York Times* financial columnist and *Newsweek* contributing editor Daniel Gross is even more emphatic. "One would be very hard-pressed to find a serious professional historian—I mean a serious historian, not a think-tank wanker, not an economist, not a journalist—who believes that the New Deal prolonged the Depression." David Sirota, an activist-journalist, writes on the *Huffington Post*: "Every high school civics class teaches the broad truth about Roosevelt, the New Deal and how it helped end the Great Depression, and if the conservative movement has gone so off the deep end that they want to make crazy-sounding arguments that even high schoolers know are silly, then the progressive movement is in an even better position than we may have thought." And in his syndicated column, he adds that any argument otherwise is "abject insanity."

Sirota's point about high-school civics classes helps explain the vitriol. The glory of the New Deal is, for liberals, settled dogma. To question it is akin to casting doubt on geocentrism in the 14th century. Worse, it is an attempt to erase liberalism's most usable past.

Significantly, FDR has recently become more relevant and popular among "progressives" than he's been for a generation. In 2006, Nancy Pelosi reportedly said that three words prove the Democrats aren't out of ideas: "Franklin Delano Roosevelt." This revival has many causes. One is surely the rise of the "netroots" and their renewed emphasis on reviving the Democratic party as a vehicle of progress. Since the Democratic party is still for all intents and purposes a Roosevelt cargo cult, any Democratic "comeback" would be a comeback for New Dealism as well.

Another part of the explanation is surely that the New Deal has been assaulted from all sides over the last decade. Bill Clinton proclaimed that the "era of big government is over," which many took to mean the New Deal era was over. Some of the New Deal's policies—such as the Glass-Steagall Act, which regulated banking—were dramatically overhauled. And, more recently, President Bush led an effort to renegotiate the terms of Social Security that was, according to liberals at the time, tantamount to destroying FDR's "legacy." At the same time, a number of books have taken dead aim at that legacy. Jim Powell's *FDR's Folly*, Amity Shlaes's justly acclaimed *The Forgotten Man*, and most recently Burton Folsom's *New Deal or Raw Deal?* are just a few of the revisionist works intended to peel back some of the mythology of the New Deal (my own book, *Liberal Fascism*, might be included in that list as well). Such sustained attacks on an argument liberals believed they had won in the 1950s were bound to trigger a sharp counterattack from progressive antibodies.

But the most relevant and recent reason for the New Deal's resurgent popularity is that many people believe—and a dismaying number of progressives seem to hope—that we are on the verge of another Great Depression, and that therefore the times require another New Deal. Calls for a "new New Deal" are nothing new. Leading liberal intellectuals and politicians have called for one in response to, among other things, 9/11, Hurricane Katrina, and, of course, global warming. By contrast, most Americans, thanks to those very same civics classes, think New Deals are for combating economic crises, and nothing else. But the financial crisis seems finally to offer an excuse voters will accept for a massive new expansion of government. In interviews, Barack Obama has made no secret that he sees himself as picking up FDR's torch, and the press has offered nothing but encouragement on that score. Shortly after the election, *Time* magazine blazoned on its cover a doctored photo of Barack Obama as Franklin Roosevelt, complete with cigarette holder pinched in his mouth, riding around in an open-air 1930s convertible. The headline? "The New New Deal."

Hence the passion about the efficacy of the New Deal. If, as Shlaes and the other revisionists argue, the New Deal didn't help end the Great Depression, then why do the time warp? Indeed, if the New Deal didn't end the Great Depression, then why

ISMAEL ROLDAN

believe in big-government liberalism in the first place? After all, the New Deal is the creation myth of liberalism for a reason (the actual creation comes a bit earlier). FDR gathered the smartest statists in the country, and then he—and the voters—gave his Brain Trust unprecedented power to do whatever was required to crush the Great Depression. If it was all just a big Oz-like light show with FDR behind the curtain fumbling at the controls, then the claims of liberalism itself are deeply suspect.

In fairness to Sirota, DeLong, and Gross, their argument is more empirical. They rebut the charge that the New Deal "prolonged" the Great Depression by pointing to FDR's efforts to stabilize the banking system. And they're right to make that argument. Many of those efforts *did* help end the Depression, as even Milton Friedman and Federal Reserve chairman Ben Bernanke have argued. But some of those efforts didn't help. For example, it's doubtful Gross et al. would defend FDR's embarrassingly erratic and ultimately destructive behavior during the ill-fated London Economic Conference in 1933. Few would dispute that his decision to blow up the conference as a sop to protectionist Democrats helped prolong the Great Depression, at home and abroad. More generally, the apologists protest too much. Plenty of "normal" and sane people believe the New Deal prolonged the Great Depression. In 1995 a survey by Robert Whaples, published in the *Journal of Economic History*, showed that half of economists and one-third of historians agreed somewhat or entirely with the proposition that the New Deal prolonged the Great Depression.

A second point made by James Galbraith, Paul Krugman, and others is to dispute the assertion that employment didn't improve much during the New Deal. One part of this debate hinges on what years you choose as bookends. Another depends on what you mean by "employment." Amity Shlaes, using the widely adopted Lebergott–Bureau of Labor Statistics data series, does not include "make work" government jobs. The progressive economists say those jobs should count. In many respects that is a philosophical debate about the proper role of government. Certainly FDR eventually believed that everyone had a fundamental right to a job, and that there was nothing wrong with the government's creating—and the taxpayer's paying for—a job for anybody who needed one. No doubt many progressives today see little wrong with making government the employer of last resort, but this is a thorny proposition to put before voters. Barack Obama seems to understand this. In a recent video address—delivered from the "Office of the President-Elect"—Obama promised to create 3 million new jobs, "more than 80 percent of them in the private sector." (That, by the way, is up to 600,000 new government jobs.) Well, if there's nothing wrong with government jobs, why stop there?

Both these defenses are representative of the general approach of New Deal apologists: Whenever challenged, they simply change the terms of the argument. While it's certainly true that there is no consensus that the New Deal *prolonged* the Great Depression, there *is* a sweeping consensus that the New Deal *didn't end it*. The vast majority of historians and economists—including Paul Krugman—will

concede that the Great Depression didn't end until either World War II or the post-war economic boom (that's a whole other argument). In other words, only *after* FDR himself admitted he was no longer going to play the role of "Dr. New Deal" and instead became "Dr. Win-the-War" was there any real chance of ending the Great Depression. If a golfer can't hit the ball to save his life with a five-iron, but smacks the dickens out of it with a seven-iron, it's hard to see how his improved score demonstrates the effectiveness of five-irons.

Ultimately, the question of whether the New Deal prolonged the Great Depression depends almost entirely on what you mean by "*the* New Deal." When Social Security was in Republican crosshairs, liberals insisted that it was at the heart of the New Deal. Well, whatever Social Security's merits, it had nothing to do with ending the Great Depression. When partisan divisions prove inconvenient to liberals, they lament the absence of the unity and common purpose we allegedly enjoyed during the New Deal (though the 1930s were actually a chaotic and deeply divided time). When certain favored industries suffer from international competition, the New Dealers' supposed genius at economic planning is invoked; the problem there is that much of their effort on this front was a disaster. The Agricultural Adjustment Administration and National Recovery Administration, for example, were economic and moral disgraces. One would think—or at least hope—that today's progressives don't believe small businessmen should be prosecuted or jailed for trying to under-price their big-name competitors, or schoolchildren should be forced to conduct militaristic pageants in support of the government's agenda.

In fairness, people who say, categorically, that the New Deal didn't prolong the Great Depression make the same mistake as those who say it did: They assume that it's possible to determine the "natural" lifespan of the Great Depression. It isn't. Still, we can draw inferences from useful comparisons. In the U.S., the Great Depression was deeper, and the recovery from it slower, than in most industrial nations. Why did employment recover more quickly in Canada and the United Kingdom? Indeed, why was the American effort to end the Depression among the least successful of the industrialized nations? Some progressives might argue that it was because the government wasn't interventionist enough. Fine, let them argue that. But it is a very different argument from the one we usually hear about the purported success of the New Deal.

In any case, no matter how you slice it, the notion that the New Deal was a single, consistent program is nonsense. "To look upon these programs as the result of a unified plan," wrote Raymond Moley, FDR's right-hand man during much of the New Deal, "was to believe that the accumulation of stuffed snakes, baseball pictures, school flags, old tennis shoes, carpenter's tools, geometry books, and chemistry sets in a boy's bedroom could have been put there by an interior decorator." In 1940, when Alvin Hansen, an influential economic adviser to the president, was asked whether "the basic principle of the New Deal" was "economically sound," he responded, "I really do not know what the basic principle of the New Deal is."

In fact, when it's convenient, liberals usually brag about the fact that it wasn't a coherent plan at all. They praise FDR's "bold experimentation" and "pragmatic trial and error" on a colossal scale. In his famous Oglethorpe University commencement speech in May 1932, FDR himself said some of his proposed program wouldn't work—and he was right. In a recent interview with *60 Minutes*, Obama echoed this argument. "What you see in FDR that I hope my team can emulate is not always getting it right, but projecting a sense of confidence and a willingness to try things and experiment in order to get people working again."

On this point Amity Shlaes is surely onto something when she argues that bold experimentation fosters an atmosphere of uncertainty—"What's FDR going to try next?!"; "What's Obama up to now?!"—and uncertainty is not necessarily good for economic growth or employment.

Yet, again, from the liberal perspective, this misses the point entirely. Some of the New Deal surely helped, and much of it definitely hurt, they might grudgingly concede; but to get mired in such questions is to overlook the true meaning and majesty of it all. This was the first time while the country was not at war that the American people gave war powers to liberals to do whatever they thought best. That's what liberals love about the New Deal, and that's the real reason they want to bring it back. **NR**

Courts vs. Law

Why you shouldn't want an activist judiciary

BY RAMESH PONNURU

At the end of 2008, the number of states allowing physician-assisted suicide grew from one to three. There was, however, a difference in the way the two states' laws changed. In Washington, voters passed a referendum to legalize the practice. In Montana, a judge declared that the state constitution includes a right to physician-assisted suicide.

Also out West, California voters enacted a constitutional amendment to define marriage as the union of a man and a woman. That amendment came in response to a decision of that state's highest court holding that the California constitution confers upon same-sex couples a right to have their unions recognized as marriages. The amendment itself was quickly challenged in court, with the state attorney general arguing that the voters had passed an unconstitutional constitutional amendment.

In both Montana and California, then, courts have intervened on issues of profound moral consequence upon which reasonable citizens of goodwill disagree, siding with one group of citizens against the other on the basis of a claim that the state constitution actually resolves the issue in dispute. In both states, in a pattern so familiar it sometimes passes without remark, the courts came down on the liberal (or "progressive") side of that division, against the traditionalists. Indeed, the pattern is so familiar that the debate over judicial power is as stylized as the debates over the social issues with which it is so frequently entangled. Each side has slogans ready to hand.

Most traditionalists and a few progressives argue for judicial restraint in these cases. The traditionalists are wont to say that judicial policymaking ("legislating from the bench") is an

affront to democracy and to feel that they have been cheated out of a policy victory they won fairly. The progressives who ally with them on the judicial question are apt to say that judicial activism is divisive and even counterproductive.

The argument on the other side—from what we will call judicial activists, although they dislike the label—goes something like this: Constitutions typically have vaguely worded commitments for the government to respect such values as equality and (in the case of Montana) privacy. Since the courts are the chief interpreters of constitutions, it is up to them to give those "majestic generalities" (to use the phrase of liberal constitutional guru Ronald Dworkin) concrete meaning. It is their job to protect individual rights, even against democratic majorities, and even at the cost of controversy or divisiveness. Nor, they say, is such judicial action contrary to democracy, properly understood. Ronald George, chief justice of the California supreme court, wrote in his ruling on same-sex marriage that "the provisions of the California Constitution itself constitute the ultimate expression of the people's will."

While neither side's lines are entirely satisfying and both contain bits of truth, the activists' case is ultimately more misleading and far less satisfactory, serving as it does to obscure the real damage that judicial self-aggrandizement does to democracy, the rule of law, and justice.

It is true, for example, that the protection of individual rights is an important part of the work of courts. But that service follows from their primary task of upholding the law. The courts protect those rights that the law commands them to protect, such as the criminal defendant's right, guaranteed by the Sixth Amendment, to confront his accusers. Even when courts uphold laws that do not themselves directly protect anyone's rights, they are, when they are acting properly, maintaining the structure of lawfulness that is a prerequisite for the security of individual rights.

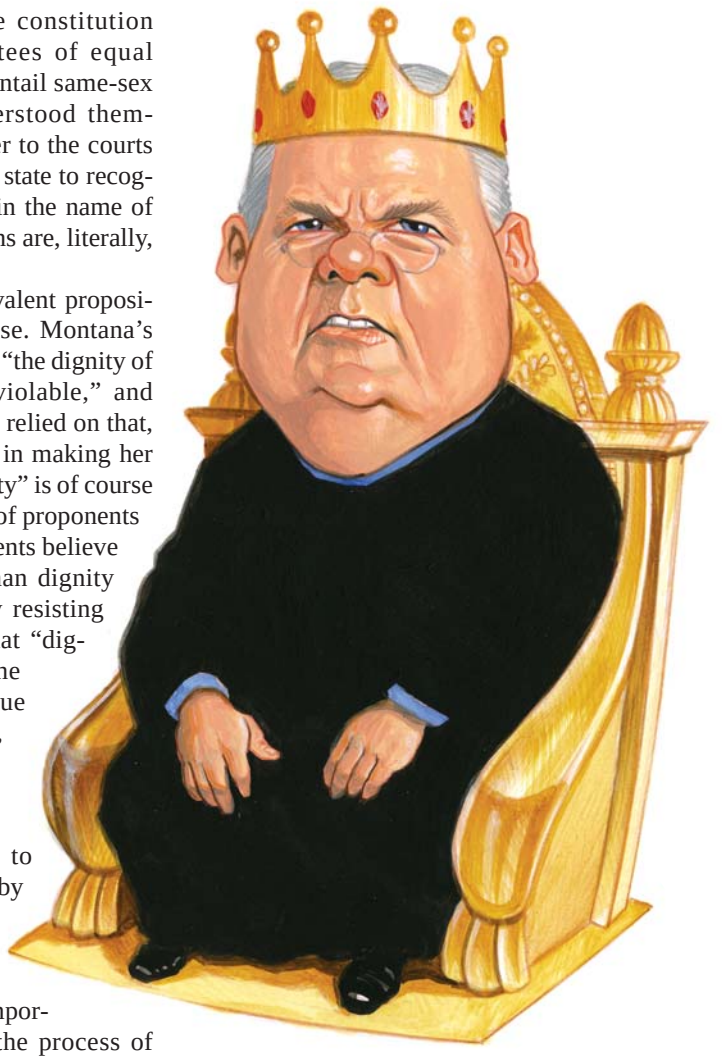
Considered in isolation, Chief Justice George's comment is true and even wise. If the Supreme Court were to set aside a law that purported to abolish the right to confront one's accusers, its decision could not reasonably be condemned as anti-democratic. The Court in that case would have vindicated the permanent, enduring will of the public, as expressed in the Constitution. There is a cliché that courts are countermajoritarian institutions. They are, at least in a democracy, better viewed as instruments by which the public sees to it that its laws are applied—which sometimes requires them to act as a check on temporary majorities of the public.

Note, however, that this democratic defense of the judicial invalidation of laws works only if the public has indeed consented to the principle the court applied—only, that is, if the public or its representatives have actually incorporated that principle into law. The chief justice's justification, that is, points toward an originalism at odds with his own decision. For it to strengthen his case, one of the following two things would have to be true: Californians who ratified their state constitution understood its guarantees of equal treatment of persons to entail same-sex marriage, or they understood themselves to be handing over to the courts the authority to order the state to recognize same-sex marriage in the name of equality. Both propositions are, literally, incredible.

So would be the equivalent propositions in the Montana case. Montana's constitution declares that "the dignity of the human being is inviolable," and Judge Dorothy McCarter relied on that, among other provisions, in making her ruling. "Death with dignity" is of course one of the catch-phrases of proponents of euthanasia, but opponents believe they are protecting human dignity (among other things) by resisting euthanasia's spread. What "dignity" means is one of the principal matters at issue between the two camps, just as what "equality" means is in the marriage debate.

Judge McCarter tries to get a handle on dignity by invoking the infamous "mystery passage" from one of the U.S. Supreme Court's most important abortion cases. In the process of reaffirming a constitutional right to abortion, the deciding three justices of the Court wrote that "at the heart of liberty is the right to define one's own concept of existence, of meaning, of the universe, and of the mystery of human life." They added that "beliefs about these matters" cannot be "formed under compulsion of the State" without doing violence to individuals' dignity.

Assuming I have correctly described the Court's argument—its writing on this occasion was quite murky—what truth it contains is not useful in guiding judicial actions. Liberty does indeed include the right to reach and hold one's own views about existential matters. But it is equally obvious that liberty does not include the right to act on the particular beliefs one holds. If you doubt this, try telling the IRS that paying taxes does not comport with your personal concept of existence. In deciding that dignity entails a right to assisted suicide, Judge McCarter is making a



ISMAEL ROLDAN

policy choice—she is quite literally legislating from the bench.

People who support judicial activism frequently say that rights should not be "put up to a vote." That formulation begs the question of what rights we actually have, which is usually a key point in dispute. But whether a government will recognize a right always depends on decisions—be it a vote of the people at the ballot box or a vote of a collection of judges in their chambers. There is no reason to expect judges to get decisions about such matters as same-sex marriage and euthanasia right more often than the citizenry as a whole. If you were designing a government from scratch, you would have no compelling reason for entrusting these decisions to judges in your constitution. More to the point, there is little evidence—from constitutional texts, for example, or the first 150 years or so of American governmental practice—to suggest that our governments *were* designed in that fashion. Judge McCarter, like the California justices, lacks both the expertise and the authority to decide these questions.

State constitutions are the source of state judges' legitimate authority, as the U.S. Constitution is for federal judges. If those constitutions are not binding on them, they can hardly be said to bind anyone else. For judges to exceed their constitutional authority is thus to strike at the root of their own power—to call into question everyone else's obligation to obey their rulings.

Note that this point would hold even if our governments were not democratic. A government that is democratic and that respects basic human rights is more just than one that does not have these characteristics, and its claim to obedience on the part of citizens, including judges, is stronger. But even a government that falls short in these respects may have a just claim on obedience. In a mostly just government, citizens, including judges, may be morally justified in disobeying a law if that law commands them to become actively complicit in committing injustice. In a radically unjust government, on the other hand, it may be morally permissible, even obligatory, for citizens to attempt to subvert it, and it might be appropriate for judges to ignore the law or make it up—for in that case a regime *of law* almost certainly would not exist.

Our governments are, in the scheme of things, fairly just and democratic, and rarely order anyone to commit injustices. The moral bar against lawbreaking should accordingly be set high, for judges and everyone else. Higher, indeed, for judges than for most people, since their lawlessness typically threatens the rule of law more than ours does and the rule of law is itself a component of justice and a precondition for it.

Judicial activism is an affront both to the rule of law and to democracy, and these are the primary reasons to oppose it. They are not the only reasons. In some cases the policy imposed by judicial activism may be unwise or unjust, and its wrongness may supply additional legitimate motives for opposition. In some cases, such decisions may cause unnecessary social strife, militate against a healthy spirit of compromise, and otherwise harm the political culture. Our laws would deserve respect even if they were wrong in taking most policy decisions out of the hands of the courts, simply because they are our laws. But there is considerable reason to think that they got it right. **NR**

People who support judicial activism frequently say that rights should not be 'put up to a vote.' That formulation begs the question of what rights we actually have, which is usually a key point in dispute.

And Global Warming Too!

Sorry, a gas tax won't solve all our problems

BY JIM MANZI

THE last several weeks have seen the emergence of a surprising phenomenon: conservative magazines and websites' promoting the idea of raising gas taxes. The theory is that if fuel becomes more expensive, we will use less of it, thereby reducing funding for hostile regimes, stimulating the development of new non-carbon technologies, and ameliorating global warming. This is said to be politically feasible right now because consumers have been habituated to $4-per-gallon gas, and the price has collapsed to about $1.65. Slapping on an extra dollar of tax would put the price at $2.65, which would have been a sensational bargain only a few months ago. These proposals typically call for an offsetting reduction in other taxes, such as FICA (Social Security and Medicare payroll taxes); hence, they are usually termed "revenue neutral" tax changes.

The basic idea is superficially appealing. After all, if we have to tax something, why not tax gasoline instead of income, and get all of these side benefits? It sounds like something as close to a free lunch as we are offered in this fallen world. But like most free lunches, it turns out to be expensive. The problems with the proposals are not chiefly philosophical, but arithmetical.

First, revenue neutrality is most likely a mirage. One major problem with trading a gas-tax increase for a reduction in payroll taxes is that FICA rates have had to rise to their current levels for compelling reasons. We would have to maintain the higher gas tax for decades in order to generate the consumption reductions that advocates argue will occur.

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But it's not likely we will be able to resist the upward pressure on FICA taxes for anywhere near that long.

In 1950, the FICA rate was 1.5 percent; by 1970, it was 4.8 percent; by 1990, it had risen to its current rate of 7.65 percent. It has been stable for about two decades, but meanwhile the programs that it (in theory) funds are in crisis. Over the next few decades, we should expect bitter political fights over changes to retirement ages and benefit levels, the restriction of access to publicly funded medical care, and other measures designed to make these programs financially stable. The FICA rate will not be insulated from this process. Remember, too, that FICA is theoretically a dedicated funding source for Social Security and Medicare. They are already underfunded. This proposal would massively reduce the collections that support these programs, which would serve to ratchet up the pressure to increase FICA tax rates, which would make the gas-tax hike a net tax increase.

Second, a $1-per-gallon gas tax is very unlikely to reduce gasoline consumption enough to de-fund our enemies or to have any serious effect on the theorized global warming.

Gasoline consumption in the U.S. has been quite insensitive to price for several decades. As an example, even the enormous price spike of this past year reduced demand by less than 4 percent. The argument of gas-tax advocates is that a long-run increase in gasoline price will create a greater response because, while it's hard to change your behavior when gas prices go up if you own an SUV and live 20 miles from work without nearby public transit, sustained high prices will lead people to move closer to work or bus stops, buy more fuel-efficient cars, and so on. This notion is surely correct, at least to some degree, but there are limits to it. Germany, for example, is something of a limit case: It combines factors that tend to lead to lower oil consumption—it has a population density higher than America's, a per capita GDP 30 percent lower than America's, and sustained gasoline taxes of *several* dollars per gallon—but it still uses a lot of petroleum.

Let's make the very aggressive assumption that a $1-per-gallon tax would reduce aggregate U.S. gasoline demand by 20 percent: Even this reduction wouldn't be nearly enough to accomplish the stated goals of the tax increase. Finished motor gasoline accounts for about half of U.S. petroleum use. The U.S. consumes about 25 percent of global petroleum. So we are talking about a reduction in global demand for oil on the order of 20 percent times 50 percent times 25 percent; in short, 2.5 percent. Ten to twenty years from now. It's not likely that President Ahmadinejad of Iran is losing a lot of sleep over the prospective volume loss such a tax could create.

Advocates argue, however, that this demand reduction might cause a collapse in oil prices. What's so surprising about this idea is that it ignores what created the actual collapse in petroleum prices in 1986 that led to almost 20 years of cheap oil. It wasn't reducing demand—it was managing supply by getting the Saudis to increase production, which was was one of Reagan's greatest, though unheralded, foreign-policy triumphs. This fact exposes, among other things, that as long as the Saudis have the capacity to act as swing producers, attempts to control prices through demand reduction will be pushing on a string. If we try to cut prices by reducing demand, the Saudis can jack the prices right back up by cutting production.

But can the Saudis continue to accomplish this, over time? The idea that the world is running out of oil is a lot less fashionable now than it was a few months ago, but most experts believe that oil will get more expensive over the course of the century as more unconventional sources need to be tapped to meet structurally growing global demand. In such a world, prices might be more subject to big swings based on demand reduction. As a very current example, uncertainty about true production capacity in the face of demand growth probably amplified the huge run-up in prices between 2004 and early 2008, and their subsequent collapse over the past few months as demand projections dropped in the face of a looming global recession. Over the next several decades, it is likely that there will be similar moments at which the ability suddenly to reduce demand could produce big price changes. But the gradual elimination of 2 or 3 percent of demand over decades would be very unlikely to do this.

"Well, you did *tell them to work within the system."*

Similarly, higher gas taxes would not be an effective means of addressing global-warming risks. Even if one accepts current global-warming forecasts, the economics of carbon taxes designed to mitigate emissions are highly unattractive. Such reductions would be wise only if the actual climate impact of carbon emissions turned out to be dramatically worse than even the outer edge of the probability distribution of current predictions. If that highly unlikely disaster came about, the amount of warming avoided by a 2.5 percent reduction in global petroleum use would not make much difference. And it's certainly not wise to base tax policy for one class of carbon emissions on what might happen in one extremely unlikely scenario.

Finally, such a tax is very unlikely to stimulate the development of new technologies that otherwise would not be created. Western Europe is a huge potential market, and its gasoline prices have generally varied between about $3.50 and $7.50 per gallon over the past decade. There is no credible prospect of Europe's radically lowering its gas taxes. How would gas at $2.65 per gallon in the U.S. induce new technologies when much higher prices in Europe do not?

In the end, the current profligacy of various bailout and stimulus programs may force the undesirable necessity of higher taxes on us. In that case, it may be that gasoline taxes will have to be increased, just like many other classes of taxation. But gas taxes won't have some magic power to cure various world ills; they will just be a way for the government to collect more money from people who drive to work every day, in order to give it to others. **NR**

Promises to Keep

And deficits before we sleep

BY JOHN C. GOODMAN

THE most important domestic-policy crisis this country faces was not discussed by either candidate in the 2008 presidential election. On the Democratic side, that is understandable. Democrats, after all, bear disproportionate responsibility for creating the problem. But the silence on the Republican side is puzzling, especially since any solution must involve individual empowerment, personal choice, and free-market incentives—core values of the GOP.

The problem: We have promises we are not going to be able to keep.

The problem starts with the baby boomers, but it doesn't end with them. This year the boomers are signing up for early retirement under Social Security. In three years they will begin enrolling in Medicare. By the time they are through, 78 million of them will quit working, quit paying payroll taxes, quit contributing to retirement programs—and start drawing benefits instead.

Unfortunately, we're not ready for them. Social Security is not ready. Nor is Medicare. Nor Medicaid. By "not ready," I mean we have made extensive explicit and implicit promises to this group, but we have put no funds aside to keep those promises. Worse, many of the baby boomers are in employer-based pension funds that are woefully underfunded. Although there is a federal insurance plan for employer pensions, it is seriously underfunded, too. About one-third of all employees work for an employer that has promised post-retirement health-care benefits. But virtually all of these promises are unfunded. And, as automotive workers are starting to find out, an unfunded promise is no promise at all.

State and local governments also have unfunded pension liabilities—$1.5 trillion worth, at last count, and that was before the market crashed. These entities also have made post-retirement health-care promises that are almost totally unfunded. We're even beginning to see local governments declare bankruptcy because of these promises—and no baby boomer has yet reached the age of 65.

To top it off, the baby boomers have made poor investment decisions in managing their 401(k) and IRAs.

Here's the bottom line: We're looking at a huge gap—a yawning chasm—between what this generation is expecting during its retirement years and what has been set aside to make those expectations a reality. I am not aware of any occasion on which the news media have captured the full dimensions of this crisis. But you can find bits and pieces in the newspaper almost every day. And if newspapers and magazines are writing about these problems, it's presumably because their readers want to read about them. So why didn't politicians talk about them during the last election?

One reason might be that the politicians have no idea what to do about the problem. Indeed, almost every health-care proposal from the Left that I can recall involves making Medicare and Medicaid even larger. That means more promises and greater unfunded liabilities.

On the Right, however, there are many good ideas consistent with small government and individual empowerment. Why not let employers help their early retirees obtain individually owned, personal, portable health insurance at group rates? Why not let employers pay whatever portion of the premium they deem affordable with pretax dollars (just as they do for their active employees)? Why not let the retirees pay their portion of the premium with pretax dollars? Why not let both employers and employees save pretax dollars in anticipation of these costs?

There. I just produced four ideas that would have a great impact on baby boomers' lives without emptying the treasury. Why isn't somebody running on that platform?

The baby boomers are just the first wave of trouble. The funding problem only gets worse over time. The Social Security trustees, looking indefinitely into the future, tell us we have promised more than $100 trillion (in present-value terms) in Social Security and Medicare benefits over and above dedicated taxes and premiums. That figure is about seven times the size of our economy. The Congressional Budget Office projects that if health-care spending trends continue, Medicare and Medicaid will crowd out every other federal program by mid-century, when today's college students reach retirement age.

Clearly this is unsustainable. We have made promises we can never keep. But what can we do about it? To answer that question, we must start by considering how we got in this mess in the first place.

There are certain economic issues that modern democracies must deal with if they are to remain viable. Significantly, these core issues have not changed in more than 100 years. They have little to do with inequality, racism, lack of diversity, poverty, or most other pet issues of the Left. The issues arise, rather, from the need to protect the middle class from risks they have difficulty insuring against on their own. For as long as there have been human societies, people have faced:

- The risk of growing too old and outliving their assets.
- The risk of dying young and leaving their dependents with inadequate resources.
- The risk of becoming disabled and unable to work and produce.
- The risk of becoming unemployed and finding there is no market for their skills.

In the past, the main way in which people insured against such risks was through families and extended families. But as we moved through the 20th century, people had fewer children, relatives became more widely dispersed, and the family became an unreliable insurance provider. The result: People turned to government.

The new government-based substitutes almost invariably reflected the thinking of the Left. That is, they involved arbitrary redistribution from one person to the next and from one generation to the next. They reliably ignored economic realities—including the need to head off perverse incentives, the need to

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save and invest today for tomorrow's benefits, and the need to allow individuals, to the greatest extent possible, to reap the rewards of their good decisions and bear the costs of bad ones.

Today there is recognition all over the world that we cannot continue with the government insurance schemes we have created. So the political challenge is to replace political institutions that don't work with private institutions that do. More than 30 countries have completely or partially privatized their pension systems. Chile has a disability system that provides roughly the same benefits as the U.S. system at half the cost, and at one-third the cost of a typical European system. Chile has also developed a partially privatized unemployment-insurance system that should be the envy of the world.

Much less progress has been made on the health-care front, other than a growing realization that private-sector competition, choice, and markets will be central to any workable reform.

In the United States, President Bush led an unsuccessful attempt to reform Social Security. But we don't have to solve the biggest problem first. At the National Center for Policy Analysis, I have been involved with four relatively small initiatives that promise to become increasingly important over time:

■ More than 12 million families are now managing some of their own health-care dollars in Health Savings Accounts.

■ More than $225 billion of retirement savings in Roth IRAs will never be taxed again.

■ Millions of baby-boomer retirees will be able to reach retirement age, receive their Social Security benefits, and keep supplying the economy with badly needed skills and services—without being penalized.

■ Future participation in 401(k)s will increase by one-third due to an NCPA/Brookings Institution proposal for automatic enrollment in diversified portfolios—producing higher and safer returns.

Each of these policy changes occurred on the Republican watch. Two of them were in the Contract with America. These are what Karl Rove calls "kitchen table" issues, in that they affect the lives of ordinary voters. A savvy Republican party would have campaigned by saying: "Here are four things we have done so far; reelect us and we will do ten more things just like them." Yet how many Republican candidates said anything close to that?

One would think that these were the types of reform most easily championed by the parties of the Right. However, in the last several decades, a number of left-of-center governments have taken power around the world and continued the process of privatization and deregulation that right-of-center governments initiated before them.

Republicans had an opportunity to make real institutional changes. To put it charitably, they blew it. Even when they did the right thing, they didn't bother to take credit for it. But despair not. I predict that if Republicans don't do the right thing, Democrats will eventually do it for them. **NR**

Twelve Zeroes

As incomprehensible sums are allocated to no particular purpose . . .

BY MARK STEYN

For Britons of a certain age, the defining moment of the pre-Thatcher years came in 1976 when the chancellor of the exchequer, Denis Healey, was forced to go cap in hand to the International Monetary Fund and seek a loan—just like any old president-for-life of one of those bankrupt banana republics dear old Bono is always urging debt relief for. But I wonder how many Brits remember the precise figure of the humungous wad of dosh Chancellor Healey so desperately needed to rescue his flailing nation?

Four billion dollars.

Bailing out a G7 economy has gotten a little pricier since those days. A billion here, a billion there, and pretty soon you're talking chump change. "Anything much less than $1 trillion," explained Rep. Lynn Woolsey the other day, "would be like trying to put out a forest fire with a squirt gun." A giant forest fire is ravaging the U.S. economy, and you're standing there waggling your $700 billion squirt gun and doing nothing but watering your toecaps. As for poor Lord Healey's $4 billion, that wouldn't cover your squirt gun's shipping and handling.

President-elect Obama is being wafted into office not so much on a tide of cash or even credit but on a spectacular reconfiguration of the bounds of language. In the old days, when a currency's value was eroded and the number of zeroes required for routine transactions risked making the regime look ridiculous, governments would revalue the monetary unit—as the French did in 1960, introducing a new franc worth 100 of the old inflation-racked ones. In America, as far as I can tell, most of us are still spending and earning the old Yankee dollar—you know, the one that just about covers the cost of a newspaper and a small cup of coffee at my town's general store. But in Washington, for the purposes of public discourse, some strange new Zimbabwean unit seems to have been introduced between the election and the inauguration: No matter how many zeroes you stick on the end, the next guy will always add a couple more.

For the redistributive class, a trillion was a psychological Rubicon: It sounds odd the first time you say it. What does it mean in the real world? The cost of everything in West Virginia named after Robert C. Byrd plus the vibrating shiatsu massage lounger and five-foot steel sculpture of migrating salmon illegally installed in Ted Stevens's Alaskan chalet? But deploy the word hither and yon, to Wolf Blitzer and Katie Couric, and after a while "trillion" trips trillingly off the tongue. So now no politician demanding immediate government action wants to come off like Doctor Evil and invite instant derision by urging some nickel 'n' dime billion-dollar boondoggle. In the bright new dawn, "ONE! TRILLION!! DOLLARS!!!" is the kind of price tag that commands respect. Congress is planning, at the time of writing, to double domestic discretionary spending. At the time of reading, I'm confident they'll have quadrupled it. The Khmer Rouge proclaimed Year Zero; for the incoming Obama administration it's the Year of Twelve Zeroes.

What is a trillion dollars? Well, it's too many numerals to fit

on your pocket calculator. But, given the accelerating obesity crisis in the United States, it's clear that many American pants could use far larger pockets. So the Obama administration will be offering tax credits to families who participate in the large-pocket impact study commissioned by the Pocket-Size Regulatory Authority. That should stimulate the economy sufficiently to stimulate someone into inventing the four-foot-wide pocket calculator that shows enough zeroes to calculate the size of the bailout. Alternatively, we could put up one of those constantly whirring electronic scoreboard thingies in Times Square. Well, okay, not Times Square. But Central Park would probably be wide enough.

And why stop there? Barry Ritholtz, author of the forthcoming book *Bailout Nation*, calculated—gosh, was it only six weeks ago?—that the tab for the bailout by November 24 was already $4.6165 trillion, which looks much more convincing because it's big but not round. It's specific to four decimal points, which sounds like they've got way down in the weeds of taxi receipts and lunch money. The media coo over Obama's "new New Deal," but, as Mr. Ritholtz pointed out, if you adjust for inflation, the combined costs of the old New Deal plus the Louisiana Purchase, the Marshall Plan, the Korean, Vietnam, and Iraq wars, and every NASA project in history—oh, and the S&L crisis—add up to a mere $3.92 trillion. Even as he was totting up his numbers, the Bloomberg news service estimated that, factoring in Citibank and a couple of other Johnny-come-latelies, the bailout bill was in fact up to $7.76 trillion—which is the combined cost of all that other stuff (Louisiana Purchase, etc.) plus the $3.6 trillion of the Second World War. John Kerry famously denounced the Republicans for "opening firehouses in Baghdad and shutting them in the United States," but not anymore: After opening firehouses in Baghdad, Saigon, Seoul, Tokyo, Western Europe, and the moon, we're now opening even more over here, to house the new fire trucks with all those trillion-dollar hoses for the raging conflagration. Obama isn't the new New Deal. He's the new everything. It seems safe to say that, adjusted for the usual government underestimates, by, oh, mid-2010 the bailout will have cost more than all of American history combined.

And by then we'll probably need a new round number. What's the name for the avalanche of dough that comes after a trillion? I asked Senator-designate Caroline Kennedy, and she said: "Cotillion?" Close enough. By 2011, we'll need a cotillion-dollar stimulus package to . . . um, "create jobs" and, er, "help middle-class families."

THAT'S the funny thing. The price tag may be unprecedented but the products are distressingly precedented. "The administration's number-one goal," said the new president, "is to create 3 million new jobs, more than 80 percent of them in the private sector." And that sounds kind of impressive—unless, that is, you're one of those capitalism-red-in-tooth-and-claw types who wonder what kind of functioning polity is so structurally decayed that it's supposed to be good news that a mere 20 percent of new jobs will be government work. Are 600,000 new government workers really necessary to stimulate the U.S. economy? And, come to that, will a $3,000 tax credit really persuade a private company to take on a new employee it wouldn't otherwise have hired, or will the bulk of the dough just go to companies that would have hired the extra workers anyway?

Then there's infrastructure. "Infrastructure," says James Oberstar, chairman of the House Transportation and Infrastructure Committee, "is going to be the cornerstone of this stimulus initiative." Representative Oberstar has a fairly expansive definition of "infrastructure investment"—it includes remodeling the National Zoo in Washington—but one assumes at least a portion of the outlay would do some good. After all, freight trains that take two days to get from the Port of Los Angeles to the outskirts of Chicago currently spend another 48 hours crawling across the congested rail lines of the Windy City.

But it's not lack of money that's responsible for America's sclerotic infrastructure, it's the inability to make things happen on an expeditious timeframe. You think that Chicago bottleneck's bad? If they were trying to build the transcontinental railroad now, they'd be spending the first three decades on the environmental-impact study and hammering in the golden spike to celebrate the point at which the feasibility commission's expansion up from the fifth floor met the zoning board's expansion down from the twelfth floor. If 9/11 was (as they used to say) "the day everything changed," that seven-year hole in the ground in the heart of Lower Manhattan is a monument to how hard it is to get anything changed in today's America. So good luck "stimulating" the economy with infrastructure. One reason Google and Apple and other American success stories started in somebody's garage is that that's the one place where innovation isn't immediately buried by bureaucracy. As to Representative Woolsey's rampaging forest fires, these days they're caused mostly by federal eco-regulation preventing traditional prudent stewardship such as basic brush-cutting.

So much for "job creation" and "infrastructure." What else is there? Well, it's amazing with a trillion-dollar barrel how quickly you wind up scraping the bottom of it. In Obama's "American Recovery and Reinvestment Plan," two of the five objectives are to "computerize the health-care system" and "modernize classrooms." That sound you hear is the computerized eye-rolling with which every modernized NR column now comes equipped. The Congressional Progressive Caucus, on the other hand, wants "green jobs creation" and "construction and/or rehabilitation of libraries in rural communities in order to expand broadband access." And in a postmodern touch, Mark Pinsky at *The New Republic* makes the pitch for a new Federal Writers' Project in which writers laid off by America's collapsing newspaper industry would be hired by the government to go around the country "documenting the ground-level impact of the Great Recession." As FDR would have said, we have nothing to fear but running out of ideas to blow the trillion bazillion dollars on. America has a money-no-object government with a lot of money but no great objects.

And nobody cares. In the final triumph of liberalism, the fact that incomprehensible sums are being allocated to no particular purpose is taken as evidence of the adminstration's virtue and determination. If you're at a New Hampshire town meeting and the board of selectmen proposes a $3,000 fence for the municipal dump, some old coot in plaid will stand up and demand to know why the fence costs three grand. But if you announce that you'll need $12.3 trillion for a stimulus package, everyone says: Well, sure, that shows how serious things must be. "This isn't about big government or small government," says President-

elect Obama. "It's about building a smarter government." "Smart government" seems best understood as the stage that's even bigger than big government. It's like Starbucks: tall, grande, and then smartie.

And, whether or not we get a massive federal program of rural library construction, we seem certain to get an acceleration of the grim leftward ratchet effect:

(a) more subordination of the dynamic part of the economy to arthritic government regulation;

(b) more of the remorseless annexation of health care by government, until eventually the point about whether to move to a socialized system will be entirely moot;

(c) more so-called tax cuts, a term the Democrats have successfully usurped to apply to nanny-state "credits" the government condescends to allow you in return for living your life the way they want you to;

(d) federally funded preschool and a few other entitlements that will metastasize way beyond any attempted constraints and further deform the relationship between the citizen and the state;

(e) continued incremental removal of citizens from the federal tax rolls, until round about 2012 a majority of American adults are paying no federal tax at all but are able to vote themselves more and more lollipops from the minority who do;

(f) a few small nothing peripheral Community Reinvestment Act–sized programs that nobody notices until, a decade or two and a couple of reforms later, they've mutated into a hideous wart-encrusted tail wagging an ever more tumor-ridden and cadaverous old pooch.

'Borrowing,' says Polonius, 'dulls the edge of husbandry'—and that goes double for government, whose husbandry is dull in the best of times.

THE skids that greased the good ship *Lollipop* were put in place by the hysteria of last September when the supposed crisis broke and the experts began running around saying, "Don't just stand there, spend something." As readers will recall, it was Polonius who advised, "Neither a borrower nor a lender be," and in America we are approaching that blessed state. A man who borrows $400,000 for a house he cannot afford isn't really a "borrower," is he? After all, every politician agrees that the priority is to keep people in "their" homes, and the Congressional Progressive Caucus is calling for a "moratorium on home foreclosures," which is a polysyllabic way of saying there's no need to make your monthly payments. In what sense then is he "borrowing"?

And the banker who loaned the 400 grand isn't a "lender" of anything terribly real, is he? Not in the Age of Leverage—of derivatives, of credit-default swaps, and of other artful packaging. "We refused to touch credit-default swaps," the author and investment adviser Nassim Taleb said. "It would be like buying insurance on the *Titanic* from someone on the *Titanic*." But a lot of people did just that. The Canadian commentator Jay Currie, waxing lyrical, put it this way: "If two people make a bet on the fall of a raindrop and each puts up, say, their shoes, the bet is a real bet. If they put up cash it is very close to a real bet. IOUs are not much of a bet. Someone else's IOUs? Still less of a bet. A good deal of imaginary money is going to money heaven, which is sort of like saying that your stuffed animal is dead."

Except when the administration steps in to replace the dead imaginary money with real (or realish) money. Having, in effect, colluded in the destruction of meaningful risk-evaluation, the government decided it was obliged to act not to prevent a Thirties-style "credit crunch" but to prop up an unsustainable form of pseudo-credit.

"Borrowing," continues Polonius, "dulls the edge of husbandry"—and that goes double for government, whose husbandry is dull in the best of times. Whatever it does for subprime homeowners, the principal beneficiaries of the bailout are the incoming president and his Democratic Congress, licensed by the outgoing treasury secretary as arbiters of unlimited federal largesse. Banks, homeowners, auto makers, formerly golden states . . . the line stretches around the block, and why not? "Bailout" is to "earmark" as "undocumented worker" is to "illegal immigrant"—an invitation to come out of the shadows and claim your benefits.

Does Congress have trillions of dollars to create all those government jobs on study groups of the environmental sustainability of infrastructure projects? No. As the cliché goes, we're accumulating debts our grandchildren will have to pay off. Which admittedly is a better situation to be in than the one in Europe, which demographically speaking has no grandchildren to stick it to. But, as I always say, it's not the cost of these programs. They would be wrong if Bill Gates wrote a check to cover them every month. They're wrong because they represent a transfer from the citizen to the state not of money but of power. And over time, as we see in the urge to expunge words like "default" and "foreclosure" and indeed any form of risk from life, they have a debilitating effect. A society can cope with corroded infrastructure more easily than with a corroded citizenry.

"You never want a serious crisis to go to waste," says Rahm Emanuel. Is it really a "serious crisis"? Three decades after Britain's humiliating grovel to the International Monetary Fund, Denis Healey's position today is that it was all a silly bookkeeping error by civil servants: It turns out they didn't need the cash infusion after all. He only found out too late.

Hmm. **NR**

Greg Craig AND THE TERRORIST

The new White House counsel and the ugly case no one wants to talk about

BY BYRON YORK

By any standard, the story of Pedro Miguel González is astonishing. The son of a prominent Panamanian politician, González, according to U.S. prosecutors, murdered a United States Army sergeant on a road outside Panama City on June 10, 1992, the day before Pres. George H. W. Bush was to visit the country. With his father's help, González fled Panama, eventually coming back to be acquitted in a sham trial. Though the Clinton administration labeled him a terrorist, González became an important political figure in Panama, ultimately winning election as president of the national assembly—an event that so angered leaders of both political parties in the United States Senate that they put a hold on the U.S.-Panama Free Trade Agreement while González held that office.

American prosecutors have long wanted to put González behind bars; the nearly 17-year-old murder charge stands today. But in addition to his family in Panama, González has at least one very well-connected, very influential advocate in the United States: Gregory Craig, the man Barack Obama chose to be the next White House counsel. Craig's representation of an American soldier's killer drew scant notice during the 2008 campaign, when Craig was a top Obama adviser. It has drawn little attention since Obama named him White House counsel. And it will probably remain relatively unnoticed as the spotlight focuses on the Obama administration's economic plan, on the Middle East, and on Iraq.

But Craig's role in the González case, or at least what little is known about it, is worth exploring. Top White House officials like Craig serve solely at the president's pleasure; they are not subject to the scrutiny of the confirmation process. They have made choices and connections in their careers that tell us something about how they will perform their new duties. For Gregory Craig, that includes the case of Pedro Miguel González.

President Bush's 1992 visit to Panama was supposed to be a celebration of democracy after the U.S. ouster of dictator Manuel Noriega. It turned out to be a rocky affair. The president's planned speech to a large audience at the Plaza Porras in Panama City fell apart when gunfire broke out on the fringes of the crowd and authorities responded with tear-gas grenades. Secret Service agents drew automatic weapons and hustled Bush off the stage, to the safety of an American military base. There would be no big rally that day.

But the day before had been worse. Two American soldiers, traveling in a Humvee from Panama City to Colón, were ambushed by attackers firing AK-47s from the windows of a stolen car. One of the soldiers, Army Sgt. Zak Hernández of Puerto Rico, was killed—shot 22 times. Another soldier, Army Sgt. Ronald Marshall of Arkansas, was seriously wounded but survived.

Police quickly identified three suspects. The ringleader, investigators believed, was Pedro Miguel González. Pedro's father was Gerardo González, a rabidly anti-American top official of Noriega's Revolutionary Democratic party. The elder González helped his son escape to the Dominican Republic and later, some investigators concluded, to Cuba. Years passed with no word on the young man's whereabouts. "I'm not going to tell you that," the elder González told the *Miami Herald* in 1994 when asked where Pedro Miguel was. "He's in a safe place outside of Panama."

The U.S. government desperately wanted to find González. The FBI sent a team of investigators to Panama City and offered a $100,000 reward for information leading to his capture. American investigators set up phone lines in the hope of getting a tip that would break the case.

Meanwhile, in Washington, six weeks after the killing, a federal grand jury indicted González and a co-defendant on first-degree murder, conspiracy, and related charges. But with little help on the ground in Panama, these efforts came to nothing. "We got cold-shouldered by the Panamanians," Eric Marcy, the prosecutor who handled the case, told me recently. In addition, there was no extradition agreement between the U.S. and Panama, meaning the indictment was more of a precautionary measure than anything else. "We typically indict an important case that happens abroad, even if we don't have much chance of getting the defendant," Marcy says. "Then, if they ever fly through Miami or New York, we can grab them."

But González, protected by his father's influence, stayed out of Miami and New York. And Panama, too—until after the 1994 election that brought his father's political party, headed by the new president, Ernesto Pérez Balladares, back into power. In a move orchestrated by his father, Pedro Miguel González turned himself in—in grand style. He appeared at the presidential palace, where Pérez Balladares met him and his father personally. The younger González agreed to go to jail—where he got a private room, air conditioning, a television, and a computer—and await trial.

American prosecutors were absolutely sure that Pedro Miguel was guilty. Three people saw him do it. The car from which the fatal shots were fired was found on Gerardo González's property. One of the automatic weapons was found buried where González's sister worked. But Gerardo González hired the best lawyers for his son's defense, overpowering an ineffective team of Panamanian prosecutors. Gerardo also accused a key prosecutor, Jaime Abad Espinosa, of railroading Pedro Miguel. In a move that outraged the U.S. and human-rights organizations, the Panamanian government arrested Abad and charged him with suppressing evidence that might have exonerated Pedro Miguel. Abad told the *New York Times* that Gerardo González had snapped at him, "You're a CIA dog,

and I'm going to see you go to jail." Abad was later convicted and fined.

"The trial was a farce from the get-go," William Hughes, who was the U.S. ambassador to Panama at the time, told me. "It was politically manipulated, witnesses were intimidated. The jury was composed of employees of the Panamanian government, and agents sympathetic to González went into the jury room to remind the jurors how many years their family had worked for the government and how much they had accumulated in Social Security." Hughes, a former prosecutor and member of Congress, saw that the situation was hopeless; his main task became to preserve the evidence "in case there was ever the opportunity to have a fair tribunal review it."

On November 1, 1997, after three weeks in the courtroom, Pedro Miguel was acquitted. Jamie Rubin, spokesman for the Clinton State Department, said the United States was "deeply disappointed." "The murder of an American soldier by terrorists is something which the United States government takes very seriously," Rubin said. Citing witness testimony and ballistics evidence, Rubin added, "The verdict in the face of persuasive evidence raises questions about the handling of this case."

González remained defiant. "Zak Hernández was a soldier of the invading army," he told the *New York Times*. "Who killed him? It could have been any Panamanian angry about the visit of President Bush." But the case still troubled him. A few years earlier, González had said, "I want them to resolve this through the proper legal channels." And that is where Greg Craig came in.

RICHARD ELLIS/AFP

From Pedro Miguel González to Fidel Castro to Daniel Ortega, Gregory Craig has offered his assistance to antagonists of the United States.

But the fact was, the younger González had gotten off. What could the United States do? "There was going to be no way, short of a kidnapping, of ever getting him," Eric Marcy told me. To William Hughes, the ambassador, that was never a real possibility, given the political firestorm such a move would have set off. What was possible was that González might make a misstep and find himself in U.S. custody. "He was always worried that he would travel to a place and we would get him there," Hughes told me. Indeed, in an 1999 interview with the *Dallas Morning News*, González complained that he was constantly being watched. "There are men hired by the United States following me wherever I go," he said, "waiting for the chance to grab me." But González was careful, and he never fell into American hands.

In 1999, just two years after his acquittal, González ran for a seat in the Panamanian national assembly. With his well-known name and anti-American stance, he won, giving him not only independent political power but immunity from further prosecution. In 2007, González, still under indictment in the United States for murder, was elected president of the national assembly. That set off anger throughout the U.S. government; Democratic senator Max Baucus, chairman of the Finance Committee, wrote a letter to the Panamanians calling González's election "a serious obstacle" to passage of the U.S.-Panama Free Trade Agreement, then under consideration in the Senate.

Craig, now 63, is best known for his defense of Bill Clinton in the Senate impeachment trial. But much of Craig's experience prior to that was in the area of foreign affairs, particularly in Latin America. Originally a lawyer with the powerful Washington firm Williams & Connolly, in 1984 Craig left to become a foreign-policy adviser to Massachusetts senator Edward Kennedy. In that role, he supported the Nicaraguan Sandinistas against Contra rebels. He supported Kennedy's call to end the U.S. embargo on Cuba, and in 1986, after Fidel Castro released political prisoners to the Rev. Jesse Jackson and (somewhat improbably) French oceanographer Jacques Cousteau, Craig traveled to Cuba to arrange the release of a Bay of Pigs prisoner to Kennedy. Craig also went to Panama as the U.S. built the case against Noriega.

After leaving Kennedy's office, Craig returned to Williams & Connolly. When his one-year ban on lobbying ended, he immediately registered as a foreign agent to represent Panama, Argentina, and Bolivia. In 1997, he joined the Clinton State Department as a top adviser to Secretary of State Madeleine Albright. In August 1998, he left State to join the Clinton impeachment team, and the next year went back to Williams & Connolly and his foreign clients. In 2000, he returned to Cuba, working with Fidel Castro to bring about the return of Elián González, the young boy whose mother had died trying to bring him to the United States.

The first public discussion of Craig's involvement with Pedro Miguel González came in a January 2008 editorial in the *Dallas Morning News*. At the time, Craig was an adviser to candidate Obama, and the editorial called on Obama to make Craig leave either the González case or the campaign. "Plenty of presidential candidates have been embarrassed by aides with controversial pasts," the paper wrote. "Candidates often must choose between defending the aide and doing what's best for the campaign. This might be such a moment for Barack Obama and his senior foreign policy adviser, Gregory Craig." The editorial said Craig did not respond to an interview request.

A few weeks after the editorial appeared, however, Craig was asked about González in a public forum, at a discussion of Latin America policy sponsored by George Washington University. "It is true that I've been advising Mr. González in connection with discussions that he is having through his attorneys with the Justice Department about the outstanding case," Craig said. "I have not undertaken to represent him in any of the proceedings other than to open up a path of communications between him and the Justice Department about that case." Craig added that the Obama campaign knew "full well" about his involvement with González, and that he had recused himself from any Team Obama discussions of U.S.-Panama relations.

What did Craig mean when he said he had undertaken "to open up a path of communications" with the Justice Department? Finding out proved very difficult. I first asked the Obama transition office, which handles Craig's relations with the press. After I sent a few questions via e-mail—including the relatively simple inquiry "Does Mr. Craig believe that González is innocent?"—the office asked what my deadline was. I told them, and on the last day I received a two-word message: "Declining comment."

The Bush Justice Department was no more forthcoming. A former official with knowledge of what went on at the highest levels of the department told me he didn't remember any contacts with Craig, suggesting that Craig's work focused on lower levels within the Criminal Division—in particular, the Office of International Affairs. A Justice Department spokesman promised to provide information on the matter, but after making inquiries wrote to me: "Since this deals with a member of the new administration's staff, I'll have to direct you to the transition team for information. Sorry I couldn't be of more help." I have filed a Freedom of Information Act request with the Office of International Affairs, but while federal agencies must offer some sort of response within 20 working days,

such requests often go unfulfilled for months, and sometimes years.

I also contacted Williams & Connolly with a number of basic questions about the González case. A firm executive told me that "confidentiality provisions of the Rules of Professional Responsibility" prevented her from discussing the matter. When I wrote back that Craig himself had spoken publicly about it, and included the transcript of his statement, she did not respond. Finally, I tried an intermediary, someone who knew Craig and who could ask him for some information. That didn't work, either.

If Craig were up for a job that required Senate confirmation, we might well learn much about this case. But as it is, the answers to many pertinent questions might be a long time coming. What services did Craig perform? When did he begin assisting González, and when did he stop? Did his representation of González come about as a result of his previous lobbying for Panama? Who paid him? Did he encourage González to face justice in the United States?

González aside, Craig is a busy lawyer who has had a lot of clients over the years. In addition to those discussed earlier, he defended Kofi Annan, the United Nations secretary-general accused of corruption in the oil-for-food program in Saddam Hussein's Iraq; John Hinckley, the man who shot and almost killed Ronald Reagan; and William Kennedy Smith, the Kennedy nephew accused of rape in Palm Beach, Fla., in 1991.

It's hard to point out a pattern in these cases. It's fair to say he handled the Smith matter because of his Kennedy connections. He worked on the Clinton defense because he is a loyal Democrat who'd known the Clintons since his years with them at Yale Law School. And Hinckley? Well, Hinckley's father was wealthy and hired Williams & Connolly, although that was probably a case some lawyers wouldn't have taken.

In the area of foreign affairs, however, there is perhaps a pattern in Craig's work. From Pedro Miguel González to Fidel Castro to Daniel Ortega, Craig has offered his assistance to antagonists of the United States. It's not illegal, but it's the kind of thing that lawyers occasionally agonize about. "It's a delicate issue because generally we don't hold lawyers responsible for the views of their clients," one conservative attorney in Washington told me recently. "That said, it is a point worth considering when a lawyer has time and again gone to the well and represented somebody on the other side of an issue from America. Lawyers remain free to turn down clients."

A liberal Washington lawyer who knows Craig put it a bit differently. "Greg defending somebody who is a bad guy not only does not offend me, it's consistent with what lawyers do," he told me. "The answer is everybody has their own moral compass, and there's a line out there that most lawyers will answer, no, I wouldn't do that one, I'll let somebody else do that one."

When it came to Pedro Miguel González, Craig said yes, I'll do that one. Now, as he assumes the post of White House counsel, and with it all the issues that will confront the president's lawyer, the question will again be: Where does he draw the line? **NR**

A TYRANT'S 'Liberation'

Remembering the fall of Batista, and the 50 years of Cuban misery that have followed

BY OTTO REICH

New Year's Day marked the 50th anniversary of the Castro regime. The media noted it, Castro's apologists celebrated it, and survivors on three continents remembered the regime's victims and its destruction of a thriving society. Though I was only 13 years old, I will never forget the day it began.

Shortly after 7 A.M. on January 1, 1959, I walked out my front door in Havana to accompany my godmother to church. I intended to pray, as usual, for God to deliver us from the Batista dictatorship. I did not yet know that this habitual prayer had been answered, in a way, four hours earlier.

As I crossed the usually quiet street, I could hear the familiar, forbidden sound of Rebel Radio blaring from the open window of my neighbors' house across the street. I was startled. The radio could be heard on the entire street, and it was against the law to listen to Radio Rebelde—a severe beating was the minimum punishment. I was mindful of this fact because at nine each evening I crossed that same street to hear the rebels' shortwave broadcast from their jungle redoubts in the eastern mountains. In that house, from which the radio was now plainly audible, we would hide in a darkened interior room and turn the shortwave's volume up just enough to hear, our ears inclined toward the radio set.

We were terrified of being caught by the police, and I'm sure I was not the only one who imagined, with every scratch and rustle, that we had been discovered and that the police were breaking down the doors to beat and imprison us. But as we know from stories of prison camps in World War II, man's need for information leads him to do dangerous things. And other Cubans were risking much more to rid the country of the dictatorship: They were fighting in the hills and in the cities, and many were losing their lives. We needed to know what they were accomplishing; the censored media would not tell us.

We were frightened but optimistic: The United States had placed an arms embargo on the Batista regime a few months before, complaining of human-rights violations, so the government was finding it difficult to get arms and ammunition. The U.S. sanctions had encouraged anti-Batista forces.

On Radio Rebelde we would hear of the exploits of the rebels, who offered simple promises: an end to Batista's brutality and corruption, the restoration of constitutional rights, free elections, and the improvement of social and economic conditions. In the seconds it took to cross the street on New Year's Day, I learned

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why Radio Rebelde was in the open. My neighbor Eva came running toward me and shouted: "He's gone! He's gone!" She did not have to name the detested dictator. We all knew who "he" was.

The magic week that began on that New Year's Day with Batista's departure culminated on January 8 with the triumphant entry into Havana of the main force of the Rebel Army. Atop a tank leading a column of captured military vehicles, surrounded by his lieutenants, Fidel Castro tirelessly smiled and waved to the crowd along the route. No one in that crowd could have believed that the smiling young man had already inaugurated the firing squads that would kill more Cubans over the next 50 years than had died in all the wars for independence from Spain, or that just months later he would arrest or "disappear" several of the lieutenants who had brought him to power. Neither could we imagine that in less than three years he would invite the Soviets to launch missiles from Cuba into the United States or that his mismanagement would result in such food scarcity that the average size of a Cuban newborn would decline over the next five decades.

That afternoon of January 8, standing with my family along the Malecón, the broad seaside boulevard that borders Havana on the Caribbean Sea, all we could see were hundreds of thousands of delirious Cubans shouting, dancing, and otherwise showing their approval of the conquering heroes. Castro would quickly end the lives of many of those who welcomed him. More than 1 million, including my own family, would become refugees seeking freedom on foreign shores. Those who remained behind would face tyranny and indoctrination, enduring the biggest bloodbath in the violent history of all Latin America. No government in the Americas has been responsible for the death, imprisonment, or exile of so many as has Castro's. But at the time, we greeted them as liberators.

The emotion of being liberated from oppression is difficult to describe. Americans have the blessed and uncommon experience of always having lived in freedom, but many have seen the grainy black-and-white film of crowds wildly welcoming Allied soldiers to Paris in August of 1944. In those images, Parisians wipe tears from their faces and laugh at the same time as the horror of Nazi occupation comes to an end. There is no peacetime equivalent to the emotion that pervaded Havana in January 1959: a combination of the liberation of Paris and Carnival.

It was the happiest day in the life of most living Cubans. The future that the liberation foretold was as bright as the tropical sky on that sunny day. Henceforth there would be no more knocks on the door in the middle of the night, no screams of women or shouts of men as relatives were dragged to interrogation dungeons; no more tortured, bullet-riddled bodies appearing on the sidewalks of cities and towns; no more looting of public funds by corrupt officials at all levels; no more judicial corruption; no more social inequality in a country with so much natural wealth.

BUT something went terribly wrong in the 50 years that followed. Very quickly, Batista's coarse abuse of power was eclipsed by a system never before seen in this part of the world: a totalitarian dictatorship. Latin American dictators have followed the traditional authoritarian model: brutal, corrupt, and dishonest. Castro was all of that, but he was something more. He was well educated, having graduated from an exclusive Jesuit high school and then from the University of Havana's law school. He was self-centered and power-hungry, and, like many of his generation, he flirted with fascism—in his self-defense at a trial for rebellion in 1953, he plagiarized Adolf Hitler's speech from the Munich Beer Hall Putsch trial three decades earlier. (The speech caught the attention of my Austrian-born father.) Eventually, he calculated that Communism was the ideal national-socialist system to keep him in power indefinitely. His program combined a one-party ideology, fail-safe police-state tactics, and massive Soviet assistance to obscure the disintegration of Cuba's economy.

A revolution that had the support of the vast majority of the people in January 1959 soon created the largest exodus of political refugees as a proportion of a nation's population in history. About 14 percent of Cubans have fled their homeland.

Batista's jails, odious though they were, never numbered more than a dozen. To house his prisoners, Castro would have to build 350 penitentiaries. At some points in the 1960s, Cuba led the world in the number of political prisoners per capita. And these are no ordinary jails—Cuba is the only country to refuse U.N. resolutions calling for international prison inspection. Castro, according to his own writings, lived comfortably in Batista's prisons, cooking his favorite dishes and reading liberally, but has refused any outside inspections, even by the Red Cross, of what are described as some of the most appalling penal complexes ever seen.

The hundreds dead under Batista's gestapo grew to thousands under Castro's—as many as 6,130 according to the Cuba Archive, a database of political deaths and imprisonment—and many thousands more died on the high seas in 50 years of attempts to escape.

The moral decay of the pre-Castro years, exemplified by the casinos of the American mafia, was replaced by a more sweeping immorality under Castro, including official involvement in drug trafficking. High-ranking Cuban officials, such as Castro's chief of naval operations and his ambassador to Colombia, have been indicted on narcotics charges, but Castro refuses to extradite those who might testify against him. Convicted Colombian drug lords such as Carlos Lehder have testified to the Castro brothers' complicity in the drug trade. Castro's pathological hatred of the U.S. is such that he justified his involvement in narcotics as just another way to "destroy the empire" from within.

DARREN GYGI

Why do Cubans not rebel against the despot Castro as they did against Batista? Cubans know what outsiders don't: Castro's dictatorship is of a very different character. The freelance informants of the Batista era were supplanted by a national neighborhood-surveillance system that encompasses every block of every city and town in Cuba. Called the Committees for the Defense of the Revolution and serving as the eyes and ears of the regime, they are the enforcers of revolutionary diktats, spying on every citizen and encouraging informants to turn on neighbors and relatives. They are empowered to knock on any door at any

time to demand that a resident identify any visitor and explain the reason for the visit, or to demand an explanation of why the resident did not "voluntarily" attend the latest mass rally. You'd better have a good answer, because the CDR have muscle.

To anyone familiar with the past 50 years of Cuban history, it is a little amusing, though disheartening, to see Western apologists for the Castro brothers point to the enormous crowds at mass rallies as a sign of Castro's popularity. The regime's technique for turning out the crowds is illuminating: First, on the day of the rally everyone with a job must present himself at the workplace, where the political commissar checks attendance. Those absent may be demoted or fired if their file indicates prior "counterrevolutionary tendencies." Workers are then transported on government vehicles to and from the "Plaza of the Revolution" or some similar venue. At the event, the people will march, chant, and applaud—enthusiastically, since they are surrounded by plainclothes police and informants looking for "counterrevolutionary behavior" to report in exchange for a promotion or household appliance. Those who do not have a place of work are expected to attend, too, and the local CDR make sure absences are not repeated.

The main coercive clout of the CDR comes from its power to distribute the ration card that every Cuban needs to purchase food. Miss a rally and your family may go hungry.

Few native-born Americans have any idea what it is to lose all freedom: to have no reliable source of information, no radio, television, or newspaper that would report any but the official news; to trust no neighbor, colleague, or family member because he may be a government informer; to live in a nationwide "company town" where the government is the only employer and the sole source of your family's food.

After 50 years, Cubans are convinced that the government surveillance system, Orwell's Big Brother put into practice, is so effective that it knows even what they are thinking. Though Orwell's books are banned in Cuba (they are far too close to reality for Castro's comfort), Cubans have another name for Big Brother. They call it "the policeman in the head," the most pernicious kind of mind control: self-censorship, the fear that leads to intellectual paralysis and prevents a citizen from even thinking thoughts that could be deemed counterrevolutionary, leading him to jail or worse.

My family left Cuba for the U.S. in July 1960, 18 months after Castro's arrival. From the first time that he had heard Fidel Castro speak, at that 1953 rebellion trial, it was obvious to my father, who had lived through the Nazi occupation of his homeland in 1938 and then fled to join the French Foreign Legion at the outset of World War II, that Castro was a dangerous demagogue who would be a brutal dictator. The rest of the family thought my father just didn't know Cuba. Perhaps he did not, but he did know dictators.

As I remember that hopeful first week of January 1959, it is obvious that the only things that have worked in Cuba in the past 50 years are the security forces and propaganda apparatus. Everything else was a lie: the freedom, the promised elections, the constitutional guarantees, the individual rights, the better life. Castro's contempt for his country was probably best demonstrated in the 1962 missile crisis, when he begged Nikita Khrushchev to attack the United States with nuclear missiles hidden in Cuba, "even if a counterattack destroys Cuba." In the end, Castro saw to that himself. **NR**

The Man Who Saved AEI

Christopher DeMuth—thinker, strategist, administrator

BY JOHN J. MILLER

THE leaders of Washington's two most important conservative think tanks meet for lunch about once a year. They aren't close friends, but Chris DeMuth of the American Enterprise Institute and Ed Feulner of the Heritage Foundation share a lot of interests. Sometimes they agree to co-sponsor a project. More often, as Feulner puts it, "we just get together and talk shop."

During a confab at the Metropolitan Club in the summer of 2007, DeMuth quizzed Feulner about succession plans at Heritage. Feulner, who was then 66, gave an overview of his intentions as DeMuth, who was then 61, listened. Two months later, however, it was the younger man who announced that he would retire from his post. "It never dawned on me that Chris was even thinking about it," says Feulner.

In his characteristic way, DeMuth had been thinking about it with great care. On New Year's Day 2009, he stepped down as AEI's president, a position he had held for 22 years. "My goal never was to be president-for-life," he says. "We should have an orderly succession, not a succession prompted by a crisis." That's characteristic of DeMuth as well: putting the interests of AEI ahead of his own. Of course, it has been difficult to separate the two. A good case can be made that DeMuth is AEI. Without him, the think tank might not even exist anymore. A generation ago, DeMuth saved it from collapse. Since then, AEI has recovered, and today it's one of the country's top organizations for making sure that policy ideas have practical consequences. The conservative movement and the nation would be immeasurably poorer if DeMuth had not joined it.

Christopher Clay DeMuth (pronounced "DeMyooth") was born on the North Shore of Chicago in 1946, within a month of both George W. Bush and Bill Clinton. His grandfather founded DeMuth Steel Products, which manufactured silos and other products for farmers, and his father ran the company for many years. (The company still exists, though it's no longer in family hands.) Both of his parents were Stevenson Democrats, and the election of JFK energized their son. "I was a political liberal, but completely unformed," he says. In high school, he excelled at math and science. Advanced Placement credits let him enter Harvard as a sophomore. "For two years, I was an indifferent student," he says. Then he enrolled in Government 146 and his political formation began in earnest.

The professor who taught Gov 146 was Edward C. Banfield, an urban-affairs expert who was critical of LBJ's War on Poverty. (His course eventually would evolve into *The Unheavenly City*, a classic work of social science.) DeMuth found the man and his

ideas fascinating. One day, Milton Friedman, who had yet to win his Nobel Prize for economics, lectured the students. DeMuth simply couldn't get enough of the class or his teacher. "I screwed up my courage and asked to meet with Banfield," he says. "After a while, he relented and I asked him what I should read."

Banfield suggested *The Unmaking of a Mayor*, by William F. Buckley Jr. "I became a serious student and wanted more," says DeMuth. Then Banfield recommended *Memoirs of a Superfluous Man*, by Albert Jay Nock, the iconoclastic pre-war libertarian. Next came issues of publications such as *Commentary* and *The Public Interest*. DeMuth did everything he could to place himself in Banfield's orbit. Students weren't allowed to attend Banfield's weekly lunches with academic luminaries such as Daniel Patrick Moynihan and James Q. Wilson at the Harvard-MIT Joint Center for Urban Studies, but they needed a busboy, and DeMuth signed up so he could listen in.

DeMuth began to regard himself as a liberal Republican. He gravitated toward the Ripon Society, a centrist GOP think tank. "We disagreed with Barry Goldwater on civil rights," he says. "I was a pro-civil-rights libertarian who supported Friedman's negative income tax and wanted to abolish the draft." After graduation in 1968, he worked on the congressional campaign of James L. Farmer, a black Republican who had co-founded the Congress of Racial Equality. Farmer lost badly but won an appointment to the Nixon administration. So did DeMuth: Moynihan, who was advising the president on urban policy, hired him. "I was 22 years old, riding around in limos and helicopters and going to cabinet meetings," says DeMuth. "I even had an office in the West Wing."

For most of two years, he observed the machinery of government. "I had read a lot about it, but then I was face-to-face with programs that were meant to help the poor or the environment and which often did the opposite," says DeMuth. "This close encounter sealed the deal with my becoming a conservative."

In 1970 DeMuth was preparing to attend law school at Harvard when he had dinner with the conservative intellectual Irving Kristol and his wife, the historian Gertrude Himmelfarb. DeMuth mentioned his interest in economics, and Kristol suggested that he enroll at the University of Chicago's law school instead. Classes were just days from starting, but DeMuth learned of an opening. He filled it and promptly fell under the spell of the burgeoning law-and-economics movement. Professors such as Ronald Coase, Richard Posner, and George Stigler were developing the novel idea that laws should be analyzed not only for their capacity to deliver justice but also for their economic effect. "Studying with these guys was a revelation," says DeMuth.

After earning his degree in 1973, DeMuth worked as a lawyer with Sidley Austin in Chicago and later took an appointment at Harvard's Kennedy School of Government, where he lectured on regulation. He supported Ronald Reagan's 1980 presidential campaign and prepared a briefing book for the transition team. The *Washington Post* tipped him as a candidate to head the Environmental Protection Agency, but ultimately DeMuth wound up as a kind of deregulation czar at the Office of Management and Budget. He left in 1984 to become managing director of Lexecon, a consulting business co-founded by Posner. Two years later, he bought *Regulation*, a magazine that AEI was publishing, and kept it in print.

Regulation was for sale in part because AEI had fallen on hard times. Founded in 1943, it rose to prominence under the leadership of William J. Baroody Sr. AEI and a few sister groups, such as the Heritage Foundation and the Cato Institute, provided a right-of-center counterweight to the armies of wonks at more established left-of-center organizations such as the Brookings Institution. During the Reagan years, AEI was well positioned to exert itself—perhaps a little too well positioned, because Reagan plucked away many of its best people, such as Robert Bork, Jeane Kirkpatrick, Antonin Scalia, and Murray Weidenbaum. Moreover, Baroody had died in 1980. His son took over, but Bill Baroody Jr. lacked his father's ability to raise funds and identify promising intellectuals, the two central responsibilities of any think-tank chief. In 1986 he was forced out. AEI was in danger of falling apart.

A headhunting firm approached DeMuth about the job, probably at the urging of Kristol. DeMuth decided to accept the challenge. He drew up a financial plan that slashed a $14 million budget in half and called upon the trustees to invest millions of their own money. He shut down programs and shed staff. He brought *Regulation* back into the fold, consolidated AEI's publications (which led to the Cato Institute's acquisition of *Regulation* in 1989), and began to lead the think tank out of its morass. "I figured I'd do the job for about three years," says DeMuth.

SINCE then, more than two decades have gone by. In that time, DeMuth has earned a reputation as a soft-spoken leader who is a rare blend of scholar and manager. AEI's fellows have regarded him as a peer who also happens to run an organization with nearly 200 employees and a budget of $30 million. DeMuth has a few hobbies—sometimes he bikes to work from his home in Virginia or goes sculling on the Potomac—but his real passion has been AEI. Under him, the think tank moved from the verge of extinction to the commanding heights of conservative influence. Its current roster of experts includes some of the brightest minds in domestic and foreign policy—Michael Barone, John Bolton, Lynne Cheney, Newt Gingrich, Leon Kass, Michael Novak, and Peter Wallison. The building AEI occupies in downtown Washington, according to John Micklethwait and Adrian Wooldridge in *The Right Nation*, "contains more conservative brainpower than the average European country."

DeMuth didn't just assemble a collection of smart people; he assembled a collection of smart people whose research and opinions shape public policy. "We're an academic institution with one foot in the political world," says DeMuth. "Our strategy is to magnify the role of ideas in politics." Think tanks try to meet this goal in a variety of ways, such as by hosting conferences and publishing monographs. AEI does a lot of both, but its most important function may be simply to hire motivated scholars and give them the freedom to do meaningful work in their areas of expertise, whether it's reforming Social Security, improving the practice of organ donation, or tracking nukes in Iran.

DeMuth placed a premium on the ability to communicate these ideas to the general public. Nine years ago, for example, AEI scholar Christina Hoff Sommers published *The War against Boys*, which argued that feminists were wrong to obsess about society's supposed mistreatment of girls. In fact, the data showed

that boys were more likely to drop out of school, less likely to attend college, and so on. "If we continue on our present course, boys will, indeed, be tomorrow's second sex," wrote Sommers. Her book scandalized liberal educators who had treated the rambunctious behavior of boys as pathological rather than normal. Since then, however, the problems she cited have become mainstream concerns. "She set forth a controversial proposition that has become the conventional wisdom," says DeMuth.

Spotting talent like Sommers has probably been DeMuth's foremost duty. Sometimes it's easy to do but taking advantage of it requires guts. Charles Murray is widely credited with jump-starting the welfare-reform movement with his 1984 book *Losing Ground*. When he then began to investigate the connection between class and IQ, however, his employers at the Manhattan Institute grew nervous, especially with respect to what Murray might say about race. In 1990 DeMuth hired Murray and encouraged the work that would become *The Bell Curve*, a 1994 book co-authored with the late Richard J. Herrnstein. It unleashed the fury of professors and pundits—perhaps no book in recent memory has been more attacked. Yet DeMuth's confidence in Murray never wavered. "*The Bell Curve* is one of the greatest publications of social science in the last 50 years and I have no doubt that it will still be read two centuries from now," he says. "It demonstrated with overwhelming analytic power that human nature is substantially fixed rather than totally flexible, and that challenged a central tenet of liberalism. The book had to be anathematized and destroyed."

Spotting talent has probably been DeMuth's foremost duty. Sometimes it's easy to do but taking advantage of it requires guts.

The Left certainly has tried to anathematize and destroy AEI. In 2007, a story in *The Guardian*, a liberal British newspaper, called the think tank a "lobby group" that offered $10,000 payments to scientists who questioned a U.N. report on global warming—all supposedly at the behest of ExxonMobil, a major source of funds for AEI. *The Independent*, another British paper, went on to describe the money as a "bribe," and the *Washington Post* ran its own breathless article. Four Democratic senators, including John Kerry, immediately wrote to DeMuth: "We would be saddened, should these reports be accurate, by the depths to which some would sink to undermine the scientific consensus that human activity is the major source of global climate change."

But the reports were false. AEI, which doesn't lobby, merely had offered honoraria for original research on global warming, in a time-honored method by which think tanks of all political stripes generate scholarship. ExxonMobil's financial support of AEI was minimal—no corporation provides more than 1 percent of the group's budget. Moreover, at the time of the dispute, AEI had just published *Strategic Options for Bush Administration Climate Policy*, a short book by Lee Lane that recommended a carbon tax, which isn't exactly a part of Big Oil's political agenda.

These allegations frustrated DeMuth, but they are perhaps best viewed as a testament to his group's importance. Two of George W. Bush's greatest successes—tax cuts and the surge in Iraq—might not have been possible without AEI. In the late 1990s, AEI economists Kevin Hassett, Glenn Hubbard, and Lawrence Lindsey built an intellectual case for tax cuts; Hubbard and Lindsey went on to serve at high levels in the Bush administration. "Bush deserves the credit for turning these ideas into a political reality, but AEI was able to exert a kind of hydraulic pressure on policymaking," says DeMuth.

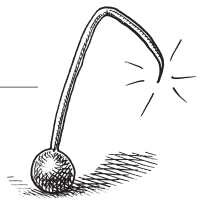
Then there's the surge. After the terrorist attacks of 9/11, DeMuth recognized that AEI had a lot of foreign-policy specialists in its corral but few military experts. "We needed to have people here who know what a battalion is," he says. So he started to hire the likes of Thomas Donnelly and Fred Kagan. As the war in Iraq began to go wrong, they joined Sen. John McCain and others in calling for a massive influx of troops to fight the insurgents. Over four days at the end of 2006, they hosted a planning exercise at AEI, after which Kagan quickly wrote a report and made recommendations.

In *The War Within*, Bob Woodward writes that when Gen. Peter J. Schoomaker, the Army chief of staff, learned that Keane had briefed Bush on the surge, he blurted out: "When does AEI start trumping the Joint Chiefs of Staff on this stuff?" DeMuth didn't participate in the AEI planning exercise, but Kagan gives him full credit for making it possible. "This could not have happened at any other think tank in town," says Kagan. "We did in a weekend what another think tank would take nine months to push through a bureaucracy."

On January 1, Arthur C. Brooks, an author and political scientist from Syracuse University, took the helm of AEI. DeMuth became one of AEI's fellows. He plans to write a series of articles and possibly a book—the very things he has spent his career persuading others to do. One of his first tasks will be to develop a paper he presented at Oxford University last May. In it, he expressed his worry that conservatives have lost sight of their limited-government principles. The paper concludes this way:

> In these unpromising circumstances, members of the deregulation wing of the conservative movement, and economic conservatives in general, will do one of two things. Some will stay in the arena, looking for opportunities for small, marginal improvements as they adventitiously arise. Others will withdraw to their think tanks, academic departments, journals, and fringe parties, where they will study what has transpired, attempt to construct new arguments, seek new alliances—maybe even propound a bracing new synthesis—and await the call of crisis or counter-revolution.

DeMuth may have withdrawn, but he won't disappear. "I'm burning with ideas," he says. **NR**



The Bent Pin BY FLORENCE KING

Housework

One of the advantages of working at home is being able to stay up until all hours and watch the infomercials about the advantages of working at home. I never knew I had it so good.

The pitches are delivered by frantically happy smilers who have mastered the art of making modest boasts and egalitarian one-upmanship come out sounding just right. "I made $18,000 a month just from working at home!" claims one. "I made $9,000 a week working at home part-time!" claims another. We are never told what these lucky housebound stiffs do that is so profitable, but they are always pictured in exquisitely decorated rooms, pin-neat and ready for *House Beautiful* photographers to come in and start shooting, or else they are getting into or out of luxury cars in the driveway of a McMansion in what is clearly a gated community. The most over-the-top claim is delivered by a woman posed beside her swimming pool, who crows: "I made so much money working at home that I bought the home!"

These testimonials are not aimed at telecommuters who work a day or two at home and the rest of the week in their offices. Combined with the increasing number of articles on the subject in the print media, they seem to suggest that working exclusively at home is the latest thing. This intrigues me because I am not used to being avant-garde. Except for three years on a newspaper and one year as a slush-pile reader on one of the old true-confessions magazines, I have spent the past 40 years working at home, so I'm curious to know why what was once regarded with disapproval and even suspicion has become yet another American Dream.

At first glance it clashes with our national ideal of outgoing friendliness. Told that he must be a "people person" or perish, the average American should recoil at the isolation inherent in self-employment and immediately start worrying about two things: (1) being thought unfriendly, and (2) loneliness. Apparently not, though. These two cornerstones of our collective psyche don't rate a word in any of the discussions of the subject that I've come across so far.

What does crop up with clocklike regularity is the word "stress," specifically gridlock commuting. People don't mind going to work; it's getting to work that they dread. As one who was free to choose to stop driving in 1995, I have been living in a fool's paradise, innocently amazed to discover how much Americans have come to hate driving. I never thought I'd see the day but it has happened. And it goes far to explain that tiny speck of revengeful glee detectable in the American subconscious over the possibility that Detroit automakers just might go bankrupt. We have come a long way from the Eisenhower years when our self-confident mantra proclaimed: "What is good for General Motors is good for America." Now we have changed our tune to "Maybe it's bad for America, but it serves General Motors right."

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Starting a home business in the midst of hard times is risky at best, but it has a well-documented history. In the Depression '30s people started home beauty parlors, barber shops, and laundries out of desperation, but today's work-at-home trend has its roots in bitter resentment. "Gold-watch loyalty," once the pride of the American white-collar worker, is dead, and so is the Organization Man who personified it. In its place we now find distrust and often outright loathing of "the company." Americans no longer like the people they work for, and regardless of your politics, their reasons are understandable: "First they took away my health care, then they took away my pension, and now they're going to fire me, so to hell with them."

Another factor inspiring the current crop of entrepreneurial shut-ins is the sudden, intense praise heaped on "mavericks" in Campaign '08. When I started working at home, mavericks were out and conformists were in, but now our priorities have come full circle and the maverick is king of the hill. This, too, has a well-documented history, because the men who made America the economic wonder of the world were mavericks who worked at home. Call it the Tom Edison Complex, or the Henry Ford Complex, or name it after the Wright brothers. It doesn't matter. The main ingredients of the legend are a man who's a little "different," who works at home or close by, in a shed out back or in the cellar, and whose wife can't find her best stew pot because he needed it to mix something in to see if it would melt, and it did.

If enough people take up working at home, maybe one of them will end up inventing the better mousetrap that will save us from ourselves. Meanwhile, a few tips from one who has been there.

1. Get used to paying all of your Social Security taxes—that's 15 percent because you don't have an employer to chip in for seven-and-a-half.

2. Forget safety nets like unemployment compensation because as far as the government is concerned you were never employed in the first place, remember?

3. Be prepared for the good-hearted soul who knocks on your door and says, "I heard you never go out, so I came by to keep you company."

4. When you do go out, even if it's just to the sidewalk to retrieve a misaimed newspaper, make sure you do not look the way you normally do on a typical workday. Otherwise some passerby will say, "My God, what happened?" and offer to drive you to the emergency room.

5. Guard your psychological balance with regular screenings of *You Can't Take It with You*. Remember, they all worked at home.

6. In *Strangers When We Meet*, Kirk Douglas, a work-at-home architect, is the only husband in the sea of suburban mothers at the school-bus stop. Kim Novak is the only Kim Novak in the sea of suburban mothers, so he asks her for a play date and she says yes. It's still a man's world (see #4). NR

The Long View

BY ROB LONG

Transcript: *Larry King Live*, January 16, 2010

LARRY KING: Tomorrow night! The whole hour! The cast of *Hogan's Heroes* talks about the Holocaust! From Hilversum, Illinois! Hello!

CALLER: Hi, Larry. Hi, Mr. Madoff.

BERNARD MADOFF: Hi.

LARRY KING: Do you have a question for Bernie? Can I call you Bernie, by the way? I feel like I know you for some reason.

BERNARD MADOFF: Of course, Larry. I like to keep things casual.

LARRY KING: What's your question, caller?

CALLER: I'd like to know if Mr. Madoff has any hot stock picks for the coming year.

LARRY KING: What about it, Bernie? Troubled times! Markets in an uproar! What's hot? What's not? Where do we put our money?

BERNARD MADOFF: Well, that's sort of a difficult question for me to answer, Larry.

LARRY KING: The fraud thing! Yes. A monkey on your back!

BERNARD MADOFF: Yes, there's that. I am still in the throes of a legal proceeding and am therefore enjoined from offering specific money-management advice.

LARRY KING: Does that hurt? Emotionally, I mean?

BERNARD MADOFF: Emotionally?

LARRY KING: Like telling Tiger Woods he can't play golf?

BERNARD MADOFF: Honestly, Larry, it's not really like Tiger Woods. See, Tiger actually plays golf. I mean in the sense that he goes to the course and hits the ball.

LARRY KING: Tiger Woods! Such a talented boy. A sports legend in the making!

BERNARD MADOFF: Right. But I didn't really invest any of the money, in the sense of buying stocks and bonds and so forth. So I'm not the right person to ask about that.

LARRY KING: Got it. The man knows what he doesn't know! Dance with the gal that brung ya!

BERNARD MADOFF: I can offer, though, some general money-management advice, if you like. First, I'd try to keep as much in cash as possible.

LARRY KING: Money market, that sort of thing?

BERNARD MADOFF: No. Actual cash. I'd liquidate as much as you can and convert everything into cash. Banknotes. Go for the largest bills you can get from the bank. They have to honor your request for a large bill, though you'll probably have to order it specially from the Fed in your area.

LARRY KING: Really? "News to me" department!

BERNARD MADOFF: And then when you've got your banknotes, the smart way to handle them is to start drinking.

LARRY KING: Drinking.

BERNARD MADOFF: Yeah. Whiskey, martinis, whatever will get you seriously impaired. And then when you're still barely conscious, take your money and hide it around your house.

LARRY KING: Hide it?

BERNARD MADOFF: In books, in the attic, anywhere, really, that's out of the way. At some point you'll pass out—

LARRY KING: Careful on the stairs!

BERNARD MADOFF: Right. Right. And then the next morning you'll have no real memory of what you did with the money, or where it is exactly.

LARRY KING: You can't spend what you can't find!

BERNARD MADOFF: So true. The trick is to never have a house fire and be extremely cautious when having a garage sale.

LARRY KING: Out-of-the-box thinking from money guru Bernard Madoff! This weekend! Shirley Jones and Marty Ingels demonstrate Erotic Yoga for the over-60 set! From Aberdeen, Maryland, hello!

CALLER: Hi Larry, hi Mr. Madoff. I was just wondering if you think the legal stuff you're going through is going to hurt your chances at the Senate confirmation hearings.

LARRY KING: Great question! Bernie, what do you say to those folks who are talking in the news media about this? Do you say, "Hey, that's behind me, I'm better, let me do what needs to be done at Treasury"?

BERNARD MADOFF: Larry, first it's good to understand what actually happened at Bernard L. Madoff Investment Securities. People keep saying I stole or embezzled, or whatever buzzword is fashionable right now. But that's not true. I wasn't in the investment business, per se. I was in the people business. People gave me money and I gave that money to other people and then went looking for new people to get money from to give it to the second group of people and so on and so forth.

LARRY KING: And then you ran out of money?

BERNARD MADOFF: No. Then I ran out of people.

LARRY KING: So what you needed was people?

BERNARD MADOFF: Larry, isn't that what all of us need? More people? More people to care about and help and love?

LARRY KING: So true.

BERNARD MADOFF: You see, Larry, what I did, simply, was collect funds from certain individuals and distribute them to other individuals. And when you get right down to it, isn't that what the federal government does?

LARRY KING: You make an excellent case.

BERNARD MADOFF: There's no point in being modest. I am simply the most qualified person to run the American financial system. No one, Larry—and I mean no one—understands quite how to redistribute wealth as efficiently as I can. I've made $50 billion disappear without a trace, Larry. I'll stack that record against any senator on the Banking Committee.

LARRY KING: Even Chris Dodd?

BERNARD MADOFF: Even Chris Dodd.

LARRY KING: Feisty words! Bernie Madoff! Fireworks to come! Up next! Liza Minnelli contacts the dead!

How Does This 69-Year-Old Doctor Have The Body Of A 30-Year-Old?

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Jeffry Life, MD, pictured at age 67, after Cenegenics as featured in GQ magazine.
This photo is not enhanced in any way.

Dr. Life, pictured at age 57, before Cenegenics.

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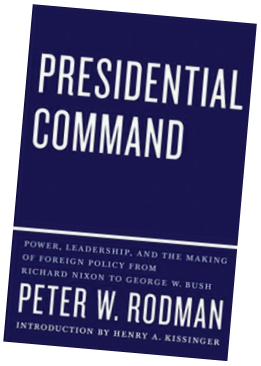
Where the Buck Stops

JOHN R. BOLTON



Presidential Command: Power, Leadership, and the Making of Foreign Policy from Richard Nixon to George W. Bush, by Peter W. Rodman (Knopf, 368 pp., $27.95)

SUCCESSFULLY exercising presidential power in national-security affairs is a political and constitutional imperative for American survival. Weak, corrupt, and incompetent Congresses can come and go—and often do—without fatally damaging us, but even one failed presidency, let alone a string of them, can cause enormous harm, as just four years of Jimmy Carter proved.

Thus, the subject of *Presidential Command*, Peter Rodman's last book, published posthumously, is especially timely as we await Barack Obama's inauguration. Rodman surveys the modern presidencies from Nixon to Bush 43, examining the factors that make for success in foreign-policy decision-making, but not rearguing the substantive merits of particular decisions. In academic hands, this could be the driest of exercises, encumbered with incomprehensible charts, graphs, and statistics, but Rodman's experience in five of the presidencies he discusses, and his lucid style, keep the focus on reality and the narrative lively.

Mr. Bolton, a former U.S. ambassador to the United Nations, is now a senior fellow at the American Enterprise Institute.

Presidential Command is Peter's last gift to the country he loved and served so well.

His central insight, which emerges in the well-wrought case studies and anecdotes that make up the bulk of this achingly brief text, is that the president himself makes all the difference. First articulated by Alexander Hamilton—in the *Federalist Papers*—as "energy in the Executive," the insight bears endless repeating, since we seem so determined to forget it. Powerful and headstrong cabinet secretaries (or weak-willed ones, for that matter), the permanent departmental bureaucracies, the National Security Council and its staff, inter-agency decision-making mechanisms and conflicts, and leaks to the press and Congress all play on the foreign-policy stage, to be sure. But in the end, presidential success or failure rests with "the guy who got elected," as Secretary of State James A. Baker III liked to call Bush 41.

Rightly stressing that it is the president who holds both constitutional and democratic legitimacy, Rodman emphasizes that "political control over the bureaucracy may be one of the most significant challenges in modern democratic government in the 20th and 21st centuries." In contemporary Washington, to listen to much of the media and many in Congress, you would think it was the other way around, with the bureaucracies (and their Capitol Hill allies) properly controlling "the guy who got elected" and his advisers.

The State Department's unresponsiveness to presidential command emerges again and again in Rodman's telling, not to mention the savaging of presidents by various dissident bureaucracies that aren't getting their way. It was McGeorge Bundy, Kennedy's national security adviser, not Jim Baker as I long thought, who first said "the secretary should always be the president's agent in dealing with the bureaucracy, not the other way around." Kennedy adviser Arthur Schlesinger Jr. went farther, opining that "the first lesson was never to rely on the experts." Kennedy himself called the State Department a "bowl of jelly."

Even before that, Harry Truman wrote: "The civil servant, the general or admiral, the foreign service officer has no authority to make policy. They act only as servants of the government, and therefore they must remain in line with the government policy that is established by those who have been chosen by the people to set that policy." One wonders how long it will be before some secretary of state has those words carved on the walls of the Harry S Truman Building, the State Department's home in Washington. (It should also be carved in the CIA's marble entrance hall in Langley, Va.)

Presidents striving to ensure control over decision-making have tried a variety of techniques, sometimes using the NSC as an instrument of presidential command (Nixon), sometimes sending a strong secretary of state to tame the bureaucracy (Eisenhower/Dulles, Bush 41/Baker). Those who failed to realize that there was even an issue, such as Carter and, to some extent, Clinton and Bush 43, paid the price when difficult international issues threatened to overwhelm them.

Rodman's studiously evenhanded and balanced style makes his zingers even more telling when they explode on the page, and he is especially acute assessing Republican administrations in which he served. For example, he describes Steve Hadley, Condi Rice's deputy national security adviser, and still her deputy even when he assumed her title in Bush 43's second term, as the administration's "iconic figure," and "the pursuer of bureaucratic consensus." Obviously, Hadley did so at Bush's and Rice's direction, which makes all the more devastating Rodman's conclusion that "as Ronald Reagan discovered, the pursuit of bureaucratic compromise can be a fool's errand."

Yes, indeed. Of course, a president's not knowing all the options open to him has its costs as well, as in Bush 43's second term, when Rice's voice utterly dominated in the president's ear. Rodman recounts that Eisenhower liked to hear the key issues argued out in front of him among his advisers—which risks bruised egos for the vanquished advocates, but gives the president a way of knowing the key views before making

his decisions. Nixon demonstrated that he had learned well as vice president: "I refuse to be confronted with a bureaucratic consensus that leaves me no options but acceptance or rejection, and that gives me no way of knowing what alternatives exist."

Struggle over control of national security has pitted not just the White House against the bureaucracy, but also the president against Congress. Nowhere has the latter struggle been more profound and more visible than over the intelligence community (IC). Rodman recounts the terrible weakening of presidential authority during the 1970s, through CIA director William Colby's surrender to House and Senate investigating committees, over the repeated objections of the Ford White House. Colby later wrote that "I did not share the view that intelligence was solely a function of the Executive Branch," which Rodman correctly labels "an extraordinary statement." And Rodman is equally on target when he concludes that "Colby was simply more afraid of the wrath of Congress than of the wrath of the president."

In Congress and far too widely in the IC, that attitude has persisted and even grown. Former director Robert Gates wrote that the CIA had moved to a position "roughly equidistant between the Congress and the President." Strikingly, Gates then casually observed that "most of CIA's senior professional career officers would accept this reality and do their best to serve two masters, however awkward." One wonders whom Gates thinks he is now serving as secretary of defense—a question Obama might also want to ask. (Rodman says Gates inserted the word "involuntarily" in a printed version of the speech making the "equidistant" point. "Involuntarily" does not, however, appear in Gates's 1996 book, *From the Shadows*, quoted above.)

Asserting that the CIA is somehow not responsible and answerable exclusively to the president is as ridiculous as Jimmy Carter's idea of making the Department of Justice an independent agency, with the attorney general's term different from the president's. It is no wonder that Ford's former chief of staff, Dick Cheney, has been so concerned with reestablishing the president's constitutional authority, since he saw firsthand how those prerogatives were undermined. Unfortunately, presidential control over the IC has actually deteriorated further under Bush 43, despite—or in part because of—reorganization to create the new Director of National Intelligence position. Today, many in the IC believe it should be—and is—a kind of think tank, opining at will on topics of interest to itself, with the support of its congressional allies; and they are ever at the ready to object to the notion that the IC resides in the executive branch. As with Nixon's opening to China, perhaps it will take the Obama presidency to bring the IC back into its proper orbit.

Peter Rodman and I were friends for many years, served in the last several Republican administrations, and talked about this book as he was writing it. So he would not be surprised to see me take issue with him on one point—I am sure he would be disappointed if I didn't!—a point perhaps more a matter of characterization than of substance. In addition to constitutional and democratic legitimacy, Rodman posits "procedural legitimacy," which he defines as bureaucratic acceptance of decisions contrary to the bureaucracy's advice. Rodman correctly characterizes presidential concern for this problem as an element of "prudence," or later as "regularity," terms that strike closer to the truth than "legitimacy." That the bureaucracy has the power—through leaks, disloyalty, and obstructionism—to battle with presidents even after decisions are made is unarguable, as the Nixon and Bush 43 administrations demonstrate, each in its own way. But such power—as real as anything in Foggy Bottom and other bureaucratic lairs—should certainly not be confused with "legitimacy." As Rodman's narrative proves repeatedly, the president and his political team really need prudence and bureaucratic skill—not concessions that bureaucratic subversion has some sort of "legitimacy."

Ultimately, the real test is whether the president knows his own mind and acts consistently in policy formulation and implementation. Rodman is right on target when he says that "no structure or policy-making procedure" can make up for a president who does not "engage personally, consistently, and forcefully." His dissection of the Carter presidency demonstrates this point evocatively, concluding that Carter exacerbated his own schizophrenic views of the world by his personnel choices. Rodman also shows how Bush 43 and Reagan faced the problems of divided government, with open warfare between cabinet secretaries and their subordinates dominating much of both presidencies. Both presented "the paradox of a leader capable of great decisiveness but who set up and tolerated a system that impeded his exercise of it." When Reagan and Bush 43 did engage—most recently when Bush 43 obtained the Iraq "surge policy" by persistently cajoling the Defense Department to accept and then actually recommend it—they were far more successful. Reagan's laid-back management style led Lou Cannon to observe (in a remark also applicable to Bush 43) that "he was better suited to leading the nation than commanding its government." In all presidencies, Rodman concludes correctly, "splitting the difference between conflicting strategies can only produce incoherence."

In fact, it is the Bush 41 administration that stands out not only for the clearest presidential leadership, but for the most effective national-security team. Certainly the contrast in effective presidential command between Bush 41 and Bush 43 could not be clearer, although there is little doubt that much of Bush 41's success rests on the foundations constructed, however messily, during the Reagan years. Bush 41 also compared favorably with the informality of the Clinton years, which led to incoherence and failure in any number of areas for the president who came to office believing firmly that "it's the economy, stupid."

Foreigners, of course, also keep a close watch on presidential command, although their views necessarily emerge through the prisms of their interests. While the incoming Obama team seems to crave the approval of foreign governments, it should be attentive to at least a little history. French president Jacques Chirac could lament in the mid-1990s that Clinton's indecision over Bosnia meant that "the position of leader of the free world is vacant." That was a complaint we did not hear from Chirac during the Bush 43 administration. For now, we can only wonder what the foreigners will be saying about Obama's presidential command, or lack thereof. As Americans, we can at least read Peter Rodman's outstanding book, and judge accordingly. **NR**

2009 Mediterranean Cruise

Join JOHN BOLTON, DICK MORRIS, GEORGE GILDER, TONY BLANKLEY, CAL THOMAS, PETE DU PONT, RICH LOWRY, KATHRYN JEAN LOPEZ, CHRISTINA SOMMERS, JAY NORDLINGER, JOHN O'SULLIVAN, JOHN HILLEN, RAMESH PONNURU, KATE O'BEIRNE, JASON STEORTS, SALLY SATEL, and others as we visit

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Wed/July 8	Rome/Civitavecchia	5PM	
Thur/July 9	AT SEA		morning, afternoon seminars evening cocktail reception
Fri/July 10	Dubrovnik, Croatia	8AM-6PM	late-night smoker
Sat/July 11	Corfu, Greece	8AM-6PM	
Sun/July 12	Katakolon, Greece	7AM-2PM	afternoon seminar evening cocktail reception
Mon/July 13	Santorini, Greece	8AM-9PM	
Tue/July 14	Ephesus, Turkey	7AM-7PM	"night owl" session
Wed/July 15	Piraeus, Greece	8AM-6PM	"night owl" session
Thur/July 16	AT SEA		morning, afternoon seminars late-night smoker
Fri/July 17	Messina, Sicily	7AM-2PM	afternoon seminar evening cocktail reception
Sat/July 18	Rome/Civitavecchia	7AM	

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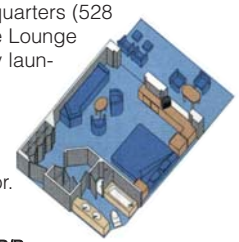

Category SA
DOUBLE OCCUPANCY RATE: $ 6,999 P/P
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SUPERIOR SUITE Grand stateroom (392 sq. ft.) features private verandah, queen-size bed (convertible to 2 twin beds), whirlpool bath/shower, large sitting area, DVD, mini-bar, refrigerator, floor-to-ceiling windows, and much more.

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SINGLE OCCUPANCY RATE: $ 7,999

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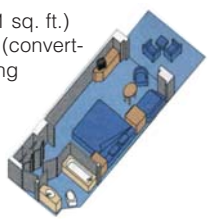

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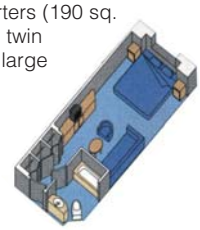
LARGE OCEAN VIEW Comfortable quarters (190 sq. ft.) feature queen-size bed (convertible to 2 twin beds), bathtub with shower, sitting area, tv, large ocean-view windows.



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Category K
DOUBLE OCCUPANCY RATE: $ 2,499 P/P
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All rates are per person, double occupancy, and include all port charges and taxes, all gratuities, meals, entertainment, and *National Review* activities. Cruise-only rates include all of above except airfare and transfers. Failure to appear for embarkation for any reason constitutes a cancellation subject to full penalties. Personal items not included. **PLEASE CHECK ALL APPLICABLE BOXES!**

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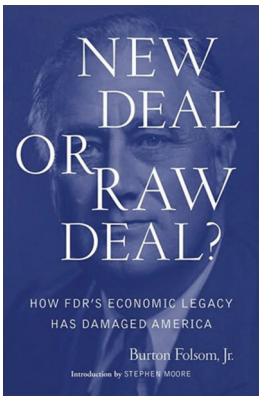
FDR Reconsidered

JONATHAN H. ADLER



New Deal or Raw Deal? How FDR's Economic Legacy Has Damaged America, by Burton Folsom Jr. (Threshold, 336 pp., $27)

Some seem to believe Barack Obama is the second coming of Franklin Delano Roosevelt. Newspaper columns are rife with Obama-FDR comparisons, few of them skeptical. A recent Paul Krugman column was titled "Franklin Delano Obama?" and *Time* pictured Obama on its cover as the New Deal icon—cigarette and all—to accompany an article urging a New New Deal. Disgraced New York governor Eliot Spitzer returned from political exile to proclaim that "President-elect Barack Obama will soon face the extraordinary task of saving capitalism from its own excesses, much as Franklin D. Roosevelt had to do 76 years ago."

There may be some parallels between Obama and FDR. Obama, too, succeeds a big-spending Republican whose fealty to market principles never matched his political rhetoric and inherits an extraordinary economic crisis. Obama defeated a candidate with minimal credibility on economic questions and will enter the White House with a sympathetic congressional majority. So perhaps it is only natural that Obama's advisers are reading up on FDR's first 100 days while his media cheerleaders call for an equally revolutionary progressive agenda. Yet before we embrace a "new" New Deal, it's worth revisiting the alleged success of the old one. Economic historian Burton Folsom Jr.'s *New Deal or Raw Deal?* is thus a very timely book.

FDR is firmly entrenched in the American presidential pantheon; yet Folsom comes not to praise Roosevelt, but to bury him. Page by page Folsom peels away the parchment wrapping the Roosevelt myth to reveal the flawed figure beneath. Like other recent works, most notably Amity Shlaes's *The Forgotten Man*, this enjoyable and eye-opening revisionist account seeks to separate fact from folklore, and correct common misperceptions about the New Deal and its economic legacy. In many respects it is a direct challenge to the "Roosevelt legend" popularized by William Leuchtenburg, Arthur Schlesinger Jr., and other historians.

Roosevelt's rise was facilitated by the Great Depression and the Hoover administration's lackluster recovery efforts. After three years of Hooverism, which was nearly a mini–New Deal in its own right, America had had enough. FDR's ambitions were further advanced by his charisma and ambiguous political message. While he promised progressive spending initiatives, including "aid to agriculture," public works to combat unemployment, and "bold leadership in distress relief," he also campaigned on a platform of low taxes, reduced tariffs, and fiscal restraint: He said he would reduce the cost of government by 25 percent and pursue a balanced budget.

Once in office, FDR renounced any pretense of fiscal conservatism, though he still pursued gradual reductions in tariffs. Instead he set about building an array of federal programs to increase public employment and combat "underconsumption." Among the New Deal's cornerstones was the National Industrial Recovery Act, a revolutionary law that sought to cartelize industries so as to set prices and wages. Roosevelt labored under the belief that the Great Depression could be cured if workers were paid more: This would stimulate greater consumption and spur the economy, even if fewer people were working. It did not turn out that way. In reality, the new system stifled entrepreneurship, innovation, and competition, while providing little benefit to workers. From 1933 to 1935, nominal wages rose, but real wages actually declined. Companies that sought greater market share through lower prices were targeted by federal officials and often run out of business.

The Supreme Court upended the scheme by a 9–0 vote, but Roosevelt was undaunted, pushing replacement programs and conceiving an audacious (but ultimately unsuccessful) plan to "pack" the Supreme Court with new appointees.

Key parts of the New Deal were sold as temporary crisis measures, but once enacted they remained in place—some to this very day. FDR's agricultural subsidies are a perfect example. The extensive system of subsidies and production controls generated substantial public employment—100,000 federal workers were required to monitor farmer compliance—and increased income for some farmers. Yet, Folsom reports, as agricultural production dropped, consumer prices rose, and imports soared. In 1935, largely due to the Agricultural Adjustment Act, America became a major food importer.

FDR is remembered for his economic populism and campaigns against business leaders and "economic royalists." Less known is how heavily his policies weighed on the poor and the working class. Despite his best efforts to soak the rich and impose near-confiscatory tax rates on high earners, the early New Deal relied upon heavily regressive excise taxes, including taxes on alcohol and the processing of food and clothing. From 1933 through 1936, federal revenues from excise taxes were greater than those from personal and corporate income taxes combined.

Despite the enactment of many new federal programs, there was little positive result. By 1939 Roosevelt's treasury secretary, Henry Morgenthau, was forced to admit, "We are spending more than we have ever spent before and it does not work." Morgenthau conceded that after nearly two full terms in office, the Roosevelt administration "never made good on our promises." While unemployment dropped during Roosevelt's first term, it crept back up between 1936 and 1939. Stock values plummeted from 1937 to 1939, causing

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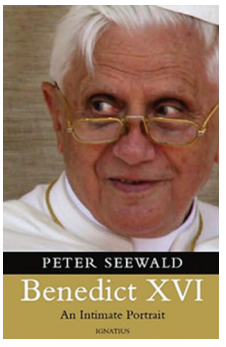
Shelf Life

GERMAN journalist Peter Seewald is the author of two very popular book-length interviews with Joseph Cardinal Ratzinger. His new book, ***Benedict XVI: An Intimate Portrait*** (Ignatius, 260 pp., $24.95), lives up to its title: It offers an idiosyncratic and genuinely insightful view of one of the world's great spiritual leaders. Why is the current pope so doggedly countercultural? A key reason, writes Seewald, is that he grew up under Nazism, under the tutelage of a father who bravely opposed that regime: "It was the exemplary attitude of summoning up courage and defending his position, 'although [said Cardinal Ratzinger] this was opposed to what was officially in force.' For it is not current tendencies or majorities that determine whether the fundamental rules of life should suddenly cease to be valid or not."

This point is ironically confirmed by one of Seewald's interviewees, dissident theologian Hans Küng. How could such an intelligent Church liberal—as Ratzinger had been at Vatican II—have become such a strong advocate of orthodoxy in dogma? "There is a break in his biography, no question," says Küng. "I believe there must still have been, somewhere in his heart, an unenlightened shrine to an old-fashioned God." This is the crux of the matter: Ratzinger believes in a God Who pre-exists human decisions about Him, and Who offers more solid guidance than evanescent intellectual fashions do.



We—people of faith, and people of no faith—can grow in our understanding of Him, but when our search loses sight of the fact that there must be a truth antecedent to human reason—that we are not merely making it all up as we go along but are seeking the face of reality—that search turns into a process of self-deception.

The heart of man seeks fundamental truth, as much truth as he can bear. This is the greatest role of human intellect, and Seewald has discerned in this regard a remarkable influence on Ratzinger: none other than Hermann Hesse, the German writer beloved of the hippies of the 1960s and 1970s (and many others too, of course). Even before discussing Hesse with Ratzinger, Seewald intuited "a certain spiritual relationship, a similar sensibility and density of romantic feeling" between Ratzinger and Josef Knecht, the leading character in Hesse's *Glass Bead Game*. Like Knecht, Ratzinger is a gifted intellectual who sees that the life of the mind has a goal beyond mere virtuosity. Ratzinger later told Seewald that he was indeed an admirer of Hesse, and of *The Glass Bead Game*; but his favorite Hesse book, he said, was *Steppenwolf* (which inspired not only a fine 1974 film adaptation starring Max von Sydow, but also Francis Ford Coppola's masterpiece *The Conversation* the same year).

Readers interested in the pope will enjoy this book; they, and others, ought to consider revisiting those two classics by Hesse as well.

—MICHAEL POTEMRA

some to call the late 1930s a depression within the Depression. On key economic indicators, including unemployment and industrial production, the United States underperformed other industrialized nations during the 1930s. Even accounting for differences in how economic indicators were calculated in various nations, Folsom notes, "the U.S. economy under Roosevelt did poorly not only in an absolute sense, but in a relative sense as well." While this is disputed by some (see Conrad Black in NR, Dec. 15), more recent economic research, such as that by economists Lee Ohanian and Harold Cole, confirms Folsom's claim that the New Deal did more to extend the Depression than to end it.

The dramatic expansion of the federal government came at tremendous cost to the nation, and not just financial. The gross negligence of Roosevelt's Federal Emergency Relief Administration rivals the worst account of the Federal Emergency Management Agency under George W. Bush. Over 250 veterans working for FERA perished due to inadequate hurricane preparation in the Florida Keys in 1935. Men sent to work on infrastructure projects were left unprotected as hurricanes approached, causing what *Time* called a "slaughter worse than war."

The creation of massive federal relief and spending programs encouraged patronage abuses and political manipulation. FDR's administration doled out positions and federal funds to maximum political advantage. In many respects, Folsom explains, the abuse of federal monies and positions was a greater problem than the make-work nature of many projects: "Roosevelt's special-interest spending created insatiable demands by almost all groups of voters for special subsidies." Political patronage was hardly a new phenomenon; what was new was the sheer volume of money and power wielded by the administration.

Not content with documenting the New Deal's policy failures, Folsom also delves into Roosevelt's personal foibles, including his economic illiteracy and "poor character." As Folsom documents, often relying on the contemporary accounts of FDR's confederates, Roosevelt regularly made promises he did not plan to keep, and would deceive

political allies and opponents alike if necessary to advance his agenda. As Harold Ickes, FDR's interior secretary, confessed, all too often Roosevelt seemed "to regard his word lightly." More disturbingly, FDR evinced a paranoia and vindictive streak that were positively Nixonesque. "Roosevelt could be a shrewd and smooth politician," Folsom notes, and quite charismatic. Yet on many occasions "his anger and vindictiveness overrode his political judgment." He sought to purge allegedly "disloyal" Democrats from Congress, and set the Internal Revenue Service loose on his political opponents.

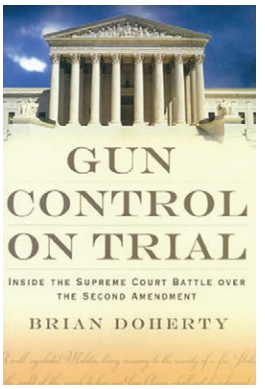
Folsom argues that Roosevelt's larger-than-life public persona hid the small and often contemptible man. Yet Folsom wants to go farther, suggesting that after Roosevelt's conduct "fewer presidents would be bound by public promises, by constitutional restraints, or by providing exemplary conduct in their personal lives." Even if one were to accept that Roosevelt was the first American president to exhibit such character traits to this degree, Folsom offers little reason to believe that FDR himself is responsible for the poor character and irresponsibility shown by some of his successors.

Folsom does acknowledge the New Deal's few bright spots, including reasonably sound monetary policy and a gradual reduction in tariffs. With protectionist sentiment on the rise today, this latter policy is certainly one worth emulating. That said, *New Deal or Raw Deal?* is not a particularly even-handed treatment of its subject, but much the same could be said of most favorable treatments (which is to say, most treatments) of FDR. There is no reason a counterweight should bear any greater burden of balance than conventional historical texts. It's an indictment—and quite a damning one at that—but not a final judgment.

It is too often said that those who do not learn from history are condemned to repeat it, but sometimes this warning is true and important. If the nation is prepared to embark on another progressive voyage to expand the federal government, it's worth noting how such treks fared before. Thus we should be thankful for Folsom's insightful primer on the policy failures of the nation's last effort to combat economic crisis with government largesse. **NR**

Going Great Guns

ROBERT VERBRUGGEN



Gun Control on Trial: Inside the Supreme Court Battle over the Second Amendment, by Brian Doherty (Cato, 126 pp., $16.95)

It's been half a year since the Supreme Court handed down its decision in *District of Columbia* v. *Heller*, affirming that the Second Amendment gives individual citizens the right to keep and bear arms. But *Reason* senior editor Brian Doherty, author of *Radicals for Capitalism*, has already published a short book, *Gun Control on Trial*, documenting the history, context, and outcome of the case.

The book is a worthwhile endeavor. Covering lots of ground in fewer than 120 pages of text, it's a great primer for the unfamiliar, and even those who have followed the gun debate will find plenty of interesting new tidbits. However, the author glosses over a few topics, sometimes offers weak analysis, and gets some minor facts wrong.

Doherty starts at the beginning: He shows how the Founders, building on English tradition, valued gun rights. An armed populace, also called the militia, was useful for repelling outside invaders, replacing government armies to some degree, and keeping said armies from seizing power. These values culminated in the Constitution's Second Amendment, "A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed."

As Doherty winds his way through American history, he presents a series of fascinating anecdotes. For example, he tackles the backstory of the 1939 Supreme Court case *U.S.* v. *Miller*: Two criminals transported a sawed-off shotgun across state lines without paying the tax the National Firearms Act levied on such weapons. The judge they faced was a gun-control activist who wanted to verify that the NFA was constitutional by sending a good case (one where the defendants weren't particularly likable) up through the appeals process. When the criminals pled guilty, he refused to accept the plea—that way he could throw out the indictment, ostensibly on the grounds that the NFA violated the Second Amendment, and the government could appeal the case. The defendants went on the run, and their lawyers didn't even

ANGLO-SAXON NATURE GNOMES

For frost to freeze, for fire to burn trees,
For earth to hide seeds, for ice to bridge
Water, to walk on bright gleaming mail;
For Almighty God alone to unbind
Fetters of frost. For Winter to pass,
For warm season to come, for summer
Sun to shine hot, for the sea to seethe,
For the path of the dead to be hid,
Holly to hiss in the fire. For the things
Of the dead to be given, Only Glory clings.

—RICHARD O'CONNELL

bother showing up at the Supreme Court to argue.

Even with the deck thus stacked, Doherty notes, *Miller* was not the defeat for gun rights that many people later thought it was. The Court did uphold the NFA, but did so *not* because the criminals weren't members of a militia, but because it had not been proven that a sawed-off shotgun was the type of weapon a militia might use. The decision even noted that the militia included all males capable of fighting, not just government-selected recruits.

When Doherty gets to the *Heller* case of last year, his reporting really shines. He interviewed all the major players (on the pro-gun side, anyway), and he thoroughly documents the personalities, infighting (the NRA would have preferred to wait for a few more pro-gun Supreme Court nominees, and sabotaged the effort), strategizing, and collaboration that made the case such a success.

When Doherty gets to the *Heller* case itself, his reporting really shines. He interviewed major players, and he thoroughly documents the personalities, infighting, strategizing, and collaboration that made the case such a success.

One debate Doherty avoids, however, stems from the fact that precursors to the Second Amendment varied greatly in their wording. For example, the Pennsylvania state constitution protected the right of the people to bear arms "for the defence of themselves and the state," and 21 members of the state's ratifying convention later suggested the protection of gun ownership even for the "purpose of killing game." Other states offered a right to bear arms "for the common defence" or "for the defence of the state." Not surprisingly, some anti-gun activists and scholars have latched on to the latter phrases, claiming these prove that in the founding era, people understood the right to bear arms as limited to militia endeavors. Rather than explore the topic, Doherty dismisses it, claiming that gun ownership "for the common defence" was somehow "mixed" conceptually with gun ownership unrelated to the common defense. He offers no supporting details until several pages later, when he notes the obscure 1833 Tennessee Supreme Court case *Simpson* v. *State*. (*Simpson* interpreted the phrase "to keep and to bear arms for their common defense" in the state constitution to mean that citizens may bear arms generally.)

The issue deserves more discussion, because Second Amendment experts have divergent views. Clayton Cramer has speculated that the phrasing might have been intended to counter a specific argument in favor of disarming the population—the argument that when a standing army exists, the people no longer need to bear arms for the common defense. Don Kates has pointed out that, through the 19th century, no court clearly interpreted "for the common defence" to limit a right-to-bear-arms clause. He argues that "common defence" didn't distinguish military defense from personal defense, but military and personal defense from gun use "in a private quarrel."

The Second Amendment's predecessors perhaps said different things because they meant different things. At least some early Americans thought that "for the common defence" limited the right, and were worried about that fact: In Massachusetts, before the state adopted "for the common defence" language, the locality of Northampton suggested changing the language to "The People have a right to keep and bear arms, as well, for their Own as the Common defence."

Gun Control on Trial also addresses the merits of gun restrictions, and here Doherty's worst offense is his distortion of the D.C. murder rate. D.C.'s gun ban, which *Heller* struck down, took effect in 1976. Doherty repeatedly cites the statistic that in the ensuing years, only once has the murder rate slipped below what it was then. From this he argues that a D.C. with a gun ban "has not been a safer D.C."

The city is indeed no safer, but the 1976 figure is highly misleading. Between 1970 and 1976 the murder rate fluctuated quite a bit, between a low of 26.8 and a high of 38.3 per 100,000 (before 1970, it was lower but rising consistently, save for a spike in 1969). The 1976 rate was the low, 26.8—it was not a representative snapshot of murder in a pre-ban D.C. Looking at the 1970–76 range rather than just the 1976 rate, it's impossible to tell what effect, if any, the ban had. The rate stayed in this range until 1985, the year it dipped below the 1976 rate, and again until 1988, when a severe crime wave gripped the city.

Doherty's analysis doesn't fare much better when he compares D.C. with the nation's other 49 largest cities. It turns out that in the 1990s, crime in D.C. increased more than crime in the other cities, but this may have had nothing to do with gun laws: D.C. is disproportionately poor and black, and the site of a disproportionate share of the drug war. It's much more fair to compare D.C. with Baltimore, and when researcher Gary Kleck did just that in 1995, it turned out that the two cities' murder rates had moved in tandem both before and after the ban.

The effects of gun control are incredibly hard to tease out, even with reams of data, and it takes cherry-picking to make a single city's experience seem to prove otherwise. The most one can learn from D.C.'s murder rate is that gun bans are no cure-all: There was no noticeable drop in murder after 1976, and when the drug wars took off in the late '80s, the ban didn't prevent the rate from rising.

To say anything more than that with confidence, one has to turn to large-scale statistical studies. Doherty touches briefly on a few, but he could have done more in explaining the debate and the players in it. Basically, there are three schools of thought. The controversial economist John Lott, who singlehandedly set off a wave of studies with *More Guns, Less Crime*, leads the pro-gun school. Lott believes that once you con-

sider all the relevant demographic factors, it's gun rights, not gun-control measures, that decrease crime—gun rights enable self-defense, making criminals afraid to attack.

There are a few scholars on the opposite side, who believe that gun control reduces crime. And there are some studies, in particular extensive literature reviews by the Centers for Disease Control and the National Academy of Sciences, that find no convincing evidence in either direction. (One member of the NAS panel, leading criminologist James Q. Wilson, dissented, saying essentially that he agreed with Lott.) Doherty mentions the CDC and NAS reviews only briefly, and doesn't mention Lott or his supporters. Like the words "for the common defence," this is an issue that warrants more space.

Also, there are a few minor errors. For example, Doherty says that D.C. "tried to rely on the fact that D.C. is not technically a state to claim that the Bill of Rights doesn't apply to them anyway," that this was "bizarre," and that the Court "ended up ignoring it." In fact, D.C. argued that the Second Amendment specifically, not the Bill of Rights as a whole, was meant to protect the states from the federal government, and so would not apply to a federal enclave; whether or not it was "bizarre," a dissenting judge at the appeals-court level made a similar argument; which the Court addressed ("The phrase 'security of a free state' meant 'security of a free polity,' not security of each of the several States").

In another section, Doherty explains that it will take more lawsuits to apply the new Second Amendment doctrine to the states in addition to the District, and some have already been filed. He celebrates these new suits for having already "brought change," because Chicago suburbs Morton Grove and Wilmette have repealed their handgun bans rather than go to court. But it's not at all clear that any real "change" occurred, because Chicago itself is fighting one such lawsuit—it's likely the suburbs repealed so as to wait out the verdict and avoid legal costs, not to respect their residents' rights. They can always reinstate the bans later.

Still, given that Doherty had so little time and used so few words, *Gun Control on Trial* is a remarkable accomplishment—well worth reading, and worth keeping as a reference. **NR**

Film

Sameness and *Slumdog*

ROSS DOUTHAT

As if to deliver the coup de grâce to a lousy year for movies, shortly after Christmas the *New York Times* set out to calculate just how padded today's "blockbuster" box-office totals really are, chiefly by inflated ticket prices. For instance, all those screaming fans who pushed the vampire soap opera *Twilight* to a $70 million opening weekend add up to roughly the same number of moviegoers who bought tickets to see Brendan Fraser don a loincloth for 1997's *George of the Jungle*. The cultural landmark that was the *Sex and the City* movie drew no more ticket buyers to the multiplex than 1996's *First Wives Club*. Even the record-shattering *Dark Knight*, which rivaled *Titanic*'s domestic grosses in unadjusted dollars, came in a measly 26th on the all-time list of tickets sold, sandwiched between *Grease* and *Thunderball*.

Now of course this sad decline in what we mean when we talk about a "hit" is primarily the result of forces beyond any filmmaker's control: the fragmentation of America's common culture, the rise of home video, the proliferation of video games, the ever-expanding Internet. But it would be a poor critic who didn't use the *Times*'s figures as an excuse to trot out a specific complaint against how the movie biz is run, so here's mine: More people might be buying movie tickets if Hollywood abandoned its increasingly destructive habit of releasing all the year's Oscar hopefuls in a headlong late-autumn and early-winter rush.

Admittedly, the rush is worse for critics than for viewers, since at least half the movies "released" in November and December won't trickle out to non-Manhattan multiplexes until January. (Clint Eastwood's *Gran Torino*, which national publications had to review around its official December 12 release date, probably reached a theater near you some

Revolutionary Road*'s April (Kate Winslet) and Frank (Leonardo DiCaprio)*

thirty-odd days later.) But I suspect that even filmgoers in Peoria partake of the overwhelm-ment that settles over cinephiles sometime around Christmas—a time when critics who've devoted dozens of column inches to *The Mummy: Tomb of the Dragon Emperor* during the movie industry's fallow months find themselves tackling what are supposed to be the year's best films at capsule length, and when serious moviegoers wander cineplexes in a daze, rambling about whether Mickey Rourke should win Best Actor for *The Curious Reader of Revolutionary Doubt*.

It's bad for the moviegoers, and it's bad for the movies. Studio executives are a risk-averse lot in the best of times and, faced with the cruel Darwinism of the holiday season, they seem to have decided that the best way to hedge their bets is to green-light films within an ever narrower range. How else to explain this house-of-mirrors movie season: two Clint Eastwood movies released within 40 days of each other; a pair of Oscar-caliber Kate Winslet performances playing against each other in the local art house; and not one or two, but *five* films about the Holocaust and Nazis playing between mid-October and the New Year.

What does all this conformity and caution get you? It gets you *Revolutionary Road*. No film in this holiday season checks quite so many Oscar-season boxes: There are A-list stars (Winslet and Leonardo DiCaprio, together again a decade after they clutched at each other in *Titanic*), an Academy Award–winning director (Winslet's husband, Sam Mendes), a sterling supporting cast, a handsome mid-century aesthetic, and a semi-famous literary novel as the source material. And no holiday-season film better illustrates the way that such box-checking curdles art.

There are things to appreciate in *Revolutionary Road*—Winslet's performance, especially, and a great supporting turn by Michael Shannon as a truth-telling lunatic—but nothing new to see. If you've watched any high-toned Hollywood film about the suburbs (*Ordinary People*? *The Ice Storm*? Mendes's own *American Beauty*, still less than a decade old?), you've watched this one: There's no theme or idea that hasn't been explored a dozen times before, no insight about the desperation lurking beneath the suburban façade that hasn't been aired and aired again. (If you're interested in meditating on the dark side of the American Dream through the lens of a dysfunctional suburban marriage, go Netflix *The Sopranos*.) As Frank and April Wheeler, ex-bohemians stifled in a Connecticut development, the two stars tear away at each other en route to an overdetermined doom, while the camera aestheticizes their misery: A rose of blood blooms on a woman's skirt, and Mendes, as in every film he's ever made, is more interested in the shot's loveliness than its dramatic weight.

Consider, by way of contrast, one of the few recent films to escape pretension's gravitational pull: *Slumdog Millionaire*, a Bombay-set fairy tale that lacks Nazis, A-list stars, a theme of alienation, and a downer of an ending, but somehow manages to be a better film than most of its Christmas-season competition. *Slumdog*'s plot, which features a street urchin turned game-show competitor, villainous gangsters, a tangled sibling rivalry, and a long-lost love, is the purest sort of melodrama. But then again, in its own way, so is *Revolutionary Road*; the difference is that, in *Slumdog,* the manipulativeness is up-front and unpretentious, driven by the urge to entertain rather than the quest to be high-minded.

The director, Danny Boyle, has spent his career blissfully unconcerned with the Laws of Oscar (he's the anti-Mendes, in this sense), and the resulting variety—the junkies in *Trainspotting*, the zombies in *28 Days Later*, the winsome treasure-finding kids in *Millions*—exemplifies what the movies ought to offer: the thrill of the new, rather than the comforts of self-seriousness. With *Slumdog* he'll probably finally be rewarded for it: His movie stands a good chance of claiming the "little film that could" slot among Best Picture nominees that *Juno* captured last year, and *Little Miss Sunshine* the year before.

The good news is that *Slumdog* is a better movie than those two; the bad news is that unless the industry has the good sense to nominate *Wall-E* as well, it'll be up against four rivals in the style of *Revolutionary Road*. Maybe if those numbers were reversed—if four out of the five Best Picture nominees were doing something new and strange and interesting, and only one were doing something predictable and pretentious—Hollywood would have a chance of getting more people to the movies. Or maybe not; but, at the very least, more *Slumdogs* and fewer *Revolutionaries* would make the year's darkest season considerably more enjoyable. **NR**

DREAMWORKS

City Desk

Sugar Islands

RICHARD BROOKHISER

WHERE I live the seasons have quarterly distinctness, sharp as a shepherd's calendar in a medieval book of hours. But as you slide down the flank of the continent, the atmosphere softens, the offshore colors glow, until you reach the islands once fought over by empires, now ruled by the resort industry.

When I tell you that I spent almost two weeks in early December on St. Croix filming scenes for a PBS documentary, I will not earn much respect for my industry. And it is true that although our work days were 14 hours long, the air was warm, the Christmas winds blew, at night Venus and Jupiter shadowed the waxing moon like bodyguards, and even production meetings and semi-official sessions of make nice were smoothed by rum-and-Cokes. What can such an interlude have to do with ordinary life, much less life in my latitude?

The answer, since I am a historian doing a historical documentary, is plenty. The Virgin Islands, of which St. Croix is the largest, and the West Indies as a whole were bound to New York during its colonial centuries, which means they are bound still.

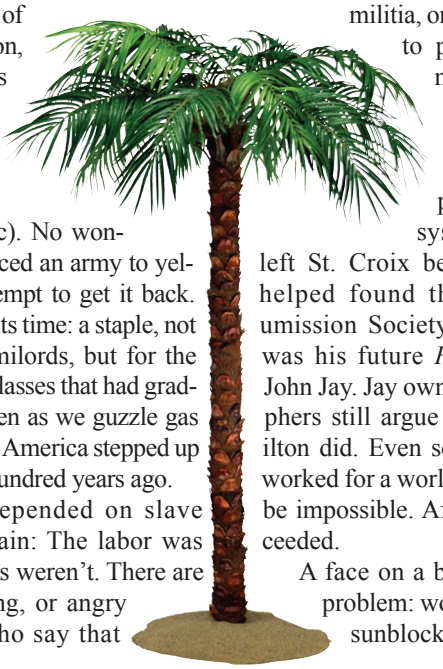
The strongest tie between the changeful north and the smiling south was and is people. Islanders have been moving in with us since they could book passage. As late as 20 years ago, when Cruzans spoke of New York City or America—they equated the two—they said, the City (what other other place was there?). Now, thanks to pop Rastafarianism, they say Bab (Babylon). The Schomburg Center, a research branch of the New York Public Library in Harlem devoted to black history and culture, was begun by Arturo Schomburg, whose mother was from St. Croix. The subject of my documentary, Alexander Hamilton, who is buried at the head of Wall Street, lived in St. Croix from ages 9 to 15. St. Croix was his last stop before college; like many a résumé stuffer today, he thought of Princeton, but ended up at Columbia (then King's). He never graduated, fighting the Revolution, writing the *Federalist Papers*, and running the Treasury Department all intervening; slacking isn't what it used to be.

The economist—free-market or Marxist—rises to point out that people journeyed for a reason. The path from the islands to New York was cleared by profit, and the profits two and three centuries ago came from sugar. It is hard to conceive how lucrative sugar was then. When I speak about it, I give audiences three facts. In 1763, at the end of the Seven Years' War, when England found itself in possession of so many French colonies that it decided to give some back for fear of overstretch, it hesitated between returning Canada or the island of Guadeloupe. When it gave back the sugar island, the merchant class was stunned by the folly of the decision. In 1772, the value of Jamaica's sweet exports to England was four times greater than the value of the exports of all the Thirteen Colonies. All you Pinckneys and Randolphs and Browns, put that in your clay pipes and smoke it. On the eve of the French Revolution, one-third of France's revenue was generated by Sainte-Domingue (the modern Haiti and Dominican Republic). No wonder Napoleon sacrificed an army to yellow fever in the attempt to get it back. Sugar was the oil of its time: a staple, not just for kings and milords, but for the burgeoning middle classes that had graduated from swill, even as we guzzle gas now because Middle America stepped up from old Dobbin a hundred years ago.

Those profits depended on slave labor. What a bargain: The labor was free, and the laborers weren't. There are historians—left-wing, or angry black, or both—who say that the Industrial Revolution rested on slave/sugar profits. That can't be the whole truth: France did not lead the Industrial Revolution, so island empires were not the only factor. But there was heavy lifting behind the spinning jennies.

The slave/sugar system was deeply woven into the commercial life of New York. The St. Croix merchant house where young Hamilton got his first job as a clerk was the branch of a New York firm. The Schuylers, the clan Hamilton married into when he moved here, were upstate grandees who were also involved in West Indies trade. Another old New York family that refined West Indian sugar in the City was the Roosevelts. New York processed the agricultural produce of the islands. In return, it supplied them with necessities. In a sugar island, you would not want to divert one acre to wheat or wood lots; it would be like keeping Sutter's Mill in business after the gold strike in 1848. So southbound ships carried flour, timber, and a host of other items—made or grown on New York farms that were worked by still other slaves. Think of them as plantation back offices.

A sordid picture if one looks at it long and hard, as one must. There are a couple other scenes in it, though. At every rung of a slave society, people tried to make the best of their situation. Among the slaves who managed to live, there were slaves who managed to buy their freedom, or who were manumitted. In St. Croix, free black males had to serve in a militia, one of whose duties was to police unfree blacks; man tries to maneuver even on a cliff face. As the 18th century wore on, some people decided to end the system. Years after he left St. Croix behind him, Hamilton helped found the New York Manumission Society. The first president was his future *Federalist* co-author, John Jay. Jay owned slaves, and biographers still argue about whether Hamilton did. Even so, these New Yorkers worked for a world in which they would be impossible. After decades they succeeded.



A face on a bill, old evil, facing a problem: worth a thought between sunblocks. **NR**

Happy Warrior

BY MARK STEYN

Hang On to Your Hats

Do you remember *The Matrix*? It was big a couple of years ago. I think I quoted it in this very space—something about red pills, blue pills, and how far down the rabbit hole you want to go. It was part of the lingo for a while. But the dogs bark and the pop-culture caravan moves on. Anyway, a while back an interview in the *Guardian* with the film's composer happened to catch my eye. Usually, when an interview with a guy who's big on the electronic "dance music" scene catches my eye, my eye promptly glazes over, but not on this occasion. Rob Dougan, an Aussie who lives in a cool loft on the south bank of the Thames in London, had been asked post-*Matrix* to remix some Sinatra tracks for today's market—add some hip-hoppish electronica here and there. Unfortunately, he liked the records pretty much as they were. He took a crack at "That's Life" and was told his remix was not "modern" enough. So it was back to the old drawing board. And then Mr. Dougan observed:

> In Sinatra's time it was really cool to be 50, to be a man. You put on a hat and a suit and you keep on going until you die. Now you get 50-year-old guys in sleeveless T-shirts, going to the gym and desperately trying to fix their hair, and you think: "Whatever happened to real men?"

REPRISE/WEA

Well, maybe they had hormone treatments. Victor Davis Hanson recently concluded that "the generic American male accent" was dying out and had been replaced with something affectedly "metrosexual" with "a particular nasal stress, a much higher tone than one heard 40 years ago . . . a precious voice often nearly indistinguishable from the female." As for the old-school males, wrote Professor Hanson, "I watched the movie *Twelve O'Clock High* the other day, and Gregory Peck and Dean Jagger sounded liked they were from another planet." Diana West has written a whole book on this theme: *The Death of the Grown-Up*. But it rings more plaintive coming from Rob Dougan, a cutting-edge type with his own pop-cult cred on the line. I suspect he may be thinking of Sinatra circa 40 more than 50, but in a way that makes his point: If you look at almost any movie from what we might call the old days, the guys appear older than they are. Almost all the leading men—Humphrey Bogart, Gary Cooper, William Powell—seem designed for eternal middle age: You put on a hat and suit and you keep going until you die.

Now we have youth culture: what's young, what's hip, what's hot, what's now. The folks who commissioned those Sinatra remixes won't care if they sound squaresville two years from now, just as all the hep cats ABC demanded as "special guests" for Frank's 80th-birthday salute in 1995 are now Trivial Pursuit answers. (Salt N Pepa? Hootie and the Blowfish?) Who cares if your hot young act cools off? Something even younger and hotter will be along in a moment.

But what if it's not? I write a lot about the demographic decline of the Western world, and readers often respond, "So what? Tokyo's pretty crowded. It'd be kinda nice to have 20 percent fewer people." Maybe. But the 20 percent who aren't around won't be the coots and codgers; the missing folks will be the children who were never born, and the few who were but decided they didn't want to spend their lives in a joint so tilted toward the geriatric. The eternal adolescence of contemporary pop culture is merely the most obvious example of how society's self-image is invested in its youth. In star movie roles, everybody's young. Not necessarily ridiculously young, like Dr. Christmas Jones, the nuclear physicist played by Denise Richards a couple of Bond films back. But young nevertheless. Because young people go to the movies and they don't want to look at old people.

But in Japan and Europe a generation or two down the road, everyone will be old. Will they still want to look at young people? And, if they do, will they even be able to muster enough young people to star, write, direct, compose the theme music? Or will there no longer be enough youthful energy in society to maintain youth culture's endless parade of novelties?

Right now, Hollywood movies make more money abroad than they do at home. So, if you wonder about the stuff playing at your multiplex in Des Moines, relax: It's made for young Asian males, and you're merely a peripheral market. Perhaps that situation will continue indefinitely, until everyone on screen looks like Dr. Christmas Jones, and everyone in the European and Canadian and Japanese audiences looks like Ethel Barrymore's grandmother. Two years ago, Alfonso Cuarón made a comically inept film of *The Children of Men*, P. D. James's dystopian novel about a world in which people are not merely disinclined to breed (as in latter-day Europe) but literally unable to. The movie looked like a movie—which is to say that everyone in it was young: young heroes leading young gangs pursued by young cops and young soldiers. Thus did Mr. Cuarón miss the point of Lady James's novel. In the book, youth is in short supply: Paved highways crumble to rutted tracks because the government workers are too middle-aged to maintain the rural districts. Youth is at a premium—as it will be in Japan the day after tomorrow, and Germany the day after that. Yet the boringly conventional casting of the movie unintentionally confirmed the book's thesis—that a society without the young is so alien to all our assumptions even the adapter couldn't imagine it. NR

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