

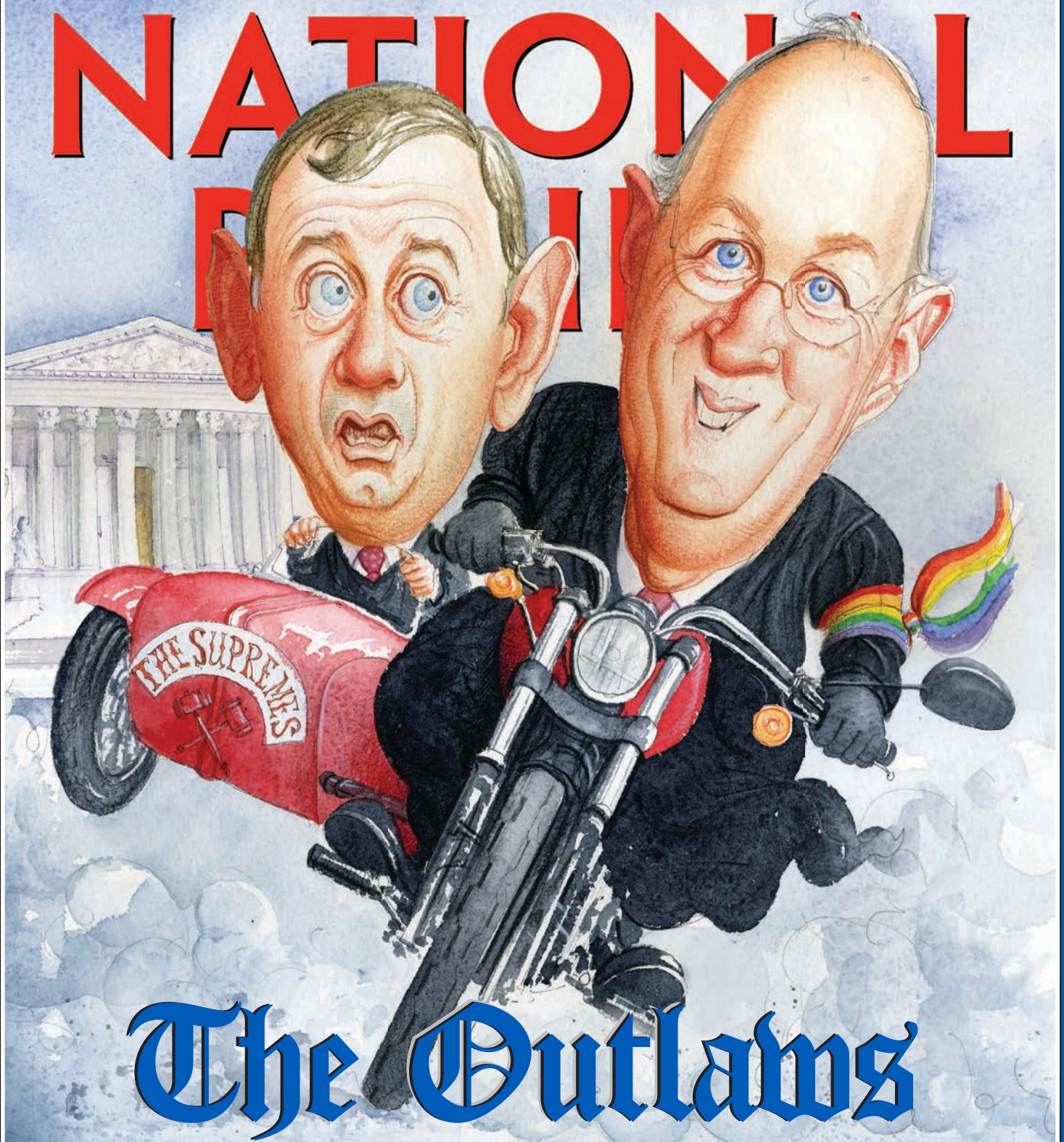
ELIANA JOHNSON ON JEB'S HARD SLOG

IAN TUTTLE ON BEN CARSON'S APPEAL

GUELZO on the Confederate Flag

COOKE on Charles Murray

NATIONAL REVIEW



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COVER: ROMAN GENN

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George Gilder / Jeffrey Hart

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D. Keith Mano / Michael Novak

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Accounting Manager Galina Veygman

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Business Services

Alex Batey / Alan Chiu

Circulation Manager Jason Ng

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Choo-choo-choosing Sides

“It has now passed the point of no return. Bonds have been sold, ground has been broken. The project will go forward, and Florida will soon find out whether passenger rail . . . can again turn a profit.”

That sentence is from the last paragraph of “On the Right Track” (NATIONAL REVIEW, January 26, 2015). Stephen Smith, the author, had every reason for this conclusion after being charmed by Wes Edens, founder and co-chairman of Fortress Investment Group, which owns All Aboard Florida (AAF), whose plan is to institute a Miami-to-Orlando high-speed passenger rail service with 32 trains a day.

NATIONAL REVIEW can be thanked for galvanizing Martin, St. Lucie, and Indian River counties into opposition on the grounds that the train would pose risk, injury, and delay to emergency traffic. The people have heard the words of Thomas Jefferson: “When the legislative or executive functionaries act unconstitutionally, they are responsible to the people.”

President Obama, the U.S. Department of Transportation (Federal Railroad Administration), Homeland Security (the U.S. Coast Guard), the governor of Florida and all of the state’s departments, 27 of the 29 Florida U.S. representatives and senators, 64 of 67 counties and their state representatives and senators, and the majority of Florida’s 19.5 million (less the 600,000 residents of the Treasure Coast): All are in favor of this epitome of political and corporate cronyism.

Yes, “bonds have been sold”: In July 2014, \$405 million, five-year, 12 percent were purchased. The question is whether AAF can now sell \$1.75 billion of bonds at a reasonable rate. “The project will go forward”: If AAF and the “government” can sustain the legal onslaught that the three objecting counties have begun.

History shows that AAF cannot be profitable, as every passenger train in the world requires a government subsidy to cover operating and capital costs. Therefore, if the project is built, Wes Edens will soon beckon the governor of Florida to Miami: “The engines are idling, the fuel gauges read empty, please hurry, and, governor, bring your checkbook.”

*Nicholas Schaus
Vero Beach, Fla.*

STEPHEN SMITH RESPONDS: Mr. Schaus should alert the authorities responsible for securities fraud in Japan, because if he’s correct that every passenger train in the world requires a government subsidy to cover not only capital but also operating costs, then Japan’s dizzying array of private railroads has been defrauding investors and the public about its profitability for years. He might also consider alerting the authorities in Western Europe, where a few of the state-owned railroads claim to operate with varying degrees of profitability, especially on the continent’s high-speed railways.

Letters may be submitted by e-mail to letters@nationalreview.com.

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The Week

■ Love 1, Constitution 0.

■ Dylann Roof killed nine members of Emanuel African Methodist Episcopal Church in Charleston, ages 26 to 87 (one was the pastor and a state senator). He opened fire on his targets after spending an hour with them in their Bible-study class. Lesson not learned. But survivors and relatives of the victims, undeterred, tried again at Roof's bond hearing. "We are the family that love built," Bethane Middleton-Brown, sister of one of the dead, told him. "We have no room for hating, so we have to forgive. I pray God on your soul." It is some comfort to know that Roof's violent racism—he hoped, he said, to start a race war—is now the pathology of deviants, not, as it was even 60 years ago, the creed of large swatches of America. Beyond politics and countries is the struggle to know and share God's love in a fallen world. Bless Emanuel AME and so many others in Charleston for their example. Beside it the 24/7 yakfest of so much modern life shrivels to insect chatter.

■ Because Dylann Roof was a white supremacist who displayed Confederate paraphernalia, his massacre was followed by a push to remove the Confederate flag from state flagpoles, retailers' stock, and even historical games. The Confederacy arose to defend slavery from Abraham Lincoln and the Republican party; its flag is inextricably linked with white power and treason, and should not be flown by agents of the government it sought to destroy. But the human heart, like history, is complex. Men fight for homes as well as ideologies; soldiers even in bad causes can conduct themselves with honor. Kibitzers of the future should beware of easy triumphalism: Lincoln reminded northerners of his day that they too were complicit in slavery by sharing its produce and profits, and that southerners were "just what we would be in their situation." The gray dead were rebels, not murderers. To efface all sign of them is proud, spiteful, and—since the past cannot be rewound—vain.

■ Congratulate President Obama on a great week. The media did: "After a momentous week Obama's presidency is reborn" (*Politico*). "This was the best week of Obama's presidency" (*Washington Post*). Etc., etc. But what did this septimana mirabilis consist of? A horrible crime brought down the Confederate flag; we beat people who were beaten 150 years ago, at which rate Iran and ISIS will fall in 2165. Congressional Republicans passed trade-promotion authority; Obama in year seven of his administration discovers triangulation. The Supreme Court upheld the subsidies in Obamacare, his signature legislation, and imposed gay marriage, one of his (sometime) causes; the swing justices were appointed by Ronald Reagan and George W. Bush. Big events, culturally and economically. But apart from TPA, for which he deserves partial credit, some big waves rolled in and he rode them. Great surfers do that; so does kelp. Spare us the Mount Rushmore redo.



■ Amid the gay-marriage brouhaha that flared up at the end of June was another Supreme Court case of serious import. The 1968 Fair Housing Act, the Court said, can be violated inadvertently, and the state of Texas had done just that. The bottom line: It is not good enough for a housing policy to be neutral in its intentions, it must also produce equal outcomes. State and federal agencies are thus acting in violation of federal law when their behavior can be statistically shown to have had a "disparate impact" on various protected groups, even if there was no desire to hurt or favor anybody. This claim would have come as a surprise to the law's drafters, who neglected to mention any such provision within its text. The Court's electing to read into the law what is clearly not there, Justice Alito contended in his dissent, represents "a serious mistake." That mistake has been going around a lot lately.

■ In a week when news from the Supreme Court was dominated by its bad decisions in a couple of high-profile cases, a piece of good news got buried: The justices affirmed that private property is private property. They found that a program under which the federal government seized raisin crops from farmers was unconstitutional. In *Horne v. Department of Agriculture*, the Court, citing the Fifth Amendment, ruled that farmers must be justly compensated for the government's "takings" of their product. The purpose of the National Raisin Reserve, established in 1949, was to limit the amount of raisins on the market and thereby prevent their price from falling too far. In 2002–03, the Raisin Administrative Committee ordered growers to surrender 47 percent

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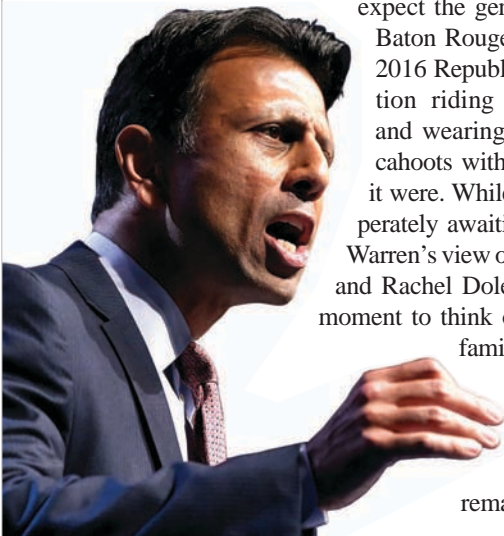
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of their crop to the reserve. Marvin Horne, who runs a family-owned raisin farm in California, refused. The government issued fines and penalties totaling more than \$680,000. Horne sued, and now has won. Leviathan lost. One battle at a time.

■ Better late than never, the Supreme Court took the Obama administration to task in June, ruling that its EPA had illegally promulgated a rule limiting the permitted emission of mercury and other pollutants from coal-fired power plants. At issue was the question of whether the agency had first considered the costs that the regulation would impose. Writing for a 5–4 majority, Justice Antonin Scalia concluded that it had not, and that the provision must therefore be reworked. Going forward, the decision will help to rein in an agency that has been out of control under President Obama. This summer, the president will announce his new climate-change regulations in the certain knowledge that a failure to follow the correct process could land him back in court. That is progress, and it should be welcome. But it will be scant consolation for the many power plants that have already been put out of business.

■ Governor Bobby Jindal of Louisiana, a son of Baton Rouge, is under fire for being insufficiently a son of Chandigarh, the Punjabi city that once was home to his father. Jindal is running for president as one of the few Americans in public life who have reformed a health-care system with a measure of success, having rescued his state's bankrupt public-health system when he became secretary of health at the age of 24. He is not running as an Indian American, and has been refreshingly direct in his criticism of crass identity politics. For this, he has been mocked by the self-appointed ethnic-authenticity police at *The New Republic*, who accuse him—along with Governor Nikki Haley of South Carolina and conservative activist Dinesh D'Souza, also of Indian ancestry—of having “advanced in the GOP by erasing their ethnic identities.” Jindal has been criticized for having an official portrait in which his skin is not depicted with the degree of darkness that liberals think proper, and an anti-Jindal social-media campaign has been organized around the phrase “Bobby Jindal is so white . . .”

Apparently, our liberal friends expect the gentleman from Baton Rouge to enter the 2016 Republican convention riding an elephant and wearing a turban, in cahoots with mahouts, as it were. While we are desperately awaiting Elizabeth Warren's view on the subject, and Rachel Dolezal's, take a moment to think on the Jindal family's uniquely American story, and to thank God that it remains possible.



■ Over the objections of ineducable progressives—and of conservatives who really should know better—President Obama signed into law the aforementioned trade-promotion authority. It simply allows the president to submit trade agreements to Congress for an up-or-down vote, a feature of U.S. trade policy for decades, and a useful one, too. It became controversial partly because conservatives distrust the president, not without reason, which led some of them to resist this commonplace measure; partly because 2016 presidential contenders in both parties are looking for a fight; partly because trade is an issue ripe for cheap demagoguery; partly because the Left hates international trade per se; and, not least, because TPA was caught up in a controversy over the trade deal currently being negotiated, the Trans-Pacific Partnership, a hate totem to the Buchananite Right and to the Warrenite Left, which objects to the proposal's extension of U.S.-style intellectual-property protections, and to the fact that some for-profit enterprise might profit from it. This latest bill extends TPA for six years, and we hope that President Cruzpaulbio makes fuller use of it than his predecessor has.

■ To borrow from a well-known former senator, it has always required the “willing suspension of disbelief” to assume Hillary Clinton had surrendered all the official e-mails kept on the private server she used to conduct State Department business—frustrating government record-keeping regulations, freedom-of-information laws, and congressional investigations. In particular, the dearth of e-mail from the period around the 2012 Benghazi massacre obviously suggested that she was continuing to withhold relevant evidence. Now the obvious has become explicit: The House committee investigating Benghazi has uncovered e-mails Clinton failed to disclose. They involve Sidney Blumenthal, the longtime Clinton henchman who seems to have been the secretary's Rasputin, providing political advice and dubious intelligence about Libya despite being blackballed by the White House from service in the administration. The e-mails were discovered in connection with the committee's grilling of Blumenthal. It gets tiresome to point out that a Republican who merely tried to do what Mrs. Clinton has actually pulled off would be drummed from public life and perhaps preparing for a criminal trial, not a presidential campaign.

■ The president of Smith College got in trouble last December for saying “All lives matter,” when the mantra is “Black lives matter.” She issued an abject apology. Now Hillary Clinton has gotten in trouble, for using the same verboten phrase. Speaking at a church in Missouri, she told a story about her mother's struggles. Hillary once asked her, “What kept you going?” And “her answer was very simple,” said the candidate. “Kindness along the way from someone who believed she mattered. All lives matter.” That tore it. Clinton faced a “backlash,” as the *New York Times* reported. Clinton was judged to have committed a racial offense. Coming to her rescue on Twitter was Donna Brazile, the veteran Democratic operative (who is black). She noted that Hillary was merely telling a story about her mother, and that Hillary had cooperated in saying “Black lives matter” in the past. Then Brazile said, “Stop hating!” Good luck with that.

■ Even by the standards of Obama-administration lawlessness, the lengths to which the Internal Revenue Service has gone to obstruct judicial proceedings and congressional investigations

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over its targeting of conservative groups are shocking. Originally, the agency falsely claimed that e-mails from Lois Lerner, the central IRS official in the scandal, could not be located for the critical time period because her hard drive had been mysteriously destroyed. The IRS conveniently omitted that there was a backup system preserving all communications. Now we learn that tens of thousands of e-mails have been “inadvertently” purged from the backup system—months after the IRS received judicial orders to preserve them and subpoenas to produce them. Predictably, Attorney General Loretta Lynch is no more willing to investigate administration corruption than her predecessor, Eric Holder. Impeachment is the Constitution’s remedy for egregious abuses of executive power. Trying to impeach a twice-elected president is a fool’s errand. The IRS, by contrast, is an unpopular agency even in the best of times. Congress should impeach Commissioner John Koskinen and other agency officials who have been complicit or derelict. Let Democrats be the IRS’s public defender.

■ The cases of Sant Singh Chatwal and Dinesh D’Souza are interesting to compare. Chatwal is a big Democratic donor. He parties with the Clintons and other top Dems. D’Souza is the well-known conservative author and filmmaker. In 2012, D’Souza arranged for \$20,000 in illegal donations to an old college friend of his who was running for the Senate in New York (Wendy Long). He pleaded guilty last year. Chatwal arranged for more than \$180,000 in illegal donations to a variety of candidates, including Mrs. Clinton. He has just pleaded guilty, and to witness tampering, too. D’Souza was sentenced to five years’ probation, beginning with eight months in a halfway house. He was also required to perform more than 2,000 hours of community service and to undergo weekly therapy. Chatwal, meanwhile, was sentenced to only three years’ probation, and 1,000 hours of community service. We realize that sentencing is not an exact science, nor should it be. But the contrast here is curious.

■ Hackers working for the Chinese government penetrated the databases of the Office of Personnel Management, the federal human-resources department that keeps records on millions of current, former, and potential government workers, containing a great deal of classified information from background investigations and other sources. This is an act of espionage bordering on an act of war, and the Obama administration has, thus far, responded with a whimper: Changing the presidential Facebook password is not going to cut it. This is in fact the second major Chinese invasion of the OPM in a year, and the Russians have frolicked merrily through the White House and State Department e-mail systems. (If the secret police happen to know where those missing Hillary e-mails are . . .) The OPM is overseen by Katherine Archuleta, a criminally incompetent political functionary whose previous job was as political director of President Obama’s reelection campaign. Her response? “I don’t believe anyone is personally responsible.” That’s a fair summation of the problem.

■ Alexander Hamilton has been a bogeyman for the Democratic party since Day One. Thomas Jefferson thought he was a monarchist. Martin Van Buren said he called the people “a great beast” (Van Buren’s account was fourth-hand hearsay). The only book review FDR ever wrote praised an anti-Hamilton polemic. Why

the hate for the first Treasury secretary? Hamilton was an immigrant from a broken home, who campaigned against slavery. But Democrats have never forgiven him for being a self-made man



who understood modern finance and created a new investor class. No surprise then that the current Treasury secretary, Jack Lew, wants to take him off the ten-dollar bill, to be replaced by a woman TBA. Keep the man who made our money on it.

■ How many times does the nation need to witness a mass slaughter such as those perpetrated by Jared Loughner, James Holmes, or Adam Lanza—all of whom suffered from a serious mental illness—before Congress begins to reform the byzantine mess that is our current, cruelly ineffective, and shamefully wasteful mental-health system? If Representative Tim Murphy (R., Pa.) is successful, perhaps not much longer. On June 4, Murphy (the only psychologist in Congress) and Eddie Bernice Johnson (D., Texas; the only psychiatric nurse in Congress) teamed up to reintroduce the Helping Families in Mental Health Crisis Act. The bill is designed to improve treatment and increase options for those who need it most—the 4 percent of Americans diagnosed with schizophrenia and other severe brain illnesses, many of whom do not recognize that they are ill and therefore do not voluntarily seek treatment. Among the bill’s proposed reforms: a change of privacy laws so that family caregivers will no longer be shut out of medical decisions and denied basic information about their mentally ill loved ones; a revision in the need-for-treatment standards so people can get help before they harm themselves or others, and before they land in emergency rooms or jail; and a requirement that states authorize court-ordered “assisted outpatient treatment” (AOT) programs if they are to receive Community Mental Health Service Block Grant funds. The AOT programs in particular are promising: Multiple studies have shown that patients who participate in them cut their hospital stays in half, decreasing costs, and they are less likely to become homeless, and twice as likely to stay on their meds. So perhaps Congress will come to its senses and make the Murphy-Johnson bill law. Alternatively, it could continue to debate gun regulations that would have made no difference even if enacted.

■ No wonder Marilyn Mosby, the state prosecutor in Baltimore, withheld for two months the Freddie Gray autopsy report, on which she based homicide and other serious charges against six police officers even though investigators had not completed their probe. The report, leaked to the press, concludes that Gray was under the influence of narcotics and obstreperous following his arrest—moving wildly, causing the police van to shake, and clearly making it difficult for police to restrain him. Significantly, the medical examiner concluded that Gray was placed by police in a prone position on the van floor. If he had stayed that way, he would not have suffered the severe neck injury that led to his

DOCTOR'S MEMORY BREAKTHROUGH

New Discovery for People with Failing Memory

World's Leading Brain Expert and Winner of the Prestigious Kennedy Award, Unveils Exciting News For the Scattered, Unfocused and Forgetful

By Steven Wuzubia
Health Correspondent;

Clearwater, Florida: Dr. Meir Shinitzky, Ph.D., is a former visiting professor at Duke University, recipient of the prestigious J.F. Kennedy Prize and author of more than 200 international scientific papers on human body cells. But now he's come up with what the medical world considers his greatest accomplishment — A vital compound, so powerful, it's reported to repair... even regrow damaged brain cells. In layman's terms — Bring back your memory power. And leave you feeling more focused and clear-headed than you have in years!

Dr. Shinitzky explains this phenomenon in simple terms; "Science has shown when your brain nutrient levels drop, you can start to experience memory problems and overall mental fatigue. Your ability to concentrate and stay focused becomes compromised. And gradually, a "mental fog" sets in. It can damage every aspect of your life". Not only do brain cells die but they become dysfunctional as if they begin to fade away as we age. This affects our ability to have mental clarity and focus and impacts our ability to remember things that were easy for us to do in our 20's and 30's.

Scientists think the biggest cause of brain deterioration in older people is the decreased functioning of membranes and molecules that surround the brain cells. These really are the transmitters that connect the tissues or the brain cells to one another that help us with our sharp memory, clear thinking and mental focus, even our powers to reason well. "When we are in our 20's" according to Dr. Shinitzky "our body produces key substances like phosphatidylserine and phosphatidic acid"...unfortunately they are believed to be critical essential nutrients that just fade away with age, much like our memories often do leading to further mental deterioration.

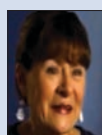
As we get older it becomes more frustrating as there is little comfort when you forget names... misplace your keys...or just feel "a little confused". And even though your foggy memory gets laughed off as just another "senior moment," it's not very funny when it keeps happening to you.

The Missing Link is Found and Tested

It's hard to pronounce that's for sure, but it certainly appears from the astounding clinical research that this one vital nutrient phosphatidylserine (PS) can really make a huge difference in our mental wellness. 17 different double blind studies with placebo controlled groups have been involved in the clinical research of PS with patients between the ages of 55-80 years of age. Periodically the researchers gave these patients memory and cognitive tests and the results were simply amazing:

- 1) *PS patients outperformed placebo patients in All 5 Tests - 100% Success Rate*
- 2) *After only 45 days there was a measurable improvement in mental function*
- 3) *After 90 days, there was an impressive and amazing improvement in mental function*

The group taking phosphatidylserine, not only enjoyed sharper memory, but listen to this... they were also more upbeat and remarkably more happy. In contrast, the moods of the individuals who took the placebo (starch pill), remained unaffected....no mental or mood improvement at all.



My Memory Started to Scare Me.

I would forget all kinds of things and something that I just said earlier in the day would have completely slipped my mind. I almost forgot my granddaughter's birthday and that would have been horrible. I had forgotten lots of other little things along the way. I was worried about it.

Over the last several months I've noticed my memory seemed to be getting pretty unreliable and so I thought I'd better do something about it now. So when I read about this amazing PS nutrient and how much it would help me with my memory I wanted to try it.

It's great! I have actual recall now, which is super. After about 6 weeks of taking it on a daily basis is when I began to notice that I wasn't forgetting things anymore.

Thanks to PS for giving me my memory back. It's given me a lot more self-confidence and self-esteem. I would not trust my memory without it.

- Ethel Macagnoney



Dr. Meir Shinitzky, Ph.D. a former visiting professor at Duke University and a recipient of the prestigious J.F. Kennedy Prize

Vital Nutrient Reverses "Scatter Brain"

This incredible PS nutrient feeds your brain the vital nutrient it needs to stay healthy... PS now has the attention of some of the world's most prominent brain experts. It has been written up and published in leading science and medical journals and its findings have electrified the International scientific community.

Earth-Shaking Science

Published, clinical reports show replenishing your body's natural supply of Phosphatidylserine, not only helps sharpen your memory and concentration — but also helps "perk you up" and put you in a better mood. PS as it turns out also helps to reduce everyday stress and elevate your mood by lowering your body's production of the hormone cortisol. When cortisol levels are too high for too long you experience fatigue, bad moods and weakness. This drug-free brain-boosting formula enters your bloodstream fast (in as little as thirty minutes).

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We've made arrangements with the distributor of this proprietary blend of PS, which combines with several other proven special brain boosting natural ingredients to give you the mental clarity and memory gain that you need, to give you a Risk-Free trial supply. This is a special "Readers Only Discount". This trial is 100% risk-free.

It's a terrific deal. If Lipogen PS Plus doesn't help you think better, remember more... and improve your mind, clarity and mood — you won't pay a penny! (Except S&H).

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So don't wait. Now you can join the thousands of people who think better, remember more — and enjoy clear, "fog-free" memory. Call today, toll-free at 1-800-780-6526. Think of it as making a "wake-up call" to your brain.

death. But Gray decided to try to get back up even though his hands and ankles were restrained; that, apparently, is why he catapulted into the van's hard interior when it decelerated. This creates a serious causation problem for a case in which Mosby has already had to dismiss false-arrest charges she rashly and erroneously filed. The issue is not whether police safety procedures could have been better. It is whether their conduct warrants murder and manslaughter charges. Mosby's case looks very thin.



■ “This is not politics. This is math.” So says Puerto Rico governor Alejandro García Padilla. “The debt is not payable.” There is some other relevant math: Fifty-one percent of Puerto Rico’s residents are on welfare, a third are employed by government, the unemployment rate is 12.2 percent, and some 150,000 of its 3.5 million residents have left in the past few years, most of them citing job opportunities in the mainland United States or elsewhere. Puerto Rico has the highest municipal-bond debt per capita of any U.S. state or territory. It has spent and spent. Its profligacy was

slowed down for half a minute during the governorship of Luis Fortuño, but Puerto Rico’s politics, like those of California, are dominated by public-sector unions, which soon retired Fortuño and his plans for fiscal discipline. García Padilla pledged not to lay off any government workers—payroll is two-thirds of the commonwealth’s budget—and tried to paper over the shortfalls with tax increases (a 39 percent corporate tax, an 11.5 percent sales tax, the highest of any U.S. territory), but the math is the math, and \$1.5 billion deficits add up when you have fewer taxpayers than Caitlyn Jenner has Twitter followers. As of this writing, Puerto Rico is estimated to be only days away from default, and that’s not math—that’s politics: The public-sector unions would rather drive it into insolvency than save it.

■ It’s perhaps time to invent a new term to describe the Obama administration’s air campaign against ISIS. It’s certainly not a “war.” Rules of engagement have leaked into the media, and the constraints on American forces are breathtaking. Fighting an enemy that deliberately hides among civilians, American pilots are being told not to engage if there is a threat of even a single civilian casualty. In other words, the administration has freely granted ISIS immense urban safe havens, where ISIS terrorists can rest, recuperate, train, and—yes—fight without excessive concern for their safety. It’s hard to imagine a more thorough perversion of the laws of war, which are designed to punish enemies who deliberately risk civilians and hide behind human shields. It’s no longer possible to even pretend that the administration is committed to destroying ISIS. As we temporize, ISIS continues to grow, and its reach expands across the Middle East and the world. The next president will be left to face the largest jihadist army in modern history.

■ The United States is now sharing a base in Iraq with Iranian-backed Shiite militias. In the Iraq War, American servicemen

fought against these very militias, who have American blood on their hands. The United States and Iran now have a common enemy, it’s true: ISIS. But Israel’s prime minister, Benjamin Netanyahu, had it exactly right in his speech before Congress last March: “Iran and ISIS are competing for the crown of militant Islam. One calls itself the Islamic Republic. The other calls itself the Islamic State. Both want to impose a militant Islamic empire first on the region and then on the entire world. They just disagree among themselves who will be the ruler of that empire.” When it comes to Iran and ISIS, said Netanyahu, “the enemy of your enemy is your enemy.”

■ “Make Ramadan a month of disasters for the infidels” was how a spokesman for ISIS introduced the holiest moment of the Muslim year. His hopes were met. A young Tunisian with a Kalashnikov murdered at least 38 unsuspecting tourists on a beach in the resort of Sousse—Arab Spring or not, the country is evidently not quite as Westernized and secular as its friends like to say. Entering a nearby hotel, the gunman terrorized and shot dead most of those who had tried to escape there. The victims were mostly middle-aged and pensioners, which didn’t stop that ISIS spokesman from accusing them of being in godless “nests of fornication.” After a couple of very long hours the police arrived and shot dead the 23-year-old killer. In Grenoble, France, at that same moment, Yassin Salhi, an immigrant of Algerian origin and a truck driver in a factory for gas cylinders, took hostage Hervé Cornara, his immediate boss. In true ISIS style, he cut off Cornara’s head and stuck it on the factory gate. ISIS, a Sunni movement that perceives Shiites as infidels or even heretics, was simultaneously rejoicing that one of its suicide bombers had just killed himself and 27 others in a Shiite mosque in Kuwait. ISIS or movements related to it are known to have abused this year’s Ramadan by murdering with bombs Hisham Barakat, Egypt’s chief prosecutor, three engineers mistaken for soldiers in a village in Sinai, four civilians in Baghdad, and ten inmates of a leprosy hospital in Nigeria. Most horrifying of all Ramadan outrages is an ISIS video of captives in a cage being lowered into water to drown.

■ Greece vs. Germany is a game well into overtime. It’s particularly awkward because the same reward is dangled above winner and loser, namely membership of the European Union with its currency, the euro. The Greeks have been playing long. They easily won the opening stages of the contest by obtaining tens of billions of euros in loans, subsidies, bailouts, and credits that a small and rather limited economy like theirs could never conceivably repay. The game plan involved living at the expense of others, actually a mass of fouls that the referees in the end had to take note of. Wanting back at least some of their money, and realizing that they had been unspeakably foolish, the lenders put merciless pressure on the Greeks. Germany in its own interest is subjecting future money supplies to conditions of austerity. Desperate now, the Greeks are close to default and starvation; the banks are shut; machines have run out of notes. As we went to press, Prime Minister Alexis Tsipras and his assorted ex-Communist colleagues in government had called for a referendum. A Yes majority would leave Greece with the euro but under the heel of a coercive EU looking jack-booted; a No majority would return Greece to its own currency, probably leading to a slump, and shake the EU project to its foundations.

NEW

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■ Speaking off the cuff as is his habit, Pope Francis seemed to suggest that it was un-Christian to manufacture or sell arms. “Think of the people, leaders, entrepreneurs, who say they are Christians and then produce weapons! They say one thing and do another,” he told a group of young Italians on a visit to the Shroud of Turin in June. “There is the hypocrisy of speaking about peace and producing arms, and even selling weapons to this one, who is at war with that one,” he added. But the pope must know that keeping the peace often requires bearing arms. Indeed, in the course of his reflection he decried the fact that the Allies during World War II failed to bomb train lines used to transport Jews and others to death camps. Would it have been wrong for Christians to manufacture bombs used for such a purpose? How about the weapons used by Francis’s heavily armed Swiss guard? It would be easier to divine the pope’s meaning if he didn’t so often shoot from the hip.

■ A severe heat wave hit southern Pakistan, killing over 1,000 people and hospitalizing tens of thousands. The elderly and the poor have contributed the most to the death toll. Karachi, the country’s most populated city, with more than 20 million residents, was affected the most, reaching temperatures as high as 113 degrees. An official at Karachi’s largest government hospital said the morgue is “overflowing” and “they are piling bodies one on top of the other.” Pope Francis recently called air conditioning a “self-destructive” example of “harmful” consumption. Karachi, no doubt, begs to differ.

■ Striking French cabbies seemed to be more interested in *égalité* than in any modicum of *fraternité* or *liberté* as anti-Uber riots broke out in Paris and at least three other cities. The cabbies snarled traffic, hurled rocks, and overturned and then torched cars in protests against the San Francisco–based ride-sharing company that uses GPS-enabled smartphones to connect passengers with the entrepreneurial drivers. Uber offers customers lower fares and better service—something clearly unacceptable to the cabbie unions, which have labeled the fast-growing company “unfair competition.” Many Uber drivers and their passengers were taken hostage by the rampaging chauffeurs de taxi—including Courtney Love, who tweeted that “they’ve ambushed our car and are holding our driver hostage. they’re beating the cars with metal bats. this is France?? I’m safer in Baghdad.” Some cabbies even went so far as to hail rides using Uber’s app, only to assault the drivers upon arrival. “We are truly sorry to have to hold clients and drivers hostage,” one taxi-union official told the French press. “We’re not doing this lightly.” As they say: Tout arrive en France.

■ The *New York Times* has declared that it is “moving in a good direction” when it comes to the epithets it hurls in the climate-change debate. The Gray Lady will increasingly use the word “denier,” rather than “skeptic,” to describe those who are “challenging established science,” according to Margaret Sullivan, public editor for the *Times*. In a recent interview with *Media Matters*, the left-wing media watchdog, Sullivan likened the transition to that made from using “enhanced interrogation” to using “torture.” Sullivan did say that the term “denier” isn’t appropriate for people who are “wishy-washy on the subject or in the middle.” Sullivan’s assurance will come as little comfort to anyone who finds that our republic’s political sphere of discussion is increasingly cramped and confined.

■ Trans fats are not the healthiest thing you can eat, which is why nutritionists have been warning Americans about them for years. In response, food manufacturers have reduced their use of trans fats and consumers have made efforts to avoid them, with the result that between 2003 and 2012, Americans’ average daily trans-fat consumption dropped from 4.6 grams to 1 gram, well below the American Heart Association’s recommended maximum of 2 grams. Individuals freely making choices, sellers responding to market forces: It’s a libertarian’s dream—which means a regulator’s nightmare. So of course the Food and Drug Administration has announced an absolute ban on trans fats, to take effect in three years. To be sure, trans fats can be harmful in large amounts, but it isn’t like you’re eating strychnine, and the things that replace them, such as palm oil, are hardly any better and sometimes affect the taste or consistency of the product. But when regulation is your job, everything looks like a problem.

■ Affirmative consent might become a mandatory part of Americans’ foreplay, with legal consequences for those who don’t oblige. The American Law Institute (ALI) is drafting a model statute, still in its infancy, that would update the current penal code to define criminal sexual conduct as sexually intended physical touch without affirmative consent from both sides. This touch could be as innocent as playing footsie at dinner or grabbing a date’s hand in the movie theater—if the flirtatious contact is uninvited, it could result in criminal charges. The move to change the law is part of a nationwide “Yes Means Yes” initiative sweeping college campuses, which, among other things, redefines consent as “affirmative, conscious, and voluntary agreement to engage in sexual activity,” according to a California bill passed last fall. The ambiguity of the bill means that consent could be required multiple times as the proceedings unfold. “Lack of protest or resistance does not mean consent,” the bill continued. “Nor does silence mean consent.” This law either would be impossible to enforce owing to the difficulty of proving intent, or would be abused, resulting in countless reputations ruined. Consent to this law should be vigorously refused.

■ A feminist blog (wait, don’t stop reading, this is important) says that the phrase “trigger warning” needs a warning itself, because the word “trigger” has distressing associations for some people. The blog has a point: Guns are scary; “Trigger” was the name of Roy Rogers’s horse, and Freud could tell you things about horses; and, most fearsome of all, “trigger” is the word the IRS uses when they audit you. So yes, by all means, let’s substitute something anodyne, like “content warning”—except that doesn’t solve the problem either, because the very word “warning” inspires fear; you don’t need a warning when everything is fine. Perhaps, to warn readers that they might encounter stuff they don’t like, we should switch to something even gentler, like “Not for nothing, but you might want to read *Pat the Bunny* instead if you’re squeamish, know what I’m saying?” Either that or assume that adults should be capable of dealing with material that they might find disagreeable.

■ Allen Weinstein was a liberal history professor who wanted to prove that Alger Hiss had not spied for the Soviet Union, contra Whittaker Chambers. So he looked at the evidence, studying newly available documents in the 1970s. Then he did a remarkable thing: He changed his mind and agreed with what conserva-

tives had been saying all along. The publication of his book *Perjury* in 1978 marked a turning point in the historiography of Hiss—the moment after which it became impossible for honest liberals to defend the onetime State Department official against the charge of espionage. The hard Left hated Weinstein for his apostasy and continued hating him as he became a supporter of President Reagan in the 1980s, while remaining a registered Democrat. By 2005, when President Bush picked him to head the National Archives, other scholars had built upon his pioneering work, amassing ever more proof of Hiss's guilt and showing the extent to which Soviet intelligence had penetrated U.S. national security. Dead at 77. R.I.P.

■ Marva Collins was a hero of our time, though she always pleaded that she was but a simple teacher. She was born black in the segregated South (Alabama). She studied in a one-room



schoolhouse. The education was strict but good. In 1959, she moved north to Chicago. She taught in the public schools for 14 years—and didn't like what she saw. Too little was expected of poor black children, and too little was produced. She started a school of her own: the Westside Preparatory School. She had the startling idea that even Chicago kids should be

taught according to the Socratic method, and that they should be exposed to the best that has been thought and said. Shakespeare, for example, was for everybody. President Reagan apparently wanted to make Marva Collins education secretary, but she demurred. A TV movie was made about her life, starring Cicely Tyson. In 2004, President George W. Bush presented Mrs. Collins with the National Humanities Medal. She has now died at 78. Marva Collins did a world of good in her life. R.I.P.

MARRIAGE

The *Obergefell* Decision

'SUPPORTERS of same-sex marriage have achieved considerable success persuading their fellow citizens—through the democratic process—to adopt their view," Chief Justice John Roberts writes in his dissent from the Supreme Court's decision in *Obergefell v. Hodges*. "That ends today."

In most states that recognized same-sex marriage before this decision, the democratic process had already been shut down by courts. But this coda is one more blow against the idea that judges should interpret our laws, not write them.

Because marriage is a fundamental right enshrined in the Constitution, five justices of the Supreme Court wrote, every state must recognize it to include homosexual couples. Thus ended their argument.

The problem is that a right to marriage is not enshrined in the Constitution, and whether it should be extended to same-sex couples as a matter of fairness depends on what marriage is. The Constitution is silent on that question, and judges should be too.

This sloppy, arrogant precedent should worry even Americans who rejoice at the result.

We, of course, do not: Same-sex marriage is not a good idea by judicial fiat, but it is not a good idea by democratic assent, either. The majority of Americans seem to have turned on the traditional, conjugal definition of marriage, but it is the wise one—indeed, the only coherent one.

The majority opinion, by Justice Anthony Kennedy, has almost nothing in the way of constitutional argument for why marriage must extend to a class—people of the same sex—to which it has never been applied, in any society or legal system, until the last couple of decades. Pointing to other decisions striking down restrictions on the historical definition of marriage, as the majority did, does not justify redefining it.

The majority offers little more than hand-waving about the slippery slope where all this points. Religious institutions will still have protection under the First Amendment, they say, to "teach" their opposition to same-sex marriage, but the extent of that liberty is not defined. History suggests it could be rapidly curtailed—to prevent religious institutions from having codes prohibiting employees from engaging in homosexual relationships, for instance, or even, someday, forcing the institutions themselves to perform same-sex ceremonies. The majority opinion offers no standard for where freedom of conscience may protect individuals.

And if marriage is a fundamental right and the court must update its meaning with the times, what stands between this opinion and legalized polygamy? A decade or two?

Some conservatives have proposed dramatic, immediate responses to the ruling: Presidential contenders Mike Huckabee and Rick Santorum called for resisting the Court's ruling; Governor Scott Walker advocated a constitutional amendment to undo it; and Senator Ted Cruz suggested that Supreme Court justices be appointed to eight-year terms, subject to re-election elections.

None of these are a plausible way to undo the decision, since American public opinion seems to clearly support the result. Lessening the damage it does and eventually overturning it will take, yes, better judges, but also more conservative leaders and a stronger, healthier culture. These goals, not quixotic constitutional remedies, should be our focus.

OBAMACARE

Again, the Court Bails Out a Bad Law

THE Affordable Care Act was drafted with extraordinary carelessness given its importance, and conservatives who say that the Obama administration has implemented it contrary to its plain meaning have strong arguments. So opined six justices of the Supreme Court, including its most liberal members, in *King v. Burwell*, which they decided in favor of the Obama administration.

That is, unfortunately, the best thing about the majority opinion, which labors mightily to free Obamacare from the inconvenience of its text. The text of the law authorizes federal subsidies on health-insurance exchanges "established by the state," but does not authorize them on exchanges established by the federal government. Since most states have not established exchanges, reading the law the way it was written would limit the law's

reach and potentially bring chaos to insurance markets. The administration therefore decided not to do so. The Court not only blessed this interpretation, but suggested it had some power to pick the correct one on the grounds that any other would have perverse consequences.

Chief Justice John Roberts first implausibly read “established by the state” to be an ambiguous phrase—Justice Antonin Scalia and the other two conservative dissenters thoroughly dismantled his arguments—and then chose the possible meaning that would best serve the act’s purposes. This second portion of Roberts’s argument has a superficial plausibility, but it too lacks merit.

His point is that, in the absence of subsidies, the law’s regulations would destroy insurance markets. Congress, he writes, could not have intended for the law to have this effect. But the question of what Congress intended in the absence of widespread state cooperation with the law is surely the wrong one to ask, since there is little evidence that Congress ever considered the topic.

Justice Scalia also raises the obvious counterexample: the Class Act, the federal long-term-care entitlement that Congress passed as part of Obamacare. The Class Act did not work because it had the very features that Obamacare generally, read according to its text, would have: The affected market would be unsustainable. It had to be repealed. The point of this counterexample is that it is entirely conceivable that a law, properly interpreted, would work badly or have perverse consequences. More important, it is not the Court’s job to interpret away provisions of a law to make it come out differently.

A ruling that the administration had exceeded its lawful authority would not necessarily have led to better health-care policy or a smaller government. It would not, by itself, have repealed Obamacare. That means that the contrary ruling is not a defeat for free-market health care or limited government. What it is a defeat for is the rule of law.

THE ENVIRONMENT

Laudato No

HERE is an undeniable majesty to the papacy, one that is politically useful to the Left from time to time. The same Western liberals who abominate the Catholic Church as an atavistic relic of superstitious times and regard its teachings on sexuality as inhumane are celebrating Pope Francis’s global-warming encyclical, *Laudato Si*, as a moral mandate for their cause. So much for that seamless garment.

It may be that the carbon tax, like Paris, is worth a Mass.

The main argument of the encyclical will be no surprise to those familiar with Pope Francis’s characteristic line of thought, which combines an admirable and proper concern for the condition of the world’s poor with a crude and backward understanding of economics and politics both. Any number of straw men go up in flames in this rhetorical auto-da-fé, as the pope frames his concern in tendentious economic terms: “By itself, the market cannot guarantee integral human development and social inclusion.” We are familiar with no free-market thinker, even the most extreme, who believes that “by itself, the market can guarantee integral human development.”

There are any number of other players in social life—the family, civil society, the large and durable institution of which the pope is the chief executive—that contribute to human flourish-



ing. The pope is here taking a side in a conflict that, so far as we can tell, does not exist.

It is important to appreciate that Pope Francis’s environmental thinking is entirely embedded in his economic thinking, which is, we say with respect, simplistic. “Economic powers continue to justify the current global system where priority tends to be given to speculation and the pursuit of financial gain, which fail to take the context into account, let alone the effects on human dignity and the natural environment,” the pontiff writes. “Here we see how environmental deterioration and human and ethical degradation are closely linked. Many people will deny doing anything wrong because distractions constantly dull our consciousness of just how limited and finite our world really is. As a result, ‘whatever is fragile, like the environment, is defenseless before the interests of a deified market, which become the only rule.’” (The quotation is the pope citing himself, from *Evangeliū Gaudium*.) Taking a page from the neo-Malthusians, the pope predicts that resource depletion will lead to wars, and he contemplates the possibility that the weapons used in them may be nuclear or biological. He laments “technocracy” and consumption that seems to him “extreme.”

This latter objection strikes us as particularly objectionable: The economic progress of the late 20th century and early 21st century—which is to say, the advance of capitalism—particularly in the areas of agriculture, medicine, and energy, has not so much enabled consumption that is excessive in the rich world as adequate in places such as India and China, where famine, once thought to be a permanent and ordinary part of life, has largely disappeared. This outcome was made possible not by the political oversight of economic activity that the pope contemplates but by its partial abandonment.

The pope’s stridently anti-development vision would be the opposite of a blessing for the world’s poor. *Laudato? No.*

EDITOR’S NOTE: The next issue of NATIONAL REVIEW will appear in three weeks.

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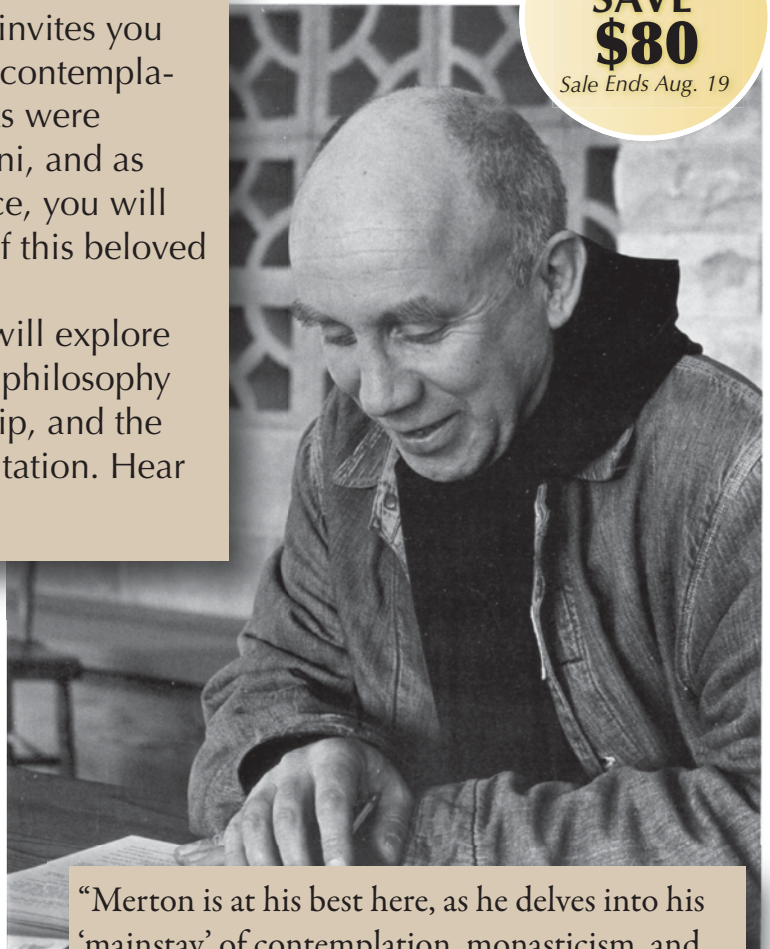
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Supreme Court justices Clarence Thomas, Antonin Scalia, and Samuel Alito, and Chief Justice John Roberts

After *Obergefell*

The perilous path ahead

BY EDWARD WHELAN

JUST who do we think we are?” That was Chief Justice John Roberts’s plaintive query to his five colleagues—Justice Anthony Kennedy and the four liberal justices—as they imposed on the American people a radical redefinition of marriage that, as Roberts observed, “has no basis in the Constitution or this Court’s precedent.”

The legal question in *Obergefell v. Hodges* was not whether it’s a good idea to redefine marriage to include same-sex couples. It was instead whether the Court would foreclose the ability of the people in each state to decide that important question for themselves. In denying American citizens their rightful authority over that question, the Court majority acted unconstitutionally and displayed (in the chief justice’s words) an “extravagant conception of judicial supremacy.” How Americans respond in the coming months and years to this

judicial usurpation will reveal much about who we think we are—and about what America will become.

In his majority opinion, Kennedy conceded that all of the Court’s precedents recognizing a right to marry “presumed a relationship involving opposite-sex partners.” But, to Kennedy, that presumption reflected the blinkered understanding of past ages. That’s how Kennedy breezily disposed of the inconvenient fact that the Court in 1972—with Thurgood Marshall, William J. Brennan Jr., and William O. Douglas, three of the most liberal justices ever—dismissed as frivolous the claim that there was a constitutional right to same-sex marriage. In the core of his opinion—if, that is, a bag of gas can be said to have a core—Kennedy contended that the “reasons marriage is fundamental under the Constitution apply with equal force to same-sex couples.”

It was left to the dissenters to point out the elementary fact that the sexual complementarity embedded in the historical definition of marriage, far from being an incidental feature, is rooted in the unique

procreative capacity of heterosexual intercourse. That reality doesn’t mean that the people can’t redefine marriage through democratic processes. But it does explain why the constitutional right to marry that the Court has recognized doesn’t extend to same-sex couples.

The Court’s ruling poses severe threats to marriage. The collapse of our marriage culture in recent decades—a collapse for which heterosexuals are responsible—has produced a society in which more than 40 percent of births now occur to unmarried mothers. That collapse has resulted from the weakening of the bond between marriage and procreation—from the widespread rejection of the principle that (as the chief justice put it in his dissent) “for the good of children and society, sexual relations that can lead to procreation should occur only between a man and a woman committed to a lasting bond.”

The redefinition of marriage—in the guise of the Constitution, no less—to include same-sex couples formally eliminates any connection between marriage and procreation. Heterosexual marriage will suffer—not because heterosexuals see the guys next door getting married but because the law is now proclaiming that marriage has nothing to do with procreation. Further, candid gay activists acknowledge that non-monogamy is rampant in gay marriages, and they celebrate that the redefinition of marriage will undermine the norm of marital monogamy.

Speaking of non-monogamy: The chief justice observed in his dissent that although Kennedy’s opinion “randomly inserts the adjective ‘two’ in various places, it offers no reason at all why the two-person element of the core definition of marriage may be preserved while the man-woman element may not.” In the immediate wake of the marriage ruling, more and more advocates of polyamory have come out of the closet to argue that the arguments for same-sex marriage support a right to plural marriage. Indeed, the best argument that we are not sliding fast down the slippery slope is that the polygamist version (one husband, many wives) of polyamory has been historically common and is thus arguably upslope from same-sex marriage.

By misbranding defenders of marriage as opponents of the Constitution,

Mr. Whelan, president of the Ethics and Public Policy Center, is a regular contributor to NATIONAL REVIEW’s Bench Memos blog.

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the Court's ruling will also sharply intensify the threats to religious liberty. Perhaps the most revealing moment at oral argument in *Obergefell* came when the solicitor general candidly admitted that the nonprofit tax status of institutions that oppose same-sex marriage was "certainly going to be an issue." Religious schools that live out their beliefs also will be threatened with discrimination lawsuits and the risk of losing their accreditation. Religious charities face being ineligible for government grants and contracts. And individual Americans who hold the same beliefs about marriage that President

Obergefell ought to be a powerful reminder that **the future of the Court** is very much at stake in the 2016 presidential election.

Obama professed when he was elected can expect to be penalized, marginalized, and stigmatized.

In two throwaway sentences in his majority opinion, Kennedy sought to dispel such concerns. But Roberts, parsing Kennedy's words, showed how empty they were and how foolish it would be to expect meaningful protection for religious liberty from the same justices who regard traditional beliefs about marriage as a form of bigotry.

Specific legislative protections are needed to address these threats. The First Amendment Defense Act, introduced in the Senate by Mike Lee (R., Utah) and in the House by Raul Labrador (R., Idaho), is a good start. Known in past versions as the Marriage and Religious Freedom Act, the bill would bar the federal government from discriminating in various ways against individuals and groups who adhere to the belief that marriage is a male–female union. Because the bill deals only with discriminatory actions by the federal government, similar legislation in the states is also necessary.

State legislators need to recognize that so-called Religious Freedom Restoration Acts are no substitute for specific legislative protections. RFRAs set forth a very general standard that judges will apply to determine whether a burden

on religion is justified, and any protection they provide is highly uncertain and often attainable only after costly litigation. Worse, as the recent Indiana brouhaha shows, efforts to enact RFRAs invite demagogic parades of horrors that, given the vagueness of RFRAs, are nonetheless impossible to disprove. Far better to have the debate, both in the legislature and in the public square, focus on carefully defined issues, such as whether the nonprofit tax status of religious schools that understand marriage as a male–female union should be protected from bureaucratic assault.

The Court's ruling also presents a difficult challenge to state officials who understand that they have sworn to uphold the Constitution—not the Supreme Court's mistaken interpretations of it—and who recognize that their state laws defining marriage as the union of a man and a woman are valid and enforceable under the real Constitution. It is appalling that the Court has put them to a choice between acquiescence to its own flagrant illegality and obedience to the Constitution.

Obergefell ought to be a powerful reminder that the future of the Court is very much at stake in the 2016 presidential election. The four oldest justices—Ginsburg, Scalia, Kennedy, and Breyer—will be 83, 80, 80, and 78 when the next president takes office. That president will likely have the opportunity to establish a clear ideological majority on the Court. Conservatives who are disappointed with the chief justice need to bear in mind that Kennedy's failings are magnitudes worse than those of Roberts, and that anyone a President Hillary Clinton appointed to the Court would be much worse than Kennedy is. If we are ever to turn back the progressive assault on marriage, religious liberty, and the broad array of classic American values, it is essential that we elect a good president in 2016. **NR**

Washington Takes On the Zoning Board

The administrative usurpation of housing policy

BY STANLEY KURTZ

NEARLY lost in the uproar over end-of-term rulings on Obamacare and same-sex marriage, the Supreme Court's surprise decision in a "disparate impact" housing case may soon be seen as being every bit as consequential as the term's major newsmakers. The Court's 5–4 ruling in *Texas Department of Housing and Community Affairs v. Inclusive Communities Project* has green-lighted one of the Obama administration's most transformative and controversial initiatives, and probably injected a major new issue into the 2016 presidential campaign.

The Fair Housing Act of 1968 prohibits intentional discrimination on the basis of race, color, religion, sex, familial status, or national origin. The question before the Court in the Texas case was whether housing policies that are not clearly discriminatory, but neutral on their face, can nonetheless be outlawed because they have "disparate impacts" on various groups. A bank, for example, can condition its home loans on a certain credit rating, with no discriminatory intent. But a disparate-impact suit could target this policy for its disproportionate effect on minority home-buyers.

Similarly, the Texas Housing Department can allocate its share of federal low-income-housing tax credits to neighborhoods where the poor already live, as a way of improving the places that need the credits most. As an added benefit, neighborhoods where property is the most affordable can permit the maximum amount of new housing to be built. The disparate-impact suit before the high court sought to overturn this rational and facially neutral housing policy as discriminatory, because its effect was to limit the

Mr. Kurtz is a senior fellow at the Ethics and Public Policy Center.

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amount of low-income housing occupied by minority residents in wealthier, mostly white suburbs.

While purporting to combat discrimination, disparate-impact theory actually facilitates it. A business that requires a high-school diploma as a condition of employment might junk its rule and make race-based hires just to ward off a disparate-impact suit. Advocates for minorities can't agree among themselves on whether low-income housing is best situated in poor neighborhoods or wealthy suburbs, so states and developers face disparate-impact suits no matter the site they choose. Disparate-impact litigation could actually make for less low-income housing.

At its root, disparate-impact theory is an offense against the classical-liberal principle that we are all to be held to the same standards. It amounts to a kind of affirmative action in housing. Not only has the Texas case added force to disparate-impact thinking in all areas of law, but Justice Kennedy's majority opinion has now expanded disparate-impact theory by introducing the pernicious concept of "unconscious prejudice." Like its elder cousin from the era of socialism, "false consciousness," the notion of a legally cognizable unconscious prejudice is incompatible with both personal liberty and democratic decision-making.

Justice Kennedy's "unconscious prejudice" formulation is extremely vague and amounts to a license for activists and bureaucrats to impute bigotry to any policy they dislike. Once a state ruling or local law has been stigmatized as a product of unconscious prejudice, the federal government is empowered to engineer a remedy. By the way, is there any policy favored by conservatives that the Left doesn't already attribute to—at minimum—unconscious prejudice?

By themselves, these legal innovations suffice to make the high court's decision in the Texas housing case both distressing and consequential. But the effect of the decision is magnified by the Obama administration's planned finalization of its "Affirmatively Furthering Fair Housing" (AFFH) rule.

AFFH is a sweeping initiative, every bit as transformative as Obamacare. In effect, AFFH gives the federal government a way to reengineer nearly every American neighborhood, imposing a preferred racial and ethnic composition, den-

sifying housing, transportation, and business development in suburb and city alike, and weakening or casting aside the authority of local governments over core responsibilities such as zoning, transportation, and education.

Implicitly, the legal justification for AFFH rests on the principle of disparate impact in housing. The Fair Housing Act of 1968 not only forbids housing discrimination, it also effectively obligates the federal government and any municipality that receives federal housing funds to "affirmatively further fair housing." In the past, that meant maintaining vigilance against overt discrimination. The Obama administration, however, has redefined "affirmatively furthering fair housing" to mean preventing racially or ethically disparate housing outcomes, even when the causes of those outcomes have nothing to do with prejudice.

Precisely because housing discrimination is both illegal and unacceptable to most Americans, the suburbs in recent years have become multiethnic and multiracial. Nowadays, if some municipalities are home to greater or lesser proportions of various ethnic, racial, or religious groups, this is largely owing to some combination of income level and choice. From the Obama administration's perspective, however, whether active and conscious discrimination is at work or not, disproportionate residential clustering by race or ethnicity constitutes a civil-rights violation that must be remedied by government fiat.

The Obama administration's AFFH rule contains an analysis of the Fair Housing Act that echoes the arguments made by the plaintiffs in the Texas housing case. Had the Court gone the other way and denied that disparate impact was cognizable under the Fair Housing Act, the Obama administration's AFFH rule would probably have fallen to a legal challenge. Now, however, AFFH is more than in the clear. The Supreme Court has turbocharged it.

Up to now, the force behind Obama's proposed AFFH rule has been money. Any municipality that wants to continue receiving grants from the Department of Housing and Urban Development will have to fall in line with Obama's transformative housing vision. Leftist civil-rights groups have worried that this is not pressure enough. After all, some well-off communities might choose to preserve their freedom by surrendering their grants.

In authorizing a wave of disparate-impact lawsuits by the federal government and civil-rights groups, the Supreme Court's housing decision will greatly intensify pressure on local governments. Westchester County, a wealthy suburb in New York State, has served as the Obama administration's dry run for AFFH. The Obama administration was invited in by the county to manage the settlement of a civil-rights lawsuit based on disparate-impact principles and filed by leftist activists. Westchester wasn't accused of overt housing discrimination. Instead it was found to have not done enough to counter racial disparities in housing—disparities caused largely by the fact that relatively few minority buyers could afford a home in some of the county's more expensive neighborhoods. So Westchester has been hit with the one-two punch of a lawsuit and a cutoff of federal funds (it is now trying to win back the funds). This is what municipalities across the country now face in the wake of the Supreme Court's housing case and the imminent finalization of AFFH.

It's true that Justice Kennedy's opinion in the Texas housing case attempts to limit the reach of disparate-impact claims by allowing defendants to prove that their housing policies serve legitimate ends unrelated to ethnicity or race. It is even conceivable that with the case now remanded to the lower courts, the Texas Housing Department might ultimately win on the merits. Kennedy's opinion also disallows housing remedies that amount to racial targets or quotas. Optimists believe that these limitations will soften the blow of the decision. There is reason to doubt that they will, however.

To achieve its social-engineering goals, the Obama administration will surely treat rational and non-arbitrary policies as unreasonable. And, for the most part, lower courts will agree with the administration, as they have long been more sympathetic to disparate-impact theory than the high court's conservative justices have been.

Given Justice Kennedy's lack of sympathy for affirmative action, it was widely assumed that he would reject disparate-impact principles in the Texas housing case. Why, then, should we now believe that he will draw a hard line against abusive disparate-impact litigation? Obfuscated surrender to pressure from liberals is his *modus operandi*.

And for all of its qualifications, Kennedy's opinion approvingly identifies

zoning law as the “heartland” of legitimate disparate-impact litigation in housing. Even in a mono-racial and mono-ethnic world, wealthy bedroom communities would move to limit apartment construction and other urbanizing development within their borders. Local zoning authority is the No. 1 target of the Obama administration, which favors stack-and-pack housing near metro stations and minimal public parking. Kennedy’s opinion can easily be used by any judge who wants to upend zoning laws on the basis of disparate-impact principles. It will be years and acres of reurbanization before this issue reaches the Supreme Court again. Should Kennedy still be there when it does, don’t expect him to reverse the federal takeover of local zoning authority.

That leaves politics as the only practical recourse. When Obama’s AFFH rule is finalized and his transformative ambitions become evident, they will raise a firestorm of protest on the right. Fainthearted Republican politicians will hesitate to attack AFFH for fear of being called racist. Running away from this issue would be a mistake, however.

Fundamentally, AFFH is an attempt to impose economic integration. Race and ethnicity are being used as proxies for class, since they are the only means of social engineering provided by the Fair Housing Act. But in a recent Rasmussen poll, 83 percent of respondents said it was not the government’s job to diversify neighborhoods by income level, while only 8 percent said that it was. This is why the Obama administration and its allies have been so reluctant to talk about AFFH. If Republicans have the will to fight it, they can win.

With Hillary Clinton in line to entrench AFFH if elected, and with the rule set to be announced and administered by HUD secretary Julian Castro, widely touted as Clinton’s most likely running mate, Obama’s ambitious and controversial housing policy is set to become a significant issue in the 2016 presidential campaign. Only a Republican Congress working with a Republican president can stymie Obama’s transformative housing rule and limit the reach of disparate-impact theory by amending federal housing law. As with Obamacare, the ultimate decision on the president’s proposed restructuring of America has been remanded to the people. **NR**

Acceptable Jeb

*There are worse things for
Bush to be than boring*

BY ELIANA JOHNSON

THE voter who passionately supports Jeb Bush’s campaign but hasn’t already written him a five-figure check is the Bigfoot of the 2016 election cycle: The species is rumored to roam the early battleground states, but confirmed sightings have been rare.

Bush’s initial strategy was not so much to try to build up that base of support, but to soak up enough money and talent to intimidate potential challengers out of the race.

At times, attempts to create the illusion of genuine enthusiasm have bordered on comical. At the Conservative Political Action Conference in February, an event dominated by young people and activists, the Bush campaign bused in supporters from K Street lobbying firms. At other events, the campaign’s engagement with the grassroots has been notably limp. A source familiar with the campaign says that, despite his significant war chest, Bush spent less than \$100,000 pushing his June launch on social media. Bush already trails his challengers, particularly Texas senator Ted Cruz and Kentucky senator Rand Paul, when it comes to followers and fans on social-media platforms, which are important because they provide campaigns with data and allow supporters to engage with the candidates.

The Bush campaign, through a spokesman, said that it sees “growing excitement for his candidacy in all of the early states” and that interest and support have surpassed expectations. The latest RealClearPolitics polling average has Bush leading the pack in New Hampshire and South Carolina, but running fifth in Iowa. The significance of those numbers is an open question. Crack pollster Stuart Rothenberg, founding editor of the Rothenberg & Gonzales Political Report, says early polls mostly measure name recognition. “Having said that,” he says, “since that’s what they do measure, you would think Bush would be outperform-

ing early on since people think of Bush, they think of the president, they think of the family.” Instead, challengers are breathing down his neck.

Even those favorably inclined toward Bush say that, despite the enthusiastically punctuated “Jeb!” logo—revived from prior campaigns—there’s even a lack of excitement among his own staff. “To the degree that people are loyal to the campaign, it’s more out of a sense of fear than out of loyalty to the candidate,” says a person familiar with the Bush operation. “They’re not working for him because they love the candidate, but because they think he’s going to win or because they’re afraid of being on the other side.” Says another: “It’s a big campaign and they haven’t quite jelled yet into a team, but the announcement and subsequent weeks have really moved them forward.” Can you feel the love?

The question is whether any of this matters for a candidate with plenty of other assets, who has, indeed, made progress in improving his image among Republican primary voters over the last month or so. It’s possible that Bush, like Mitt Romney and John McCain before him, can win the nomination without significant support from the conservative grassroots. Romney, for example, may not have had a bevy of enthusiastic fans, but he had a ready-made constituency: those looking for the most competent general-election candidate. “Republicans were conflicted about John McCain, they were conflicted about Mitt Romney,” says Rothenberg. “There were lots of people who didn’t really like them who supported them because they looked at the rest of the field and didn’t find anybody they really liked.”

Jeb Bush has much more of his father in him than his brother, George W. Bush, did, and the father never inspired much enthusiasm either. He was honorable, well-mannered, and genteel, somebody who could generally be trusted to do the right thing. The country less chose him as a leader than defaulted to him after his opponent, Michael Dukakis, was deemed unacceptable.

Boring and steady as she goes can work if there’s no good alternative, but the 2016 race on the Republican side is already filled with top-notch candidates. Some have compared it to the 1980 GOP contest, in which eight Republican candidates, including Ronald Reagan, George

H. W. Bush, and Bob Dole, duked it out into the spring, clashing over the party's big questions. Many in the GOP, after two big presidential defeats in a row, are looking for another visionary.

That's not natural terrain for Jeb Bush.

He may have a record in office as conservative as those of his new rivals. As chief executive of Florida, he signed laws to curb abortions, introduce school choice, cut taxes, and slash government jobs. But he last ran for election in 2002. "Whether you are an activist, a voter, a normal human being, we have very short memories," says Amy Walter, national editor of the Cook Political Report. Bush, she says, "was a very conservative governor, but that was the equivalent of a hundred years ago."

Since Bush's time in office, the Obama administration has transformed the GOP. "The wilderness years and the years of opposition to Obama's radical agenda have radicalized the grassroots," says a top Republican operative. The Obama administration has fanned the flames of the Tea Party, but the fire really started over George W. Bush's profligacy. And "the major sentiments of the Tea Party," says Americans for Tax Reform president Grover Norquist, were "incorporated" by the Republican party.

During these years, Jeb Bush was in the private sector, popping his head up now and then mostly to tut-tut his fellow Republicans for their insufficient sensitivity on issues ranging from illegal immigration to gay marriage.

He is not temperamentally at home in the post-Tea Party era, which has been defined largely by the ideological bomb-throwers who have bounded onto the national stage. And he hasn't exactly gone out of his way to endear himself to the post-Tea Party electorate, ardently backing Common Core and comprehensive immigration reform and even dissenting from the conservative consensus on smaller issues such as the confirmation of Attorney General Loretta Lynch.

The Tea Party produced two sorts of politicians who are now on the presidential stage, both of which Bush will have to overcome. There are the big personalities who instantly command press attention regardless of whether they merit it, like Paul and Cruz, New Jersey governor Chris Christie, and public-relations guru Donald Trump. It is not hard to see Bush outlasting these candidates not only for

financial reasons—he has more money to stay in the race—but also simply because his seriousness and sense of purpose, as they say, "wear better."

The other group presents a bigger challenge. It's composed of lesser-known personalities who have proved to be serious campaigners who can think on their feet and, like Bush, handle virtually any question hurled at them by the press. Count among them Florida senator Marco Rubio, and former Hewlett-Packard CEO Carly Fiorina, who not only match up well generationally against Hillary Clinton but also exude energy and gravitas.

Does Jeb match up as well? The other center-right candidates who have recently won the Republican nomination despite ideological qualms about them, McCain and Romney, had what seemed to be pretty compelling arguments in favor of their electability. Skeptics will say that Bush doesn't, and not for outlandish reasons.

It has long been said that if Bush is the nominee, Republicans will cede the dynastic issue, which is true. But they'll also potentially cede something else, which far fewer voters are talking about: that of crony capitalism. Over the past several months, as donations to the Clinton Foundation have been scrutinized and indexed against various entities seeking favorable treatment from the State Department, this charge has become perhaps the most damning indictment of Hillary Clinton.

Bush, whose connections to the upper echelons of political power extend back decades, is vulnerable to a similar charge, although on a smaller scale. He touts his business experience, but reporters are beginning to chatter about how Bush used his family's political power to boost various businesses with which he was involved. In one case, when his father was in the White House, Bush traveled to Nigeria with executives from a Florida company, Moving Water Industries, leveraging his connections to help it secure an \$80 million equipment deal.

In 2012 the Republicans had a nominee, Mitt Romney, who couldn't make the GOP's most powerful arguments against Obamacare because he had implemented a similar health-care plan as governor of Massachusetts. Many Republicans will be reluctant to nominate a candidate who may be unable to land the

two most powerful punches against Hillary Clinton. The Bush campaign dismisses that idea, and spokesman Tim Miller says that, over the past seven years in particular, "Bush has made a successful career in business where he has gained perspective on how the Obama policies have hindered job creation across the country."

Regardless, Bush will no doubt be a formidable contender. This is a family that plays to win. George H. W. Bush, now shrouded in the nostalgic appreciation of the Left, torpedoed Dukakis in 1988 with a barrage of negative ads over hot-button cultural issues. The Democrats cried bloody murder. Even as George W. Bush talked about compassionate conservatism, he did a political demolition job on John McCain in the 2000 South Carolina primary that left McCain and his supporters bruised for years afterward. During the Florida recount, Bush brought in family consigliere James Baker and outfought the forces of Al Gore (it helped that Bush had more votes).

Should we expect the same from the Bush clan this time around? "Everybody's going to destroy everybody," an insider says.

There is also the intangible issue of stature. "When I look at the candidates, there's one who looks like a president and talks like a president and, frankly, it's Jeb Bush," says Rothenberg. This is where Bush's stolidity pays dividends. By now, he has exposed himself to thousands of questions from the press over hundreds of hours on the campaign trail and has made unintended news just once, on the question of Iraq. His release of 33 years' worth of tax returns—Romney and McCain released two years' worth—underscores his commitment to honesty and transparency. He has approached the campaign like a president.

That may not excite people, but the importance of the sizzle factor may also diminish when primary voters get more serious. And in a matchup against Hillary Clinton, it's not hard to see the country defaulting to another Bush: competent, ethical, and unexciting. If that's the case, the general-election matchup may very well resemble the 1988 battle between George H. W. Bush and Michael Dukakis, one in which neither party is enthused about its nominee, the campaign is all-out war, and the better man wins by the process of elimination. **NR**

Hacking OPM

It was part of China's 'unrestricted warfare' against the United States

BY JACQUELINE DEAL

THE year 2014 was not a great one for American security interests, from the Russian invasion of Crimea to the rise of the Islamic State and China's creeping expansionism in the South China Sea, but decades from now we may look back and say that the most significant setbacks occurred in the cyber realm. Over the past year and a half, a team of hackers infiltrated the computers of the Office of Personnel Management (OPM) and stole files on current and former federal employees and contractors going back to 1985. The latest estimate is that the breaches affected 18 to 32 million people, including not just employees and contractors themselves but also their families and other contacts listed in disclosure forms, which personnel must regularly fill out to acquire and retain security clearances. All signs point to China as the source.

While Beijing of course denies responsibility, this is only the latest in a series of Chinese hacks and real-world activities aimed at extracting secret or proprietary information from the United States. Taken in isolation, each act seems explicable on the relatively narrow grounds of corporate interest or routine state-sponsored espionage, but together, they are salvos in what high-ranking Chinese military officers 15 years ago dubbed "unrestricted warfare" against the United States. Embracing both military and non-military means, this effort is about nothing short of an attempt to compel the United States to bow to Beijing's interests.

The 2013 Blair-Huntsman Commission on the Theft of American Intellectual Property found that China is the largest perpetrator of such theft, responsible for somewhere between 50 and 80 percent of

all cases, and that the costs to American business reach hundreds of billions of dollars per year (compare this with \$300 billion in annual revenue from U.S. exports to Asia). Other recent Chinese cyber exploits include Operation Aurora in 2009, which reportedly targeted tech firms including Google and Yahoo, defense contractors such as Northrop Grumman, and big banks such as Morgan Stanley, and the recent hacking of major American health insurers that has resulted in the acquisition of over 90 million people's medical records.

In the wake of the OPM losses, Americans' natural impulse has been to worry about identity theft and espionage. What if the victims' Social Security numbers are released or sold to criminals? Will the real identities of U.S. intelligence agents operating under cover now be exposed? Will Chinese agents use personal data from the files to blackmail Americans or their foreign contacts into divulging secrets? These are reasonable and legitimate concerns, but they are only part of the picture. From China's perspective, the OPM data have implications far beyond the black market or even the spy-vs.-spy competition. They could be used to cripple the U.S. government, paralyze American military forces, and ensure that the Chinese Communist-party (CCP) regime prevails in what it calls the "international competition for the redistribution of power, rights, and interests."

As a few experts have pointed out, the OPM information will save China many man-years of intelligence spadework. According to the blog of retired American intelligence officer and former Green Beret W. Patrick Lang, Chinese analysts could use the security-clearance forms to try "to construct an accurate and detailed model of the vast national security structure of the U.S. G[overnment]." How might such a model be useful? It could show how our national-security infrastructure has changed in response to specific events and threats in the past, making it easier for a foreign power to influence it in the future. And it could provide China with "a roadmap for finding people with access to the government's most highly classified secrets," as the *Daily Beast* reported on the basis of interviews with three former U.S. intelligence officials. Finally, the former National Security Agency (NSA) analyst and counterintelligence specialist John Schindler has noted:

The real pros engage in offensive counterintelligence, which aims at recruiting spies inside the enemy camp, particularly inside the opposing intelligence service. That's how you gain control of the enemy's central nervous system: You know what he knows about you; hence you can deceive him at a strategic level.

The OPM hack, combined with other information-extraction schemes, may thus facilitate Chinese strategic deception of its main rival, the United States, while providing a model or roadmap of the highest-value targets across the U.S. national-security establishment.

Why should we worry about this prospect? While many Americans see China primarily as an important trade partner, Chinese political and military elites view the United States as China's main rival for global influence. According to Chinese military texts, Beijing perceives the United States as "the powerful enemy" or "hegemon," and the United States is a key target of the ongoing buildup of China's People's Liberation Army (PLA) forces.

From Beijing's perspective, the American political system represents a threatening alternative to the Chinese Communist party's rule, and the CCP's highest-ranking cadres believe that the goal of the United States' China policy is to remove the CCP from power. The differences between the two regimes are stark. While anyone can, in theory, become an American, belonging in China depends on ethnicity, and wealth and power accrue only to those who toe the Communist party's line. The United States practices the rule of law at home and defends freedom of navigation and free trade abroad; China's rule-of-men political system denies individual rights to citizens and seeks to use economic leverage and the threat of force to achieve Beijing's foreign-policy goals.

This matters in the context of the OPM breach because the same authoritative military sources that depict the United States as China's most capable adversary argue that information is the future of warfare. As any careful reader of Sun Tzu knows, Chinese strategy has traditionally stressed intelligence—knowing the enemy and oneself in order to win a hundred battles. But today there is a particular premium on information and intelligence within PLA circles. When Director of National Intelligence James

Jacqueline Deal is president and CEO of the Long Term Strategy Group, a Washington, D.C.-based defense consultancy.

Clapper said last month that he “kind of salutes” the Chinese for their exploit, the military imagery surely captured attention in Beijing. A few weeks before the OPM thefts were disclosed, China issued its first National Strategy White Paper, which indicated that Beijing has updated the PLA’s guidance on the likeliest kind of conflict it will face and the one for which it should prepare.

The new formulation gives greater emphasis to global rather than local missions, particularly in the maritime domain, and explicitly acknowledges the existence of cyber warriors as part of the PLA’s “integrated combat forces” tasked with executing “information dominance, precision strikes, and joint operations.”

The emphasis on “informatization” and acknowledgment of offensive cyber capabilities in the National Strategy White Paper was consistent with other Chinese military publications over the past decade, including the 2013 edition of *Science of Military Strategy*, a textbook for mid-career PLA officers at Chinese-military graduate schools. With nuclear weapons and the much greater effectiveness of conventional fighting enabled by information technology, full-scale war between major powers would now be unthinkable destructive to both sides, so future conflicts will revolve around highly targeted attacks.

Today’s Chinese strategists believe that they can win without fighting, or at least with a minimum of fighting, by targeting the indispensable nodes in the adversary’s political-military-economic apparatus. One PLA term for this is “non-contact warfare,” which entails long-range precision strikes aimed not so much at an adversary’s military forces as at the leadership, economic resources, communications systems, and infrastructure backbone on which those forces depend.

By definition, such attacks, which are designed to wipe out the adversary’s will and ability to fight in a single blow (or series of blows), require exquisite insight into the adversary’s most important vulnerabilities. China’s recent cyber feats may have provided the CCP and the PLA with just that kind of information about their most important rival, the United States. It’s now up to the United States to demonstrate that our national-security establishment is more resilient and resolute than it currently seems. **NR**

Take It Down

The Confederate flag means treason

BY ALLEN C. GUELZO

THE Confederate States of America hasn’t been in operation for a century and a half. Nevertheless, after a photograph of mass murderer Dylann Roof holding a toy-sized Confederate flag flashed onto television and computer screens, “Take it down!” became the newest meme burning through social media. The trustees of The Citadel voted to remove a Confederate battle flag from the campus chapel. Walmart emptied its shelves of items featuring the most minute images of the flag. In Gettysburg, the battlefield’s on-site gift store announced that it “will no longer sell stand-alone items that solely feature the Confederate flag, including display and wearable items.”

I don’t have much personal investment in, or use for, the Confederate flag. I’m a Lincoln biographer and Civil War historian, from the town that gave the Confederacy its most serious defeat. The flag was the emblem of a regime based on what Confederate vice president Alexander Stephens called “the great truth that the negro is not equal to the white man; that slavery—subordination to the superior race—is his natural and normal condition.” On those terms alone, the flag’s defenders ought to take the advice of the Confederacy’s most famous poet:

Touch it not—unfold it never;
Let it droop there, furled forever . . .
Furl it, hide it,—let it rest!

But there is also a substantial civil-liberties question at stake here, especially in the context of campaigns for trigger warnings, denunciations of micro-aggressions, prosecutions of Evangelical

Mr. Guelzo is the Henry R. Luce Professor of the Civil War Era at Gettysburg College and the author of Gettysburg: The Last Invasion.

florists, and a claimed “right to be undisturbed by anything.” Banning displays of the Confederate flag threatens to acquire an association with banning Ovid, the absurdities of carrying a mattress as simultaneous protest and performance art, and the dubious editorial judgment of *Rolling Stone*.

Dealing with the Confederate flag really involves asking two questions. The first is whether the “Southern Cross” flag actually *is* a sign of racial hate. Only the most self-deluded can tell me that white racial supremacy was not the core of what made the Confederacy; so, to the extent that the flag represented that Confederacy, it is. South Carolina’s secession ordinance in 1860 stated as clearly as anyone could wish that secession was a response to the election of Abraham Lincoln, “whose opinions and purposes are hostile to slavery.” Mississippi followed South Carolina into secession, declaring that “our position is thoroughly identified with the institution of slavery—the greatest material interest in the world.” Jefferson Davis in his inaugural address as the Confederacy’s provisional president accused Lincoln’s Republicans of “surrounding [us] entirely by States in which slavery should be prohibited . . . thus rendering the property in slaves so insecure as to be comparatively worthless.” This, at least, was obvious to Southerners *then*. “The South went to war on account of Slavery,” admitted the famed Confederate guerrilla captain John S. Mosby. “South Carolina went to war—as she said in her Secession proclamation—because slavery wd. not be secure under Lincoln.”

After the Emancipation Proclamation, after Appomattox, and after the 13th Amendment, slavery was as dead as Marley’s doornail, and so was the Confederate flag, which practically disappeared from popular view until D. W. Griffith’s infamous epic, *The Birth of a Nation*. It was taken up again by the second Ku Klux Klan in the 1920s and by segregationists in the 1950s. But it also acquired a number of other meanings—libertarian resistance to centralized government, the hostility of an agrarian society to capitalism, the defiance of the loner, even a free-spirited *Duck Dynasty* goofiness. Defenders of the flag will want to argue that racial animosity is not its only message, or even its principal



message, anymore, and they have a point that people who see race and only race in the flag should take it a little more seriously.

One thing that has gotten lost in this sound and fury is a meaning in the Confederate flag more obnoxious even than its racial message, and that is treason. When Union general Alex Hayes jubilantly trailed a captured Confederate flag in the dust behind his horse after the failure of Pickett's Charge at Gettysburg, he was not doing it because of any particular concerns about race but because he saw the Confederate flag as a fist shaken at the United States. "We believed then, and believe now, that we had a good government, worth fighting for, and, if need be, dying for," said Ulysses S. Grant. Which is why the old veterans angrily refused to participate in mixed "blue and gray" reunions if the Confederate flag was to be displayed, and declared that "the flag of treason should be suppressed."

This is the voice that has not been heard. Partly, that is because, in an increasingly globalized and cosmopolitan culture, of Julian Assange and Edward

Snowden, the idea of treason sounds antiquated, even slightly medieval; and partly, it's because the cultural Left has never, since the Rosenbergs, been able to regard treason against the United States as a genuine crime. Neo-Confederate partisans curl the lip at this, too, as they have for 150 years, insisting that an attempt to overthrow the Constitution was actually completely consistent with the Constitution.

However strong the reasons for banning the flag as an ensign of hate, or however blurred with affection and non-conformity the flag's meaning has become, we are talking primarily about perceptions, about how people feel about the flag. But treason is a legal fact, and anything that minimizes it is an offense to all Americans.

The second question is Who should do the taking down? In places where the Confederate flag is displayed on public property, the answer is clear: The people, through their representatives, have the authority to take down whatever they wish to take down.

But that will not remove all the difficulties, because the line between public and

private has become so blurred. If the Confederate flag should be removed from state-funded flagpoles, should it also be removed from state-funded museums, or from privately held museums that are open to the public? Should living-history programs with Confederate re-enactors (and their flags) be banned from National Park Service sites? One could argue that these are strictly historical displays, and aren't intended to send the same message that Dylann Roof sent—but that then begs the whole question.

So, here is my proposal. The Confederate flag was and is a symbol of many things, and in racial matters, a symbol of profound offense. But its most undeniable and constant meaning is rebellion. It is the emblem of treason, not only in 1861 but at any time someone defends the legitimacy of secession. Therefore, let every American who thinks treason is a crime take down the Confederate flag, and ask others to do likewise. And when (or if) we are refused, let us turn our backs on it, and dishonor it.

That is the response of the free citizen.

NR



Sucker-Punch Politics

Everybody is talking about what 'nobody is talking about . . .'

BY KEVIN D. WILLIAMSON

THERE is some controversy over the Islamic term *taqiyya*, generally understood as a principle of self-preservation permitting Muslims to deceive infidels when the numbers are against them without incurring divine penalties for dishonesty. Some Muslims complain that the concept has been inflated to feed the fears of terrorized Westerners. Raymond Ibrahim, a scholar of Islam, puts it in psychological terms: “Anyone who truly believes that no less an authority than God justifies and, through his prophet’s example, sometimes even encourages deception, will not experience any ethical qualms or dilemmas about lying. . . . Deception becomes second nature.”

Somewhere between her bat mitzvah and her Senate confirmation hearings, Elena Kagan, a nice Jewish girl from the Upper West Side, must have browsed the works of the 14th-century Islamic scholar Ibn al-Munir: “War is deceit,” he wrote, “and the most complete and perfect war waged by a holy warrior is a war of deception, not confrontation, due to the latter’s inherent danger and the fact that one can attain victory through treachery.” How else to explain how she went from her 2009 declaration—“There is no federal constitutional right to same-sex marriage,” words she put in writing and revisited to assure senators that that was in fact her view—to precisely the opposite position—discovering a national fundamental right to same-sex marriage lurking about the Constitution—in only a few years?

Nothing changed about the Constitution during that time. Nothing in federal law changed to support such a claim. In truth,

the Supreme Court is not engaged in jurisprudence but in politics, that politics is an art, and that art is, as Andy Warhol insisted, what you can get away with.

The ground was rather different in 2009, when Kagan was being vetted by the Senate. Back in those ancient, primitive days, the great constitutional scholar Barack Obama had not yet divined the constitutional right to gay marriage enshrined in our national charter in 1787 or 1868 or whatever date Anthony Kennedy chooses to pull out of his penumbra. The issue bedeviled that other great constitutional scholar, Hillary Rodham Clinton, who through at least 2003 was on the record as a supporter of the Defense of Marriage Act, a federal exclusion of same-sex marriages, who by 2013 had moved left to Dick Cheney’s view that it was a question for the states, and who came around to the view that there is a constitutional right to same-sex marriage only a few weeks before the Supreme Court ruled on that question. We are expected to believe that Elena Kagan, sometime between her appointment as solicitor general of these United States and her elevation to the Supreme Court, whoopsied her way into something she’d missed in Con Law 101 and ruled in such a way that her views are not merely radically different from those she described to the Senate but in fact precisely the opposite of those views.

This isn’t a case of “growing in office.” This is *taqiyya*. Which is to say, it is willful deception by progressives when the numbers are against them and something they hold holy is at stake.

WE have, needless to say, been here before, on gay marriage as well as on other issues. In 2003, California assemblyman John Longville, a Democrat from the blasted and recently bankrupt precincts of San Bernardino, used the magic words “NOBODY IS TALKING ABOUT.” “Nobody is talking about gay marriage—except the people who are trying to wave it around as a straw-man issue.” How long did that deception last? California voters, who know a bad performance when they see one, did not take Longville at his word, and so they passed Proposition 8, which ensured that while nobody was talking about gay marriage nobody was enacting gay marriage. By 2010, just a few election cycles after Longville’s flat declaration that the issue was a red herring, gay marriage was imposed on California by a judge. Nobody was talking about gay marriage, until it was the law of the land.

But of course people were talking about gay marriage in California in 2003. They were talking about it around the country, and well before that. They were talking about it, just as they have been talking about that other thing that nobody is talking about before or after the *Obergefell* decision mandating the recognition of same-sex marriage nationally and categorically—polygamy—which in fact was talked about during the *Obergefell* deliberations. The linkage of the two is of long standing: In 1972, a meeting of gay-rights groups gathering under the heading of the National Coalition of Gay Organizations called for the “repeal of all legislative provisions that restrict the sex or number of persons entering into a marriage unit,” according to *Gay Marriage: For Better or for Worse?* a 2006 Oxford University Press book by Yale’s William N. Eskridge and attorney Darren R. Spedale. (I give the full credentials here because it has been suggested by some commentators that the 1972 gay-rights manifesto is a fiction created by Christian fundamentalists; Eskridge is a respected scholar, and Spedale, a well-known entrepreneur, is a gay-marriage activist, among his other endeavors.) Nobody’s been talking about polygamy in the context of gay marriage and other nontraditional marriage models for at least 40 years. Nobody has been busy.

We all know better, of course. Even before that 1972 manifesto, the Supreme Court had considered, if only for the briefest moment, the question of gay marriage, in the matter of *Baker v. Nelson*, a Minnesota case in which the plaintiffs alleged that the state law restricting marriage licenses to two parties of opposite sex was unconstitutional. The Court gave that argument the back of its hand: “The appeal is dismissed for want of a substantial federal question.” And that was that, until it wasn’t: “*Baker v. Nelson* must be and now is overruled,” Justice Kennedy wrote in *Obergefell*, with Elena Kagan joining the opinion in spite of its being based on a federal constitutional right that she had positively affirmed did not exist. The only thing of substance that changed in the intervening years—the only thing that took us from “want of a substantial federal question” to national mandate—is that the ground became more favorable for the social revolutionaries. And while bearing in mind that we should always heed Abraham Lincoln’s advice and engage our political rivals with as much charity as we can muster, we would be doing ourselves and our republic a disservice if we failed to understand the role that deception—dishonesty with malice aforethought—plays in this process.

It is worth dwelling on that for a moment. Kagan was not, as some apologists have suggested, merely describing to the Senate

the current state of play regarding the Constitution and gay marriage when she forswore a federal right to gay marriage. In a letter to Senator Arlen Specter, Kagan made it clear that she meant what she said, that she intended her answer to “bear its natural meaning.” As Matt Vespa notes, when 18 of her Harvard colleagues had signed on to an amicus brief insisting that the Massachusetts state constitution (of 1780) contains within it a mandate for same-sex marriage, Kagan declined to join them. She kept right on telling conservatives and uncourageous progressives such as Mrs. Clinton and President Obama exactly what they wanted to hear, until she had the one thing that the would-be social revolutionaries of 1972 did not have—power.

Chief Justice John Roberts energetically argued that practically every point in Justice Kennedy’s argument fits well into an argument for polygamy, that his arguments “would apply with equal force to the claim of a fundamental right to plural marriage.” And polygamy, unlike gay marriage, has a history in Western civilization, and in the United States. “If the majority is willing to take the big leap,” Roberts wrote, “it is hard to see how it can say no to the shorter one.”

But we are not talking about that. Why? Because nobody is talking about that.

THE gay-marriage debate showcases two of the great progressive strategies for achieving social change. One, already touched on above, is the cynical “HOW DARE YOU!” That is an accompaniment to “NOBODY IS TALKING ABOUT.” Nobody is talking about polygamy, and how dare you compare gay marriage to polygamy! Nobody is talking about lowering the age of consent to 13, and how dare you compare the campaign for gay marriage to the campaign for lowering the age of consent! Etc. Of course people are talking about those things, and of course there are apt comparisons to be made. The fact that those comparisons are apt is the reason, in the progressive view, they must not be made.

William Saletan, writing in *Slate*, attempts to shoo away Roberts’s polygamy logic, and if he waved his hands any more vigorously, he’d fly off like a hummingbird. The No. 1 issue, he argues, is *immutability*, i.e., the belief that homosexual people are born homosexual, that sexuality is static in the way race (give or take a Spokane NAACP boss) and sex (give or take an Olympian or a gender-fluid Ruby Rose) are static, and that laws that distinguish between heterosexual and homosexual affairs are therefore morally identical to laws that distinguish between blacks and whites.

Immutability is an interesting question, and there is some quite persuasive biological evidence that certain homosexuals are in fact congenitally inclined toward same-sex attraction. There is also good evidence that the same is true of pedophilia, criminality, the taste for sexual violence, etc. The fringes of the gay-rights movement have dipped more than a toe into the question of pedophilia (and, more commonly, ephebophilia) over the years, so it is not quite the case that nobody is talking about that. But here the “HOW DARE YOU!” is handier, and necessary to deploy, because it is necessary that the question not be considered. If the argument is that discrimination against people based on Justice Kennedy’s immutability is inherently unjust—and, further, unconstitutional—then we must consider whether that applies to all immutable characteristics, or only to

some, and, if only to some, to which and why. Saletan straightforwardly proclaims that there is no immutable tendency toward polyamory. About that: We 21st-century humans have approximately twice as many female ancestors as male ancestors (Damian Labuda et al., “Response to Lohmueller et al.,” *American Journal of Human Genetics*, October 2010), so—do the math. That humans and other primates are not in the natural world strictly monogamous and that males have a preference for relatively more variety than do females are about as well-established facts of biology as there are—facts much better established than the simplistic theory of homosexuality that plainly is guiding Justice Kennedy.

“I do think the dissent by Roberts provides a legal foothold for people seeking polyamorous marriage rights.” So New York attorney Diana Adams tells *U.S. News and World Report*. Adams “specializes in nontraditional family law,” according to the newspaper. “If there’s going to be a rejection of some of the tra-

ditional man-woman elements of marriage . . . those same arguments could easily be applied to three- or four-person unions.”

gent people appreciated that, which is how the flag ended up where it is. Around the same time, the NAACP in Mississippi was involved in a similar dispute, and affirmed: “There is no desire on the NAACP’s part to go through the South tearing down Confederate monuments.”

But there are other models of *taqiyya* compromise. We just went through a very stupid fight about the display of the Confederate flag at a Confederate monument in South Carolina. How did the flag end up at the monument? It used to fly over the capitol dome itself, thanks to Fritz Hollings and the rest of the peckerwood segregationist Democrats who ran South Carolina back in the 1960s. Nobody was talking about getting rid of the Confederate flag entirely—madness! The local NAACP chapter argued that flying it over the capitol dome itself sent a very different sort of message from flying it over, say, a Confederate monument. They petitioned to have the flag moved “to a place of historical rather than sovereign context.” The NAACP was absolutely in the right, and reasonable, intelli-

Conservatives are a complicated bunch. We try to deal with reality, including the unpleasant bits of it, and so we often find ourselves subject to ideas and priorities that are in conflict.

ditional man-woman elements of marriage . . . those same arguments could easily be applied to three- or four-person unions.”

But—be assured—nobody is talking about harems. Well, maybe that Ibn al-Munir fellow.

‘**N**OBODY IS TALKING ABOUT’ is the big rhetorical part. The big political part is the compromise that is not a compromise—*taqiyya* moderation.

In the case of gay marriage, that originally meant a general, good-natured social tolerance that appealed to the best in Americans and our live-and-let-live tradition, even if that tradition is honored more in principle than in fact. Then there were civil partnerships, which were fashionable for about five minutes, during which time nobody was talking about gay marriage. And then we started talking about gay marriage.

Conservatives are a complicated bunch. We try to deal with reality, including the unpleasant bits of it, and so we often find ourselves subject to ideas and priorities that are in conflict. The traditionalists among us may see homosexual marriage as a fundamental fraud, believing that marriage is about codifying relationships that are categorically reproductive if not always actually reproductive. The libertarians among us may nod to the conservatives but ask whether it is properly the role of the state to set those rules rather than letting society evolve spontaneously. The federalists—blessed are the peacemakers!—are great compromise-brokers, especially when they are running for president, and they say, along with Hillary Rodham Clinton until a few weeks ago, that it is a question for the states, that the Constitution is silent on the matter, that the federal apparatus is too clumsy a tool, that a hundred flowers, or at least 50 of them (or 57 for those who studied geography with Professor Obama), should bloom. For the progressives, that is the political version of the breakfast buffet at a \$79-a-night hotel: There’s not much that’s appetizing, but there is bacon in there somewhere. The

gent people appreciated that, which is how the flag ended up where it is. Around the same time, the NAACP in Mississippi was involved in a similar dispute, and affirmed: “There is no desire on the NAACP’s part to go through the South tearing down Confederate monuments.”

Nobody is talking about that.

We could do this all day with any number of subjects: Nobody is talking about forcing churches to perform same-sex weddings, and there already is serious talk of revoking the nonprofit status of churches that decline to perform same-sex marriages in the United States; as Roberts noted in his *Obergefell* dissent, a Jewish college already has been penalized for failing to provide the same housing for homosexual couples that it does for heterosexual couples, and a Catholic adoption agency was forced to shut down when it declined to place children with homosexual couples. “Nobody is talking about forcing you to change plans,” Barack Obama once said. “Nobody is talking about banning all contact with lobbyists,” says a Capitol Hill moderate, while a MoveOn.Org petition demands an “executive order to make lobbying illegal.” Nobody is talking about banning homeschooling, except the people who are talking about banning homeschooling. Nobody is talking about gutting the First Amendment so that incumbents can control the terms of political debate, but the Democrats have been working steadily to do it. Nobody is talking about putting people in jail for having the wrong opinion on global warming—and how dare you compare that to Soviet reeducation camps? No doubt a *taqiyya* is on offer on one or more of these issues, perhaps in the form of another John McCain dog-and-pony show.

As the Israelis know, if you are going to negotiate with Hamas, Hezbollah, or the plutonium-addicted ayatollahs in Tehran, you have to go in with your eyes open—if you negotiate at all, and there’s a good case against doing so. The problem with “We don’t negotiate with terrorists” is that it is a difficult principle to apply to domestic politics.

NR

The Long Shot

On the campaign trail with Dr. Ben Carson

BY IAN TUTTLE

Corning, Iowa

THERE are 40 chairs set out in the foyer of the Corning Opera House. For the record, Corning, Iowa, does not seem like a big opera town. Just 1,600 people live here, and just 4,000 stouthearted Iowans reside in Adams County, making it the least populous county in the Hawkeye State. For a political event, 40 chairs should be plenty.

By the time Ben Carson begins to speak, at 8:30 A.M. on a June Friday, some 130 people have arrived. We've abandoned the foyer for the opera house itself, where the crowd takes up every seat on the main floor and has forced a handful of listeners into the balcony.

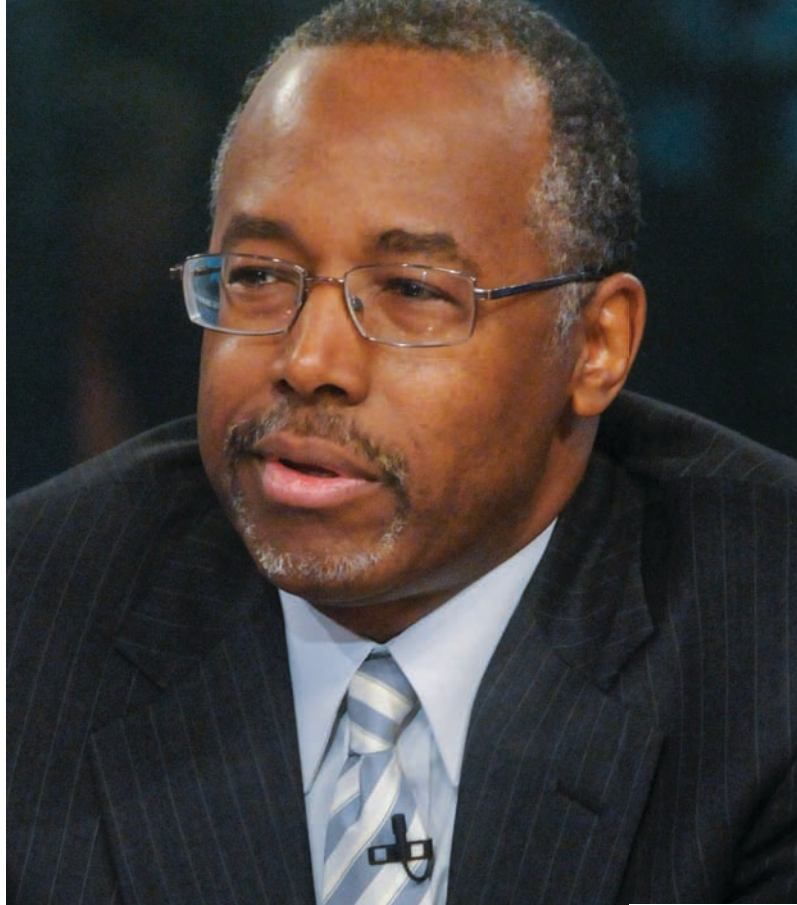
This is my fifth stop with Dr. Ben Carson, neurosurgeon, *New York Times* bestselling author, Presidential Medal of Freedom recipient, and now Republican presidential candidate, and this is not a new experience. In Rock Rapids, in Sioux Center, in Missouri Valley, in Lamoni (that's luh-MOAN-eye), they've also underestimated. Former Texas governor Rick Perry recently spoke to about 40 people at Frontier Bank in Rock Rapids, so planners figured that, for Carson's appearance, two pots of coffee should be plenty. Eighty-five people showed, at 8 A.M. on a Thursday, some from across the South Dakota border.

The quadrennial first-in-the-nation Republican caucus being something of a pastime in these parts, there are plenty of attendees with plans to hear—if they haven't already—any candidate who might swing through. But in Carson's case, there is clearly also raw celebrity at work. He enters to standing ovations, and finishes to larger ones. Nearly everyone gets in the receiving line. Many have a copy of one of his books—*Gifted Hands, America the Beautiful, One Nation* (he's penned seven, pick your favorite)—and one member of his advance team has become his unofficial receiving-line photographer.

We're a ways from February 1, when Iowa's Republican caucus-goers will gather, but the Carson team is in good spirits. As of the end of June, the RealClearPolitics average had Carson in fourth place nationally, in a field of 15 candidates (as of this writing). He is polling just behind Marco Rubio and Scott Walker, and he is less than four points from Jeb Bush. He won the 2015 Western Conservative Summit straw poll.

"The pundits all said it couldn't be done, that Carson can't possibly be successful," he tells audiences. "Right now all their heads are exploding."

YOU do not have to spend much time at a Carson event to begin catching on to key words and phrases. The most important of them: "common sense." One supporter



after another: "He speaks common sense," "It's common sense," "He just makes sense." Common sense is apparently not at all common in Washington, D.C., which, people seem to agree, operates primarily on nonsense.

"Washington," here, is a term of opprobrium. It's applied rather loosely by Carson supporters: to Bush and to Perry, for example, neither of whom has worked in the federal city. But you get the point: They're politicians. "I am not a politician," Carson emphasizes, "and I never will be." His best applause lines are about "politicians." "Now, the political elites in Washington say, 'You can't give health-savings accounts to poor people! They're too stupid to use them!'" He is talking about his proposed Obamacare alternative. "But that's because the politicians think all people are like them." It's a good line, it suits Carson's understated sense of humor, and it makes the crucial point: He's the Anti-Politician.

Politicians are beholden to special interests and self-interest. They bend to lobbyists, to big money, and to sheer ambition. By contrast, Carson notes, his campaign has received nearly 200,000 new donations in the last few months, averaging about \$50 apiece. No billionaires here. And as for ambition, he says, "I don't want to be president." He's Cincinnatus, called from his plough to save the republic.

And Carson is clear that it needs saving. There is an interesting contrast between Carson's rhetorical style—mild-mannered, low-affect; a surgeon's calm—and his content, which is blunt and apocalyptic: If we do not act now, America as we know it will cease to exist. President Obama and the progressive Left have done their best to destroy the nation from within. Our financial instability (Carson notes the \$200 trillion—plus in unfunded liabilities) increases the likelihood that the dollar will cease to be the world's reserve currency, at which point we can expect economic catastrophe, while our military drawdown has made us more vulnerable than ever before to an attack on our electrical grid or to a nuclear attack by radical jihadists. If

NBC NEWSWIRE/CONTRIBUTOR

things were not so dire, Carson says, he would have retired to the golf course. But things are dire.

This style makes Carson “genuine,” “authentic,” “a breath of fresh air.” Things are not all right; unlike politicians, Carson will say so; and he has “commonsense” solutions to pull America back from the brink.

CAROL, whom I meet in Missouri Valley, is making a point of hearing as many Republican candidates as she can manage. She attended the Iowa Faith and Freedom Coalition’s April dinner in Waukee, where Republican voters heard speeches from Ted Cruz, Carly Fiorina, Mike Huckabee, Bobby Jindal, Rand Paul, Rick Perry, Marco Rubio, Rick Santorum, and Scott Walker. When Carson finishes, she turns to me: “Wow.”

In my 48 hours stalking the candidate, I never have the “Wow” experience. On general principles, most Republican voters would not disagree with Carson: President Obama and his coterie have been fiscally profligate, Obamacare has transformed the relationship between state and citizen, we have turned our back on crucial allies in favor of dangerous and untrustworthy regimes, etc. But he has a way of hitting odd, uncomfortable, and over-the-top notes.

References to “socialism” and “totalitarianism” creep into his speeches (an oblique reminder that he has said contemporary America is “very much like Nazi Germany”). He talks about the “wars” the president has tried to stir up: “race wars” and “age wars.” He recommends framing policies not as “conservative” or “liberal,” but as “pro-American” or “anti-American.” Even if you know what he’s getting at, it’s a bit much.

Carson does not deliver a stump speech, exactly, as much as touch on a handful of points, complemented by a set of anecdotes and historical allusions (a Daniel Webster quote here, a Thomas Jefferson citation there), in a loosely structured 15- to 30-minute address. Perhaps it feels “genuine,” but it also can feel meandering and undisciplined. At the Lamoni Community Center, one-third of the way through his remarks, he tells at length the story of Francis Scott Key at Fort McHenry. At the Fruited Plain Café in Sioux Center, he ends his address talking about the need for enhanced defense capabilities because of the possibility of a nuclear strike in the exoatmosphere. His answers to audience questions can be wandering. In Corning, a question about reducing the number of government employees turns into a discourse on his plans for the Department of Education. You can see how he got from A to B, but there was no particular reason to make the journey. And some questions he simply does not answer. He is asked twice about how he would work with Democrats in Congress. His answer is that we need to elect more Republicans to the House and Senate.

For all his appeal, Carson lacks polish. His language is a bit too blunt; his sentences perambulate. This works in front of already-sympathetic listeners, but it will become a vulnerability—on the debate stage, for instance, where he will face aggressive questioners and feisty opponents, most of whom have been in the national limelight before. And it would be self-immolating in a general-election campaign, when hostile media will be searching for every off-pitch statement and a candidate must capture voters who, though they disagree with President Obama, do not think him a proto-Mussolini.

STILL, Carson’s rise is noteworthy. The intrepid Outsider is a recurring type in American politics. But Carson does not fit into any obvious mold. He is not, for instance, Steve Forbes, who staked his name on one idea, the flat tax. He is not Dwight Eisenhower or Wesley Clark, who staked their fitness for office on their battlefield service. He is not Pat Buchanan, who set out to redefine conservatism. He is Ben Carson, phenomenon *sui generis*.

God is a big part of Carson’s campaign. Carson says that God was the surgeon, while he was just the hands, and that his presidential aspirations are dependent upon the Lord’s continued blessing. It’s not just a rhetorical flourish: Carson would model his revised tax code on the Biblical tithe.

Carson’s religion and his political career have always been intertwined. Indeed, Carson’s political stardom was made by a single morning: the 2013 National Prayer Breakfast, when, addressing the annual gathering for the second time (the only other two-time speaker: the Reverend Billy Graham), Carson offered a frankly conservative talk about the problems with Obamacare and the dangers of political correctness—unmistakably, if gracefully, dressing down the event’s guest of honor, the president of the United States, seated to his right.

Two years later, Carson seems to some tailor-made for the moment. Among a certain part of the Republican electorate—Christian conservatives, largely—the desire for someone who will stand up has grown desperate. Government has become alarmingly invasive, the bureaucracy notoriously partisan, a whole bevy of agencies hideously corrupt; America’s reputation and influence abroad have diminished, allowing for the rise of a host of malevolent forces; cultural progressivism, with the full backing of the Democratic party, has abandoned compromise for raw force, and proved that it will cheerfully extirpate First Amendment rights to secure the concocted rights of sexual liberation; race relations have degraded. These voters see a federal government that has demanded to evaluate their prayers and Facebook posts, an administration that makes theological excuses for Islamic terrorism, a secular left-wing culture that would crush an Indiana pizza shop on the basis of a hypothetical question, and media keen to exploit (or manufacture) racial divisions. All of this has been promoted, presided over, or prodded on by Barack Obama, who promised to “heal” and to “unite.” Carson seems the antithesis of this president. Serene, plain-spoken, expressly Christian—in a time of political corruption, he is a citizen-servant, and in a time of moral degradation, a spiritual leader.

But if the Outsider is one type in American politics, the Messiah is another. And to a messianic politics, conservatives—especially Christian conservatives, inclined to see themselves and their God as persecuted or cast into exile—are particularly susceptible.

Salvation is not afforded by the Oval Office, and those who think it is are destined for despair. The presidency is a job—a big, important, difficult job, but a job nonetheless, with enumerated and implied powers articulated in a constitution. Conservatives would do well to remember that. A man might be correct about fundamental principles and about America’s future; he might be intelligent and accomplished; he might be a man of integrity and good will; and he might still be the wrong man for the job.

NR

Nevada's Bet on School Choice

How Governor Brian Sandoval won an important education reform

BY JOHN J. MILLER

GOVERNOR BRIAN SANDOVAL of Nevada once said that he envied Governor Scott Walker of Wisconsin. Did Sandoval really want to put up with the massive protests, death threats, and recall election? "I'd take it," he said, according to an account in the *Las Vegas Review-Journal*, "if I could have Republican majorities in the Nevada legislature."

Only a conservative governor who wants to push ambitious reforms would say such a thing—and last November, Sandoval got his wish. To the surprise of just about everyone, his fellow Republicans captured both chambers of Nevada's statehouse. So when Sandoval gave his state-of-the-state address in January, the GOP controlled the executive and legislative branches in Carson City for the first time since the 1920s. "We stand at a unique moment in time," he said. "Tonight we begin writing the next chapter."

Then he announced his plan for the biggest tax hike in the history of Nevada.

In that moment, Sandoval established himself as the kind of politician that conservatives love to hate: the tax-and-spend Republican. The editorialists of *Investor's Business Daily* dubbed him the nation's worst governor. Yet it's not so simple. Just as Nevada is a paradox—a socially conservative state with an economy that depends on blackjack and hookers—so is Sandoval. In June, shortly before he approved the tax increase, he signed a law that creates the most sweeping school-choice program in the country. "When he did that, he jumped to the head of the pack on educational choice and school reform," says Robert Enlow of the Friedman Foundation—and that's "Friedman" as in "Milton Friedman."

Next year, when Sandoval shows up on vice-presidential short lists, nobody will accuse him of failing to get things done. Conservatives will grumble about the tax plan, but they'll also see a lot to like: a popular figure in a swing state who, as one of just two Hispanic governors, possesses a rare combination of ethnic appeal and executive experience. And then there's that school-choice triumph, which may be the most important conservative policy achievement in any state this year. Politics often involves compromise, and this is a trade that a lot of conservatives might be happy to make: new taxes in a low-tax state in exchange for a reform that could break up the government monopoly on K–12 education. Yet it's also a false choice. In a state government dominated by the GOP, conservatives should be able to expect the good without having to endure the bad. So if conservatives at the national level ever feel tempted to gamble on Sandoval, they might want to remember that what happens in Nevada probably should stay in Nevada.

The 51-year-old Sandoval was born in California but moved to the Silver State as a boy. He likes to talk about how his father made him clean out sheep pens—and always jokes that it prepared him for a life in politics. He went to the University of Nevada at Reno, interned for Republican senator Paul Laxalt, and earned a law degree from Ohio State. Then he began his political climb, first winning a seat in Nevada's state assembly and later chairing the state's gaming commission. In 2002, he ran for attorney general and won nearly 60 percent of the vote. Although he was a pro-choicer in a pro-life party, he appeared to have a bright future in GOP politics.

At least that's what Harry Reid thought. The longtime Democratic senator had won reelection in 1998 by only a few hundred votes—and he knew a potential threat when he saw one. So he approached Sandoval about becoming a federal judge. In 2004, Reid recommended him for a vacancy. The next year, President Bush nominated Sandoval and the Senate confirmed him unanimously to the lifetime job.

Sandoval was just 42 and might have spent the rest of his career in a black robe, never again having to give a campaign speech at a Lincoln Day dinner. "I don't wake up every morning thinking about a different office," he told the *Reno Gazette*. By 2010, however, he was doing just that. The housing collapse had hurt Nevada more than almost any other state and, to complicate matters, a series of scandals had hobbled Republican governor Jim Gibbons. Sandoval challenged the incumbent in the GOP pri-



mary, beat him handily, and went on to defeat Rory Reid, the son of the senator, in the general election.

When Sandoval took office, Nevada suffered from among the country's worst rates of unemployment, foreclosure, and bankruptcy. "Raising taxes would be the worst thing we could do when Nevada families and businesses are struggling," he said. Even so, he supported the extension of \$1.2 billion in "temporary" increases to the payroll and sales taxes, approved at the height of the economic crisis in 2009. He also became the first Republican governor to expand Medicaid under Obamacare. On its fiscal-policy report card for governors, the libertarian Cato Institute gave him a grade of C. "He did not govern as a conservative," says Andy Matthews of the Nevada Policy Research Institute, a free-market think tank.

As he prepared for reelection in 2014, Sandoval could boast of an economy that had cut its unemployment rate in half. Yet he also confronted a new challenge to Nevada's comeback: a ballot initiative, pushed by teachers' unions, to raise money for public education with a big new tax on businesses. Sandoval spent much of the year urging voters to reject it. He promised (in a campaign flyer) "to keep taxes low." He also said he had a plan to improve school funding but would not release it until after the election. In November, amid the GOP wave, the tax measure lost badly and Sandoval coasted to reelection, capturing 70 percent of the vote.

"I was euphoric because Republicans were in control of everything," says Ira Hansen, a GOP state assemblyman. "Then came the disappointments."

On January 15, Sandoval announced his agenda for this year's legislative session. "For four years, we have held the line on spending," he said. Because of population growth, he continued, "our current revenue structures" are no longer adequate. He mentioned those "temporary" tax increases from six years earlier—and then demonstrated the truth behind the adage that there's nothing as permanent as a "temporary" government program. "It's time we are honest with ourselves," he said. "These revenues are now a part of our comprehensive budget." Yet this was not enough: "We must identify new sources of revenue." He went on to propose a version of the same business tax that he had fought against less than three months earlier. He also called for new charges on cigarettes and for increased business-license fees. In the end, he wanted to raise taxes by more than \$700 million per year. A little more than half would go to new spending on public schools.

Democrats loved it. "We've been pushing to raise taxes and invest in education for a decade," says Aaron D. Ford, the minority leader in the state senate. "It was refreshing to work with a governor who bucks some of the worst impulses of his own party." Conservatives described it a different way. "Sandoval is the absolute best governor the Democrats have ever had," says Michele Fiore, a Republican assemblywoman.

It's tough to raise taxes in Nevada: The state constitution requires a two-thirds supermajority in each chamber of the legislature. This meant that conservatives could block a tax hike by clinging to just 15 anti-tax votes in the assembly, where Republicans held 25 seats. They were even able to point to an alternative budget, prepared by Republican state controller Ron Knecht, that included no tax increases and paid for new education funding through spending cuts, such as requiring local-government employees to contribute more to their pensions, in the sort of move that Sandoval claimed to admire in Walker's Wisconsin.

Yet this went nowhere. "We received a polite hearing and dismissal" in the legislature, says Knecht.

Instead, the governor stitched together his coalition of Sandovalistas: moderate Republicans combined with every Democratic lawmaker. The GOP members of this partnership were so eager to persuade the Democrats to join them for the final vote on taxes that they even agreed to restore a prevailing-wage law that they had voted to eliminate earlier in the session, but that unions favored. "It became almost comical," says Chuck Muth of Citizen Outreach, a conservative grassroots group that may offer a ballot initiative to repeal the new taxes. "What's the point of electing Republicans if they're going to trade away conservative policies to win Democratic support for tax hikes?"

Then came the breakthrough victory for school choice, which every Democrat in the legislature opposed. For years, Sandoval had spoken favorably about giving parents more control over the education of their children, and Nevada had taken several small steps in this direction. On June 2, however, Sandoval signed into law the country's most aggressive attempt to introduce markets to K-12 education. The legislation places state aid for children into education-savings accounts and allows parents to tap into these funds for anything from Catholic-school fees to the costs of homeschooling or online courses. Unused money rolls over and becomes available for college tuition.

"This is seismic," says Clint Bolick of the Goldwater Institute, a free-market think tank that pioneered the concept in Arizona. "Nevada is helping drag public education into the 21st century."

Up to now, the few state school-choice plans that exist have had limited eligibility: They are available to special-needs children in Florida, low-income families in Indiana, and so on. Nevada's law, by contrast, makes the funding available to all public-school children, who account for 93 percent of the school-age population. Only students who are already enrolled in private schools or taught at home won't benefit—and if they attend public schools for a hundred days, they'll receive accounts as well. "The level of school choice the law will permit is unprecedented," said *Education Week*.

Sandoval deserves credit for the law, but he wasn't its champion. That role belongs to Scott Hammond, a Republican state senator who is also a public-school teacher. Last August, Hammond attended a legislative-training program, sponsored by the Friedman Foundation, in Salt Lake City. That's where he learned about education-savings accounts. When he returned to Nevada, he knew he wanted to push the idea—and when Republicans did so well in the November elections, he knew he had a shot at success. "The governor and I talked about it during the first week of the session," he says. Sandoval told Hammond to draft a bill and rally support among his colleagues. To the extent that Sandoval led, he led from behind, devoting most of his energy to the budget but also keeping tabs on Hammond's progress. "He was very helpful at the end, when he said he would sign the bill if it came to his desk," says Hammond.

The governor made good on this promise. He now says he wants to concentrate on infrastructure and higher education, but he won't have the opportunity until 2017 because Nevada's legislature meets only once every two years. By then, the United States will have a new president, and Sandoval will have gotten a hard look as a potential running mate or cabinet official. If he's still in Carson City, conservatives should wish him luck in his last chance to act more like Scott Walker. **NR**

Poor and Isolated

The least fortunate Americans often don't have networks to help them escape poverty

BY REIHAN SALAM

FOR a very long time, fighting poverty has been a kind of boutique issue for conservatives. The 2016 election season has been no different: Over the past few months, the candidates for the GOP presidential nomination have devoted most of their time and attention to tax reform, Obamacare, and the threats posed by Iran and Russia. A few candidates, Jeb Bush and Marco Rubio most prominent among them, have emphasized the importance of upward mobility, but it's not unreasonable to say that the plight of low-income households has not been at the heart of the debate.

In fairness, it's true that there's not much we can do about persistent poverty if the economy as a whole isn't growing (hence the importance of tax reform), if the rising cost of federal health expenditures crowds out everything else government does (a problem that Obamacare makes much harder to solve), or if the world is burnt to a crisp (which is rather more likely to happen if America retreats from the world).

Nevertheless, even as the country as a whole grows more affluent, there's reason to treat poverty as a more important issue than it has been in the past. The problem is not primarily the fate of poor adults without children, though of course many of them lead difficult lives. Rather, the worry is that children raised in poor families today face challenges for which we have no real precedent.

Before delving into why that's the case, let's briefly review some of the basics about poverty in America. What are the factors that keep people in poverty, and those that rescue them from it? Once we understand them, it becomes clearer why the poverty problem may, to a conservative eye, be about to get worse.

There has long been some debate about how poverty ought to be measured—how many poor Americans there are and how much they earn—but it's clearer than it once was. Since 2010, the Census has issued a Supplemental Poverty Measure (SPM), which offers a number of helpful tweaks to the old-school Official Poverty Measure (OPM). Rather than base its poverty threshold on food prices from 1963, it uses a broader basket of goods (food, clothing, shelter, and utilities). Moreover, while the OPM takes into account cash benefits such as Social Security but ignores other forms of government assistance, the SPM factors in non-cash benefits and tax credits to offer a fuller picture of low-income households' sustenance. The SPM also factors in out-of-pocket medical expenditures, work expenses, and payroll taxes, and it accounts for differences in the cost of living across regions, which the OPM does not.

One can certainly quibble with the SPM, but it offers a useful picture of what people in poverty are living on. As of 2013, the OPM poverty rate for the U.S. was 14.6 percent, while the SPM

rate was actually a bit higher, 15.5 percent. But this modest difference in the overall poverty rate masks bigger differences across subgroups. For children under 18, for example, the SPM rate was 16.4 percent, well under the 20.4 percent OPM rate.

But consider what happens when we zero in on what families are actually earning, leaving out transfer programs to the extent possible. A team of researchers led by Christopher Wimer of the Columbia Population Research Center tried to do just that, using a modified version of the Supplemental Poverty Measure. With taxes and transfers, overall SPM poverty in 2012 was 16 percent. Without them, it would have been 29 percent. Child poverty goes from 19 percent to 30 percent. So if all American families were left to their own devices, it would be reasonable to suggest, the scale of economic deprivation would significantly increase, including for families with children.

So what else is there to say, really? Isn't this clear evidence that giving people money is the surest route to solving the poverty problem? That depends on how exactly we define the poverty problem. If our goal is to shrink the SPM poverty rate over time, giving people money is indeed the most straightforward approach. If our goal is to foster economic self-support, however—because, say, we think work is healthy and important to human flourishing—the answer is more complicated.

There are many factors that the static counterfactual offered by Wimer et al. doesn't address. In a world without Social Security, many older Americans would continue working, or they'd have saved more for their retirement during their working years. Many transfer programs lead people to work fewer hours, or even to leave the labor force entirely. One of the liberal arguments for Obamacare, for example, is that it allows people who might only be working to retain their employer-provided health insurance to quit their jobs entirely. Conservatives have objected to the fact that Obamacare will tend to reduce labor-force participation. But it's easy to see why this aspect of Obamacare would prove particularly compelling to those on the left who see value in liberating people from the need to work for a wage. Plenty of other transfer programs have this effect: In 2015, the economists Brian C. Cadena and Brian K. Kovak released a working paper in which they observed that low-skilled immigrants are far more willing than low-skilled natives to move in response to rising unemployment, in part because immigrants are far less likely than natives to be eligible for unemployment insurance and other local safety-net programs. In the absence of these programs, presumably, people might be more willing to uproot themselves and their families in search of work. There would be many downsides to such a world, to be sure, but earnings might be somewhat higher.

Some transfers, like the earned-income tax credit, do manage to make work more attractive. To lump all transfers together is foolish, since transfers that encourage work have the potential, over time, to make people less dependent as they gain experience and climb the job ladder.

Another crucial poverty question is how to distinguish between Americans who are poor for a short spell and those who are persistently in need of government assistance. The social scientists Mark Robert Rank and Thomas Hirschl have found that, between the ages of 25 and 60, 54 percent of Americans will find themselves poor or near-poor at least once, and two-thirds of Americans will make use of some means-tested social program

at some point in their lives. Most people who experience poverty and who draw on means-tested programs do so for only a year or two. Unfortunately, there are many Americans who experience more than one spell of poverty. In a 2002 paper, Rank and Hirschl found that roughly 40 percent of Americans made use of a means-tested program in five or more separate years.

What is it that separates those who experience poverty for only one brief spell from those who climb in and out of poverty again and again?

One thing: full-time employment. In 2013, the Census Bureau found that the SPM poverty rate of those who worked full-time throughout the year was 5.4 percent, while those who worked part-time had a rate of 19.6 percent. (The entire group had a 15.4 percent poverty rate.) As the policy analyst Adam Ozimek recently observed, workers in the bottom fifth of the income distribution work 1,523 hours per year on average, compared with 1,983 hours per year for workers in the middle fifth of the income distribution. To be sure, there may well be important differences in people's ability to work long hours: Single parents might need to carve out more time to care for their children, and people with disabilities might struggle to work longer hours, or indeed to work at all. Or it might be hard for many low-wage workers to work because of factors beyond their control. Some Americans are simply disconnected from good employment opportunities, whether geographically, because they live in regions that are economically depressed, or socially, because they don't have the relationships that can help them identify better jobs.

Why are social connections so important? In 2013, Elizabeth Ananat, Shihe Fu, and Stephen L. Ross identified a phenomenon that at first glance might have seemed surprising. One might expect that the gap in average wages between whites and blacks would be smaller in bigger cities than in smaller cities, as bigger cities are more cosmopolitan and less racially prejudiced (or so the stereotype goes). In fact, the gap in average wages between whites and blacks gets bigger as the size of the city in which they live gets bigger. Instead of focusing on racial prejudice, Ananat et al. argued that while workers benefit from the knowledge spillovers that come from living and working in a place where there is a higher concentration of people doing a certain kind of job (as happens in big cities), these spillovers tend to be bounded by race. Compared with whites, blacks have fewer same-race peers from whom they can learn new skills and identify new opportunities, so whites gain more insider knowledge with each passing year, which in turn allows them to earn more money.

Race can be seen as having been a crude proxy for a more general phenomenon, of people benefiting from having connections with other people who have valuable knowledge. This is as true of poor people as it is of everyone else. Yet, while we have reams of government statistics to track exactly how much a family earns in a given year, we know precious little about, for instance, the number of supportive friendships they have. So we are left with little more than suggestive evidence. In a 1998 article, the sociologists Leann M. Tigges, Irene Browne, and Gary Green surveyed the social networks of poor blacks in Atlanta, and they found, among other things, that they were far less likely than their non-poor counterparts to have even a single person outside their household with whom they felt they could discuss important matters. This is important, as these "discussion partners" are vital conduits to information about the wider world. Even the most intellectually omnivorous family can't know

everything there is to know about the world or the state of the labor market, which is one reason upwardly mobile people tend to form social ties with other upwardly mobile people.

WHY do I believe that America's poverty problem is about to get worse? It's simple. A number of powerful factors are contributing to greater social isolation for poor Americans, and also to more chaotic family lives. For much of American history, poor people have been able to rely on informal self-help networks to sustain them through times of distress. These networks have historically been rooted in extended families, churches, and ethnic communities, yet they've evolved in a number of ways as our society has grown more mobile and more individualistic.

For one thing, these networks are far more likely to be segregated by class. Whereas immigrants and blacks living under segregation were forced by prejudice to band together, the decline of discrimination has led to a corresponding decrease in group solidarity. Among middle- and upper-middle-class Americans, self-help networks have been deinstitutionalized: They're less likely to be organized through churches or the local Rotary Club and more likely to be organized informally, through friendships with college classmates, business associates, and other like-minded people of similar class background. *Pace Ananat et al.*, these networks can even be fairly diverse in racial and ethnic terms.

But among poor Americans, these self-help networks haven't just been deinstitutionalized—they're less capable of offering people access to the kind of information they need to build a better life. The chief reason for this is that the foundation of any self-help network, the family, has been utterly transformed among the poor. The rise in single motherhood is the most obvious manifestation of this phenomenon. But further, as sociologist Nicholas Wolfinger notes, a growing proportion of female-headed households are led by never-married mothers, who tend to be much poorer and more socially isolated than divorced mothers.

Moreover, many poor mothers have children with multiple partners. One study found that 22 percent of white mothers, 35 percent of Latina mothers, and 59 percent of African-American mothers had children with more than one man, and the economist Robert Cherry of Brooklyn College has noted that children raised in these families are at greater risk of child abuse, because of the presence of non-biological fathers in the household. Children who are mistreated often struggle as adults—indeed, they're far more likely to wind up in the hands of the criminal-justice system. Mothers and children living in these circumstances experience a great deal of tension and stress. They could use better employment opportunities and more-responsive welfare bureaucracies, yes. But what they might need even more are the self-help networks that their parents and grandparents once relied on, full of people they knew and trusted. The tragedy is that families in these circumstances tend to know only other families in very similar circumstances, who are rarely in a position to offer more than sympathy.

Closing the yawning social gap between children who are raised in unstable families and those who are not will take more than infusions of cash. It will take a broader effort that will go beyond the earned-income tax credit and school vouchers and the various other policies already favored by wonks who lean right of center.

Are any of the GOP candidates even aware of the scale of these challenges, let alone what it will take to meet them? **NR**

Warning Shot

FROM the blog *Everyday Feminism*: “Everyday Feminism definitely believes in giving people a heads up about material that might provoke our reader’s trauma. However, we use the phrase ‘content warning’ instead of ‘trigger warning,’ as the word ‘trigger’ relies on and evokes violent weaponry imagery. This could be re-traumatizing for folks who have suffered military, police, and other forms of violence. So, while warnings are so necessary . . . we strongly encourage the term ‘content warning’ instead of ‘trigger warning.’”

UPDATE from the PEOPLE’S LANGUAGE COMMITTEE, Berkeley Free University of Progress:

It has come to our attention that the term “content warning” is problematic, as it may be construed to mean “content” with the accent on the second syllable. If people believe they are being warned that the material may induce a sense of complacency, well-being, and momentary fulfillment, then the person will suffer confusion and be victimized by uncertainty when the language that follows does not, in fact, lend itself conducive to contentedness.

This should have been clear to all.

In deeming “content warning” problematic, the committee has proposed a series of meetings in which speakers would repeat, en masse, CONtent as often as possible, establishing strong neural pathways for the preferred pronunciation. Remember, if you can’t think of a word, it really doesn’t exist.

We hope this works for everyone. Happy learning!

UPDATE TO THE POLICY:

It has come to our attention that “content” is problematic for two reasons. One: “Con” brings to mind the slang term for someone who identifies as an Incarcerated-American, and given the systemic unfairness, racism, and disparate impact of the criminal-justice system, perpetuating the notion of a “con” underscores the existence of the prison-industrial complex and may cause anxiety for those who have been in prison, know someone in prison, have read a book about a prison, or have observed a bumper sticker that said “I support the police.”

Just as important: The word “content” could be misunderstood as encouraging the state of contentedness. There are many on our campus whose difficulties preclude the possibility of contentedness, and who feel othered by the implication that they should be satisfied. Coming on the heels of a week in which the cafeteria declared itself unable to certify that the coffee came from an Ecuadorian plantation that gave its workers contraceptive coverage, this seemed needlessly insensitive to our ongoing struggles, and we apologize.

Until a new word is found, instructors will use the phrase “Possibly Unnerving String of Phonemes,” or PUSP.

UPDATE: We apologize to the People’s Union of Socialist Polyamorists for usurping their name. Until a replacement term is used, we recommend that all instruction on campus cease, to ensure a safe space.

UPDATE: We are now replacing Trigger/Content/PUSP warning with something I think we all can welcome with a smile:

Tigger warning.

This word refers to a cartoon feline who, while energetic and self-satisfied, is regarded with warm nostalgia by many, and has never been encountered in any physical form, only in soft, cuddly reproductions. People will visualize a happy animal spirit whose enthusiasm and affection for all will blunt the dread of what is next to come.

UPDATE: With great apologies and a deep sense of humiliation, colored with the knowledge that adversity provides boundless opportunities for growth and constructive apologies, we now realize that the last policy was problematic in so many ways it constituted an object lesson in unseen and unknown biases.

To everyone on campus who may have been attacked by a Tiger, or grown up listening to stories about being attacked by a Tiger, or had a relative harmed in any way by the Tamil Tiger movement, or lost a relative who fought for his beliefs in the Tamil Tiger movement, or whose first name and last initial spelled Tami L., we apologize.

We now realize that using Tigger revealed a bias for Western fiction, in particular the work of A. A. Milne, a white man. Leaving aside for a moment the offensive implication of “Christ” in “Christopher Robin,” and acknowledging the hateful record of the Church and its history of heteronormative patriarchy, the idea that only Western stories are a source for innocent childhood characters denies the history of every other culture on earth, each of which has its own “trickster” spirit like Tigger.

We will complete a list of all of these different characters from all representative cultures on campus and pass it out next week; when you consult the list, do not choose one, but name all the various cheerful animal spirits before using the word “warning.” We considered listing them alphabetically, but that would privilege the “Western” or “Latin” ordering system, so each week we will send out the list with the names in random order. If you wish, you may cut up the list and let students choose which order to use. DO NOT COMMIT ABLEISM by putting the names in a bowl and asking the students to pick them up and read them.

Hope this clears things up! Remember, it’s wise to be tiggardly when using the Pooh words.

UPDATE: The entire board has been removed for that last update, which contained a word that resembled a word that resembled a word. We are currently considering a flashing red light; since it may cause seizures, it should just glow on and off, slowly, and be carried around by someone ringing a bell while pointing at the door so students know how best to exit the room to avoid hearing something distressing.

Or, professors can just ask the students what they want to talk about today. Your call.

NR



The Long View BY ROB LONG

TRANSCRIPT FROM THE AL JAZEERA POLITICAL TALK SHOW THE AL-IRSHAD GROUP

SUNDAY, JUNE 28, 2015

HOST AL-IRSHAD: “Issue One! Allah created Adam and Eve, not Adam and Faisal! On Friday, an extraordinary ruling by the United States Supreme Court, called ‘SCOTUS’ by those in the Jew-owned media, made homosexual marriage mandatory throughout the 53 states. Question: What does this say about our implacable foe, the United States, and what does it mean for the future of the Islamic Caliphate, I ask you, political consultant Salil Faqtb.”

POLITICAL CONSULTANT SALIL FAQTB: “This is an absurd question. You are quite possibly more degenerate and homosexual than the American Supreme Court. Our enemies have always been prancing ladyboys in theatrical makeup and cowboy costumes and now they have been revealed to the world to be precisely that. We shall smash them all the more easily and their women will be grateful to find themselves within our households living among the livestock as is the custom.”

AL-IRSHAD: “So you find yourself on the side of presidential hopeful Mike Huckabee?”

SALIL FAQTB: “He is a monstrous decadent libertine. Say that once more and I shall slice you open like an old Jew’s purse.”

SYNDICATED COLUMNIST QU’TURUSH: “Can I inject some rationality here? The Kennedy opinion—which I admit was overly emotional and rambling at times—did illuminate a key idea, which is the human and pre-constitutional right to marriage, which thus

supersedes the right of the states to make laws—”

SALIL FAQTB: “Silence! Silence, you son of a poxed whore! Speak your blasphemies elsewhere or taste the sting of my squiggly knife!”

QU’TURUSH: “Can I finish? Will you let me finish?”

SALIL FAQTB: “And what next? Should they allow anything? Is polygamy now legal?”

QU’TURUSH: “Um, sure. It’s legal here, right?”

SALIL FAQTB: “Die, you ignorant dog!”

QU’TURUSH: “I merely mean that if a homosexual—and I assume he’s Jewish—if a homosexual Jew wishes to marry several other degenerate homosexual Jews, why is that the business of the state, so long as he treats each equally with the equivalent amount of jewelry and gifts and items of property and value and in accordance with Sura 4:3—”

SALIL FAQTB: “I am preparing a pyre upon which to set you alight.”

AL-IRSHAD: “Exit question: Gay marriage now enjoys zero percent approval in recent polls of the region. And yet gay rights, broadly defined, enjoy a whopping 3 percent approval in the same poll. Does this suggest that gay rights and gay marriage are on the march here in our region, I ask you Ba’ath strategist Ali Ba’Nasri.”

BA’ATH STRATEGIST ALI BA’NASRI: “Look, when you break down that poll into demos—”

SALIL FAQTB: “I shall break you down into—”

ALI BA’NASRI: “When you look at the numbers—and I looked at them, okay, Salil? That’s my job, okay? That’s what I do for a living. I look at trends and movements within our community and I try to see where this all is going, and it’s clear to me that younger people are a lot more okay with the idea of gay people and gay marriage than their parents.”

SALIL FAQTB: “Those young people should be crushed under boulders.”

ALI BA’NASRI: “If you look at the trend

lines, it’s pretty clear that, say, young Palestinians are on a path to total acceptance of gay marriage. Right now, 1 percent of them believe gay people should be executed as quickly as possible, which is down from a year ago, and only 16 percent believe in public beheadings. Compare that to, say, Jews, and you can see the difference. Jews are still up in the high nineties in the ‘willingness to set on fire’ and ‘reasons to acquire a nuclear weapon’ categories. So that’s a major victory for the gay-rights movement. If present trends continue, our region will have legal gay marriage by the year 2018.”

AL-IRSHAD: “Wait. What?”

ALI BA’NASRI: “The Islamic year 2018. In, like, 600 years or so. I guess I should have made that clear.”

AL-IRSHAD: “Exit question: Is this a political boon or a political bomb for presidential hopefuls entering the election season this autumn? Qu’Turush?”

QU’TURUSH: “This is a good opportunity for moderates like Jeb Bush and—so far—Marco Rubio to distinguish themselves from their more far-right competitors.”

SALIL FAQTB: “You are unmarried, are you not, Qu’Turush? Unusual for a man your age.”

QU’TURUSH: “My private life is private, sir.”

SALIL FAQTB: “Quite, quite. Still. Curious. Curious. The man—and I use that term advisedly—who calls so passionately and joyfully for the union of two boys draws the attraction of my scimitar’s blade.”

QU’TURUSH: “Put down your squiggly knife!”

ALI BA’NASRI: “Can we get back to the actual question? For one second? The winner here, Al-Irshad, is Ted Cruz. Now, he’s way too liberal for us, but for the American electorate he might be just right.”

QU’TURUSH: “I agree with that.”

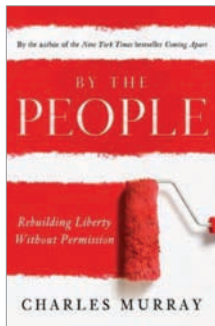
SALIL FAQTB: “Me too.”

AL-IRSHAD: “That is correct! Bye-bye!”

Books, Arts & Manners

A Civil, Respectful Cudgeling

CHARLES C. W. COOKE



By the People: Rebuilding Liberty without Permission, by Charles Murray
(Crown Forum, 336 pp., \$27)

By the time that Charles Murray sat down to write this book, he had decided that he'd had enough. During the process, he confides in the acknowledgments, his wife had been a touch worried about him: "'No more mister nice guy,' I would say ominously, and then disappear back into my lair." Once she read the finished manuscript, though, she concluded that she'd been overly concerned.

It is quite the trick to call for substantial civil disobedience but to do so without ever worrying the reader, but Murray has pulled it off. In *By the People*, he appears as a mild-mannered Howard Beale, sticking his head out the window of the social-sciences train and announcing, with frustrated resignation, "I'm not going to take this anymore!" In so doing he joins a long line of American rebels who have contrived to take up literary arms against the established order, and to reclaim their birthrights from Leviathan. If you want a book that will crisply outline what has happened to Madisonian America since the Great Depression,

without scaring the neighbors, it's your lucky day.

That Murray is a restrained warrior should not be taken as an indication that his diagnosis is half-hearted or that his indignation is faint. His intention, he explains candidly on the first page, is no less than to convince his readers that "America's political system has been transmuted into something bearing only a structural resemblance to the one that the founders created." How bad have things become? Bad enough at least that Part I begins with a host of serious epithets—America is "lawless"; "systemically corrupt"; in a state of "advanced sclerosis"; saddled with a "broken constitution"—and that, by the time their use has been assiduously justified, the reader does not consider them hyperbolic.

Once upon a time, Murray contends darkly, the United States enjoyed a political order that was uniquely effective at limiting the influence of government. Alas, since the New Deal that order has been slowly perverted: in part by faithless courts that have failed to police the state and to uphold the Constitution as written; in part by the abandonment of crucial common-law principles such as *mens rea* and limited negligence standards; in part by the metastasization of the administrative state, which has taken power away from Congress and become a law unto itself; in part because democracies inevitably eat themselves; and in part because the very political system that could in theory push back against these excesses has itself become corrupted. By Murray's lights, there is no realistic chance that, simply by electing the right people to Washington or by appointing Scalia-esque justices to the Supreme Court, the voters can reverse the decline. "It is not," he submits, "unlikely" that the United States will be restored at the ballot box—it is "impossible." And so, it is time to raise some hell.

Clearly anticipating the obvious charge—that he is merely bitter that his own team has not been winning of late—Murray goes to great pains to rest his case upon the legal strictures

contained within the original Constitution and upon the universal precepts of the Declaration of Independence. In most polities, to claim that the government is on "the wrong path" makes little logical sense. The inevitable question in, say, Italy, is "By what yardstick?" But "American government," as Murray contends convincingly, "does not command our blind allegiance to the law." Indeed, "it is part of our national catechism that government is instituted to protect our unalienable rights, and that when it becomes destructive of those rights, the reason for our allegiance is gone."

These are potentially seditious words, and because there is such a thin line between legitimate rebellion and unwarranted law-breaking, a good number of Americans will presumably recoil at them. But, ultimately, they need not worry. Murray insists that he is "not proposing revolution" so much as suggesting that the government has "lost elements of its legitimacy" and needs therefore to be selectively challenged from the outside. To underscore this claim, he reports polling data illustrating a concerning fact: *Voters of all stripes* have lost faith in their institutions as those institutions have grown beyond recognition. Suspect that it's just tea-party types who are disgruntled with the way Washington works? Think again. Jefferson's "consent of the governed" has been lost.

Those who are hoping to recruit Murray to their side in a broader fight against the state will be disappointed. Certainly he has of late adopted "an adversarial stance toward the federal government." But his ideal insurgency is a limited one. In Murray's view, there are no victories to be won by encouraging Americans to cheat on their taxes or to chip away at the nation's civil-rights laws or to put people in physical danger—or, for that matter, to pick any public fight during which the state can trot out a sympathetic victim. Nor does he believe that conservatives can win their battle against extensive transfer payments, restore the federal government to its pre-1932 role, or overturn

the more damaging of the Supreme Court's acts of constitutional vandalism. Rather, he aspires to give a voice to the voiceless, and accord to the put-upon a realistic chance of fighting back against a bureaucratic machine that routinely crushes anything that finds itself in its path.

The "repeated injuries and usurpations" against which Murray hopes to wage war are regulatory and administrative in nature. He is on the side of the dentist whose business is destroyed by an overly literal hygiene inspector; of the restaurant whose owners are fined for keeping cheese a single degree above the temperature established in the rules; of the family-run storage-drum-reconditioning plant that is threatened

arms for fear that the NRA will jump on their case, so too would America's many Departments of Frivolous Interference think twice before sending out a crack squad to smash a peanut with sledgehammers.

Which is to say that, despite the high-flown appeals to the liberty of man and the bleak assessment of the scale of the "abuses and usurpations" to which modern Americans are daily subjected, the Charles Murray of *By the People* is not Sam Adams, and his weapon of choice is not the musket; he is Atticus Finch with a Gadsden Flag.

All revolutions rely for their success on timing, tactical prowess, and the identification of their enemy's key weaknesses. Murray's would be no

The 'repeated injuries and usurpations' against which Murray hopes to wage war are regulatory and administrative in nature.

with a \$9.3 million fine for no discernible reason whatsoever.

Murray's troops are lawyers—representatives of a proposed pro bono group that he has termed "the Madison Fund"—and their role in the mutiny is to "pour sugar into the government's gas tank." Murray envisions that, by tying up in court the most capricious and petty among the regulators, his liberty-friendly attorneys would achieve two salutary victories against Goliath. First, they would bring much-needed legal relief to a host of tormented Davids: No sooner would the government threaten to end a career or put a company out of business than a counselor with a legal briefcase would show up and announce his intention to take it from there. This, in turn, would force the nation's mandarins to rethink their approach, enjoining the out-of-control bureaucratic state to contemplate whether it is really worth issuing a citation for that minor infraction. Just as the federal government lives in constant fear of restricting speech lest the ACLU show up at its door, and just as the states tend to shy away from limiting the right to keep and bear

different. We are, he proposes in his final chapter, coming out of an era of peculiar homogeneity and entering an era of technological change and genuine intellectual and political diversity. The one-size-fits-all government that grew up during the culturally uniform post-war period is no longer suitable in the age of the "liberation technology" that we now take for granted. In consequence, he argues, we might be on the verge of a broad rejection of prior regulatory norms, and of a moment in which the rest of the country stands up and insists loudly that we refrain from treating the United States as if it were merely an extension of New York City. Should this happen, and should the government choose to react by persevering in the manner to which it has become accustomed, it will more than likely expose itself to be a paper tiger, unable to enforce its will without inviting the ire of the disaffected. "What looks like Goliath to any one of us," Murray submits, "is actually the Wizard of Oz." If we want to restore our liberty, we have only to pull off the mask—whether we are permitted to do so or not. **NR**

The Speech Police, Ascendant

DAVID FRENCH



The Silencing: How the Left Is Killing Free Speech,
by Kirsten Powers
(Regnery, 304 pp., \$27.99)

End of Discussion: How the Left's Outrage Industry Shuts Down Debate, Manipulates Voters, and Makes America Less Free (and Fun),
by Mary Katharine Ham and Guy Benson
(Crown Forum, 304 pp., \$26)

SOME lives matter more than others. Smith College president Kathleen McCartney learned this lesson the hard way after sending an e-mail last December that declared "All Lives Matter." The e-mail was designed to help Smith students process and protest the decision of grand juries not to indict the officers involved in the Michael Brown and Eric Garner cases. McCartney of course apologized almost immediately, realizing that declaring that every person's life matters could "minimize the anti-blackness of this the current situation." A Smith sophomore said that McCartney's original e-mail "felt like she was invalidating the experience of black lives."

As with so many incidents in this new resurgence of political correctness, one doesn't know whether to laugh or cry. Does one just chuckle and shake one's head at a movement so hyper-sensitive that it reacts angrily even at its friends and allies when they don't use exactly

the right language at exactly the right time (as defined by the most sensitive and angry campus activists)? Or does one lament the trajectory of a culture that is narrowing the range of acceptable discourse so dramatically? Do both. Now is the time for laughter and lamentations.

Two new books will help. Kirsten Powers's *The Silencing* and Mary Katharine Ham and Guy Benson's *End of Discussion* cover similar cultural and political ground, but each does so in its own, distinctive man-bites-dog manner.

Powers writes regretfully, as a liberal—a lifelong leftist who used to believe, for example, that “George Bush’s nomination of Harriet Miers to the Supreme Court didn’t really count as a female appointment because she was conservative and an evangelical Christian.” Though still liberal, she is no longer tribal, and she is consequently appalled at systematic leftist intolerance of dissent. Her book is a scholarly lamentation, a meticulously documented journey through a political movement that is rejecting debate and dialogue in favor of shame, censorship, and stigma.

Because of my experience with infringements on free speech on college campuses, Powers interviewed me for the book (she interviewed a wide variety of people, left and right), and I’m honored that she quotes me in the epilogue. She used very few of the examples of intolerance I shared, but she had no need: As she was writing, the Left kept censoring. Her result is a well-researched, meticulously documented book that feels as timely as a magazine essay. Powers was reacting to events as they occurred, not merely collecting a grab bag of stories from years past, a “greatest hits” of liberal censorship.

Where Powers’s book is a lamentation, Ham and Benson actually managed to write a book about intolerance and the demise of our democracy that is laugh-out-loud funny. In my favorite passage, with an exquisite sense of timing they transition from highlights of leftist hypersensitivity over identity and language to a brief but glorious discussion of former Harvard law professor and current Massachusetts senator Elizabeth Warren, known to many as “Fauxcahontas.”

Both books are long on stories of intolerance and short on solutions. At

the end of her book, Powers urges greater intellectual diversity—people should go and make “unlikely friends.” It’s a message clearly aimed primarily at leftists such as the person she used to be, walled off in her own cultural bubble. Ham and Benson call for the creation of an informal “coalition to chill the hell out.” The theory is that “small circles of zealots” exercise disproportionate (and irritating) cultural power, and that what America really wants is for “people to chill the hell out.”

Ham and Benson would like to create a vast petition drive that responds to the outrage of the day with a decisive statement of indifference, giving corporations and others subjected to outrage

Where Powers’s book is a lamentation, Ham and Benson actually managed to write a book about intolerance and the demise of our democracy that is laugh-out-loud funny.

campaigns the assurance that the vast majority of their customers just don’t care. Ham and Benson are joking, but they raise a key point: Over the long run, the cultural battle is unlikely to be won by joyless scolds. While they can achieve short-term results, people tend to gravitate away from anger and misery.

In reality, both books are better for their lack of solutions. It often feels false when books describe a crisis, then tack on an unrealistic five-point plan to address it; and it’s particularly false when the crisis is more cultural than legal or political. In a significant way, Powers and Ham and Benson (and people like them) are the solution. Political correctness won’t end until liberals share Powers’s anguish at their own movement’s illiberalism. And conservatives won’t slay political correctness by mimicking the Left’s joyless and malicious intolerance. With wit and fun, Ham and Benson model the culture that conservatives should build. With regret and pain, Powers rejects the culture that liberals should abandon.

There are signs that Powers is not alone on the left. Since the publication

of her book, fresh incidents of liberal intolerance have been called out not by angry conservatives but by frustrated liberals. At Northwestern University, a leftist feminist professor, Laura Kipnis, found herself in the crosshairs of a Title IX investigation merely for publishing a provocative essay in the *Chronicle of Higher Education*. Her story led to widespread academic soul-searching, as professors and administrators began to realize that they’d created a politically correct monster they could no longer control. Soon after Kipnis shared her ordeal, a leftist professor wrote his own (anonymous) essay in the *Chronicle*, describing his fear of offending liberal students.

Nor are liberals only protecting their own. In the very liberal *Slate*, David Auerbach called out a computer-science conference for canceling a software presentation simply because the presenter also happened to be a “neo-reactionary,” a member of a small, anti-democratic philosophical movement that holds controversial racial views.

These are small signs of progress, to be sure—especially when set against the avalanche of intolerance that these two books so meticulously describe. But small beginnings are still beginnings. Or at least that’s the hope. It’s entirely possible that the examples I outline represent outliers, the efforts of the last few truly liberal leftists, people who support free speech for its own sake, as a social good worth preserving. In any case, to make real progress, many more of the liberals who dominate the high ground of campus and culture will have to be persuaded that true tolerance has value. The alternative is further anger and misery, as the outrage industry piles up its victims until the true backlash finally, inexorably arrives. NR



Danube R

With CHARLES MURRAY, CAL THOMAS, MONA CHAREN, JOHN O’SULLIVAN, RICH LOWRY, JONAH GOLDBERG, DAVID PRYCE-JONES, JAY NORDLINGER, & more NR editors to come!

LUXURY CHARTER SOJOURN TO VISIT HISTORIC PRAGUE, BUDAPEST, BRATISLAVA, VIENNA, DURNSTEIN, GREIN, LINZ, PASSAU, and VILSHOFEN

WE ARE PROUD to announce *National Review’s* next delightful adventure: our 2016 *Danube River Charter Cruise*.

Featuring a line up of all-star conservative speakers, and a glorious five-country Danube River itinerary—Prague in the Czech Republic (for those taking the optional 3-day pre-cruise package); Budapest in Hungary; Bratislava in Slovakia; Passau and Vilshofen in Germany; and Vienna, Durnstein, Grein, and Linz in Austria, this special trip will take place May 9-16, 2016, aboard AmaWaterways’ new and luxurious 5-star MS *AmaSonata*.

You must join us for this thrilling charter trip—our NR-only contingent of congenial conservatives and friendly (dare we say it?) “fellow travelers” will enjoy a fabulous itinerary and inclusive excursions, as well as numerous scintillating seminar sessions. Expect an intimate NR-only charter experience (the luxurious *AmaSonata* holds just 164 passengers) that you won’t want to miss.

Joining us for all the unrivaled conservative revelry and discussion of major events, trends, and policies will be acclaimed author **Charles Murray**, columnists **Cal Thomas** and **Mona Charen**, and NR editorial all-stars **Rich Lowry**, **Jonah Goldberg**, **Jay Nordlinger**, **John O’Sullivan**, and **David Pryce-Jones**. This cruise will be NR’s 33rd, but it will rank second to none. The itinerary alone is worth the trip.

PRAGUE While the cruise has Budapest as its origination point, for many the experience begins with an optional stay in Prague, which includes accommodations at the InterContinental Hotel, and exceptional city tours of one of Europe’s most beautiful capitals.

BUDAPEST On May 9th you’ll board the *AmaSonata*, get situated, and then enjoy a late-afternoon seminar, followed by a wondrous evening cruise and the first of three top-deck cocktail receptions.

The *AmaSonata* stays in Budapest overnight. On the 10th there will be a grand tour of the city, visiting Buda Castle, Fisherman’s Bastion, the Royal Palace, St. Stephens Basilica, Heroes’ Square, and much more. Departing that afternoon, you’ll enjoy another seminar, and a post-dinner “Night Owl” with our guest speakers.

BRATISLAVA The *AmaSonata* arrives in Slovakia’s charming capital early on the 11th. There will be a delightful walking tour of the city’s top sites (including the Old Town Hall, Mirbach Palace and St. Martin’s Cathedral), and an alternative “Communist History” tour.

VIENNA While the third NR seminar takes place, the *AmaSonata* departs for Vienna, arriving in the evening during dinner. Post-dessert: a traditional “Viennese Wine and Music” venture to a rustic wine tavern outside the city (where you’ll enjoy newly pressed vino and Austrian music and hospitality). On the 12th you’ll experience a panoramic morning city tour that includes visits to the Opera House, St. Stephen’s Cathedral, and the Ringstrasse. There will be an optional afternoon excursion to the Schönbrunn Palace, and opportunities to attend Mozart and Strauss concerts. We cap your visit to Austria’s capital with a late-night top-deck smoker.

DURNSTEIN/GREIN At midnight the *AmaSonata* will depart for Durnstein. On the 13th you’ll take part in a walking tour along its cobblestone streets, and then a visit to the Stiftskirche with its magnificent blue tower (you’ll also have a chance to see castle ruins where Richard the Lionheart was once held for ransom). There’s an afternoon seminar in store,



ONE COOOOL WEEK OF SUMMER FUN AND CONSERVATIVE REVELRY!

DAY/DATE	PORT	ARRIVE	DEPART	SPECIAL EVENT
FRI/May 6	Prague, Czech Republic	Optional		Arrival
SAT/May 7	Prague, Czech Republic	Optional		Half Day Tour; Lunch/Dinner on your own
SUN/May 8	Prague, Czech Republic	Optional		Half Day Tour; Lunch/Dinner on your own
MON/May 9	Bratislava, Slovakia Budapest, Hungary	12:00PM 2:00PM		Transfer to AMASonata Afternoon seminar Evening sail and reception
TUES/May 10	Budapest, Hungary		5:00 PM	City tour; afternoon seminar “Night Owl” session
WED/May 11	Bratislava, Slovakia Vienna, Austria	9:00 AM 8:30 PM	1:00 PM Overnight	City tour; afternoon seminar “Wine & Music” tour
THUR/May 12	Vienna, Austria		11:59 PM	Panoramic City tour late-night smoker reception
FRI/May 13	Durnstein, Austria Grein, Austria	8:30 AM 7:00 PM	12:00 PM 11:59 PM	walking tour afternoon seminar evening cocktail reception
SAT/May 14	Linz, Austria	7:00 AM	11:59 PM	half-day tour options afternoon seminar
SUN/May 15	Passau, Germany Vilshofen, Germany	8:00 AM 3:00 PM	12:00 PM	City tour afternoon seminar “Oktoberfest” celebration evening cocktail reception
MON/May 16	Vilshofen, Germany	7:00 AM		Debarb AMASonata

River Cruise



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followed by a cocktail reception, as the *AmaSonata* heads for Grein, a charming town well worth an after-dinner promenade.

LINZ The 14th find the *AmaSonata* here, and a day of exceptional tours awaits you. Options include the scenic Salzkammergut region (a UNESCO World Heritage Site), the Czech destination of Cesky Krumlov (a wonderfully preserved medieval town nestled in the hills just over the Austrian-Czech border), and a walking tour of the historic Salzburg, Mozart's birthplace, where you can hum your favorite "Sound of Music" tunes. Back on the *AmaSonata*, you'll enjoy another seminar session.

PASSAU Your last full day starts in this 2,000-year-old city, noted for its Gothic and Italian Baroque architecture, cobblestone streets, and St. Stephan's Cathedral.

VILSHOFEN It ends in this lovely medieval town, where you will thrill to a festive "Oktoberfest" celebration with local food, beer and Bavarian folk music and dancing. Today you'll enjoy one final seminar, and our third and "farewell" cocktail reception.

This phenomenal cruise will be made all the better by the many "extras" that are part of an NR experience: *The National Review*

2016 *Danube River Charter Cruise* will feature six seminar sessions, and a "Night Owl," where our guest speakers and editors candidly discuss today's most important issues; three classy cocktail receptions and two delightful "smokers" featuring **H. Upmann** cigars (picture yourself on the Sun Deck, a delightful drink in hand, surrounded by new-found friends, as the luxurious *AmaSonata* gently sails past the most charming villages and vistas you will ever see); plus intimate dining on several nights with our editors and guest speakers!

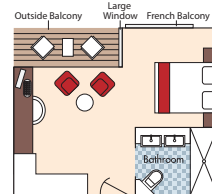
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290 sq. ft.
Offers an outside balcony and a French balcony, bathroom includes a combination shower/tub.



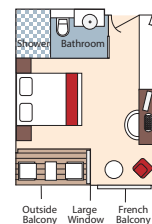
DOUBLE OCCUPANCY RATE: \$ 6,499 P/P

Categories AA / AB (Violin Deck)
French/Outside Balcony Stateroom
235 sq. ft.
Offers an outside balcony and a French balcony, bathroom includes a shower.



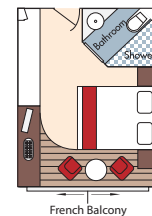
DOUBLE OCCUPANCY RATE: \$ 5,999 P/P

Category BA (Violin Deck)
Cello Deck
French/Outside Balcony Stateroom
210 sq. ft.
Offers an outside balcony and a French balcony, bathroom includes a shower.



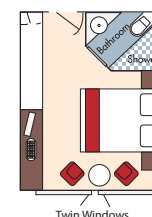
DOUBLE OCCUPANCY RATE: \$ 5,499 P/P

Category C (Violin / Cello Decks)
French Balcony
170 sq. ft.
Offers an outside balcony and a French balcony, bathroom includes a shower.



DOUBLE OCCUPANCY RATE: \$ 4,799 P/P

Categories D / SN (Piano Deck)
Fixed Windows Stateroom, 160 sq. ft.
Twin fixed windows, bathroom includes a shower.

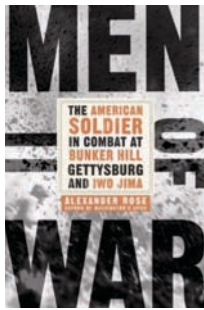


DOUBLE OCCUPANCY RATE: \$ 4,599 P/P
SINGLE OCCUPANCY RATE: \$ 7,999



Band of Brothers

ARTHUR L. HERMAN



Men of War: The American Soldier in Combat at Bunker Hill, Gettysburg, and Iwo Jima, by Alexander Rose (Random House, 496 pp., \$30)

THIS book poses the inevitable question of how someone who has never worn a uniform, let alone fired a shot in anger, dares to write about men's experience in battle. John Keegan's severe polio precluded any chance of military service, yet he managed to write one of the classics of military history, *The Face of Battle* (1976), which dissected the experience of Englishmen on the firing line from Agincourt to D-Day. Alexander Rose, author of *American Rifle* (2008), now attempts to do something similar with the experience of the typical American soldier in three historic campaigns: Bunker Hill in 1775, Gettysburg in 1863, and Iwo Jima in 1944.

It seems pointless to debate whether Rose does as good a job as Keegan did, or whether he chose the best battles to illustrate his overall point that, while the nature of combat has greatly changed, Americans' response to it remains (largely) the same. The fact is that *Men of War* moves and educates, with the reader finding something interesting and intriguing on virtually every page.

For example, Rose swiftly disposes of multiple myths surrounding the Battle of Bunker Hill. One is that the order "Don't shoot until you see the whites of their

Mr. Herman, a senior fellow at the Hudson Institute, is the author of Freedom's Forge: How American Business Produced Victory in World War II.

eyes" was coined by the American commander on the scene, General Isaac Putnam. In fact, given the relatively short range of the firearms of the period, it was a standard rule for winning an 18th-century firefight, going back at least to the General Orders for the Prussian army in 1757.

Another myth is that the American militiamen who fought the early battles of the Revolution were largely untrained civilians. Rose points out that, "unfortunately for the British, age, experience, cohesion, and perhaps even training were all on the American side." Nearly 40 percent of all Massachusetts males between 16 and 29 had some military training, including exercises with other militia units—and many more had long experience handling firearms. Large numbers of the militiamen from Connecticut and New Hampshire who faced the British that day had fought in the French and Indian War, which had ended just twelve years earlier; this was especially the case with the officers. New Hampshire captain Isaac Baldwin, for example, had served in no fewer than 22 engagements. The British commander, General Howe, by contrast, found himself surrounded by relatively raw recruits who had to advance against the withering fire of militiamen lined up on the rail-fence line at Breed's Hill, the threshold to Bunker Hill overlooking Boston Harbor.

The Americans' firepower advantage was based not on the accuracy of their Brown Bess muskets, which couldn't hit a target reliably beyond 100 yards, but on the density of fire they brought to bear, with militiamen at some points standing four ranks deep. At 55 yards, the advancing British "fell in heaps," one awed colonial militiaman noted, "actual heaps." "They kept falling" until, as another eyewitness said, the "dead lay as thick as sheep in a fold." The steady rain of fire (some militiamen remembered firing 40 to 60 rounds, as opposed to the usual 15 in a pitched battle) was also directed at General Howe. Every one of his twelve staff officers was killed or wounded, most at his elbow. Howe miraculously survived, but, Rose writes, "his uniform was soggy with his aides' splashed, spurting blood."

By the time the British reached the rail fence, 1,100 of them, or nearly one in two, were dead or wounded; after some short, sharp hand-to-hand fighting, the Ameri-

cans melted away to safety. The surviving British were too exhausted to chase them. Bunker Hill, Rose concludes, was "perhaps the heaviest, fiercest combat of the 18th century." This slaughter not only confirmed the ability of American militiamen to hold their own in a set battle; it also dented the morale of the British army for the rest of the American Revolution.

Bunker Hill was not a single battle but many battles. Dense and persistent gunsmoke and a weak chain of command (the two American officers in charge, Putnam and Colonel John Stark, loathed and barely spoke to each other) meant that most soldiers and their officers were barely aware of what was happening a few hundred yards away. In this regard, Bunker Hill closely resembles the experience of Americans 170 years later on the island of Iwo Jima.

Despite the huge forces and firepower involved, with three full divisions of Marines, 500 warships, modern artillery, and bomb-dropping airplanes, the struggle between the Marines and the heavily entrenched Japanese defenders on Iwo Jima quickly became a battle of squads and individuals set against a nightmarish landscape of smoldering black volcanic ash and "blasted plains, pyres of ruins, and cave-pocked ridges." During the four-month battle, Iwo Jima resembled, according to one eyewitness, "hell with the fire out." Five days into the fighting, lack of sleep and the exertion of hand-to-hand combat day and night meant that most of the Americans had lost all sense of time and of the duration of the battle, which dissolved into a series of horrific vignettes. One Marine said it was as "when a smoothly moving film on the screen change[s] to a series of color slides; some of them painfully acute. Slide on. Slide off. Click. Click. Nothing in between."

The battle fatigue and mental collapse of Marines fighting on Iwo Jima was classic "shell shock." It wasn't unknown at Bunker Hill; at Gettysburg, it was euphemistically described as "sun stroke" (although, thanks to the widespread theory that the last thing one should do on a blazing-hot July day was drink water, many suffered from that as well). But on Iwo Jima, doctors and commanders recognized that there was only so much combat a man, even a Marine, could take. They became resigned to the fact that a

growing percentage of their men would be out of action owing to combat fatigue and blast concussion. Many others were killed or wounded. Some Marine companies and battalions had a casualty rate of more than 100 percent, if replacements are included. For front-line troops, the average casualty rate in Iwo Jima was 80 percent, and for junior officers, sergeants, and corporals, life expectancy was 48 to 72 hours.

Yet even under these grueling conditions, the Marines adjusted and learned the brutal science of taking out bunkers one by one with hand grenades, satchel charges, and flamethrowers. While the Japanese were largely lost and confused after losing their officers, command of Marines passed seamlessly down the ranks until “it was common to see junior lieutenants or sergeants in charge of companies and privates overseeing platoons or squads.” As with Bunker Hill, it was individual skill and initiative, not mass firepower, that won, despite the frightening cost. (Seventeen days into the battle, of the 200 men in one company who had landed on Day One, there were only three left.)

From this point of view, by Rose’s account, Gettysburg and the Civil War are an outlier in the American experience of war. It was during that war, and particularly in those three July days in 1863, that Americans experienced what the British had experienced at Bunker Hill—being shot down in serried ranks advancing in

close order, having cannonballs slice down six or seven men in a single row or grapeshot cut down swathes in an instant. When, on the second day at Gettysburg, the eight companies of the First Minnesota stormed down Cemetery Ridge to hold it against Confederate assault, 215 of the 262 Minnesotans were dead or wounded within five minutes—although the survivors, less than two out of ten, managed to hold the ridge.

Examining these conflicts, Rose finds it hard to escape the conclusion that, since 1775, Americans have brought something unusual to the waging of war, a virtue that, at least until recently, made us a potent democracy as well as a formidable fighting people: the power of self-discipline, as opposed to the formal discipline imposed from outside by military manuals and chains of command. Americans fight best, whether it’s on Bunker Hill or in Iraq and Afghanistan, at the squad and platoon level, where they can practice bottom-up innovation in which skills and experience mesh and rugged individualism comes through.

As for the horrors of war, they might find themselves in the situation of the chaplain in a New Hampshire regiment at Bunker Hill, whose experiences that day left him “sickened with pain and anguish [that] seemed without end”—yet who retained his faith that “on our part it was necessary” to fight for liberty. This chaplain, Rose writes, “eventually emerged into the light and found peace.” **NR**

Prima Ballerina

JAY NORDLINGER

WHEN Julie Kent made her entrance as Juliet the other night, the applause for her was long and loud. And she seemed more girlish than ever, as she frolicked around the Nurse. Why was she retiring?

But retiring she was. Julie Kent is one of the outstanding ballerinas of our time. She was with the American Ballet Theatre for almost 30 years: 1986 to just the other night. She is a senior citizen, in ballet terms: age 45. Kent is, indeed, the longest-serving dancer in ABT history.

She has danced many roles, but it was fitting she bade farewell as Juliet. It has long been an especially touching role for this especially touching dancer. A few years ago, I heard something I don’t think I had ever heard before in a theater of any kind: sobbing. Sobbing in the seats. It was at the end of *Romeo and Juliet*. Prokofiev and Shakespeare get most of the credit, I think. But some of the credit goes to that night’s ballerina, Julie Kent.

I sat down with her some weeks before her retirement. We met at ABT HQ here in New York. Kent was in an oversize sweater, which is almost stereotypical ballerina-wear. She was thoughtful, gracious, articulate, and sweet. Wonderful smile, wonderful laugh. Her speech was just slightly southern, or mid-Atlantic, let’s say.

Without question, she can enchant people onstage and off.

She grew up in Potomac, Md., outside Washington, D.C. Her mother was a ballet teacher; her father was an officer in the U.S. Public Health Service. He participated in Operation Deep Freeze, a series of missions to Antarctica. He is buried in Arlington National Cemetery—“just across the way from my husband’s father,” says Kent. “They are literally like ten feet from each other.”

Her husband’s father, Kent explains, was a decorated World War II vet. I make a remark about “the Greatest Generation.” “Oh, yeah, they were,”

ORDINARY TIME

Mirror of spring, the sky at morning yields
Its solitudes and clouds to unseen fields
As if we always knew some other place.

Analysis is tricky. At six or so
The light sweeps up in an arpeggio
I cannot hear. Leafage floods the grass.

The light sweeps up and the church bells listen,
As the day cries out and the heart would listen,
But will not suffer beauty, fearing grace.

Chill, the night comes riding its long wires.
They pass and double through my hands and head
Among the dismantled souls and sunflowers.

In tall bare trees a small flock cowers,
Shifting like a word that can’t be said.

—LEE OSER



The great Julie Kent bids farewell, June 20, 2015, Metropolitan Opera House, New York City

says Kent. Then, referring to her family members, she says, “Well, anyway, God bless them both.” There are tears in her eyes.

She was just 16 when she joined the American Ballet Theatre. Soon, she was cast in a movie: *Dancers*, with Mikhail Baryshnikov, the great dancer who was then artistic director of ABT. Baryshnikov said, “I was absolutely mesmerized by her looks. She has really an extraordinary face, a classic face.” One writer once referred to Kent’s “Botticellian beauty.”

She was born Julie Cox, not Julie Kent—but her family always figured she would change her name for the stage (or screen). Her father wanted “Julie Adams.” Why? Her name would likely appear first on a roster! “That’s such a dad thing,” Kent tells me, laughingly. An assistant to Baryshnikov, Charles France, hit on “Kent.” That, she accepted: Like Cox, it was short, English, and started with a “K” sound.

In 2000, by this time an established star of 30, she appeared in another film, *Center Stage*. The two films made a big difference in her career, she says. You can

reach masses of people, and you are, in a sense, immortal—forever 16 or 30 or whatever. Many girls and young women have come up to Kent saying, “*Center Stage* is my favorite movie. I watched it a million times. *Thank you so much.*”

Screen immortality aside, I ask Kent about her longevity—her dancing longevity. She cites physical and mental health, among other factors. One of those other factors is her children: She had them when her career was well along. “I think they gave me strength and energy—a push.” Some people might regard having children as a career-killer; for Julie Kent, it was a boost.

Her husband is Victor Barbee, a former dancer who is now the associate artistic director of ABT. Their children are William, eleven, and Josephine, six. I tell Julie they must get a kick out of seeing her dance.

They do, she says—“but it’s really not a big deal to them. At the end of the day, I’m their mom. They understand that as much as I’ve been committed to my work, it’s nothing compared with my commitment to them.”

What she will do in retirement, she’s not entirely sure. She will let it unfold. But she intends to “share my voice as an American artist, a woman, and a mother,” and to be “an ambassador for dance” and “an advocate for the arts and arts education.”

Will she attend the ballet? Or does one simply have to be on the stage? Laughing, she remembers a moment when “Natasha said, ‘It’s a whole lot more enjoyable to dance this than to watch it.’” By “Natasha,” she means Natalia Makarova, the famed Russian ballerina. But “I love ballet,” says Kent, “and I do love to watch it.”

Nevertheless, “watching is a completely different experience from dancing.” Here Kent takes a long, long, reflective pause. “I don’t think you can even compare them.”

On the stage, she has always been known for her classic lines, her elegance of line. Among other gifts, she has the body for it. The instrument. Which makes a difference, right? I mean, not just any body type can succeed in ballet. True, confirms Kent. “Not everybody can be

Derek Jeter either.” (This is the recently retired New York Yankee great.) “That’s the reality. Otherwise, we all *would* be.”

I bring up the issue of eating disorders among ballet dancers. Kent says that this issue, while important, is overblown. She herself is thin, and always has been. And “nobody would ever think that I have a normal diet”—but she does. Her mother always made sure that Julie had steak, potato, and salad. Other girls, says Julie, have nothing for dinner but a big salad with fat-free dressing on it. ‘Round midnight, they’re starving, and scarf a pint of Häagen-Dazs.

In the course of our discussion, I say that, for me, ballet is about the women. Sure, the men have their moments, but mainly they should frame the women. And stay out of the way. Kent laughs and laughs. “Honestly,” I say, “who goes to the ballet for the men?” “A *lot* of people,” she protests. Persisting, I say, “Is there a starring role for them?” She laughs and says, “Um . . .” Then she laughs some more.

“Do they have a title role?” I say. I concede there’s *Le Corsaire*. Yes, says Kent, but that story is really about the women. “As well it should be,” I say.

“Well,” says Kent, “you and Balanchine are on the same page with that one.” Then she laughs, heartily.

Continuing my shtick, or half shtick, I quote Lincoln Kirstein, the late ballet impresario. He said—or is said to have said—“Modern dance exists for people who can’t do ballet.” “Ooooh,” says Kent, laughing. “*Ouch*.” “But it’s kind of true, isn’t it?” I say. Kent denies it, strongly. “I don’t think Isadora Duncan had aspirations to be a ballerina,” she says, and “I don’t think Martha Graham had any desire to create *Sleeping Beauty*.” Fair enough. But I still think Kirstein’s (alleged) remark is kind of true.

“People don’t say things like that anymore,” observes Kent. “That’s a reflection of another time.” “Maybe,” I say, “but I still love the political incorrectness of it.” Kent is amused but, ever diplomatic and gracious, noncommittal.

Years ago, I read that Fred Astaire didn’t like to dance socially—at parties and so on. Is that true of Kent? It is, for the most part. “I love to watch it, but I’m definitely a chair dancer. I’m far too shy to put myself out there like that.” I ask what a chair dancer is. The answer is, someone who dances while remaining seated in his

chair. Kent demonstrates a little of it—really elegantly.

In these twilight days, Kent has been talking about something she never spoke of before: a note given to her by Makarova, just before Kent appeared in Makarova’s production of *La Bayadère*. The note said approximately this: “Dear Julie: Someone once said, ‘Beauty can save the world.’ What a great responsibility you have on your shoulders.”

Here at ABT HQ, Kent says, “This note meant a lot to me, in many different ways over the years. I’ve interpreted it in different ways. It’s inspired me in different ways. It’s motivated me in different ways. And I feel now it’s—well, it’s true.” She believes that beauty, in various forms, is a human need and balm.

From her girlhood, she wanted to be a ballet dancer. She had a little tape recorder and would go to sleep listening to ballet scores by Tchaikovsky, Prokofiev, et al. She saw in her head how she would dance to the music. Is there anything she has left undone?

She cites this and that, but she is “in no position to complain,” as she says: She has had the longest career possible, and has had “such a really blessed experience” in essentially the entire classical repertoire.

Years ago, a pianist (Jerome Rose) taught me a saying: “You play who you are.” I think of this when listening to Kent talk about Nina Ananiashvili, the Georgian ballerina who retired from ABT in 2009. She is one of my personal favorites. Kent says, “She’s a very lovely, warm person, and one of the reasons she was so adored was that you could see that in her work.” A similar statement might be made about Kent.

Romeo and Juliet is tough to take under normal circumstances, so tragic is it. At Julie Kent’s farewell, it was triply hard to take. There must have been few dry eyes in the house. The ovation went on for almost a half hour, as the retiree’s colleagues honored her with flowers, embraces, and whispered words.

Last to emerge from the wings were the family: Victor Barbee and the two children. Tears flowed freely from the boy. Julie took him to the front of the stage and curtsied to him. He smiled a bit. The house swooned.

Like a great many others, I can say this: I’m sorry she’s gone, but I’m glad to have seen her.

NR



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Film

Trail of Tears

ROSS DOUTHAT

PEOPLE just love *Inside Out*, the new Pixar entertainment, which takes place mostly inside the mind of an eleven-year-old girl, Riley, after she's uprooted and moved by her parents from an idyllic Minnesota to a grim, fog-bound San Francisco. They love it in the way that everyone got used to loving Pixar movies, back in the days when every new outing was magical and the company could do no wrong—before the disappointment of *Brave*, that is, and the sequelitis of *Cars 2* and *Monsters University*. They love it because it's about childhood and memory and growing up and loss and sadness and oh it will just make you cry and cry and cry.

As you can probably tell, I didn't entirely love it myself, though after holding out for two-thirds of the movie I did end up choking up a little bit. I won't tell you exactly what was happening when I succumbed, but suffice it to say it involved Bing Bong, an elephant-ish imaginary friend who's been rattling around Riley's subconscious ever since she outgrew playing with him years ago. If you see the movie, you'll recognize the moment; just have your handkerchief ready and you'll get through it.

So yes, *Inside Out* got to me, as it will inevitably get to you, whether you're a parent or merely an ex-child. That's what the movie is designed to do, and that's part of what I (very mildly) disliked about it: It felt too precision-engineered for tear-jerking, too much of a play for the "It is Margaret you mourn for" sentiments of parents, a little too self-consciously clever in its world-building for its own narrative good.

(Keep in mind, though, that I was one of six people who didn't love *Ratatouille*, so I have a track record of thoughtcrime when it comes to Pixar. Proceed at your own risk.)

The inside of Riley, the movie's primary setting, is a landscape of personified emotion, in which five feelings share a control room and cooperate in shaping her memory and personality. Though "cooperate" might be a misleading word, because the bright and faintly Tinkerbell-ish Joy (Amy Poehler) is clearly running things from the get-go, with the rest of the gang—the eye-rolling Disgust (Mindy Kaling), the spastic Fear (Bill Hader), the ranting Anger (Lewis Black), and the plump, droopy Sadness (Phyllis Smith)—dancing to the tune she sets. (Sadness in particular is treated strictly as a fifth wheel, condescended to by everyone, kept away from the control panel, and denied permission to touch Riley's



shimmering "core memories," lest she infuse them with the blues.)

The Joy-run system works because Riley's life has always been, well, joyful: She's an adored, hockey-playing only child whose parents take her cheerfulness for granted. But the move to San Francisco throws everything into confusion, and Joy's upbeat approach no longer suffices to deal with loneliness, first-day-of-school trauma, vanished friends, and more. Worse, her martinet tendencies lead to a control-room meltdown, which tosses her and Sadness (and a bag full of core memories) out into the wider geography of Riley's mind, from which they must trek back to headquarters before the Fear-Disgust-Anger troika turn the poor girl into a depressive runaway.

The landscape that Joy and Sadness cross is ingeniously devised: There are specific "islands" (Family, Hockey, Goofball) that define Riley's personality, huge

canyons of stored memory, a literal train of thought, worker drones over here and relics like Bing Bong over there, a cavernous subconscious (inhabited by various childhood terrors), and a vast, perilous abyss where unused memories fall and disappear. (A number of critics have mentioned *The Phantom Tollbooth* as an inspiration for the psycho-geography attempted here.) And as Riley's real life gets worse and the feelings inside the control room mismanage her relationships, the landscape begins to fall apart, with islands crumbling and precious memories skittering on the edge of the abyss.

Navigating this crumbling terrain is hard enough, but what Joy actually needs to do, of course, is learn how to let Sadness have her share of control, to stop repressing unhappy thoughts and let a fuller palette of emotion infuse memory and mind. Since this is a Pixar movie, it's safe to reveal that this is what ultimately happens (a version of *Inside Out* directed by Michael Haneke might have a slightly different ending for little Riley); it won't spoil the twists and turns, the many clever jokes and highbrow sight gags along the way.

What you won't find along the way, unfortunately, is a character or a relationship quite as affecting or relatable as the best of what Pixar has offered in the past. Riley and her parents are as flat as you'd expect from characters portrayed as puppets for their feelings, and the feelings themselves never quite escape their (again, deliberately) one-note personalities. Joy and Sadness are well voiced and nicely drawn, but they aren't as full-fledged as Woody and Buzz Lightyear or Marlin and Dory or the Incredible family, and the stakes in their quest never actually seem that high, because they have no purpose higher than Riley, and Riley has no personality apart from them.

Or rather, perhaps, they have no purpose higher than the feelings they're meant to inspire in you, the nostalgic moviegoer, and I resent a little being asked to weep when there's nobody on the screen that I actually care enough about to weep for.

Except for that (sniffle) bleeping Bing Bong. He's—well, pardon me, I have to go have another cry.

NR

The Old Order



RICHARD BROOKHISER

TIME is the great optometrist: It changes how we see things. It chastens fashion and stifles shock. There is no point in being up to the minute when the minute has passed, no reason to be startled by the new when it is old and worn. In mid century a mid-century aesthetic swept the city. Buildings were reduced to rectangles; skyscrapers stopped scraping the sky (they no longer had points). It was Cadillacs and Lincolns, not the buildings whose feet they purred around, that (briefly) sported fins. Everything new was to be lean and clean, crisp and straight.

A lot of these structures were just plain dull. Simple, builders realized, was also cheap, so white-brick shoeboxes stuffed with apartments sprouted up and down the East Side. Office buildings were bigger—call them steamer trunks. (People just live in those other buildings; in us, they make money.) Tom Wolfe dubbed Sixth Avenue, corporate modernism's Stonehenge, the *Rue de Regret*. But time shows that sometimes everything comes right.

The entrance to the restaurant is on a midtown side street. There is a simple awning and, in inclement weather, a doorman, but it still seems small and low-down. What is this, the cat door? It opens onto a room, also small, though the walls are marble. Coats to the coat-check, then up the stairs.

Here is elbow room, though the dark wood paneling hushes it. The strategy is the opposite of Notre Dame de Chartres or the Bellagio; it says, we impress you by

declining to stun you. The bar, in keeping with simple geometry, is a square. Alongside the bar is an array of tables. This is where the powerful eat, the men whose word is law. I never eat there. The restaurant has a second dining room, for the rubes and the credulous. That is where I go.

This room is a great cube. In its center is another square, a white marble pool. Once upon a time Sophia Loren fell into it and, even more important, rose, dripping, out of it. But normally nothing—neither creatures, nor sculptures—occupies it, except the water, bubbling from the sides, in a soft steady babble. Two of the walls are floor-to-ceiling windows, which produce another continuous motion. Their

flavored innards are scooped in (soufflé botox). A glass of good wine (the list is huge)—some champagne, if we're being comped—and coffee keep hunger at bay.

When the big museum held concerts in its auditorium—they hardly do anymore, why bother when you can see Itzhak Perlman on *Ed Sullivan* on YouTube?—we would grab our coats while the applause still rang, bolt up the aisle, past the mummies and down the front steps, and grab a cab to midtown for a late seating at the restaurant. The crowd was thinning as we arrived, sometimes we were the last guests in the house. Not what John Winthrop or William Penn had in mind, maybe, but the Dutch who came here for the fur trade were saying, Go for it.

Time is the great optometrist: It changes how we see things.

curtains are strands of metallic beads. The difference in temperature between inside and outside produces a slight current on the inner surface of the glass that is strong enough to make the beads ripple. Even this temple of symmetry has a shimmer.

So what is the food like? When the restaurant opened, the only high-end game in town was *cuisine classique*. The French, with their genius for reason and rigidity, had produced something as estimable as the alexandrine. Instead, the restaurant boldly offered its well-heeled guests local ingredients and American recipes, with a good-as-Gallic eye for detail and precision. My wife and I are easily pleased by what we decide is best. The appetizer course can be wide open—ocean-fish carpaccio, why not? Some consommé with wild mushrooms, let 'er rip. For the entrée and the dessert, we stick to what has never let us down. Farmhouse duckling is a dish for two. Serving it is a performance. Two waiters—clad in business suits—roll up a wheeled contraption, the duck surgery. There is a little flame to keep things warm until the last minute, and a tray on which Daffy gives his last bow. He is split down the breastbone, then sliced. His skin is removed and the fat beneath it scraped off, then his skin is replaced (duck lipo). Then he is sauced and served with condiments that change seasonally—wild rice, or rhubarb and strawberries. Dessert is finished only on-site—soufflés, whose

We went to the restaurant to please ourselves, but one night, I will confess, I was able to use my familiarity there to lord it just a bit over others. The ex-president was the star of a big-deal celebration. He spoke from a platform erected over the pool (where's Sophia, he probably asked). I was invited by happenstance and seated in Siberia. But the business-suited waiters as they made their rounds gave me nods. I was in with the in-crowd that mattered to me.

Vulgarian has bought the building that is the restaurant's home, and is waging war on it. He took an old modernist painting out of the hallway between the two dining rooms (it went to a historical society), then proposed changes to the layout (nixed by the lamas who oversee landmarks). Now he has said he wants the restaurant out. Vulgarian's taste is suggested by the sculpture he has erected in the building's plaza on the avenue side, which looks like the turds of a large dog, a malamute perhaps, only 40 feet tall.

"The old order changeth." Tennyson's phrase survives, if at all, as a nostalgic tag. But that's not the end of the line: "... lest one good custom should corrupt the world." Was this historicism, even in the Poet Laureate? Realism? Recognizing God's mysterious bounty? Whatever, after the lawyers and realtors have had their innings, this order, now old, will change by ending. I am happy to have tasted it.

NR

Romantic Comity

FOR reasons that should be obvious (particularly if you've already read the rest of this issue of NR), this is not an ideal time to be assigned the task of writing the Happy Warrior column. One needn't be a passionate opponent of gay marriage, or a fan of the Confederate flag, or much concerned about the accounting techniques of Obamacare to fear that the rule of reason and the authority of law have taken flight, while will and passion sit on the throne, unopposed.

The intellectual in me—homunculus though he may be—wants to say that we are living in a Romantic moment. I do not mean in the Hollywood sense, but in the philosophical. Isaiah Berlin argued that Romanticism represented

a new and restless spirit, seeking violently to burst through old and cramping forms, a nervous preoccupation with perpetually changing inner states of consciousness, a longing for the unbounded and the indefinable, for perpetual movement and change, an effort to return to the forgotten sources of life, a passionate effort at self-assertion both individual and collective, a search after means of expressing an unappeasable yearning for unattainable goals.

Berlin saw Romanticism as a counter-Enlightenment, a rebellion against the new order. Newtonian physics, the philosophes, the triumph of reason, the universal rights of man, and, perhaps most of all, commercial progress: These were the bars of the cage trapping man's animal spirit.

Tim Blanning, in his wonderful *The Romantic Revolution*, says it all began when Jean-Jacques Rousseau spotted an advertisement for an essay contest sponsored by the Academy of Dijon, on the question "Has the progress of the sciences and arts done more to corrupt morals or improve them?"

As with an essay contest one might find at the Yale student-life bulletin board on the question "Has diversity made us stronger?" the organizers simply assumed everyone would answer in the affirmative. But Rousseau went the other way. Modernity was evil, artificial, and corrupting, he realized in an epiphany; it alienated man from all that was good in him. Hence, it was the duty of artists and intellectuals to rebel against the straitjacket of the Enlightenment and pursue authenticity at all costs.

Well, not exactly at all costs. Few Romantics actually rejected modern commercial civilization. Instead they made quite a hefty profit from it, exploiting the unease of the times (and quite often making some timeless art). Rather than put their money where their mouths were, they put their mouths where the money was. It turned out that a great many of the rich and well-to-do like nothing more than being told how rotten they are and how they must throw off their chains.

Where I part company with the intellectuals is the emphasis on *intellectuals*. Romanticism was a human

response to relentless change. Indeed, the period was arguably the most culturally tumultuous era in the history of Western civilization up until that time. But that had more to do with the printing press and the cotton gin than with the musings of Gottfried Herder or Rousseau. It seems to me that the intellectuals were responding to the times far more than they were creating them (eggheads always love to think the causality works the other way).

And here's the thing: The pace of change has never really abated, at least not for very long. And all one has to do is look around to see the same game with different players. Oliver Stone is not going hungry by denouncing Western civilization and insisting that capitalism is evil. Peter Singer tells us it's okay to kill babies but not cows—and he lives quite well as a result. Eve Ensler, author of *The Vagina Monologues*, may feel oppressed by the pale penis people, but she has not been impoverished by them. Lady Gaga is constantly trying to break with convention—at a time when conventions are paper-thin. And let us not revisit Rachel Dolezal, Caitlyn Jenner, and other contemporary efforts to throw off "old and cramping forms" in passionate pursuit of authenticity and other unattainable goals.

The late James Q. Wilson once remarked that the West's story since the Enlightenment has been that of a battle between self-expression and self-control. That battle runs through the human heart, of course (which is why so many blood-and-soil European conservatives were champions of the counter-Enlightenment). Indeed, one major problem is that so many elites, who often become elites by virtue of their self-control, love the moral and psychological buzz of championing self-expression.

So where does one find good cheer in all of this?

Well, for starters, in the fact that in the long run the forces of self-control tend to win. And by win, I mean they live happier and more fulfilled lives. The old T-shirt about how the guy with the most stuff when he dies "wins" was always nonsense. The bourgeois lifestyle may never be cool, but it is more satisfying in the most meaningful sense. Faith, family, relationships, and a feeling of earned success through hard work are the keys to a fulfilling life. And, not by accident, the bourgeois habits of self-control tend to yield the most economic success as well.

What happens in Washington matters, but Washington can't take away your beliefs. It can only make it harder for you to act on them and more difficult for the poor and the alienated to change their ways. That fact creates the need for a political fight, but it doesn't mean you can't be happy in the fight. That's because the real joys in life don't come from politics at all. And, besides, being a happy warrior is the best way to rally others to your banner. Few armies want to rally around the generals who pronounce surrender or doom before the next battle.

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I fought back and I won.

I am IJ.