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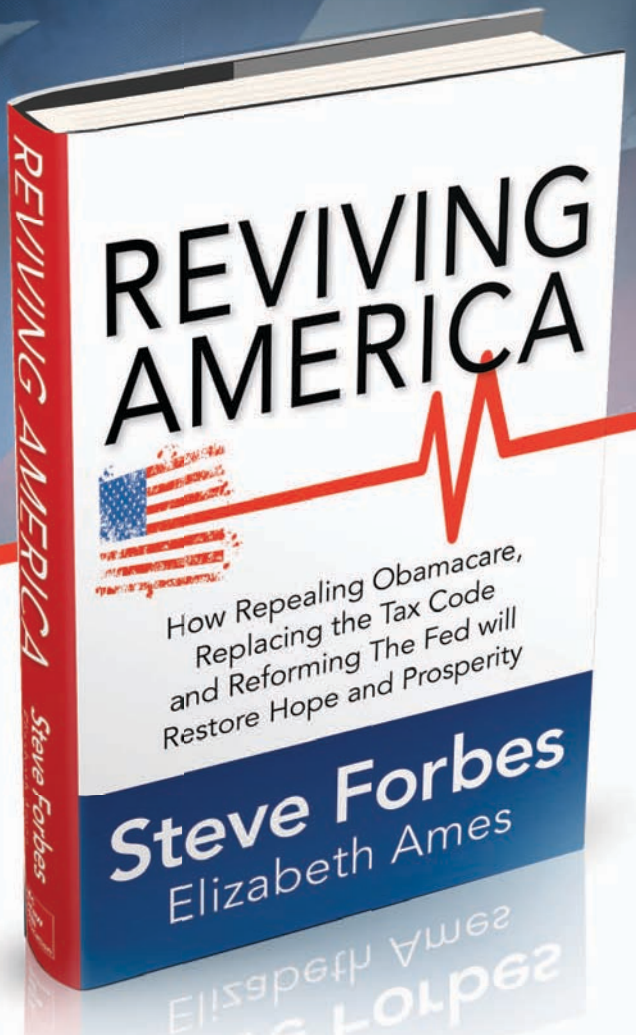
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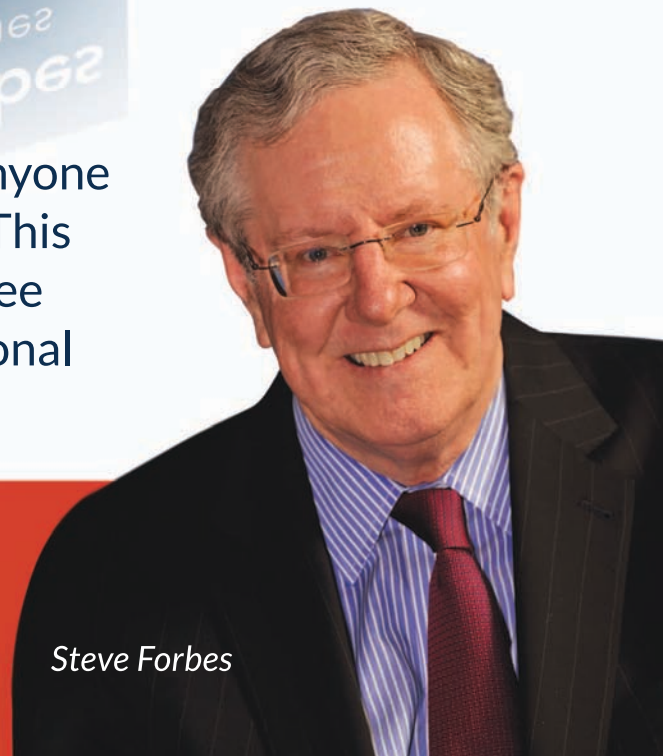
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The constitutional order set up by our Founders is breaking down. Specifically, the awesome powers of the federal legislative branch are increasingly being exercised by the executive and judicial branches. Putting Congress back in charge of federal policy would put the American people back in charge of Washington, regardless of who sits in the Oval Office. *Mike Lee*



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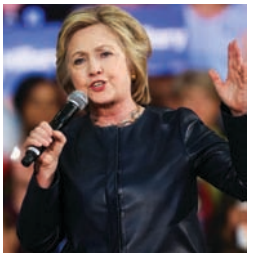
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Letters

Accentuate the Negative

Ramesh Ponnuru addresses a question that is probably not going to go away after this election, namely: What do you do when you decide you have to vote for the lesser of two evils ("To Vote for Trump?"; June 13)? Perhaps the answer lies, in part, in changing the way we cast ballots. Instead of requiring that you cast your vote "for" a candidate, you could also be given the option of voting "against" a candidate (only one vote per voter, but it could be cast either way). This would not solve the problem of unsatisfactory candidates, but at least you could vote against the greater of two evils. The winning candidate would still be the one with the most votes, but the total could be negative. Winning with a total (votes "for" minus votes "against") that ended up negative might at least keep the winner (who might also be called "less of a loser" or "second-worst") from pretending that he or she had any kind of mandate, and it might discourage a later run for reelection.





Zack McCormick
Via e-mail

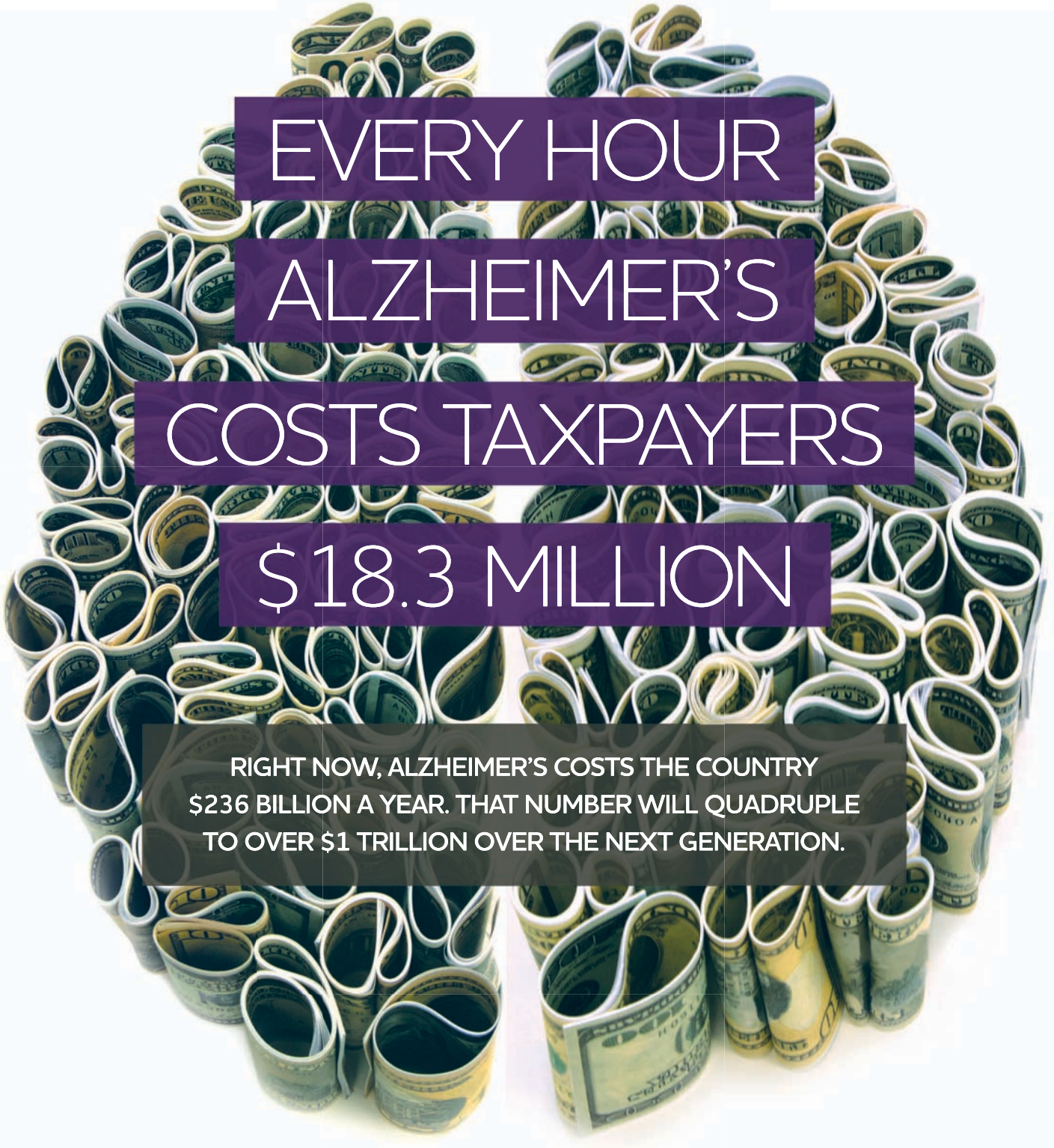
Corrections

"The Election's Risk to the Economy" (Kevin A. Hassett, June 27) stated that a graph accompanying the article showed the odds that a recession will occur within twelve months of a presidential election. In fact, it showed the percentage of recessions that have occurred within twelve months of a presidential election. By either measure, recessions are far more likely to be near a presidential election. In the same article, the colors in the graph key should be reversed.

A photo caption in "The Tragedy of Muhammad Ali" (James Rosen, June 27) misstated the year in which the photo was taken. It was 1970, not 1979.



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The Week

■ Now that Garrison Keillor is retired, he will probably spend most of his time propounding cranky political opinions and telling long, dreary stories.

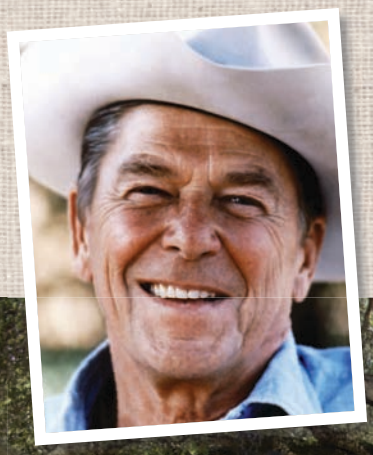
■ Since clinching the GOP nomination, Donald Trump has pivoted to . . . chaos. After the Orlando shooting, he said President Obama might be an ISIS sympathizer ("He doesn't get it or he gets it better than anybody understands"), then suggested that people on the terror watch list not be able to buy guns (how is your buyer's remorse, NRA?). Innuendo and lack of principle are par for Trump. New is the confusion engulfing his campaign. With every week until November precious, he held a rally in deep-red Texas and announced a trip to Scotland and Ireland to tour his golf courses. He has spent nothing on ads and done little fundraising. Responding to pleas from his family, he fired campaign manager Corey Lewandowski: his best recent move, but also one that adds to the impression of haplessness. Trump's floundering has revived talk of a convention revolt. Such a scenario would require a rules change and defy the wishes of Republican primary voters. They knew of, and presumably discounted, his inexperience, ignorance, and instability. But did they reckon on flat-out incompetence?

■ After the jihadist mass-murder attack in Orlando, Trump—in familiar Trumpian fashion—broached the explosive subject of "profiling" Muslims by not exactly calling for it (it's something he "hates the concept of" and would not necessarily do, but that "we're going to have to start thinking about" and looking at "seriously") and suggested that, if applied, profiling would be done incoherently (maybe yes for surveillance of mosques, maybe no for gun sales). Properly understood, profiling is elementary police work. It would single out no one for investigation based solely on religious affiliation or racial or ethnic heritage, but it would pay attention to these attributes when they are an unvarying offender characteristic: Most Muslims are not jihadists, but all jihadists are Muslims, just as all Mafia dons are of Italian descent. Counterterrorism that aims to prevent terrorist attacks rather than investigate them post-carnage requires an intelligence-based approach that profiles for radicals. This is yet another issue where the Democrats are wrong and Trump has engaged in no serious thought.

■ Trump's most valuable ally might not be so loyal after all. In December, Vladimir Putin was thought to have called Trump a "really brilliant and talented person." The adjective he used—the Russian word *yarkii*—literally means bright, but can also mean colorful or flamboyant or gaudy. Journalists mistranslated the word: From its literal meaning, they assumed Putin had praised Trump's presumably formidable intellect. Trump was flattered. In June, Putin used the same word to describe Trump as he had in December but carefully delineated its meaning. "Trump's a colorful person," Putin told an interviewer. "And, well, isn't he colorful? Colorful. I didn't mean any other kind of characterization about him." It's still a warmer endorsement than many Republicans are giving him.


See page 6.
ROMAN GENN

■ Hillary Clinton continues to be dogged by the FBI's criminal investigation into the mishandling of classified information on her unauthorized "homebrew" e-mail server. The probe reportedly extends into possible "pay to play" corruption at the Clinton Foundation, some donors of which may have received preferential government treatment while Clinton was secretary of state. Concurrently, in an unusual development, the anti-corruption watchdog Judicial Watch has been granted the right to depose such top Clinton confidants as Cheryl Mills and Huma Abedin in Freedom of Information Act lawsuits involving the State Department's knowing failure to disclose government-business e-mails stored on the private Clinton server system. Naturally, the press is focused on Clinton's mishandling of classified information; that is the likeliest grist for criminal charges. But in assessing Clinton's suitability for the Oval Office, it is worth remembering that the objective of the private e-mail arrangement was to defeat accountability laws—the statutes that require government officials to keep and disclose



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records of their communications and activities. The investigation of criminality continues; the matter of Clinton's unfitness for office should be settled.

■ If the public did require further proof of Clinton's duplicitous corruption, it received it in June with the release of State Department e-mails detailing how one Rajiv Fernando came to be appointed to the International Security Advisory Board. Fernando, a Chicago securities trader, was named to the State Department panel in 2011 and given high-level security clearance, even though he had no background whatsoever in the national-security or nuclear matters on which the board advises. He did, however, have plenty of experience funneling money to the Clintons—raising hundreds of thousands for Hillary's PAC and donating at least $1 million to the Clinton Foundation. When ABC News inquired in 2011 about his qualifications, State Department aides scrambled to conceal the political nature of the pick, the internal e-mails revealed. Fernando resigned immediately, mention of his tenure was scrubbed from the State Department website, and the e-mails were released only after two years of litigation in response to a suit brought by the conservative group Citizens United. This summer, Fernando will serve as a superdelegate at the Democratic National Convention. He is pledged to support Hillary Clinton.

■ How do you follow up putting a black man in the White House? By putting two women on a ticket, which would happen if Clinton tapped Elizabeth Warren as her running mate. Warren may well have prior experience of diversity typecasting. The facts, unearthed by the *Boston Globe* when she first ran for Senate in 2012, are that Warren listed herself as a minority "in an Association of American Law Schools directory used to make diversity-friendly hires beginning in the 1986–87 school year." (According to family tradition, she is 1/32 Cherokee.) She was subsequently hired by Penn, then by Harvard, and dropped the listing in 1995, after getting tenure. She says she never mentioned her heritage in interviews, and former colleagues say they do not remember her doing so. On the other hand, would an ambitious young academic be unaware of the advantages of outsider status, however slight? A feminist who rose on her husband's coattails and a 1/32 minority: identity politics, 2016.



■ Marco Rubio is running for the Senate from Florida again, after vowing repeatedly to leave politics at the end of his current term. He may be the candidate best suited for holding the seat, and certainly the Senate is a better launching pad for another presidential run in 2020 than the private sector is, but his reversal is part of a pattern. He championed the misbegotten Gang of Eight bill before dumping it. Then he vowed to oppose Donald Trump with every ounce of his being before clambering aboard the Trump Train. He had better hope his reelection campaign isn't a referendum on reliability.

■ Announcing that the 9-1-1 transcripts from the terror attack in Orlando would be released to the general public, Attorney General Lynch added a pernicious caveat: So as not to "aid" ISIS in its recruitment efforts, certain key words would be redacted from the record. The result was farcical, and sinister. Most references to ISIS and the Islamic State were replaced with "[omitted]," and any language that would betray the depths of the attacker's inspirations was cut. Reassuringly, the move was met with such widespread criticism and mockery that Lynch was forced to reverse course in a matter of hours. Scrambling, the FBI issued a press release explaining nonsensically that it had hoped to spare the feelings of the victims, but that the attempt had served only as an unfortunate distraction. Somewhere, Orwell smiled wryly.

■ The Senate voted 85–13 to make young women register for the draft when they turn 18, just like men. The move follows the military's opening of all combat positions to women. Never mind that the Marine Corps has found that mixed-sex units are less accurate with weapons, more prone to injury, and less capable of evacuating the wounded. According to senators in both parties, what matters more is equal treatment—which in this case entails attempting to teach young men in uniform to feel no greater impulse to protect and no greater reluctance to hurt women than they do men. House Republicans should make sure that this provision does not survive the conference committee on the military-spending bill that includes it. In doing so they will be striking a blow for civilization, which is part of what our military exists to protect.

■ According to a new report from Syracuse University's Transactional Records Access Clearinghouse, the percentage of illegal immigrants who are actually being deported after their court appearances has fallen to an all-time low of 42 percent. Between October 2015 and May 2016, just over 57,000 illegal immigrants were deported, while 78,000 were allowed to stay; the report projects that by the end of the current fiscal year, about 117,000 people will have been permitted to stay. The hard Left once called Obama "deporter-in-chief"; for once, the criticism of him was undeserved.

■ Remember how the Left scoffed at the notion that the reaction to police shootings in Ferguson, Mo., and Chicago was leading to crime spikes in large American cities? It should scoff no more. A Department of Justice–funded study has now found that the so-called Ferguson effect is probably the most plausible explanation for a statistically significant surge in violent crime. The study's author speculated that the tension between the police and inner-city communities was leading to a breakdown in trust: "Predatory violence increases because offenders believe victims and witnesses will not contact the police." Political opportunism created the opening, criminals are taking advantage, and black Americans suffer most of all.

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■ The House Judiciary Committee is considering the impeachment of IRS commissioner John A. Koskinen, on whose watch the agency was permitted to destroy vast amounts of evidence under congressional subpoena as part of the investigation into the agency's unethical and potentially criminal misuse of power in targeting conservative organizations for harassment and abuse in the run-up to the 2012 elections. At issue were communications between IRS official Lois Lerner, who is at the center of the controversy, and IRS managers as well as political figures outside the agency: Democrats such as senators Chuck Schumer and Max Baucus had demanded IRS investigations of tea-party groups. In what only the most credulous could see as anything other than the calculated obstruction of justice, a cascade of computer failures and "accidentally" destroyed devices suddenly began to plague the IRS when Congress began investigating it. These mishaps culminated with the improper and illegal destruction of back-up tapes by the agency while those tapes were under subpoena. Koskinen was not IRS commissioner during the entirety of the targeting scandal, but he was commissioner while the agency was permitted to destroy evidence necessary to the investigation of its wrongdoing. House Republicans want him impeached and his pension taken—and so should Americans at large. Senate Democrats will resist, and should be given many opportunities to explain to voters this year why they are doing so.

■ A liberal-dominated appeals court in Washington, D.C., approved new administration regulations of Internet-service providers. Congress had refused to authorize these regulations explicitly, and President Obama's appointee as chairman of the Federal Communications Commission, Tom Wheeler, developed a less dirigiste alternative. The White House forced Wheeler to go ahead with liberals' preferred policy. That course involved multiple contradictions, as Judge Stephen Williams's dissent demonstrated. The commission is justifying new regulations under a 1996 law that Congress said it was enacting to reduce regulations. That law also aims at promoting competition, but the commission is not alleging any current or impending failure of competition that requires a regulatory remedy. Along with liberal activists, Netflix is a big winner: It sought the new regulations to protect itself from the threat that Internet providers would charge extra for its heavy use of bandwidth. It's a big winner, that is, until the regulators, less and less constrained by law, decide to turn their attention to it.

■ Speaking at Yosemite National Park, President Obama waxed apocalyptic, as is his wont, about climate change, calling it "the biggest challenge we're going to face in protecting" America's national parks. But at least one of his predictions may be accurate. According to the president, "rising temperatures could mean no more glaciers at Glacier National Park." And, indeed, glacial melting is what defines an "interglacial period" such as the one we're in now. In fact, the earth's glaciers have been melting for nearly 11,700 years, and the rate of melting changes in accordance with long climate cycles. It's unlikely that the Paris climate agreement will stop that. Liberals' approach to the environment is ironic: They are wildly concerned about preserving nature, but they hate when it behaves . . . naturally.

■ The Kansas Board of Education voted unanimously to defy the Obama administration's demand that schools receiving public funding allow students to use the bathroom that matches their gender identity. "Just as every child is unique, so too is every school community," the board said in a statement. "With that understanding, we are firm in our belief that decisions about the care, safety and well-being of all students are best made by the local school district based on the needs and desires of the students, parents and communities they serve." Once upon a time, this sort of thinking was common sense. Now, it's near to an act of rebellion.

■ A hostage-taker and gunman was killed by SWAT police at a Walmart in Amarillo, Texas. He was Mohammad Moghaddam, an immigrant from Iran by way of the Bronx. The local immigration-services agencies refused to say whether they had assisted in the resettlement of the Moghaddam family, but the Texas city is home to a very large group of Muslim refugees, mainly Somali, Burmese, and Iraqi, a population that when compared with the relatively small local population (196,000) gives Amarillo one of the largest refugee ratios, if not the largest, in the country. To say that these refugees have not been seamlessly assimilated into the local population would be an understatement. Resentments seethed, and residents began to resist. The city's mayor complained of costs to the city's emergency services and police, who are more than capable of handling calls in Spanish but aren't prepared for Arabic and Persian. There were questions about how the refugees are screened and in what numbers they will continue to arrive. The Moghaddam incident was greeted in some quarters as evidence against taking more refugees, in others as just an example of an immigrant snapping over his job the way some native-born Americans do. The reality is that the more Middle Eastern refugees cities such as Amarillo are obliged to take in, the more we will have a socially corrosive debate.

■ In the same week when ISIS scored perhaps its greatest victory over America—inspiring a lone-wolf jihadist to launch the deadliest terror attack on American soil since 9/11—it also suffered a long-overdue defeat. Iraqi forces, assisted by American air strikes, seized the center of Fallujah, retaking the city after ISIS had held it for more than two years. Fallujah was never central to ISIS strategy (Mosul and Raqqa are far more important). ISIS remains secure in its considerable safe havens, and from there is able to plot and inspire new attacks on America and its allies. Slow-motion war has its successes, but it is costing American civilian lives. The Obama administration needs to pick up the pace.

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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. Shinitsky 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.

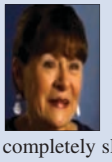
As we get older it becomes more frustrating as there is little comfort when you forget names… misplace your keys…or just feel "a little confused". And even though your foggy memory gets laughed off as just another "senior moment," it's not very funny when it keeps happening to you.

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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

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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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■ The Chinese Communist Party does everything it can to erase the memory of the Tiananmen Square Massacre in 1989. And to prevent young people from learning about it. The CCP has done a pretty good job of this in China. They are vigilant about Tiananmen abroad, too. In Washington, the Victims of Communism Memorial Foundation staged events in commemoration of the massacre. Hackers shut down VOC's website, and those of associated organizations. A teleconference, which was to have participants from all over the world, was unable to take place. A candlelight vigil went forward as planned: CCP agents did not show up to blow out the candles. Beijing will do everything possible to convince the world that it is a normal government, presiding over a normal country. Lots of people in the free world cooperate with Beijing. But it is a lie: China is not a country like any other but a one-party dictatorship with a gulag. The lengths that the Party will go to to prevent the world from knowing the truth indicate its nature.

■ Something rare happened: an outbreak of truth at the U.N. Secretariat. A Saudi-led coalition in Yemen had been put on a list of groups found to have violated the rights of children. (These rights include not being killed or maimed.) Then the House of Saud went to work: threatening to cut off funds to U.N. humanitarian agencies and have clerics issue fatwas against the U.N. (as anti-Muslim). The Secretariat caved, removing the Saudis from the list—and Ban Ki-moon, the secretary general, actually said as much. In public. He said that the decision to remove the Saudis was "one of the most painful and difficult" of his career. He said that it was for the greater good—the good of keeping the humanitarian agencies up and running. "There are so many, so many much more serious issues" than the Yemen list, he said. "You cannot burn down the whole house." What else can the secretary general tell us about the way the U.N. works?

■ When school-based condom-distribution programs became common in the 1990s, the rationale was straightforward: Teenagers, it was said, will be sexually active no matter what, so we may as well help them reduce the risk of pregnancy or disease. When skeptics pointed out that condoms can easily be bought at a drugstore, proponents explained that getting schools involved created an opportunity to counsel the students. Now, two decades later, Notre Dame researchers have found that birth rates and sexually transmitted diseases actually increased in schools that instituted condom-giveaway programs. While they carefully avoid drawing any conclusions about why this happened, the researchers note: "One possibility is that it was the 'mixed-message' of both introducing condoms while focusing education efforts on abstinence that led to the increase in teen pregnancy that we find." A lot of teens seem to have heard the part of that message they were primed to hear.

■ One of the Left's sillier pet projects is its attempt to pathologize conservatism: You may have thought that you, having considered the arguments and evidence, simply prefer free markets and the rule of law, but you really are suffering from a personality disorder known as "right-wing authoritarianism," according to certain progressive psychologists. (There is, in this analysis, no "left-wing authoritarianism," which would have come as news to the victims of Pol Pot.) The most recent example was a paper in the prestigious *American Journal of Political Science* linking conservatism with "psychoticism," which produced an erratum update that surely is destined for the history books: After much harrumphing about those antisocial right-wingers, it was pointed out to the authors that they had made an elementary error in coding their data, resulting in political correlations that were, as the subsequent correction put it, "exactly reversed." Which is to say, the "psychoticism" that was attributed to conservatives was in fact linked with liberals, whereas the "social desirability" attributed to liberals was matched with conservatives. Oopsie. Where there once had been a great deal of mirth about nutty right-wingers, suddenly we heard much serious talk about the need not to make too much of such findings. Setting to one side the long and ugly history of using psychiatry as a tool of political repression (in the Soviet Union, especially—are we sure about that left-wing authoritarianism?), we agree that these arguments should be treated with skepticism. We thought so before, too.

■ In the eyes of one activist, a Black Lives Matter rally at Kean University in New Jersey was not well enough attended. Being an activist, she decided to do something about it. She ducked into the library, created a Twitter account, and began tweeting: "i will kill every black male and female at kean university"; "theres a bomb on your campus"; etc. Nothing too creative. She then returned to the rally and said, in essence, Great news, everybody! They're threatening our lives! It worked, for a while. The university and law-enforcement agencies increased security to the tune of $82,000. A coalition of ministers called for the university president to resign, of course: because he obviously hadn't done enough to protect black lives on campus. Eventually, the young lady was found out, and she has now been sentenced to 90 days in jail plus five years' probation plus community service. Doubtless she will organize a demonstration about all this once she again has the opportunity.

■ Last year, two Stanford graduate students came upon a man sexually assaulting an intoxicated unconscious woman behind a dumpster. They chased him down when he fled, tackled him, and called the police, who found the woman half naked and unresponsive. Her assailant, Brock Turner, a (now former) student at the university, will serve at most six months in county jail with a few years' probation for three felony counts. The leniency of the sentence—the DA had sought six years in state prison—paired with the publication of an eloquent statement of protest from the victim sparked national media attention and outrage in June. It was compounded by the failure of Turner and his family to own up to his crimes: He admitted to erring only in drinking too much and engaging in "promiscuity," and his father suggested that the blighting of his athletic and collegiate career had been punishment enough. The judge seemed to agree, fearing that "a prison sentence would have a severe impact" on Turner. Perhaps so, but the crime was severe enough to merit it.

■ A student at the University of Virginia is, with the assistance of the indispensable Foundation for Individual Rights in Education, suing the Justice Department over new regulations it imposes on colleges investigating allegations of sexual assault.

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The rules were adopted without the usual public-input period required by federal law. Critics of the new rules argue that they encourage colleges to adopt lower standards of evidence and less rigorous protections for the rights of the accused. This is, undoubtedly, the case. More to the point is that campus administrators are not police detectives and universities have no competence in the field of conducting criminal investigations, especially ones, such as those of sexual assault, that can involve highly technical forensic issues. Which is why universities should not be in the business of investigating sexual-assault allegations at all, and why their copious handbooks should be replaced by three-word policies: "Call the police." If universities want to adopt policies of suspending or ejecting students who have been charged with or convicted of certain crimes, they are free to do so, and it is an excellent policy. But the investigation of the crimes should be left to criminal investigators, not to the dean of students. That this should come up at the University of Virginia, the site of the recent infamous campus-rape hoax, is a reminder of why standards of evidence matter.

■ In 2012, Karen King presented a papyrus fragment covered in Coptic script to a conference of scholars in Rome. The fragment, which King dubbed "The Gospel of Jesus' Wife," contained the suggestive words "Jesus said to them, My wife." While the scholars greeted it with skepticism as a probable forgery, media outlets trumpeted it as an explosive revelation upending traditional Christian belief. For the past few years, King, a Harvard Divinity School professor, has refused to accept the mounting evidence that it was a modern fake—until an investigation published in *The Atlantic* in June forced her to reconsider. It turned out that the man who had given King the fragment, whose identity she had concealed at his request, had lied to her about its provenance. "I had no idea about this guy, obviously," King commented. Aren't traditional religious believers supposed to be the credulous ones?

■ After turning the matter over in her mind for more than a year, Courtney Baker of Sanford, Fla., sent a letter to the prenatal specialist who had recommended that she abort her child who had been diagnosed with Down syndrome. "The most difficult time in my life was made nearly unbearable because you never told me the truth. My child was perfect," she wrote, referring to her daughter Emersyn, now 16 months old, whose condition has impressed her as a feature, not a defect. Baker recalled his warning about "how low our quality of life would be." A doctor could deliver the same message, perhaps more truthfully, to parents who already lived near the poverty line. If he wouldn't, because he appreciates that the value of a child's life cannot be reduced to material terms, he should be made to see the double standard that he applies in the case of children with trisomy 21. Baker shared her letter on social media, and it went viral. Beneath the rebuke to her doctor was a love letter to her daughter and an affirmation of life itself.

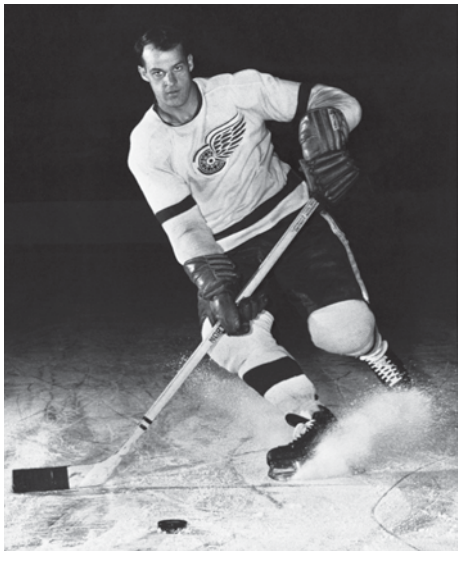
■ It was a real-life cross between *The Bicycle Thief* and a spaghetti western, set in southern Oregon. A vagrant grabbed a woman's bicycle in a Walmart parking lot, and when Robert Borba, a rancher and former rodeo competitor who was in town buying dog food, heard the commotion, he jumped on his horse, rode toward the miscreant (who had abandoned the bike and was fleeing on foot), expertly lassoed him, and kept him tied up until the police arrived. Borba was appropriately aw-shucks afterwards, explaining that riding to the rescue was his only option ("I wasn't going to catch him on foot. I just don't run very fast") and that he knew he could always trust his lasso ("If it catches cattle pretty good, it catches a bandit pretty good"). Well done, cowboy.

■ The award of "public honours" in Britain is a mysterious process hidden from the public. One old boy in a backroom in Whitehall presumably remarks to another, Isn't it about time so-and-so is given a gong? A huge list of those receiving titles, decorations, and medals is then published in the queen's name, and life goes on as before. Usually, there is no point searching that list for disturbers of the peace. This year, however, celebrating her 90th birthday, the queen gave a knighthood to Roger Scruton. Nothing could have been more unlikely. A philosopher concentrating on politics, aesthetics, and ethics, also a novelist and composer of operas, Scruton has spent the past three or four decades exposing socialist ideals as so many damaging fantasies. Profound and rational, he has been compared to Edmund Burke. Unsurprisingly, the Left has done its utmost to discredit or marginalize him. He once described what he has had to live through: "Three lawsuits, two interrogations, one expulsion, the loss of a university career in Britain, unendingly contemptuous reviews, Tory suspicion and the hatred of decent liberals everywhere," ending with a typical flourish, "And it was worth it." Arise, Sir Roger, the field is yours!

■ No other team had come back from a 3–1 deficit in the NBA Finals to win it all. On the evening of June 19, the Cleveland Cavaliers, behind a triple-double from LeBron James—27 points, eleven rebounds, eleven assists—beat the Warriors in Game 7, and the Larry O'Brien Trophy passed from the Golden State to Cleveland, "city of light, city of magic," as Randy Newman memorialized it in song almost 30 years ago. Thus comes to an end Cleveland's impressive run of 52 years without a major-league sports championship, although every local fan knows in his bones that the drought that counts is measured in baseball seasons. Down the street, the Indians, who haven't been world champions since 1948, are hovering around first place in their division; FiveThirtyEight gives them an 8 percent chance to win the World Series. That, some may say, would be just too much a shock to local sensibilities, following so soon after the basketball team's parade down St. Clair Avenue. No, the people would adjust. Congratulations, Cavs. Go Tribe.

■ When fans heard that Vin Scully, the veteran sportscaster for the Los Angeles Dodgers, interjected politics into his play-by-play during a game against the Milwaukee Brewers, they had reason to feel let down. Unlike Bob Costas, who once speechified about gun control during *Monday Night Football*, or Keith Olbermann, who conflated sports and political commentary consistently, Scully has earned a reputation for impeccable professionalism and sound judgment. Listen to the broadcast, though, or at least read the transcript: Scully wove his crisp, 30-second critique of socialism seamlessly into his narration of

the action on the diamond. At bat was Hernán Perez, who "lives in Venezuela. Boy, can you imagine, you're a young kid playing in the United States, you're from Venezuela, and every time you look at the news it's a nightmare. . . . Socialism failing to work, as it always does. . . . And who do you think is the richest person in Venezuela? The daughter of Hugo Chávez. Hello! Anyway, 0 and 2." Graceful as always, Scully knew when to stop. Agree or disagree with the content of his aside, he played it nicely.



■ When Gordie Howe retired from professional hockey in 1980, the longtime forward for the Detroit Red Wings held most of the records worth owning, including goals, assists, and total points. Although Wayne Gretzky eventually passed him in these categories, nobody has matched Howe's remarkable durability. He played 1,767 regular-season games across 26 seasons in the NHL. Even at the age of 51, his hair turning white, he came back for a final season, netting 15 goals in 80 games in what would have been a good performance for a man half his age. Strong, fast, and ambidextrous, he gave his name to a unique single-game achievement: the "Gordie Howe Hat Trick," which involves scoring a goal, assisting on a goal, and getting in a fight. For all of his grit on the ice, he was a humble and quiet man off the ice who became well known for his enduring sobriquet: "Mr. Hockey." Dead at 88. R.I.P.

AT WAR

After Orlando

The attack on the Orlando nightclub Pulse that killed 49 people and injured 53 was an attack on gays. Pulse was a gay club packed with Saturday-night revelers, and gays are among the categories of people deemed especially offensive by the ideology of shooter Omar Mateen (who was killed by police). But it was also an attack on America. Mateen had scouted nearby Disney World as another potential target. Both our international presence and our liberty, running at times to license, qualify us as Enemy Number One of violent jihad.

For this was the work of an Islamist terrorist. Mateen, son of Afghan immigrants, called 9-1-1 in the midst of his bloodbath and pledged allegiance to ISIS. ISIS returned the favor the day after his deed by hailing him as an "Islamic State fighter." It does not matter whether Mateen was instructed by ISIS (probably not) or acting as a freelance volunteer; his goal and theirs—to sow chaos and fear in the West—are the same. That Mateen had a history of instability (he threatened classmates as a teenager) and self-hatred (he used gay-sex apps and went to Pulse himself) does not diminish his Islamist motivation. Mass murder pulls for unusual personality types, whether the venue is ISIS, the gulag, or the Holocaust.



Thousands gather for a memorial rally in downtown Orlando, June 13, 2016.

In the long war on terror, we have been instructed to be on the lookout for bad actors. Several people who knew Mateen thought he was a bad actor indeed. A former co-worker at the security firm that employed him quit because "everything he said was toxic and the company wouldn't do anything." The FBI interviewed Mateen three times—twice because of complaints about his incendiary remarks and once more when a fellow worshiper at Mateen's Orlando mosque died in a suicide bombing in Syria. Yet nothing came of these tips or inquiries. We are told, "See something, say something." Then the government should do something.

The great obstacle to action is political correctness. It is as if the anti-blasphemy laws of old had been resurrected to build a protective wall around Muslims and Islam. George W. Bush pioneered this touch-not sensitivity, but President Obama greatly outdoes him. His post-Orlando remarks condemned terror in general and urged Americans to purge themselves of homophobia. He thinks the world, and bigotry-prone Americans, need polite fictions to describe our enemy; he cannot step up his rhetoric because that would be an admission that his Middle East strategy has flaws. So we bumble along, like a man fighting in a dark room.

How do we stop the next attack? Tougher gun control is not the way. Mateen had passed background checks. Jihadists employ box cutters, pressure cookers, whatever comes to hand. Better is to dim the allure of jihad by degrading and destroying ISIS; even suicidal warriors want the dark reward of success. President Bush recognized that we either fight them there or fight them here. He was right about that.

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

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SPENCER PLATT/GETTY IMAGES

Let's Not Talk about It

Seeing what we want to in the Orlando attack

BY KEVIN D. WILLIAMSON

An immigrant of Middle Eastern origin. A gay club. An act of violence aimed at killing or maiming untold dozens of people. Neither the word "Muslim" nor the word "Islam" appears in the *Seattle Post-Intelligencer*'s report on Musab Masmari's 2014 arson attack on a Seattle gay club. But there's a lot that isn't in that article, including the fact that the arsonist, later arrested with a one-way ticket to Turkey in his pocket, had served as a "cultural ambassador" from the Arabic-speaking world at a conference organized by the U.S. State Department. Assistant U.S. Attorney Todd Greenberg said the Benghazi native was motivated by an "intolerable hate."

What kind of intolerable hate?

So far as the Obama administration is concerned, what is happening at the moment is, if not quite unspeakable, at least unprintable: The Justice Department redacted references to the Islamic State and its leader, Abu Bakr al-Baghdadi, and otherwise bowdlerized the transcript ("God" for "Allah," etc.) of the conversation between Omar Mateen, the terrorist who perpetrated the massacre in an Orlando gay club, and 9-1-1 dispatchers. (After much ridicule and criticism, an unredacted version was released.) The DOJ said that it omitted the words "Islamic State" from this piece of evidence in an act of Islamic State terrorism in order to diminish the propaganda value of the transcript. FBI Special Agent in Charge Ron Hopper said that, since Mateen "does not represent the religion of Islam," the censorship was necessary to avoid lending "credence to individuals who have done terrorist attacks in the past."

Of course the mass murder in Orlando "does not represent the religion of Islam." It represents . . . almost anything else.

The conversation turned briefly toward homophobia writ large, with the *New York Times* going so far in an editorial as to blame Republican critics of gay marriage for the crimes of an ISIS terrorist who may or may not have been a conflicted homosexual but who certainly wasn't a Republican. (Mateen was a registered Democrat.) As with the case of Masmari in Seattle, we heard a bit about "hate," without very much about the particular flavor of hate, a subject that has been in many quarters studiously not talked about. But things have changed a little bit since the Seattle attack, and both gay Americans and Americans in general have come to understand the special barbarism with which jihadists treat homosexuals. It isn't as easy to draw a rhetorical line between the gay-hatred and the Islamic fundamentalism as it once was.

So, instead, we began to have a national conversation about gun control. That is always comforting to the cultural Left, because in a gun-control fight the enemy looks the way they want the enemy to look: white, male, middle-aged, rural, conservative. Never mind if that isn't the reality of the gun-rights movement or the National Rifle Association—the cartoon is the political reality, and that's close enough. The weapons Mateen used in Orlando were utterly ordinary: a semi-automatic rifle chambered for the .223 round (not quite the AR-15 that the media reported, but pretty close) and an ordinary 9mm handgun, which is to say, two of the most common firearms owned by Americans. There was a great deal of talk about these "weapons of war," when in fact no American troop (and few in any military of any real consequence) receives a semi-automatic .223 rifle as a standard-issue article. It is in fact the semi-automatic nature of the AR-style rifle that distinguishes it from the battle rifles generally carried by modern soldiers.

Omar Mateen used a Sig Sauer .223 and a 9mm handgun. So did the San Bernardino killers. The Boston Marathon killers used bombs made of pressure cookers. The Fort Hood killer, who was an active-duty American soldier, chose a semi-automatic pistol in the relatively exotic 5.7×28mm caliber made by Fabrique Nationale d'Armes de Guerre-Herstal of Belgium. Muhammad Youssef Abdulazeez, who carried out the terror attack on a military recruiting center in Chattanooga, had a 7.62mm semi-automatic rifle, a 9mm handgun, and a shotgun. A beheading in Oklahoma was carried out using a knife similar to the ones found in the food-processing facility in which the crime was perpetrated. Faleh Hassan Al-Maleki, an Iraqi immigrant living in Glendale, Ariz., used a car as the weapon in his crimes. Khalid Shaikh Mohammed's gang used box-cutters and airliners to commit their crime. Abdulhakim Mujahid Muhammad had a little .22 plinker and a small arsenal of other guns when he murdered Private William Long and wounded Private Quinton Ezeagwula in Little Rock, Ark. The self-identified mujaheed in Morganton, N.C., also used a little .22. Usaamah Rahim in Boston used a knife; he'd dreamt of beheading Pamela Geller.

HAPPY



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Gasoline and matches, kitchen-sink bombs, rifles and handguns in various calibers and configurations, knives and more knives: These attacks do have a common theme, but it isn't the choice of weaponry.

Maybe it is "religious extremism." We hear a lot about "religious extremism." Which religion? Oh, let's not talk about that. Quakers, maybe. The Amish have their secrets, to be sure, and religious violence is not unknown to the Buddhists, Hindus, Sikhs, or animists of this unhappy world. And that's a real consideration if you live in Burma, Sri Lanka, or India. But here in the United States? We're not exactly covered with fundamentalist-Buddhist unrest, and the streets do not run with blood shed by enraged Hindus, though the United States surely gives Hindus and Buddhists cause for offense.

Jeremy W. Peters and Lizette Alvarez of the *New York Times*, giving a survey of the religious extremism that led to the enormity in Orlando, dutifully reported that Republicans had been considering laws that would prevent nonconformist bakers from being locked in cages for declining the custom of same-sex couples planning weddings. From there to mass murder? Hop, skip, and jump. The article also insisted that "a Republican congressman read his colleagues a Bible verse from Romans that calls for the execution of gays." That isn't remotely true, but the Bible can mean whatever media liberals need it to mean: Setting the record straight at the *Federalist*, Mollie Hemingway notes that *Newsweek* cited the same scriptural passage as evidence that Christianity makes no judgments at all about homosexuality. The Apostle Paul does indeed write in his epistle to the Romans that "the wages of sin is death," but that's not exactly "Let's line the homos up against the wall and shoot 'em in the face."

But what about Christian extremism? Sally Kohn, a rent-a-liberal at CNN and the unparalleled mind behind an article titled "I'm Gay, and I Want My Kid to Be Gay, Too," took to Twitter to note that it isn't Muslims murdering physicians and staff at American abortion clinics. And that's true; Islam, in fact, takes a relatively liberal view of abortion. But those Christian fundamentalists aren't much to brag about as terrorists go: By the most generous count, violence at abortion clinics (which should be, and is, condemned by Christians and pro-life activists) has claimed the lives of eleven people in the 43 years since *Roe v. Wade* was decided. Fatal shark attacks in U.S. waters are vanishingly rare, but statistically they happen at about twice the rate of fatal abortion-clinic attacks. Christian fundamentalists enraged by abortion will have to step up their game by many multiples of their current kill rate to equal the danger presented by moose or cattle, the latter killing an average of 20 Americans per year. In all likelihood, fewer Americans will be killed this year by angry moose than by angry—

No, let's not talk about that. Anything but that.

American liberals—and Americans in general—have a commendable habit of dreading and shunning anything that looks like singling out members of an ethnic- or religious-minority group for special scrutiny. That's why it is so much easier to think of Orlando as an anti-gay massacre inspired by homophobia than as an anti-infidel massacre inspired by Islam. That's why so many of us would rather talk about guns, including fictitious "assault weapons," than about what those guns were used to do in Orlando. And that is why we feel perfectly comfortable talking about vaguely defined "hate" or "intolerance" or "extremism" without getting too specific about what's going on here, which is, hesitant as we are to admit it, the early stages of an intifada, one inspired by the Islamic State and other overseas extremists, often not directly under their command, or anybody's. (The lack of a central command structure isn't an absence of design; it is the design.) The days of 9/11-style theatrical terrorism are behind us, and the days of shooting up military recruiting centers, bombing public events, and setting fire to nightclubs are here.

Intifadas are fought by believers, and it matters who those believers are and what it is they believe. **NR**

Intifadas are fought by believers, and it matters who those believers are and what it is they believe.

On Trump And Trade

The public has shown little appetite for protectionism

BY RAMESH PONNURU

Donald Trump has changed his positions, and maybe even his views, on a lot of issues over the years. On one issue, though, he has been remarkably consistent for decades. He was hostile to free trade in the 1980s, when he complained that Japanese businessmen would "knock the hell out of our companies" and were "buying all of Manhattan." And he is hostile to free trade today. He mostly warns about the threat of Chinese imports these days, but he also mentions Mexico, Japan, "and every other country we do business with."

Trump's victory in the Republican presidential contest is leading other Republicans to wonder whether the party should modify its stance on trade. But both the economic and the political evidence caution against overreaction.

For several decades, a post–World War II bipartisan consensus has held that reducing tariffs and other barriers to trade would promote prosperity in all trading countries. This consensus has been limited in several ways. Neither party has acted on the teaching of most economists that countries should adopt unilateral free trade even if other countries do not. Both parties have argued for liberalized trade on the ground that it would create jobs for exporters, and have downplayed the benefits of cheap imports for consumers. Both parties have also used trade barriers to buy off, and divide, protectionist lobbies. The George W. Bush administration, for example, imposed temporary steel tariffs to win support for trade-enabling legislation. Both parties have, however, agreed that the general direction of policy should be toward freer trade.

Republicans have in recent decades usually been more pro-trade than Democrats. When Bill Clinton was president, he won passage of the North American Free Trade Agreement over the opposition of most House Democrats. Republicans have had a protectionist wing, too, but in recent decades it has been smaller than

its Democratic equivalent, and shrinking. Still, partisan divisions have sometimes defied this pattern. In 2012, Mitt Romney argued that President Obama had taken an insufficiently hard line against China's currency manipulation and said that he would use sanctions to change its behavior.

This year's political events have seemed to challenge the basic bipartisan consensus that trade liberalization is in general good for the United States and the world.

It's not just Trump who has undermined that consensus. Senator Ted Cruz, the Republicans' second-biggest vote-getter, turned against trade-promotion authority—legislation that would make it easier for presidents to make trade deals—and came out against the Trans-Pacific Partnership (TPP) during the campaign. On the Democratic side, Senator Bernie Sanders has been a critic of free trade for years. Hillary Clinton, too, eventually came out against the TPP after repeatedly touting it.

In part because of this political context, a new study highlighting the costs of trade with China drew a lot of attention. The case for trade has always acknowledged that it hurts some workers, companies, and communities. The expectation has been that its net effects are nonetheless positive: Consumers can save money on their purchases; companies can buy cheaper inputs; and new jobs are created as the economy adjusts to new patterns of specialization. But labor economists David Autor, David Dorn, and Gordon Hanson found that the surge in imports from China in the first decade of this century eliminated jobs on net. The study suggested that this surge may have been linked to China's entry to the World Trade Organization (WTO) in 2001.

Protectionists seized on the study, understandably given how long they have been on the defensive intellectually. Free-traders' confidence was shaken. Jim Tankersley, who writes about the economy for the *Washington Post*, speculated that Republicans had set Trump's rise in motion in 2000, when Congress enacted legislation letting China into the WTO. The shift of jobs to China that followed that legislation swelled the number of dispossessed voters open to Trump's angry and protectionist message.

Autor has himself said that he favors trade with China anyway. It has enriched some of the world's poorest people, and the study suggested that the "China shock" to American labor markets has ended. He says that what the study revealed is that those markets have become too slow to adjust to change. Not all of that change involves trade. Technological advances have eliminated more manufacturing jobs than imports have: U.S. manufacturing output is at record levels but requires fewer people. Scott Lincicome expanded on how to increase labor dynamism in a recent issue of NR ("The Truth about Trade," April 11).

The Autor study, read in full, does very little to support Trump's proposal for 45 percent tariffs on Chinese goods. It points to several causes of the import surge, causes that do not include reduced American tariffs. As a condition of entry to the WTO, China had to privatize or shut down many state-owned industries, raising its productivity. It had to reduce barriers to exports. It had to reduce its own tariffs, which—here the study drew on another one, from economists Loren Brandt and Peter Morrow—further boosted output by reducing the cost of inputs for exporters. Before China joined the WTO, the U.S. (and Europe) had for years subjected its exports to low tariffs; upon its entry those low tariffs were made permanent. The added certainty encouraged Chinese firms to invest in exporting.

Raising our tariffs now is not going to cause China to resurrect its old state-owned firms, and it would raise input costs for American manufacturers. Nor would breaking with a nearly century-old policy of liberalizing trade increase business certainty. Protectionists commonly charge that free-traders have made a religion out of their economic views, and it is certainly true that free-traders sometimes ignore the losers from trade. But one need not have a dogmatic faith in free trade to see that its critics have not put forward a superior policy.

It is also worth noting that for all the political anxiety surrounding trade, polls do not show any broad public turn against it. Over the last 24 years, Gallup has asked whether trade is more of an opportunity (from exports) or a threat (from imports). In February—the month that saw the first four primary contests, in which Trump won a majority of delegates—58 percent of respondents chose the optimistic answer. That number has never been higher. Only 34 percent chose "threat"; the last two years have represented lows for that measure.

According to the Gallup poll, Republican voters are only a bit less optimistic about trade than they were from 2000 to 2005; Democrats have grown markedly more optimistic during the Obama years than they were in the Bush years. One reason pundits have read Trump's victory as proof of protectionism's political power is that he has drawn disproportionate support from voters who have less formal schooling, and those voters tend to be more hostile to trade. But Gallup has found a large positive shift on trade among Americans from every educational background, and especially among those who never went to college. In 2011, only 31 percent of these Americans said trade was mostly an opportunity; in 2016, 52 percent did.

Blogger Evan Soltas looked through data from the Michigan primaries and found another reason for skepticism about the political importance of trade. There was no pattern linking counties' loss of manufacturing employment to their support for Sanders. And the more manufacturing jobs a county had lost, the fewer votes it gave Trump: exactly the opposite of the pattern one would expect if anger at trade-related job loss had a lot to do with his victory.

The political landscape does not reveal great public enthusiasm for further trade liberalization. But it does not show any support for a turn toward protectionism, either. A relatively liberal trade order is here to stay, as it should be, and politicians should not be apologetic about defending it. **NR**

This year's political events have seemed to challenge the basic bipartisan consensus that trade liberalization is in general good for the United States and the world.

The Constitution Of Clarence Thomas

On administrative law and civil rights, the justice is leaving his mark

BY JOHN YOO

Once a party of ideas, the GOP has degenerated into being a party of personalities. Nothing shows this more clearly than the career of Clarence Thomas, whom a Republican president of moderate sensibilities nominated to the U.S. Supreme Court 25 years ago this month. Whereas Donald Trump has taken liberal positions on everything from the minimum wage to the Second Amendment, Thomas has over the years articulated a robust version of conservatism rooted in our nation's founding principles and in the natural rights of the individual. Trump appeals to raw passions; Thomas talks to hearts and minds.

Thomas's quarter century on the Court stands for a few simple propositions: The Constitution means today what it meant at the time of its ratification. It creates a limited national government bound strictly by a separation of powers and a balance with the authority of sovereign states. Thomas rejects social engineering in favor of individual liberty grounded in natural law. In his dissents, he has held true to this understanding of the Constitution even if it has meant casting aside fashionable opinion and decades of judicial precedent and earning the criticism of political and media elites.

No official in any branch of the federal government holds more-deeply-considered conservative values. Thomas thinks that the Constitution protects natural rights, economic freedom, and private civil society from government meddling. He rejects race-based affirmative action, controls on speech or property, and bureaucratic intervention into private conduct. He would allow religious groups more participation in public life while protecting them from the heavy hand of government regulation, and he would protect the Second Amendment right for civilians to bear firearms.

Nowhere is the contrast between traditional conservatism and the beliefs of the GOP's current standard-bearer, Donald Trump, sharper than on race. Trump is a racist in that he holds prejudicial views about individuals based on their ethnicity. When he announced his candidacy, for example, he declared that when Mexicans immigrate to the U.S., "they're bringing drugs. They're bringing crime. They're rapists." His bigotry reached its pinnacle (to date) in his attacks on federal judge Gonzalo Curiel, who is hearing a fraud case in California against Trump University. Referring to Curiel as "the Mexican," Trump claimed that the judge had "an inherent conflict of interest" because of Trump's proposal to build a wall on the Mexican border. Curiel was born in Indiana and performed with honor and distinction as a federal prosecutor against drug gangs in Los Angeles. Trump sees only Curiel's ethnic background and presumes that all Americans of Mexican heritage must hold the same views.

If anything has marked Thomas's jurisprudence on the Court, it is his steadfast rejection of the use of race to define individuals. He not only has taken a tough line against affirmative action but has also attacked the underlying idea that government should help to advance races. He dissented from the Court's blessing of affirmative action in *Grutter v. Bollinger* (2003) because he understands the 14th Amendment's grant of "equal protection of the laws" to all Americans to prohibit race-based government policies. For Thomas, defining individuals by their race violates the Constitution and harms blacks as a group. "'If the negro cannot stand on his own legs, let him fall also,'" he wrote in his *Grutter* dissent, quoting Frederick Douglass. "'All I ask is, give him a chance to stand on his own legs! Let him alone!'"

In *Adarand v. Peña* (1995), the landmark case that struck down racial preferences in government contracts, Thomas argued that affirmative action is "racial paternalism" whose "unintended consequences can be as poisonous and pernicious as any other form of discrimination." His views have been shaped not just by the Constitution but also by his background, as he shows in his remarkable memoir, *My Grandfather's Son*. Thomas is the only living justice to have spent much of his childhood under racial segregation in the Deep South before the civil-rights movement. He struggled against racial stereotypes in school and in his early career.

"So-called 'benign' discrimination teaches many that because of chronic and apparently immutable handicaps, minorities cannot compete with them without their patronizing indulgence," he wrote in *Adarand*. He lamented government programs that "stamp minorities with a badge of inferiority and may cause them to develop dependencies or to adopt an attitude that they are 'entitled' to preferences."

When originalism has come into conflict with Thomas's policy ideas, however, originalism has prevailed. He has voted to strike down the nation's drug laws as exceeding the scope of federal power (in a case that originated from a

No official in any branch of the federal government holds more-deeply-considered conservative values than Clarence Thomas.

Mr. Yoo is the Heller Professor of Law at the University of California, Berkeley, and a visiting scholar at the American Enterprise Institute. He is the co-editor of Liberty's Nemesis: The Unchecked Expansion of the State *(2016). He served as a law clerk to Justice Thomas.*

drug bust down the street from my Berkeley Law School office). He has found that the use of thermal-imaging technology by police to scan for marijuana in homes requires a warrant. He opposes the Court's effort to place caps on punitive damages. He would bar the government from placing any regulations on political speech and commercial speech alike. His robust understanding of the First Amendment has led him to protect both violent movies and offensive protesters from state controls.

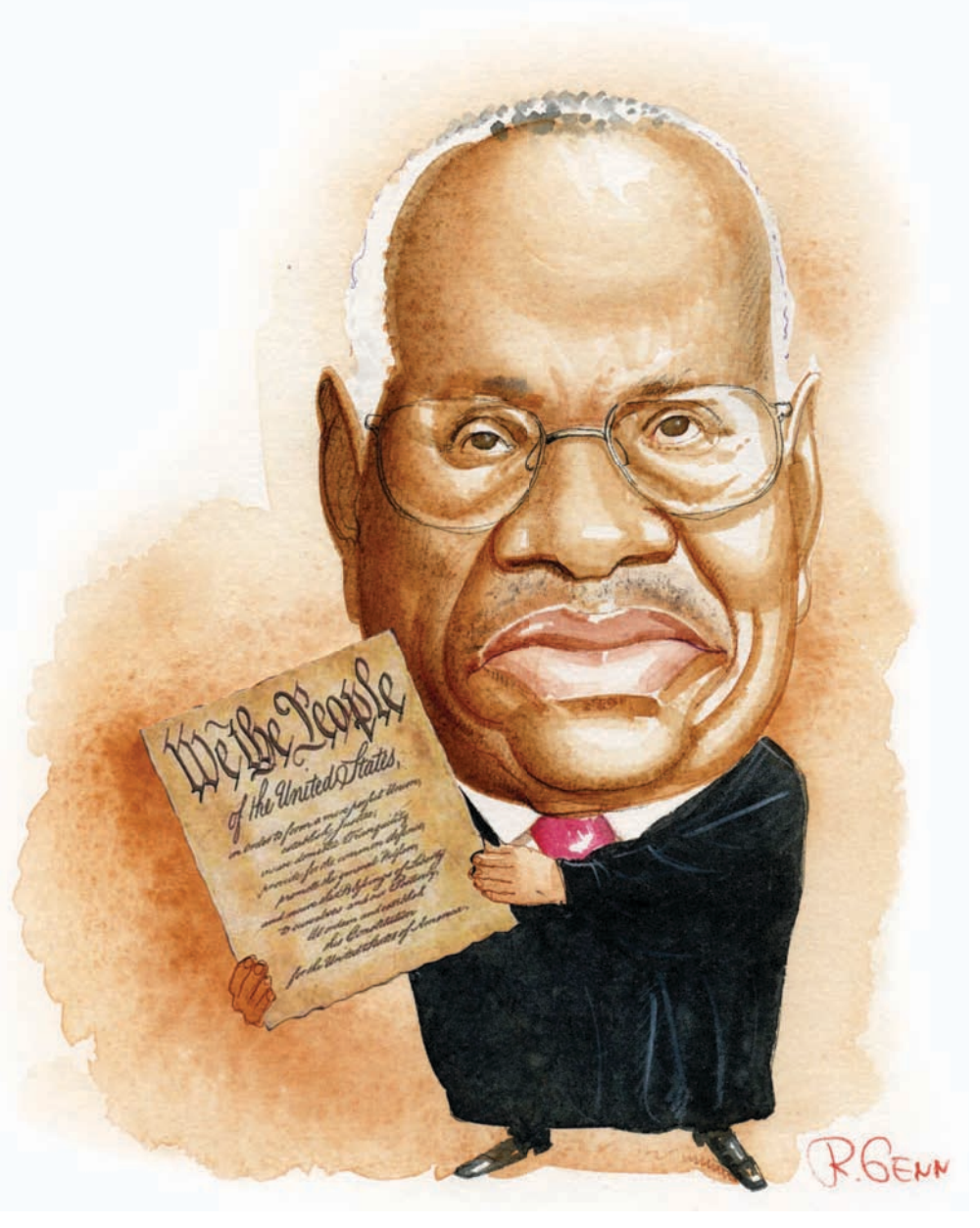
Thomas parted ways with his great friend the late justice Antonin Scalia on fidelity to the original understanding of the Constitution. Scalia did not have a strong philosophical attachment to the Framers. Rather, he described originalism as "the lesser evil" because it curbed the power of federal judges and allowed the democratic process to choose our nation's basic policies. Scalia's career focused on the problem of containing judicial activism, which had led to the Court's discovery of rights to abortion and gay marriage in the 14th Amendment's due-process clause. If the plain text might yield a narrower role for judicial power, then all the better.

The difference between Thomas and Scalia emerges most clearly in their attitudes toward the out-of-control administrative state. The executive branch cannot even report to Congress the total number of federal agencies in existence—it lost count after several hundred. All three branches have been complicit in allowing the regulatory state to expand its powers at the expense of individual rights and economic freedom. Congress has delegated much of its legislative powers to the agencies; presidents have allowed bureaucrats to expand their jurisdictions without interference; and the judiciary has deferred to agency interpretation and bureaucratic exercise of sweeping, ill-defined powers.

Throughout his career, Scalia stood at the ramparts in defense of freedom for the agencies—before joining the federal bench, he had made his name as a professor of administrative law. He wrote one of the foundational opinions requiring courts to accept an agency's enforcement of its own regulations. Thomas, in contrast, has steadily waged a campaign to uproot the administrative state.

Thomas began his battle by drawing sharp limits on the federal government's power over private conduct. In *United States v. Lopez* (1995), which held unconstitutional a federal law banning guns in school zones, he called on the Court to reverse decades of case law that had transformed the legislature's authority "to regulate Commerce . . . among the several States" into a limitless "police power." He thinks the commerce clause authorizes federal laws to regulate only commercial activity that crosses state borders. He would end Washington's control over anti-crime measures, education, health care, and welfare and, ultimately, would eliminate the New Deal state.

In a series of opinions in the past two years, Thomas has attacked the operations of the administrative state. He has striven to restore the proper checks and balances on it and called on the courts not to defer to bureaucrats. Last year, in *Department of Transportation v. American Association of Railroads*, he called for a return of limits on the responsibilities that Congress can transfer to agencies. During the New Deal, the Court, which initially blocked Congress's transfer of lawmaking power to the agencies (which could then avoid the hurdles of House and Senate approval and a presidential veto), surrendered before the threat of President Roosevelt's Court-packing plan. Since then, a majority of the Court has agreed that the



ROMAN GENN

judiciary should allow virtually unlimited delegation of lawmaking power to the bureaucracy.

Thomas, however, believes that the Constitution's separation of powers forbids the transfer of the power to make laws. Only our elected representatives, he has written, can enact generally applicable laws that restrict private conduct. The legislature cannot "transfer the power of making laws to any other hands," he has written, quoting John Locke, "for it being but a delegated power from the people, they who have it [cannot] pass it over to others." In *Perez v. Mortgage Bankers Association* (2015), Thomas denounced judicial deference to agencies' interpretations of their own mandates—a principle on which he and Justice Scalia disagreed sharply.

Administrative law may seem arcane or inconsequential, but these fights over delegation of the legislative power, deference to agency regulations, and the scope of the commerce clause are the crucial issues that determine the size of the New Deal state. Liberal dominance on these questions has allowed the federal bureaucracy to expand its reach over much of our economic and social life. Imagine if Congress, rather than the Environmental Protection Agency, set the mileage-per-gallon requirements for cars. Imagine how much better it would be for our democracy—to which the Constitution assigns these decisions, rather than unaccountable bureaucrats—to take responsibility for education, crime, and social issues.

Building on his steadfast opposition to government's recognition of racial distinctions of any kind, Thomas devoted his first 25 years on the high bench to affirming the principle that the original Constitution limits not just the courts but the government as a whole. Now he has launched a campaign perhaps even more daunting: stopping the inexorable expansion of the welfare state.

On these questions, Thomas will no doubt chart his own course. While we may not know his ultimate destination, we can predict that he will remain true to the star of the original understanding of the Constitution. By recalling our nation to its founding principles, he will continue to lead the battle for a renewal of fundamental limits on government and for the protection of the natural liberties of the individual. **NR**

Casualties of The VA

Over-prescription is making veterans dependent on pharmaceutical drugs

BY DAVID FRENCH

I DROVE home from the doctor's office as sad and depressed as I'd ever been in my life. Sitting on the seat beside me were two bags. One contained a small bottle of Ambien, to help me sleep. The other contained sample boxes of Lexapro, an antidepressant.

For the last three months—the three months since I'd come home from Iraq—I'd been unable to sleep. Every night at ten o'clock, no matter how tired I was, I'd come alive. I'd feel that familiar tension. In Iraq, night was when bad things happened. Night was when friends died. Night was when we had to make our tough choices. When I was outside the wire, it was often at night. Night was when the detainees rolled in. At night I had to be alert.

But not at home. At home I needed sleep. The kids would be up at 7:00 A.M. I had to be at work around 8:00. I supervised a dozen lawyers and practiced law against attorneys from some of America's best law firms. I had to be sharp. I was anything but.

And so I went to the doctor—like so many other American vets. I wanted to sleep again. I wanted to feel normal again. I didn't go to the VA (who needs that kind of wait?), so I went to a local doctor, who told me that I didn't exactly have post-traumatic stress *disorder*, I mainly just had post-traumatic stress. My brain chemistry had changed while I was downrange, he explained, and now I was wired to wake up at night and catch sleep when I could. He said I needed help. The pills were the help.

I've thought about that day many times as I've met more and more vets who have struggled after coming home. As a JAG officer, you get to know soldiers better than many other staff officers do. They'll drop by to ask about a family issue, or to discuss their finances, or to ask for career and educational advice. When you're a reserve officer, they know you also work in the "real world," and I've helped dozens of men and women work on their résumés—trying to write about their military experience in ways that civilian employers would understand.

When I was with men (and it was mostly men) who'd had rough deployments—or who'd been deployed multiple times—I'd always ask, "How are you doing? Everything okay?" Most of the time the answer was a quick, "I'm cool." Often enough, however, it was something else—some variation of "Sir, I don't know. I just don't feel like myself."

Then they'd open up. They couldn't sleep, so they had to take Ambien. They were depressed, so they were taking Lexapro. They had chronic neck and back pain after hanging 90 pounds of gear on their frame day after day, month after month, so they took Lortab. They were anxious, so they took Xanax. But it wasn't helping, they said. They felt sluggish. They had trouble staying motivated. They just didn't feel *right*.

But how could they? It was as if their VA doctor had simply listened to a list of symptoms, located a pill to address each complaint, loaded up the patient with prescriptions, and called it "treating" a soldier for PTSD. But the treatment left young men in the prime of their lives with hollowed eyes and slurred speech. They didn't want to live like that—and they hated what they'd become—but they had PTSD, right? What choice did they have?

And so it goes, the cycle for "treating" American veterans. Under pressure for failing to take care of them, the VA and civilian doctors dramatically over-diagnose PTSD, over-prescribe often-addictive pills, and then wonder why their patients often report profound dissatisfaction with their lives.

The numbers are staggering. In 2014, the VA reported that it had treated almost 375,000 returning Afghanistan and Iraq vets for PTSD, and it estimated that roughly one in five post-9/11 veterans suffered from the disorder. The contrast with the British army is striking. While the U.S. dealt with a PTSD epidemic, the Brits—whose soldiers also fought hard in Iraq and Afghanistan—reported that only 7 percent of their returning *combat* soldiers suffered from PTSD. The proportion of noncombat soldiers suffering from PTSD was only between 2 and 5 percent.

Are the Brits more stoic than Americans? Can they better handle the trauma

of war? Perhaps at the margins, but certainly not enough to account for the dramatic difference in the percentages.

So what is the explanation? The VA publishes a list of PTSD symptoms, and these lists are repeated endlessly during post-deployment briefings. Having trouble sleeping? You might have PTSD. Are you startled by loud noises? You might have PTSD. Do you keep busy to avoid thinking about a traumatic event? You might have PTSD. As I surveyed the list, I could check off approximately half the symptoms.

It's a recipe for over-diagnosis. People who come back from war—especially if they were either in combat arms or deployed with a combat-arms unit—are going to experience dramatic psychological changes. It's inevitable. Young men will find themselves grieving death perhaps for the first time in their lives. They'll face stress that civilians can't possibly imagine, and they'll feel fear at a level they could never have anticipated. What does "normal" life look like after an experience like that? Is it even possible to be "normal" again? Yet rather than prepare soldiers for a new normal, we try vainly to "fix" what's allegedly broken. And we do it with pills.

In 2014, an inspector-general report found that the VA was systematically overmedicating its patients—even to the point of death. The findings were horrifying. A stunning 93 percent of long-term narcotics patients in VA hospitals were also prescribed benzodiazepines, a combination that increases the risk of a fatal overdose. Fewer than half of narcotics patients on multiple drugs "had their medications reviewed by VA staff," according to CBS News. One vet told CBS News that he'd lost more friends at home to narcotics than he'd lost overseas to enemy action.

Wisconsin's Senate race is being roiled by a report on the VA facility at Tomah, a place so notorious for freely writing narcotics prescriptions that it gained the nickname "Candyland." Senator Ron Johnson and his Democratic challenger, former senator Russ Feingold, are locked in a war of words over the scandal, with a familiar question hovering over the controversy: Who knew? The facility has been linked to multiple fatal overdoses.

It is difficult for veterans to reverse course once they become dependent on their prescriptions. Many of the overprescribed drugs are extraordinarily addictive, and young soldiers are now facing rehab and long-term care not just for PTSD but also for drug dependence. They came to the VA for help getting through a difficult life experience, many were diagnosed with a malady they did not have, and now they're addicted to drugs they never truly needed.

I've often reflected on the vast and yawning gap between my expectations and reality. I went to war as one of the oldest members of my unit—a 38-year-old captain who'd joined later in life. I thought that the extra years would give me the maturity I needed to absorb the shock of war. I thought I could go to war and return more or less the same person.

I was wrong—profoundly wrong. When I came home, grief clung to me. My personality had changed. I was far more aggressive and far less tolerant of others than I'd ever been before. And I just couldn't sleep. No matter how exhausted I was.

And so there I was, in my car, staring at medications I never thought I'd take. Medication was how other people handled their problems. But now I was "other people." I didn't know what else to do.

That first night, I took the Ambien, and I didn't remember anything from 11:00 P.M. until my alarm rang the next morning. I felt terrible. I hated that I couldn't remember part of the night before, I didn't feel rested, and I felt mildly hung over. But I took it again and again, and I just felt worse. I felt boxed in. I could sleep only with Ambien, but when I slept, I didn't truly rest. I was becoming the exact person I'd seen others become.

So I stopped. I didn't take another Ambien, and I didn't take a single Lexapro. Instead, I prayed and I talked. I prayed that God would grant me rest, and I opened up more to friends and family—describing the men they'd never known but who'd become closer than brothers to me, and describing what it was like to stand at attention saluting them one last time as their bodies were carried away.

Gradually, things got better. I slept a little more each night as my body retrained itself, remembering that here at home the night is not full of stress and fury. As I got more sleep, I got less aggressive, less irritable.

But I never became normal again. Or, more precisely, I had a new normal. My wife says I'm dramatically different from the man she married, and she says that it's mostly for the better. My experience was nothing like that of some of the heroes I served with, but war changes us all. There is not a pill made that can change us back.

There are veterans who truly suffer from PTSD—complete with symptoms that are the stuff of nightmares. But there are many other veterans who don't suffer from PTSD but are treated for it. There are many veterans who can learn to manage their pain, but they're drugged to the point of near-death.



LUBA MYTS

I still have the Lexapro boxes. They sit in my medicine cabinet—right next to a small bottle of now-expired Ambien pills. They remind me of where I was, they remind me of God's grace, and they remind me of the men and women who are trapped by their own prescriptions.

Here is the sad reality: Your husband or son can come home from war but get lost in a pill bottle—a pill bottle pushed into his hands by the instruments of America's most dysfunctional medical bureaucracy. That's not treatment, it's abuse. And it's abuse that is increasing the casualties of America's longest war. The VA is killing men the Taliban couldn't touch. **NR**

He Calls Himself 'Free Man'

Meet Jung Gwang-il, a North Korean defector who has found his life's work

BY JAY NORDLINGER

Jung Gwang-il does something unusual for a living: He sends information via helicopter drones into North Korea. The drones bear USB sticks and SD cards, which contain South Korean television shows, American movies, and more. This "more" includes videos of North Korean defectors, telling people back home what the outside world is like.

Jung himself is a defector. He survived the gulag and escaped North Korea in 2003. In May, he was a speaker at the Oslo Freedom Forum, where I sat down with him. I will relate his story in brief—a story full of horror, but leavened with majesty.

He was born in China in 1963. His grandparents had immigrated there from Korea in the 1930s. During Mao's Cultural Revolution, Jung's father, a professor, was hauled away. The entire family suffered. Jung's mother took them to North Korea in 1969.

"This might seem crazy," says Jung, "but when I arrived in 1969, North Korea seemed like a heaven, compared with China. In China, you could not eat three meals a day. In North Korea, you could." The Jung family believed in Communism. That included Gwang-il. And he tells me, "My younger brother is still in North Korea, and he *still* believes in Communism."

Gwang-il, however, had some doubts in the 1990s. The country was dying of starvation. "Every morning when I went to work, I saw ten, sometimes twenty new bodies piled up, most of them children who had lived on the streets. City officials took them away like bags of trash." This made Jung wonder about what the regime had taught him: Were North Koreans really lucky to have the Kim family and the Communist party ruling over them?

He spent ten years in the military. Then he worked for a trading company—a state company, of course, the only kind there is in North Korea. He did well. In one year, 1997, he brought in $700,000 for the regime. He was a good and productive citizen.

Then, in 1999, agents of the State Security Department came in the middle of the night and hauled him off. Jung was bewildered. There had to be some mistake. It transpired that one of his employees had accused him of being a spy for South Korea. Others conspired along with the main accuser. For Jung, there ensued ten months of torture.

I will say relatively little about this. They put him in a torture position known as "pigeon." He thought he would die, and he wanted to die. He wanted to kill himself, but this was impossible, under the eye of the SSD. He tried a hunger strike. They force-fed him. His weight dropped from 165 pounds to 80. Finally, unable to bear more torture, he confessed (falsely).

They put him in a truck and drove him to the gulag—to Camp No. 15, known as "Yodok." This one is for political prisoners, or, in the parlance of the regime, "enemies of the state." It has about 50,000 inmates. There are multiple zones, including a punishment area, a killing area, and a "re-revolutionizing" area. When Jung got there, the sign at the gate read, "Let's Sacrifice Our Lives to Protect the Revolutionary Leadership of Dear Leader Kim Jong-il."

"The day I arrived," says Jung, "I saw the prisoners, and you would not have called them human beings, because they did not look like human beings. They had no flesh. They were walking skeletons, forced to work 16 hours a day. They were treated not like human beings, but like animals."

I will write just one paragraph about Jung's years in the camp. If you wanted to skip it, that would be perfectly understandable.

In the winter, the prisoners were made to get wood from the mountain. Many were injured or killed, as the trees fell or the logs rolled down the mountain. Other prisoners would not pause to bury the dead. It would have taken too much energy in the frozen ground. They carried the bodies back to a shed next to a latrine. At night, when you went to the latrine, you could hear moaning from the shed—some weren't dead yet. By the spring, they were all dead, of course. The bodies had formed a great gelatinous mass. And Jung and the others would have to break it apart, with shovels, and bury it.

There was kindness in the camp—from certain guards and SSD agents, one of whom told Jung that he had to survive. "You have two children. If you died under the false charge of being a spy, they would have no future in North Korea. Think of them. You have to keep your hopes up and live for them."

'The day I arrived, I saw the prisoners, and you would not have called them human beings, because they did not look like human beings.'

In 2003, after three years in the camp, Jung was released. Why? Because his former employee and the others who had conspired against him were found to have committed crimes themselves. This led officials to believe in Jung's innocence. Something else weighed in his favor: In that trading company, he had done well for the regime.

Before Jung left the camp, they made him sign a vow of secrecy: He was never to talk about what he had seen and experienced. When he went home, there was no home. They had given his house to another family. And they had made his wife divorce him. Jung figured, "There's nothing left for me in this country. I cannot function here."

So, he rested for a week and a half—then swam the Tumen River into China. From there, he went to Vietnam, and then Cambodia, and then Thailand, and finally to South Korea, his new home. His daughters joined him there. One of them is now married, with a child.

Jung looks good: a youngish grandfather—53—with a proud head of hair. As we sit together, he laughs frequently. Sometimes the laughter is grim and gallows-like. Other times it is lighthearted. I ask him whether he suffers physical effects from his treatment. Yes. But more important are the mental effects. "I still have nightmares. I had nightmares last night, here in Norway."

When he made it to South Korea, he said to hell with the vow of secrecy he had signed. He vowed to dedicate his life to telling the world about North Korea, and in particular its gulag. He vowed to do whatever he could for his former countrymen, especially the gulag prisoners. He has testified before the European Union, the U.S. Congress, and the United Nations.

And he adopted a name for his e-mail address—and his bank account and his Twitter account and anything else requiring a handle. That name is *jauin*, which means "free man."

In 2012, he founded an organization called "No Chain." Jung thinks of North Korea as a giant prison camp, with a chain around it. He endeavors to break this chain. His group is funded by private donors, and operates on a shoestring. But Jung and his partners are making inroads. They send their storage devices—USB sticks, SD cards—into North Korea via their drones. There are contacts on the inside, waiting for the drones.

But what can North Koreans do with the storage devices? They can insert them into Notels, which are Chinese-made media players available on the black market. There are also newer, smaller players, which take a micro–SD card. These little cards are handy because they are easy to hide, or, if necessary, swallow.

I ask Jung, "Do North Koreans know they live in the worst place on earth? Do they know how abnormal, how psychotic and wretched their lives are?" In general they do not, he says. They have long been deprived of information. Not only are they not allowed to travel abroad, they cannot travel within the country, except with state permission. And they are propagandized—brainwashed—out of the womb.

"Before they eat something, children are told to thank the Leader for giving them the food. When I got to South Korea, I was amazed to see Christians thanking their heavenly father, in much the same way I observed in North Korea."



Jung Gwang-il

HENRY SONG

When you see and listen to Jung Gwang-il, you can tell that he's about a business that he is compelled to do. "Even after I resettled in South Korea," he says, "I could not forget the images of the fellow inmates I left behind. I can never forget the looks they gave me when I walked out of the camp."

I ask whether he has any survivor's guilt, however unreasonable. "Of course I do. When I was in Yodok, I was lucky enough to become a supervisor of a work group. In this position, I had to punish people, because that's what I was ordered to do. If I did not punish them, I would be punished myself. And because of my actions, some people didn't get enough food, and they ended up dying, and when I think about those prisoners, I'm so sorry. I feel guilty, but I had no choice."

Even before he got to the camp, as you know—when he was being tortured by State Security agents and made to confess—he wanted to kill himself, and would have if he could. Today, is he glad that he did not kill himself? Yes, very. "I'm glad to be alive, lucky to be alive, so that I can do what I'm doing."

The North Korean government is furious with him, of course, and doing all they can to discredit him: telling CNN, for example, that Jung is an impostor who was never in the camp and stole someone else's identity. Jung laughs at this, more determined than ever to fight the regime.

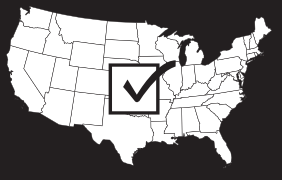
He wishes he could thank, publicly, the SSD agent who showed compassion to him in the camp. He cannot, however, because that would land the agent in trouble. To name the agent would be to imperil him. But perhaps Jung will be able to thank him as he wishes someday. **NR**

SPECIAL ADVERTISEMENT FEATURE

2016

UNITED STATES

DISTRIBUTION NOTICE:





TRYING TO KEEP UP: Rapid shipments of heavy packages containing Vault Bricks loaded with valuable .999 solid U.S. State Silver Bars are flowing around the clock from the private vaults of the Lincoln Treasury to U.S. State residents who call 1-866-779-6706 EXT. FMS1054 to beat the 7-day deadline.

U.S. State Silver Bars go to residents in 49 states

U.S. residents who find their state listed below in bold get first dibs at just the $57 minimum set for state residents while all non state residents must pay $134, if any silver bars remain

AL	**AK**	**AZ**	**AR**	**CA**	**CO**	**CT**	**DE**	**FL**
GA	**HI**	**ID**	**IL**	**IN**	**IA**	**KS**	**KY**	**LA**
ME	**MD**	**MA**	**MI**	MN	**MS**	**MO**	**MT**	**NE**
NV	**NH**	**NJ**	**NM**	**NY**	**NC**	**ND**	**OH**	**OK**
OR	**PA**	**RI**	**SC**	**SD**	**TN**	**TX**	**UT**	**VT**
VA	**WA**	**WV**	**WI**	**WY**				

NATIONWIDE – The phone lines are ringing off the hook.

That's because U.S. State Silver Bars sealed away in State Vault Bricks are being handed over to U.S. residents at just the state minimum set by the Lincoln Treasury for the next 7 days.

This is not a misprint. For the next 7 days residents who find their state on the Distribution List above in bold are getting individual State Silver Bars at just the state minimum of $57 set by the Lincoln Treasury. That's why everyone should be taking full Vault Bricks loaded with five U.S. State Silver Bars before they're all gone.

And here's the best part. Every state resident who gets at least two Vault Bricks is also getting free shipping and free handling. That's a real steal because all other state residents must pay over six hundred dollars for each State Vault Brick.

Just a few weeks ago, nobody knew that the only U.S. State Silver Bars locked away in the private vaults of the Lincoln Treasury would be allocated to the Federated Mint for a limited release to residents in 49 states. Every single one of the 50 U.S. State Silver Bars are date numbered in the order they ratified the Constitution and were admitted into the Union beginning in the late 1700s.

"As Executive Advisor to the Lincoln Treasury I get paid to deliver breaking news. So, for anyone who hasn't heard yet, highly collectible U.S. State Silver Bars are now being handed over at just the state minimum set by the Lincoln Treasury to residents in 49 states who beat the offer deadline, which is why I pushed for this announcement to be widely advertised," said Mary Ellen Withrow, the emeritus 40th Treasurer of the United States of America.

"These bars are solid .999 pure fine silver and will always be a valuable precious metal which is why everyone is snapping up as many as they can before they're all gone," Withrow said.

There's one thing Withrow wants to make very clear. State residents only have seven days to call the Toll Free Order Hotlines to get the U.S. State Silver Bars.

"These valuable U.S. State Silver Bars are impossible to get at banks, credit unions or the U.S. Mint. In fact, they're only being handed over at state minimum set by the Lincoln Treasury to U.S. residents who call the Toll Free Hotline before the deadline ends seven days from today's publication date", said Timothy J. Shissler, Executive Director of Vault Operations at the private Lincoln Treasury.

To make it fair, special Toll Free Overflow Hotlines have been set up to ensure all residents have an equal chance to get them.

Rapid shipments to state residents are scheduled to begin with the first calls being accepted at precisely 8:30am today.

"We're bracing for all the

(Continued on next page)

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calls and doing everything we can to make sure no one gets left out, but the U.S. State Silver Bars are only being handed over at just the state resident minimum set by the Lincoln Treasury for the next seven days or until they're all gone, whichever comes first. For now, residents can get the U.S. State Silver Bars at just the state minimum set by the Lincoln Treasury as long as they call before the order deadline ends," confirmed Shissler.

"With so many state residents trying to get these U.S. State Silver Bars, lines are busy so keep trying. All calls will be answered," Shissler said. ■



COURTESY: LINCOLN TREASURY
PHOTO ENLARGEMENT SHOWS ENGRAVING DETAIL

RESIDENTS IN 49 STATES: COVER JUST $57 STATE MINIMUM

Call ► 1-866-779-6706 EXT. FMS1054 beginning at 8:30am

1. If all lines are busy call this special toll free overflow hotline: **1-866-779-6707 EXT. FMS1054**
2. Residents who find their state on the Distribution List on the left in bold and beat the deadline are authorized to get individual State Silver Bars at just state minimum of $57 set by the Lincoln Treasury. That's why everyone should be taking full Vault Bricks loaded with five State Silver Bars before they're all gone. And here's the best part. Every state resident who gets at least two Vault Bricks is also getting free shipping and free handling. That's a real steal because all other state residents must pay over six hundred dollars for each State Vault Brick.

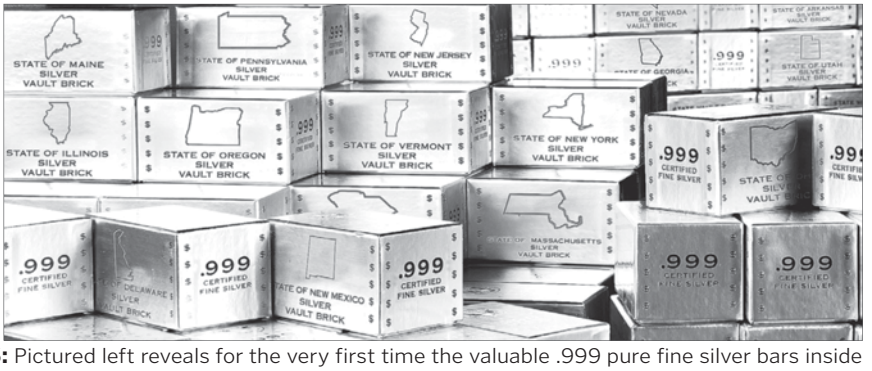
ALL OTHER STATE RESIDENTS: MUST REMIT $134 PER STATE SILVER BAR

1. No State Silver Bars will be issued to any resident living outside of the 49 states listed to the left in bold at state resident minimum set by the Lincoln Treasury.
2. If you are a U.S. resident living outside of the 49 states listed to the left in bold you are required to pay $134 for each State Silver Bar for a total of six hundred seventy dollars plus shipping and handling for each sealed State Vault Brick loaded with five U.S. State Silver Bars. This same offer may be made at a later date or in a different geographic location. Non-state residents call: **1-866-732-3137 EXT. FMS1054**

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■ **A SNEAK PEAK INSIDE SILVER VAULT BRICKS:** Pictured left reveals for the very first time the valuable .999 pure fine silver bars inside each State Silver Vault Brick. Pictured right are the State Silver Vault Bricks containing the only U.S. State Silver Bars known to exist with the double forged state proclamation. Residents who find their state listed to the left in bold are authorized to get individual State Silver Bars at just $57 state resident minimum set by the Lincoln Treasury. That's why everyone should be taking full Vault Bricks loaded with five State Silver Bars before they're all gone. And here's the best part. Every state resident who gets at least two Vault Bricks is also getting free shipping and free handling. That's a real steal because all other state residents must pay over six hundred dollars for each State Vault Brick.



The Incredible Shirking Congress

Legislators are running from the great duties they were meant to discharge

BY MIKE LEE

WASHINGTON is broken.

The federal government is a fiscal basket case, $19 trillion in debt and running massive annual deficits as far as the eye can see. It is an abysmal steward of our economy, managing dysfunctional tax and regulatory systems that expand opportunity for the well connected while strangling it for everyone else. And it imposes thousands of petty laws on the American people every year without rhyme or reason, while failing to seriously consider solutions to our real national challenges.

American politics in 2016 seems to be a competition to assign blame for all this. The usual suspects offer up their favorite villains: Democrats and Republicans, conservatives and progressives, insiders and outsiders all accuse one another. But in this case the problem is not partisan or ideological; it's structural. The reason the federal government isn't working today is that it isn't working *properly*.

Mr. Lee, the author of Our Lost Constitution: The Willful Subversion of America's Founding Document, *represents Utah as a Republican in the United States Senate.*

The constitutional order set up by our Founders is breaking down. Specifically, the awesome powers of the federal legislative branch are increasingly being exercised by the executive and judicial branches. Executive orders sometimes effectively rewrite laws. Administrative agencies seem to write whole new ones out of thin air. Supreme Court rulings impose the policy preferences of five lawyers onto a republic of 320 million citizens who have no democratic recourse.

Conservatives have been warning about this for years—more than ever during the presidency of Barack Obama. But it seems we don't take the argument to its logical conclusion. Ultimately, the biggest problem with unchecked executive and judicial activism isn't the activism; it's the "unchecked" part. The Founders fully expected federal officers to try to overstep their constitutional authority. That's why they wrote the Constitution the way they did: first, to disperse political power, horizontally among the three branches and vertically between the federal government and the states; and second, by giving each branch tools to check and balance the others.

ROMAN GENN

Furthermore, while the federal government's three branches were designed to balance one another, they were not created equal. It's easy to forget in this era of Olympian judicial supremacy and executive Caesarism, but the constitutional powers vested in Congress in Article I are orders of magnitude stronger than those granted to the president and Supreme Court in Articles II and III. Congress alone is empowered to write laws, levy taxes, spend money, and—if necessary—unilaterally defund the other branches or even remove their leaders from office. By contrast, the powers of the executive and the judiciary are reactive, and their decisions contingent on Congress's consent.

The Constitution's assignments of responsibility aren't superstitious taboos. They're more like instructions in an engineering manual. The federal government is a machine designed to "run on" congressional direction the way a car runs on gasoline. No other fuel will work. This isn't because legislators are wiser or better than executives or jurists; it's because in our system they're closer and more accountable to the people. The particular work done by the executive and judicial branches benefits from some insulation from the public—and so the Founders granted it. But unaccountable power is inherently dangerous. So the Founders gave the legislative branch overwhelming strength to keep the other two in their lanes, and then—belts and suspenders—subjected legislators to relentless democratic accountability: local constituencies with diverse perspectives and opinions; transparent debate and voting; mechanisms—including the Senate—to require compromise and protect minority views; and, above all, frequent elections. Indeed, even the exclusivity of Congress's legislative powers was purposely devised to be a lever of accountability. It allowed Americans to isolate the source of policy mistakes.

The Founders wrote the Constitution this way to leave legislators nowhere to hide. In the system they designed, if any part of the federal government was broken, Congress's fair share of the blame was *almost all of it*.

Thus Congress had no constitutional choice but to lead: to take great care that legislation reflected the public's will and that laws were faithfully executed and fairly interpreted by the executive and judicial branches. Otherwise, it would face the pitiless judgment of the voters for failing to do so.

No people ever enjoyed a policymaking process so conducive to their happiness, nor so inconvenient to their politicians.

But therein lie the seeds of our current trouble.

WHAT the Founders did not anticipate was how much Congress's constitutional supremacy would come to be experienced by actual representatives and senators as a burden rather than a privilege. This may be because James Madison and his co-authors assumed that the limited, enumerated powers they gave the federal government would keep it small (it didn't work out that way). And when government grows big enough that its mistakes come to overshadow its successes, politicians' career prospects start to depend less on taking responsibility than on ducking it.

Congress still possesses the institutional power to assert its exclusive authority over federal policy. But actually using this power—especially in our current era of real-time electronic transparency—exposes representatives and senators to the ruthless public accountability embedded in Article I. To members of Congress and party leaders, especially those responsible for defending seats in swing districts and states, the political risks of constitutional governance often just aren't worth it.

So, rather than subject itself to the Founders' deliberately uncongenial arrangement, Congress has been quietly improvising a new one, much more to its liking. The pillars of Congress's power are its core constitutional functions: legislating, budgeting, and conducting oversight. That's the work representatives and senators get hired to do, and—more to the point—get fired for doing poorly. So the easiest course for Congress is not to do that work well, but to get out of having to do it at all. It's a three-step process.

Step One: We delegate our legislative power to the executive branch, by making generous use of a law called the Administrative Procedure Act. The APA was written after World War II to create an accountable and transparent way for executive-branch agencies to enforce federal law. Under the APA today, though, Congress mostly allows agencies to write the vast majority of the laws themselves in the form of new rules, regulations, and legal interpretations that carry the force of law. In 2014, for instance, Congress passed and President Obama signed 3,291 pages of new legislation. That same year, executive agencies issued 79,066 pages of new regulations.

Congress has so embraced this "new normal" that major federal legislation rarely constitutes law in any meaningful sense anymore. Rather, Congress passes vague bills that declare gauzy aspirations—say, "clean air" or "high educational standards"—while leaving the specifics to be filled in later by executive agencies. The Clean Air Act, No Child Left Behind, Obamacare, Dodd-Frank: These are not statutes so much as they are homework assignments for the bureaucracy. "Legislating" this way, members can take credit for "doing something" about a problem without being on the hook for the blame when things go sideways, as they inevitably do.

That brings us to Step Two: surrendering our authority over federal spending. In theory, Congress can use its constitutional power of the purse to impose its will on the executive. For the executive branch to act, its agencies need to spend public dollars, and they can do this only with the express permission—indeed, at the express direction—of Congress. But today, the congressional budget process has degenerated into a kind of pantomime. Authorizers and appropriators may (or may not) work out bills over months of committee hearings and markups. But everyone understands that the process will come down to a single "yes"-or-"no" vote—usually up against a crisis deadline—on a massive budget agreement that most members have not been involved in crafting. This process empowers not Congress but the president, who is inevitably better able to deliver a single message in a single voice in that moment of confrontation, and who blames Congress for any failures to agree.

This means that the only alternative Congress leaves itself to effectively turning over the budget process to the president is to shut down federal agencies and stage a cataclysmic confrontation that Congress is never well positioned to win. By working backwards from a calendar deadline, instead of forward

from constitutional powers, Congress surrenders most budget fights before they even begin. This too is done with an eye toward members' convenience.

Conducted properly, the budget process is hard legislative work. It requires hundreds of votes over several months on individual spending priorities, increases, and cuts. And many of those votes—by design—expose unpopular positions that can be used in the next campaign. Now that earmarks have been banned, those bitter votes don't even come with a spoonful of sugar. And so congressional leaders in both parties now rig the budget process to duck tough votes altogether, criticize dissenters for advocating shutdowns, and hand our constitutional power of the purse over to the president. In that case, without a realistic fear of policy or budgetary correction, there is no reason for the executive branch to respect a legislative branch that won't stand up for itself.

So, Step Three: Congress delegates its constitutional *oversight* powers to the *judicial* branch. In Washington today, your best chance to bring the administrative state to heel is to ignore Congress and just sue the agency in federal court.

Sometimes it's state governments, sometimes businesses or nonprofits, and sometimes just put-upon citizens who sue. Sometimes these lawsuits succeed and courts invalidate or change executive actions, but they usually don't—and never without incurring enormous litigation costs. Often the agency doesn't even have to win in court to win the policy. By the time a court strikes down an offending rule, affected firms may have already reorganized their business models to comply with it. Sometimes Congress itself even sinks to suing the administration. This is kind of like the parents of a finicky child asking the next-door neighbors to come over and make the kid eat: an embarrassing spectacle for all involved.

What all these lawsuits-in-lieu-of-legislation have in common is that they, too, weaken our constitutional order. They empower even more unelected, unaccountable people to do the work that Americans' representatives can't be bothered to do themselves.

Taken together, these three steps signal to any president that if there is something he really wants, and is willing to overstep his power to get, Congress's only substantive response will probably be to increase the relevant agencies' budgets for next year.

UNDER the Founders' design, the American people may or may not get the government they deserve, but they absolutely get the federal government Congress wants. What Congress wants today is to be weak—and we're all paying the price. The damage already done to our economy by the incredible shrinking Congress is difficult to quantify. Federal regulations are estimated to cost American businesses and consumers between $1 trillion and $2 trillion per year. Corporate and special-interest capture of the administrative state ensures that new regulations benefit incumbent firms at the expense of the younger, smaller startups that create almost all net new jobs. The long-term shortfalls facing our entitlement programs threaten to saddle rising generations of Americans with crippling debt. Meanwhile, federal tax, immigration, welfare, and education policies all conspire against lower- and middle-income families struggling to work their way into economic security.

Yet every year, we refuse even to consider fixing these problems, for fear of the political consequences of hard choices. Some might say that Congress governs more in the interests of its most vulnerable incumbents than those of our most vulnerable citizens. But congressional weakness costs us much more than dollars. The greater loss is to our culture, measured in the distrust, even contempt, that Americans now express toward our public institutions. Despite repeated so-called change elections, the casual abuse and dysfunction that defines modern Washington stays the same. Problems go unsolved. Incompetence seems, if anything, to be rewarded.

The American people may not obsess over the intricacies of administrative rulemaking or appropriations policy riders. But they know they are no longer in charge of their government—that Washington is looking out for itself first; that special interests game the system and jam everyone else; and that the law no longer applies equally to everyone. For a free society, that is a far more frightening danger than any regulation or deficit.

With Congress's every new abdication, our entire system of government loses a little more of its citizens' respect, a little more of its moral legitimacy.

With Congress's every new abdication, our entire system of government loses a little more of its citizens' respect, a little more of its moral legitimacy. Whatever the merits of same-sex marriage, Common Core, amnesty for illegal immigrants, forcing Catholic nuns to buy contraception, or requiring high schools to open their girls' bathrooms to teenage boys, the fact that *all of these things* recently became federal policy without ever receiving a vote in Congress represents a huge threat to American self-government.

This corruption of our constitutional order may start at the head, but it cannot help but work its way through the rest of the body politic. In an era of ubiquitous media scrutiny, the answer to the question "Who watches the watchmen?" is "Everyone." And what does everyone see? What lessons of republican citizenship and civic responsibility might Americans take from Congress's betrayal of the Constitution, and of them? Is it not perfectly rational for them to conclude that Congress is irrelevant? That the rule of law is a con, and separation of powers a sucker's bet? And that, if we must have a Caesar in the White House, let's at least make him (or her!) *our* Caesar?

It seems to me that both major-party presidential candidates this year are making that pitch, with great success.

The problem is that history and human nature assure us that there is no such thing as *our* Caesar. That's why the Founders made Congress so powerful in the first place: to protect the American people from exactly the kind of arbitrary, unaccountable government-without-consent that Congress now for its own selfish reasons enables the executive branch to practice. Congress is not supposed to be part of a Caesarist system; Congress is supposed to be the people's protection against it.

The only good news in all this is that what a weak Congress has broken a strong Congress can fix. But *only* a strong Congress—there is no substitute. There is only the House and Senate, their 535 members, and Congress's collective will to do its duty to our Constitution and countrymen.

It may be hard to see how we get there from here. After all, for Obama-Clinton Democrats, the centralization of power and the insulation of policymaking from democratic accountability are something like first principles. And in the Republican establishment, congressional supremacy poses a practical catch-22. To many in that camp, picking a constitutional fight with a Democratic president is folly, a kamikaze mission doomed to failure. On the other hand, as the congressional GOP's docility between 2001 and 2009 showed, resisting a Republican president would be considered even worse—disloyal, extremist, aid and comfort to the Left. This isn't a strategy; it's surrender.

Which brings us to 2016.

We don't yet know who is going to win November's presidential election. But as far as Congress's reempowerment goes, it doesn't matter. Both Donald Trump and Hillary Clinton appear to have expansive notions of presidential power. And both seem to pay little heed to people who tell them what they cannot do. So it is unrealistic to expect a Madisonian restoration of separated powers on Inauguration Day. But that's okay. Muscles are strengthened by use, not just triumph.

Congress's powers, while enumerated in the Constitution, are derived from the *people*. And I believe that if and when Congress starts to reassert itself, the public will start to notice, and we will begin to regain the trust we have squandered for so long. More than that, I think public approval of all federal institutions will improve once Congress starts injecting Washington with more of the constitutional "fuel" on which it's intended to run. When Article I starts working again, the rest of our constitutional order will, too.

Over the long term, Congress should aspire to fully reclaim its constitutional authority over federal legislating and spending.

First, Congress should reassert its constitutional authority over federal regulations by requiring legislative approval of new major rules and regular reassessments and reauthorizations of existing ones.

Second, Congress should modernize its obsolete budget process to get itself and, more important, the American people out from under the false choice of Caesarism or shutdown. If the budget process designed 40 years ago is not enabling Congress to exercise its will, why remain hostage to it? Why not rethink budgeting for the 21st century; for a modern, diverse, dynamic country; for a Congress without earmarks; for a time that especially requires greater restraint of executive power? Why not make budgeting more like legislating than like executive action, by breaking the process into smaller parts, by combining authorization with appropriation (and so also reducing opportunities for cronyism and corruption), and by compelling the president to come to the table rather than forcing crises that only weaken Congress? The legislative branch writes the rules of the budget process. Those rules now weaken Congress and prevent it from exercising its power of the purse, so it's time to reform the rules.

And third, Congress should rein in executive discretion. We should direct federal judges, who now defer to executive agencies' interpretations of laws and regulations, to conduct traditional judicial review in challenges against the administrative state.

Over the long term, Congress should aspire to fully reclaim its constitutional authority over federal legislating and spending.

These few reforms would not automatically lead to more-conservative federal policy. But they absolutely would reestablish congressional supremacy and oversight, which is the long game we should be playing. In the nearer term, there is much Congress can do to move policy incrementally in the right direction even without a presidential signature: Congressional Republicans can start insisting that bills set policy themselves and not delegate that job to executive-branch bureaucrats. We can encourage our leaders to open up the legislative process and give committees and rank-and-file members time to truly work their will on legislation, especially on appropriations bills. Dispersing power makes as much sense within Congress as without. And most of all, we can start winning back the trust of the American people by trusting them again—with the clarity and consequences of constitutional government. That's what the Founders had in mind all along, and what conservatives in this era should be fighting for against the decadence of Caesarism in both parties.

Constitutionalism by itself will not cut anyone's taxes or defund Planned Parenthood or accomplish any other conservative policy goal. But it will restore to the American people the one indispensable policy that makes all our other aims achievable: government by consent. Putting Congress back in charge of federal policy would put the American people back in charge of Washington, regardless of who sits in the Oval Office. Which, in the end, is all a strong and healthy Congress can ever provide to the American people: a republic, if we can keep it. NR

‘This Is Not a Debate’

Yale’s fight for free speech

BY ELIANA JOHNSON

Bill Buckley was one of the first to suggest there was trouble brewing on campus when he published *God and Man at Yale* in 1951. He argued that Yale University was doing more to strengthen students’ belief in godlessness and Communism than in Christianity and capitalism. It was an early warning.

In the 1960s and 1970s, when universities were the churning center of the anti-war movement, with students rioting against campus police and occupying administrative buildings. Those struggles, which focused in part on accusations of American oppression in the Third World, fed directly into the conflicts of the ’80s and ’90s over the proper role of the Western canon in undergraduate education. It was in 1987 that Jesse Jackson led Stanford students in a protest of a then-required course in the literature and philosophy of the West, chanting, “Hey, hey, ho, ho, Western culture’s got to go.”

Throughout these battles, Yale has been both the breeding ground for and the adjudicator of higher education’s challenges—from the Buckley-instigated debate over whether universities should hire Communists to Yale’s heavy-handed attempts to maintain order in the Vietnam era to the debate in the ’90s over a $20 million donation for a course in the study of Western civilization that was ultimately rejected by the university. All these episodes were subjects of national headlines—and all reflected larger national struggles.

In the debates over free speech that raged in the 1960s and 1970s, however, Yale bucked the national trend, issuing a report that stated unequivocally the centrality of free expression to the purpose of the university. The Woodward report—as it was called after C. Vann Woodward, the eminent historian who chaired the committee that wrote it—came in response to a series of events in which speech had been stifled. The report concluded that while certain speech might cause “shock, hurt, and anger”—consequences not to be dismissed—the right to free expression was more important. If the university was to serve its central purpose—to foster “free access of knowledge”—nothing could supersede that right.

With campus activism warming up once more, events at Yale are again providing a window onto the national scene. Last fall, the school was engulfed in a months-long scandal over an e-mail about Halloween costumes that ended with the resignation of two liberal professors, Nicholas and Erika Christakis, from their administrative posts. At root was the collision between the Christakises’ deeply held belief in free speech—for which they have a long record of advocacy—and the university’s devotion to cultural diversity, particularly when student protesters are armed with their emotions.

Yale might seem to be a deeply conservative place—the breeding ground not only of Bill Buckley but of the two Bush presidents, and for many decades a prime recruiting ground for the CIA. Over the past half century, the school has made attempts, some more grudging than others, to set itself apart from its peer institutions by preserving principle and order.

In the 1960s and early 1970s, a series of events spurred charges that the university’s attempts to keep the peace were stifling free speech. Shortly after the Birmingham, Ala., church bombing in 1963, Yale provost Kingman Brewster asked the Yale Political Union to rescind an invitation to Alabama governor George Wallace. The students agreed. In making his request, Brewster cited “the damage which Governor Wallace’s appearance would do to the confidence of the New Haven community in Yale and the feelings of the New Haven Negro population.”

In the years that followed, invitations from student groups to Army chief of staff William Westmoreland, Secretary of State William Rogers, and Harvard psychologist Richard Herrnstein also stirred controversy. But the invitation to campus of the Stanford physicist William Shockley in the spring of 1974 sparked a conflagration. Shockley was a believer in the voluntary sterilization of low-IQ individuals, and the student chapter of Young Americans for Freedom had invited him to debate National Review publisher William Rusher on the topic. The proposition to be debated was “Resolved: That society has a moral obligation to diagnose and treat tragic racial IQ inferiority.”

According to the Woodward report, the campus chairman of the Progressive Labor Party told the *Yale Daily News* that freedom of speech was “a nice abstract idea to enable people like Shockley to spread racism,” and members of the Asian American Student Association said the event “must not be tolerated.”

When Shockley and Rusher eventually took the stage, they were drowned out by jeers and obscenities, in violation of university policy. Protesters covered Rusher in spit as he left the auditorium, even though he opposed Shockley.

Yale was charitable to the protesters. The disciplinary committee suspended eleven of them for a term and withheld a degree from a graduating senior, but it also acknowledged the “insulting” and “provocative” subject of the debate. Brewster, by then Yale’s president, cast blame both on the insensitivity of those who had issued the invitation and on the intolerance of the protesters.

Donald Kagan, an emeritus professor of classics and history at Yale, says, “Over the summer after the Shockley affair, I was so angry that I spent the whole summer researching what had happened, and I wrote a speech saying essentially that [Brewster] had failed in his responsibility to protect freedom of speech.” In the fall of 1974, Kagan delivered his speech to the Yale Political Union. The *Yale Daily News* carried the headline “Classics Prof Damns Speech Repression” and reported that “Kagan came to the auditorium with a complete array of facts and well-ordered logic, striving to destroy any basis for the Shockley protest of last spring and the acts of the administration.” The disciplinary action taken against the protesters was the same as that given to campus streakers, Kagan noted, decrying the sentence as a “mockery of justice.”

After the speech, Kagan says, he and the historian Henry Turner suggested that the administration conduct an investigation into the condition of free speech on campus; Brewster instead proposed a committee to be chaired by Woodward. The following year, it produced the Woodward report, which became the



Sterling Memorial Library on the Yale University campus in New Haven, Conn.

model for free-speech policies at schools across the country. At Yale, Kagan says, "We really didn't have any issues of freedom of speech until the latest thing."

On the afternoon of November 5, 2015, students surrounded Nicholas Christakis in the sprawling courtyard of Yale's Silliman College to tell him he'd made the place unlivable. Christakis, a prominent physician and sociologist, also served as the master of Silliman, a loosely defined administrative post that put him in a father-like position toward the students living there.

Students were up in arms about an e-mail sent the day before Halloween by his wife, Erika, the associate master of Silliman. She had criticized guidelines sent by the university's Intercultural Affairs Committee warning students against "culturally insensitive" Halloween costumes. It specifically mentioned "wearing feathered headdresses, turbans, wearing 'war paint' or modifying skin tone or wearing blackface or redface." Erika Christakis wondered whether students might not be better off deciding for themselves what constitutes an appropriate costume. "Whose business is it to control the forms of costumes of young people?" she asked. "Not mine, I know that."

The backlash was immediate. Christakis's e-mail was cited by hundreds of protesting students as proof of Yale's institutional racism. Yale president Peter Salovey convened a four-hour meeting with more than 40 minority students in his office and reportedly told them, "We failed you." Salovey says that his remark was taken out of context and that it was directed at a single student who had spoken of "experiencing prejudice on our campus." In mid November, a group of minority students appeared in front of Salovey's home and delivered a list of demands, including the removal of the Christakises from their administrative posts.

In the courtyard confrontation, the students seemed determined not to be satisfied with anything Nicholas Christakis said to them. Their complaints were caught on video and widely viewed on social media.

"We're sitting here telling you that you are being racist, you are being offensive, you admitted that you hurt us," one said. "Why can't you say sorry and move past this?"

Another: "Do you understand the concept of 'gaslighting'? Because that is what you are doing. You are stripping people of their humanity."

A third accused Christakis of creating "space for violence to happen." When Christakis said he disagreed, she declared, "This is not a debate."

Talking to students one by one, looking them in the eye, he offended some by not addressing the group. "Could you speak up? We can't hear you," several complained. Standing in the middle of the circle and raising his voice for all to hear, he offended others by addressing everyone. "You don't need to maintain the power in this situation," somebody shouted. The author of the costume guidelines, Burgwell Howard, the dean of student engagement, was present and looked on as students heaped verbal abuse on Christakis for more than two hours.

"I understand, to the extent that I can, some of the struggles that many of you may have had," Christakis told the students.

"No you don't!" somebody shouted from the back. From another corner came a cry: "That's a lie!"

Christakis continued, "I have a vision of us as human beings that actually privileges our common humanity, that is interested not in what is different among us, but what is the same. Okay? And so we all have the capacity, I believe . . . I believe that even though I have a different life experience than you, even though I have a different skin color and gender than you, I believe there are parts of your experience that I can understand as a human being. . . . If you deny that, then what is the reason that you ask to be heard—by me or by anyone else?"

Ultimately, Christakis told the crowd, "I apologize for causing pain, but . . . I stand behind free speech. I defend the right for

CRAIG WARGA/BLOOMBERG VIA GETTY IMAGES

people to speak their minds." Both Nicholas and Erika Christakis declined to comment for this article.

His remarks proved explosive: They struck at the heart of the controversies that convulsed Yale for the better part of the academic year.

When about four dozen faculty members signed an open letter defending the Christakises, the president of the student chapter of the NAACP, Brea Baker, was quoted in the *Yale Daily News* as saying: "If the Christakises are more tied to the idea of free speech and positive intent than they are to the impact of their words on the students they are charged with protecting, . . . the roles of master and associate master are not for them." Baker declined an interview request, saying only, "I don't agree with the content of National Review and don't see a place for my voice in such a space." A half dozen other campus protesters either didn't respond to requests for comment or declined to comment.

The administration's response to the controversy gave equal weight to the values of diversity and of free speech. A November 10 e-mail from President Salovey and Yale College dean Jonathan Holloway said, "We cannot overstate the importance we put on our community's diversity, and the need to increase it, support it, and respect it." A paragraph later, they wrote, "We also affirm Yale's bedrock principle of the freedom to speak and be heard, without fear of intimidation, threats, or harm." The message made no mention of the Christakises, though a November 17 message to Silliman students from both men expressed their "desire to have [Nicholas Christakis] lead Silliman College, making it a stimulating and inclusive place." Salovey told National Review that he "expressed many times, both in public and to Nicholas and Erika Christakis in person, unequivocal and unconditional support."

President Salovey also reassured alumni at a November 20 meeting that "expression of all kinds is tolerated on this campus even when it offends us, even when it disgusts us, even when we disagree with it strongly."

Dean Holloway has sent something of a different message, dismissing concerns about free speech in several public forums. He told *Time* magazine that while he was disappointed that some of the rhetoric on campus "could have been civil and it wasn't," he didn't "see it as an assault on free expression." While dozens of students were calling for Salovey to dismiss the Christakises from their posts at Silliman, Holloway told *The New Yorker* that the protesting students were not "questioning the rights of free speech."

This was a sharp contrast to the Woodward report, which in the '70s faulted Brewster for his failure to "assert the primacy of free expression over competing values" and the administration more broadly for "mixed and contradictory" statements—it had erred in not assigning greater value to free expression than to "the sensitivity of those who feel threatened or offended."

"Do I think Yale has stood up for the Woodward report and its tenets? No, I don't," says Geoffrey Kabaservice, an assistant professor of history. "It shouldn't be the case that students have more freedom of speech outside the university than inside the university, and that increasingly seems to be the case."

David Bromwich, a professor of English and scholar of Edmund Burke, referred me to his 1992 book *Politics by Other Means*, in which he asks whether the standards of speech on campus are stricter or looser than those of society at large. He argues that "the academic mind has grown unused to anything approaching democratic give and take" and that "the place of something central in education has been usurped by a lot of special interests."

Undoubtedly that "something central" includes open debate and free inquiry. "When students are yelling at people about Halloween costumes, I would expect the president to use this opportunity to explain clearly to the students what the value is of open discourse as a mechanism to the discovery of truth," says Steven Benner, who, as an undergraduate at Yale, helped write the Woodward report. "I would expect that statement to have been made rapidly, and clearly it was not."

For Benner, it's a case of tragedy being followed by farce. "In the 1960s and 1970s, Kingman Brewster actually did attempt to suppress free speech, the Black Panthers were murdering policemen, and people were dying in Vietnam," he says. Less is needed to catalyze outrage at Yale today. "For us to now have this discussion be about Halloween costumes," Benner says, "gives this a level of absurdity that I don't know how to handle."

As students become more easily outraged, they seem to live—at Yale and elsewhere—in a perpetual state of being offended.

Few would deny the controversial nature of Shockley's advocacy for the voluntary sterilization of low-IQ individuals, and few did at the time. Erika Christakis's thoughts about free expression and Halloween costumes are remarkably anodyne by comparison. The Christakises are self-professed liberals—Erika is a maxed-out donor to Hillary Clinton, and Nicholas's work has focused in part on how race affects health-care delivery—but they also happen to be firm believers in free and unfettered speech.

As students become more easily outraged, they seem to live—at Yale and elsewhere—in a perpetual state of being offended. And that has become a powerful protest tool, or at least a way of shutting down open debate, whether they are aware of it or not.

"Look, if somebody says, 'I'm in pain,' then for all practical purposes they have a kind of privileged position with regard to their own pain and suffering," says Shelly Kagan, a professor of philosophy at Yale. "The people who felt there was a problem here did a better job of vocalizing their pain and their suffering than they did of spelling out the precise nature of the behaviors that caused" that pain and suffering. And in spelling it out, they would have ceded the "privileged position" of simply reporting their pain.

Kabaservice offers a similar thought: "How do you argue with trauma? It's very difficult, and administrators just don't want to go there."

The protesters finally got the outcome they wanted. Nicholas and Erika Christakis voluntarily resigned their posts at Silliman College at the end of the academic year following a graduation ceremony during which several students refused to take their diplomas from Nicholas's hand.

The day after Nicholas Christakis was surrounded in the Silliman courtyard, Yale's conservative student group, the William F. Buckley Jr. Program, hosted a long-planned conference on free speech.

One of the speakers, Greg Lukianoff, the president of the Foundation for Individual Rights in Education, told attendees that, judging from the reaction to Erika Christakis's e-mail, "you would have thought someone wiped out an Indian village."

The remark fueled protests already under way outside the event. As attendees streamed out of the building, protesters spat on at least two conference-goers, according to Zach Young and Josh Altman, two members of the Buckley group. One of the protest leaders, Mitchell Rose Bear Don't Walk, told the *Yale Daily News*, "The spitting happened," adding that she considered it "disgraceful."

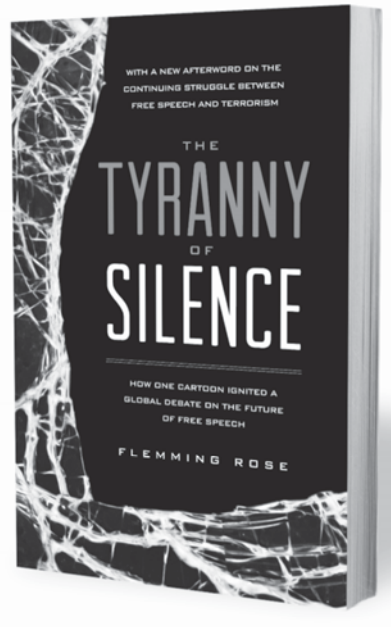
Dean Burgwell Howard, of the Halloween-costume guidance, was charged with investigating the incident, according to e-mails obtained by National Review. Dean Holloway announced the results of Howard's investigation in an e-mail on December 9. "No one provided direct accounts that anyone spat on attendees," he wrote. Young, who was then the president of the Buckley Program, says neither he nor any other leaders of the group were contacted for an investigation and that he was unaware that any investigation was taking place. A subsequent e-mail from Dean Holloway thanked the Buckley Program for bringing "to my attention an incident of spitting" but said that his office had been unable to identify the perpetrator. Through a university spokesman, Howard and Holloway declined to comment for this article. Though he responded to other questions, President Salovey declined to comment on the investigation.

The last reported incident of Yale students' donning offensive Halloween costumes took place in 2007, when the appearance of students in blackface sparked an outcry—and was followed by a "rally for tolerance." The administration now sends peremptory e-mails to prevent such incidents. But faced with a documented incident of harassment of a conservative student group, its approach has been more lax.

Is there any way back from this state of affairs? Donald Kagan, who left Cornell University for Yale in 1969 over the former's fecklessness in response to student protesters, says he is pessimistic.

"It's very hard to recover from this kind of surrender—surrender to fear, to the prospect of violence and obloquy, to people who are just afraid of not standing with the noisiest and most aggressive element," he says. "And that's what happens when you allow bullies to bully you." Kagan gives a wry smile and says, with a shrug, "It's progress." **NR**

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"This is the best book I have ever read on what we lose when we lose our courage to defend free speech in all its forms, including the one I hold very dear, cartoons."

—BOB MANKOFF, Cartoon Editor, *The New Yorker*

When Danish newspaper *Jyllands-Posten* published cartoons of the prophet Muhammad in 2005, Denmark found itself at the center of a global battle about the freedom of speech. The paper's culture editor, Flemming Rose, defended the decision to print the 12 drawings, and he quickly came to play a central part in the debate about the limitations to freedom of speech in the 21st century. In *The Tyranny of Silence*, Flemming Rose provides a personal account of an event that has shaped the debate about what it means to be a citizen in a democracy and how to coexist in a world that is increasingly multicultural, multireligious, and multiethnic.

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The Long View

BY ROB LONG

FROM THE ARCHIVES OF THE DONALD J. TRUMP PRESIDENTIAL LIBRARY:

The Collected Diaries of Donald J. Trump, Vol. 6: "Husky No More"

WEDNESDAY:
Dear Kitty:

What I have realized is that many, not all, but many of the children in my class are very unfortunate and also very immature. While it is true that my last name rhymes with "rump" that does not give ANYONE the right to kick me on my backside while shouting my name wrong. And though they may think to themselves that this is all something to be forgotten what they do not realize is that I AM VERY MATURE FOR MY AGE and I will not forget this. I know better than to complain to the teachers, many of whom are not reliable in terms of enforcing rules and punishing other children, so I will just quietly lock myself in my closet with my emergency Baby Ruths and write the names down of the boys I will eventually get back and the girls who I no longer think are pretty enough to be Mrs. Donald J. Trump.

THURSDAY:
Dear Kitty:

Did you know that if you sneak into your mom's makeup kit and borrow some of her foundation that it can give your skin a healthy sun-bronzed glow??? I discovered this last night when Mom and Daddy were out at some party and I was home by myself, WHICH I LOVE BECAUSE I AM VERY INTERESTING TO MYSELF, and I was about to begin my "show" which I do when I'm alone and I saw myself in the mirror and I looked pale and then suddenly I figured it out and I LOOK BEAUTIFUL! Also if you put it on right you don't have a double chin suddenly!!!!! I watched myself in the big hall mirror doing my show and right during my closing number, "Just in Time" from *Bells Are Ringing*—great show! was on my feet!—my parents came home and I had to scramble out of my costume and etc. Daddy looked at me strangely the next day. But I know I CAN BE A STAR. Tomorrow I'm buying tap shoes.

FRIDAY:
Dear Kitty:

Well, I auditioned for the school play, even though you are technically supposed to be at least in the eighth grade, and guess what?? I got in!!!! I just showed up and did my audition number ("Wouldn't It Be Loverly?" from *My Fair Lady*, a superb show!!) and then told them that my dad would probably pay for the whole production, and WOW!! I'M IN!!!!! And there are some very pretty girls who are also in the play who quite possibly if they play their cards right could be potential MRS. DONALD TRUMPS!!!!!!!!

MONDAY:
Dear Kitty:

This morning while I was trying to tell Dad about the play I sort of couldn't due to the fact that he was looking at me and listening to me which makes me uncomfortable. Tonight when he's not listening to me I'll talk to him.

TUESDAY:
Dear Kitty:

I can't call you Kitty anymore. I can't even write in this diary anymore. Daddy saw it and read what I've been writing and is very very angry with me. He says I can't be in show business and I can't be a star and I can't be the showman I KNOW I CAN BE. He is being unfair, as usual, and that's okay, it really is. I could say that he's being mean to me, promise that I will try to get good at sports and that I'm trying to play less with my Pokie and Goober stuffed animals—even though there's NOTHING wrong with it and LOTS OF BOYS play with fanciful plush toys, and I have told him many times—and that PLEASE PLEASE PLEASE let me be in the musical, but he's already called the school and told them I can't be in the play and is making me take back my tap shoes. He's being unfair and mean and starting next week I am going to be playing football (ugh!) with the other boys who will probably be very very not nice to me. And next year Dad is talking about military academy to make a man out of me—his words, NOT MINE—and so who knows what will happen next? Oh, Kitty. I am so tired of crying my eyes out wishing Daddy could see me for who I really am. I may not be the boy he dreamed of but I'm not a loser. I'm a winner, Kitty, and one day he'll see that. I AM A STAR. Wish me luck with the rough boys on the sports team doing sports and next year at military school. What's to become of me, my dear Kitty??? If I can't be a Broadway and movie star, what am I good for?????

Athwart

BY JAMES LILEKS

The Parable of the Sad Excavator

A TRANSCRIPT of a recent Trump speech had something that sounded like a children's parable:

> A friend of mine, this is two years ago now, I used to tell this story. I haven't told it. But he's an excavator. A great excavator. Big! And I see him and he's very sad! And I said, "Why are you sad?" He's a rough guy, he doesn't get too sad! But he got sad. He's rough. Most excavators are pretty rough. Right? These are not—these are not babies. But I'll say this. He's as sad as an excavator can be.

Where the parable of the lachrymose excavator goes, you can guess: We're not winning. We're getting killed. The killers are winning. But under the Rule of Trump, the winning will be so excessive the citizens will feel like lab rats who have electrodes in their brain stimulating the pleasure centers: We can take no more of this ecstasy. So he suggested while stumping in that all-important purple swing state, Texas. The people of the Lone Star State will swamp the lines at 1600 Pennsylvania Avenue, begging for a surcease of incessant victory. The constant exultations of happy excavators will be unbearable. Surely man was not meant to be this happy, or he would not have been expelled from the Garden. Surely God Himself is alarmed by how much the excavators are winning.

Trump's ululation of fatuities continued: The people of Texas will not only call to complain that the amount of winning they are being asked to endure is beyond the capacity of mere mortals. It'll be full-spectrum winning, too: "Mr. President, sir, they can't believe you've saved the Second Amendment 100 percent!"

One hundred percent! Give or take. A few hours later, Trump made some NRA supporters Google "caveat emptor" by endorsing a ban on gun sales to people on THE TERROR LIST. Constitution, schmonstitution; due process, schmoo process. What matters is doing something, and the terror-list gun loophole, as it's certain to be called any day, is the big flaming Something of the moment. There are several possible reasons Trump spoke as he did. (Note: His position may have changed six times after this issue went to print.)

Like all other policy positions on complex issues, it fit the 140-character limit of a tweet.

He intended to walk it back later as part of a brilliant 3-D chess game that lets him take every possible position on an issue, as in: "Putin isn't the problem for anyone, freeloading NATO countries are the problem, they're going to pay us back, and we'll use the money to build a military so strong Putin won't mess with us, which he wants to do, believe me. Believe me." (A paraphrase, inasmuch as such a thing is possible.)

Mr. Lileks blogs at www.lileks.com.

He had no idea that he had endorsed the elimination of constitutional protections in favor of depriving rights based on a secret government list, because the wide and greasy pipe between his ego and his mouth is unmediated by curiosity, and everyone around him who might offer a word of caution is as stupendously uninformed as he is. The advisers who might blanch at feeding due process to the wood-chipper of political expediency shrug: *Eh, the people will still love him*. If Trump said he couldn't shoot someone on Fifth Avenue because he was on a secret list, and that was a plot to keep people from voting for him because everyone would vote for him if he did shoot someone on Fifth Avenue, they'd cheer for that, too. BOO LISTS! BOO LISTS!

Then if he said the next week that he was off the list because someone said, "Mr. Trump, you can't be on this list, you're winning too much, you're winning too much to be on the list," they would cheer. And if he said the list was important, very important, we need lists, and we're going to have so many lists—the *Washington Post*, am I right? Owned by the Amazon guy. Who has me on his list. Which is fine. So we're going to have our own lists, and they're going to have so much trouble—HOORAH LISTS! HOORAH LISTS!

See, Hillary would be worse, because her lists would be us, but our lists will be them.

Which one is correct? All of the above, probably. Trump's smarter defenders wince, noting that he is an imperfect vehicle for some top-notch ideas—which is like saying a supernova is an imperfect example of a star that doesn't boil the life off a nearby planet. Having probed the bird guts of his utterances for favorable auspices, they are now surprised to find that whenever their candidate takes rhetorical flight, white fluid spatters on their head.

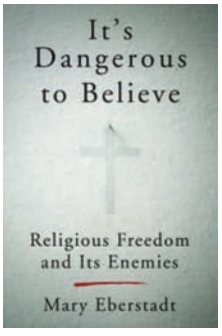
You can imagine Hillary's response to the terror-ban blacklist: "Mr. Trump is taking a position I've held for a long time, and while it's nice he's come around to the idea of sensible firearm regulation, he's still the only candidate in this race endorsed by the NRA, which continues to fight efforts to ban bullets that shoot through the bathrooms where our transgendered citizens continue to struggle for dignity and acceptance. And it's not just transphobic NRA-endorsed guns we're talking about. It's about ensuring a future where our poorest children have access to safe schools with healthy meal choices! Some people look at America and say it's not possible to provide gluten-free lunches but I LOOK AT AMERICA AND SCREECH LIKE A HYPERVENTILATING BARN OWL AND SAY YES WE CAN AND YES WE MUST!"

The news the next day: In testy exchange, Trump defends NRA ties, Clinton endorses healthy food for children.

We may not all be Keynesians now, but quite a few of us are Sad Excavators. NR

The Assault On Christians

DONALD CRITCHLOW



It's Dangerous to Believe: Religious Freedom and Its Enemies, by Mary Eberstadt (Harper, 192 pp., $25.99)

WHILE perusing the "Anti-Civilization" section of Left Bank Books in Seattle recently, I came across a nonfiction book on how to survive zombie attacks. The author instructed readers that while churches are generally to be avoided, church buildings, with their thick walls and heavy doors, can provide protection from the "living dead." As Mary Eberstadt shows in her new book, Christian churches are actually under attack from the living Left, which is engaging in a massive assault on religion—and the church walls might not prove as strong as they look.

Eberstadt's catalogue of actions by these groups to suppress religious liberty will startle readers, even those who have followed the stories of fines against bakeries for their refusal to provide services to gay weddings, the attempt to force the Little Sisters of the Poor to provide contraceptives in medical insurance, Brendan Eich's ouster as CEO of Mozilla because he contributed to a proposition campaign in California affirming traditional marriage, and the Houston city council's issuing of subpoenas ordering pastors to turn over sermons mentioning homosexuality or gender identity.

All these cases gained national attention, but Eberstadt shows that the national media have ignored dozens of other assaults on religious liberty. InterVarsity and other Christian student groups have been thrown off campuses across the country because they refused to sign university "non-discriminatory" clauses in support of same-sex marriage. In Atlanta, an Evangelical Christian fire chief was suspended for writing and self-publishing a book professing his Christian beliefs; Catholic and other Christian adoption and social-service agencies are under legal siege because of their support for traditional Judeo-Christian marriage; military chaplains and personnel have been punished for wearing pro-life buttons or displaying personal religious symbols on their desks; and public-school teachers have been fired for explaining Biblical passages to their students. These attacks are so numerous that they are cause for genuine alarm.

There has been a well-organized campaign against Christianity, making use of new interpretations of the concepts of free speech, civil rights, and social justice. Eberstadt argues correctly that this assault goes to the very core of our founding constitutional principles of freedom of worship and free association, embodied in the First Amendment. The Founders understood that political liberty and religious liberty were fundamental to a well-ordered republic. It was not coincidental that it was the very first amendment in the Bill of Rights that ensured the protection of the free exercise of religion. Legal scholar Philip Hamburger showed in his magnificent study *Separation of Church and State* (2002) that the Jeffersonian-Madisonian concept of erecting a high wall separating church and state was rejected by Congress when it enacted the First Amendment and did not gain traction in legal discourse until anti-Catholic campaigns in the late 19th century. But Congress did enact the free-exercise clause, and meant it.

The concept of religious toleration came slowly to the West and to America. Some scholars point to evidence of ancient Romans' tolerating other religions in their empire and Muslims' toleration of Jews in *their* empire, but these cases are misleading. Romans tolerated religious cults provided they did not threaten state religion, and the Muslim concept of toleration allowed Jews to practice their faith, provided they paid a tax to local caliphates. These policies did not incorporate the ideas of free association and free speech embodied in the Western concept of religious toleration.

Eberstadt finds the concept of religious toleration in the West in the 18th-century European Enlightenment. She could have looked farther back in European history: The beginnings of the modern concept of religious toleration are found in the Treaty of Westphalia, which followed the Thirty Years' War (1618–48), and the Glorious Revolution in England in 1688. The Thirty Years' War, which began as a religious struggle between Catholic and Protestant principalities, degenerated into a barbarism that left entire villages devastated and destroyed economic, cultural, and moral standards. The terms of the Peace of Westphalia ending the war allowed for the recognition of the primacy of Roman Catholics, Lutherans, and Reformed Protestants within their own principalities. Religious minorities in these jurisdictions were subjected to various kinds of pressure and occasional persecution, but the first seeds of religious toleration had been sown.

A more important step toward religious toleration came in England with the Settlement of 1688, which replaced the Stuart dynasty with William of Orange. Under William, the Church of England allowed the modest integration of nonconformist Protestants into the church. In this context, English philosopher John Locke, the great apologist for the Glorious Revolution, wrote his "Letter Concerning Toleration" in 1689, arguing for toleration of Protestant religious groups. Roman Catholics continued to be excluded from holding public office, but local officials began to turn a blind eye to restrictive laws against Catholics.

Mr. Critchlow, a professor of history at Arizona State University, is the author of Future Right: The Forging of a New Republican Majority.

The greatest advance toward religious liberty and religious toleration came in America with the drafting of the U.S. Constitution. The myriad Protestant denominations and sects created a pluralist environment that made it impossible for one group to dominate the religious order. Yet even in this environment, religious toleration was not complete. Many states continued to bar Roman Catholics, Jews, and Muslims from holding public office. These discriminatory laws and local ordinances quickly broke down, however, owing to republican culture and mass immigration.

The illiberal assault on religious liberty today represents a return to the past in which people were persecuted for their beliefs. Unlike the persecutions of the past, in which people were burned at the stake, today's persecution of Christians takes place in the courts, the administrative bureaucracies, and the forum of public opinion. At issue, as Eberstadt correctly observes, is "nothing less than the future of free speech and free association." On the surface, the intensity of the persecutor's mind is difficult to explain. Why are those acting in the name of "diversity" and "tolerance" so intent on uniformity of thought and culture? Eberstadt says the "quasi-religious" belief of these reactionaries is invested in the sexual revolution: "It is that sex between (and among) consenting adults is good—and since sex is good, the more sex, at least in theory, the better." The sexual revolution, which began in the 1960s, is "not libertarian." It is instead "neo-puritanical—that is, it is aimed at safeguarding its own body of revealed and developed truths, and at marginalizing its traditional competition."

She observes that this "religion of sex" mimics traditional religion with its own "hagiography of secular saints, . . . proselytizers for abortion and contraception, like Margaret Sanger and Helen Gurley Brown and Gloria Steinem; crypto-scholastics whose work is revered by generation after generation of the faithful and off limits for intellectual revisionism." These saints are joined by a "full-blown secularist martyrology, according to which tragic deaths like those of Matthew Shepard or Harvey Milk achieve supercommunal status and symbolism."

Eberstadt's understanding of the quasi-religious nature of this anti-Christian crusade is poignant. Theologically, the tone of the sexual revolution devolves into a kind of pre-Christian gnosticism, in which believers have a secret knowledge unknown to the masses. Unlike the gnostics of the past, who were sexual ascetics obsessed with the spiritual universe, the mystery cultists of the sexual revolution are obsessed with the carnal world. The modern-day gnostics project themselves as an enlightened class willing to overturn centuries of faith and practice about sexual relations and the importance of family in maintaining a well-ordered society.

In their own eyes, they hold a revealed knowledge that sexual identity and the family are social constructions created by a patriarchal, oppressive society. Eberstadt understands that the foundation of the secular/progressive worldview is the doctrine that "the Pill and its back-up plan, abortion on demand, have liberated humanity—first, by freeing women from the chains of their fertility, and second, by having broken down the door to the fortress of traditional morality, after which one sexual minority after another has been liberated."

Eberstadt compares the anti-Christian onslaught today to the witch hunts in 17th-century New England and the anti-Communist hysteria in the 1950s. These analogies are somewhat misleading. New England Puritan leaders prided themselves on being rationalistic and scientific-minded. However misplaced their concerns about actual witches, they sought empirical evidence of the devil's hand at work in the natural world. In the end, they concluded—too late for many who were sentenced to death as witches—that scientific proof was lacking for further trials. Today's anti-Christian witch hunters, who look for signs of sexism, homophobia, and cisgender prejudice, are driven not by reason or historical experience, but by sentiment and passion. No facts to the contrary will dissuade them from their effort.

And whatever the ills of McCarthyism and its false accusations, there were actual Communists at work in America in the 1950s. We know from the Soviet archives and U.S. intelligence sources that there were over 300 American spies working under the directives of Moscow. Contrary to the anti-Christian propagandists of today, American culture is not permeated by widespread prejudice against women and homosexuals.

The movement against Christians and organized religion today has hysterical overtones, but it is a well-calculated endeavor. It is led by activist lawyers, foundation officers, government bureaucrats, and college-educated secularists. Secular non-believers are becoming a majority in Europe and America, especially among the youth. If Christians become the minority in America, this is all the more reason to protect their fundamental rights of free speech and free association against the "tyranny of the majority."

The illiberal assault on religious liberty today represents a return to the past in which people were persecuted for their beliefs.

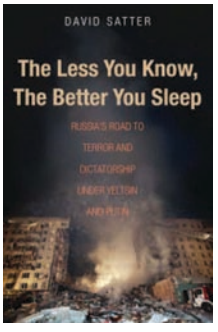
Eberstadt remains optimistic that in this war on Christianity, as in previous moments of hysteria, common sense will ultimately prevail. A religious awakening, such as those that occurred in the 1740s and in the 1830s, can reverse the decline in American culture. Meanwhile, the task of Christians is to continue to defend their rights, evangelize for their faith, and involve themselves in their communities to produce good works.

Eberstadt concludes: "Courage is required for people like that to stand not only against the cultural tide, but against the inner worms of human nature." Christianity was founded on the persecution of its Savior and a belief that faith and reason will ultimately prevail.

The "Anti-Civilization" section of Left Bank Books in Seattle has replaced the "Marxism" section, which is now just a small shelf of dusty books. Faith in progress and reason is being sorely tested these days. **NR**

Russia Moves Toward a Reckoning

DAVID PRYCE-JONES



The Less You Know, the Better You Sleep: Russia's Road to Terror and Dictatorship under Yeltsin and Putin, by David Satter (Yale, 240 pp., $30)

> *The accursed power which stands on Privilege*
> *(And goes with Women, and Champagne and Bridge)*
> *Broke—and Democracy resumed her reign:*
> *(Which goes with Bridge, and Women and Champagne).*

THIS cheerfully snide verse of Hilaire Belloc's makes the point that the good things of life are constant, and politics is about ways of getting hold of them. (Incidentally, this undoubtedly clever man bought, in 1917, Russian state bonds that became worthless once the Bolsheviks were in power; as a result, he was forced to pay his way as a hack for the rest of his days.) When the accursed power of Soviet Communism broke, democracy made a shy initial attempt to reign in Russia. Transition to the new order was bound to be a journey toward an unknown destination. More Russians than ever before are in a position to enjoy the good things of life, but the democratic experiment has come to a dead end.

All the leaders of the old Communist Party were self-selected; they did whatever they saw fit and were able to fall back on the ideology of Marxism to justify what was realistically an outrageous stand on privilege. Post-Communist Russia is also in the hands of self-selected leaders who do whatever they see fit; they too stand on privilege maintained by force and corruption so crude and open that they feel free to dispense with supportive ideology. What's in place today in Russia is a sort of secondhand Communism, a cast-off, almost a parody except that it is tragic.

In the 1970s, when Leonid Brezhnev was in charge of the Soviet Union, David Satter became Moscow correspondent for the *Financial Times*. He then observed from close up how the country moved from the gloom of hide-bound Communism into the present era of hope denied, and he holds that Boris Yeltsin and Vladimir Putin between them are responsible for what he doesn't hesitate to call moral degeneration. Thoroughly documented and written with an elegance that just manages to keep anger in check, the indictment is unsparing. Fellow-feeling for Russians and their national character runs through Satter's book. Down the centuries right up to the present, Russians have had to be resigned to injustice and hardship. To understand what they endure, he likes to emphasize, you have to be able to believe the unbelievable. He has, in the course of his career, been charged with "hooliganism," blacklisted, refused visas, and finally, in 2013, expelled, for the simple reason that he was too familiar with the disappointments and crimes of secondhand Communism.

The world at large admired Boris Yeltsin as the hero who liberated Russians from the past. To Satter, Yeltsin on the contrary had the instincts of an unreconstructed Bolshevik. Accumulation of power was his main aim, and violence the natural means for his ends. He manipulated the armed forces to put down the counterrevolution in 1991, and ended the political monopoly of the Communists only in order to take the place of Mikhail Gorbachev, the Party's last general secretary to occupy the Kremlin. Then, in 1993, Ruslan Khasbulatov, speaker of the Supreme Soviet, or parliament, led the almost unanimous opposition of the deputies to economic measures and constitutional changes that would remove checks and balances on the president. Yeltsin called the army in, and by the time he had won the test of strength, tanks had shelled and shattered the parliament. Satter quotes one horrified deputy: "I've never seen so many corpses in my life."

Once installed in the Kremlin, Yeltsin became more and more unpredictable and power-mad, and less and less sober. Nikolay Karamzin, the great Russian historian in the 19th century, thought that the country's whole history could be summed up in the single word "thieving." Communism had been a higher form of thieving; Yeltsin, his daughter Tatyana, and her future husband went in for a lower form that Satter nevertheless describes as "pillaging the country." A coterie of friends profited, and one of them, Boris Berezovsky, became the richest man in the country. Quite how Vladimir Putin, hitherto a creature of the shadows, was able to attach himself to the Yeltsin "family" even Satter can't really elucidate. "Of all the dangers that hang over Russia," he writes, "none is more menacing than the failure to demand answers to the mystery of how Putin came to power." A devil's bargain was struck. Yeltsin appointed Putin prime minister in 1999, and Putin's very first act in office was to give Yeltsin and his extensive "family" immunity from the law.

The outset of Putin's rule in the Kremlin was marked by a spate of deadly explosions across the nation. Unidentified persons had laid bombs under high-rise apartment buildings in Moscow, Ryazan, and other cities, destroying them and killing large numbers of innocent people. Terrifying everyone, this was Russia's 9/11. Putin put the blame on Chechens, the most rebellious of Muslim minorities, and went to war, killing tens of thousands of them, laying waste to Chechnya, and installing a puppet as their president. To the Russians on the street, Putin was (and still is) the providential strongman of these dire times, popular for saving the nation from Islamist terror. The self-serving aspect of Putin's campaigning was enough to arouse Satter's suspicions. The perpetrators had left clues; official pronouncements were inconsistent. Investigating, he found enough evidence to conclude that the Russian secret service rather than Chechens had blown up the buildings. Here was a provocation, a mea-

sure of deception that is a tried and tested Russian specialty designed to provide a credible pretext for attacking the enemy, and so shrouded in secrecy and conspiracy that the truth of it never comes out.

Satter has previously written up his conclusion that the Russian secret service carried out these multiple atrocities, and the first part of his new book goes over the ground with even more absolute conviction. In similar instances, Chechen terrorists took hostages in the Dubrovka Theatre in Moscow and a school in Beslan. After drawn-out sieges, Russian special forces indiscriminately killed all the terrorists and hundreds of the hostages, either by gunfire or by poison gas. To sum up, the head of the Russian state has so little consideration for human life that he consents to the murder of his own people in order to hold on to power.

In this secondhand Communism, the results of elections once again are known several days before the voting has taken place. The length of prison sentences is known before the judge of the case has pronounced a verdict. Unconstitutional schemes to keep Putin in power pass into law. Many and perhaps most Russians mistakenly assume that Putin is resisting corruption, when actually he is directing it. The prime determinant of any venture, Satter writes, is corrupt ties with the authorities. A telling statistic has it that 110 individuals control a little over a third of the country's wealth. "Oligarch" is a euphemism for "thief." Privatization, an untried experiment with property, opened ways for unscrupulous businessmen, crafty officials, and gangsters to acquire and control a criminalized economy, and hundreds of them have been victims of contract murders. To give just one of Satter's tell-tale statistics, "35 bankers were murdered in Russia in 1993 alone." A German newspaper in 2007 printed the estimate of a Russian analyst, likely to be accurate, that Putin then held secret funds worth $40 billion, making him the richest man in Europe. Some estimates of his private fortune are even higher.

As in the old days, examples are made of the victims of state crimes: False but much publicized accusations of tax evasion or insider dealing on the part of an oligarch or a critic are so many classic provocations that help Putin destroy a potential enemy but cannot be traced directly to him. Inexplicable fates are a prominent feature of the Putin reign. Boris Berezovsky rose with Putin to wealth and power, only to fall out for some reason, escaping to England, where he was one of a good many exiles who have died from causes that may or may not have been natural. Vladimir Gusinsky was made an offer he could not refuse, to hand over his media empire, which had been critical of Putin, and leave the country. Anna Politkovskaya was one of dozens of journalists shot dead by unknown persons, presumably because she opposed Putin's waging war with the Chechens. Alexander Litvinenko, a secret-service officer turned investigative journalist, had fled to London, where he was gathering material against Putin. Two former colleagues poisoned him with a radioactive substance obtainable only from a nuclear plant of the Russian state. The British judge in charge of the official inquiry found that Putin was "most probably" responsible for this murder. In a crassly Stalinist manner, Putin invented evidently bogus charges to ruin Mikhail Khodorkovsky, the most prominent of oligarchs, and condemn him to 18 years in the gulag.

In Russia, the individual has always been treated as raw material for the state, and that is still the case.

In Russia, the individual has always been treated as raw material for the state, and that is still the case. Bad men have engineered the continuation of injustice and hardship, and one day the country will have to pay for it. "Tension," "instability," "havoc," "revolt," "revolution" are words that leap off the page in a final chapter anticipating the future. You won't be able to say you weren't warned. **NR**

A Slavic Westeros

ANDREW STUTTAFORD



The Romanovs: 1613–1918, by Simon Sebag Montefiore (Knopf, 784 pp., $35)

"It was," writes Simon Sebag Montefiore, "hard to be a tsar." But there were compensations. For Alexander II (reigned 1855–81), there was Katya Dolgorukaya, three decades younger and, fretted the tsar's doctors, such energetic entertainment that, over a century before Nelson Rockefeller's unHappy demise, they feared for the monarch's health. Undaunted, Alexander wrote to his "minx" suggesting "bingerle" (a much-used code word) "four times," "on every piece of furniture . . . in every room." His minx replied that they could take it easy for a few days if "we overtire ourselves." Promises, promises: Within twelve hours, Katya was writing to say how she craved her emperor. By the next day: "Everything inside me trembles, I can't wait till 4.45."

Montefiore, the author of *The Romanovs*, is a gifted, meticulous researcher (an "archive rat," as Stalin put it), but he's also a historian in the old, grand manner, a storyteller with a madcap vocabulary (cenobite! Sardanapalian!) and a vivid, often witty, style mercifully free of professorial jargon and ideological hectoring. *Young Stalin* and *Stalin: The Court of the Red Tsar*, his two biographical studies of the Soviet tyrant, combined erudition and insight with the deployment of details that illuminated the Kremlin mountaineer to a degree that few have man-

Sailing November 13–20 on
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From politics, the elections, the presidency, and domestic policy to economics, national security, and foreign affairs, there's so much to debate and review, and that's precisely what our conservative analysts, writers, and experts will do on the *Nieuw Amsterdam*, your luxury getaway for fascinating discussion of events, trends, and the 2016 elections.



SHERIFF DAVID CLARKE SIGNS ON AS SPEAKER!

We're thrilled to annonce: Milwaukee Country Sheriff David Clarke will be joining our terrific line-up of speakers, which will also include historian **Victor Davis Hanson**, former Congressman **Allen West**, terrorism and defense experts **Richard Allen**, **Bing West**, **Andrew McCarthy**, and **John Hillen**, Independent Women's Forum chairman **Heather Higgins**, conservative moviemaker **Dinesh D'Souza**, best-selling author and policy expert **Steven Hayward**, pro-life champion **Charmaine Yoest**, conservative legal experts **John Yoo** and **Ed Whelan**, NRO editor-at-large **Kathryn Jean Lopez**, *Commentary* editor **John Podhoretz**, former *NR* Washington Editor and Buckley expert **Neal Freeman**, *NR* senior editors **Jonah Goldberg**, **Jay Nordlinger** and **Ramesh Ponnuru**, *NR* essayists **David French**, **Charles Cooke**, **Kevin Williamson**, and **Reihan Salam**, *NR* Washington Editor **Eliana Johnson**, *NR* columnists **Rob Long** and **James Lileks**, ace political writers **Jim Geraghty** and **John Miller**, and culture-scene reporter **Kat Timpf**.

We're expecting over 500 people to attend. They'll enjoy our exclusive event program, which will include eight scintillating seminars featuring *NR*'s editors and guest speakers; two fun-filled "Night Owl" sessions; three revelrous pool-side cocktail receptions; late-night "smoker" featuring superior H. Upmann cigars (and complimentary cognac); and intimate dining on at least two evenings with a guest speaker or editor.

JOIN US FOR SEVEN BALMY DAYS AND COOL CONSERVATIVE NIGHTS

DAY/DATE	PORT	ARRIVE	DEPART	SPECIAL EVENT
SUN/Nov. 13	Ft. Lauderdale, FL		4:00PM	evening cocktail reception
MON/Nov. 14	Half Moon Cay, Bahamas	8:00AM	4:00PM	afternoon seminar "Night Owl" session
TUE/Nov. 15	AT SEA			morning/afternoon seminars
WED/Nov. 16	Georgetown, Grand Cayman	8:00AM	4:00PM	afternoon seminar evening cocktail reception
THU/Nov. 17	Cozumel, Mexico	11:00AM	11:00PM	morning seminar late-night Smoker
FRI/Nov. 18	AT SEA			morning/afternoon seminars "Night Owl" session
SAT/Nov. 19	Key West, FL	8:00AM	5:00PM	afternoon seminar evening cocktail reception
SUN/Nov. 20	Ft. Lauderdale, FL	7:00AM		Debark

All that and more will take place over a spectacular week of world-class cruising on the beautiful and luxurious *Nieuw Amsterdam*, which will sail a Western Caribbean itinerary that includes Ft. Lauderdale, Grand Cayman (always an ideal place to snorkel—you must visit Sting Ray City, or catch the other rays on Seven Mile Beach), Half Moon Cay (Holland America's private island, home to a most pristine blue lagoon and tons of fun), Cozumel (your gateway to the Mayan ruins at Tulum), and

OVER 170 CABINS BOOKED!

Key West (with its beaches, beaches and beaches—and of course lime pie).

And for those times when we are "at sea," or you feel like staying on board, the *Nieuw Amsterdam* (need I say it offers well-appointed, spacious staterooms and countless amenities, and hosts a stellar staff that provides unsurpassed service and sumptuous cuisine?) has a classy, terrific spa, a must-attend Culinary Arts Center, exceptional evening entertainment, pools, luxury boutiques, plenty of nooks and crannies to hide in with a good book, and, oh yeah, a casino!

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(Single and worried you'll be a fifth wheel? Don't: About a third of our contingent, a most happy and welcoming crowd, are single travelers.)

Come. You'll be glad you did. We'll see you—in the company of David Clarke, **Victor Davis Hanson, Allen West, Bing West, Heather Higgins, Steven Hayward, Richard Allen, John Yoo, Dinesh D'Souza, Jonah Goldberg, Andrew McCarthy, John Podhoretz, Neal Freeman, James Lileks, Kathryn Jean Lopez, Eliana Johnson, Charles Cooke, Kevin Williamson, Jay Nordlinger, Ramesh Ponnuru, Jim Geraghty, Jillian Melchior, Rob Long, John J. Miller, Charmaine Yoest, David French, Ed Whelan, Reihan Salam,** and **Kat Timpf**—this November 13-20 aboard the *Nieuw Amsterdam* on the ***National Review* 2016 Post-Election Caribbean Cruise**.

For more information or to apply online go to

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or call The Cruise Authority at

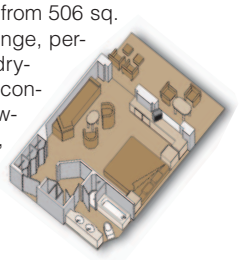
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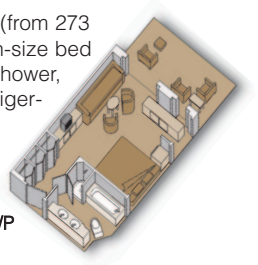
Categories C to N	17-younger: $ 567	18-up: $ 748
Category VC	17-younger: $ 617	18-up: $ 798
Categories SS & SA	17-younger: $ 670	18-up: $ 851

DELUXE SUITE Magnificent quarters (from 506 sq. ft.) features use of exclusive Neptune Lounge, personal concierge, complimentary laundry/dry-cleaning service, large private verandah, convertible king-size bed, whirlpool bath/shower, dressing room, large sitting area, DVD, mini-bar, refrigerator, safe, much more.



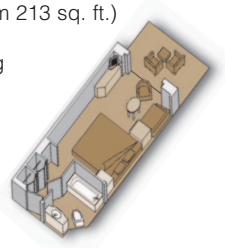
Category SA
DOUBLE OCCUPANCY RATE: $ 4,899 P/P
SINGLE OCCUPANCY RATE: $ 7,599

SUPERIOR SUITE Grand stateroom (from 273 sq. ft.) features private verandah, queen-size bed (convertible to 2 twins), whirlpool bath/shower, large sitting area, TV/DVD, mini-bar, refrigerator, floor-to-ceiling windows, safe, and much more.



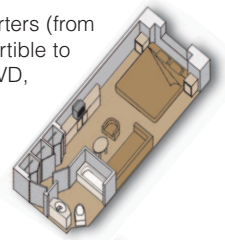
Category SS
DOUBLE OCCUPANCY RATE: $ 3,799 P/P
SINGLE OCCUPANCY RATE: $ 5,999

DELUXE OUTSIDE Spacious cabin (from 213 sq. ft.) features private verandah, queen-size bed (convertible to 2 twins), bath/shower, sitting area, mini-bar, TV/DVD, refrigerator, and floor-to-ceiling windows.



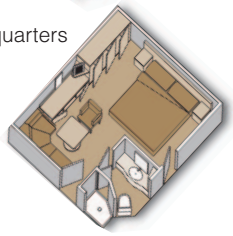
Category VA
DOUBLE OCCUPANCY RATE: $ 2,899 P/P
SINGLE OCCUPANCY RATE: $ 4,299

LARGE OCEAN VIEW Comfortable quarters (from 174 sq. ft.) features queen-size bed (convertible to 2 twins), bathtub/shower, sitting area, TV/DVD, large ocean-view windows.



Category C
DOUBLE OCCUPANCY RATE: $ 2,399 P/P
SINGLE OCCUPANCY RATE: $ 3,299

LARGE INSIDE Cozy but ample cabin quarters (from 151 sq. ft.) features queen-size bed (convertible to 2 twins), shower, sitting area, TV/DVD.



Category J
DOUBLE OCCUPANCY RATE: $ 1,999 P/P
SINGLE OCCUPANCY RATE: $ 2,699


New Amsterdam







National Review 2016 Post-Election Cruise Application

Mail to: National Review Cruise, The Cruise Authority, 1760 Powers Ferry Rd., Marietta, GA 30067 or Fax to 770-953-1228

Please fill out application completely and mail with deposit check or fax with credit-card information. One application per cabin. If you want more than one cabin, make copies of this application. For questions call The Cruise Authority at 800-707-1634.

Personal

GUEST #1: Name as listed on Passport (LAST, FIRST, MIDDLE) | Date of Birth

Passport Number | Expiration Date | Citizenship

Are you a past Holland America cruiser? ☐ Yes ☐ No

GUEST #2: Name as listed on Passport (LAST, FIRST, MIDDLE) | Date of Birth

Passport Number | Expiration Date | Citizenship

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PASSPORT INFORMATION This cruise requires a valid passport. Passports should expire **after** 5/21/17. Failure to provide this form of documentation **will** result in denied boarding of the *Nieuw Amsterdam.* For more information visit **www.travel.state.gov**.

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Mailing address

City / State / Zip

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CREDENTIALS

Your legal first and last name are required for travel documentation. If you have an informal name you would like reflected on your name badge, please indicate it here:

Guest #1 | Guest #2

Cabins, Air Travel, & Other Information

All rates are per person, double occupancy, and include all port charges and taxes, all gratuities, meals, entertainment, and *National Review* activities. Failure to appear for embarkation for any reason constitutes a cancellation subject to full penalties. Personal items not included. **PLEASE CHECK ALL APPLICABLE BOXES!**

I. CABIN CATEGORY *(see list and prices on previous page)*

First cabin category choice:_____ Second cabin category choice:_____

Bedding: Beds made up as ☐ Twin ☐ King/Queen

BOOKING SINGLE? ☐ Please try to match me with a roommate. (My age: _____)

II. DINING w/ FRIENDS/FAMILY: I wish to dine with _____

☐ Every Night ☐ 3-4 times ☐ 2 times ☐ Once

III. PRE- AND POST-CRUISE TOUR PACKAGES

☐ Please send me information on pre-/post-cruise packages in Ft. Lauderdale.

IV. AIR / TRANSFER PACKAGES

☐ We will provide our own roundtrip air and transfers to and from Ft. Lauderdale *(arriving there on 11/13/16 by 11:00AM and departing after 11:00AM on 11/20/16).*

☐ We would like The Cruise Authority to customize roundtrip air (**fees apply**) from _____ ☐ Coach ☐ First Class Air

Arrival date: _____

Departure date: _____

Preferred carrier: _____

V. MEDICAL / DIETARY / SPECIAL REQUESTS

Please enter in the box below any medical, dietary, or special needs or requests we should know about any of the members of your party:

Payment, Cancellation, & Insurance

Deposit of $600 **per person** is due with this application. If paid by credit card, the balance will be charged to the *same* card on 8/12/16 unless otherwise directed. If application is received after 8/12/16, the full amount of the cruise will be charged.

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aged to achieve. If those details included the lurid, the grotesque, and the racy, well, Montefiore is not the first biographer to have appreciated the historical (and—unworthy thought—commercial) value of the tabloid touch. In his introduction to *The Romanovs*, he contrasts the glories of imperial Russia with the excesses of the family that ruled it, a contrast, he notes just a tad smugly, too much for "ascetic academic historians . . . bashfully toning down the truth."

There's nothing bashful about Montefiore. *The Romanovs* is a bodice-ripper, a body-ripper, a Slavic Westeros. And in that introduction he offers a preview: "Brides are poisoned, fathers torture their sons to death, sons kill fathers, wives murder husbands, a holy man, poisoned and shot, arises, apparently, from the dead, barbers and peasants ascend to supremacy, giants and freaks are collected, dwarfs are tossed, beheaded heads kissed, tongues torn out, flesh knouted off bodies, rectums impaled, children slaughtered: Here are fashion-mad nymphomaniacal empresses, lesbian *ménages à trois*, and an emperor [naughty Alexander II] who wrote the most erotic correspondence ever written by a head of state."

If you need to know more before hurrying to buy this book, there's not a lot I can do for you.

But I will try.

Montefiore's two volumes on Stalin cover some seven decades. They are a descent into the soul of a monster and the gargoyle empire he made his own. *The Romanovs* has neither the same depth nor breadth nor context. There isn't the space. In the course of some 650 pages (excluding footnotes), Montefiore romps through more than three centuries, beginning some time before the coronation of the first Romanov, Michael, in 1613 (he was never going to miss out on the picturesque opportunity presented by Ivan the Terrible's "spasms of killing, praying, and fornication"), and ending in 1918 with the execution of the deposed Nicholas II by the Bolsheviks.

The Romanovs is a story of family, not empire. The tsars and tsarinas parade by, each deftly depicted in his or her turn. These are sketches more than portraits, although some of those featured—notably the two Greats, Peter, of course, and the unexpectedly enlightened, "regicidal, uxoricidal" Catherine—exude the epic even in outline.

In an autocracy, the personal—in the form of the autocrat—is political. And the personal is often complicated. Interpreting Peter the Great and, by extension, his Russia, maintains Montefiore, involves understanding that brilliant barbarian's fondness for the bizarre—naked dwarfs, sacrilegious bacchanalia, and *much* too much more—as well as Reform and War 101. This approach involves peering behind the malachite door too, not least when an empress was running the show. Grigory Potemkin (the subject of another fine Montefiore biography), "imaginative and visionary . . . voracious and animalistic," was not the only imperial counselor to end up in the imperial bed. Watching disapprovingly from Prussia, Frederick the Great, a "fastidiously homoerotic warlord," summed up the entanglement of pillow and political in a phrase that made me laugh and my editor tremble.

Those searching for a comprehensive account of the Romanovs' vast, rapidly expanding (it advanced by an average of 55 square miles a day) realm will have to look elsewhere: "This book is not meant to be a full history of Russia." There is plenty about palace camarillas, but rather less about how the empire grew or, for that matter, how this corrupt, chaotic patrimonial state functioned.

That said, Montefiore begins his book by setting out some useful ground rules for making sense of Romanov rule. Yes, it was hard to be tsar, even if the nature of that challenge changed over the centuries. In the early years in particular, the sovereign had to exude "visceral, almost feral authority." Getting it wrong—misplaying the court (an "entrepôt of power") and the clans that prowled through it—could have the most unpleasant of consequences.

The later tsars had still less room for maneuver. They ruled over a country lurching toward the new, becoming too complex and too rich to be safe for autocracy. Romanov absolutism was reinforced by the apparatus of an emerging police state but still rested on archaic pillars—nobility, clergy, and the mystique of the crown—that stood in the way of the reforms that could have preserved the dynasty. To weaken those pillars while protecting the essence of the structure would have been a remarkable feat, and one that would have taken more imagination than Nicholas II or his father, Alexander III (reigned 1881–94), an autocrat's autocrat, possessed, not to mention the willingness to play ball: "You tell me *I* must regain the confidence of the people," grumbled Nicholas just months before he was forced into abdication. "Isn't it rather for my people to regain *my* confidence?"

There's nothing bashful about Montefiore. *The Romanovs* is a bodice-ripper, a body-ripper, a Slavic Westeros.

Yet (and Montefiore doesn't really explain how) this "weirdly obsolete" regime endured until the second decade of the 20th century. Swatting aside notions of what more-liberal (or even not so liberal) Europeans viewed as progress and stifling the stirrings of parliamentary democracy that might have saved him, the hapless, hopelessly unimaginative Nicholas II presided, quite accidentally, over the economic boom that might have propelled Russia into modernity and over the explosion of creativity—badly undersold as a "Silver Age"—that would have continued to adorn the country as it advanced. And, who knows, if he'd been shrewd enough not to stumble into war in 1914, he might have died in his bed, not a cellar.

The ferocity (on both sides) of the 1905 revolution—the "dress rehearsal," as Trotsky came to call it—and the unease that ran through that Silver Age were harbingers of darkness. Artists, like prophets, can be prone to anticipating an apocalypse, but there was something peculiarly morbid

about the culture of early-20th-century St. Petersburg, a dazzling carnival of "wild foreboding" and desperate decadence, chimes at an ominous midnight. The poet Alexander Blok looked around him and saw "a quiet far-spreading fire" that would "consume all." He was not to survive it.

This sense of an approaching reckoning seeps through the later stages of the book. The passing of centuries blurs the worst of the past, but as Montefiore's narrative draws closer to modern times, the record fills out. There are more diaries and letters to bear witness: The emperors become human, their fate a matter, to the reader, of more than history's cold accounting. Learning that yet another revolutionary gang had passed a death sentence upon him, Alexander II, the dynasty's last best hope, wrote in 1879 that he felt "like a wolf tracked by hunters," words that still move. The hunters caught up with him two years later.

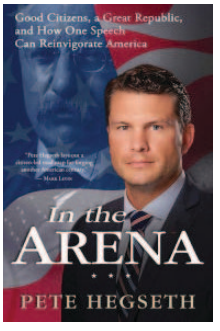
If the tsars emerge into clearer sight, so do those who wanted to destroy them. In 1869, Sergei Nechayev wrote the *Revolutionary Catechism*, a paean to mass murder. It was "Leninism before Lenin" and, for that matter, ISIS before ISIS, a manifesto for the nightmares to come and a reprise of ancient millenarian dreams.

The Russian Orthodox Church may have canonized Nicholas II, but Montefiore's description of that dull, dutiful, fatalistic, sometimes startlingly callous incompetent is measured and objective, free from the glow that his Calvary casts over the memory of the last tsar. To be sure, Citizen Romanov bore his imprisonment with a dignity that transcended its degradation, but he still found the time to study the anti-Semitic tracts that reassured him that his fall was the work of conspiracy rather than failure. In the end, he was shot, and his wife and children were butchered alongside him, "living banners," argued Lenin, too dangerous to be allowed to survive.

Michael, the first Romanov, would have understood. In 1614, the heir to one of the last serious pretenders to his throne was hanged from the Kremlin walls. Montefiore mentions that this menace was four years old. In fact, he was three. **NR**

Call To Arms

DAVID FRENCH



In the Arena: Good Citizens, a Great Republic, and How One Speech Can Reinvigorate America, by Pete Hegseth (Threshold, 304 pp., $28)

THERE is a dreary sameness to all too many conservative books. They reflect on America's cultural, economic, or strategic decline, collect outrageous stories of leftist abuse, and then blame the other side of the aisle for America's woes. We hear of the Left's assault on religious liberty, the Left's war on free speech, and the Left's hatred of Western civilization. There is certainly value in understanding the Left's actions and ideology, but it sometimes seems as if conservative publishing has devolved into a contest to see which pundit can write this year's "progressives wreck America" best-seller.

Pete Hegseth's new book, then, comes as a tonic. It was inspired by Theodore Roosevelt's celebrated 1910 speech "Citizenship in a Republic"—the speech in which Roosevelt declared, "It is not the critic who counts; not the man who points out how the strong man stumbles, or where the doer of deeds could have done them better," and extolled instead the "man who is actually in the arena, whose face is marred by dust and sweat and blood; who strives valiantly; who errs, who comes up short again and again" and "spends himself in a worthy cause."

Hegseth is inspired not just by this passage but by the entire speech, and he uses it as a framework for an analysis of our troubled times and as a striking personal challenge. Are you "in the arena"? Are you spending yourself in a worthy cause? Are you striving valiantly? While the book isn't a memoir, Hegseth does reflect on the lessons he learned during deployments to Iraq and Afghanistan and during political battles here at home. It's a good-spirited and very personal lecture, in which the words "I was wrong" appear far more than they do in the typical political book.

Building on Roosevelt's observation that great republics require good citizens, Hegseth outlines an ecumenical vision of the "virtues and duties" of citizens. While Hegseth is unabashedly Christian, his virtues are the ones honored across religious traditions. He challenges Americans to be devoted to their work, to be willing to fight for their values, to raise large families (more on that in a moment), and to develop strength of character, specifically the character traits Roosevelt advocated—including "self-restraint, self-mastery, common sense," and "courage and resolution."

Hegseth argues that large families (which he defines as those with three or more children) are a check against self-indulgence. Children "humble you, teach you, and keep you grounded." Hegseth echoes Roosevelt's condemnation of the "willfully barren"—those who, for the sake of self-actualization, choose not to have children. It's a counter-cultural message, especially in an era when many progressive ideologues argue that having kids is a form of planet-destroying excess and even decry parents as "breeders"; but that's exactly why it's thought-provoking and necessary.

It's one thing to exhort people to "be brave" or to "sacrifice more," but Hegseth goes one step farther, with specifics: Have more children. Volunteer to fight for your nation. Step into the arena at work and at school. He reminds us that it's not our thoughts or our hashtags that make us good citizens: It's our actions.

After outlining the virtues of the good citizen, Hegseth contrasts the actions and beliefs of the "good patriot" with the Left's moral relativism and its "citizen of the world" ideology. Here he draws on his experience in Iraq and Afghanistan to demonstrate how to

separate reality from wishful thinking. He shows that, contrary to the nostrums of the Left, there are no easy answers to the threat of jihad. While his policy prescriptions lack the punch of his personal reflections, his views are thoughtful and informed. They constitute a useful reminder that—in both the clash of ideas here at home and the clash of civilizations abroad—conservative ideals fail not so much for lack of intellectual strength or emotional clarity but for lack of men and women in the arena. The problem of relative American strategic decline and cultural malaise is one that begins in the mirror, not with the Left.

His central point is that a sense of entitlement or grievance is incompatible with the virtues of good citizenship, yet creeping entitlement is taking hold even in America's more conservative subcultures. Our economy stagnates . . . because of China. Our religious liberty disappears . . . because of Apple or PayPal. Our personal economic prospects worsen . . . because of immigrants. And while no one argues that external forces are irrelevant to national or personal vitality, Americans still retain an enormous amount of autonomy. Families can still do much to shape their own destinies.

Yet we live in the age of the victim. Asking for virtue is called "victim-blaming," and noting that even the most disadvantaged of Americans enjoy opportunities that few in the world can comprehend is called "poverty-shaming." We're all helpless in the face of "larger forces," and only our technocratic masters can save us now.

The answer lies in the arena—in the fight. Yet no fight is without risk. Hegseth could have lost his life in Iraq and Afghanistan, and stepping into the arena at home can carry its own consequences, but it's imperative that we pause and reflect on our personal course. Are we bitterly choosing the path of least resistance, feeling helpless in the face of larger cultural or political forces? Do we blame others for our dashed hopes? Hegseth writes that every night he examines himself, asking whether he's doing all he can. We should *want* our faces to be marred by (sometimes literal) dust and sweat and blood.

Hegseth closes with an admonition he received when he was only 19. A Vietnam vet looked him in the eyes and said, "Pete, whatever you do, don't miss your war." Those words apply to military conflict, certainly, but also to the cultural and political challenge of our time. America's great tragedy is not that its citizens are fighting for virtue and losing. The great tragedy is that so few fight at all. **NR**

FIREBIRD

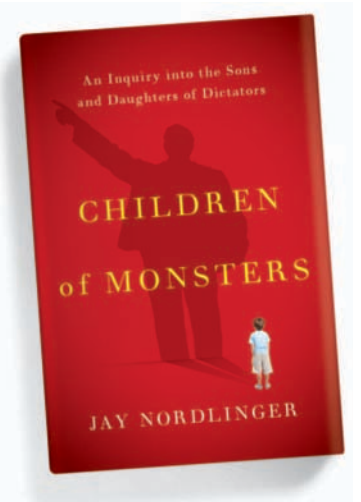
The Phan Rang fields first heard about my autumn birth
from helicopters hovering over Vietnam.
My father, nicely hidden from a hostile bomb,
was told through rasping speakers, on a crisping earth.
That news, which should have cheered, left little room for mirth,
revealing his position in the rice and palm
between Bandito Charlie and Ohio Tom,
while calling into question its announcer's worth.
Strategically incautious, at the very least;
a sentimental act of indiscretion—
how could such a lapse in judgment have occurred?
I hope perhaps to be a signal to the East
that here was one whose fate would fall to its possession,
whose name came through the heavens, from a Firebird.

—JENNIFER REESER

JAY NORDLINGER'S

CHILDREN of MONSTERS

An Inquiry into the Sons and Daughters of Dictators



It's a fascinating question: What's it like to be the son or daughter of a dictator? The offspring of a . . . Stalin? Or Mao? Or a tin-horn dictator from an African hellhole? Jay Nordlinger's answers to these and other questions are engaging, witty, insightful, and make for a hell of a good read. Here's praise from outstanding historians for Jay and his outstanding book:

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Film

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ROSS DOUTHAT



Dwayne Johnson and Kevin Hart in Central Intelligence

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In *Central Intelligence*, a part fish-out-of-water, part odd-couple comedy of espionage, Kevin Hart plays a suburban accountant who gets in way over his head with spies and gunplay and general mayhem. And that "way over his head" is quite literal: Hart stands five-foot-four, and his transition from stand-up comedy to movie stardom has consistently made the most of his stature, by casting him alongside hulking or lumbering co-stars (Will Ferrell in *Get Hard*, Ice Cube in *Ride Along*) and letting him freak out in their imposing shadows.

These movies have not been particularly good, but *Central Intelligence* is a more interesting vehicle, mostly because this time Hart's co-star is Dwayne Johnson, a.k.a. The Rock, whose sunny style and imposing substance make him the perfect foil for Hart's initially uptight, eventually manic comic approach.

Basically *Central Intelligence* is a multi-racial version of *The In-Laws*, the old Carter-era comedy in which Alan Arkin played a dentist who gets roped into a CIA plot by his future son-in-law's secret-agent dad (Peter Falk)—except that, instead of a wedding, the engine for the plot is a looming high-school reunion, which puts Hart's Calvin Joyner, a high-school golden boy who married his high-school sweetheart but is now a dissatisfied late-thirtysomething who still hasn't had kids, back in touch with his old classmate Robert Weirdicht (say it out loud), a bullied fat kid who has reinvented himself as, well, The Rock: a buff international man of mystery with the nom de guerre of "Bob Stone."

It turns out that Stone still idolizes Calvin, or at least the Calvin he remembers—the prom king/star athlete/most-likely-to-succeed senior, and the only person to show him any kindness during a bullying episode that left him stark naked in front of a high-school assembly. Indeed, despite his pecs and deadly skills in hand-to-hand combat, Stone hasn't gotten over high school: He loves *Sixteen Candles*, wears a fanny pack, drops dated pop-culture references, and gets a thousand-yard stare whenever memories of his picked-on past resurface.

But he also has plans for his old friend beyond hero worship and nostalgia. Accused of treason and on the run from his superiors in the CIA, he needs Calvin's accountant skills to help clear his name and catch the real traitor, "the Black Badger," before the Badger sells top-secret documents to a greasy-haired bad guy and his goons. "Are you in or out?" he asks Calvin. "I'm out!" Calvin shrieks, but to no avail, and he shrieks it again and again through various death-defying escapades, which the preternaturally sunny Stone seems to regard as just one crazy romp after another.

Johnson brings a wonderfully ingenuous quality to the part, walking the line between holy innocence and insane solipsism, with just enough total weirdness woven in to make it reasonable for Calvin to worry that maybe the CIA is right about him. And he and Hart aren't just a great pair visually (huge and small, placid and manic, omnicompetent and spastic); they also have the personal chemistry the movie needs to sell us on their unexpected friendship, their intertwining back-to-high-school journeys: Stone's quest to finally put his demons to rest, and Calvin's reluctant search for the man in full that he once seemed destined to become.

Which makes it a pity that the script isn't one standard deviation wittier, that the movie never achieves a level of hilarity worthy of its co-stars' chemistry. A few of the action set pieces have some inspired slapstick—particularly a long take in Calvin's Dunder Mifflin–esque office, in which Stone engages in hand-to-hand combat armed only with a banana—and a few of the laugh lines really land. (Wait for the Scientology joke.) But too many scenes feel as if the writers came up with a solid comic premise and then didn't work hard enough on the specific beats.

A sequence in which Stone impersonates a marriage counselor and mediates between Calvin and his unknowing wife (Danielle Nicolet), for instance, had me chuckling lightly at the expressions on Johnson's face; in a great comedy, it would have had me rolling on the floor. And most of the supporting cast (Amy Ryan, Aaron Paul, Jason Bateman, even Melissa McCarthy in a cameo) are much better than the lines they're delivering—as though, again, the filmmakers found the right actors and then assumed that their dialogue would take care of itself.

So greatness eludes *Central Intelligence*. But unlike a lot of lazy comedies, it's good enough that you'll leave the theater wishing it had been just a little better. And credit for that goes to Hart and Johnson, who deserve to share the screen again. **NR**

Country Life

A Green Thought in A Green Shade



RICHARD BROOKHISER

Paradise Lost's description of Adam and Eve gardening before the Fall is the subject of much English-department mirth. If you're in the Garden of Eden, why do you have to work at all? The first pair "are in the hopeless position of Old Age pensioners enjoying perpetual youth," one critic tells us. "At the very least," writes another, "the gardening is usually thought of as an intractable corner of the myth that Milton could do no more than tidy up."

How many Christians today, I wonder, think the Garden of Eden was literally real? I suppose Rafael Cruz does, when he is not thinking of how to assassinate Kennedy. Does Pope Francis? Pope Benedict XVI (ret.)? Did John Paul II?

Changing front, how many commentators on *Paradise Lost* garden? June in the Northeast is about as close to paradise as we get; let us push it all the way. No early drought; no freakish late frost (they were predicting snow on the Adirondack peaks a few weeks back). No Japanese beetles to come—or, since Japanese beetles have to eat, too, let them gorge only on extra leaves. Ditto for woodchucks. Let there be good soil, good weather, and room for every one. That still leaves a hell of a lot of work.

Give apple mint room and to spare, it will still want more. We have let two peninsulas of it grow outside our herb garden, one spreading downhill below it, the other above. Yet as soon as the earth turns warm, the apple mint tries to colonize the soil in between. It sends underground runners beneath the border stones, which surface to reconnoiter and call up reinforcements. It delights to appear in the midst of other plants—creeping marjoram, golden oregano—so that surgical strikes always cause collateral damage. Ripping it out does no good, for it leaves the infrastructure of supply intact. The only effective strategy is to dig down after a rain when the soil is workable to find a main cable and pull. With luck you will see little mint plants, a foot or even two away, sucked down as in a cartoon. Apple mint is not even particularly good for tea. But it is pretty; it smells sweet when it is cut or uprooted; and bees like it. Deep into September, late bumblebees will hover in it, heedless of the calendar.

In Whit Stillman's Jane Austen pastiche, a country gentleman is supposed to be so stupid that he does not know what peas are. I do not believe it. Peas are too much trouble to be unknown. They love cool weather, they are among the first things to sprout, their shade of green is the color of hope. You plant them alongside your garden fence so they will grow up it. But how often they grow elsewhere. The sun lures them into the void; rain pushes them there. There is nothing for it but to make the rounds, nudging the stems into position (*It is better for you*, you think, feeling like the State). They send out tiny delicate tendrils that have a surprisingly strong grip; have fun when they grab not the fence, but each other. It is an allegory of the destructive force of lust: Paolo and Francesca, Clinton and Monica. At the beginning of the month, you planted the next climbing crops, pole and runner beans, in amongst them. Soon peas and beans will intertwine, in an allegory of miscegenation: cuckspecies.

Tomatoes are the project to come. There is not time to grow them from seed where my garden is, so we buy them as plants. They stand, small and somehow bold, like students or cadets, each in the center of an inverted conical wire cage. (You guide the slim pointed rods between the leafy fronds into the dirt, hoping you do not stab anything vital.) In two months you know they will have as many arms as an idol. You will conscript old broom handles and fallen branches as auxiliary supports, and weave fruit-heavy stems at shoulder level like badly designed overpasses. "The work under our labour grows," as Eve said, "luxurious by restraint."

This is to say nothing of all the herbs and greens, no trouble in themselves, that must continually be clipped or replanted lest they bolt: lettuce, arugula, basil, coriander. Tending them is like barbering a head of green hair.

Gardening is of almost no physical benefit to the gardener. There is no motion except walking back and forth to fetch some forgotten tool, so it is not aerobic. There is no weight carried, except for full watering cans, so no muscular development. And though you squat and reach in every abominable position, there is no real stretching. You would get as much exercise lying in a hammock and reading the *Georgics*.

June in the Northeast is about as close to paradise as we get; let us push it all the way.

So let me end with one of June's labor-free delights (in truth, there are many): the apothecary rose, *Rosa gallica*. The first name comes from its use in traditional, or wish-fulfillment, medicine (indigestion, sore throats—the usual); the second from its path to England. A French king is supposed to have brought it back from a crusade, whence it passed to Henry II in the 12th century. One florists' magazine says its dried, rolled-up petals were the origin of rosary beads, though that sounds like a pious gardener's legend.

It grows by runners, as aggressive as, though slower moving than, mint. When it is about to bloom, its petals are almost red (it was the red rose of Lancaster). Open, they are the deep pink of lips and intimacies. In the center is a little golden crown of stamens? (I last studied biology in seventh grade.) Over their short span, the petals grow pale and fade, then fall. Unlike their gaudy Mother's Day, Rose Parade relatives, they bloom only once a year. They have no defenses against blights or bugs. They are beautiful, old, fragile, brief, and enduring. Maybe gardening in Eden wasn't so laughable after all. **NR**

Happy Warrior

BY JONAH GOLDBERG

Sins of Omission

For nearly eight years, conservatives have inveighed against the liberal quest to euphemize Islamic terrorism out of existence. The War on Terror was whitewashed into "overseas contingency operations" and American strikes were dubbed "kinetic military operations." Former Department of Homeland Security secretary Janet Napolitano abracadabra'd 9/11-style terror attacks into "man-caused disasters." The Fort Hood shooting was bureaucratized into "workplace violence." When we evacuated our embassy in Yemen, it was merely a "staff reduction."

Over the years, I have launched a fusillade of one-liners mocking this linguistic legerdemain: "Release the quadrupeds of overseas contingency operations" and all that. But at its core this is not a joking matter. President Obama's effort to win—or rather "win"—bloody wars by papering over them with bloodless verbiage is a significant threat to national security. If a rattlesnake is in your backyard, calling it a tuba will not erase the threat. A man-caused disaster by another name still sends Americans to the morgue.

In fairness to Barack Obama, he has done more than play word games, just not much more. The man who famously said "Don't tell me words don't matter" has yoked himself to the importance of words and the narratives they form. Because he wants to be remembered for ending wars, he needs to talk away evidence that they're not over and avoid adding plot points to the story that they're ongoing. Thus his fondness for claiming that more Americans die from bathtub accidents than from terror attacks. See? Terrorism is no big deal. Lighten up, Americans.

Similarly, because Obama is a man of the Left, he feels compelled to find some reason to blame America for its woes or at least lecture us about our undeserved self-regard. At a prayer breakfast, he insisted that we get off our "high horse" about Islamic terror because there was Christian terror during the Crusades roughly a millennium ago. The attack on our compound in Benghazi wasn't a coordinated act of terror on the anniversary of 9/11; it was the understandable spontaneous response of Muslims outraged by an offensive video.

This is also why he refused to utter certain taboo words. "There's no magic to the phrase 'radical Islamic terror,'" Obama fumed recently. If you scratch beneath his pique with Donald Trump for (rightly) criticizing him on this point, you'll quickly find that Obama's whole argument for not saying the words rests on magical faith in the power of words: If we call something what it is—Islamic terrorism—we will conjure more of it. Thus his incessant claims that the Islamic State "is not Islamic." He prefers to call it a "radical nihilistic organization"—which sounds a bit like the philosophy department at Brown. The Islamist attacks on a Paris kosher restaurant, targeting Jews specifically, amounted to nothing more than "random violence."

In other words, if you don't have anything nice to say about jihadists, don't say anything at all, for the jihadists are an army of Voldemorts and Must Not Be Named.

I honestly believed, with mere months left in Obama's administration, that we had hit an asininity plateau in these matters. The president wasn't going to change, of course. But how could things get worse?

Well, if Obama's years in office have taught us anything it is that things can always get worse. In the wake of the Orlando shooting, the Justice Department released the transcripts of Omar Mateen's phone calls with police negotiators. But the DOJ decided that any reference to ISIS or jihad or even Allah had to be excised from the transcripts. So: "I pledge allegiance to [omitted] may God protect him [in Arabic], on behalf of [omitted]."

> It seems that even taking the [omitted] at their word is now offensive to [omitted].

No doubt the administration hoped that the terrorist had blamed Guantanamo for his rampage. Or, at the very least, he could have ranted about how terrible gay marriage is. Instead the Islamic terrorist said Islamic-terroristy things.

The mangling of language was already more Orwellian than should be allowed in a serious country. But apparently it wasn't Orwellian enough for the Obama administration. And so they dragged out the Memory Hole. I suppose we should have seen this coming. If the president can't name names, it's only fair that the terrorists be prevented from doing so too. Shortly before this article went to press, the administration reversed course and released the unexpurgated transcripts, but only after unwavering and relentless criticism. The administration made it very clear that it thinks language remains the front line.

No doubt soon enough we will be launching overseas contingency operations and kinetic military operations against [omitted]. We will be told that the great struggle in Syria between Shiite Hezbollah and Sunni ISIS is a contest between [redacted] and [omitted]. Shall we omit them on the beaches and redact them in the streets?

There's reason to believe that this sort of insanity is why Mateen was able to murder 49 people in the first place. Numerous people followed the official guidance "If you see something, say something" and called the FBI to warn them that Mateen loved to talk about mass murder in the name of [omitted].

"At the end of ten months the investigation was closed with no further action," Fox's Catherine Herridge reported. The FBI "took Mateen's statements" as "trying to taunt his coworkers because he thought he was being marginalized because of his [omitted]."

It seems that even taking the [omitted] at their word is now offensive to [omitted].

Don't tell me words don't matter. NR

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