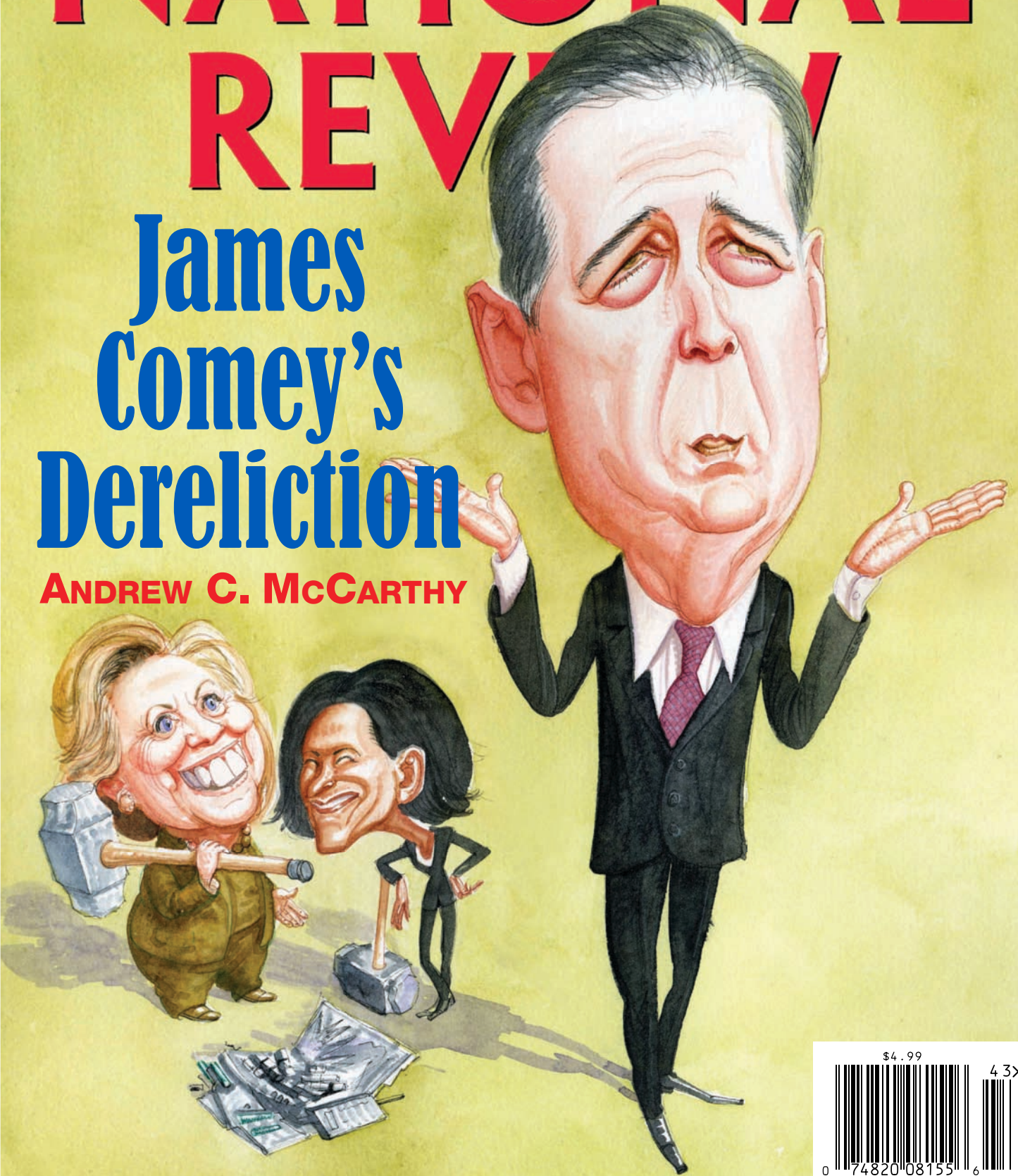


THE CASE FOR TRUMP – Victor Davis Hanson

NATIONAL REVIEW

James Comey's Dereliction

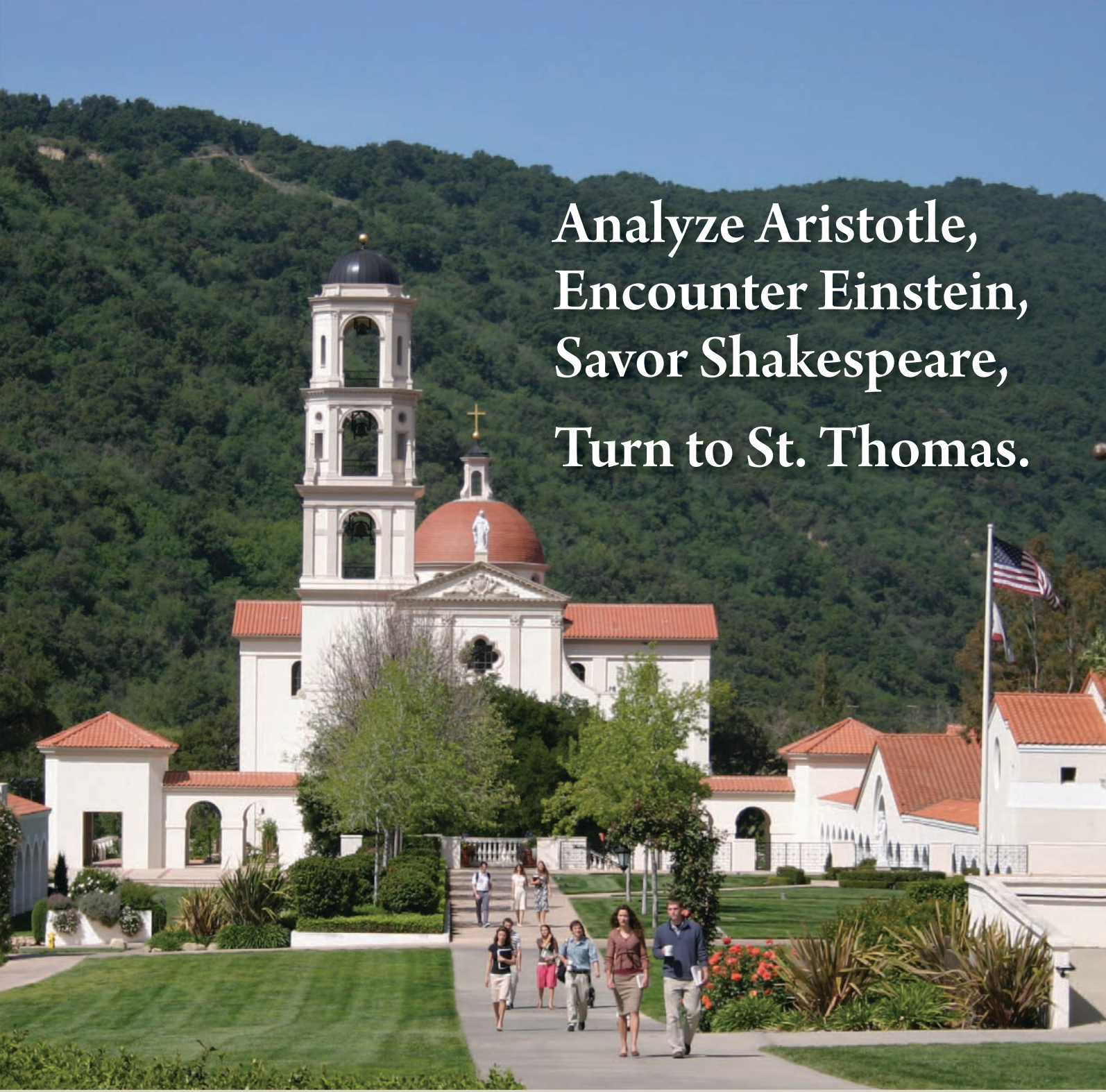
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Tangents to Heinlein

Interesting that two huge themes with no apparent connection appeared in the October 10 issue: John Fonte & John Yoo's "Progressivism Goes Global," and Charles C. W. Cooke's "The Next Space Age."

My personal favorite writer from adolescence linked these themes in several of his works, including the first novel I read from his long list that covered several decades: Robert A. Heinlein's *Between Planets* (1951). An oppressive world government was thwarted by more traditionally American-minded colonizers on the nearby planets.

Heinlein predicted that free enterprise would eventually become important in space exploration. His best-known novel, *Stranger in a Strange Land* (1961), definitely showed his fear of a world government and suggested private space travel.

Interesting, too, that NATIONAL REVIEW's John J. Miller wrote a fine tribute to Heinlein for what would have been Heinlein's 100th birthday ("In a Strange Land," July 9, 2007). Miller evaluated *The Moon Is a Harsh Mistress* (1966) as Heinlein's best. A world government is thwarted by colonists on the moon who have a sense of liberty. How? They pelt Earth with moon rocks!

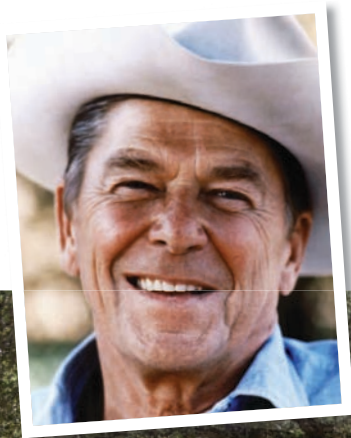
C. W. Miller
Fredricksburg, Texas

CORRECTIONS

In *The Week* (September 26), we noted Hadley Arkes's 50th anniversary in the political-science department at Amherst College but incorrectly stated that he had already taught his last class. He is teaching, again, his signature class, Political Obligations, this fall. We would also like to convey the news that he recently founded, with the backing of former students, the James Wilson Institute on Natural Rights and the American Founding in Washington, D.C. And he continues to write. We reiterate our congratulations to Mr. Arkes on his anniversary and double our gratitude, knowing that he continues his work in the classroom as well as outside it.

Additionally, "Borders, but Why?" (Reihan Salam, September 26) incorrectly identified Daniel Tichenor as an intellectual historian. In fact, he is a political scientist.

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



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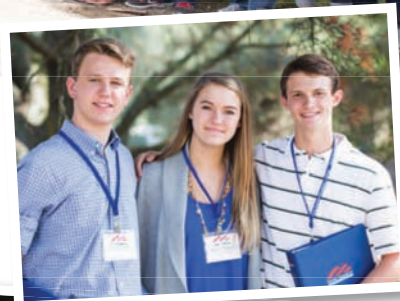
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The Week

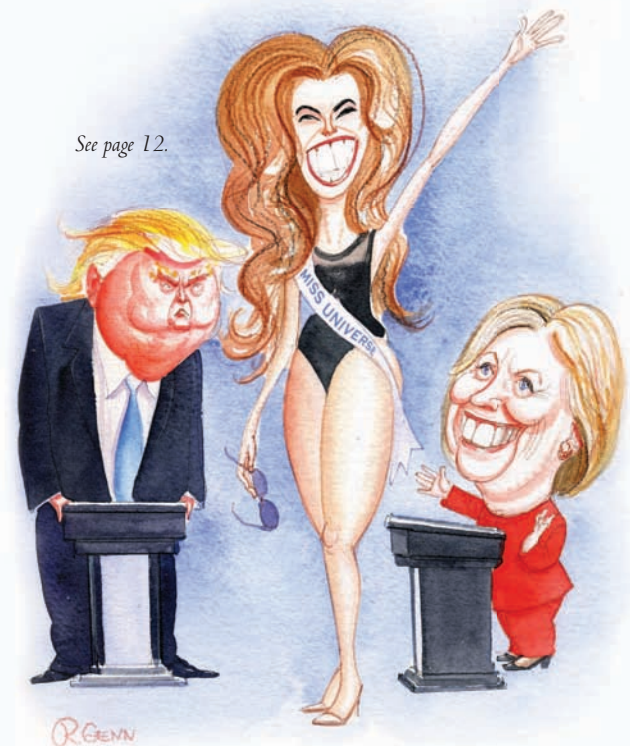
■ Gary Johnson may not know where Aleppo is, but he always knows where the Doritos are.

■ Lester Holt is a registered Republican, but he clearly doesn't let his partisan affiliation affect his work. At the first presidential debate at Hofstra University, he directed antagonistic questions only to Donald Trump, who was asked about his tax returns, his role in promoting the birther controversy, whether he flip-flopped on the Iraq War, and what he meant when he said recently that Clinton does not have a "presidential look." Clinton, by contrast, was not asked about her private e-mail server, the Clinton Foundation, Benghazi, or any one of the many topics about which voters have rightly expressed concerns. The Left spent much time and energy "working the refs" prior to the debates, and Holt took heed.

■ In the Hofstra debate, Hillary Rodham Clinton made a series of daft and intellectually indefensible claims, among them her insistence that the 2008–09 financial crisis happened "in large part because of tax policies that slashed taxes on the wealthy." No serious analyst, left or right, believes that turn-of-the-century tax reform was a contributing factor of any significance to the financial crisis. (Some on the left wrongly blame the dissolution of the Glass-Steagall banking rules, but Clinton remains mum on that, the repeal having been signed into law by a certain President Clinton.) In reality, the crisis was the result of the catastrophic interaction between bad federal housing policies (interest subsidies and the undermining of credit standards), pro-cyclical monetary policy, and incompetent risk-management policies at a small number of large financial institutions—a situation that remains unresolved all these years later, despite half-baked efforts at financial reform. But what about those tax cuts? The George W. Bush-era tax reforms, like many similar initiatives, did reduce some tax rates, but the aftermath of those changes—now so familiar that it cannot really be called "counterintuitive"—was the opposite of what Clinton claims, with top-1 percent and top-0.1 percent households paying more in taxes after the reforms, both in absolute-dollar terms and as a share of total taxes. Interesting, but irrelevant to the question of the financial meltdown, the causes of which apparently remain beyond the grasp of Hillary Rodham Clinton.

■ Mike Pence probably chose wisely in refusing to defend his running mate's most incendiary comments and ill-advised policy ideas at the vice-presidential debate. Instead he made the criticisms of the Obama-Clinton agenda that any conservative Republican would. Tim Kaine spent a little time defending that agenda but mostly returned to prosecuting Trump. And so we return to the two basic questions about this election: Is it a referendum on the unsatisfying state of the country or a referendum on Trump? And which will Trump try to make it?

ROMAN GENN



■ In recent weeks, both the *New York Times* and the *Washington Post* have run features detailing Hillary Clinton's role in silencing her husband's accusers in the 1990s. The whole business is no less sordid two decades later. According to the *Times*, the Clinton campaign hired a private investigator to, in his words, attack Jennifer Flowers's "character and veracity until she is destroyed beyond all recognition," and in a 1992 *Esquire* interview dug up by the *Post*, Hillary says that she wishes she could cross-examine Flowers: "I mean, I would crucify her." Those reports square with that of Juanita Broaddrick, who told NATIONAL REVIEW ONLINE earlier this year that Hillary intimidated her into silence following her 1978 rape allegation. The conventional wisdom that it is bad politics for Trump to attack Hillary as an enabler is probably right (it will inevitably appear as if he is blaming her for her husband's infidelities). That doesn't mean the charge isn't true.

■ Someone gave the *New York Times* a copy of Trump's tax return from 1995, when he declared a net operating loss of \$916 million. It was a sufficiently big loss that, the *Times* surmised, it could have wiped out his tax liability for nearly two decades. Trump has not released his returns, as presidential candidates customarily do, or said that he has paid taxes. The story casts an unflattering light on Trump's business dealings. But there's nothing scandalous about how he handled his taxes. The tax code rightly lets businesses net their profits and losses over time;

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nobody has any obligation to pay more than the code requires. If any laws were broken here, they were broken by whoever violated Trump's privacy.

■ Ted Cruz bent the knee. The senator had said at the Republican convention that people should “vote their conscience,” decrying Trump's lack of interest in constitutional principles and his crazy smears of Cruz's family. Two months later, Trump was no more devoted to the Constitution and had not retracted those smears: You can still see an unpleasant picture of Cruz's wife in Trump's Twitter history. What changed is that Cruz saw his poll numbers drop and heard credible threats of a primary challenge in Texas in 2018. So he endorsed Trump, offering an unconvincing essay to explain how “prayer and consideration” led him to this step. We have backed Cruz in every election in which he has run. But we have to admit that he has an unappealing way of cloaking his every calculation in piety.

■ In the debate, Trump said that “if [Hillary] wins I will absolutely support her” (Clinton for her part said she “certainly will support the outcome of this election”). But then, in an interview with the *New York Times*, Trump backed off: “We're going to see what happens. We're going to have to see.” After the 1824 election, Andrew Jackson railed about the Corrupt Bargain, whereby John Quincy Adams made Henry Clay secretary of state in return for his support. Before this election, Trump is preparing to rant about the Corrupt Vote, which would poison the process for weeks, and months, to come.

■ Libertarian candidate Gary Johnson, when asked about Aleppo on *Morning Joe*, said, “What is Aleppo?” When told it was the besieged Syrian city, he did articulate a Syrian policy, but the



freeze-up was embarrassing (Johnson himself took to calling it his “Aleppo moment”). Are we being too hard on candidates? Since the 1970s made primaries and caucuses universal, contenders have spoken vastly more than their predecessors; the proliferation of media, mainstream and social, now means that all their utterances are immortal. Johnson, an admitted pot-head, has his own problems, but all candidates are subject to blanks and slips. We need to separate incapacity from simply being human. N.B. Barack Obama surely knows what Aleppo is, for all the good that does Aleppo.

■ Aleppo is hell on earth right now. The Russians are doing what they do best, which is destroying everything in sight. Figures are uncertain, but in one recent week they killed about a thousand

unfortunates, 300 of them children. Russian “bunker buster” bombs are hitting hospitals with precision, putting them out of action with carefully calculated inhumanity. Talk of a truce is wishful thinking. Secretary of State Kerry has moved on from hand-wringing to suspending diplomatic contact with Russia. The Russians have also scrapped a longstanding agreement to cut down on their nuclear arsenal. Should the United States take military action in Syria, they warn, something “tectonic” will follow. Kindly parse that word.

■ Bridget Anne Kelly and Bill Baroni are, respectively, a former Chris Christie aide and a former Christie appointee to the Port Authority (which manages greater New York's transportation infrastructure). They are on trial for Bridgegate, the September 2013 closing of two heavily trafficked lanes in the George Washington Bridge toll plaza serving the New Jersey town of Fort Lee, in retaliation for the mayor's failure to back Christie's reelection bid. David Wildstein, another former Christie man, has turned witness for the prosecution. Christie has denied any knowledge of the closings, but prosecutors now say Christie was told of them at a 9/11 commemoration, just days after they happened. These local political hairballs are thick and sticky; Christie had better work hard for a Trump victory, in case he should need a pardon.

■ The Supreme Court in October dealt a second blow to President Obama's executive amnesty for millions of illegal immigrants. It rejected an appeal from the administration to reconsider the plan after the Court's 4–4 split in June left it effectively blocked. Litigation will continue in the lower courts, but the administration's unilateral rule remains checked—for now.

■ Barack Obama, who savaged the Bush administration over the 2008 bailouts, is planning to go out with . . . a massive bailout. The “risk corridor” scheme, which was supposed to protect private insurers against large losses by imposing what amounts to a tax on unusually large profits and then dividing up these so-called windfalls among insurance companies, is, sure enough, failing: There haven't been nearly enough “windfalls” to cover the losses that Obamacare has imposed on insurers. The insurance companies, none too happy about this state of affairs, have sued the federal government, arguing that they were owed a bailout in excess of the risk-corridor funds irrespective of the fact that the law explicitly forbids this—and the Obama administration, to no one's surprise, agreed, making arrangements to fund this bailout with funds set aside for legal settlements. Republicans have sent the secretary of health and human services a letter insisting that using judgment funds for a backdoor risk-corridor bailout is flatly illegal. They are correct, and should be prepared to take their case to court—again—if the Obama administration should make it necessary.

■ On September 20, Charlotte police shot and killed 43-year-old Keith Lamont Scott, who they say refused to heed officers' calls to drop his weapon. In the immediate aftermath of the shooting, Scott's family claimed that he was simply holding a “book.” Police did not recover a book, but they did recover a gun with Scott's fingerprints on it. It turns out, too, that Scott had a violent history; in 2002, he shot and wounded a man in San Antonio. Predictably, Charlotte “activists” did not wait for

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any of this information, instead launching into multiple nights of riots that resulted in widespread property damage, dozens of injuries and arrests, and one death: that of Justin Carr, a black protester shot and killed by 21-year-old Rayquan Borum, also black, who faces first-degree-murder charges. Precisely how smashing the windows of Charlotte's United Way headquarters advances the cause of police transparency would be a question for Black Lives Matter, if that nebulous group were interested in promoting real reform. But its disregard for the actual facts of the shootings it reflexively condemns, and its willingness to countenance violence of the sort on display in Charlotte, increasingly makes clear that whatever Black Lives Matter is interested in, it really isn't the flourishing of black lives—or any others.

■ Congress overrode Obama's veto of JASTA (the Justice against Sponsors of Terrorism Act), which enables civil lawsuits by terrorism victims against governments that allegedly abet terrorists. The new law is a shortsighted breach of the vital sovereign-immunity principle. It promises to redound to America's detriment, with other countries acting in kind—hostile reciprocity that portends greater harm to a nation, such as ours, with global interests and military operations. The foolhardiness is sufficiently obvious that senior lawmakers began considering “fixes” even as they were enacting JASTA. That's not the only reason Congress, along with Presidents Obama and Bush (43), ought to be hanging their heads. The legislation was spurred by Saudi support for the 9/11 attacks. By and large, victims are not seeking compensation from the Saudis (a pipe dream); they want answers about the breadth of Saudi complicity. For 15 years, the U.S. government has stonewalled, prioritizing relations with a repressive sharia state, components of which have a history of promoting jihadist ideology, over demands by American citizens for accountability. The exasperated 9/11 families are turning to courts—and generous discovery rules—as a last resort. Allowing such suits is a bad idea, but one can hardly blame the victims.

■ Pharmaceutical company Mylan has come under fire for the high prices of its EpiPens, but CEO Heather Bresch might prefer to call it an extremely cost-effective family health-care plan. Her mother, Gayle Manchin, wife of U.S. senator Joe Manchin (D., W. Va.), headed the National Association of State Boards of Education, where she worked tirelessly to get EpiPens into school nurses' offices, leading to the “EpiPen Law,” in which the federal government gives funding preference to schools that stock the devices. This increase in demand, combined with FDA regulations that prevent cheaper epinephrine injectors from entering the U.S. market, has helped Mylan jack up prices beyond market value. But now, Mylan's crony-capitalist operation has put it in hot water, after it concealed the profits of EpiPens from a congressional investigation and suffered a PR catastrophe. People should know that Mylan's profiteering did not come about from the much-ballyhooed “excesses of capitalism” but rather from old-fashioned government meddling that benefited those with Washington connections.

■ A basic conservative attitude is, “If it ain't broke, don't fix it.” Alas, this maxim enjoys less purchase on the progressive

side of the aisle. What else could explain President Obama's determination to relinquish control of ICANN—the agency that protects the Internet's top Rolodex—and accept the risks inherent in its being taken over by a motley collection of world governments? For years, an agency under the control of the United States government has served as the backbone of the World Wide Web, and done so with distinction. As of now, that agency has been turned into a stateless nonprofit. And, if China and Russia get their way, responsibility for its upkeep will soon be shared internationally. In the course of fighting the transition, Senator Cruz warned that “Russia, and China, and Iran don't have a First Amendment . . . and they actively censor the Internet.” The Obama administration's infuriating response? That “at the end of the day, this whole system is built on trust.” That being so, an obvious question suggests itself: Whom does Obama trust more on free speech—the United States, or a collection of governments from the rest of the world?

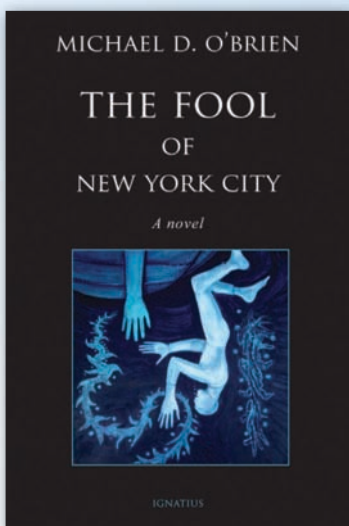
■ Adam Laxalt, the attorney general of Nevada, has filed a lawsuit against a new overtime regulation issued by the U.S. Department of Labor. Twenty other states have joined him as plaintiffs. More than 50 business groups, including the Chamber of Commerce, are suing separately. The new rule, set to take effect December 1, would require employers to calculate and pay overtime for workers earning up to \$47,476 a year; the current ceiling is less than half that. Labor Secretary Thomas Perez argues that his department is only trying to catch up with inflation: Federal overtime rules applied to most executive, administrative, and professional employees 40 years ago but to only 7 percent at last count. But payroll micromanagement by remote government bureaucrats is a bad idea. It forces employees into an implicit vendor-client relationship in which they watch the clock, fill out forms, and try to distinguish billable from non-billable hours. It induces employers to anticipate likely overtime costs and adjust base salaries accordingly. The federal bureaucracy has no Department of Creating Busywork, and the Labor Department should stop auditioning for the part.

■ In late September, California governor Jerry Brown signed Assembly Bill 1671, a measure criminalizing many forms of whistleblowing in the health-care industry. Why the sudden concern that loose lips sink ships? Leaked e-mails show that the office of California attorney general Kamala Harris collaborated with Planned Parenthood's California affiliate to draft the bill. The abortion provider wanted the legislation in order to prevent anyone from emulating the Center for Medical Progress, whose 2015 videos documenting Planned Parenthood's trafficking in fetal tissue rocked the pro-abortion group.



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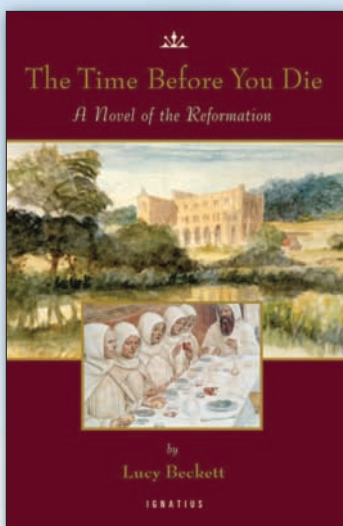
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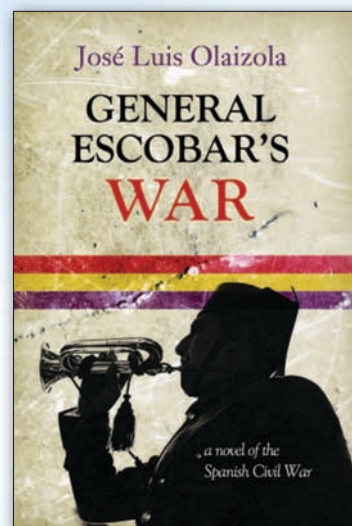
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The bill's drafters originally wrote the bill so expansively that even the California branch of the American Civil Liberties Union blanched, arguing that it could discourage journalists and private individuals from revealing necessary information about the health-care industry. The liberal *Los Angeles Times* editorial board opined against a softened version of the bill in late August, saying that it has the potential for "unanticipated and unwelcome consequences" and "would heap more criminal and civil penalties on making a secret recording . . . simply to satisfy an interest group popular among Sacramento Democrats." The law is very ill advised but understandable: Given its line of work, of course Planned Parenthood doesn't want anyone looking behind the scenes of its operation.

■ For 50 years, the FARC has terrorized Colombia. They are Communist guerrillas, specializing in fear, torture, kidnapping, drugs, and murder. They have essentially been defeated, thanks in large part to the presidency of Álvaro Uribe, who served from 2002 to 2010. (Uribe's father, Alberto, was killed by the FARC.) Uribe's successor, Juan Manuel Santos, negotiated a peace treaty with the FARC. All that remained was ratification by the public, in a popular vote. It was expected to win in a landslide. The whole world was for it, starting with the U.N. secretary-general. But something amazing happened: It lost narrowly. The vote was 50.2 percent to 49.8 percent. Uribe had led the campaign against ratification. His side argued that the treaty was unnecessarily generous to the guerrillas. It gave them money, seats in the congress, and, essentially, amnesty. A majority of voters thought that Santos was handing the guerrillas a victory that they could not earn. Also, many simply did not trust the FARC to lay down their arms, once and for all. The desire for peace is natural and commendable in human beings. But sometimes the cost is too high. We would have voted the same way.

■ The Hungarians, like many other Europeans, believe that the European Union's plans to resettle thousands of Muslim refugees—and, with them, an unknown number of Islamic radicals and active terrorists—are not in the best interests of their country. Unlike the other Europeans, the Hungarians staged a national referendum on the question, with overwhelming results: More than 90 percent of those who voted in the referendum opposed refugee resettlement. Opposition to refugee resettlement has been intensified by revelations from Hungary's intelligence service that the country was used as a staging ground for last year's terrorist attacks in Paris, which left nearly 500 dead or wounded, with the jihadists posing as refugees. Because voter turnout was less than 50 percent, the referendum is not legally binding, but Hungary's conservative prime minister, Viktor Orbán, says his government will pursue legislation along the same lines. Hungary already has sealed off its border with Croatia in order to stanch the flow of Middle Eastern immigrants. Under Orbán, Hungary is emerging as the leader of something like a European counterrevolution among a bloc of countries that, unlike the United Kingdom, desire to remain within the European Union but, like the United Kingdom, do not intend to submit to domination by Brussels. With his border-sealing and fence-building, Orbán is about to discover whether that position is a tenable one.

■ En route from Amsterdam to Kuala Lumpur, Malaysia Airlines Flight 17 was shot down over eastern Ukraine in July 2014. All 298 passengers and crew perished. The U.S. government and then the Dutch Safety Board concluded that the commercial airliner had been struck by a Russian-made surface-to-air missile. Russian authorities tried to refute the finding; a team of Dutch, Malaysian, Belgian, and Australian investigators confirmed it last month. They documented Russia's deployment of a Buk missile system across the border into Ukraine. After the strike on the Boeing 777 aircraft, the missile launcher and its accompanying convoy of trucks sped back to Russia. The investigators pieced together the routes to and from the launch site in Ukraine. They plan to identify suspects and motives and to bring criminal charges, but for now they report only the facts that they have, which clearly implicate Russia and confirm Western critics of the Putin regime.

■ Twitter insists that it does not engage in censorship or political filtering. In practice, the site has given its conservative users reason to doubt it. September brought them another one: Twitter suspended Glenn Reynolds, a professor of law at the University of Tennessee who goes by the online nom de plume "Instapundit," after he issued an ambiguous tweet about the riots in Charlotte, N.C. Reynolds wrote, of protesters blocking a highway, "Run them down." Defending himself later, Reynolds explained that "blocking the interstate is dangerous, and trapping people in their cars is a threat. Driving on is self-preservation." By contemporary social-media standards, both the tweet and the explanation were mild. But Reynolds is an outspoken libertarian, and the rules were different for him. Before long, both the University of Tennessee (Reynolds's employer) and *USA Today* (which suspended his column for a month) announced their own investigations. Reynolds has now been reinstated by Twitter and cleared by the University of Tennessee, and we say to the prolific and always interesting professor: Drive on.

■ Remember Harambe, the beloved gorilla who was shot dead after a toddler wandered into his zoo enclosure? Following his tragic death, Harambe jokes began circulating on the Internet, and most people shrugged them off or ignored them—except at UMass–Amherst, where all Harambe jokes have been declared racist. The slender justification is that UMass has a segregated "residential community," exclusively for students of African descent, called Harambee (a Swahili term that denotes working together), which means that Harambe jokes are "not only derogatory, but also micro-aggressions" that "will be seen as a direct attack on our campus's African-American community." Moreover, one popular Internet slogan that circulated after the shooting encouraged male students, with unclear logic, to expose their genitals "for Harambe." Speaking or writing that slogan, UMass students have been told, "runs the risk of being reported as a Title IX incident." These strictures were posted during the first week of classes by student advisers in a freshman dormitory, who further warned their tender charges that using any phrase or hashtag deemed offensive by the monitors would be "a very serious incident—especially for a first-year student!" Welcome to college, kids.

■ Like many colleges these days, the University of Michigan asks students to specify the pronouns by which they wish to be

known. The vast majority choose “he/him/his” or “she/her/her,” but many exotic variants exist for those whose gender is complicated. The usual practice among these “genderqueer” is to choose words like “ze” or “xyr” that are inclusive toward historically underrepresented consonants, but the university’s Pronoun Committee (yes, there is such a thing) is quite clear that you can pick anything you like as a preferred pronoun (except perhaps “Go Buckeyes”). So one student has designated “His Majesty” as his nominative pronoun, and now everyone has to refer to him that way or risk disciplinary proceedings. In Hans Christian Andersen’s famous story, one child showed a big crowd that their self-deluding belief in plainly untrue things was false: that the emperor had no clothes. In Ann Arbor, the emperor himself is delivering that message.

■ When future chroniclers try to sum up the year 2016 in a single headline, they will hardly be able to do better than this one, from the *Washington Post*: “Is your dog’s Halloween costume sexist?” The article beneath it, written with evident earnestness, complained that not only do costumes for girl dogs tend to cost more than those for boy dogs, but the very idea of classifying dog costumes as male (fireman, mob boss) or female (nurse, French maid) perpetuates gender stereotypes. The piece concluded with a man who co-hosts a podcast about gender issues declaring that he refuses to buy outfits to dress his two dogs as Cagney and Lacey (from the 1980s television show of that name) until PetSmart removes gender labels from its costumes. Political correctness reaches the canine world at last. Every dog has xyr day.

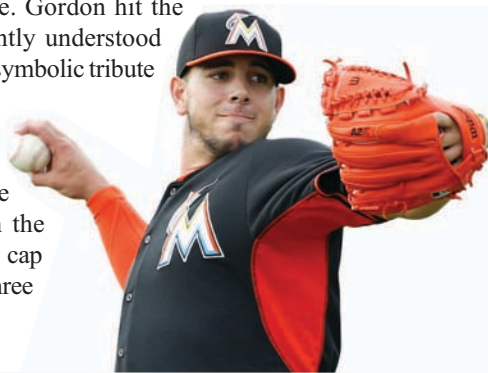
■ Until recently, an 18-foot-tall statue of Vladimir Lenin stood atop a luxury condominium on New York City’s fashionable Houston Street. The building’s wealthy developer, Michael Rosen—a former NYU professor of “radical sociology” who now lives in Hanoi—installed the statue because he thought the building’s well-heeled residents would find it inspiring; he even named the development Red Square. Only in New York does any of this make sense. Now the Lenin statue has been taken away—not in a sudden attack of decency, but because Rosen sold the building for \$100 million and was afraid the new owners might not preserve the statue, and so moved it to another building of his on a gentrifying street nearby. The statue was installed in its old location in 1994, and if you counted every pedestrian who walked underneath it during the time it was in place, the total would just about equal the number of people murdered by the Soviet Communist government during its reign. That’s why the statue had to be rescued from a Moscow junk pile, where it was discarded by Russians who failed to appreciate its potential for postmodern irony.

■ We rejoice at the birth of a new conservative magazine—especially one edited by Daniel Hannan, the British politician, writer, and sage. A quarterly, it’s called “The Conservative,” and it is put out by ACRE, the Alliance of Conservatives and Reformists in Europe. In an opening note, Hannan said, “The one thing that the contributors have in common, as conservatives, is that we are driven by love rather than hate. Not for us the grievance and victimhood that characterises large parts of the Left. Not for us the desire to tear things down. We are moved, rather, by respect for the things that make us what we

are: our nations, our laws, our families, our customs.” There is something beautiful about the phrase “Volume 1, Issue 1.” Many more to Hannan and his band.

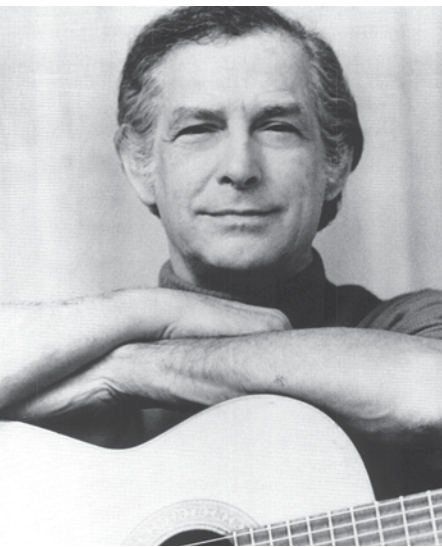
■ He has a beautiful instrument, Vin Scully does: his voice. It is smooth and sweet, with some grain in it. He has a beautiful mind, too, certainly for baseball: For 67 years, he announced games for the Dodgers—first in Brooklyn, then in L.A. He has done other sports as well, chiefly football and golf. He has now retired at age 88. He belongs to all Americans, whatever their political views. But it’s a safe bet he is not on the left. He let slip some commentary earlier this season. It happened when a Venezuelan player was at bat. Scully was musing on the news out of the player’s home country. “Socialism failing to work, as it always does, this time in Venezuela. You talk about giving everybody something free and all of a sudden there’s no food to eat. And who do you think is the richest person in Venezuela? The daughter of Hugo Chávez. Hello! Anyway, 0 and 2.”

■ Miami Marlins pitcher José Fernández died in a boating accident before dawn on Sunday morning, September 25. The Marlins canceled their game later that day and retired his number, 16, but not until it made a last appearance on the uniforms of the whole roster, who wore it in his honor at Monday night’s game, against the Mets. In the bottom of the first, the Marlins’ leadoff hitter, Dee Gordon, who bats left, adopted Fernández’s right-handed stance and took the first pitch before moving to the other side of the plate. He worked the count to 2–0. Nobody’s idea of a slugger, Gordon then pulled a fat, 85-mph fastball to the right-field seats for his first home run of the season. Some think that the Mets’ starter, Bartolo Colón, intentionally grooved the pitch. If he did, he would never say, and should never say, the unwritten rules of the game being what they are. Gordon hit the homer, instantly understood by all to be a symbolic tribute to Fernández, and Colón served it up: That’s all we know. Touch the brim of your cap to salute all three of them.



■ Not many people alive today can remember when golf was a fairly obscure sport. Arnold Palmer did as much as anyone to popularize it. He was the game’s first television star. He melted screens across America with his charisma. He would roll up his sleeves and whack it. He wrote a how-to book with a slogan on the cover: “Hit It Hard!” Palmer was born in 1929, in Latrobe, Pa., a steel town. His father was the pro and greenskeeper at the local country club. Arnold went on to Wake Forest College. And to 62 victories on the PGA Tour, and seven major titles. Like Elvis Presley, he was known as “The King.” After his competitive days were over, he was an *éminence grise*, presiding

over his Arnold Palmer Invitational in Greater Orlando and doing a tremendous amount for charity. He was friendly and approachable. It's possible—possible—that he signed more autographs than anyone else in history. He got a kick out of his life, and people got a kick out of him. He has died at 87. R.I.P.



■ From December 1945 until last month, Oscar Brand hosted a weekly radio show on WNYC in New York City, *Folksong Festival*, dedicated to folk and roots music. He was an okay singer and guitar player, but his enthusiasm and his knowledge were boundless. Of course he was a leftie, but he loved all Americana: When he recorded a CD of political songs, he included one for every president, Democrat, Republican, Whig, or Federalist. He hosted black-listed singers (natch) but also those who had named names for congressional investigators—

the great sin, in the eyes of the pro-Communist Left. When a whippersnapper criticized him for this, he said, “We on the left do not blacklist.” Of course they on the left blacklist (cf. campus SJWs). But kudos to Brand for believing, and behaving, otherwise. Dead at 96. R.I.P.

■ Shimon Peres was one of the Israelis the world has been accustomed to hearing about. David Ben-Gurion, the state's founding father and first prime minister, launched the career of the young Peres by commissioning him to obtain arms. He got the French to build the nuclear reactor at Dimona. A member of the Knesset for 45 years, and leader of the Labour party, he never won a general election, but nevertheless at some point held the top posts in government, from prime minister and foreign minister to president in the latter years of his life. He and his colleague Yitzhak Rabin in 1993 signed the agreement known as the Oslo Accord, and they along with Yasser Arafat were awarded the Nobel Peace Prize. The man who had done so much to arm Israel surprisingly morphed into an enthusiastic peacenik with visions of a brilliant future in science and the arts for the whole Middle East. However controversial this was, he never gave up hope for peace, so that world leaders thought he was admirable and even critical Israelis gave him the benefit of the doubt. At the age of 93, he has died. R.I.P.

2016

Round One to Hillary

THE night of the first presidential debate, Donald Trump was closing in on Hillary Clinton in the polls and had an opportunity to change the widespread perception that he is temperamentally unsuited to the presidency. A week later, Clinton had bounced up again to a small but significant polling lead, and a rocky debate, and even rockier aftermath, had reinforced the public's qualms about Trump.

At the outset of the debate at Hofstra University, Trump appeared to be trying to execute a plan. He spoke in a modulated tone. He asked his opponent whether he could call her “Secretary Clinton.” He prosecuted his case on the economy (with the usual heavy dose of protectionism). But his discipline steadily became undone. He got shouty. He interrupted Clinton repeatedly, often with pointless interjections. He wandered aimlessly on topics such as cybersecurity, managing to mention a hypothetical 400-pound hacker and his son Barron but not the private server Clinton had when she was secretary of state. He chased every distraction Clinton threw in front of him with the abandon of a greyhound determined to catch the mechanical rabbit.

By the end, he had clearly lost, and polls over the next week catalogued the magnitude of the defeat. Trump made it worse in the ensuing days. He alleged the debate had been rigged against him. He cited unscientific and easily manipulated online polls for evidence of his sweeping victory. He attacked a former Miss Universe, mentioned at the end of the debate by Hillary Clinton, in a self-destructive diversion that must have had Clinton aides at her Brooklyn headquarters doing cartwheels and exchanging high-fives.

It's not as though Clinton turned in a stellar performance at Hofstra. She was pedestrian, canned, and dull. Hers is a dreary vision of the statist status quo filtered through her all-consuming careerism. In a change election, she perfectly represents the condescension, incompetence, and corruption that have contributed to the collapse of faith in our elite institutions. And yet it is her good fortune that she may not need to affirmatively win the election so much as watch her opponent lose it.

In the intense final month of a presidential race, every day feels like a week. By the time our readers hold this issue in their hands, dozens of things will have happened, most importantly another presidential debate. If Trump is to close the gap with Clinton, he will have to take that debate, and the rest of the campaign, much more seriously than he did the first.



Donald Trump and Hillary Clinton debating at Hofstra University, September 26, 2016

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The Education Gap

In Iowa and New Hampshire, educational attainment best predicts presidential preference

BY TIM ALBERTA

Des Moines

DANA VAN WOERT strolled into this city's downtown plaza on a September afternoon eager to help make history. Hillary Clinton was in town to headline a get-out-the-vote rally, and before it began, Van Woert scribbled her contact information on a campaign worker's clipboard with the intention of volunteering at future events. The 27-year-old graphic designer, a graduate of Iowa State University, lives here in Des Moines and took her lunch break to cheer for a candidate who she hopes will become America's first female president.

A few hundred feet away, just outside the event fencing, Dan Edwards was working to prevent that from happening. The 54-year-old retired painter and facilities worker, who lives 20 miles away in the tiny outpost of Van Meter, wore a camouflage NAPA Racing cap and a "Donald Trump for President" shirt. He thrust a handmade sign into the sky: CROOKED HILLARY. On the flip side: HONK IF HILLARY LIED. Edwards went to trade school, he explains in between the blare of motorists obliging him, where he learned to paint everything from iron

beams to household furniture. But he never attended college.

Trump is the favorite to win this state's six electoral votes on November 8, and for a simple reason: Iowa's population looks more like Dan Edwards than Dana Van Woert.

They differ in their gender and geographic background, two reliable indicators of partisan preference. But the critical difference between Edwards and Van Woert—and the reason Republicans are poised for victory in Iowa—is a college degree. Political scientists and campaign tacticians have long viewed the "gender gap"—the difference in a candidate's performance between men and women—as the most revelatory statistic inside a pre-election survey or exit poll. But the gender gap has been overshadowed this year by another demographic metric, known as the "diploma divide."

College education has become essential to gauging political inclinations because it correlates with many other key demographic indicators: ideology, religion, geography, household income. Degree holders, on average, are more liberal,

more secular, more suburban, and wealthier than voters who did not attend college. In this election, college-educated voters are far more likely to support Clinton, and non-college-educated voters are far more likely to back Trump.

In late September, Quinnipiac University surveyed 1,115 likely voters nationwide and found a dead heat: Clinton 44, Trump 43. But when sorted by educational attainment, the results were lopsided. Among college graduates, Clinton led Trump 49 percent to 36 percent; among non-college graduates, Trump led Clinton 49 percent to 39 percent. (Those margins dwarfed the gender gaps: Clinton led by five points among all women, and Trump led by four points among all men.)

The diploma divide is uniquely valuable in assessing individual battleground states because of their variance in college-educated vote share. Take Iowa. The state's population ranks 37th in its proportion of voters with a college education, according to the financial-news service 24/7 Wall Street, which studied the Census Bureau's 2015 American Community Survey. Its analysis found that only 27 percent of Iowa's adults have at least a bachelor's degree; it was the only state to see "a statistically significant decline" from the previous year. This helps to explain why Trump leads Clinton by five points in the *RealClearPolitics* polling average of Iowa.

Iowa's mirror image, when it comes to education, is New Hampshire. Its population ranked eighth in the same study, with 36 percent of adults having at least a bachelor's degree. And whereas Iowa's proportion of non-college-educated voters in 2012 was 57 percent, four points higher than the national average of 53 percent, New Hampshire's was four points lower, at 49 percent. Predictably, Clinton leads Trump by—you guessed it—five points in the *RealClearPolitics* polling average of New Hampshire.

Iowa and New Hampshire are in many ways polar opposites; their economies and cultures reflect broader regional differences. But they also have much in common. For one thing, given their positions atop the presidential nominating calendar, they got a longer look at both parties' nominees than did any other state. In 2012, their electorates were both 93 percent white. Their gender breakdowns were similar; women made up 54 percent of Iowa's electorate and 52 percent of New

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Hampshire's. And President Obama carried both states by six points. How to explain, then, that Clinton leads by five points in one state while trailing by five points in the other?

Glen Bolger, a respected GOP pollster and co-founder of the firm Public Opinion Strategies, thinks it's because "college-educated men are voting more and more like college-educated women, and non-college women are voting more and more like non-college men."

What does that mean? Imagine a box divided into four squares. One belongs to college-educated women, the most liberal square. Another belongs to non-college-educated men, the most conservative square. The other two, non-college-educated women and college-educated men, are somewhere in between. Those two squares traditionally have been competitive but more recently have leaned as their gender demographics would suggest: non-college-educated women leaning slightly left, because women mostly do, and college-educated men leaning slightly right, because men mostly do. But Bolger believes that gender is no longer the determining factor in these two competitive squares; education is. Non-college-educated women are now leaning right, because non-college-educated voters mostly do; and college-educated men are now leaning left, because college-educated voters mostly do.

These trends have been visible for decades. Blue-collar whites have been steadily defecting from the Democratic party since the 1960s and white-collar whites have been leaving Republican ranks since the late 1980s, culminating in what *The Atlantic's* Ron Brownstein has called "the class inversion." It has accelerated beyond expectation in 2016 thanks to two nominees with limited appeal to the groups from which their respective parties were already bleeding support.

Trump, running hard to the right on immigration and preaching anti-trade populism, performed twelve points better with non-college-educated voters during the GOP primary than he did with degree holders. ("I love the poorly educated!" he memorably declared during his Nevada victory speech.) Clinton, who enjoyed strong support among working-class whites against Obama in the 2008 Democratic primary, saw much of it disappear eight years later as Bernie Sanders dragged her leftward on virtually

every policy front. (Particularly unhelpful in places such as Ohio and Pennsylvania, Democrats say, was her pledge to "put a lot of coal miners and coal companies out of business.")

The reason non-college-educated voters tend to support Trump, pollsters emphasize, isn't simply their lack of schooling—or intelligence. Rather, competing in the 21st-century job market without a college degree probably means they "have had a really tough run over the past decade, have a much bleaker perception of their economic situation," and are therefore more receptive to anti-Washington rhetoric and promises of sweeping change, says Steve Koczela, president of the MassINC Polling Group, which has partnered with Boston's public-radio affiliate to poll New Hampshire throughout the primary and general elections.

Indeed, when analyzing the exit polling from the 2016 primaries, renowned pollster Gary Langer of ABC News concluded: "Perhaps most important is the long-term trend in lagging incomes. Americans with a college degree have seen their real median weekly earnings rise by nearly 23 percent in the past 35 years. All well and good—but those who lack a four-year college degree have seen their real incomes decline by 9 percent."

Here again, Iowa and New Hampshire are a useful case study. In 2012, according to exit polls, 33 percent of New Hampshire voters reported an annual household income over \$100,000, ranking it among the wealthiest states. In Iowa, however, that number was just 19 percent, the lowest of any state that was polled. The correlation—states with more educated populations also have more affluent populations—was predictable but not politically predictive: Obama won Iowa and New Hampshire by an identical six-point margin; there was no reason to expect that a college diploma would be the brightest dividing line in the electorate four years later.

"I would love to tell you that I was brilliant and forward-looking and knew that college education would be the dominant indicator," says Chris Wilson, the polling and data guru for Ted Cruz's presidential campaign. "We were weighing and analyzing more than 500 indicators. But we didn't really start to see education emerge as dominant until South Carolina. And Nevada was the first time we zeroed in on it."

In fact, Trump and Cruz performed comparably with non-college-educated voters in Iowa, exit polls showed. And New Hampshire was such a landslide—Trump topped the second-place finisher by nearly 20 points and swept every education demographic—that conclusions were difficult to draw. But in South Carolina, a heavily Evangelical state where it expected to perform well, Cruz's team ran into trouble. Many of the Evangelicals they targeted ultimately broke for Trump, "and they were the Evangelicals without a college degree," Wilson says. By the time Nevada voted, Cruz and his fellow Republicans saw a trend developing: Any other demographic characteristic of a particular voter that might have made him or her a supporter—age, occupation, marital status, preferred grocery store, favorite TV show—was overwhelmed by the single question of whether he or she had graduated from college. If the answer was no, the voter was much more likely to support Trump.

This dynamic delivered Trump the nomination; if amplified, it could carry him to the White House. But that seems unlikely: College-educated voters account for a significantly higher portion of the November electorate than of the GOP primary electorate, and they are heavily concentrated in the suburbs of the nation's most competitive battleground states. Even if Trump mobilizes millions of working-class whites who sat out previous elections, it probably would not compensate for the defections of college-educated Romney supporters to the Democratic party. And to be clear, any such surge in non-college-educated voters appears highly improbable. In each of the past three general elections, the share of voters with a bachelor's degree has climbed steadily; so too has the share of voters with a post-graduate degree. Those trends appear inexorable, and they pose yet another demographic problem for a party that has failed to solve several others.

"The Republicans have this wacky plan where we try to do better with groups that are getting smaller in the electorate, and we try to piss off groups that are getting larger in the electorate," Bolger says. "Whether it's women, Latinos, college-educated—it's like betting on the slowest horse in the race." NR

5

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The Contest For the Senate

Polling suggests that Trump has been a drag on the ticket

BY RAMESH PONNURU

IN mid August, it looked like Donald Trump was dragging the Republican Senate down to defeat with him. Following the parties' conventions Trump had gotten in an extended and angry argument with the family of a slain soldier. Polls showed him down by an average of nearly eight points. Democrats raised their sights from winning a Senate majority to winning one large enough to withstand defeats in 2018. Republicans began to worry that their control of the House could be in danger too.

But Trump recovered, drawing nearly even with Hillary Clinton by mid September. Republicans aren't worrying about the House any longer. They may even keep their majority in the Senate, where they currently hold 54 seats.

It's not a done deal. Republicans have been pessimistic all year about holding Mark Kirk's seat in Illinois and Ron Johnson's in Wisconsin. Both senators won during the tea-party wave of 2010, when the country was still near the trough of the Great Recession and the Democrats had just enacted Obamacare. But both states vote reliably for Democrats in presidential years.

Republicans are in serious danger of losing seats in several other states. Dan Coats is retiring in Indiana, and the Democrats nominated Evan Bayh to reclaim a seat he once held. Bayh is also a former governor, and his father once held the seat as well. The Republican nominee, Representative Todd Young, is widely considered a comer but is not as well known. Two things are working in his favor: Bayh has been a lobbyist who does not seem to have been living in the state in any meaningful sense. And in Indiana, unlike Wisconsin or Illinois, the presidential election will help Republicans in the Senate race.

Two Republican senators are in tough reelection battles. Pat Toomey is the most economically conservative senator Pennsylvania has ever had. Mindful of the challenge this fact poses, he has tried to work with Democrats on incremental legislation.

But anti-Trump turnout in Philadelphia and its close-in suburbs might swamp him (even though he has not endorsed Trump). Liberal groups are also outspending conservatives in the race. In New Hampshire, Kelly Ayotte, a national-security-minded conservative, is running far ahead of Trump—but not so far ahead that she is safe.

In two other states, incumbent Republicans—Roy Blunt of Missouri and Richard Burr of North Carolina—have seen some unfavorable polls but are still generally considered favorites to win. Senators John McCain (Ariz.), Rob Portman (Ohio), and Marco Rubio (Fla.) had also expected tough reelection fights. But McCain and Portman seem to have put their races away, and Rubio is close to doing the same.

Republicans have only one real opportunity to take a seat that the Democrats hold. It's in Nevada, where Senate minority leader Harry Reid is retiring and Trump is running even with Clinton. The Republican candidate, Representative Joe Heck, is slightly ahead of the Democratic one, Nevada secretary of state Catherine Cortez Masto. One Democratic incumbent who looked vulnerable, Michael Bennet of Colorado, drew a weak Republican challenger—just as he did in 2010—and is now safe.

When Trump's numbers improve, so do those of Republican Senate candidates: That's what happened from mid August to mid September, and it's what you'd expect in a normal year. One difference between this presidential election and previous ones is that Clinton has decided to try to separate Trump from his party rather than tie him to it. She is telling Republican voters that she represents their party's values better than Trump does. That may help explain why, in several states, Republican senators are running ahead of Trump.

In 2012, President Obama ran a more typical campaign against Mitt Romney, saying that the challenger, like his party, was out of touch with the country. Romney ran at least two points ahead, and sometimes way ahead, of the Republican Senate candidate in 18 states. He ran two or more points behind the Republican Senate candidate in only six states, which included no swing states and only one state with a competitive Senate race.

There's no apple-to-apple comparison between the two years, because a lot more Republicans running for the Senate have the advantage of incumbency this year than in 2012. But Trump is running more than two points behind Republican Senate

candidates in the *RealClearPolitics* poll averages in Arizona, Florida, Illinois, Iowa, New Hampshire, Ohio, Utah, and Wisconsin: most of the states for which the site is publishing averages. In several of them, Trump is far behind. At the moment, then, it looks like Trump is a drag on the ticket in a way that Romney wasn't.

The four closest races are the ones in Indiana, Nevada, New Hampshire, and Pennsylvania. Democrats need to win three of them, and the presidency, to win the Senate majority. (In that case, Vice President Tim Kaine would cast the tie-breaking vote.)

Does control of the Senate matter? Policy outcomes in Washington, D.C., have not looked all that different since January 2015, when Republicans took the Senate, from the way they had in the two previous years—although the pace of judicial confirmations has slowed down.

The pending change in the presidency could make control matter more. Congressional Republicans generally say that they would exercise more influence over the agenda of a President Trump than they did over that of President Bush, because there are many issues on which Trump does not engage. Their odds of being right are much greater if there is no Democratic Senate majority with which Trump could make deals. Based on the polling reviewed above, though, it seems unlikely that voters will simultaneously elect Trump and a Democratic Senate.

The combination of Clinton and a Republican Senate is more likely. Clinton has historically been better at, or at least more interested in, reaching across the aisle to make deals than Obama has. If she is inclined to make deals, the ones she would make with a Republican Senate are likely to be more conservative than the ones she would make with a Democratic Senate. The nominees she sends the Senate might be less liberal, too, if they will face Republican-controlled committees.

If Democrats win the Senate, the margin by which they win it could also matter. Presidents often see their parties lose ground during midterm elections, but Clinton could fare worse than usual in the Senate because Democrats will have 25 seats up in 2018 while Republicans have only eight. A narrow Democratic majority could, then, be a short-lived one.

The good news, for now, is that a narrow Democratic majority is a worst-case scenario. Unless, that is, the bottom falls out of the Trump campaign. **NR**

Slanted Justice

Or the use of administrative diktat to make rock 'n' roll and pro football polite

BY KEVIN D. WILLIAMSON

SIMON SHIAO TAM fronts an Asian-American rock band called the Slants. Michelle Lee fronts the U.S. Patent and Trademark Office (PTO), and she refuses to permit Tam to register his trademark with the U.S. government on the grounds that “slant” is a term of racial abuse for persons of East Asian descent, which, as it happens, both she and Tam are.

Tam is taking his case all the way to the Supreme Court. Lee argues that if Tam should prevail, then the PTO would be obliged to recognize names containing “even the most vile racial epithet.”

Of course, the PTO already puts its stamp on “the most vile racial epithet,” which is, according to many lexicographers, also the most offensive word in American English, a view held by a majority of Americans interviewed in a 2007 study by Kristy Beers Fägersten of Södertörn University.

The seminal rap group N.W.A., once considered the edge of the edge but now so thoroughly incorporated into the mainstream of American culture that a film about the group’s early years was distributed by Universal Pictures and reviewed respectfully in the pages of NATIONAL REVIEW, is defunct, but the trademark on its N.W.A. logo is not, as a quick search of the online records of the Patent and Trademark Office reveals.

The first word in N.W.A. is that infamous racial epithet, pluralized; the second two are “Wit Attitudes,” “wit” here attempting to approximate a certain black urban pronunciation of “with.” In this particular linguistic context, orthography is invested with a great deal of meaning: One may spell the racial epithet with an “er” at the end or with an “a” at the end, the latter version communicating the dropped “r” associated with black speech (and certain white dialects from the South to Boston), and the spelling or pronunciation will have a significant impact

on how the word is received. A dozen comedy routines and no one knows how many linguistics and critical-race-theory theses have been written on that subject.

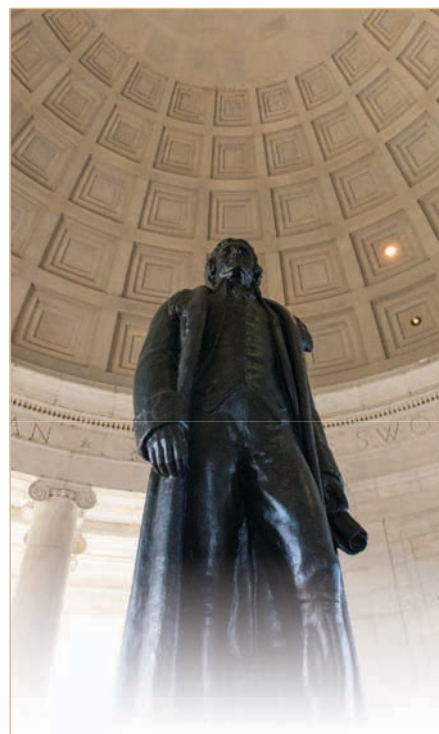
But the Patent and Trademark Office doesn’t worry too much about it: Both spellings show up in its records, associated with everything from “a series of non-fiction books in the field of the political, social, and economic effects of racism” to a live trademark covering “hats; hooded sweatshirts; shirts,” containing not only the familiar racial epithet but also a common item of excretory profanity.

The Brits have a different sense of profanity than we do, but the word considered the most offensive in the English of the United Kingdom is represented in our trademark literature, no doubt to the dismay of puritanical feminists everywhere. The Swiss Army knife of four-letter words, which famously can be deployed in almost any situation as almost any part of speech, is there, too, in many iterations, as are terms of abuse for homosexuals and the like. Some of these even are compounded, with one trademarked term containing both the most common anti-gay slur and the most common profane gerund—this BFF is not your best friend forever.

We register trademarks for criminal and semi-criminal terms, too: Possession of marijuana for personal use is not legal in Georgia (and possession of more than an ounce remains a felony), but a Georgia firm has registered “Joe Blunt 420 Tees Get Munchies Smash Cookies and Ice Cream,” which, amusingly enough, approximates the logorrhea and fractured thinking that sometimes results from excessive consumption of Gary Johnson’s favorite herbal supplement.

Different people are offended by different things, but it is hard to imagine a world in which “the Slants” is beyond the pale while an illiterately deployed exclamation point acts as a fig leaf under which the purveyors of “Field N!gga Wear” may hide their shame.

One thing you may be sure about: Nobody cares about the Slants, a musical and commercial nonentity that, according to its almost certainly self-authored Wikipedia entry, “quickly gained notoriety for being one of the world’s only all-Asian American rock acts and for touring anime conventions.” With a few exceptions from truly inventive artists such as David Henry Hwang and Qui



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Nguyen, Asian-American identity politics is as boring and dreary as anybody else's. Identity politics is what modern jazz used to be: Certain intellectuals feel obliged to pretend to care about it, but you can't really dance to it.

Everybody knows what Americans really care about, which is that great compaction of money, celebrity, and popular culture into corporate form: the National Football League.

The Washington Redskins, like the Slants, have had a spot of trouble with the Patent and Trademark Office. They, too, attempted to take their case all the way to the Supreme Court, but were denied, with the justices declining to hear *Pro-Football, Inc. v. Blackhorse*. The Redskins' owners had petitioned the Court to take up the case alongside *Lee v. Tam*, the Slants' case, but they were rejected. Their case may still be resolved through *Lee v. Tam*, albeit indirectly.

The basic legal question is whether the First Amendment trumps the anti-defamation clause of the 1947 Lanham Act, under which the PTO is forbidden to register trademarks that "disparage persons, living or dead, institutions, beliefs, or national symbols." The Court of Appeals for the Federal Circuit already has sided with Tam, issuing an en banc ruling that the disparagement clause of the Lanham Act "is unconstitutional because it violates the First Amendment" and vacating the Trademark Trial and

Appeal Board's determination that "the Slants" is an unregistrable trademark.

For the Left's culture warriors, this presents a dilemma: How can they construct federal rules in such a way as to permit the registration of trademarks containing profanities and slurs that not only are patently offensive but have been chosen *precisely because they are patently offensive* while at the same time prohibiting the use of "Redskins" and the like by the hated ogres of professional and collegiate sports, when those latter names may or may not be considered offensive (Indian opinion is divided on several cases) but certainly are not being used with the intent of causing offense?

If you think the Patent and Trademark Office is beyond the scope of the Obama administration's program of politicizing every federal agency, then you are not paying attention. Washington Redskins owner Dan Snyder is sympathetic to conservative causes and donated to Mitt Romney's presidential campaign before President Barack Obama advised him in public about his team's name, "I'd think about changing it." Whole Foods CEO John Mackey criticized the so-called Affordable Care Act in a *Wall Street Journal* op-ed and was subsequently informed that his company might not call itself "America's healthiest grocery store."

Writing in *The Hill*, Howard Klein, a patent lawyer and former member of the PTO's public-advisory committee, argues

that Lee may have been illegally appointed to head the PTO (it is a complicated story of vacancies and delegation) and notes that shortly after her appointment, the agency scheduled a roundtable with a pro-Obama business group—a meeting that was, unlike others of its kind, off the record and closed to the press. "The timing of the secret roundtable may have been coincidental," Klein writes, "or it may explain why the administration bent itself into a pretzel to short-circuit the confirmation process."

It's a funny business, trademarks: An anti-Obama PAC was threatened with infringement proceedings by the PTO for using an ace-of-spades logo identical to that of the Special Operations Command, along with other bits of military branding, but the PTO is happy to register CBS's many trademarks incorporating the name of the Naval Criminal Investigative Service (NCIS), which in fictionalized form is the subject of a CBS show. Two days after the raid in which Osama bin Laden was killed, the PTO began processing Disney's trademark on "Seal Team Six," though Disney later was shamed into withdrawing the trademark attempt—but not by the Navy, which still insists that Seal Team Six does not exist. Private companies have trademarked names involving everything from "Green Berets" to "Springfield Armory." But an anti-Obama PAC ended up on the intellectual-property radar of top bureaucrats throughout the government.

Tam should win his case: His statement is an obviously political one, and he is being sanctioned by the U.S. government for it on grounds of giving offense, while the most infamous slurs and profanities in the English language go unchallenged. The problem for the Slants is that Asian-American identity politics is pretty low on the Left's totem pole—our progressive friends are, after all, in the business of actively discriminating against Asian-American applicants at colleges all over the country, especially in California, in the pursuit of campus "diversity." Leaning on Dan Snyder and the NFL, on the other hand, is important, status-enhancing business for progressive culture warriors. The Supreme Court being the Supreme Court, the case could go either way. But it is not encouraging that the Long March through the Institutions has arrived at the Patent and Trademark Office. **NR**



FBI director James Comey testifies before the House Oversight and Government Reform Committee on July 7, 2016, concerning his recommendation against prosecuting Hillary Clinton.

James Comey's Dereliction

Of course the Obama administration was not going to prosecute Hillary Clinton

BY ANDREW C. MCCARTHY

WHEN considering the recommendation of Federal Bureau of Investigation director James B. Comey against a prosecution of Hillary Clinton over the e-mail scandal, bear two things in mind.

First, for all their pretensions about the insulation of law enforcement from politics, the FBI and the Department of Justice are agents of the executive branch. As a matter of constitutional law, the power they are delegated to exercise is the president's, and they wield it at his pleasure. The highly ambitious men and women in coveted executive-branch leadership posts always have the option of honorably resigning if they find the president's bidding too unsavory to do; but if they remain, they do what is expected of them.

Second, Obama, a Harvard-trained attorney who deems himself an expert legal tactician, is deeply engaged in the workings of the Justice Department. As a community organizer, he learned that who is exploiting the legal process is far more consequential than what the laws actually say—if I vex you with a bogus lawsuit, you don't laugh it off, you hire a lawyer. Not surprisingly, Obama being a “transformative” president, his hand is discernible in everything his Justice Department does—whether it is racially discriminatory civil-rights enforcement, federalization of the nation's police departments, a trumped-up prosecution to help the administration scapegoat a film producer

as the Benghazi villain, obstructing congressional investigations of the Fast and Furious scandal and of the IRS's intimidation of the president's conservative critics, defending Obama's non-enforcement of immigration law, promoting the administration's narrative that predatory banks (not lunatic government housing policies) caused the 2008 financial meltdown, sculpting indictments in conformance to Obama's see-no-Islam conception of terrorism, etc. His is the most politicized Justice Department in American history.

That Justice Department was never going to indict Hillary Clinton, the presidential nominee of the president's party, whom the president has endorsed and sees as key to cementing his legacy. That Justice Department, moreover, was never going to indict Obama's former secretary of state for engaging in conduct—the reckless communication of classified information through non-secure e-mail channels—in which Obama himself not only engaged but did so *with Clinton*.

This should be news to none of us. It certainly was not news to the FBI director. The president did not want Clinton indicted. The rest is just details.

The details are complicated, naturally. Whenever something as straightforward as Hillary Clinton's guilt is eradicated by dizzying theories that statutes are constitutionally infirm or evidence is lacking, it is because clever lawyers have obscured the

forest by picking at the trees. But here, too, a couple of themes help us navigate the swirl. First, there is a way the Justice Department and the FBI go about things when they are trying to make a case versus *not* make a case. In the former, their default mode, they are aggressive—sometimes hyper-aggressive. In the latter, less frequent mode, they channel the defense lawyers they usually work against. In the Clinton investigation, the FBI became the defense lawyer.

Second, when convincing evidence shows that a suspect took every action necessary to violate a criminal statute, cases come down to the mental element that must be proved beyond a reasonable doubt—*mens rea*, criminal intent. Contrary to the narrative spun by the president, Justice Department officials, media talking heads, and the FBI director, *mens rea* is neither complicated nor difficult to prove in most cases. People are presumed to intend the natural and foreseeable consequences of their actions. When a suspect has no defense for her actions, though, her lawyer is sure to claim that her intentions were ambiguous, even benign. Those are the cases that ought to be indicted and tried. When they are, juries tend to laugh the *mens rea* defense out of court. But the Obama Justice Department is chockablock with defense lawyers, so the FBI wasn't laughing.

This gets to the legerdemain at the heart of Director Comey's recommendation against the prosecution of Clinton for felony mishandling of classified information. The former secretary patently violated the 1917 Espionage Act—specifically, the subdivision (section 793(f) of the federal penal code) that prohibits government officials with security clearances from exercising “gross negligence” in storing classified information outside its proper place of custody (e.g., the government's secure classified e-mail system) or transmitting it to people not authorized to have it. Even by Comey's account, Clinton and her underlings were “extremely careless” in their handling of top-secret intelligence. That's the very definition of gross negligence. Yet Comey rationalized that the statute could not be applied to Clinton because Congress's criminalization of mere “negligence” was constitutionally suspect; therefore, the theory went, the FBI could not greenlight prosecution absent proof of willful misconduct, a higher *mens rea* standard.

This is a specious argument. It is, to begin with, a red herring: an attempt—which has been wildly successful, by the way—to minimize Clinton's misconduct in the public mind, as if it were indisputably nothing worse than unintentional recklessness. In point of fact, there is substantial evidence that Clinton's mishandling of classified information was willful. A secretary of state's stock-in-trade is classified information. By setting up an unauthorized, non-secure e-mail system, she rendered it inevitable that classified information would be disseminated through and stored on that system. This brute fact cannot be dismissed, as the FBI dismissed it, by pretending that mishandling classified information was not the purpose of the homebrew server system. It was an easily predictable effect—and, again, people are deemed to intend the foreseeable consequences of their actions.

As Representative Trey Gowdy (R., S.C.) pointed out to Comey in a late-September hearing, false exculpatory statements are among the best proof of criminal intent. Clinton made them by the truckload: devolving, as the known facts grew worse for her, from assertions that she never sent or

received classified information to the subtle amendment that she meant information “*marked* classified” to risible feigned ignorance about classified markings in her e-mails (pretending that she believed the ubiquitous “(C)” —for *confidential*—in classified documents had something to do with placing paragraphs in “alphabetical order”). Remarkably, however, Comey never considered Clinton's testimony, rife with misleading assertions, before Gowdy's House Benghazi Committee; and he rationalized that Clinton's mendacious public statements were somehow irrelevant because she hadn't lied directly to the FBI—a claim that proved indefensible when the Bureau's report of Clinton's FBI interview, replete with incredible statements and claims of memory lapse, was released on the sleepy Friday before Labor Day weekend.

In essence, the FBI first strained to overlook powerful proof of willful law violation that would have made Clinton prosecutable under a different Espionage Act subsection, 793(e). Having thus tied its own hands, the FBI claimed it was stuck with trying to make the case under the supposedly problematic 793(f).

On that score, it was preposterous for Comey to maintain that negligence (the usual standard for liability in civil cases) is not a valid predicate for criminal charges. Negligence is prescribed by legislatures as the *mens rea* element in criminal statutes involving extremely careless behavior that has catastrophic consequences—for example, states routinely prosecute negligent homicide.

Comey nevertheless insists that 793(f) has rarely been charged (just once ever by the Justice Department) because the Justice Department has concerns about its constitutionality, owing to reservations expressed by some lawmakers when it was enacted. The director's rationalizations are dispensed with by a precedent, *National Organization for Women v. Scheidler*, that became a favorite of prosecutors such as Jim Comey and I when the Supreme Court decided it in 1994. In *Scheidler*, the justices ruled that criminal statutes must be applied as Congress has written them—courts are not at liberty to enhance the prosecution's burden (in *Scheidler*, by trying to force the government, in racketeering cases, to prove that a criminal enterprise had an “economic purpose”—which Congress had not required). As the Court reasoned, what matters is the unambiguous words that Congress has enacted, not meanderings by individual lawmakers mined from legislative history or enforcement guidelines promulgated by the Justice Department.

In Clinton's case, Comey did exactly what the Justice Department regularly tells judges they must never do: rewrite criminal statutes to impose heightened protections for criminals. The law presumes the constitutionality of all congressional statutes, to say nothing of those, like 793(f), never ruled infirm after a century on the books. The FBI's job is to gather evidence that proves offenses as defined by Congress, and the Justice Department's job is to defend statutes, not undermine them.

Equally flawed is Comey's rationale that the statute is an outlier that, if enforced as written, could make all Americans vulnerable to criminal prosecution for mere negligence. Far from an outlier, section 793(f) is part of a carefully calibrated scale of offenses. The most serious, traditional espionage offenses, involving intent to harm the United States, are on top; less serious offenses, involving willful mishandling of classified information, are in the middle; and the least serious, involving negligence, are at the bottom. Moreover, 793(f) is triggered only by

gross negligence (i.e., *extreme* carelessness, not mere negligence); and it applies only to a narrow, carefully drawn class: national-security officials with authorized access to classified information, who receive training in the care with which it may be handled—people such as Mrs. Clinton, who writes in her memoir, *Hard Choices*, about the “strict security precautions” that at times required her and associates to read intelligence “with a blanket over our head” to avoid its being compromised.

Apparently cognizant of the frivolousness of his constitutional claim, Comey concurrently relies on Justice Department tradition: Even if not invalid, 793(f) should not be applied, because the Justice Department nearly never applies it. This circular argument leads to the director’s astonishing conclusion that prosecuting Mrs. Clinton would amount to unequal protection of law: one punishing standard for her, a forgiving one for everyone else.

This is absurd. Mrs. Clinton’s case may be singular, but that is because of the breadth of its audaciousness. No official of such high rank has ever *systematically* conducted government business through unauthorized, unlawful channels, with the inexorable result that *thousands* of classified e-mails were generated and *tens of thousands* of government files—e-mails involving government business, whether or not classified—were destroyed (and even more had their destruction attempted). It is not invidious selective prosecution to subject an offense of unprecedented scope to prosecution under a perfectly fit statute, no matter how infrequently that statute has been used.

This is absurd. Mrs. Clinton’s case may be singular, but that is because of the **breadth of its audaciousness**.

Just as significantly, several people have been prosecuted for gross negligence in mishandling classified information. The fact that these are military cases, not Justice Department prosecutions, does not nullify them, as Comey implies. In federal prosecutions, low-level U.S. officers were sent to prison and subjected to other penalties. Director Comey’s factitious distinguishing of these cases is meritless. They involve officials many rungs below Mrs. Clinton’s status who engaged in misconduct geometrically less serious in scope. So yes, there is a different standard of justice for Clinton, but it is laughable to suggest that she got the short end of that stick.

All this legal hocus-pocus was the cleanest way for the administration to effectuate a foregone conclusion: Mrs. Clinton was not going to be prosecuted. Perversely, the FBI’s year-long, forensically meticulous investigation was sold as an exoneration arrived at only after thorough review, rather than a measure of the prodigious amount of evidence against Clinton. The more one kicks the tires, though, the more one sees there was only one way this investigation would end.

FBI reports released under congressional pressure have been eye-opening. Topping the charts is the question, “How is this not classified?” It was asked by Clinton aide and confidante Huma Abedin when the FBI showed her a private e-mail between Clinton and President Obama under an alias—the use of which suggests that it is not Clinton alone with whom Obama exchanges private e-mails, notwithstanding that presidential communications with top officials are highly likely to be classified under the terms of the president’s own executive order.

Indeed, General David Petraeus, the former CIA director, was prosecuted for mishandling classified journals that, as Justice Department prosecutors stressed, contained notes of his conversations with Obama.

Abedin shrewdly asked the FBI whether she could have a copy of the Clinton–Obama e-mail. She knew an insurance policy when she saw one: Once it was obvious that Obama had willfully engaged in high-level communications over a non-secure e-mail system, it was certain that his Justice Department was not going to prosecute Clinton and her subordinates for doing so—especially given that the Obama e-mails would plainly be admissible evidence in any prosecution of Clinton.

Thus, the administration quietly announced that Obama’s 22 e-mail exchanges with Clinton would remain sealed under a woolly claim that presidential communications with top officials must remain confidential. Obama will not formally invoke executive privilege, because that sounds too Nixonesque; and the administration will not designate the e-mails classified post hoc, because that would be tantamount to an admission that Obama engaged in the same law violation as did Clinton.

WHAT the president could do, though, was pretend that such conduct was not illegal. Thus did he spout off, while the investigation was ongoing, that Clinton was an exemplary public official who would never intend to harm

American national security. This theme was picked up by unnamed Justice Department officials, who told the *Washington Post* in May that a prosecution was unlikely because of “scant” evidence that Clinton had an intent to harm national security. No matter that proof of such an intent was unnecessary; Comey made this Obama Justice Department theory the linchpin of his recommendation against an indictment.

With an indictment out of the question, the Justice Department spun into *inaction*. It refused to open a grand-jury investigation (without which an indictment is constitutionally impossible). Without the grand jury, the FBI was unable to use subpoenas, which only the Justice Department has power to issue, under the grand jury’s authority. That led to such inanities as the Justice Department’s granting of immunity from prosecution to Clinton’s accomplices, Cheryl Mills and Heather Samuelson, in exchange for their handing over to agents the private laptops they used to sort Clinton’s e-mails. Investigators typically gather physical evidence by demanding its production via subpoena or seizing it via search warrant (which also requires Justice Department assistance). What the law empowers them to compel, they do not attempt to acquire through cajolery, by granting such monumental accommodations as the promise not to use the physical evidence against its possessor. But they did in this case.

Republican lawmakers have observed that immunity was handed out like candy. Usually, immunity grants that effectively remove the possibility of filing charges are a last resort for the FBI and the Justice Department. They are given when an investigation has stalled and the only practical way to make the case

against the main culprits is to forfeit the right to prosecute a low-ranking player in return for his testimony. But even then, immunity is not the preferred course. If there is evidence that the low-ranking player has committed a crime, prosecutors squeeze him to plead guilty and cooperate in exchange for sentencing leniency. That's a much more reliable method for getting complete cooperation.

But not in the Clinton e-mails case. Paul Combetta, the computer technician at Platte River Networks—the contractor who serviced Clinton's server—initially lied to FBI agents by denying that he had deleted Clinton's e-mails from the server. Rather than prosecute him for false statements and obstruction, the Justice Department gave Combetta immunity . . . whereupon he conceded that he'd done the deleting, using the program BleachBit in an effort to ensure that the e-mails could never be recovered. While he admitted that Mills had instructed him to delete e-mails back in late 2014 (after Clinton had withheld 33,000 e-mails from the batch turned over at the State Department's request), Combetta incredibly insisted that he had finally deleted the e-mails in late March 2015 of his own volition—neither the issuance of a congressional subpoena right before the destruction of data, nor conversations with Mills and other Clinton attorneys during the process, had anything to do with it. The FBI bought the story.

Mills palpably misled agents when she claimed not to have known about Clinton's server system during her time as Clinton's chief of staff at State. Yet, far from being prosecuted, Mills was not only granted immunity in exchange for surrendering her laptop; she was permitted to attend Clinton's FBI interview as *Clinton's lawyer*. Inexplicably, the FBI and the Justice Department indulged this arrangement (for both Mills and the similarly situated Heather Samuelson) even though (a) Clinton already had other top-flight legal representation; (b) allowing Mills, a suspect and key witness, to sit in as counsel transgressed elementary investigative protocols, assuring that any prosecution of Clinton would be sabotaged by defense claims that the FBI had helped Mills get her story straight by listening in on Clinton, and had interfered with Clinton's defense by eliciting privileged information from a member of her legal team; (c) Mills was barred by attorney-ethics rules from representing Clinton in a matter in which Mills was a substantial participant while working as a government official; and (d) similarly, federal law makes it a *crime* for a former government official to attempt to influence the government in connection with a matter in which the former official was heavily involved while working for the government.

Recall that Mrs. Clinton is a Yale-educated lawyer who did criminal-defense work early in her career. When she walked into her FBI interview only days before Comey announced his recommendation against indictment, she had to figure that if Mills, a key co-conspirator, was being permitted to attend as an attorney, there could be no way the Justice Department was seriously contemplating any charges.

I don't doubt Comey's insistence that the recommendation was his alone—that he did not coordinate it with Attorney General Loretta Lynch, who had besmirched herself by “accidentally” meeting with Bill Clinton only days before Hillary's FBI interview. But the recommendation was still the only one Comey could make: a product of the self-interested guidance imposed by the president and the most politicized Justice Department in American history. NR

The Case For Trump

*Conservatives should vote for the
Republican nominee*

BY VICTOR DAVIS HANSON

DONALD TRUMP needs a unified Republican party in the homestretch if he is to have a chance of catching Hillary Clinton—along with winning higher percentages of the college-educated and women than currently support him. But in the primaries, Trump gratuitously insulted his more moderate rivals and their supporters. He bragged about his lone-wolf candidacy and claimed that his polls were—and would be—always tremendous. Is it all that surprising that some in his party and some independents, who felt offended, swear that they will not stoop to vote for him when in extremis he now needs them?

That question of payback gains importance as the race stays narrow. Trump has finally recaptured many of the constituencies that once put John McCain and Mitt Romney within striking distance of Barack Obama. And because Trump has apparently brought back to the Republican cause millions of the old Reagan Democrats, various tea-partiers, and the working classes, and since Hillary Clinton is a far weaker candidate than was Barack Obama, he still has a better shot to win the popular vote than has any Republican candidate since incumbent president George W. Bush in 2004.

What is missing to end the long public career of Hillary Clinton is a four- or five-percentage-point boost from a mélange of the so-called Never Trump Republicans, as well as women and suburban, college-educated independents. Winning back some of these critics might translate into a one- or two-point lead over Clinton in critical swing states.

Those who are soured on Trump certainly can cite lots of understandable reasons for their distaste—well beyond his sometimes grating reality-television personality. In over-dramatic fashion, some Against Trumpers invoke William F. Buckley Jr.'s ostracism of John Birchers from conservative circles as a model for dealing with perceived Trump vulgarity. He is damned as an opportunistic chameleon, not a true conservative. Trump's personal and professional life has been lurid. The long campaigning has revealed Trump as often uncouth—insensitive to women and minorities. He has never held office. His ignorance of politics embarrasses those in foreign- and domestic-policy circles. Trump's temperament is mercurial, especially in its ego-driven obsessions with slights to his business ethics and acumen. He wins back supporters by temporary bouts of steadiness as his polls surge, only to alienate them again with crazy nocturnal tweets and off-topic rants—as his popularity then again dips.

All these flaws earned Trump nemesis in his disastrous first debate. He seemed not to have prepared for the contest, convinced that he could wing it with his accustomed superlative

adjectives and repetitive make-America-great generalities. He so obsessed over Clinton's baited traps and contrived slights about his commercial reputation and his temperament that he allowed her to denigrate his character with impunity—even as he missed multiple opportunities to chronicle her scandals and contrast his mostly conservative agenda with her boilerplate, Obama 2.0, “you didn't build that” neo-socialism.

The counterarguments for voting Trump are by now also well known. The daily news—riot, terrorism, scandals, enemies on the move abroad, sluggish growth, and record debt—demands a candidate of change. The vote is not for purity of conservative thought, but for the candidate who is preferable to the alternative—and is also a somewhat rough form of adherence to the pragmatic Buckley dictate to prefer the most conservative candidate who can win. The issue, then, at this late date is not necessarily Trump per se, but the fact that he will bring into power far more conservatives than would Hillary Clinton.

Nor is the election a choice even between four more years of liberalism and a return of conservatism; it's an effort to halt the fundamental transformation of the country. A likely two-term Clinton presidency would complete a 16-year institutionalization of serial progressive abuse of the Constitution, outdoing even the twelve years of the imperial Roosevelt administration.

Conservatives who sit out the election de facto vote for Clinton, in the manner that Sanders's liberal supporters, should they stay home, become votes for Trump. Oddly, renegade Democrats seem more eager to return to their fold than do their louder Republican counterparts. Yet in a veritable two-person race, the idea of expressing positive neutrality, to paraphrase the Indian statesman V. K. Krishna Menon, is to suppose that tigers can be vegetarians.

The *tu quoque* argument suggests that Trump's rhetorical excesses—media obsessions aside—are unfortunately not all that different from those of Obama and Hillary about the “clingers” and the “deplorables.” Name a Trump cruelty or idiocy—unfamiliarity with the political discourse, ethnic insensitivity, cluelessness about the world abroad—and parallels abound, from Obama's mispronunciation of “corpsman” as “corpse-man,” his mocking of the Special Olympics, and his remark about “punish[ing] our enemies” to Hillary's statement that believing David Petraeus and Ryan Crocker required a “suspension of disbelief,” her “what difference does it make?” glibness about the Benghazi attack, and her past pandering to “white Americans.” And these Democrats' frauds—from the Tony Rezko sweetheart lot deal with Obama to Hillary's \$100,000 profiteering in cattle futures—are even more banal grifting than Trump steaks and Trump vodka.

Had anyone else in government set up a private e-mail server, sent and received classified information on it, deleted over 30,000 e-mails, ordered subordinates to circumvent court and congressional orders to produce documents, and serially and publicly lied to the American people about the scandal, that person would surely be in jail. The Clinton Foundation is like no other president-sponsored nonprofit enterprise in recent

memory—offering a clearing house for Clinton-family jet travel and sinecures for Clintonite operatives between Clinton elections. Hillary Clinton allotted chunks of her time as secretary of state to the largest Clinton Foundation donors. Almost every assistant whom she has suborned has taken the Fifth Amendment, in Lois Lerner fashion. The problems with Trump University are dwarfed by for-profit Laureate University, whose “Chancellor,” Bill Clinton, garnered \$17.6 million in fees from the college and its affiliates over five years—often by cementing the often financially troubled international enterprise's relationship with Hillary Clinton's State Department.

TRUMP'S defeat would translate into continued political subversion of once disinterested federal agencies, from the FBI and Justice Department to the IRS and the EPA. It would ensure a liberal Supreme Court for the next 20 years. Republicans would be lucky to hold the Senate. Obama's unconstitutional executive overreach would be the model for Hillary's second wave of pen-and-phone executive orders. If, in Obama fashion, the debt doubled again in eight years, we would be in hock \$40 trillion after paying for Hillary's even more grandiose entitlements of free college tuition, student-loan debt relief, and open borders. She has already talked of upping income and estate taxes on those far less wealthy than the Clintons and of putting coal miners out of work (“We are going to put a whole lot of coal miners and coal companies out of business”) while promising more Solyndra-like ventures in failed crony capitalism.

We worry about what Citizen Trump did in the past in the private sector and fret more over what he might do as commander-in-chief. But these legitimate anxieties remain in the subjunctive mood; they are not facts in the indicative gleaned from Clinton's long *public* record. As voters, we can only compare the respective



Clinton and Trump published agendas on illegal immigration, taxes, regulation, defense spending, the Affordable Care Act, abortion, and other social issues to conclude that Trump's platform is the far more conservative—and a rebuke of the last eight years. There is a reason the politicized media have gone haywire over Trump, and it is not from disinterested and empirical consideration.

Contrary to popular anger against them, Never Trump conservative op-ed writers and wayward Republican insiders do not have much direct influence in keeping Trump's party support down. Indeed, it is creeping up even as he is alienating women and the suburbs. The problem is more nuanced. Never Trump conservative grandees help flesh out the Clinton narrative of a toxic Trump that is then translated through ads, quotes, and sound bites to more numerous fence-sitting independents and women: Why should they vote for a purported extremist whom even the notables of the conservative movement and Republican party cannot stomach?

In an election with flawed candidates, balance is a legitimate question: Why didn't *The New Republic* or the *Huffington Post* run an "Against Clinton" special issue? Certainly, she was dishonest enough to warrant such opprobrium from among a few of her own—given her prior treatment of Bill Clinton's likely victims of sexual assault. Her endangerment of national security through use of her private server, the utter corruption of the Clinton Foundation and indeed the office of secretary of state, and her serial lies, from claiming to have braved sniper fire in Bosnia to misleading the families of the Benghazi fallen amid the caskets of their dead, make her unfit for the presidency.

In this low-bar presidential race, why do conservative establishmentarians and past foreign-policy officials feel a need to publish their support for the Democratic candidate, when their liberal counterparts feel no such urge to distance themselves from their own nominee? Is what Clinton actually *did*, in leaving Iraq abruptly, or lying about Benghazi, or violating federal security laws, so much less alarming than what Trump *might* do in shaking up NATO or "bombing the hell out of ISIS"?

Have such conservative self-auditing and Marquess of Queensberry restraint paid dividends in the past? Would it have been worth it for John McCain to go after Obama's personal mentor and pastor, the racist, anti-American, and anti-Semitic Reverend Jeremiah Wright, in 2008, to preempt an agenda that led to the passage of the Affordable Care Act? Or, in the second presidential debate of 2012, should Romney have, in Reaganesque fashion, grabbed the hijacked mic back from the moderator and "fact-checker" Candy Crowley, if that dramatic act might have meant his election would have warded off the looming Iran deal? Was losing nobly in 2008 and 2012 preferable to winning ugly with Lee Atwater in 1988?

All the Republican primary candidates, in fear of a third-party Trump bid, swore an oath to support the nominee. When Jeb Bush or Carly Fiorina, even if for understandable reasons, broke that promise, they reinforced the unspoken admission that the Republican field—despite impressive résumés—operated on politics-as-usual principles. Trump won not only fair and square but also with a larger aggregate vote than any prior Republican nominee. Moreover, the Trump constituencies for the most part loyally voted in 2008 and 2012 for Republican moderates who they presciently feared were malleable on many conservative issues and who they rightly guessed would probably lose.

Trumpism was no fluke. During the primaries, a solid conservative governor, Scott Walker, at times seemed a deer in the head-

lights on illegal immigration. A charismatic Marco Rubio fell into robotic recitations of boilerplate. A decent Jeb Bush's characterization of illegal immigration as "an act of love" was no gaffe but seemed a window into his own privilege. Multi-talented Ted Cruz convinced few that he was the elder Cato. Rand Paul reminded us why we would not vote for Ron Paul. Bobby Jindal and Rick Perry demonstrated how successful governors might not inspire the country. Chris Christie played the bully boy one too many times. The inspired outsiders, Carly Fiorina and Ben Carson, never quite got beyond being inspired outsiders. Campaigning is like war: It often involves a tragic correction to early mistaken appraisals of relative strength and weakness formed in calmer times. Casualties pile up to prove what should have been known but went unrecognized before blows fell: in this case, that in his energetic harnessing of popular anger, Trump was the more effective candidate.

These are all valid rejoinders to those who say that recalcitrant conservatives, independents, and women should not hold their nose and vote for Trump. But they are not the chief considerations in his favor.

SOMETHING has gone terribly wrong with the Republican party, and it has nothing to do with the flaws of Donald Trump. Something like his tone and message would have to be invented if he did not exist. None of the other 16 primary candidates—the great majority of whom had far greater political expertise, more even temperaments, and more knowledge of issues than did Trump—shared Trump's sense of outrage over what was wrong: The lives and concerns of the Republican establishment in the media and government no longer resembled those of half their supporters.

The Beltway establishment grew more concerned about their sinecures in government and the media than about showing urgency in stopping Obamaism. When the *Voz de Aztlán* and the *Wall Street Journal* often share the same position on illegal immigration, or when Republicans of the Gang of Eight are as likely as their left-wing associates to disparage those who want federal immigration law enforced, the proverbial conservative masses feel they have lost their representation. How, under a supposedly obstructive, conservative-controlled House and Senate, did we reach \$20 trillion in debt, institutionalize sanctuary cities, and put ourselves on track to a Navy of World War I size? Compared with all that, "making Mexico pay" for the wall does not seem all that radical.

One does not need lectures about conservatism from Edmund Burke when, at the neighborhood school, English becomes a second language, or when one is rammed by a hit-and-run driver illegally in the United States who flees the scene of the accident. Do our elites ever enter their offices to find their opinion-journalism jobs outsourced at half the cost to writers in India? Are congressional staffers told to move to Alabama, where it is cheaper to telecommunicate their business? Trump's outrageousness was not really new; it was more a 360-degree mirror of an already outrageous politics as usual.

John Boehner and Mitch McConnell did make a good case that they had stopped some of the Obama agenda and could not have halted more, given that Republicans did not have the White House and Obama often exceeded his constitutional mandates. But they hardly provided emotional energy and vehement opposition—the *thumos* that galvanizes others to do things deemed improbable.

Tea-party rallying cries to stop Obamacare, to stop piling up trillions in new debt, to stop slashing the military, and to stop disparaging working-class Americans mostly in favor of preferred racial, class, or gender groups were not inspired by the Republican elite.

“Creative destruction” and “job mobility” are favorite—and often correct—nostrums for the unfortunate downsides of otherwise wealth-creating, unfettered trade. The more foreign products undercut our own, in theory, the more we are forced to tone up, put the right workers into the right places for the right reasons, and become ever more productive and competitive.

The problem, however, is that a displaced real person, unemployed and living with his 80-year-old grandmother in a financially underwater and unsellable home, cannot easily move to the North Dakota fracking fields, any more than the destruction of an 80-acre small-farming operation owing to foreign agricultural subsidies is in any way “creative.” What we needed from our conservative elites and moderates was not necessarily less free-market economics, but fair in addition to free trade—and at least some compassion and sensitivity in recognizing that their bromides usually applied to others rather than to themselves and the political class of both parties.

When Trump shoots off his blunderbuss, is it always proof of laziness and ignorance, or is it sometimes generally aimed in the right direction to prompt anxiety and eventual necessary reconsideration? Questioning NATO’s pro forma way of doing business led to furor, but also to renewed promises from NATO allies to fight terror, pony up defense funds, and coordinate more effectively. Deploring unfair trade deals suddenly made Hillary Clinton renounce her prior zealous support of the “gold standard” Trans-Pacific Partnership deal.

Wondering whether some of our Asian allies might someday build nuclear weapons galvanized Japan and South Korea to step up and warn North Korea against further aggressive acts, in a new fashion. In Europe, Trump is said to be unpredictable and volatile. But since when are predictability and serenity always advantages in global poker?

A President Trump might shake up U.S. foreign policy in controversial and not always polite ways. In far calmer fashion, Secretary of State Hillary Clinton already has revolutionized America’s role overseas—from the Iraq pullout to the foundations of the Iran deal to the schizophrenia in Syria to Russian “reset” to lead-from-behind Libyan bombing to tiptoeing around “violent extremism” and “workplace violence” to empowering Chinese expansionism to increasing distance from allies and proximity to enemies. Obama reminded us that approval from abroad is usually synonymous with thanks for weakening America and making us more like them than them us. Should we be more terrified that the socialist and largely pacifist European Union is afraid of Trump, or that it welcomes even more of Barack Obama’s type of leadership?

The ancient idea of tragic irony can sometimes be described as an outcome unfortunately contrary to what should have been expected. Many of us did not vote in the primaries for Trump, because we did not believe that he was sufficiently conservative or, given his polarizing demeanor, that he could win the presidency even if he were.

The irony is now upon us that he may have been the most conservative Republican candidate who still could beat Hillary Clinton—and that if he were to win, he might usher in the most conservative Congress, presidency, and Supreme Court in nearly a century.

NR

Smaller Countries, Far Away

On the Baltics, Russia, and America

BY JAY NORDLINGER

Tallinn, Estonia

AT the time of the Republican convention, the Baltic states became an issue in the presidential campaign. This was a surprise. No one was more surprised than people here in the Baltics. And no one was more concerned.

On the third day of the convention, Donald Trump gave an interview to the *New York Times*. One of the reporters questioning him, David E. Sanger, had just returned from the Baltics. He told Trump that people in the region were on edge about a “new Russian activism”: Vladimir Putin’s forces were harassing these states with military exercises, etc. Submarines were lurking off coasts; bombers were buzzing. If Trump were president, and Russia invaded the Baltics, would he come to their aid? Trump said, “I don’t want to tell you what I’d do, because I don’t want Putin to know what I’d do.”

Sanger pointed out that the Baltic states were NATO members, like the United States. The U.S. was treaty-obligated to defend fellow NATO members. According to Article 5, an attack on one is an attack on all. Trump said, “We have many NATO members that aren’t paying their bills.”

Reporter and candidate went back and forth for a bit. Trump laid stress on “payments.” Sanger pressed him for an answer: Payments or no payments, could NATO members, including the Baltics, rely on the United States to fulfill its obligations? Trump said, “Have they fulfilled their obligations to us? If they fulfill their obligations to us, the answer is yes.” Sanger’s colleague Maggie Haberman asked, “And if not?” Trump said, “Well, I’m not saying if not.”

A word about payments: In 2014, NATO decided to beef up. This was in response to Russia’s military aggression in Ukraine, and its threats to the Baltics. The alliance set a goal on defense spending: Each member would spend at least 2 percent of GDP on defense by 2024. At present, only five of the 28 members meet this obligation: the United States, Britain, Poland, Greece, and one of the three Baltic states: Estonia. The other two, Lithuania and Latvia, are on track to reach 2 percent by 2018.

This defense spending is not designed to make payments to America. There is no general bill due. The spending is designed to increase the overall strength of the alliance. Article 5 is the most famous part of the treaty. It has been invoked only once: after the terrorist strikes against America on 9/11. But Article 3 is worth knowing as well: “The Parties, separately

and jointly, by means of continuous and effective self-help and mutual aid, will maintain and develop their individual and collective capacity to resist armed attack.”

To be sure, NATO without the United States would be nothing. Without American participation, the European states would be utterly vulnerable. And Europeans have often been loath to spend on defense, knowing that Uncle Sam was always in their corner. But American presidents, along with other Americans, have never thought of NATO as charity. They have held it to be in the U.S. interest.

After Trump’s interview with the *Times* was published, Newt Gingrich, the former speaker of the House, amplified it. He is a supporter of Trump’s, and a sometime surrogate for him. “Estonia is in the suburbs of St. Petersburg,” said Gingrich. And “I’m not sure I would risk nuclear war over some place which is the suburbs of St. Petersburg.” He further said that Trump “thinks there ought to be a very serious conversation about us being the people who defend people who won’t defend themselves.”

Gingrich’s comments were very surprising, not to say shocking, to people in the Baltics. Trump may be largely innocent of the region, NATO, and other relevant matters. But Gingrich is not. He knows the history, and he knows the stakes. He knows everything. Moreover, he was a great supporter of the eastward expansion of NATO. To some people, Gingrich’s comments had an air of “Why die for Danzig?” (This was a slogan in France before World War II, referring to a contested place on the Baltic Sea.) Remarks like Gingrich’s are highly interesting to the Kremlin. A green light seems to glow from them.

But such remarks should be of interest to all of us, and they perform this service: They impose the question “What *would* the United States be prepared to do? What *should* we be prepared to do?”

Gingrich talked of “people who won’t defend themselves.” If the Baltic states spent every cent they had on defense, they would still be hard-pressed to fend off their behemoth neighbor, Russia, which has a million men under arms, and another 2 million in reserve—and, as Gingrich suggested, nukes. The Baltics, like many other nations, depend on collective security. To be blunter: They depend on America.

Estonia’s president, Toomas Hendrik Ilves, took to Twitter. He noted that his country was meeting the 2 percent threshold, and that it had fought in Afghanistan, in accordance with Article 5. Writing for *The Atlantic*, Jeffrey Goldberg said that Ilves had tweeted “in a cold panic.” Ilves answered, “Estonians don’t do ‘in a cold panic’. Phlegmatic, slow, non-reactive, yes. Panic, no.” Still, Baltic heads are worried, as anyone would be.

A week and a half after the convention, Trump rationalized Putin’s annexation of Crimea. Or seemed to do so. He said, “The people of Crimea, from what I’ve heard, would rather be with Russia than where they were.” Only eight states have recognized the Russian annexation—such states as Cuba, Syria, and North Korea. Speaking in Tallinn, the Estonian capital, President Obama said, “Just as we never accepted the occupation and illegal annexation of the Baltic nations, we will not accept Russia’s occupation and illegal annexation of Crimea or any part of Ukraine.”

Two days after he made his comment on Crimea, Trump spoke to a rally in Jacksonville. He said that the press had accused him of wanting to get rid of NATO. “I don’t want to get rid of NATO,” he answered. “But you always have to be prepared to walk. It’s possible. Okay?” He did a comical reenactment of his interview

with the *Times*. “They said, ‘What happens if one of these countries’—take a smaller one that nobody in this room’s ever heard of—‘gets attacked by Russia? Are you saying you’re not gonna protect ‘em?’ I say, ‘Well, let me ask you: Have they paid? Have they paid?’ Right? ‘Have they paid?’” The crowd laughed and cheered. “So, we’re gonna save a fortune. They’re gonna pay. And if they don’t—sorry.”

When Trump spoke of smaller countries that “nobody in this room’s ever heard of,” he was probably alluding to the Baltic states. He may have been underestimating his room. But it’s true that the Baltic states are little known in America. More than a few thought of Neville Chamberlain, that good but misguided man who, in September 1938, spoke of “a quarrel in a faraway country between people of whom we know nothing.” He was talking about Czechoslovakia. The Baltic states are very keen not to be served up as the next Czechoslovakia—which is one reason they were intent on joining NATO, as well as the European Union.

THE three states have a combined population of 6.1 million—about the same as Missouri. In area, they are again about the same size as Missouri. I will record a few simple historical facts.

Between the world wars, the Baltics enjoyed independence. Then came August 23, 1939—the most infamous date in the region’s history. That’s when the Nazi–Soviet pact was signed. Hitler and Stalin divided Eastern Europe into “spheres of influence,” one of them German, the other Russian. The Russians would get the Baltics. They marched in and brutalized the countries. About two years later, Hitler double-crossed Stalin, invading Russia. He took the Baltics. There followed more brutalization. Finally, the Germans were defeated, with the Soviets retaking the Baltics, inflicting a brutality that lasted for decades. “We lost two generations behind the Iron Curtain,” as Andrejs Pildegovics, the Latvian secretary of state for foreign affairs, says.

During these decades, Moscow worked hard to Russify the Baltics. They moved Russians in and Balts out. They suppressed Baltic languages and other cultural expressions. By the end, the Latvian share of Latvia’s population was down to almost half.

The Balts’ experience of independence, between the wars, was of rudely short duration: about 20 years. They are now up to 25 years of “renewed independence,” as people here say. They tend to be proud of what their states have accomplished: from oppressed Soviet “republics” to fairly normal European countries in the span of a generation or so. In 2004, they joined NATO and the EU. Talk to people in the Baltics, and you will find them refreshingly serious about liberty and democracy, and wise to dictatorship and appeasement. They have not had time to grow complacent and fuzzy.

They have fought in Afghanistan and Iraq. They have gone even farther afield, too. Pildegovics puts it catchingly: “Can you imagine the Latvian parliament, here at the 56th parallel north, giving unanimous approval for our soldiers to go to sub-Saharan Africa to fight Boko Haram?” Latvians have been to Mali and the Central African Republic on U.N. and EU missions. They are also back in Iraq, as trainers. They remain in Afghanistan, for that matter. “We are not shy about fighting shoulder to shoulder with Americans,” says Pildegovics. “We consider it a matter of burden-sharing.”

Never far away, mentally and physically, is Russia. And since 2000, Russia has been led by Putin. In 2007, he gave Estonia a

jolt. The Estonians had relocated a Soviet war memorial; Putin responded with cyberattacks, paralyzing the country. But the real jolt came in 2014, when Putin moved on Ukraine. This reawakened fears and memories in the Baltics, fears and memories that had barely ebbed. “There were conversations around many dinner tables,” says Janis Kazocins, the national-security adviser to Latvia’s president. “People wondered, ‘Whom do we know in Germany or the U.K.? Where are we going to stay, if worse comes to worst?’”

Today, Balts are calmer. But Putin keeps them on alert with his “activism,” as the *New York Times*’s Sanger put it. This activism includes “snap drills”: military maneuvers in the dead of night. During the Cold War, these were avoided, says Juri Luik, a veteran Estonian diplomat. The Soviets did not want to risk misunderstanding or escalation. In addition to the snap drills, Putin’s forces have rehearsed the choking off of the Baltics, making them ripe for invasion. I remark to Kazocins, “It must be extraordinary and unnerving to see the invasion of one’s country rehearsed by a mighty and hostile foreign power.” “It’s very unpleasant,” he says.

Note that Kazocins grew up in England, where his parents found refuge. He speaks with British understatement.

Aside from the non-stop military harassment, there is non-stop propaganda. The Kremlin tries to stoke grievances in the Baltics’ Russophone populations, for example. These efforts are of limited effectiveness. With every passing year, Russophones, or ethnic Russians, are more integrated in these countries. The mayor of Riga is a Russophone. So is the Estonian foreign minister, or ex-foreign minister: She has just resigned to run for president. And yet the Kremlin is constantly at work, psychologically and otherwise.

What Putin would like to do, says Kazocins, is create an air of inevitability. He wants Baltic people to think that they belong with him, no matter how Western they feel. *It’s going to happen regardless. Have a look at the map! Can you really escape our sphere of influence? Don’t count on the United States. Have you heard what Trump said? And the rest of NATO is a joke. You’re coming back to us, sooner or later. Wouldn’t you rather it happened without bloodshed? Be reasonable.*

I am reminded of Beijing’s games with Taiwan. In that conflict, or potential conflict, the United States has a policy of strategic ambiguity: Will we or won’t we? Will the United States come to Taiwan’s aid, in the event of a Chinese attack, or not? Regarding the Baltics, however, the U.S. does not have a policy of strategic ambiguity: It has NATO.

Two years ago, Obama made a ringing declaration, in that speech he gave in Tallinn: “We will defend our NATO allies, and that means every ally. In this alliance, there are no old members or new members, no junior partners or senior partners—there are just allies, pure and simple.” He drove the point home: “The defense of Tallinn and Riga and Vilnius is just as important as the defense of Berlin and Paris and London.” Obama’s vice president, Joe Biden, delivered the same message late this summer—on August 23, that pregnant day for the Baltics. He said, “We have pledged our sacred honor to the NATO treaty and Article 5.” He told the Balts that what they had heard from Trump was “nothing that should be taken seriously.”

Yet some do take it seriously, understandably: The Baltics depend on NATO, which depends on the United States, whose foreign and defense policies are in the hands of the president.

Next year, NATO will send battalions to the Baltic states. Germans will go to Lithuania. Canadians will go to Latvia. And Brits will go to Estonia. There will be an American footprint in the region, too. In the years following the Cold War, many of us asked, “What is NATO now for? What is it supposed to protect against?” The common answer was “instability”—a relatively vague concept. These days, the answer is more concrete.

IN June, the commanding general of the U.S. Army in Europe, Ben Hodges, spoke to *Die Zeit*, the German newspaper. He said, “Russia could conquer the Baltic states quicker than we could get there to defend them.” That is a bracing statement. Here is another bracing statement, from Ojars Kalnins, the chairman of the Foreign Affairs Committee of the Latvian parliament: “If the Russians invaded, we could get wiped out. Someone said that if Russia had a war with NATO, NATO would win, but we would be lost in the debris. We would be the casualties. So the whole idea is to prevent war—to make it too costly for the Russians even to consider.”

Virtually everyone else in this region says the same thing: Deterrence is the name of the game. Deterrence is the great lesson of the previous, horrible century. Deter an aggressor before he aggresses some more. And some more.

To everyone, I put a stark question: Would NATO come to the Baltics’ aid, if Russia moved on them? Everyone says yes, with varying degrees of confidence. But no one would like to see the question tested. No one wanted such a test during the Cold War either. If the Soviets had rolled into West Berlin, what would NATO—what would the United States—have done? Perhaps it is better not to know.

Americans are perfectly within their rights to ask another question: Why should we care about the Baltic people, except on a humanitarian level? What is the connection between *our* security and theirs? Why should we commit our forces to their protection? You might even say, Why die for Danzig? The immediate answer is, “Better to deter, and commit to *that*—so that no one is ever asked to die for Danzig, including the Danzigers.” But there are answers beyond that one.

The United States has trade interests. These are connected to our prosperity. We have an interest in stability, democracy, and the rule of law—in not getting dragged into another European or world war. We have shared values, with these liberal democracies. And we have a foreign policy at large to consider. If NATO crumbles, that will have big effects elsewhere. U.S. guarantees will be seen as worthless. Japan and South Korea will be resigned to China. And so on.

From what I can tell, Balts themselves will fight come hell or high water. In fact, Juri Luik uses exactly that phrase: “We value our independence, clearly and dearly, and I’m sure that we will put up resistance, come hell or high water.” In Riga, Ojars Kalnins says that even young people have the attitude of “Never again”—never again the submission to occupiers, deporters, and mass murderers.

Recently, I heard an American on the right say that Ukraine will revert to Russia, because that is the “historic norm,” and all should be relaxed about it. The Baltics have their own historic norm—the same: foreign occupation and domination. Their experiences of independence have been mere parentheses. May independence become the historic norm. **NR**



School buses, Coney Island

Ten Priorities for Education Policy

Less micromanaging, more flexibility

BY FREDERICK M. HESS

As their detractors note, U.S. schools fare poorly in international rankings, while educators struggle with Kafkaesque displays of bureaucracy and managerial ineptitude. But at the same time, 70 percent of American parents give their children’s schools an A or a B, and education officials from nations whose students outperform our own avidly seek to emulate our success at cultivating independent thinkers.

The challenge is to improve what needs improvement while taking care not to undermine the strengths of our decentralized system, including its responsiveness to parents and the ample leeway it gives educators to innovate.

The answer is certainly not more money from Washington. The U.S. consistently sits at or near the top of the world rankings when it comes to per-student K–12 spending. New York City spends more than \$20,000 per student annually, and

Baltimore and Boston more than \$15,000, yet with notably mediocre results.

School reform has been hampered in recent years by two troubling developments. First, since the enactment of No Child Left Behind (NCLB) in 2001, it has revolved almost entirely around reducing racial “achievement gaps” in reading and math, making an afterthought of students, school improvements, and subjects that don’t advance that cause. Second, Washington has taken an increasingly assertive role, promoting the Common Core and attempting to micromanage teacher evaluation and school improvement.

In 2015, responding to such concerns, Congress overhauled NCLB and enacted the Every Student Succeeds Act (ESSA). In doing so, legislators retained the annual-testing requirements NCLB places on states, but got Washington mostly out of the business of determining whether schools are failing and entirely out of the business of telling schools how to improve.

Going forward, it will be important to build on what has worked, attack bureaucratic excess, and address practical needs

for real families. Here are ten ways to help do that.

Expand the choice continuum. Today’s school-choice programs are a godsend for impoverished children stuck in awful schools, but they offer little to middle-class kids or those in rural communities. Most parents like their kids’ schools, but that doesn’t mean they like everything about them. Expanding the logic of choice can help. Promising policies include “course choice” programs and educational savings accounts. Course-choice plans, such as those in Louisiana and Utah, recognize that even parents who are happy with their child’s school may prefer a different math program or language offering, and they enable families to use a portion of a child’s state aid to access specialized providers. In educational-savings-account programs, such as the one that Nevada instituted last year, the state contributes to an individual student’s account and then empowers families to purchase educational services as they see fit.

Have dollars follow students. Weighted student funding, by which the schools receive funds for each pupil, ensures that money follows students to their schools. Dollars can be adjusted for student need to produce a system in which all schools—charter or district—are funded equitably. This would put an end to today’s school-financing models, designed for bureaucratic convenience, in which funds flow to districts where central planners make one-size-fits-all decisions on staffing and spending. Current systems do nothing to reward district schools that attract students and little to chasten those that lose students. Weighted student funding rewards schools for opening their doors to new students and facilitates school choice. In ESSA, House Republicans sought to make Title I funds for low-income students portable, but were stymied by the Obama administration and Senate Democrats. It’s a fight worth continuing in the states and in Washington.

Make schools accountable for more than just reading and math. ESSA requires that states test students regularly in reading and math, publicly report these scores, and design accountability regimes substantially informed by them. But it also gives states leeway to escape NCLB’s myopic focus on making

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students proficient in reading and math by devising systems with broader performance measures. Better alternatives will focus not just on whether low-performing students are becoming proficient but also on whether all students are making progress. They will incorporate subjects such as American history and metrics such as vocational education and the share of high-schoolers successfully completing Advanced Placement or International Baccalaureate courses.

Promote accountability for costs as well as test scores. NCLB's one positive legacy is to have made it simpler for parents, voters, and taxpayers to gauge how schools and systems in their state are performing. In any well-run public or private enterprise, however, measuring performance involves looking at outcomes *and* costs. Inattention to costs overstates the performance of expensive high-performing schools and short-changes those that are doing well on tight budgets. As they revamp their accountability systems, states should seek to link per-pupil costs to school and system outcomes. This is all much easier to do, of course, when dollars follow the child.

Overhaul teacher evaluation and pay, but avoid one-size-fits-all rules. The Obama administration's attempt to dictate teacher-evaluation standards to states yielded a predictably poor result: ham-handed statewide systems that seek to tell every school system how to evaluate every teacher, replacing managerial flexibility with technocratic rigidity. Few would think it wise for state officials to tell all health-care providers or state contractors how to evaluate their staff, so why should schools be any different? Washington needs to get out of the teacher-evaluation business. Statewide evaluation mandates should be reserved for schools that have shown themselves to be unreliable actors—those that perform poorly without taking action to hold educators accountable. Meanwhile, schools that perform adequately should be given leeway to design evaluation systems that work for them. Charter schools should be wholly exempted from these systems. Outdated factory-model personnel practices must be replaced, but not with prescriptive micromanagement.

Free schools from overgrown employee contracts. In 2011, Governor Scott Walker and the Republican state legislature

dramatically narrowed the scope of collective bargaining in Wisconsin. Teachers remained free to negotiate wages and wage-related benefits, but not such things as work rules or school start times. Walker and the legislature rebalanced retirement and health contributions, bringing teacher benefits a little closer to private-sector norms. In the process, they set up hundreds of millions of dollars of annual savings for schools, money that will be better spent on instruction. Walker's blueprint is a powerful corrective to teacher contracts that have intruded into every facet of school life. Many more states should follow it.

Attack bureaucratic creep. Washington doesn't run schools; it writes rules for them to follow. More than they help students, those rules often result in paper-pushing, time spent ensuring compliance, and burdensome reporting requirements. In attempting to restrict the U.S. Department of Education's sway over testing and a variety of other aspects of education policy after the excesses of the Obama administration, ESSA offers an opportunity to revisit bureaucratic overgrowth. Congress should vigilantly monitor the Department of Education's implementation of the law. But there are many more outdated and burdensome restrictions that could be eliminated.

Permit for-profit educators to compete on their merits. Progressives have made their hostility to for-profit charter-school operators and education providers a point of pride. A number of states have banned them, resulting in a reliance on a small number of worthy but limited nonprofit boutiques. While for-profit providers have incentives to cut corners, they are also the best hope for rapidly expanding success and for transforming the cost assumptions of schooling. The fastest-growing of the nonprofit charter-school providers, for instance, is the accomplished and justly famous KIPP Academies. But even KIPP has taken more than two decades to open 200 schools that serve 80,000 of the nation's 50 million students. Commercial enterprises will always have incentives and sources of capital that permit them to grow much more rapidly. Policymakers should allow for-profit schools to compete on an equal footing while holding them to the same reporting and accountability standards.

Take a hard look at the Common Core. The Common Core has consumed much of the energy in K–12 education-policy debates during the past half decade. Yet there's been a dearth of serious attention paid to what the Common Core's prescribed "instructional shifts" in the teaching of reading and math actually mean for students. The shifts call for less teaching of fiction, emphasize the kind of "close reading" favored in contemporary literary criticism, and make heavy use of drawings to explain mathematical concepts. State and local officials should demand greater transparency about these changes. Are the new student tests measuring what they need to? Are "close reading" and "conceptual math" important for students? Proper scrutiny can help ensure that states are equipped to make informed decisions.

Protect privacy and research. Many parents are increasingly concerned that government is collecting reams of personal data about students. Legislators should address this concern by updating the federal Family Educational Rights and Privacy Act (FERPA) and improving state privacy protections. First intended to govern the handling of paper files, FERPA is now impinging on education decision-making and useful research. Now is a propitious time to strengthen privacy protections and parental rights in a way appropriate for the digital era while still supporting efforts to collect information that can help parents make informed decisions and educators improve their schools. This entails expanding the definition of student records to include data collected by online providers, codifying bans on the selling and marketing of student data, and facilitating the collection of data that allow researchers to link higher-education and labor-market outcomes to K–12 schooling.

Acting on these ten suggestions would cost approximately nothing. The kind of reform that is needed would eschew grand Washington-based schemes. It would seek to address the needs of all families—those in rural communities and the suburbs as well as those trapped in urban poverty—in a way that makes sense for them. This is the kind of school reform that's good for kids and good for the nation. **NR**

The Unionista

Hillary Clinton stopped believing in school choice when the unions wanted her to

BY LARRY SAND

ONCE upon a time, Hillary Clinton championed children and wanted to right many of the wrongs found in public education. In 1993, she talked about holding teachers accountable for their work. While never an advocate of education vouchers, she did endorse one kind of school choice: At the National Education Association (NEA) convention in 1999, she said, “I . . . hope that you will continue to stand

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behind the charter-school/public-school movement, because I believe that parents do deserve greater choice within the public-school system to meet the unique needs of their children.” In 2001, along with Ted Kennedy, she backed George W. Bush’s No Child Left Behind Act.

But now, with many of the reforms that Clinton once embraced having taken hold, the teachers’ unions realize that their empire is threatened and are battling to maintain their power. So Hillary has become an unabashed unionista.

That the teachers’ unions have enormous political power, and that Democratic presidential candidates curry favor with them, is hardly news. But what is different about this year’s presidential campaign is Clinton’s total obeisance to the unions. Even Barack Obama managed to disagree with them on occasion. When speaking at the NEA convention in 2008, he endorsed charter schools (which are rarely unionized) and merit pay for teachers. He took some lumps for his stance but stood his ground.

Not Hillary.

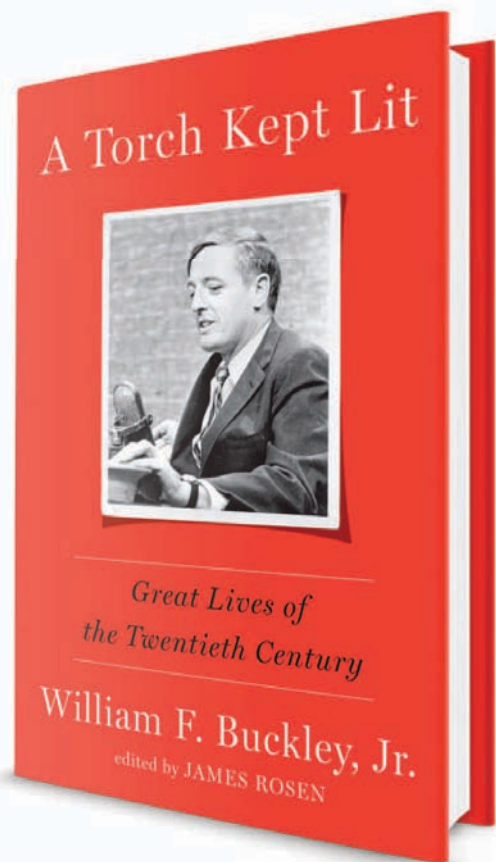
In July 2015, the American Federation of Teachers’ left flank was upset. Some of its members felt they hadn’t had a real say in the union’s endorsement of Mrs. Clinton. Preferring Bernie Sanders, they essentially accused union president Randi Weingarten of exercising executive privilege to bless Clinton, her longtime friend. (The NEA, which did not have an internal dispute about its endorsement, has also backed Clinton.)

Perhaps realizing there was an anti-Clinton faction within teachers’ unions, Hillary has made sure to be in accord with every millimeter of the union line. In November of last year, at a town-hall meeting in South Carolina, Clinton retreated from her support for charter schools. The “original idea” behind them, she said, had been “to learn what worked and then apply [it] in public schools.” But “most charter schools—I don’t want to say every one—but most charter schools, they don’t take the hardest-to-teach kids, or, if they do, they don’t keep them. And so the public schools are often in a no-win situation, because they do, thankfully, take

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Mother Jones magazine revealed Clinton's education advisers. They include Lily Eskelsen García and Randi Weingarten, leaders of the two national teachers' unions mentioned above. Joining them are Carmel Martin and Catherine Brown, vice presidents of the Center for American Progress, a left-leaning think tank that is financially supported by the teachers' unions. One other member of Clinton's inner circle is reformer Chris Edley, president of the Opportunity Institute, a California-based think tank, whose board is a collection of Clinton loyalists. And the last seat goes to Richard Riley, who served as Bill Clinton's education secretary and was the recipient of the NEA's Friend of Education award.

everybody, and then they don't get the resources or the help and support that they need to be able to take care of every child's education."

These words were essentially fact-free. Legally, charters are not allowed to discriminate. At the time of her comments, 24 percent of charter schools had a majority-black student body, and 23 percent had a majority-Hispanic student body. By comparison, only 9 percent of traditional public schools were majority-black, and 15 percent were majority-Hispanic. Nationally, there are more than a million kids on waiting lists trying to enroll in the schools that Clinton now scorns. In fact, many charter schools are so popular that their students are selected by lottery. Charter schools also take roughly the same proportion (10.4 percent) of special-education students as do traditional public schools (12.5 percent). That figure understates the charter-school proportion, since charter schools sometimes don't give students the "special" label that traditional public schools would.

In the same town-hall meeting, Clinton continued by saying, "I am also fully aware that there are a lot of substandard public schools. But part of the reason for that is that policymakers and local politicians will not fund schools in poor areas that take care of poor children to the level that they need to be." This claim, too, is false, and has been debunked time and

again. In fact, total public-school spending nationally has increased threefold over a 40-year period with no measurable improvement in student achievement.

Fast-forward to the NEA convention this past July. While she took crowd-pleasing positions—such as supporting higher teacher pay and universal pre-kindergarten education—Mrs. Clinton made the faux pas of remarking, "When schools get it right, whether they are traditional public schools or public charter schools, let's figure out what's working and share it with schools across America." This seemingly innocuous comment prompted boos. Clinton recovered by asserting that there are people pushing "for-profit charter schools on our kids," and promising, "We will never stand for that. That is not acceptable." (In fact, nationally, just 13 percent of charters are for-profit, and all must follow the same laws and financial-oversight regulations that nonprofit schools do.)

Two weeks later, at the American Federation of Teachers convention, Clinton said that she opposed "vouchers and for-profit schooling." She added, "When I'm president, you will have a partner in the White House, and you will always have a seat at the table."

But is it actually a seat for educators? No. What she really meant is that every place at the table is reserved for union bosses and their acolytes. On September 9,

Clinton's alliance with the teachers' unions has not gone over well with education reformers, including some liberals. Democrats for Education Reform president Shavar Jeffries lamented, "There's a lot of anxiety about the transition from this president to the next administration."

Kevin Chavous, a founding board member of the American Federation for Children and a lifelong Democrat, now finds himself in an odd position. After learning of Donald Trump's plan to greatly expand school choice, he said:

While I do not support Donald Trump, his speech on school choice demonstrates that he is giving serious thought to education issues, and I strongly challenge Hillary Clinton to do the same. . . . I urge Hillary Clinton to show more openness and creativity when it comes to embracing school reform, choice, and charter schools. So far Mrs. Clinton has largely been a representative of the interests of teachers' unions and the status quo, which is in opposition to parents and students and will serve to be on the wrong side of history.

Clinton is not ignorant, and she's not stupid. She's what every politician in the country is who sends his or her children to private schools but sentences the rest of America's kids to failed public schools—a hypocrite. **NR**

Suing Choice Away

Education lobbyists in Florida hope to end a popular scholarship program

BY JASON BEDRICK

ON January 19, 2016, the day after Martin Luther King Jr. Day, King's son addressed more than 10,000 protesters gathered at Florida's state capitol. "This is about justice," Martin Luther King III intoned before the throngs of mostly black and brown protesters. "This is about righteousness. This is about truth."

The hashtag emblazoned on the protesters' fluorescent-yellow shirts read "#DropTheSuit." The target of their ire

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was the state's teachers' union, which—along with assorted left-wing groups and parts of the public-school establishment—was suing to end Florida's main school-choice program.

"This is about freedom," MLK III continued, "the freedom to choose what is best for your family and your child most importantly."

Signed into law in 2001 by then-governor Jeb Bush, Florida's tax-credit scholarship program offers taxpayers dollar-for-dollar tax credits in return for donations to qualified, nonprofit scholarship organizations that help low-income families afford the schools of their choice.

Two scholarship organizations currently participate in the program, AAA Scholarships and Step Up for Students. The latter issued 99 percent of the tax-credit scholarships last year. This year, Step Up is issuing more than 92,000 scholarships worth about \$5,300 on average. According to *Private School Review*, a website that compiles data to help families make education decisions, the average

price of private tuition in Florida is \$6,681 for elementary schools and \$8,926 for high schools, although schools often reduce tuition for low-income families.

The scholarship recipients are among Florida's most disadvantaged citizens. Nearly seven out of ten are black (30 percent) or Hispanic (38 percent), with an additional 5 percent identifying as Asian, Native American, or multiracial. Their average household income is just \$24,074, 4.4 percent above the federal poverty line when adjusted for family size. More than half of them live in single-parent homes.

Contrary to fears that the scholarship program would induce an exodus of the best students from district schools, research commissioned by the state of Florida found that new scholarship students tend to be among the lowest district performers. After receiving a scholarship, the students' average performance reaches a level on par with the national average.

The program also appears to benefit students who don't receive scholarships. In 2010, researchers from Northwestern

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University published a study with the prestigious National Bureau of Economic Research reporting that increased competition resulting from the program had had a modest but statistically significant positive effect on district performance on standardized tests. Moreover, district schools subject to the most competition saw the greatest gains.

Alas, none of these results have stopped the Florida Education Association (FEA) and its allies from seeking to eliminate the scholarship program. In the summer of 2014, the FEA—joined by Americans United for the Separation of Church and State, the Florida chapters of the NAACP and the League of Women Voters, and several public-schooling interest groups—filed a lawsuit seeking to have the program declared unconstitutional.

The plaintiffs allege that the program violates two provisions of the Florida constitution. The first, known as the Blaine Amendment, states that “no revenue of the state . . . shall ever be taken from the public treasury directly or indirectly in aid of any church, sect, or religious denomination or in aid of any sectarian institution.” The clause is named for former U.S. senator James G. Blaine of Maine, a nativist who fought in the late 19th century to prevent Catholics from receiving state dollars for their schools. At the time, the publicly funded “common” schools used the Protestant Bible and led students in prayer in a manner acceptable to most Protestants, but not to Catholics, let alone non-Christians.

The FEA also alleges that Florida’s program violates the state constitution’s “uniformity clause,” which mandates that “adequate provision shall be made by law for a uniform, efficient, safe, secure, and high quality system of free public schools.” The union claims that “uniform” essentially means “exclusive” and that the state is therefore prohibited from creating a “parallel” school system, even though the same clause of the constitution also empowers the legislature to establish “other public education programs that the needs of the people may require.”

In February 2015, a circuit-court judge dismissed the lawsuit, holding that the plaintiffs lacked standing to sue because they had failed to demonstrate that the program had harmed them in any way.

The union was also suffering in the court of public opinion. Supporters of the

scholarship program—including representatives of several prominent interest-group organizations for blacks, Hispanics, and Orthodox Jews—had formed the Save Our Scholarships Coalition to pressure the union and its allies to drop the suit. Their grassroots organizing and advocacy proved effective. Several newspapers editorialized against the lawsuit. Before the FEA announced that it was appealing the decision, both the Florida Association of School Administrators and the Florida School Boards Association withdrew from the suit.

The NAACP, however, remained a party to the lawsuit. Given that so many scholarship students were black—about 23,000 in the 2015–16 school year and more than 27,000 today—the NAACP’s stance caused a rift in the black community. “The NAACP is on the wrong side of history on this,” the Reverend R. B. Holmes Jr. told the education-news website *The Seventy-Four*. Holmes is the former president of Jacksonville’s chapter of the NAACP and was one of 100 black pastors to sign a petition earlier this year calling on the NAACP to drop the suit. The petition criticized the NAACP for joining the lawsuit “without seeking a vote of NAACP chapter members or the counsel of the faith leaders in communities across the state.”

Had it taken a vote, the NAACP likely would have found high levels of support for the program among its members. According to a 2016 poll on education policy conducted by the journal *Education Next*, 64 percent of black Americans support tax-credit scholarship programs while only 17 percent are opposed. The poll also found high levels of support for the scholarships among parents (60 percent), Hispanics (62 percent), Democrats (57 percent), and the general public (53 percent). Republicans were slightly less likely to support scholarships, with 49 percent in favor and 33 percent opposed.

Along with King, Holmes was a featured speaker at a Drop the Suit rally in Tallahassee in February, which the Save Our Scholarships Coalition co-sponsored. They were joined by the Reverend H. K. Matthews, a civil-rights icon who marched at Selma and led sit-ins at segregated lunch counters in the 1960s. Matthews told *The Seventy-Four* that he saw the tax-credit scholarship program as “a continuation of the civil

rights movement” because it “gives people an opportunity” to choose where their children attend school.

This summer, a Florida appellate court unanimously dismissed the FEA’s appeal. As before, the court ruled that the FEA’s alleged harms were too speculative to merit standing, but this time the judges’ reasoning also addressed the merits of the FEA’s central claims.

The tax-credit scholarships did not violate the Blaine Amendment, the court held, because they were privately funded. Following the precedent of the U.S. Supreme Court and every state supreme court to address the question so far, the Florida appellate court held that private money does not become government revenue until it has “come into the tax collector’s hands.” Constitutionally, tax credits are no different from tax deductions or tax exemptions in this regard. Likewise, because the scholarships are privately funded and administered, they do not constitute a “parallel” school system.

But again the FEA is appealing the decision. By the time the Florida supreme court hears the case, there will likely be more than 115,000 K–12 students receiving tax-credit scholarships, the equivalent of about 4 percent of all the students enrolled in Florida’s K–12 district schools. A decision striking down the tax credit would likely produce a massive and immediate influx into the district schools, seriously straining their facilities and resources.

A negative decision would affect taxpayers as well. In 2010, the Florida legislature’s Office of Program Policy Analysis and Government Accountability estimated that for every dollar by which the tax credits reduce state revenue, taxpayers save \$1.44 in expenditures. The state is close to issuing the maximum \$559 million in tax credits this year, and the total credit cap increases by 25 percent annually. If even half the scholarship students returned to the district schools, the state would have to spend hundreds of millions of dollars more to provide for them.

But most important, a decision to strike down the tax-credit program would be devastating for the families who rely on the scholarships to enroll their children in the schools that work best for them. If the FEA and its allies really have the best interests of all children in mind, they should drop the suit. **NR**

Every Student a Bond Seller

Purdue created a kind of financing that's cheaper for students than government loans

BY JONATHAN HARTLEY

WITH the new academic year in full swing, college students and their parents might be wondering how tuition costs have gotten so out of control. In 2015, the average tuition at a private, nonprofit four-year college was \$32,405, up significantly from \$10,088 (in inflation-adjusted 2015 dollars) 30 years prior, according to the College Board.

Many college students will be financing their skyrocketing tuition through debt, adding to the existing \$1.3 trillion in total student loans outstanding in the United States. On average, the 2015 college graduate who has student debt will have to pay back slightly more than \$35,000, and future college graduates can expect student-loan indebtedness to increase.

The challenge with government-funded student debt is not only its repayment mechanism of high-interest fixed rates but also that it leads to what economists call a “principal-agent problem”—a lack of accountability on the part of the principal agent (in this case, colleges). A recent study by researchers at the Federal Reserve Bank of New York found that colleges that become eligible for federal student-loan funding hike their tuition rate almost immediately after approval. To keep tuition affordable, colleges that accept government-backed federal loans should agree to reforms that require them to share financial risk with the government.



But wholesale student-loan reform is not something that Mitch Daniels, the

former governor of Indiana and the current president of Purdue University, is waiting for. He has undertaken an experiment that, if embraced on a national level, could potentially halt and reverse the trend of soaring student debt. More than 100 students entering their third and fourth years at Purdue are financing their education loans via the school’s new “Back A Boiler” program (“Boilermakers” is the nickname for Purdue’s sports team, students, and alumni), an income-sharing agreement (ISA) in which the student pledges a portion of his future salary in exchange for funding.

The average Purdue student enrolled in an ISA will receive \$13,789 in fund-

ing from the Purdue Research Foundation, promising to pay it back as a small, constant percentage of his income in the six to ten years after graduation. Payments don’t begin until a student obtains a job. In essence, Purdue’s ISAs give recent graduates, many with uncertain work prospects, some relief from the high-interest fixed rates associated with federally backed student debt.

One novel feature of ISAs is that the repayment rate is linked to the income-earning prospects of the student’s college major—those with prospects for higher-paying jobs have lower repayment rates over shorter terms than do those likely to find lower-paying work. A computer-science major at Purdue, for



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Mr. Hartley is an economics contributor to Forbes and an MBA candidate at the Wharton School of the University of Pennsylvania.

instance, will pay 2.57 percent of post-graduate pre-tax income over 7.3 years for \$10,000 of tuition paid through an ISA, while an English major will pay 4.52 percent of his post-grad pre-tax income over 9.7 years for the same amount of tuition.

This has led some critics to predict that lower-earning majors would probably not get funded by investors in a private ISA market. Purdue counters this charge by noting that no student major is ineligible for ISA funding. More than 60 majors at Purdue are represented in the group of students receiving it.

Another plus: The average repayment rates for Purdue's ISAs are lower than those of most federal student loans. For this reason, ISAs cannot be dismissed as "usury" or as "indentured servitude"—as some leftists have called them—without applying the same label to government loans. Furthermore, Purdue caps its ISA repayment rate at 15 percent of total post-grad pre-tax income.

If this program were scaled to the national level, the differences in ISA repayment rates over time might motivate students to choose majors with better post-college prospects. And ISA financing options might make college accessible to individuals who otherwise could not afford it and who might be scared off by the specter of accumulating student debt.

ISAs are not a new concept. Economists Milton Friedman and Simon Kuznets were among the first to champion equity investments in education: In their 1954 book *Income from Independent Professional Practice*, they proposed that individuals be able to sell "stock" in themselves. In recent years, the concept has been taken up by analysts in education-policy circles, especially after several small-scale ISA experiments in the private sector by start-ups such as Lumni, an education-oriented investment company co-founded in 2002 by Vanderbilt economist Miguel Palacios and entrepreneur Felipe Vergara. During their presidential campaigns, both Jeb Bush and Marco Rubio advocated national implementation of ISAs. Purdue's Back A Boiler ISA program,



Purdue University president Mitch Daniels attending a football game

which funds more than a hundred students, is the largest of its kind in North America to be tested at a single post-secondary institution.

For equity investments in education to go mainstream in the private market, investors will need confidence that legal mechanisms are in place to ensure recourse should enrollees fail to make payments. For instance, legal clarity could be provided to make ISAs non-dischargeable in bankruptcy nationwide, much like private student loans, which have been non-dischargeable since 2005.

This challenge for ISAs spurred Rubio and Tom Petri, a Republican congressman from Wisconsin, to introduce legislation in 2014 that would provide legal clarity for private-market ISAs, including protections to ensure that investors' repayment rates are not so high that they bankrupt employed students or discourage unemployed students from working—the bill achieves this by placing a limit on the fraction of a student's

income that can be paid to investors. It also requires a minimum-income exemption of \$10,000, a maximum repayment period of 30 years, and an aggregate limit of no more than 15 percent of an individual's income committed to ISAs (the same as the limit set by Purdue in its Back A Boiler program). Additionally, the legislation would give flexibility to investors who might want to extend the repayment term in the event that the borrower fell below the \$10,000 income threshold because he spent unsalaried time in graduate school.

Potential investors in ISAs will also need to have a better sense of the rates of return associated with them and how the rates differ by college major. As Back A Boiler students graduate from Purdue and begin making payments, more data will become available.

Another unknown is whether ISAs will cause the same types of labor-market distortions that taxation creates, given that ISAs are essentially an agreement to receive college funding in return for paying a flat income-tax rate (to the investor). ISAs might create moral hazard, for instance, by weakening students' incentive to work hard or find a job quickly after college.

Purdue's experiment will provide some answers. If there is no evidence of such distortions, investors might be reassured that using data on post-graduate incomes by major to set ISA repayment rates is an appropriate way to price such agreements and earn some return.

Brian Edelman, the chief operating officer of Purdue Research Foundation and Back A Boiler's project manager, says he expects it could be three to five years before Purdue can accurately determine whether the payment obligations of students in the program are being fulfilled.

Over the past few months, Purdue has received inquiries from other universities that are interested in exploring ISAs as an alternative to federal student loans. If Purdue's ISA experiment sows the seeds for reform of national higher-education financing or if other schools begin their own ISA programs, many more students will find college affordable. **NR**

Free? Or Not So Free?



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The Long View

BY ROB LONG

Memorandum

12/05/16

TO: DJT
FROM: Legal

Dear Mr. Trump:

Many apologies for the delay in replying to your questions. I assure you that everyone in the Trump Organization Legal Department is working overtime on your latest legal actions and should have replied more promptly to your message. It's our fault entirely that we, as a department, are not keeping up with our Twitter DMs.

Also, to clarify: The use of the phrase "working overtime" in the above paragraph is strictly figurative. We continue to work under the flat-fee arrangement as before.

STATUS OF LEGAL ACTIONS:

1. *Donald J. Trump v. Sennheiser Electronic GmbH & Co. KG*

We have filed papers in U.S. court, the court of the district in Lower Saxony (where Sennheiser is headquartered), and municipal court in Hempstead, N.Y. The action centers on the faulty personal recording appliance (also known as the "microphone") that rendered most of your audio during the first debate utterly unintelligible. Plaintiff (that's us) maintains that negligent and faulty equipment was knowingly shipped from Sennheiser and recklessly installed in the Hofstra University venue. Further, we claim tortious interference with, and tortious and malicious negligence of, the right of plaintiff to a free and successful campaign experience. Damages requested: \$237 million, and €154 million. No response from defendants. Advise patience, and begin settlement talks early 2017.

2. *Donald J. and Melania Trump v. Stephen Bannon DBA Breitbart.com*

Papers have been filed in Delaware. Briefly, we claim defendant unduly enriched his enterprise with names,

e-mail addresses, credit-card information, and various other wholly owned properties of Trump Inc. and Trump International Time Share Properties and Trump Home Appliances and Trump Gold & Silver Investments. Further, suit charges legal and financial malpractice by defendant as regards political advice. Damages requested: \$350 million. Defendant has petitioned for delay pending satisfactory resolution of FEC investigation and release of defendant from mental-health facility. Advise aggressive posture, including accelerated discovery process.

3. *Donald J. Trump v. the McDonald's Corporation*

We have received a prompt response to our suit, which contended that due to faulty and careless recipe creation, the menu items on the "Value" menu caused a hypoglycemic reaction in plaintiff, which resulted in a dizziness and an "energy crash" during the second debate. Defendants have refused liability for damages etc. that resulted in what lawsuit terms the "Value Meal Debate" and further have directed their counsel to file counterclaims against plaintiff, alleging that plaintiff's continual social-media posts featuring McDonald's menu items constituted defamation and malicious brand damage. Advise: Settle immediately.

4. *Donald J. Trump v. Ted Cruz et al.*

We have held off on drafting the language for this filing. It is at the moment unclear to us whether contenders for political office can initiate lawsuits against each other merely for "running against me," as has been suggested. Also: Unlikely any of the defendants are in a position to pay damages, as described, in the amount of \$2.4 billion. Advise: further discussion.

5. *Ivanka Trump v. Barron Trump*

While it is unusual for an adult sibling to file suit against an under-age half-sibling, there is precedent. (See *Kardashian et al. v. Kardashian et al.*) The proceeding, which we are tracking as a courtesy, is unusual in that plaintiff claims that defendant was "derelict" in his "fiduciary duty" to campaign for the family leader. Plaintiff seeks damages in excess of \$1 billion, which far exceeds net-worth estimates of Barron Trump, age 10. Plaintiff further claims that defendant displayed "childish

resistance" to family duties that resulted in loss of net worth and financial assets of the entire family, thus constituting a fiduciary failure. Advise: Continue to track and press for negotiated settlement while trying to avoid a cascade of legal actions between and among half-siblings. Suggest rethinking estate planning.

6. *Ann Coulter v. Donald J. Trump & Countersuit*

Client was served papers one week ago in Palm Beach, Fla. Plaintiff alleges defendant never truly intended to run for president and did not do so in good faith. Plaintiff further alleges that defendant's loss in the general election caused measurable financial and reputational harm to defendant. Defendant countersued earlier this week, alleging that reputational harm would be impossible to measure and in any case value of same would be negligible/zero. Advise: taking a very strong and very aggressive stance here to discourage other actions from similar parties.

7. *Donald J. Trump v. Donald Trump Jr. & Eric Trump*

Plaintiff served disownership notices to Messrs. Trump, who are expected to respond later this week with counterclaims. Plaintiff alleges negligent and reckless conduct while engaged in son and son-adjacent duties. Defendants are expected to respond with documentation that will include collected past academic-performance evaluations and standardized-testing scores, which will be part of the expert-testimony portion of the response, establishing "sub-par" and "childlike" intelligence and cognition on the parts of Messrs. Trump, thus forming an exculpatory condition. Advise: It will be hard to refute defendants' counterclaim. Suggest settling action by disownership alone and forgoing damages.

Legal Actions Disposed:

In the matter of C. Christie, photographs and all negatives have been returned and transfer of custody verified.

In the matter of S. Hannity, two personal items have been returned but it is extremely unlikely that they can be surgically reattached. No liability inferred here, due to the fact that both items were presented to Mr. Trump as gifts.

'Investigate the Amatory Photogravure'

'CHECK out the sex tape' are five words you do not want to hear from a presidential candidate, no matter what the order is. If Donald Trump tweeted, "Tape check the sex out" at 3:00 A.M. and you read the tweet on your phone, you would want to soak it in bleach, even though it made no sense.

Why he was tweeting about Ms. Universe's filmed indiscretions at 3:00 A.M. is a mystery, although it does underscore his boast about having the Best Temperament. Someone who was not in firm mastery of himself would have tweeted out a link.

We're reassured by Trump's defenders that his worst instincts—the thrashing spasms of his ego, his caudillo-like approach towards using the power of the state, his inability to refrain from leaping at poisoned meat even after his adversary says, "Here's some poisoned meat you'll probably eat"—well, don't worry. These things will be moderated by cooler heads. For example: If he is sitting in his room in the White House at 3:00 A.M. tweeting out wishes that someone would pour a bucket of water on Nancy Pelosi and watch her melt, an aide will appear and slap the phone out of his hand.

Yes, that's likely: Donald Trump wins the election, then turns to his trusted aides and says, "NOW comes the pivot. What a relief! Being that other guy was exhausting."

Anyway. The "sex tape" comment referred to the colorful past of a beauty queen he'd castigated for packing on the pounds; she had made a sad testimonial about him being Mr. Big Meanie, and of course he had had to strike back. But before you get the vapors and wonder how low this election can sink, consider some history. Is this the first time such a thing has happened? Of course not. Let's go back to the middle of the 19th century.

It was the fall of 1859. Future president Abe Lincoln appeared at the office of the *New-York Tribune* and was ushered through the busy newsroom to speak to Horace Greeley. As recounted in Greeley's autobiography, *Go Northeast, Young Man, then Take a Left, then Go about Six Miles, then Follow the River, then Go West!*, the conversation soon took an interesting turn.

"To what do I owe this honor, Abe?" Greeley said, noting that the sight of Lincoln sitting down "was like watching a stork climb into a barrel."

Lincoln leaned forward and smiled. "Investigate the amatory photogravure," he said.

"Excuse me?"

Lincoln winked. "Investigate the amatory photogravure," he repeated. "It is a matter concerning Adah Isaacs Menken."

"The actress? The one who scandalized New York by exposing the flesh a full inch above her ankle? Good sir, what possible connection can you have—"

And then Greeley paused, remembering how Lincoln's opponent had accused Abe of saying something ungentlemanly in regards to Miss Menken. What was it?

"It was at a private banquet," Lincoln sighed. "Several of the men were discussing the actresses of the New York stage, and Miss Menken's name was bruited about. I said that I found her elbows somewhat pointy. It was sheer japery, of course, but it caused a sensation around the table, as it suggested I had seen her arms undraped. Well, word got back to my rival, and I now find myself in a difficult position. She is making accusations about my cruel words."

"I see. I see," said Greeley, feeling a hot flush spread over the back of his neck at the thought of Miss Menken's elbows. "But I do not know what you wish me to do about it."

"Investigate the amatory photogravure," Lincoln said. "I can only stifle this tale if I discredit her. There exists a photogravure of Miss Menkin in a state of undress, posed next to a statue of a man."

"I had heard such things existed," Greeley whispered. "But even in our debased age, I thought there was still some scrap of dignity that would cause an artist to rein in his wickedness."

"No such restraints remain," Lincoln sighed. "Here. This is an address. I would like you to print this and tell the readers that the photo exists on the third floor, and that by looking at the second window from the left they can imagine the room in which such an image exists."

"I will not. I will be brought up on morals charges, and rightly so. There will be mobs! A scrum of hooligans jostling for position to see the window. And what if the drapes are open? The photo might be visible with a spyglass."

"Not in your paper, my dear fellow. No, I do not want the megaphone of the press to transmit the shouted story. I wish it to be twittered, as like the constant chatter of a bird. Print up the story on tiny scraps of paper and distribute them widely. Put them in a bag and have a man walk the street at 3:00 A.M., tossing them out so they are found in the morning."

"I shall not."

"You shall, or I will open up the libel laws and sue you for that story you wrote that said I did not pay a bill to my barber."

"But you did not pay him."

"He did a poor job. Why, after two weeks my hair had grown out again. Good day, Horace."

So there's precedent.

At least Trump didn't tweet out a link to the tape. Perhaps that's the pivot to the demonstration of presidential temperament his supporters have foretold. Finally! Some self-restraint.

NR

Light in The Night

MICHAEL KNOX BERAN



A Torch Kept Lit: Great Lives of the Twentieth Century, by William F. Buckley Jr., edited by James Rosen (Crown Forum, 336 pp., \$22)

IN *Eminent Victorians*, Lytton Strachey lamented the inability of English-speaking writers to hold their own against the French eulogists: “We have had,” he wrote, “no Fontenelles and Condorcets, with their incomparable *éloges*, compressing into a few shining pages the manifold existences of men.”

Reading James Rosen’s collection of William F. Buckley Jr.’s encomia of departed souls, I was reminded of Strachey’s words, for, like Strachey himself, Buckley was a writer of English who was also a master of the *vita brevis*. He “devoted especial care to his eulogies,” Rosen writes, using them not only to mourn the dead but also “as a kind of conjuring act: a final chance to *savor* the deceased.” In bringing the pieces together in a single, deftly edited volume, Rosen has assembled an epicure’s delight of a portrait gallery.

The great public figures of the Cold War are here, Churchill and Eisenhower and Kennedy, but most readers will, I think, be drawn instinctively to Buckley’s sketches of those with whom he enjoyed

a personal connection and whom he could exhibit in all the richness of their idiosyncrasy. The vignettes amuse and beguile. There is his first encounter with his future wife, Patricia Taylor, at Vassar in the spring of 1949. Buckley found her “hard pressed.” She was, he wrote, “mostly ready for the prom but was now vexed by attendant responsibilities. I offered to paint her fingernails, and she immediately extended her hand, using the other one on the telephone.”

There is Vladimir Horowitz, whom Buckley gulled into giving a private recital by pretending to doubt the virtues of Muzio Clementi. “You doan lahk Clementi?” Horowitz replied incredulously. “Clementi was a JEE-nee-us! Clementi is as goot as the middle Beethoven!” He went to the piano to prove it. There is Truman Capote, a “tiny androgynous dandy,” Buckley writes, with “a blond doe’s stare,” possessor of “an ear wonderfully acute for detail, irony, and speech,” and there is William Shawn, the *New Yorker* editor, with his elaborate politesse and Byzantine editorial punctilio. Buckley found Shawn’s old-fashioned literary manners at once amusing and, in an age of egregious over-familiarity, agreeable: “He was in his own way so very courteous to me that I took extravagant pains never to suggest that I was urging on him a familiarity he might have found uncomfortable.”

There is Richard Nixon, in whose Oval Office, Buckley told *Playboy*, he “discovered a new sensual treat, which, appropriately, the readers of *Playboy* should be the first to know about. It is to have the president of the United States take notes while you are speaking to him.” And there is A. M. Rosenthal, confiding to Buckley how he was unceremoniously dumped by the *New York Times* after 55 years of service: He had been summoned “by the new young publisher (‘maybe the second or third time I ever laid eyes on him’) and told simply, ‘It’s time.’”

Vladimir Nabokov, Jacqueline Onassis, Norman Mailer, David Niven, Arthur Schlesinger, Ronald Reagan—Bill knew them all, and recalls them to life in these pages. Yet he was not a collector of the famous. What delighted him was human vagary and quirkiness and unexpected-

ness, and he found as much to interest him in an obscure eccentric such as Charles Wallen, the letter-writer and bibliophile, as he did in Alistair Cooke and John Kenneth Galbraith.

Rosen performs his editorial duties with grace, supplying for each of the funereal vaults a preface that places the interred in their historical or Buckleysque context. I found myself at times quarreling with the subtitle’s emphasis on “great” lives. Watching Buckley handling a life as a connoisseur might a jewel, holding it up to the lamp, turning it round to see how it shows in different lights, I came to think him not much concerned with greatness as, say, Plutarch understood it, the capacity to shake the world. What interested him was rather the artistry that went into the life, the degree to which the parts harmonized as a whole. Wallace Stevens said of Santayana that his life was one “in which the function of the imagination has had a function similar to its function in any deliberate work of art or letters.” Buckley, too, looked on the life well lived (whether on a large or a small scale) as a work of art, with the proportion, coherence, and unities such a work necessarily possesses.

Nixon, for Buckley, was the great example of a man who, though undeniably a world-shaker, was in his life-artistry too riven with contradiction and resentment to be appealing. Oedipus might, at Colonus, have found grace, but it is not clear that Nixon ever did, and by 1974, Buckley writes, he had “lost any capacity to listen to whatever angels struggled in his nature.”

In the case of Whittaker Chambers, the immense black star in Buckley’s galaxy of friendship, the grace and proportion were there but were largely unperceived by those who knew him only “in bits and snatches torn from” the larger narrative. Going to meet him for the first time on his farm in Maryland, Buckley expected to find “Jeremiah lying alongside a beckoning tomb.” Instead he encountered “the liveliest man” he had ever met. When Chambers was among friends, the “bottomless gravity seldom suggested itself. He was not merely a man of wit, but also a man of humor, and even of fun.” The Dostoevskyan caricature melted away as

Mr. Beran is the author of, among other books, Forge of Empires, 1861–1871: Three Revolutionary Statesmen and the World They Made.

Buckley came to understand the “true gaiety” of Chambers’s nature, the “appeal of his mysterious humor, the instant communicability of an overwhelming personal tenderness.” The man’s life was of a piece with his literary art, and had the same power to touch “even the most awful concerns with a kind of transporting lyricism.”

Not that the tragic prophet in Chambers was ever wholly eclipsed. “It is idle,” he wrote Buckley, “to talk about preventing the wreck of Western civilization. It is already a wreck from within. That is why we can hope to do little more now than snatch a fingernail of a saint from the rack or a handful of ashes from the faggots, and bury them secretly in a flowerpot against the day, ages hence, when a few men begin again to dare to believe that there was once something else . . . and need some evidence of what it was.”

Buckley could not share what he called Chambers’s “supine gloom.” It seemed to him close to despair, and despair, he liked to point out, was a deadly sin. If the “great nightfall” was indeed upon us, he himself would do what he could to make light. He would take up arms against the forces of decay, would be a subverter of rotting establishments, an anarch of order.

Yet I wonder if any one of his achievements as a counter-revolutionist—the syndicated column, the *Firing Line* shows, the lectures and debates, this magazine—was as effective a rebuke of barbarism as the life itself. There were, in Buckley’s time, greater celebrities than he, more acclaimed authors, readier sailors, more skillful harpsichordists and perhaps even spy novelists, but I struggle to think of a contemporary who, all in all, so visibly did justice to the possibilities of his life, and made of it such an exemplary work of art and order. Father Richard John Neuhaus remembered driving away from Wallack’s Point in Stamford, Conn., after the last visit. “I called to mind the lines in Eliot’s *Murder in the Cathedral*: ‘Yet we have gone on living, living and partly living.’ The life of my friend Bill Buckley was the opposite of living, living and partly living. As much as this life allows, he lived fully, exuberantly, relishing the possibilities of gifts gratefully received and gifts generously shared.”

One thinks of the music, the harpsichord, the attachment to the rhythms of the Latin rite, the patronage of such virtuosos as Rosalyn Tureck. (“She and Bach

devoted their lives to each other.”) The music was not an appendage to the life; I should think it was, as in an old Greek or medieval city, very close to the essence of it, providing the harmonic structure, the overarching melodic order, which made the parts cohere. (Is it possible to hear the second Brandenburg Concerto, on the radio or even as a recording on a phone line, and not think, *Bill!*?) The Old Western man, Werner Jaeger wrote in his book on Greek civilization, believed that “harmony and rhythm can have an ethos, a moral character.” It was a faith that lived in Bill Buckley.

A work of style and art, then, this life, of civilization; something to cherish amid new modes of barbarism. Conversation, wit, friendship, the “rose-chaplet crown of laughter,” they are everywhere evident in these pages. And *Übermut*—lightness of spirit. Books, too. Buckley was a happy carrier of what he called his “sesquipedalian torch,” but would submit to no Calvinist overvaluation of the printed word; the book, properly understood, was a recreation for the scholar’s idle times, the art going more into the life than into the written record. Above all, there is resistance to that which stunts,

blights, and cramps vitality, renders the gift sterile and joyless.

And then the end. “Part of what readies a man for death,” Rosen writes in his introduction, “is his steady exposure to it.” He suggests that Buckley wrote of the dead in part to learn how to die; and certainly Buckley was unsparing where the clinical details are concerned, and especially deplored artificially induced lingering. Death is release, a peace which passeth understanding, but dying, as Chambers warned him, is hard. “Weariness, Bill,” he wrote in his last letter to his friend, “you cannot yet know literally what it means. I wish no time would come when you do know, but the balance of experience is against it. One day, long hence, you will know true weariness and will say: ‘That was it.’”

The day came. “I’m tired of *life*,” Buckley told Charlie Rose shortly before the end. “I really am. I’m utterly prepared to stop *living on*. You know, there are no enticements to me that justify the weariness, the repetition.”

Father Neuhaus explains: “He was ready for the more of which this life is part. He heard his Master calling and he readily went.” NR

DAWN WIND

The day comes with a dawn wind brisk enough to ripple the broad waters circling back beneath the waterfall, where the sheet of ice at the edge of those circling waters, the chunks of ice in its stately, regular motion, were all the day would offer of the motion of the river below. And the falls appeared as a floating temple, with columns of ice at either edge, and a glimpse of huge, sparking boulders at its base, through a mist that, on occasion, would rise slightly, or be blown off. The wind came with surprising warmth, and a dampness that carries the promise of rain, and a thaw. Rain and a thaw, the mind overturns it all in a thought of the circling waters, ice free, the memory of melting, the thunder of falls without a muting contour of encroaching ice, when the breeze of daybreak may be relied upon to move the river in a recurring pattern, free as the wind, of cross-current waves.

—WILLIAM W. RUNYEON

Firing Line At 50

NEAL B. FREEMAN



Open to Debate: How William F. Buckley Put Liberal America on the Firing Line, by Heather Hendershot (Broadside, 432 pp., \$28.99)

IT is the contention of liberal scholar Heather Hendershot that *Firing Line*, the long-running television series hosted by William F. Buckley Jr., was bracing, original, occasionally electric, frequently heuristic, and, all weighty things considered, a major contribution to civilized discourse. Allowing for typical professorial understatement, I think she may be on to something.

Professor Hendershot, who teaches media studies at MIT, has just published a magisterial account not only of a television program, but also, more ambitiously, of the political culture from which it sprang and within which it thrived. She tells this story with style and insight and good humor, some of the latter borrowed from WFB but much of it her own. The gem of her hefty book is a long introduction that limns memorably the narrative line and the leading character, all of it based on what appears to be, as the leading character might have put it, Stakhanovite research.

Hendershot screened every one of the 1,500 taped episodes and read every piece of paper in the *Firing Line* archive, claims that not even WFB himself could credibly make. And she did not return from library hell with empty hands. She has the front story, the back story, and even the story that was never meant to be

Mr. Freeman was the founding producer of *Firing Line*.



William F. Buckley Jr. and E. Howard Hunt before the taping of *Firing Line*, May 1974

told. She reveals here the identity of the man responsible for the birth of *Firing Line*. Now that she's spilled the beans, I might as well spill a few more.

Tom O'Neil was a senior member of the controlling family at RKO General, a conglomerate that combined, principally, a small entertainment company (RKO) with a large tire manufacturer (General). O'Neil was utterly charmed by WFB's turn in a New York mayoralty campaign and, with the swagger of 20th-century capitalism, directed RKO executives to give WFB his own show on the company's television station in New York City. (We ask by unanimous consent, Mr. Chairman, that Tom O'Neil be inducted posthumously into the Conservative Hall of Fame.) Buckley was always protective, even secretive, about O'Neil's role. WFB was controversial in those days—in some circles, toxically so—and public association with him could have embarrassed O'Neil with his colleagues, customers, and even, it was rumored, a few family members.

As anybody who has passed through the halls of corporate America will understand, a rocket from headquarters meets a mixed reception when it lands at the division level. In WFB's first meeting with RKO executives, it became clear that they were prepared to comply with orders from HQ; they had been utterly uncharmed by WFB's mayoralty campaign; and they didn't like being told how to make television programs by a tire manufacturer.

Their position, expressed with articulateness enough in body language, became more vivid still as the operational plan

was rolled out. The series would get an initial commitment of no more than 13 weeks, probably not long enough for the program to find an audience in a crowded TV market but long enough to assure HQ that respect had been paid. The crew assigned to the new project was thin and picked-up and would not have been confused by neutral observers with a team of broadcast all-stars. The budget was fixed at a level so monastic as to allow for nothing more than two chairs, a rickety coffee table, and a bare, poorly lit set. It was "let's get Mr. Wilson's barn and put on a show" time. (It was at this meeting that WFB gave me a battlefield promotion to producer: He wanted at least one ally somewhere in the building. We made a good match. I was as unqualified to produce the show as he was to host it.)

Against this background, the magnitude of WFB's achievement can be traced in high relief. *Firing Line* went on the air in April 1966 and would run uninterrupted for the next 33 years. When the series died peacefully of natural causes in 1999, it stood as the longest-running program with a single host in the history of television, a record that stands unbroken today. (Hey, Fallon, watch what you eat. And get your butt to the gym.)

The main section of Hendershot's book is a march through the *Firing Line* decades and the several ideological movements that inflamed them: Goldwater and the rise of the new conservatism. Civil rights and Black Power. (Huey Newton, arriving on set bristling with an aura of violence, was hit by this tranquilizing dart from WFB: "It may be that one of the difficulties you have as

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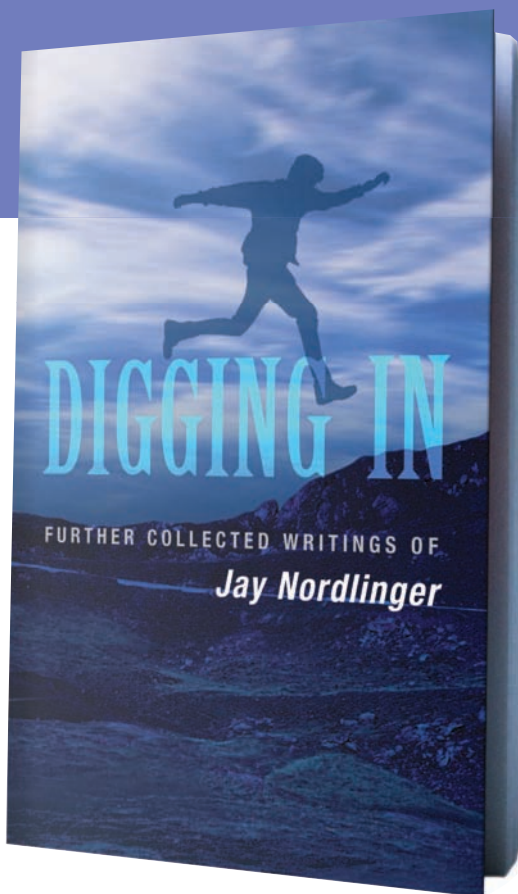
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chief spokesman for the Black Panther Party is your total incoherence.”) Women’s liberation. (It’s true: Germaine Greer was almost as big a flirt as Clare Boothe Luce.) Vietnam. Nixon. (That is to say, the looming and then engulfing and finally lingering question of what the heck to make of Richard M. Nixon.) And, in a concluding section, Reagan and what some of us like to call his revolution.

Hendershot artfully weaves cultural and social commentary through and around the topics and guests featured in the programs. Some readers, myself included, would have preferred a bit more Buckley and a bit less Hendershot, but she gives both sides a fair shake. Most of the time. When she detects a tone of triumphalism in WFB’s take on the Reagan years, to cite a conspicuous exception, she adds her own summary judgment of the decade: “For liberals, conversely, it was a most alarming time. It was a decade when women’s reproductive rights were under assault. When billions were spent on a missile-defense system the mechanics of which had been far-fetched from the get-go. When the Christian Right gained tremendous visibility. . . . When the Mental Health Systems Act was repealed. When radical cuts to the Department of Housing and Urban Development [*blah-blah-blah*]. . . . When the Environmental Protection Agency was [*blah-blah-blah*]. . .” and so on and so on in the the-glass-is-bone-dry mode of overripe liberalism. In her telling, good and decent people, despite all the peace and prosperity breaking out around them, barely survived the Eighties.

In these yes-but passages, Hendershot reminds me of the long blue line of *Firing Line* guests, almost all of whom would say as they were ushered from the studio one of two things. Either, “Did I embarrass myself?” To which the approved answer, factually defensible if not wholly responsive, was, “Embarrass yourself? This show will make you famous.” Or some variation of “When he brought up the welfare question, I should have cited the Farnsworth study.” To which the careful answer was, “That might have been effective.” What Professor Hendershot has proved once again is that it was devilishly hard to win a debate with William F. Buckley Jr. Even eight years after his death. **NR**

Class Act

TERRY TEACHOUT



John O'Hara: Stories, edited by Charles McGrath (Library of America, 880 pp., \$40)

FIRST famous, then forgotten: Such is the melancholy fate of most best-selling writers. Saddest of all, though, is the permanent eclipse of the popular novelist with pretensions to literary distinction. No one ever thought that Harold Robbins or Sidney Sheldon would do anything other than go up the spout as soon as he died, save (perhaps) for Messrs. Robbins and Sheldon themselves. Not so John O’Hara, who was so sure of himself that he actually thought he had a shot at the Nobel Prize. When he died in 1970, he left instructions that the following epitaph be carved on his Princeton tombstone: “Better than anyone else, he told the truth about his time. He was a professional. He wrote honestly and well.”

That, of course, was O’Hara’s malignant vanity talking, but there had once been a time when serious critics took him very seriously indeed. Edmund Wilson called him “original and interesting” in 1941, and Lionel Trilling was sufficiently admiring of his work to write the introduction to the Modern Library’s 1956 collection of his short stories. But O’Hara had long since stopped writing the cool, crisp *New Yorker* sketches that Trilling and Wilson admired, setting up shop as a full-time purveyor of blockbuster novels. Though

Mr. Teachout is the drama critic of the Wall Street Journal and the critic-at-large of Commentary. Satchmo at the Waldorf, his first play, has been produced off Broadway and by theater companies from coast to coast.

he resumed writing stories in 1960, his reputation never recovered from his success. Today he is no better remembered, or regarded, than Edna Ferber or John P. Marquand.

Why, then, has the Library of America, the self-appointed, semi-official keeper of the keys of American literary *réclame*, now seen fit to publish an 880-page anthology of O’Hara’s short stories, a hefty volume to which a sequel is already in the works? It isn’t as though a revival is under way, nor does O’Hara fit into any of the now-privileged pigeonholes that have lately inspired the LOA to undertake such ventures as a multi-volume edition of the selected works of Ursula Le Guin. The only possible conclusion is that someone at the LOA thinks he was a writer of high quality—and that someone, it turns out, was dead right.

It’s easy to make fun of John O’Hara, for he went well out of his way to be unintentionally ludicrous. He was, among many other disagreeable things, so touchy that one of his friends dubbed him “master of the fancied slight.” The nickname stuck, with good reason. To read a biography (there are three) is to be stupefied by his self-regard. When an editor queried his use in a manuscript of an unusual slang term, pointing out that it was nowhere to be found in *The Dictionary of American Slang*, he shot back, “Don’t cite dictionaries to me, on dialog or the vernacular. Dictionary people consult me, not I them.”

Perhaps they did—he had a near-perfect ear. And O’Hara’s preternaturally thin skin was so clearly a product of his unhappy youth that it’s hard not to sympathize with his belligerence. Born in 1905 in a smallish town in the coal country of Pennsylvania, he was the first-born child of a socially prominent Catholic doctor who worked hard, lived high, didn’t have much use for his oldest son, and died without having provided for his large family. Abruptly thrust into shabby gentility as a result of his father’s improvidence, O’Hara was forced to give up his long-cherished dream of going to Yale, which wounded him so deeply and lastingly that Ernest Hemingway once proposed with malice aforethought to a group of his fellow writers that they “start a bloody fund to send John O’Hara to Yale.” Instead O’Hara became a hard-drinking

newspaperman who knocked out short stories on the side to augment his salary. He started publishing in *The New Yorker* in 1928, and his largely plotless, tersely elliptical life studies, most of them written in a single sitting, did much to shape the now-celebrated house style of fiction that would be summed up to splendidly testy effect by Somerset Maugham: “Ah, yes, those wonderful *New Yorker* stories which always end when the hero goes away, but he doesn’t really go away, does he?”

Most of the best of these stories are beautifully nuanced tales of ambition, exclusion, and resentment, written in a plain style (O’Hara never used metaphors) that verges on outright baldness, in which all is shown and nothing told. Fascinated to the point of obses-

ion by matters of class, O’Hara wrote like an outsider who had spent a lifetime peering through the window of privilege and remembered everything that he had seen on the other side of the glass. While he freely acknowledged Ring Lardner and F. Scott Fitzgerald as influences and hinted at having also learned from Chekhov and Kipling, he gleaned at least as much from his work as a reporter and the meticulous editing of Wolcott Gibbs and Katharine White of *The New Yorker*. Whatever the ultimate sources of his style, it soon became wholly personal, and by the early Thirties he was turning out first-rate stories. Twenty-eight of the 60 chosen by Charles McGrath for inclusion in *John O’Hara: Stories* predate his 1949 break with *The New Yorker*, and each one ranks high among his best work.

“Graven Image,” written in 1943, is typical of O’Hara’s method. When Trilling praised him for having “the most precise knowledge of the content of our subtlest snobberies,” he had in mind this story, a five-page vignette in which we meet Charles Browning, a Harvard alumnus and proud member of the elite Porcellian Club, who has gone to Washington to try to land a wartime

job at the Pentagon. The Babbittish government official to whom he makes his pitch is also from Harvard, but was passed over by “the Pork” and has never forgotten the slight, though he affects not to care anymore. The interview goes well, but just when it looks like the deal is done, Browning puts a foot wrong:

Browning looked at the drink in his hand. “You know, I was a little afraid. That other stuff, the club stuff.”

“Yes,” said the Under Secretary.

“I don’t know why fellows like you—you never would have made it in a thousand years, but”—then, without looking up, he knew everything had collapsed—“but I’ve said exactly the wrong thing, haven’t I?”

“That’s right, Browning,” said the Under Secretary. “You’ve said exactly

the wrong thing. I’ve got to be going.” He stood up and turned and went out, all dignity.

case for O’Hara’s later work, and he has also contributed a sensitive, sympathetic editor’s note that goes a long way toward pinning down his subject’s distinctive qualities:

O’Hara wrote not about what he imagined but about what he knew, which was a lot—more than most writers. He knew about lowlife and high society, nightclubs and newsrooms, Broadway and Hollywood, politicians, bootleggers, and call girls. . . . He knew, probably better than any other American writer, about social class in this country: about all the subtle markers and distinctions used to indicate rungs in the hierarchy, and about how rigid and how fragile the system is, a maze of envy, snobbery, and insecurity.

What O’Hara lacked was the poetry that makes the stories of Chekhov, Fitzgerald, and Kipling powerful in a way that he can never quite manage. His excellence is of a lesser order. But excellent he was, as well as compulsively readable, and I expect that this marvelous collection will do much to rehabilitate the faded reputation of an outstanding craftsman who did indeed write honestly and well—even if he did say so himself.

By then O’Hara had published three novels, *Appointment in Samarra* (1934), *Butterfield 8* (1935), and *Hope of Heaven* (1938), in which he sought to fill a larger canvas with his closely observed tales of social discontent. Unable to write frankly about sex in *The New Yorker*, over whose contents the famously prudish Harold Ross wielded absolute control, he let himself go in his novels, and he also shoveled into them a Dreiser-like overflowing of detail that he found fascinating but was in fact superfluous, though it went over with his readers. It’s no coincidence that *A Rage to Live* (1949), a 600-page doorstopper in which he chronicled the steamy extramarital escapades of a society lady, was his first best-selling novel. Nor is it at all surprising that *A Rage to Live* was viewed with disfavor at *The New Yorker*, which published a gratuitously snarky review in which Brendan Gill dismissed it as “discursive and prolix. . . . Dr. O’Hara’s handy guide to healthy sex practices.” O’Hara promptly terminated his relationship with the magazine, stopped writing short stories, and spent the next

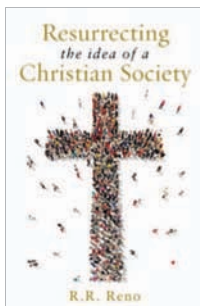
decade churning out one prolix novel after another, all of which sold well and allowed him to live in the style of which he had dreamed ever since his father’s death.

After Ross died, O’Hara and *The New Yorker* finally buried the hatchet, and he began to appear again in its pages with “Imagine Kissing Pete,” a 1960 novella that is significantly longer than any of his pre-1949 stories but has the taut narrative control absent from his novels. From then on he would divide his time more or less evenly between full-length novels and short fiction, and though the novels never got any better, many of the stories were closely comparable to the ones with which he had made his name. I myself prefer the earlier stories, but McGrath, a longtime *New Yorker* editor, has made the strongest possible

Fascinated to the point of obsession by matters of class, O’Hara wrote like an outsider who had spent a lifetime peering through the window of privilege.

Tradition's Comeback

RACHEL LU



Resurrecting the Idea of a Christian Society,
by R. R. Reno (Regnery Faith,
256 pp., \$27.99)

THE culture wars are over, and the conservatives have lost: This assessment has become conventional wisdom across the political spectrum, as the sexual revolution, the divorce revolution, the steady growth of the state, the marginalization of social-conservative views in the media and most social institutions, and finally the triumph of same-sex marriage in the *Obergefell* decision have left traditionalists feeling beleaguered and desperate. Traditional Christians and Jews find themselves debating whether to retreat to their cultural bunkers or to prepare for widespread persecution. Some are doing both. Many religious conservatives now take for granted that American society is effectively lost, and that the great task ahead will be to rebuild from the ashes after the structures of society have collapsed.

R. R. Reno takes a different view. His new book offers a far more optimistic assessment of Christian culture and its potential to continue “seasoning” the ground of our increasingly chaotic society. His book won’t tell us how to win the next election, but it’s an uplifting read in a time of widespread demoralization. Reno still thinks it’s possible to revitalize American society, using Judeo-Christian ideas and mores as the foundation.

The book is two parts apologia and one part pep talk. The apologia is for reli-
Rachel Lu is a Robert Novak Journalism Fellow.

gious conservatism, and although the title references Christianity, most of what he says is applicable to Judaism also. In the midst of ongoing discussions about the *toleration* of religious traditionalists, Reno steps in to insist that, in fact, they are the medicine that modern society needs. Traditionalists have real answers to the questions that are plaguing the West today. Their subcultures have a breadth and depth that liberal progressivism cannot begin to match. Furthermore, they have a proven capacity to endure. Today’s cheeky technocrats will be eclipsed and then forgotten, while their Judeo-Christian compatriots will continue passing on their traditions, always old and ever new. The future is God’s.

Reno’s gentle, chin-scratching style might almost lead readers to overlook the audacious nature of these claims. But this isn’t mere Bible-thumping triumphalism; it is coupled with an extended (and not explicitly theological) social critique. As Reno sees it, an excess of material comforts and a dangerously powerful state have enabled time-honored American values (especially freedom) to assume totalitarian forms. Our moral and cultural mores have eroded, leaving us to the ravages of an unbalanced autonomy that wages war on nature herself. Having lost so much of what makes life genuinely worth living (traditional family, community life, high culture, God), we become susceptible to the fearsome narrow-mindedness of G. K. Chesterton’s madman. Somewhat ironically, “freedom” becomes the weapon we use to shred vital sources of order and discipline that are the necessary foundation of real liberty.

In the resulting cultural wasteland, people are easily enslaved by lesser goods. We see this especially in America’s less wealthy demographics, which are plagued by a rash of addictions (not just to alcohol and drugs, but also to junk food, junk sex, and junk media). Now, however, we notice an interesting thing: The progressive elite, despite its apparent moral bankruptcy, has fared far better than its less prosperous compatriots. It has protected itself and its offspring by forging a kind of neo-traditional culture that embraces marriage and community and instills a serious work ethic and healthy life habits. Kids from upper-middle-class families are doing well

in life for reasons that go beyond money. They are more disciplined and in better health both physically and psychologically. Meanwhile, the poor are left to the patronage of mostly ineffective government programs.

Why is our reigning elite (or, as Reno impishly labels them, the “post-Protestant WASPs”) so competent at ordering its own house and yet so feeble when it comes to helping others? Reno never clearly answers this question, though he tips his hat to elite hypocrisy, snobbish indifference, and even self-conscious status-preservation as possible explanatory factors. In the spirit of Reno’s critique, though, another explanation suggests itself. Might our post-Protestant WASPs be showing the limitations of the metaphysically rocky soil on which their prosperous subculture is built? Maybe they aren’t helping the poor because they genuinely don’t know how.

Post-Protestant WASPs are, after all, *post-Christian*. Their neo-traditionalism is largely the product of trial-and-error efforts to find life patterns that facilitate material prosperity, with a minimum of metaphysical mess. For instance, the divorce revolution started among educated elites but turned out to be draining, expensive, and psychologically bruising to children. Accordingly, the wealthy adjusted their lifestyles, and their divorce rates fell. They’ve developed similar strategies to avoid the scourges of obesity, substance abuse, and, most recently, technology addiction. Parents in Silicon Valley closely monitor their children’s use of iPads and video games, while poor kids spend ten hours a day mesmerized by glowing screens.

In short, our elites have reinvented the wheel, embracing traditional-ish lifestyles on utilitarian grounds. The door still gets slammed on conventional morals, but they’re permitted to sneak in the back under the guise of “healthy living.” Unfortunately, pseudo-morality isn’t so easily transmitted across class lines. Far more than traditionalism proper, neo-traditionalism is closely conjoined with markers of material success, and with the sociologists’ “success sequence,” wherein a young person cements his future by completing adult milestones in the appropriate order (education, good job, marriage, children).

Somewhat ironically, then, it may turn out that elites actually *aren't* behaving hypocritically when they pour their energies into preaching good nutrition and demanding free college and birth control for all. Governmental largesse (in the form of free IUDs and free college) really does look to them like the cutting-edge solution to social collapse.

That brings us to the pep talk. Progressive elites may seem to hold dominating control over all of society's centers of power. But can that really be true, considering how short-sighted and clueless they are? Reno notes that the strength of the post-Protestant WASPs is really quite hollow. In too many ways, they have failed to fill the shoes of a true upper class, and now they have the disadvantage of being "the Establishment" at a time when establishments are hated.

Meanwhile, traditionalists have lost some battles, but their numbers are still holding strong. The apparent decline of religion in America really reflects the loss of the lukewarm middle; committed, regular churchgoers have been impressively tenacious across the last half century, and their numbers approximately match those of committed liberal progressives. Traditionalists show high levels of cultural confidence and a determination to buck mainstream culture, especially in the way they raise their children. They will not be easily assimilated. Progressives fear them for a reason.

It's worth noting, when picking up this book, that Reno doesn't offer a clear blueprint for reviving a Christian society. He's still working on the idea, and on convincing traditionalists that they both can and *must* continue to salt the earth. That is hardly a trivial project, however. Religious conservatives might read this book as a reminder of why cultural battles are still worth the effort. Small-government conservatives might read it by way of considering whether this core of traditionalists, with their commitment to family and church, may in fact be the strongest and most reliable bulwark against the advances of Leviathan.

Religion may seem to be losing ground, but that's happened innumerable times over the past few millennia. Orthodox Christians and Jews are still walking the earth by the millions. Bet against us at your peril. **NR**

Inside the Circus

MICHAEL F. BISHOP



The Pigeon Tunnel: Stories from My Life, by John Le Carré (Viking, 320 pp., \$28)

WALKING the Cornish cliffs, I am overtaken with surges of gratitude for my life," writes John le Carré in this witty, charming, and self-deprecating memoir, and the reader has no trouble understanding why. In the isolated splendor of his Cornwall estate, at a desk "built into the attic of a granite barn built on a cliff edge" overlooking the Atlantic, he has mined the rich seams of his life and imagination to produce perhaps the most consistently superb and compelling fiction of any living writer. His novels have been adapted and readapted for film and television, with often brilliant results. For all this he has been lavishly rewarded with wealth and fame, and, as he gratefully observes, "the writing kept me relatively straight and largely sane."

It could all have been very different. He was born in 1931 to a wan, distant mother who soon abandoned him, and the dominant presence in his life was Ronnie Cornwell, "conman, fantasist, occasional jailbird, and my father." Young David Cornwell (his real name) lived a life of intermittent privilege, sometimes being chauffeured in a Bentley and shadowing Ronnie in the glittering casinos of Monte Carlo, and sometimes waking to find his father had "fled the country" to escape the

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STATEMENT OF OWNERSHIP, MANAGEMENT, AND CIRCULATION (required by 39 U.S.C. 3685)

1. Publication Title: NATIONAL REVIEW
2. Publication Number: 374-120
3. Filing Date: September 30, 2016
4. Issue Frequency: Biweekly
5. Number of Issues Published Annually: 24
6. Annual Subscription Price: \$59.00
7. Complete Mailing Address of Known Office of Publication: 215 Lexington Avenue, New York, N.Y. 10016-4188

7A. Contact Person: Jason Ng
7B. Telephone: (212) 849-2829

8. Complete Mailing Address of the Headquarters or General Business Office of Publisher: 215 Lexington Avenue, New York, N.Y. 10016-4188

9. Full Names and Complete Mailing Addresses of Publisher, Editor, and Managing Editor: Publisher: Jack Fowler, 215 Lexington Avenue, New York, N.Y. 10016-4188; Editor: Richard Lowry, 215 Lexington Avenue, New York, N.Y. 10016-4188; Managing Editor: Jason Lee Steorts, 215 Lexington Avenue, New York, N.Y. 10016-4188

10. Owner: National Review Inc., 215 Lexington Avenue, New York, N.Y. 10016-4188; National Review Institute, 215 Lexington Avenue, New York, N.Y. 10016-4188

11. Known Bondholders, Mortgagees, and Other Security Holders Owning or Holding 1 percent or More of Total Amount of Bonds, Mortgages, or Other Securities: None

13. Publication Title: NATIONAL REVIEW

14. Issue Date for Circulation Data Below: October 10, 2016

15. Extent and Nature of Circulation:

	Average no. copies of each issue during preceding 12 months	Actual no. copies of single issue published nearest to filing date
A. Total Number of Copies	135,892	108,500
B. Paid and/or Requested Circulation		
1. Paid/Requested Outside-County Mail Subscriptions Stated on Form 3541	120,840	94,388
2. Sales Through Dealers and Carriers, Street Vendors, Counter Sales, and Other Non-USPS Paid Distribution	2,005	2,244
C. Total Paid and/or Requested Circulation	122,845	96,632
D. Free Distribution by Mail		
1. Outside-County as Stated on Form 3541	579	560
4. Free Distribution Outside the Mail	6,548	6,486
E. Total Free Distribution	7,127	7,046
F. Total Distribution	129,972	103,678
G. Copies Not Distributed	5,920	4,822
I. Total	135,892	108,500
J. Percent Paid and/or Requested Circulation	95%	93%

16. Publication of Statement of Ownership: Will be printed in the October 24, 2016, issue of this publication.

17. Signature and Title of Editor, Publisher, Business Manager, or Owner

JASON NG
Circulation Manager 9/30/2016

bailiffs. Despite their eventual estrangement, le Carré in later life attempted the occasional rapprochement with the incorrigible old crook, but, as he wryly puts it, “When we buried the hatchet we always remembered where we’d put it.” Le Carré relates Graham Greene’s assertion that “childhood is the credit balance of the writer,” and observes that “by that measure at least, I was born a millionaire.” Surely, few spy novelists have had such rich and extensive training in deceit and subterfuge as he.

Despite this rickety upbringing, he passed with ease and distinction through Eton and Oxford and, after a spell as a language teacher, entered the secret world of British intelligence. First in MI5, the domestic-security service, and then in MI6, the foreign-intelligence service soon to be glamorized by Ian Fleming’s James Bond novels, le Carré briefly became a bit player in the vast drama of the Cold War, of which he would eventually become the most famous fictional chronicler.

The dimly lit pathways of le Carré’s life have been traversed before, by Adam Sisman in his 2015 authorized life and before that by le Carré himself in the semi-autobiographical novel *A Perfect Spy*. *The Pigeon Tunnel* is something very different: a series of vignettes, some of them briefer than a page (and several of them previously published), of his improbable life and career. It appears he has yet to exorcise his father’s ghost: The chapter on Ronnie is by far the longest.

But the book ranges far beyond domestic strife. From a Laotian opium den, to a raucous New Year’s Eve party with the odious Yasser Arafat (whose beard, he discovers during their embrace, “is not bristle, it’s silky fluff”), to Moscow in the twilight of Communism (where, just for old times’ sake, he is tailed by two KGB watchers, to whom he refers as “Muttski” and “Jeffski”), he has traveled widely, and sometimes dangerously, for the sake of research. Further adventures in Cambodia, Vietnam, Kenya, and East Congo attest to his ceaseless curiosity and make for entertaining and sometimes harrowing reading.

We are introduced to a colorful cast of figures, versions of whom end up in the novels. His greatest character, the brilliant, diffident George Smiley, was partly inspired by his Oxford mentor, Vivian Green, rector of Lincoln College. A Czech actor and aspiring physician whom le

Carré helped to gain asylum in Britain is transformed into the half-Chechen protagonist of *A Most Wanted Man*. And while he professes an icy contempt for the most notorious of British traitors, he admits that, “when I came to write *Tinker, Tailor, Soldier, Spy*, it was Kim Philby’s murky lamp that lit my path.”

Despite the grim realism that characterizes his novels of espionage, and the fact that he coined many of the terms later adopted by Western intelligence services (“mole,” “lamplighters,” “scalphunters”), le Carré seems genuinely mystified as to why he might be considered a fount of wisdom on the subject of intelligence. Summoned to dine with the president of Italy “in a medieval penthouse of celestial beauty,” he only later realized that the dark-suited men seated around the table were leaders of the Italian spy services, gathered to glean wisdom from their distinguished British visitor. Utterly ignorant of the workings of Italian intelligence, he had little to share, yet recalls that “every time the president fired a question at me, the grey army around us stopped eating and raised their heads as if to the command of a conductor’s baton, only resuming when I had ground to a halt.”

Another humorous incident occurred at a luncheon with Margaret Thatcher at 10 Downing Street, when the prime minister introduced the novelist to her Dutch counterpart, the delightfully named Ruud Lubbers. After airily insisting that he *must* know of the writer John le Carré, Mrs. Thatcher received a polite demurrer. Not to be deterred, she chided the Dutch leader and said that surely he’d heard of the author of *The Spy Who Came In from the Cold*. As le Carré recalls: “Lubbers, nothing if not a politician, reconsidered his position. Again he leaned forward and took another, longer look at me, as amiable as the first, but more considered, more statesmanlike. ‘No,’ he repeated.”

Particularly entertaining is a rueful chapter about aborted collaborations with Stanley Kubrick, Francis Ford Coppola, and Sydney Pollack, each of whom expressed a desire to adapt le Carré’s work and spirited him off to exotic destinations for intense but ultimately fruitless consultations. After a flurry of scriptwriting at Coppola’s Napa Valley winery, le Carré briefly foresees another cinematic triumph: “Harrison is really going to love this, Coppola said. He means Harrison Ford. In Hollywood, surnames are for

outsiders only.” Alas, it was not to be: Even weeks later, “Harrison has not as yet responded. And to this day, so far as I shall ever know, Harrison still hasn’t. Nobody does silence better than Hollywood.”

But Richard Burton and Alec Guinness, who brought, respectively, Alec Leamas and George Smiley to vivid life on the screen, were far from silent in their dealings with le Carré. Indeed, along with the director of *The Spy Who Came In from the Cold*, le Carré wonders how to put Burton’s “beautiful, thunderous, baritone Welsh voice . . . back into its box.” The writer and the actor discuss this and other matters over vast amounts of whiskey on the film’s Dublin set, the drabness of which is occasionally enlivened by the glamorous entrances of Burton’s then-wife, Elizabeth Taylor. And Guinness, after lunching with le Carré and former MI6 chief Maurice Oldfield, peppers the author with questions about Oldfield’s questionable dress sense, wondering whether it’s representative of the profession.

Le Carré’s politics have long been left-wing, and though he was never a fellow traveler, his jaundiced view of the Cold War was suffused with moral relativism. This detracted little from his stellar early work; the superb “Karla” trilogy, after all, was set in drab 1970s Britain, when capitalism was at its lowest ebb. And his latent anti-Americanism was typical of a Foreign Office mandarin. But the 2003 Iraq War drove him to extremes; he published an article in the *Times* of London that year titled “The United States of America Has Gone Mad,” written with all the subtlety of a fulminating campus radical. This strident tone displaced his customary urbanity and marred some of his later novels, especially *Absolute Friends* (2003). But perhaps he has mellowed; he keeps politics, for the most part, to one side in *The Pigeon Tunnel*, with the exception of a swipe at the American detention camp for terrorists at Guantanamo.

“Spying and novel writing are made for each other,” le Carré observes, but they may not make for a reliable memoirist. As he admits, he was “born to lying, bred to it, trained to it by an industry that lies for a living, practiced in it as a novelist.” But suspicion of embroidery shouldn’t put the reader off; le Carré is a peerless prose stylist whose life is of large proportions, and *The Pigeon Tunnel* is an immensely enjoyable read. **NR**

Film

Troubled Genius

ROSS DOUTHAT

HAVE you missed Mel Gibson? It's been five years since his last studio movie, *The Beaver*, stumbled through a painful, scandal-shadowed release; ten years since *Apocalypse*, his last directorial effort; and 14 years since his last "normal movie star" picture, 2002's *Signs*. His career, no less than his person, disappeared into the abyss, leaving behind only the sound of his voice, coarse and drunk and vicious, cursing blindly at his girlfriend on one of the tapes that finally sent him into exile.

The exile was deserved. But it's still been a huge artistic loss. Before his final meltdowns, the hauntedness of Gibson's mind was hardly a secret: His manic, live-wire acting style suggested a man locked perpetually in battle with a devil, and his harrowing director's work often felt like an attempted exorcism, in which the demons had to be revealed in all their gory plumage in order to be finally cast out. Some of the flaws in his art—the scenery chewing, the torture fixation, the tendency toward cornball and melodrama—were rooted in these deep internal struggles. But his demons were also clearly a fuel that kept him burning brightly, a source of the raw, distinctive genius in his films.

We will find out later on this fall whether Gibson the director retains this genius, when his World War II epic, *Hacksaw Ridge*, has its debut; we'll also find out whether audiences and Oscar voters (the latter crowd is likely tougher) are willing to forgive his sins and crimes and accept him back into their inner ring.

For now, though, we have a kind of toe-in-the-water comeback for Gibson the actor: something minor, a hard-boiled little number called "Blood Father," which showed in a few theaters but is playing mostly on video-on-demand.

Gibson plays himself—or, rather, he plays the pulp-fiction version of himself: John Link, a bearded, muscled for-



Mel Gibson and Erin Moriarty in *Blood Father*

mer gangland tough guy, whom we meet first at an AA meeting explaining how the bottle cost him his family, his freedom, and his daughter. He lives in a trailer park, near his neighbor and sponsor (William H. Macy), in some derelict part of the California/Arizona borderlands, running a tattoo parlor out of his trailer. He wants to stay out of trouble, to find his kid, to make amends.

He goes two for three, and you can guess which two. His daughter, Lydia (Erin Moriarty), appears, lovely and desperate and herself an addict: She accidentally turned a gun on her drug-dealing boyfriend (Diego Luna), and now she's running for her life. The thugs track her to the trailer park, and our man Link faces a choice—but really, what kind of choice is it? Of course he's going to fight for his daughter; of course they're going to go on the run; of course he's going to find redemption by cutting her a bloody swathe to safety.

Blood Father blurs two mini-genres: the fiftysomething-dad-as-action-hero narrative, perfected recently by Liam Neeson, and the existential border noir of *Breaking Bad*, *No Country for Old Men*, *Sicario*. Unfortunately, it doesn't do so very well. The noirish banter is constant and second-rate. Macy is wasted. Moriarty's Lydia is intensely annoying, and her various perils feel weightless. The movie does have one wild card: a weirdo called

"Preacher," played by Michael Parks, who used to be Link's boss and now deals in Nazi and Confederate paraphernalia online. He has a few gonzo monologues, part Hunter S. Thompson and part Cormac McCarthy, which you can't really understand but which liven things up a little bit.

When Parks is offstage, the only thing worth watching is Gibson. His charisma is still a palpable force, and even under a more-salt-than-pepper beard, he has that old tension, that live-wire quality: Even in repose, he seems coiled, wound up, never quite relaxed, ready to spring or sprint away.

It works well for the part, for an ex-con always expecting the heat to come around the corner. Still, you can't help thinking about the man behind the role—as, indeed, the movie clearly encourages you to do. *Blood Father* doesn't leave you with the sense that Gibson, with age and exile, has mellowed or calmed or really found a way to let himself relax. He seems penitent, but not different; the demons are suppressed but hardly banished. His character is supposed to be a chastened figure, but the part depends on the resilience of the old Mel, wound too tight and more than a little dangerous, rather than introducing us to a Mel who's finally comfortable inside his skin.

Maybe that bodes well for his tortured, fascinating art. I hope it doesn't bode ill for his soul.

NR

The Quiet Sport, Loudly

ON the first weekend of October, smack dab in the middle of Minnesota, proud hordes of grown men got up early, chugged their coffee, and cheerfully dressed up as America's national bird. They sported sharp-eyed bald-eagle masks and capes resembling American flags; others, meanwhile, donned Stars and Stripes kilts, wore patriotic Viking helmets, or simply slathered "USA" in bright red paint upon their chests.

Crowds thronged. National treasure Bill Murray sauntered in—unobtrusively, as he tends to do—wearing a floppy bucket hat in red, white, and blue. Soon, as if by magic, he was leading the crowd in a massive, delirious chant of "America!" Then, over the course of three days, over a sprawl of green and hundreds of satisfying golf-ball thwacks, the Americans dominated the Europeans and won the Ryder Cup.

This is a column about golf, but never fear: Deep down, it's really not. (If, heroically struggling not to drool or nod off, you've ever sat through one of your uncle Walter's excruciatingly detailed retellings of his latest 18 holes, you're probably thrilled at this news.) Sure, on the surface, the story centers on golf—high-drama golf, in fact!—but at heart, it's about a bright spot in the midst of an exhausting presidential election and a refreshing reminder of our national *joie de vivre*.

The Ryder Cup, in case you don't follow golf, pits America's best golfers against Europe's best golfers. This is kind of awkward, given that many of Europe's best golfers have enthusiastically taken up residence in America. Let's face it: Florida is way more fun than Munich.

European golf fans also face a relative dearth of iconography to draw upon when concocting a goofy costume for an over-the-top golf event. A few spirited Euro souls showed up this year with blue starry globes enveloping their heads. How can one truly and cheekily represent the vague, newish, and faltering conglomeration that is the European Union? A slightly depressed tulip salesman half-heartedly clutching a baguette? A dancing beerhall maiden with a fancy watch and a sagging Acropolis tourist hat? A nondescript guy just standing there, trying his very best to ignore Russia, who is hovering next to him?

By the time the dawn of 2016 rolled around, the United States hadn't won a Ryder Cup in eight years. The last loss, in 2014, was particularly crushing, leading a demoralized Phil Mickelson, in an act of high golf drama, to publicly call for an official strategic reboot.

The result, in part, was this year's stunning American win (17–11, the biggest in 35 years) born from a true team effort. Fans ate it up. Despite rumblings about golf's impending demise (Nike, for instance, recently shelved its golf division), this year's Ryder Cup had a record number of viewers,

with the Golf Channel boasting its most watched Friday telecast in history.

The Golf Channel, of course, was co-founded by the legendary Arnold Palmer, who passed away just days before this year's Ryder Cup. "What other people find in poetry, I find in the flight of a good drive," Palmer once said; more famously, he quipped, "The more I practice, the luckier I get." Beloved for his humility and spirit, and credited for bringing the game of golf out of the country club and into the American mainstream, Palmer's kindly visage loomed large over the Ryder Cup.

Not that there wasn't heckling. Boy, was there heckling, and it began even before the Cup did. Days before the event, P. J. Willett, brother to British Masters champion Danny Willett, called American golf fans a "baying mob of imbeciles." During the event's practice rounds, David Johnson, a spectator and American hero from North Dakota, earned himself a spot in the Hecklers' Hall of Fame: After mocking Team Europe's Rory McIlroy and Andy Sullivan for repeatedly flubbing a twelve-foot putt, Johnson promptly drained it, earning robust chants of "U.S.A.!"

Despite some rogue actors, most of the teasing was in good fun—McIlroy, when asked whether American hecklers should cut down on their drinking, responded with a hearty jab at the quality of our nation's beer. More important, the wildly enthusiastic crowds paved the way for what should be an epic rematch in 2018.

This year's Ryder Cup, after all, served as a spectacle of patriotism without political fighting. It was, for a brief, shining moment, an outpouring of unified and giddy American pride. In a year when America's two leading presidential contenders seem intent on doing their best Debbie Downer impressions 24/7, we'll take what we can get.

Most important, this latest Ryder Cup—together with Arnold Palmer's passing—has fueled an outpouring of love for what is, at its heart, the quietest of sports. Today, most of us live surrounded by noise and spectacle and unending media churn. In 2016, many Americans find themselves walled in by screens, either always plugged in or half-heartedly attempting not to be. Information constantly pecks at our brains, begging for attention, whether it's important or worthwhile or not.

Golf, on the other hand, is not just a sport of quiet—it's a sport of quietly letting go. Want to hit the ball well? It's half basic golf fundamentals and half emptying the clutter from your brain. Guess which is the harder of the two?

Over the past 20 years, participation by young golfers has dropped 30 percent. Many kids, surveys show, find golf "boring." Perhaps the excitement over the Ryder Cup will lead just a few more Americans onto one of the few quiet spaces left in the public sphere. It's a place of focus, where you can truly get to know the others who play with you, and yourself. Remember: Just try not to throw those clubs.

NR

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NATIONAL REVIEW INSTITUTE

NRI On Campus

“Conservatives are rightly concerned about our colleges and universities, but if they want to actually do something to stop rampant multiculturalism, they should support important programs like NRI On Campus instead of essentially bankrolling leftist professors via their alumni largesse.”

JACK FOWLER

Publisher, National Review
Trustee, National Review Institute

National Review Institute is bringing the NR mission to college campuses and empowering them to “stand athwart history” through its new college outreach program, NRI On Campus. In its inaugural year, NRI hosted events on **19 college campuses** featuring top NR talent. This summer, NRI On Campus held three events for students from all over the country, including David French’s talk on ISIS to over 200 Capitol Hill interns. C-SPAN covered the event, which can be viewed online at www.c-span.org. The enthusiastic student response to NRI On Campus this summer means great opportunities this fall.

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David French

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