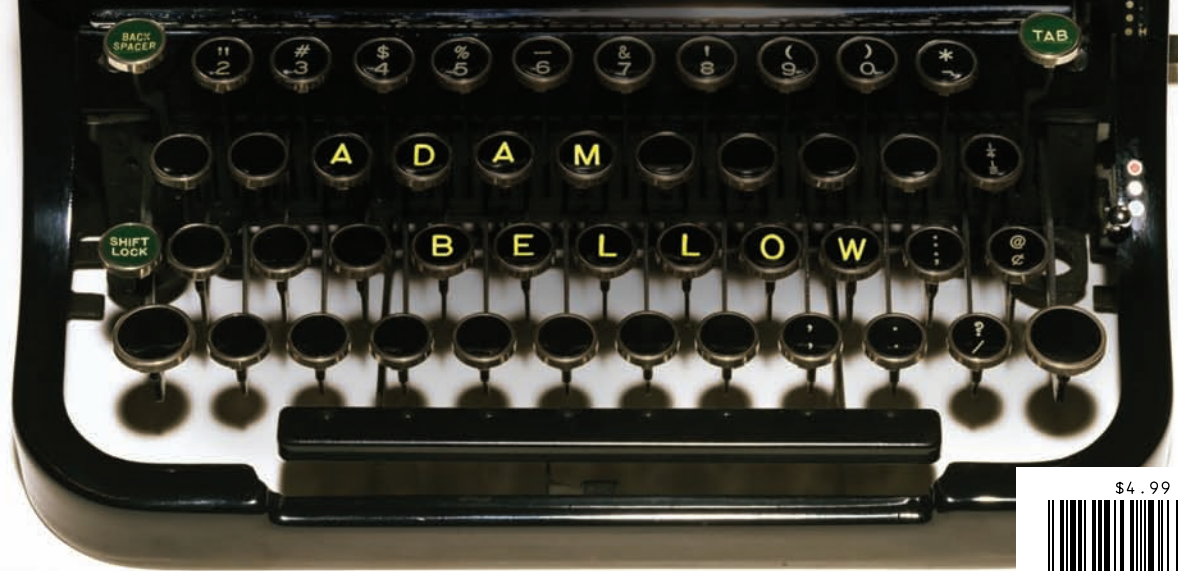


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Conservative voices can now be heard throughout the land, and the GOP is poised for victory in the upcoming midterm elections. But even as we appear to be winning the political argument, for the moment anyway, we are losing on the cultural front. *Adam Bellow*



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## Pollard's Punishment

I have been reading NATIONAL REVIEW since I was a teenager and mostly respect and admire your writers and appreciate your professionalism. However, the short paragraph about Jonathan Pollard (The Week, May 5) was both inaccurate and inflammatory.

Having written a *Fordham Law Review* note on the subject of disclosing classified information to criminal-defense counsel, I have researched Pollard's case extensively. Your statements that his was "one of the most serious espionage operations in modern American history" and that he received "a fitting punishment" belie your ignorance on the subject. Former senior government officials who know all the facts evidently disagree with you, as they have called publicly for Pollard's release. They include George Shultz, Robert McFarlane, Henry Kissinger, Michael Mukasey, and Dan Quayle.

In fact, Pollard's sole indictment was one count of passing classified information—and it was to an ally. He is the only person in the history of the U.S. to receive a life sentence for passing classified information to an ally. Many spies who committed more egregious crimes, such as transmitting information to hostile entities and thereby directly endangering the lives of Americans, have received far lesser punishments than Pollard's.

One of many such examples is that of Hassan Abu-Jihaad. While serving in the U.S. Navy, Abu-Jihaad relayed to al-Qaeda information regarding the position of his battleship, endangering the lives of thousands of U.S. sailors. Abu-Jihaad was ultimately charged with transmitting classified information to unauthorized people (as well as supporting terrorism in an unrelated crime) and was sentenced to a mere ten years.

Pollard sent classified documents to an ally in an attempt to warn it about impending danger to its citizens. He pled guilty and received a life sentence. One may reasonably argue that he deserved to serve time in prison for that decision; it would be unreasonable to conclude that his was a far worse crime than that of Abu-Jihaad.

*Rachel S. Holzer*  
*Miami, Fla.*

THE EDITORS RESPOND: Our characterization of the seriousness of Pollard's perfidy rests on the assertion by the U.S. government in Pollard's trial that "the breadth and volume of the U.S. classified information sold by [Pollard] to Israel was enormous, as great as in any reported case involving espionage on behalf of any foreign nation." This puts it in the pantheon of most serious espionage operations, it seems, and we made no claim about its being the most serious or more serious than any other particular operation.

The government went on to explain—convincingly, in our view—why selling such information to an ally is really no less deserving of punishment than passing it to an enemy. Pollard didn't seem to mind the difference either: He also expressed interest in spying for decidedly less friendly countries, including Pakistan and South Africa.

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# The Week

■ Funny, the IRS never seems to lose track of us.

■ Almost as stunning as the defeat of House majority leader Eric Cantor are the lengths some people have gone to deny the obvious: Republican voters were rejecting the idea of “comprehensive immigration reform.” To be sure, it was not the only reason he lost. A sizable number of voters thought he had grown inattentive to the district. Dave Brat assailed him for being too tight with Wall Street and big business on a range of corporate-welfare issues. A lot of tea partiers are unhappy with a Republican hierarchy that they see as insufficiently willing to fight for conservative principles. Immigration, though, was indisputably the top policy issue in the race, and it was a symbol of everything else that motivated Brat’s candidacy. A lot of Republicans, disproportionately those in Washington, D.C., and Manhattan, harbor the fantasy that the party could make great gains among Hispanic voters if it would only offer legal status to millions of illegal immigrants, create large guest-worker programs, and refrain from insisting that enforcement of the existing laws be shown to work before taking these steps. Cantor, otherwise a reliable conservative, refused to shut the door on this approach, so primary voters shut the door on him.

■ Hillary Clinton’s campaign launch has been as graceful as the forklifts moving palettes of her new book. First she told Diane Sawyer that she and Bill came out of the White House “dead broke.” The rich often have temporarily bad balance sheets. Although the Clintons were carrying big legal bills in 2001, they knew they were entering the El Dorado of speaking fees and book advances. It is ill-mannered of multimillionaires to poor-mouth themselves. Then Mrs. Clinton bristled at Terry Gross for probing her views on same-sex marriage. She opposed it as late as 2008—her last run for president. Since then she has, as she admits, evolved, yet it irks her even to discuss whether politics played a role in her evolution. Why? Politics is the grease of democratic change, for good or ill. The only political talent Hillary Clinton possesses is persistence. It served her well in her run for the Senate in 2000. Yet humor, agility, sincerity, and eloquence are all beyond her. She is also not a fresh face. The road to 2016 will be long.

■ Citing her “vast experience,” the content of which is a vast mystery, NBC hired Chelsea Clinton as a special correspondent in 2011—and paid her \$600,000 a year for what turned out to be insipid celebrity profiles and an interview with the GEICO gecko. Miss Clinton joins Jenna Bush, Meghan McCain, and Abby Huntsman in the sorority of presidential and would-be-presidential spawn laboring under the NBC aegis. Miss McCain, to be sure, is a bargain at any price, a once-in-a-generation comedy act of rare and refined genius. (It is an act, right?) But putting Chelsea on the payroll at the better part of a million bucks per annum looks suspiciously like sucking up to a family that expects to be back in the White House in a few years. NBC can spend its



See page 13.

money however it likes, but we pray that lining the Clintons’ pockets turns out to be a bad investment.

■ Straining plausibility, the IRS claims that e-mails from figures at the center of its political-persecution scandal have been forever lost due to a computer crash. Congress is seeking e-mails from Lois Lerner, former head of the IRS division that oversees tax-exempt groups, and a half dozen of her colleagues, hoping to shed light on the agency’s illegal and unethical campaign of harassment and intimidation against tea-party organizations and other conservative groups. The IRS is required by law to keep copies of e-mails and other documents, and it claims—beggaring belief—that its practice is for senior managers such as Lerner to print out physical copies of the tens of thousands of e-mails they send, and to file them away. Those familiar with how e-mail systems work—the IRS uses Microsoft’s Outlook—say it is almost certain that the agency could provide the e-mails if it so desired. But it doesn’t. And thus an agency that is happy to seize your assets if you cannot provide triplicate receipts from a business lunch three years ago is pleading, in regard to its own felonious conduct, “The dog ate my e-mail.”

■ In a separate IRS scandal (yes, it’s hard to keep track of them all), we already know that Lois Lerner improperly shared confidential taxpayer information with officials at the Federal Election Commission. Now we’ve learned that the Department of Justice, too, got a windfall of sensitive information from Lerner. E-mails





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obtained by the House Oversight Committee show that, in preparation for a meeting just weeks before the 2010 midterm elections, Lerner and an adviser arranged to have 1.1 million pages of information on nonprofit organizations—including 33 tax returns containing confidential information—shipped off to the FBI. That is a potential violation of federal law. Testifying before the House Judiciary Committee, FBI director James Comey said, “I can’t imagine that we would be part of some effort to intimidate someone without some lawful purpose.” He assured the panel that the FBI returned the database to the IRS and that analysts only “looked at the table of contents.” Forgive us if we refuse to take anyone’s word about any aspect of the IRS scandals.

■ It is what psychologists call overcompensation, and what politicians call making a hash of it. Susan Rice’s saying that Bowe Bergdahl served with “honor and distinction” and the bizarre Rose Garden ceremony with bearded Dad were not enough: Defense secretary Chuck Hagel insisted that it was urgent to bring Bergdahl home because of his deteriorating health, as evidenced by a Taliban prisoner video. Then, ten days later, Hagel told Congress that the video was six months old. “We didn’t know what kind of health Bergdahl was in.” In short, the more the administration talked, the less convincing its case for the Bergdahl deal became.



■ George Will is being crucified for his observation about college campuses that “when they make victimhood a coveted status that confers privileges, victims proliferate.” Will’s column touched on everything from so-called microaggressions to “trigger warnings” and

argued that the evidence suggests that claims about rape on college campuses are exaggerated. Never mind that he is correct; the inevitable headlines read: “George Will: Rape Victim Is ‘Coveted Status.’” That is something close to the opposite of what Will wrote, in that he suggested that false or exaggerated claims were a shortcut to the coveted status of victimhood without the need to suffer the trauma of the crime. The evidence here is suggestive: Over a short period of time, there was a rash of hate crimes reported at UNC–Chapel Hill, Vassar, Central Connecticut State University, the College of New Jersey, and several off-campus venues, all of which turned out to be fake. In the case of Vassar, the crimes were staged by members of the school’s “Bias Incident Response Team.” Which is to say, they were faked by students who coveted victim status. Likewise, there are false claims of sexual assault, as with any other crime, estimates running from about 8 percent (U.S. Justice Department) to significantly higher. Duke and Hofstra have both seen high-profile incidents of false sexual-assault allegations. Prosecutor Steve Cullen, in the course of lamenting the poor treatment of genuine victims, cited the “incredibly corrosive impact” of false claims as a factor. It is not George Will who is doing women a disservice in this matter, but his critics.

■ Transgender is the new gay: So said *Time* when it put Laverne Cox, star of *Orange Is the New Black*, on its cover. But does removing and replacing organs surgically change a man into a woman, or vice versa? Kevin Williamson said no, in a piece on NRO: “Sex is a biological reality, and it is not subordinate to subjective impressions, no matter how intense. . . . Amputat[ing] healthy organs in the service of a delusional tendency is the moral equivalent of meeting a man who believes he is Jesus and inquiring as to whether his insurance plan covers crucifixion.” Williamson got push-back, and, controversialist that he is, welcomed it. Not the *Chicago Sun-Times*, which ran his piece as an op-ed and then apologized for doing so. “We try to present a range of views,” the paper explained, but Williamson ignored the “undeniable pain” of transgender people, “who suffer from notably higher rates of depression and suicide.” (Williamson did not ignore it: Cox’s story, he wrote, “demands our sympathy.”) Looks like the *Sun-Times* should stick to pro-ed pieces. The last word goes to Williamson: “Post-operative transsexuals are not the only men who have had their characteristic equipment removed.”

■ Under court order to—dear Lord, it is almost too damned silly to write—under court order to provide satisfactory cakes for a gay wedding or face fines and incarceration, Jack Phillips of Denver’s Masterpiece Cakeshop is getting out of the wedding-cake business. Phillips, for reasons of conscience, does not participate in gay weddings, though he is perfectly happy to sell anybody a birthday cake or another dessert regardless of sexual proclivity. But the law in its majesty insists that a nonconformist baker is the second coming of Bull Connor, and Judge Robert N. Spence found the baker in violation of civil-rights law. Wedding photographers and others are facing similar actions in other jurisdictions. It should not really need saying, but: Gay people aren’t very much like freed slaves or their descendants under Jim Crow, the Stonewall riot wasn’t Gettysburg, and being made to walk next door to the gay-friendly wedding planner rather than conscripting the Evangelical baker is not like being black in George Wallace’s 1960s Alabama. Opting out of a gay wedding is not invidious discrimination, but an exercise of conscience, something that should be obvious to anybody who is not a fanatic or a child. Keep the government out of our kitchens.

■ Back in March, the pro-life outfit Live Action sent an undercover investigator posing as a 15-year-old girl into Indianapolis’s Planned Parenthood Midtown Health Center. In the resulting video, the supposed minor is advised to experiment with BDSM and referred to a free porn site she won’t get any “viruses off of.” Planned Parenthood says that the video “does not reflect our education programs,” and that the employee has been fired. But BDSM is hardly new territory for Planned Parenthood: Last year, a New York clinic hosted a “Fifty Shades of Safe” workshop, and the Planned Parenthood site features a video titled “Getting Kinky—BDSM 101.” Planned Parenthood receives \$500 million in taxpayer funds per year, and under the Affordable Care Act, it’s set to receive \$75 million more to use for sex education. There may not be much innocence left in American youth, but Planned Parenthood and the federal government are evidently leaving nothing to chance.



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■ In August 2012, Republicans canceled the first day of their convention owing to concerns about a hurricane. But they proceeded on the second day. When Mitt Romney and his wife Ann appeared on a screen, the Washington bureau chief of Yahoo! News said, into a “hot mic,” “They’re not concerned at all. They are happy to have a party with black people drowning.” Yahoo!, to its credit, fired that man, David Chalian. But that did not dent his career. He went on to *Politico* and has just been made “political director” of CNN. He is perfect for the job, really.

■ Senate Democrats’ first response to the scandals at the Veterans Health Administration was predictable: Just throw money at the problem. But Congress needs to fix a broken system, not reward it, by holding the VA accountable and offering vets choices. That is, more or less, what the two bills passed by the House in

response to the scandal will do. The bill that made it out of the Senate is larded up with unnecessary new spending—to the point where it could cost as much as \$50 billion a year, according to the Congressional Budget Office. Just three senators—Republicans Bob Corker (Tenn.), Ron Johnson (Wis.), and Jeff Sessions (Ala.)—had the courage to stare down vets’ interest groups and vote against the Senate’s irresponsible bill. The two bodies will now go to conference on the legislation, and House Republicans should use their leverage to get a bill that fixes the VA rather than expands it.

■ President Obama announced a plan in June to expand the federal government’s already generous subsidies for student loans: All holders of federal loans will now be required to pay just 10 percent of their income for 20 years, after which their balances

## State of the Nation-State

I’m writing this from the Margaret Thatcher Conference on Liberty, in London. Daniel Hannan, a friend of NATIONAL REVIEW and an eloquently stubborn champion of British national sovereignty in the European parliament, has just finished a stirring denunciation of the European Union and defense of the Westphalian system of nation-states. The nation-state, Mr. Hannan argues, is the best and most reliable defender of liberty there is. “Just as the nation-state is a secure vessel for freedom, so it is the securest bulwark against not only the lobbying of the Greenpeaces and the big energy corporations, but also against extremism of every kind. Be very scared,” he warns, “of any ideology that claims to be bigger than the nation-state.”

In the context of the debate over the EU, Hannan, of course, is correct. The liberty-sucking bureaucratic sink-hole in Brussels is an enterprise established to secure the rights and privileges of elites to grind away the rights and privileges of free citizens.

But I can’t help wondering if Hannan is wrong in a larger sense. After all, the nation-state hardly has a spotless record in protecting against extremism. In the U.K. and the U.S., the nation-state has worked out pretty well, but only because we are nation-states with cultures, traditions, and institutions devoted to liberty. Even so, it’s hardly always been smooth sailing.

I can’t help but think of Murray Rothbard’s Fable of the Shoes. In his 1973 book *For a New Liberty: The Libertarian Manifesto*, Rothbard railed against the “status quo bias” that takes it as a given that the government should do certain things because the government has always done them. “So identified has the State become in the public mind with the provision of these services,” Rothbard complained, “that an attack on State financing appears to many people as an attack on the service itself.”

Imagine, Rothbard asks the reader, that the government has always provided shoes to the public. And then someone proposes getting the government out of the footwear business. “How could you?” champions of the status quo would shout.

You are opposed to the public, and to poor people, wearing shoes! And who would supply shoes to the public if the government got out of the business? Tell us that! Be constructive! It’s easy to be negative and smart-alecky about government; but tell us who would supply the shoes? Which people?

The nation-state is a provider of services. In America and the West—but hardly everywhere—one of its chief products is, or at least has been, liberty. But does it have to be that way? To recognize that national government is better at protecting liberty than transnational or world government is not quite the same thing as saying it is ideal.

The modern secular state emerged from a brutal struggle with religious and aristocratic institutions. The victory of the secular state was a huge advance for liberty, but it came with tangible costs. Not only did it lead to the demotion and privatization of traditional religion as a source of authority and legitimacy in social life, but it has filled that gap with various forms of secular religion. It has also produced a permanent class of bureaucrats and rent-seekers whose concern for individual liberty takes a distant second to their self-interest. And, of course, it asks for ever more of our money.

I am not an anarchist. I subscribe to Lincoln’s defense of conservatism as reliance on the old and tried against the new and untried. For now, the nation-state is the least-worst way to go, it seems to me. But that doesn’t mean we can’t be on the lookout for something better.

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will be forgiven. One of the problems with this generous transfer—besides the fact that the president doesn't have authority to enact it and hasn't said how he'd pay for it—is that most of its benefits go to borrowers with huge loan balances, who have usually borrowed for their graduate degrees. Graduates with \$120,000 in law-school debt can easily end up paying the same amount as someone who borrowed \$20,000 for college. The way to fix this is to end loan forgiveness, incentivizing students to consider how much they're borrowing, as Representatives Thomas Petri (R., Wis.) and Jared Polis (D., Colo.) have proposed. That would be one step toward reining in the cost of higher education, something in which President Obama has shown disappointingly little interest.

■ The first obstacle to the attempt by Representative Tim Murphy (R., Pa.) to reform the federal government's mental-health system was an alternative proposed by Democrats, which would have increased funding and done nothing to fix a broken, perverse system. Now a Republican, namely House Energy and Commerce chairman Fred Upton (Mich.), appears to be the problem: He has reportedly said he doesn't plan to advance Murphy's full bill and will instead work to pass the uncontroversial provisions. The good parts of the bill, unfortunately, are the controversial ones. Upton is loath to take on the mental-health community and the federal mental-health bureaucracy that supports it. But it has to be done: Today, federal rules and federal funding go to support unhelpful, even destructive programs and do little to help the seriously mentally ill. That's what Murphy, a psychologist, proposes to fix. He has roughly 80 co-sponsors for his effort to do so. If forcing a federal bureaucracy to do its job is too controversial for House Republicans, we've got a problem.

■ Conservatives were tempted to celebrate the news that a California judge had struck down the state's teacher-tenure and seniority laws as unconstitutional. These laws have made it a vanishingly rare occurrence for a bad teacher to be fired in California, and their effects on students do indeed "shock the conscience," as Judge Rolf Treu wrote in his opinion. So it's understandable that many in the school-reform movement counted the ruling in *Vergara v. State of California* as a victory (and relished seeing the teachers' unions reel). But the case sets another noxious precedent for courts to dictate education policy under the guise of ensuring equal access to high-quality public education. And in finding that tenure rules placed a "disproportionate burden on poor and minority students" by trapping them in underperforming schools, Judge Treu opened the door to legal challenges to any school policy that results in unequal racial outcomes, regardless of whether discrimination is occurring. Education reformers are right to take up arms against the travesty that is the public-education status quo, but judicial activism shouldn't be one of their weapons.

■ California engineered an artificial budget surplus by refusing to chip in enough to cover the rising costs of its already disastrously underfunded public pensions. Having cultivated that phony surplus, it is now looking to spend some of it, adding billions to the next budget to cover the usual fanciful array of counterproductive progressive priorities: a bullet train, more pre-kindergarten spending, implementing the Common Core educational program, and increasing welfare payments. The California

General Assembly is imprudent in itself and the cause of imprudence in others: The state is pressing for limits on how much money local school districts can keep in their reserve funds. Governor Jerry Brown says they don't need to save so much because the state has its own rainy-day fund; the local school authorities protest that this is only a ploy to make that money available for upcoming union negotiations. But then practically everything California does—from adding to pre-kindergarten spending to high-speed rail—is done in the interests of its government unions, which utterly dominate the state. In openly desperate straits just a few years ago, California is now passing the largest budget in its history, one that leaves unresolved the disastrous imbalance in its pension obligations and ensures another fiscal crisis in the future. This isn't going to end well.

■ In London, Madrid, Milan, Paris, and Berlin, taxi drivers went on strike in June, parking their cars in city centers and snarling traffic to protest Uber, the car-sharing app that is undermining the position of the taxi cartels. Not the smartest people in the world, these taximen: In London, Uber sign-ups were up eightfold during the strike, because nobody could get a cab. And that is the problem in miniature: Taxi licensure is designed to serve the interests not of consumers but of the taxi companies, by, among other things, keeping new competitors out of the market and preventing price competition. Here at home, the State of Virginia has ordered Uber, Lyft, and other similar companies to cease operations, but it is not even clear that the taxi regulators have the authority to do any such thing: The companies are not taxi services. Uber, insisting that its service is legal, is rolling past attempts to ban it. As the firm's founder explains: "There's been so much corruption and so much cronyism in the taxi industry, and so much regulatory capture, that if you ask permission upfront for something that's already legal, you'll never get it." The regulators would do better to accommodate themselves to the new technology rather than fight it—and to remember whose interests they allege to serve.

■ "Just because we have the best hammer does not mean every problem is a nail," President Obama confided in his commencement speech to the graduating cadets at West Point. Meanwhile, in Tehran, Ayatollah Ali Khamenei was commemorating the 25th anniversary of the death of his predecessor, Ayatollah Ruhollah Khomeini. These were turbulent years indeed, during which the American hammer had recurrent reasons for hitting the Islamic Republic's nail on the head. Now, the ayatollah told the audience at this event, "military attack is not a priority for Americans." Banners behind the podium on which he was speaking carried a gleeful taunt that translated as "America Cannot Do a Damn Thing." They've perceived the unspoken bottom line of Obama's metaphor, that a hammer serves no purpose without a hand to wield it.

■ Palestinian politics is a game of poker in which secular nationalists on the West Bank and the Islamist Hamas in Gaza outbid one another. For the past seven years the game has been very rough, with murder and every breach of human rights on the part of either player. Holding the West Bank cards, Mahmoud Abbas participated in John Kerry's special round of peace processing, but for ideological ends Hamas leaders refused that game. When the peace process went bust, Abbas and Hamas united in a government. The whys and wherefores are unclear. If Abbas was



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intending to neutralize Hamas, he may have met his match. Three Israeli teenagers have been kidnapped on the West Bank. In conditions of rising tension, Israeli security forces are searching for them and have detained large numbers of Hamas members. Abbas deplored the kidnapping but Hamas claims it is “a heroic operation.” Prime Minister Netanyahu bluntly holds Hamas responsible. If this proves the case, and especially if the teenagers are held as hostages to be bargained for, or in any way harmed, then obviously Hamas was gambling on taking power, and unity was window-dressing, a show doomed to collapse. In which case, the Palestinian cards will have to be reshuffled once more.

■ More than a decade ago, Donald Rumsfeld made waves when discussing the Palestinian–Israeli conflict. The defense secretary referred to the “so-called occupied territories.” Now the Australian government, led by conservative Tony Abbott, has decided to drop the phrase “occupied territories” and refer to those lands as “disputed territories.” In explanation, Abbott said, “The truth is they’re disputed territories.” Which they are. Arab nations did not applaud. They threatened trade sanctions against Australia (Australia being an exporter of food to those nations). One Middle Eastern leader did applaud: Israeli prime minister Benjamin Netanyahu said that any peace agreement would have to be based on truth. “It is impossible to build peace on historic lies.” Along with the Stephen Harper–led Canadian government, the Abbott-led government is the gutsiest in all the West.

■ Professor Mohammed Dajani is an unusual man, and an unusually brave one. A Palestinian, formerly with Al Quds University, he led students on a trip to Auschwitz. The trip was part of a program run in conjunction with Israeli and German universities and designed to promote tolerance, sympathy, and understanding. Many Palestinians understood: They threatened Professor Dajani with death until he resigned. He said he hoped that the university would not accept his resignation and instead stand up for his academic freedom. But they accepted, no doubt with relief. The fight for peace and sanity is uphill, but no one can say that Mohammed Dajani failed to do his part.

■ In Cuba, it is illegal to express support for the U.S. sanctions on the Castro dictatorship. Such an expression is punishable by up to 15 years in prison. Nonetheless, more than 800 Cuban democrats have signed a petition urging the United States not to lift the sanctions. The leader of this effort is Jorge Luis García Pérez, known by his nickname “Antúnez.” He has been in and out of prison for many years, and has endured extreme brutality. After the petition was circulated, he was arrested and strangled until he lost consciousness. He was also injected with unknown substances. (This is a common practice against Cuban dissidents.) Before they released him, state-security agents warned Antúnez that he was at greater risk than ever. A few days later, he was again arrested, and so was his wife and partner, Yris Pérez Aguilera. These are two of the bravest people in one of the bravest communities in the world: the Cuban democrats. May they live to see their work succeed.

■ When Cambodia was ruled by the Khmer Rouge, the wearing of eyeglasses got you killed: The glasses suggested that you could read and had airs. Forty years later, Rolls-Royce is opening a showroom in Phnom Penh. The minister of industry and handi-

crafts said, “Nobody would believe that such a luxury car could come to Cambodia.” There are Khmer Rouge families still in politics, and, through corruption, quite rich. Maybe they will buy a Rolls or two.

■ Miss USA contestant Valerie Gatto came into the world in difficult circumstances: Her mother was impregnated when raped at knifepoint in Pittsburgh. Originally intending to give the baby up for adoption, she decided at the last moment to keep her at the urging of her own grandmother. Miss Gatto, whose mother never concealed the circumstances of her conception from her, has been telling her story in public for years, and made it an integral part of her Miss USA campaign: “Your circumstances do not define your life,” she says. Though she declines to directly address the question of abortion, she says that her mother never seriously considered that option: “My mother made a choice, and she chose life. I’m glad that I’m here.” She has spent time on college campuses speaking to young women about sexual assault and personal security, recommending what should be unobjectionable prudence—but nothing on a college campus is unobjectionable anymore. Feminists have criticized Miss Gatto for suggesting that some of the burden for preventing crimes should fall on potential victims, though they have saved their most intense rage for Miss

Gatto’s colleague and the winner of this year’s pageant: Miss Nevada, Nia Sanchez, a martial-arts practitioner who suggested that women learn to defend themselves in a more direct fashion, presumably by beating the stuffing out of assailants. (Miss Texas dashed our hopes that somebody would suggest concealed carry.) That’s a lot of content for a beauty pageant, but the deep beauty here is in the extraordinary courage of Miss Gatto’s mother, whose act of transcendent generosity deserves a halo more than a tiara.



■ Except for the accent, it could have been a recent Clint Eastwood movie: A crusty old British pensioner pins on his medals from D-Day, sneaks out of his nursing home, hops on a ferry, and finishes the day on Sword Beach in Normandy, paying tribute to his fallen Royal Navy comrades. The old salt’s name was Bernard Jordan and, contrary to initial reports, he was never barred from leaving the nursing home; he was merely told that there was no room for him in a tour group, whereupon he improvised his own travel arrangements. When the staff found out, they naturally worried about whether he would make it across the Channel safely, though they needn’t have bothered; he’s endured a lot worse. It’s inspiring to see that the survivors of Overlord remain as intrepid as ever, and that Lieutenant Jordan didn’t help crush the Jerries so that he could stay confined to quarters 70 years later.



■ At press time, the United States soccer team was polishing off its 2–1 victory over Ghana in the 20th World Cup in Brazil, at last stopping a Western African colossus that had laid Team U.S.A. low in Germany in 2006 and again in South Africa in 2010. In the patriotic surge that followed the win, which was achieved through excellent ball-kicking, American pride flickered as it rarely does for the quadrennial global soccer competition. The last time the United States got a top-three finish was at the original World Cup in 1930, and our nation’s inability to commit to soccer, like our rejection of the metric system, has long been a sore spot. Americans can take solace in the abundance that allows us not only to be lukewarm toward soccer but also to choose among various contenders for the title of “national pastime.” American football offers a more martially sophisticated version of soccer’s field strategy; basketball offers an even more intense blend of physicality and tactical shrewdness; baseball offers the hazy glow of a leisurely, low-scoring summer game. And unlike soccer, those sports virtually never in a tie. Sports fandom is prone to chaos in every land, and we suspect the relatively high rates of violence and hooliganism around soccer may just be a function of the sport’s popularity and worldwide distribution. But maybe American sports fans (usually) behave better because our homegrown but diverse sports buffet is just more satisfying.

■ Symphony orchestras are always looking to attract audience members, especially first-timers. In Seattle, the orchestra brought in Sir Mix-a-Lot, the rapper. (For more on this, see page 35.) He performed his 1992 hit—we are tempted to say “classic”—“Baby Got Back.” (“Back” refers to a woman’s derriere.) The rap was orchestrated, if that’s really the word, by Gabriel Prokofiev, grandson of you-know-who. Women got up on the stage and danced, bawdily. The orchestra scored something of a PR success: A video of the event has attracted 2.5 million hits and counting. Will this gimmick help the cause of classical music? No, they never do. Classical-music organizations should resign themselves to the fact that their art form will always be a minority taste. There’s a reason pop music is called “pop music”: It’s popular. But the world makes room for minority tastes. And the death of classical music is a death much talked about and never occurring. Charles Rosen, the late pianist and scholar, famously remarked, “The death of classical music is perhaps its oldest continuing tradition.”

■ As reported by Reason.com, “Popular sex columnist Dan Savage finally gave a response to critics who had attacked him for using the word *tranny* in the context of a discussion about whether tranny was a hateful word.” We still think “popular sex columnist” means Dear Abby, but we’ll try to explain. “Tranny” is short for “transsexual,” which used to be the term for someone who had switched genders but is now passé, since there are so many possible variations: bi-gender, F2M, androphilic, genderqueer, and trans\*, to list just a few. Some trannies object that “tranny” is belittling and entrenches cisgender privilege (“cisgender” means that you actually are the gender you say you are), while others claim it as a badge of pride. So: Slur or praise? Really, the whole debate is so 2012. Instead of this simplistic binary, liberals need to adopt

a spectrum of terms: “trans-slur,” for a term that was once positive but is now disparaging (“Negro”); “trans-praise,” for the reverse (“queer”); and “cis-slur” for something that has always been an insult (“Republican”).

■ “This Is Are Story” was the prom theme chosen by seniors at Paul Robeson High School on Chicago’s South Side. An image of the printed ticket was uploaded to Facebook by Local ABC 7 News investigative reporter Chuck Goudie, with the comment “nyce.” Robeson is part of the Chicago Public Schools system, a district that, as the Illinois Policy Institute pointed out, graduates only 60 percent of its students, and 91 percent of those who make it to college require remedial courses in basic math and writing. These results have earned Chicago public-school teachers among the highest average salaries in the nation. Nyce job, Rahm.

■ George H. W. Bush executed a tandem parachute jump on his 90th birthday in Kennebunkport—even though he no longer has the use of his legs. Bush jumped when he turned 80 and 85, and said, when he was 88, that he thought he had one more jump in him. His most famous jump came when Lieutenant Bush was 20 and had to bail out of his TBM Avenger after it was shot by the Japanese over the Bonin Islands. His parachute 60 years later was red, white, and blue. This magazine quarreled with a number of things George H. W. Bush did as a politician. But—what a splendid man. Happy birthday.

■ Originally, there were 29 Navajo code talkers. These were the young men selected by the Marine Corps to develop an unbreakable code in World War II. The last of them, Chester Nez, has died at 93. He saw combat at Guadalcanal and elsewhere in the Pacific. In a memoir, he wrote, “When bombs dropped, generally we code talkers couldn’t just curl up in a shelter. We were almost always needed to transmit information, to ask for supplies and ammunition, and to communicate strategies. And after each transmission, to avoid Japanese fire, we had to move.” When he was a schoolboy, teachers punished him for speaking Navajo. But the language turned out to be of great service to America, and even to world freedom. If we could express our thanks to Chester Nez and the others in the code, we would. R.I.P.



AT WAR

## Losing Iraq

IRAQ’S fall into chaos has been nasty, brutish, and swift. The al-Qaeda offshoot ISIS took Mosul, the country’s second-largest city, then rolled toward Baghdad, scooping up equipment abandoned by fleeing Iraqi soldiers, and fleeing





soldiers themselves, the latter consigned to mass executions. In 2010, Joe Biden boasted that the wind-down of the Iraq War “could be one of the great achievements of this administration.” Now it is looking like one of the great achievements of al-Qaeda’s post-Osama administration.

The whirlwind had been building for some time. During the long struggle to unseat Bashir Assad, ISIS took control of much of eastern Syria, the launch pad of its present effort. In both Syria and Iraq, however, they moved into vacuums created by American inattention. Timely American action might have catalyzed a Syrian revolutionary faction that was not a terrorist jihad. A continued American presence in Iraq could have retrained Prime Minister Nouri al-Maliki’s sectarianism and kept the fragile peace achieved by the surge. But Obama passed on the first option in Syria, and abandoned the second in Iraq, to burnish his self-image as a peacemaker.

Yet peace is never unilateral. ISIS will not be content with domestic mayhem. Their long-range enemy is, as it was on 9/11, the United States. A transnational terror caliphate will be a magnet for the violent, and a training ground for turning them into underground warriors.

Prime Minister Maliki is foolish and self-destructive; if there is anything we can reasonably do to save his bacon, the price must be more inclusive government. The Kurds, as always, look after themselves; we should help them do so. There must be no humiliating evacuation of the American embassy; one Saigon-style debacle per John Kerry’s lifetime is enough. There is talk, finally, from both the administration and Senator Lindsey Graham (who is usually sensible in such matters), that we should work with Iran to save Iraq. That would be grotesque. Iran killed Americans in Iraq for years; its ambitions are the same as al-Qaeda’s.

For all his supposed experience—his childhood abroad, his international relatives—Barack Obama lives within the three-mile limit. Perhaps that is because his bathroom mirror is there. America, and the world, is paying for his self-centeredness.

BORDER

## Secure Our Borders

**T**HE Obama administration and its allies on immigration—both Democrats and Republicans—have justified their call for a “path to citizenship” for illegal aliens by boasting of new, tight control of the border. The message has been that new illegal immigration has effectively come to an end, so it’s time to tie up the loose ends of past mistakes and move forward.

Would that were so.

Instead, the United States is experiencing a surge in illegal immigration, especially in South Texas. A large share of new arrivals are families with children, teenagers traveling alone, and younger children brought here by professional smugglers. In the first five months of this year, 47,000 unaccompanied minors were apprehended, double the number for the same period the year before. A Border Patrol memo estimates that up to 90,000 could be apprehended this fiscal year and 140,000 next year.

The administration claims that this surge is driven entirely by outside factors—i.e., poverty and violence in the sending countries, particularly Guatemala, Honduras, and El Salvador. Because they imagine it to be a refugee flow beyond their control, officials are responding as they would to a humanitarian crisis. The president has directed FEMA to lead the response, with the Office of Refugee Resettlement (part of the Department of Health and Human Services) housing the unaccompanied minors until family members in the U.S.—legal or illegal—can be found to take the youngsters in.

But this crisis is not simply a response to conditions in Central America, deplorable as they might be. Senator Jeff Sessions correctly asserted that “the rising crisis at the border is the direct and predictable result of actions taken by President Obama.” The administration has essentially halted immigration enforcement in the interior of the country for anyone not a murderer or drug dealer. In the words of John Sandweg, until recently the acting director of Immigration and Customs Enforcement, “If you are a run-of-the-mill immigrant here illegally, your odds of getting deported are close to zero.” Add to this the unilateral amnesty for illegal immigrants claiming to have come before their 16th birthday, and you have a powerful magnet for illegal immigration.

The administration response is actually feeding the frenzy. The Justice Department is hiring lawyers to represent the youngsters in immigration court, to maximize the number who will receive formal permission to stay. A federal judge late last year berated the administration for abetting human trafficking by delivering illegal-immigrant children to their illegal-immigrant parents.

Word of Obama’s permissive approach to illegal immigration has filtered south. The *New York Times* quoted one teenager in Honduras whose mother had sent for him: “If you make it, they take you to a shelter and take care of you and let you have permission to stay.”

The only way to stanch the flow is to change such expectations. All illegal aliens caught at the border must be detained, and the adults prosecuted. Illegal-immigrant parents should be reunited with their illegal-immigrant children and returned as a family unit to their own countries. Border officials must be permitted to exercise the statutory power of “expedited removal” to keep new arrivals out of the immigration-court system and ensure their quick return.

And any talk of amnesty should end until order is restored.

Concerned persons suggest that unless there is an **awakening**, America's republic will continue being transformed. Fortunately there is an **awakening** powerful enough to eliminate that juggernaut of governmental control: **A Natural Law of Right Action.**



This law states: *Right action gets right results and defines right action as rational, honest thinking and behavior.*

Unwittingly people contradict the creator's law and do not look to themselves when their actions get wrong results.

*That is the awakening information for this generation.* When this natural law is not obeyed, everybody eventually suffers a kind of sleep from which there is no awakening.

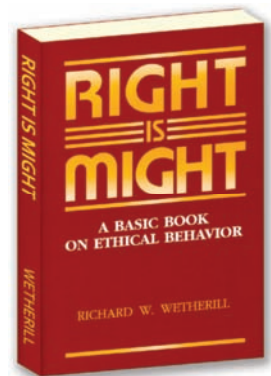
Whoever or whatever is the creator revealed the Law of Right Action to the mind of Richard Wetherill decades ago, answering his fervent appeal to understand the cause of humanity's plight.

Centuries ago the Founding Fathers of America established a country ruled in a God-fearing way by representatives of the people. New-comers were welcomed, and over the years, people came in droves.

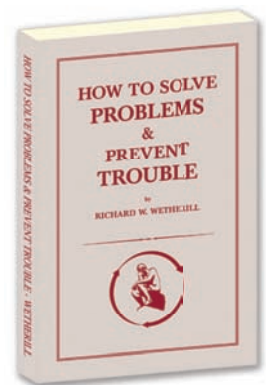
But now the present situation is giving thoughtful people concern.

*The solution? People must heed nature's wake-up call to obey the creator's Law of Right Action, requiring people's rational, honest thoughts and action.*

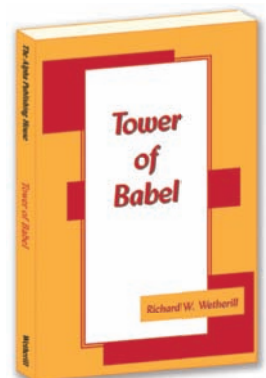
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# Checking Hillary's Privilege

*Can she be forced to answer questions about Benghazi?*

BY JAMES ROSEN

**F**ROM the very moment in May when the House voted, along the partisan lines typical of our age, to establish the Select Committee on the Events Surrounding the 2012 Terrorist Attack in Benghazi, chaired by Representative Trey Gowdy (R., S.C.), supporters of the Obama administration and of former secretary of state Hillary Clinton commenced an unrelenting attack on the panel's legitimacy. At all costs, the Gowdy probe was to be denied a place in the grand lineage of major investigative congressional committees.

The first sign of this was the Democrats' initial suggestion, unprecedented and swiftly abandoned, that they might abdicate their statutory duties under the Constitution and simply not appoint members to the duly formed panel.

Once that gambit was abandoned, the first order of business for the panel's critics was to brand it "the Republican-controlled Benghazi committee." This

practice illustrates starkly the changes in our political culture since the Nixon era, when, as my venerable Fox News colleague Brit Hume—a veteran of Beltway journalism since 1970—likes to point out, no reporter ever described the panel led by Senator Sam Ervin (D., N.C.) as "the Democrat-controlled Senate Watergate committee."

Apprehension on the left about the Benghazi committee's true objectives is not entirely without foundation, of course. A former prosecutor, Gowdy was a forceful partisan presence, sometimes to the point of stridency, in previous congressional hearings on Benghazi; and it has been widely assumed that in the next round of Benghazi hearings, the panel's GOP members will be taking direct aim at Clinton and her 2016 presidential ambitions. This assumption is also not unfounded—but the motivations are not purely partisan.

In her last showdown with congressional Republicans on Benghazi, an eight-hour marathon of House and Senate testimony on January 23, 2013—now reduced to the single line "What differ-

ence, at this point, does it make?"—the secretary of state handily bested her interrogators, exhibiting a lawyerly mastery of language and subject matter that enabled her to parry, with unnerving ease, their disjointed and often unintelligible queries. Sources close to the committee say Chairman Gowdy and his still-skeletal staff recognize the ways in which the Republicans tackling Benghazi over the last two years (including the chairman himself), while not without investigative accomplishments to show for themselves, sometimes impeded their own work, and are determined not to repeat those mistakes.

The select committee and its colorful chairman today issue only the blandest of statements, averring to the intended seriousness and thoroughness of their fact-finding mission. While awaiting the mandated production of documents from other investigative bodies, many still classified, the Benghazi committee's Republicans are studying closely the 51,961 words of Clinton's testimony, as well as the Benghazi chapter in her new memoir, and are said to see points of vulnerability therein quite apart from the secretary's famous "what difference?" outburst to Senator Ron Johnson (R., Wis.). And the majority is preparing to use subpoena power to pursue certain evidentiary trails never followed before, some involving Clinton personally, others extending to her top State Department aides.

For her part, and despite her singular stature on the American political landscape, Clinton is now a private citizen—and as such has staked out an extraordinary legal posture. Viewed in game-theory terms, it is almost guaranteed to trigger an epic courtroom showdown over separation of powers.

In her celebrated interview with ABC News's Diane Sawyer, Clinton was asked whether she would testify before the Benghazi committee. "We'll see what they decide to do, how they conduct themselves," Clinton said, adding that her determination will hinge on whether the committee appears, to her eye, to be operating "in the best tradition of the Congress" or to be engaged in the production of "one more travesty."

Modern American history holds no precedent for a former secretary of state's explicitly declaring that her

*Mr. Rosen is the chief Washington correspondent for Fox News and the author of The Strong Man: John Mitchell and the Secrets of Watergate.*

ROMAN GENN



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cooperation with a select congressional committee is conditional, a function not of statutory obligation—as would be attendant on virtually all other private citizens so summoned—but rather of her subjective appraisal, to be rendered over a timeframe of unspecified duration, as to the legitimacy of the panel and its members’ conduct.

That posture hardened in Clinton’s next interview, with NBC News’s Cynthia McFadden. A Columbia Law School graduate, McFadden cannily praised the amount of detail in the Benghazi chapter of *Hard Choices* before asking whether Clinton kept a diary during her tenure at State. “I kept a lot of notes,” Clinton replied, her usually sound lawyerly instincts momentarily abandoning her; the rudimentary rules of cross-examination would have counseled the respondent, if she had indeed never kept a diary, simply to answer in the negative, without volunteering information about other relevant evidence in her possession.

But Clinton elected, perhaps impulsively, to observe the imperatives of the TV interview, which required more verbiage in the instant moment, rather than those of the witness chair she will likely soon inhabit. “If the committee wants your notes,” McFadden asked, “would you turn those over?” “They can read it in the book,” Clinton shot back, before retreating to her newly adopted legal posture. “Let’s see whether this [committee] is on the level or not. . . . I don’t want to be part of something which in any way politicizes or demeans the [victims’] sacrifice.”

Here again Clinton asserted a novel, and almost certainly illusory, legal privilege, a Clintonian Right of Personal Review, and held it superior, in legal force, to the powers of Congress in the compulsion of relevant evidence. These assertions are all the more striking coming from a lawyer who once worked on the House Judiciary Committee, during the impeachment summer of 1974, when fairly similar claims, advanced in behalf of the inviolability of the Nixon tapes, notably failed.

Asked about Clinton’s comments, Gowdy issued another bland press release—no names, but with clear implications for the former secretary: “We need *every* relevant witness, docu-

ment or other piece of evidence to have all the facts [emphasis added].”

With the courts unlikely to recognize a private citizen’s authority to make her own determinative findings about the legitimacy of subpoenas issued by a select House committee, Clinton’s only legal recourse would be to seek refuge in her status as a former cabinet officer. Enter the Obama White House and Kerry State Department. With their interests in closing the book on Benghazi fully congruent with Clinton’s, the administration will almost certainly have its lawyers intervene in her behalf, if not assume the lead role as litigants, in any legal clash over the respective authorities vested in the legislative and executive branches.

Would Clinton’s Benghazi notes be covered under executive privilege, as documents that formed the basis for her provision of classified, confidential, and legally protected advice to the commander-in-chief? Possibly, and the weight accorded government lawyers by the federal courts in such fact settings has often been substantial, even dispositive. The current White House counsel, W. Neil Eggleston, would know the ropes, having served as deputy chief counsel to the Iran-Contra committee and on the staff of the White House counsel’s office during the Clintons’ *Todeskampf* against independent counsel Kenneth Starr. But such an assertion of privilege could also result in unwelcome discovery proceedings aimed at determining the precise number, timing, length, and contents of Clinton’s discussions with President Obama about Benghazi.

Could Mrs. Clinton’s current status as a private citizen cause the courts to reject such an assertion of privilege? That, too, is possible; not surprisingly,



“Well, we’ve learned one thing from all of this—  
congressmen should never keep diaries.”

the case law is murky, particularly where former cabinet officers are concerned. However, research shows at least 13 instances since 1975 in which cabinet-level or senior executive-branch officials have been cited for contempt for failure to provide subpoenaed documents to the House or one of its committees or subcommittees. The most recent was the citation of Attorney General Eric Holder, in the Fast and Furious case, in 2012, an instance in which the citation, to the frustration of House Republicans, did not compel production of the relevant documents.

While no savvy observer should expect today’s news media to cover the Benghazi committee with the same thoroughness and institutional reverence afforded the Watergate and Iran-Contra committees, the politics of 2016 may favor Gowdy. Any protracted legal battle over Clinton’s testimony or notes, complete with assertions of executive privilege by a White House already finding frequent comparison with Richard Nixon’s, would only fuel widespread speculation about what, if anything, the secretary was seeking to hide—especially after Clinton’s claim to McFadden that the contents of the notes can be read “in the book.” If this is true, why not release them? Such a spectacle would also threaten to revive memories of the mysterious Rose Law Firm records of Mrs. Clinton’s that were discovered, in January 1996, after nearly two years of Whitewater subpoenas, in private quarters at the White House.

Surely Clinton, who trumpets as her greatest accomplishment at Foggy Bottom the restoration of American leadership on the world stage, would prefer that 2016 be fought on higher, cleaner terrain. She told Diane Sawyer that she sees the Benghazi investigation as “really apart from—even a diversion from—the hard work that the Congress should be doing.”

Under such circumstances, Clinton could conceivably do the country—not to mention herself and her political ambitions—a favor by working to facilitate and expedite, not obstruct and delay, the work of the Benghazi committee. But the reality, as Clinton and her husband know better than anyone, is that there’s no telling what can happen once the lawyers get involved. **NR**

# The Hispanic-Evangelical Vote

*Its concerns are nuanced, but it presents opportunities for the GOP*

BY HENRY OLSEN

**P**EOPLE who are seriously concerned about the Republican party's future often think about how to appeal to the nation's Hispanics. And they properly note that one Latino group stands out as potentially open to conservative Republicanism: Evangelicals.

Data from the Pew Research Hispanic Trends Project, the Public Religion Research Institute, and other sources all confirm this view. Evangelicals already make up about 16 percent of all Hispanics, and both their numbers and their share of all Hispanics are growing fast. Latino Evangelicals are the Hispanics likeliest already to support the GOP, and are extremely conservative on social issues such as same-sex marriage and abortion. Moreover, a majority voted for George W. Bush's reelection—anywhere from 58 percent to 69 percent, depending on the source.

These data have led some to think that it will be easy for Republicans to garner Hispanic Evangelicals' support. Daniel Garza, executive director of the free-market Hispanic group the LIBRE Initiative, recently voiced the conventional wisdom: "Market-based policies," he wrote in the *Federalist*, "resonate with religious Hispanics." The failure to win large numbers of their votes isn't one of ideology," he said. "It's because of a long history of neglecting to promote the free market, Constitutional, pro-liberty principles that define the [Republican] party."

Would it were true. But all available data paint a more nuanced picture of the Latino Evangelical community, and one that will be more electorally challenging for conservative Republicans.

By all measures, Hispanic Evangelicals embrace a much more expansive view of


government than do whites, especially white Evangelicals. Sixty-two percent of Hispanic Evangelicals said in a May 2014 Pew survey that they supported "a bigger government with more services"; only 25 percent said they wanted "smaller government with fewer services." This preference for larger government in the abstract is longstanding: A 2007 Pew poll found that 66 percent of Hispanic Evangelicals would rather pay higher taxes for more government services. They were only slightly more conservative on this score than Hispanics overall in the 2014 poll, who supported bigger government by a 67–21 margin, and they were slightly *more* supportive of big government than Hispanics overall in the 2007 survey. According to the Pew survey, America as a whole in 2014 supports smaller government by a 51–40 margin, and white Evangelicals support smaller government by margins close to 2–1.

Hispanic Evangelicals' disagreement with conservative domestic-policy orthodoxy extends to many important issues. Fifty percent of them believe that government should guarantee health care for all Americans, and 57 percent prefer life without parole to the death penalty for convicted murderers. But the starkest differences come on the very sort of core economic questions that animate many conservative activists.

Data from the 2013 Hispanic Values Survey, conducted by the Public Religion Research Institute, bear this out. Eighty-two percent of Hispanic Evangelicals supported raising the minimum wage to \$10 an hour, and 69 percent supported raising tax rates on Americans earning over \$250,000 a year. Perhaps most disturbingly, 60 percent believed that the best way to promote economic growth was to raise taxes on wealthy individuals and businesses to pay for more government spending on education and infrastructure; only 37 percent believed that lowering taxes and cutting spending on government programs was the best way to go.

Surveys often show that Republican voters overall are not as conservative as the party base. But the party continues to receive the votes of many white voters who are less conservative because they have a residual identification with the Republican party. Hispanic Evangelicals have no such identification. Their support for President Bush did not transfer to the Republican party as a whole, and Presi-

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dent Obama received 57 percent of Hispanic Evangelical votes in 2008. The sources differ on 2012 (exit-poll data for this subgroup have not yet been released), but polls taken right before the election put the percentage of Latino Evangelicals who planned to vote for Romney between 39 and 46 percent. Moreover, a majority of Latino Evangelicals identified more with the Democratic party in both the 2013 Hispanic Values Survey and the 2014 Pew poll.

Contrary to popular belief, Republicans' stance on immigration is not the reason they fare so poorly with Hispanics. Immigration is an important issue for Hispanic Evangelicals, but they consistently cite education, health care, jobs, and the economy as more important ones. (The only Hispanic subgroup for which immigration reform rivals these other issues in importance is, predictably, non-citizens.) The idea that failure to pass immigration reform is the only, or even the primary, barrier to Republicans' winning over Hispanic Evangelicals, much less the more numerous and more liberal Hispanic Catholics, is wrong.

That doesn't mean that conservatives should write off Hispanic Evangelicals. But it does mean that pure libertarianism, which rejects the idea that government can competently do almost anything to help people, is unlikely to win their support.

President Bush won their votes precisely because he did not exemplify that idea. "Compassionate conservatism" empowered faith-based groups, many of which are run by Latino Evangelicals, to help "the least, the last, and the lost," as Reverend Kirbyjon Caldwell phrased it in his benediction at Bush's second inaugural address. No Child Left Behind focused attention on educating the children of the poorest and least-educated parents, and as such was very appealing to Hispanics who wanted their children to get the diplomas and degrees they did not. Combined with a clear pro-life, pro-traditional-marriage, pro-faith philosophy, this view of limited but active government resonated mightily with Hispanic Evangelicals.

One cannot go back to the future, so simply reinstating the policies of the Bush administration is no solution. But some Republicans offer a similar view, one of active but not expansionary government, that might achieve similar political effects. Senator Marco Rubio, not surprisingly, has come closest to this approach with his

speech on how to tackle poverty. His idea to turn welfare programs into a block grant to states could be popular: The Hispanic Values Survey found that 55 percent of Hispanic Evangelicals believe that most people receiving welfare payments are gaming the system. Block grants would give state and local officials the ability to craft policies that reduce fraud and encourage work, much as states did following welfare reform in the Nineties. Rubio's idea to take the earned-income tax credit and other payments and turn them into a wage subsidy should also be favorably received because it gives direct assistance to struggling working families to help them keep out of poverty.

Conservative health-care proposals could also be popular. A health-care proposal from Senators Coburn, Burr, and Hatch would repeal Obamacare's price controls and mandates while using refundable tax credits to increase private-sector insurance coverage. The credits would be available at the point of purchase to individuals earning up to 300 percent of the federal poverty level (which comes to \$35,010 at the current level), along with their families. Extending coverage through subsidies while reducing government controls and regulations on the private health-care sector would show Hispanic Evangelicals that conservatives care about the poor and near-poor, but would also reject the top-down, government-controlled systems favored by the Left.

Conservatives ought not to throw away our principles in search of votes. But we also must recognize that our current expression of those principles, in word and in deed, does not draw the allegiance of a majority of Americans. Moreover, the swing groups in American national politics—Hispanic independents and Northern/Midwestern blue-collar whites—embrace a view of economics and domestic policy that fuses elements of the Left and the Right into something wholly distinct. Ronald Reagan was able to advance conservative principles in the face of an even less hospitable environment in the 1980s. He attracted people who did not identify with the Republican party by articulating principled and prudent policy solutions to their concerns. Winning the votes of Evangelical Hispanics—and other independent groups—will require conservatives to do the same today. **NR**

# Eric Holder's Justice

*Civil rights for some*

BY JOHN FUND &  
HANS VON SPAKOVSKY

**W**ITH almost a thousand employees and a 2012 appropriation of \$145 million, the Civil Rights Division (CRD) is one of the largest divisions within the Department of Justice (DOJ). It has seen significant increases in its budget under the Obama administration and has hired many new employees, mostly radical-liberal lawyers, in career civil-service positions. As journalist Byron York has said, the CRD is "bigger, richer and more aggressive than ever, with a far more expansive view of its authority than at any time in recent history." He wrote that in 2010, and since then it has only gotten more so.

The extent to which the CRD's authority has been misused under the Obama administration was vividly illustrated in a shocking 129-page order released by a federal court in Louisiana in September 2013. It involved the case of five New Orleans police officers who had been convicted of civil-rights violations over a shooting and subsequent cover-up in the aftermath of Hurricane Katrina. Judge Kurt Engelhardt overturned the convictions because of "grotesque prosecutorial misconduct" and the "skullduggery" and "perfidy" of DOJ prosecutors. He found that lawyers in the offices of the CRD and of the U.S. attorney in Louisiana had, among other misdeeds, made anonymous postings on the New Orleans *Times-Picayune's* website that "mocked the defense, attacked the defendants, and their attorneys, were approbatory of the United States Department of Justice, declared the defendants obviously guilty, and discussed the jury's deliberations."

*Mr. Fund is the national-affairs correspondent of NATIONAL REVIEW ONLINE. Mr. von Spakovsky is a former Justice Department official and a contributor to NATIONAL REVIEW ONLINE. This article is adapted from their new book, Obama's Enforcer: Eric Holder's Justice Department.*

One of the CRD lawyers involved was Karla Dobinski. Dobinski was the “taint attorney”—the lawyer assigned to make sure that the defendants’ rights were not violated by the CRD prosecutors’ use of privileged information, such as the compelled testimony provided by the officers to internal investigators at the police department. The judge was appalled that the lawyer assigned to protect the constitutional rights of the defendants had “personally fanned the flames of those burning to see [one of the defendants] convicted” before the jury even got the case.

Judge Engelhardt used ten pages of his order just to describe the ethical rules and federal regulations violated by DOJ lawyers. He clearly believed that Holder’s Justice Department had tried to hide what had happened, because trying to get information out of the DOJ was like “slowly peeling layers of an onion.” He was also suspicious that DOJ’s reports on the internal investigation were “edited by a supervisor so as to coyly provide less information, rather than more.” Reportedly, the supervisors on the case were Deputy Attorney General James Cole (the No. 2 Obama political appointee at Justice, directly under Eric Holder) and an assistant.

The judge noted that an FBI special agent used “shockingly coercive tactics” against potential defense witnesses. After being threatened with prosecution for perjury over their earlier grand-jury testimony by the CRD’s lead prosecutor, Barbara “Bobbi” Bernstein, three of those witnesses refused to appear at trial on behalf of the defendants. The judge found it highly suspicious that 26 months after the trial, not one of those potential witnesses who could have provided exculpatory evidence had “been charged with any crime whatsoever.”

Engelhardt pointed the finger of blame in this case directly at Eric Holder. As was true in the incident involving George Zimmerman and Trayvon Martin in Florida, the radical civil-rights organizations that are allies of the administration had clamored for federal prosecutions of the New Orleans police officers. The fact that Dobinski and Bernstein remained employed at the Justice Department and that no disciplinary action was taken against them is a sad but



telling comment on the type of behavior that Eric Holder finds acceptable in his prosecutors—if they are leftists who push the kinds of prosecutions that he and the administration’s political allies want. As the court noted, this demonstrated a get-a-conviction-at-any-cost attitude by Holder and his subordinates in the Civil Rights Division:

The indictment in this case was announced with much fanfare, a major press conference presided over by U.S. Attorney General Eric Holder, and widespread media attention. On that occasion, a DOJ representative said that the indictments “are a reminder that the Constitution and the rule of law do not take a holiday—even after a hurricane.” While quite true in every respect, the Court must remind the DOJ that the Code of Federal Regulations, and various Rules of Professional Responsibility, and ethics likewise do not take a holiday—even in a high-stakes criminal prosecution, and even in the anonymity of cyberspace. While fully appreciating the horrific events of September 4, 2005, and those who tragically suffered as a result, the Court simply cannot allow the integrity of the justice system to become a casualty in a mere prosecutorial game of *qualsiasi mezzo* [by any means necessary].

Would that the New Orleans fiasco was an isolated example of Justice’s Civil Rights Division abuses.

Under Eric Holder’s direction, and the supervision of one of the administration’s most radical political appointees—Thomas Perez, the assistant attorney general for civil rights from 2009 to 2013—the Civil Rights Division has pursued a militant civil-rights agenda intended to help Democrats win elections and to implement racial, ethnic, and sexual quotas in everything from college admissions to public employment.

Perez and the overwhelmingly liberal career staff in the CRD have waged war on religion; abused federal law to restrict the free speech of pro-life activists; sued to eliminate school choice; opposed voter-ID requirements; and used an unsupportable race-centric legal theory—disparate impact—to extort huge settlements from banks and mortgage lenders. Bob Driscoll, a former chief of staff in the CRD, says that today “it is more like a government-funded version of advocacy groups such as the ACLU or the NAACP Legal Defense Fund than like government lawyers who apply the facts to the law.”

All of this has been quite deliberate. Holder claimed he was “offended” at the way the Bush administration had supposedly transformed the Justice Department, and particularly the Civil Rights Division, which he calls the “crown jewel” of the department. He vowed to reverse the Bush administration’s actions. A longtime, current employee of the



# Paying Their Way

*Sponsors of immigrants should fund their welfare benefits*

BY REIHAN SALAM

CRD told one of the authors that in the employee's opinion, the Obama administration has converted the division into a vehicle for promoting racial spoils and radical politics by all available means, regardless of rules or ethics, with equal protection seen as an obstacle instead of a goal and employees who do not support these methods hounded into leaving.

The job of the Civil Rights Division is to enforce the law equally and fairly without regard to race, in a manner that meets the highest ethical and professional standards. But too many of the people who work there, including Eric Holder, do not, as a recent inspector general's report said, "appreciate the importance of public confidence in the impartial . . . legitimate enforcement priorities set by" the CRD. In fact, most of today's staff members see the CRD's authority as a powerful tool that can be used to benefit Democratic candidates and to force their progressive social ideology on public hiring, public education, and many other areas.

They also do not believe that the CRD's enforcement responsibilities should be pursued in a race-neutral manner. Former Voting Section chief Christopher Coates says that Eric Holder and Tom Perez appear to suffer from the same "deficiency that the old segregationists such as Ross Barnett, George Wallace, and Richard Russell suffered from when they refused to enforce the anti-discrimination provisions of the Constitution for the benefit of African-American citizens." According to Coates, "none of these folks in the current Justice Department, including Holder, seem to be capable of understanding the need for race-neutral enforcement of the law when the victims of discrimination are not their 'people.'"

When *GQ* asked Tom Perez about the operations of the CRD during the Bush administration, "he became visibly agitated," claiming that "the whole process of decision-making was completely obliterated! Hiring processes were hijacked! They weren't allowed to bring certain kinds of cases. They weren't allowed to make certain kinds of arguments. I think history will judge the prior administration as the darkest hour in the division's history." Without realizing it, Perez gave a very accurate description of how he and Eric Holder have run the Civil Rights Division of the U.S. Department of Justice. **NR**

**I**N the wake of House majority leader Eric Cantor's political defenestration at the hands of GOP primary voters, we've been told comprehensive immigration reform is dead. Before it rises from the dead yet again, as it has so often in the recent past, conservatives have an opportunity to reframe the immigration debate. For a good example of how the Right might do so, we should look to the immigration debate of the 1990s.

One of the chief concerns of the critics of the immigration-policy status quo, then as now, was that large numbers of immigrants were eligible for a range of anti-poverty programs—cash welfare, food stamps, disability, the earned-income tax credit, and Medicaid, among others.

So, with this in mind, Republicans in Congress introduced measures to restrict immigrants' eligibility for such programs, on the entirely reasonable grounds that when immigrants voluntarily choose to settle in the United States, they can be expected to make their way without public assistance or return to their native countries.

These measures were among the most controversial aspects of the 1996 welfare-reform law signed by President Bill Clinton. In spite of the apocalyptic rhetoric of those who opposed the law, it did not go as far as it could have in restricting immigrants' eligibility for such benefits. Moreover, the restrictions that were passed have softened over time. Now, for instance, lawful residents who have been living in the country for five years or more are eligible for most means-tested welfare programs, whether or not they are citizens.

This matters because U.S. immigration policy, with its emphasis on family reunification and its lack of emphasis on skills, has greatly expanded the ranks of the poor, whereas Australia's more selective immigration policy, for example, has tended to reduce them.

As of 2011, 19.9 percent of U.S. immigrants lived in poverty, compared with

13.5 percent of natives. Over a quarter of those living in poverty in the United States are either immigrants or the children of immigrants. Given that situation, if benefits are on offer, it is foolish to expect that immigrants won't seek them out.

Why don't immigrants who find themselves on the lowest rungs of the U.S. economic ladder return to their native countries? Low-skilled immigrants do face pressure from technology and competition from other immigrant workers, but nevertheless command far higher wages in the United States than they would in the developing world. To be sure, the cost of living in the U.S. is also much higher. Yet once lawful immigrants are eligible for means-tested benefits, they are guaranteed living standards substantially higher than what would be available to them back home, even if they find themselves unemployed or underemployed.

While the share of immigrant households receiving cash assistance is similar to that of native households, immigrants are far more likely to use food stamps, Medicaid, and the earned-income tax credit.

If the idea behind the 1996 welfare reform was to encourage immigrants to be self-sustaining and to deter immigrants who weren't likely to survive here without public assistance, it's safe to say it's been a failure. (Of course, this is not because immigrants are avoiding work in large numbers. Rather, it is because less-skilled immigrants tend to earn so little.)

But there was one provision of the 1996 welfare reform that—theoretically—had the potential to reduce immigrant dependence on public assistance. Lawful permanent residents sponsored by a family member were required not just to report their own income, but to report the income of their sponsors as well. It was the combined income of immigrants and their sponsors that would determine the immigrants' eligibility for means-tested programs, a concept known as "sponsor deeming." Most important, sponsors were obligated to repay the government for benefits paid to immigrants they sponsored, and government agencies were obligated to seek repayment, a concept known as "sponsor recovery."

If I, as a sponsor, have to pay the government if you stumble, I might as well make an effort to prevent you from stumbling in the first place. Granted, many sponsors will feel a sense of responsibility

for their sponsored relatives with or without a nudge from the government. But many others will not, and do not.

If this is so sensible, why hasn't sponsor recovery succeeded in reducing immigrant dependence on public assistance? The answer is that it's hardly ever been tried.

In 2009, the federal Government Accountability Office issued a report on the sponsor-recovery policies required by the 1996 welfare-reform law. While many benefit agencies at the state and local levels have tried to develop policies to implement sponsor deeming, the report said, they've found it extremely difficult to do so. And actual sponsor recovery—that is, real-world efforts to get sponsors to pay back the federal government for the benefits given to their sponsored immigrants—has rarely happened. Despite the fact that the 1996 welfare-reform law was very clear that benefit agencies had to seek repayment, federal regulations and guidance have made doing so optional in practice. Since seeking repayment is in effect optional, benefit agencies generally choose not to do it, especially because the incomes of sponsors tend to be quite low.

New York City was one of very few jurisdictions to seek sponsor repayment. Robert Doar, who served as head of the

city's Human Resources Administration under Mayor Michael Bloomberg, sought repayment from the sponsors of single, childless, able-bodied adult immigrants who had received cash welfare. That is, he went after only an extremely narrow set of cases. Yet Bloomberg's successor, Bill de Blasio, campaigned on reversing Doar's policy, and he has been true to his word: The city's sponsor-recovery efforts have been brought to an abrupt halt, and the funds that had been recovered are actually being returned to sponsors.

But, regardless of de Blasio's decision, sponsor recovery represents a new, sensible way forward for immigration policy. In the immediate aftermath of Cantor's loss, pro- and anti-immigration groups did their best to spin the results in their favor. FWD.us, a new immigration-advocacy group founded and funded by Silicon Valley technology entrepreneurs, released a poll of Cantor's district that found that only 19 percent of Republican-primary voters opposed immigration reform. The poll was somewhat dubious, as immigration reform was defined as an ideal and largely impractical bargain. It did, however, serve as a reminder that Republicans do want to rethink our immigration policy. Meanwhile, opponents of comprehensive

immigration reform as passed by the Senate's Gang of Eight have argued that Cantor's defeat reflects a popular rejection of a crucial element of the typical comprehensive-reform package—legal status for illegal immigrants.

But instead of focusing exclusively on the amnesty debate, the Right would do well to focus on seeing to it that immigrants trying to settle in the United States understand that they have an obligation to make their own way. A good first step would be to actually enforce the sponsor-recovery provisions of the 1996 welfare-reform law by forcing local benefit agencies to get with the program.

If it is indeed true that many sponsors can't afford to meet the needs of their sponsored relatives, we need to tighten the rules governing who can and cannot sponsor immigrants. Simply put, if you don't earn enough and you don't have assets to ensure that your relatives will never need to access public benefits, you shouldn't be allowed to sponsor them.

This may also cause us to question what sort of immigrants the United States should prioritize in the first place: those who require financial sponsors, or those whom we might expect to be net contributors to our troubled welfare state. **NR**

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# Living Not By Lies

*A gathering of the anti-Communist tribes*

BY JAY NORDLINGER

*Washington, D.C.*

EVERY day is an anniversary, and people take advantage of them. This week, the Victims of Communism Memorial Foundation is marking its 20th anniversary. Last week, the anti-Communist world, so to speak, marked 25 years since the Tiananmen Square massacre. In November, there will be a celebration: the 25th anniversary of the Fall of the Wall.

VOC (as the Victims of Communism foundation is known) is intended to teach people about Communism: its ideology, its record. The organization was founded by Lee Edwards, a Heritage Foundation scholar, and the late Lev Dobriansky, who taught economics at Georgetown. His obituary in the *Washington Post* was headed “Professor and Foe of Communism.” It’s interesting that “foe of Communism” should be a distinction. Who is not a foe? The answer is many.

I have never been entirely comfortable with the first word in “Victims of Communism.” That’s because, in my time and place, the word “victim” has been debased. If anyone ever looked at you crossways or called you a name, you’re a certified victim. And yet there are victims: such as the 100 million murdered by Communists. (This is a toll that continues to rise.)

The most visible achievement of VOC so far has been the erection of a memorial near Capitol Hill. It is a replica of the “Goddess of Democracy,” fashioned by the students in Tiananmen Square. At the time, left-leaning commentators in America were keen to say that the symbol had nothing to do with the Statue of Liberty: Rah-rah Americans could not claim kinship with the demonstrators in China. The truth is, the Goddess of Democracy was inspired, in large measure, by the Statue of Liberty.

Money for the memorial in Washington came from various quarters, especially the Vietnamese, Baltic, and Hungarian communities in this country. While he was president, George W. Bush was asked to serve



as honorary chairman of VOC—and he did. It was he who spoke at the dedication of the memorial, in June 2007. Forgive me for wondering: Would his successor have done so? What would he have said?

In a monumental city, the Victims of Communism memorial is modest—small-scale—but stirring and apt. Its sculptor is Thomas Marsh, not just an artist but a believer: He waived his fee in sculpting this memorial. And let me say, in a gratuitous aside, that he is a long-time and warmly admiring subscriber to *NATIONAL REVIEW*. Every year, VOC gives a Truman-Reagan medal, in honor of anti-Communist champions, or, better, champions of freedom. Among the recipients is William F. Buckley Jr., the late founder of this magazine.

On a muggy morning—typical in Washington—a modest but hardy crowd gathers around the memorial for the 20th-anniversary ceremony. In the air is an array of accents and languages. You can tell, from this array, what peoples have been subjugated by Communists. I’m reminded of an evening I once attended at the Czech embassy here. It was presided over by Václav Havel. His guest list was heavy with his fellow former political prisoners, from far and wide: Russia, Vietnam, China, Cuba, etc. At the VOC ceremony, there are a few people in native dress (“captive-nations-wear” is the strange term that occurs to me). What press there is looks foreign.

In the speeches, there is much citing of Milan Kundera: “The struggle of man against power is the struggle of memory against forgetting.” Anti-Communists always lay great stress on memory: on resistance to airbrushing and falsification. A leading Russian civil-society group is called, simply, “Memorial.”

And yet Communism is more than a memory, more than a historical fact. “It continues to rule one-fifth of the world’s people,” says VOC literature. Populous China sees to that. One of the speakers at the ceremony is Jianli Yang, the Chinese democracy activist. He reads a portion of the Gettysburg Address, saying that it would ring fresh in Tiananmen Square. Another speaker is Shin Dong-hyuk, the “only known escapee from North Korea’s Camp 14.” (Actually, he is too ill to attend the ceremony, and his remarks are read by a spokesman.) He says, “Though I was born inside a prison camp, a prison camp was not born inside me.”

On the program is a congressman’s name—Shimkus. I think, “Why does it always have to be someone with a name like Shimkus who cares?” Then again, a congressman named Smith—Chris Smith of New Jersey—is one of the foremost human-rights champions in politics. (With my luck, however, his mother’s maiden name is Wozniak.)

In awarding the Truman-Reagan Medal this year, VOC has gone timely—giving the medal to two figures from Ukraine. One is Mustafa Dzhemilev, the leader of the Crimean Tatars. He was a political prisoner in the Soviet Union and is now a member of the Ukrainian parliament. The other awardee is Myroslav Marynovych, also a former political prisoner and a longtime democracy activist. He gives a moving speech, ending with a remark about standing on “the free land of blest America.”

Now it’s time for VOC’s annual roll call of nations, and the wreath-laying that goes with it: Representatives of some 20 nations and 20 organizations will lay a wreath at the memorial. I find this ritual both hokey and painfully sad.

KATRIN ELIBSTE

After, there is a luncheon, hosted by the Austrian and Hungarian embassies (as well as VOC). A congressman named Ross speaks—Dennis Ross of Florida. He has a Hungarian mother. There is also a senator named Cruz—Ted Cruz of Texas, who speaks of his family’s tribulations in Cuba. At a panel later there is a congressman with the straightforwardly American name of Andy Harris—but his father was a Hungarian tossed into the Soviet Gulag; his mother was a Ukrainian refugee. Next at the rostrum is Congresswoman Marcy Kaptur—who tells an amazing story about a trip she took with her mother in 1973. They went to Soviet Ukraine, looking for relatives.

All of these congressmen “get it,” to use a too-common modern phrase: They understand Communism. So do the congressmen who speak at an evening event—the Cuban Americans from Miami, Ileana Ros-Lehtinen and Mario Diaz-Balart. They get it in spades. Marynovych, from Ukraine, gives one more speech. He takes up the old and vexing question, “Why was Nazism appropriately branded and Communism not?” He says, “Europe has always treated the two totalitarianisms differently: The Nazi regime was considered absolute evil while the Communist regime [in Moscow] looked like the Slavic spoiling of an excellent idea.”

A Vietnamese dissident, Cu Huy Ha Vu, apologizes for his poor English. His excuse is that he was released from prison only two months ago. His foreign languages may be a little rusty. He uses a translator, but then says, in English, his voice rising, “I’m ready to fight Communism to the end, all over the world!” He also says that democratic countries should help sufferers and strugglers in undemocratic ones.

VOC has a couple of goals. One, it is realizing even now: an oral-history project under the heading “Witness.” Victims of Communism, or survivors of Communism, give their testimonies, on video. The organization also intends to build a museum in Washington, something akin, I gather, to the Holocaust Museum. They would like to break ground by October 2017, the centennial of the Bolsheviks’ takeover. The Hungarian government has pledged \$1 million to the enterprise.

People often say that museums of this kind are necessary to prevent crimes against humanity in the future. I’m not sure. There will always be genocidalists, or would-be genocidalists, and totalitarians,

or would-be totalitarians. A museum is powerless to stop them. But a museum can certainly record the truth. Victims, survivors, long for the truth to be known.

On my way to the morning ceremony, I passed a young man in a Che Guevara T-shirt. (On your way to anything, you pass a person in a Che Guevara T-shirt.) What if he knew about Guevara? Would he still wear the shirt? In our schools and universities, even the leading monsters of Communism tend to get off lightly. And those monsters are Stalin and Mao, although Pol Pot should not be snubbed.

Some years ago, I interviewed Robert Conquest, the author of *The Great Terror* (and a Truman-Reagan winner). In colloquial British English, he said, “They’re still talking absolute balls. In the academy, there remains a feeling of, ‘Don’t let’s be too rude to Stalin. He was a bad guy, yes, but the Americans were bad guys too, and so was the British Empire.’” In China, the Party line is that Mao was 70 percent good and 30 percent bad. What does the average American Sinologist teach? 50–50? (Stalin and Mao are responsible for almost 100 million deaths all by themselves. The Guevaras, in comparison, are minnows.)

Rarely do I feel more at home than among the anti-Communists. They are my tribe, or archipelago of tribes. I have always been drawn to them, I think, because they tell the truth. They abide by the Solzhenitsyn doctrine “Live not by lies.” And people in the Free World—to say nothing of the unfree world—are always lying about Communism. No one lies about Nazism, outside of David Irving and the Iranian government. Many lie about Communism.

I remember when Armando Valladares, the “Cuban Solzhenitsyn,” emerged from that tropical gulag to tell the truth about Cuba. Students and professors around me hated him, for his disturbance of their illusions about Castro. Later, people hated Jung Chang, for disturbing their illusions about Mao. Last year, by the way, she was asked in an interview, “What one thing would you change in China?” She said, “Say goodbye to Mao. Take down Mao’s portrait from Tiananmen Square.” I know other Chinese democrats who wish this supremely.

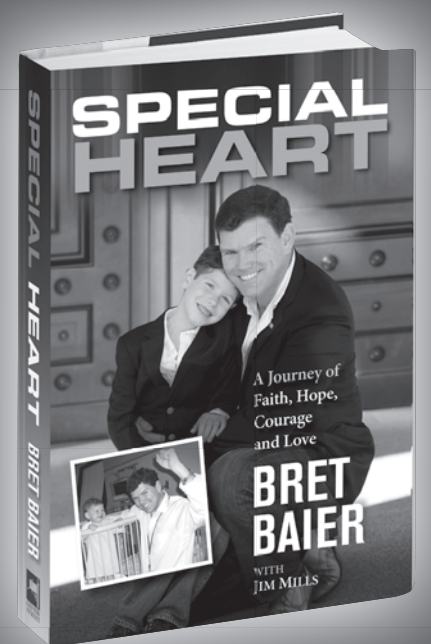
At the VOC luncheon, Ted Cruz said, simply, “Thank you for telling the truth.” In fact, he said it twice. I say it, too. Thank you. **NR**

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# Let Your Right Brain Run Free

*Why conservative fiction is the next front in the culture war*

BY ADAM BELLOW

IN 1976, the summer after my freshman year in college, I attended the Clarion Science Fiction Writers' Workshop on the bucolic grounds of Michigan State University. It was a six-week program, chaired each week by a different published author. The two dozen or so attendees came from all over the country, most of them beginners like me.

At the opening cocktail party I met a hip but very serious young man named Paul who looked like he had just walked off a commune (which I'm pretty sure he had): macrobiotically starved, with stringy hair, what looked like tree moss growing on his neck, and faded purple corduroys, their tattered ends exposing narrow feet. This was actually his second time at Clarion, he told me, and he confided that some of his earlier work had been considered controversial.

Really? How so? I asked. His eyes glowed with a weird fanatical light as he explained that he was interested in using language as a transformative interface between gender and society.

I had never heard the word "interface" used in a statement about literature before or thought of fiction as a vehicle for social change. Only later would I recognize in Paul an early product of the gender-studies revolution that would soon sweep the humanities, transforming the study of literature (and everything else) into a form of political activism.

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Like others of my generation I'd grown up on the classic science-fiction novels of the post-war era—writers like Asimov, Heinlein, and Bradbury. These writers sometimes engaged political themes but it was easy to regard them as secondary. What mattered were the imaginative worlds they created and the marvelous stories they told. Recently, however, a new group of writers had emerged who grappled openly with social and political issues. I admired these New Wave authors, who were considered more "literary" than their pulp-fiction forebears. Two of these—Joanna Russ, a radical feminist whose 1975 novel *The Female Man* had received wide acclaim, and Thomas M. Disch, who specialized in moody psychological thrillers and dark comedy—were to appear at the Clarion workshop. I eagerly looked forward to meeting them.

Russ turned out to be an angry ideological bore. Instead of teaching the craft of fiction she went off on tangents such as denouncing the "misogynist" Jonathan Swift. She was also an aggressive language cop, as I discovered when I remarked to one of the women in the group, in what was meant to be a compliment, that she had "balls" for tackling a particularly difficult subject in one of her stories. Joanna, who had caught a bad cold and was sunk in her chair, groaning and blowing her nose, suddenly roused herself to rebuke me for using this paternalistic epithet.

I kind of saw her point. I had used a phrase that unconsciously valorized courage as a masculine trait. But I didn't see why I should be called out in front of the group and angrily

chastised as though I were merely an embodiment of the white male heterosexual power structure. I stood my ground as best I could, protesting that my intentions had been good and that I was not responsible for 50,000 years of patriarchy. The other members of the group sat silently, embarrassed and clearly intimidated. I think we were all relieved to see her go at the end of the week.

Tom Disch, by contrast, was a hugely entertaining character, good-natured, warm, and humorous. We later became friends, and after I gave up trying to write fiction and started a career as an editor, I published his lively history of science fiction, *The Dreams Our Stuff Is Made Of*. Tom's politics were liberal—openly gay, he wrote opera reviews for the left-wing *Nation* magazine—but as a writer he eschewed all forms of identity politics and what was later called political correctness.

During the week he spent at Clarion, Tom distributed a story of his own called "Planet of the Rapes," a delightfully contrarian fable about a dystopian order where sex partners are assigned by the state and young women are methodically raped upon reaching maturity. Our old friend Paul, the resident male feminist, pulled him aside, his face a mask of befuddled frustration.

"How can you do this?" he sputtered. "I mean . . . you have them *enjoying* these rapes . . .!"

"But don't you see?" Tom exclaimed with an exasperated sigh. "If you're *outraged* that means you're on the side of *virtue*!"

But Paul already knew that. What he wanted was not to be assured of his own virtue, of which he had no doubt, but to ensure that other people weren't tempted *not* to be virtuous. To make light of rape in any way seemed not only immoral but dangerous, a threat to the revolution in social relations he was trying to effect.

Here in a nutshell were the ideas and methods of the contemporary Left, including its reactionary humorlessness, its bullying tone, and its impulse to dictate what people may and may not say. The Left has always understood the importance of language to its transformational project. If you can control the use and even the meaning of words, as Orwell showed in *1984*, they cannot be used to express dissenting views, or even to formulate the thoughts that might inform such intellectual resistance. And if you cannot actually dictate people's thoughts, you can force them into silence by making it too costly to express them.

At the time, I regarded Joanna and Paul as marginal kooks who belonged to a radical fringe. Let them write their transformative fictions and push wide-eyed undergraduates around. How much harm could they do?

I had read books like *Animal Farm* and *Doctor Zhivago*, so I knew very well what could happen when petty ideological enforcers seized power in a totalitarian setting. But that was long ago and far away. You could never have convinced me then, in 1976, that from these tiny seeds of academic radicalism an ideological movement would grow that would one day come to dominate the American cultural landscape. Yet that is exactly what happened.

**I** EVENTUALLY went into publishing to fight back against people like these. I had seen them coming a long way off and I knew they meant business. They wanted power and were eager to use it. Their approach to fiction was two-sided: use their own stories and novels to advance their revolutionary aims, and prevent others from using that same descriptive and imaginative

power for counterrevolutionary ends. It was an American version of what used to be called socialist realism.

When I joined the culture war in 1988 as an editor of nonfiction books, conservatives had little to read. There were a handful of classics like *Witness*, *God and Man at Yale*, and *The Road to Serfdom*. But in order to become a serious movement capable of winning arguments (and converts) we needed a lot more: history, biography, investigative journalism, social and economic ideas, philosophical critiques of liberalism—you name it.

This copious agenda has kept conservative publishers busy for the past 30 years. Meanwhile the conservative media establishment has grown and flourished. We have our own TV and radio networks, our own newspapers and publishing houses, and dozens of highly trafficked websites. Conservative books today sell millions of copies. By all apparent measures, the culture war is going extremely well.

Except that in reality it isn't.

Recently I was asked to comment on the state of conservative publishing for an article in *BuzzFeed*. My major focus was the difficulty of publishing the sort of serious, intellectually demanding books that used to be the staple of the movement. I ticked off relevant factors such as the rise of conservative mass media, the proliferation of publishing imprints, the decline of book reviewing, and the bifurcation of political media into spheres of left and right, leading to the disappearance of serious controversy.

What I didn't say is this: The real problem isn't the practical challenge of turning serious books into bestsellers. The real problem is that we may have reached the limit of what facts and reasoned arguments can do. The real problem is that the whole conservative nonfiction enterprise has peaked and reached its limit of effectiveness.

Yes, conservative voices can now be heard throughout the land, and the GOP is poised for victory in the upcoming midterm elections. But even as we appear to be winning the political argument, for the moment anyway, we are losing on the cultural front. For proof, you need look no farther than the recent successful attacks on conservative spokesmen.

The Left has always demonized conservatives, and many of my authors have been subject to that kind of ugly treatment. Those who cannot win an argument often fall back on ad hominem attacks. In the past we could ignore such attacks—indeed, they often worked in our favor. But lately they have taken a dramatic turn for the worse. Those who dissent from the prevailing liberal dogma are quickly branded as extremists and declared to be bad people. Do you support the traditional view of marriage? You're a homophobe who wants to deny equal rights to gay Americans. Do you question the economic benefits of raising the minimum wage? You are a selfish Scrooge who hates the working class. Do you want America to establish control over its borders? You hate hard-working immigrants who just want to enjoy the American dream. Do you believe a human fetus has legal and natural rights? You are a misogynist who wants to control women's bodies. Do you support the death penalty in certain cases? You're a heartless savage no better than the killers themselves, according to Charles Blow of the *New York Times*. Do you oppose any aspect whatsoever of Barack Obama's transformative agenda for America? You're a racist. Racist, racist, racist!

This is a bare-knuckled attempt to enforce an ideological orthodoxy by policing the boundaries of acceptable speech. The methods used—anonymous accusers, public shaming, forced



apologies, reeducation programs—come straight out of the Stalinist playbook, and they are not only shockingly illiberal. They are shockingly effective.

By harnessing the passions of offended minorities to the power of social media, the Left has created a hurricane of politicized indignation that can be directed wherever it likes and levels everything it touches. Meanwhile the general response is the same as it was for me at Clarion: embarrassed silence and the fear of being targeted yourself. This is a key point, for just as bad as outright censorship (which cannot be imposed to the extent the Left would like) is the censorship people impose on themselves in order to avoid being punished with the loss of their reputation and livelihood.

The Left has adopted this strategy for obvious reasons: They cannot win the argument on its merits, and unlike their counterparts elsewhere they can't consistently win (or steal) elections. Political power eludes them. But like Mark Antony at Caesar's funeral, they have become expert at using the media pulpit to turn the passions of the mob against their enemies.

Conservatives do seem to understand that this is a battle that must be engaged. But they don't seem to know how to fight it. What they urgently need to realize is that this is not a battle that can be fought in the realm of ideas and politics. We can win every election for the next 50 years and it won't matter, if conservatives are not allowed to speak. Nor can we debate and argue this incipient totalitarian movement out of existence. We can publish all the polemics and blog posts we want. But if that is all we've got, we are still going to lose the larger war.

Fear not, however—this is no doom-and-gloom scenario. I actually come bearing good news. A second front is opening in the oddly misnamed culture war (which has nothing to do with culture). The tools of our salvation are at hand. There's a new posse in town. We just need to wake up and support them.

THE late Andrew Breitbart understood the importance of popular culture and was determined not to neglect it. "Politics is downstream from culture," he famously said, and he continually called upon conservatives to quit griping about liberal media bias and do something constructive instead. Write your own books, he exhorted. Record your own music. Make your own movies. Everyone agreed that this would be a great idea. But no one knew how to go about making it happen.

Well, guess what: Andrew was right. The conservative counter-revolution is coming. Indeed it is already here. It's just that most conservatives haven't noticed it yet. It came to my attention only because of the position I occupy in the New York publishing world.

As a nonfiction editor throughout my career I never missed publishing fiction. It just seemed a little bit beside the point. I figured we would win the battle of ideas first, and then the imbalance in the culture would correct itself. But that didn't seem to be happening. If anything, liberal dominance of popular culture seemed more entrenched than ever.

Meanwhile, more and more, I started hearing from conservative authors asking if I would look at their novels. I read quite a few of these, and while some of them were awful, many others were entertaining and well done. But they didn't rise to the level of proficiency required for mass-market publication, and no sectarian market existed for conservative-themed fic-

tion. So I suggested they self-publish, making use of the new digital-distribution technologies.

At first I thought of this as an isolated phenomenon. But the queries continued and after a while I began to see it as a trend. I started poking around the Kindle store to see what was up and found dozens of self-published books by conservative authors bravely putting forth their work and hoping to be discovered. I already knew that science fiction had attracted many libertarians. But this phenomenon was clearly more extensive. Conservatives were writing books in every genre—thriller, mystery, historical, military, western, gothic, supernatural, romance, and young adult, not to mention numerous hybrids. Similar searches at iTunes and YouTube turned up dozens of conservative and libertarian pop songs and videos.

Andrew didn't live to see it, but conservatives are making their own culture. They are writing and publishing their own books, recording their own music, and making their own videos and films. It is Breitbart's Revolt.

This outpouring of creativity on the right doesn't just represent the emergence of a new genre or market—though it is both in my opinion. Taken together, it amounts to nothing less than the rise of a new counterculture. Only this time it is coming from the right, and not, as in the Sixties, from the left.

This may sound counterintuitive but it actually makes perfect sense, because after its decades-long march through the institutions of government, academia, and popular culture, the Left has become the establishment. And like all establishments they are increasingly peremptory, high-handed, and sanctimonious.

How do we fight back against this liberal establishment with its politically correct regime of thought control? There is only one way that I know of and that is by turning their weapons against them and channeling the spirit of the Sixties counterculture.

The original counterculture—that is, before it was hijacked and turned into a vehicle for progressive politics—was actually libertarian in spirit, and what made it work was its antic humor and its willingness to flout the sacred cows of the conservative establishment. From *Mad* magazine to George Carlin, no traditional object of piety went unscathed. Nothing like that has been seen in this country for decades, precisely because the culture is now dominated by sanctimonious liberals who have lost the capacity to laugh at themselves.

The funniest thing I've seen in years was Ben Affleck's 2008 *Saturday Night Live* parody of Keith Olbermann, the über-serious MSNBC pundit who was then at the height of his influence. Look it up on YouTube if you missed it. Affleck captured Olbermann to a "T," and what made you literally suck in your breath as you watched was the skit's transgressive nature. You just couldn't believe a liberal actor was taking on a liberal journalistic icon in this way. Yet anyone could see that the target was ripe for a takedown.

The new conservative counterculture is a rebellion from *below* and from *without*. Fueled by the rise of digital self-publishing technologies, it is a simultaneous revolt against the hierarchical control of mass media and the ideological narrowing of acceptable discourse.

Even some liberals are beginning to push back—if only those who feel they can afford to. Recently Mel Brooks observed that one of his funniest movies, *Blazing Saddles*, couldn't be made today. "Political correctness restricts and restrains humor," he

told radio host Tavis Smiley. Blogger Andrew Sullivan publicly protested the “gay mafia” campaign against Mozilla’s Brendan Eich. Even the normally insufferable Bill Maher went off on a lengthy rant against PC intolerance: “Who wants to live in a world where the only privacy you have is inside your head? That’s what life in East Germany was like. That’s why we fought the Cold War, remember? So we’d never have to live in some awful limbo, where you never knew who even among your friends was an informer. And now we’re doing it to ourselves.” As usual, Maher overstates the case. But he is right to be alarmed, because given half a chance, these kinds of people will shut you up in any way they can.

In short, the tide is turning. People are getting fed up with the humorless enforcers of the Left. This represents a golden opportunity for conservatives to reach people who otherwise couldn’t

## Conservatives should remember that mainstream popular culture is still largely driven by books. Fiction therefore is and will remain the beating heart of the new counterculture.

be reached, and even to make some converts for a change instead of simply talking to ourselves, which is basically what we’ve been doing since we hived ourselves off into our own politicized media bubble.

Meanwhile out at sea a wave is building. This cresting wave of right-wing creativity is raw and untamed. But what it lacks in polish it makes up for in invention and energy.

Now, many liberals believe (and many on the right privately agree) that conservatives can’t “do” culture. They can’t produce great music, they can’t be funny, and they can’t keep their political ideas out of the way of their stories and novels. Based on my own informal survey, I can report that we do have some good musicians and comics, but not enough to make an impact at this point. With due respect to Dennis Miller, we are unlikely to sweep the culture the way liberals did in music, comedy, and network television.

What about Hollywood? Many conservatives talk about the need to get into movie production. I agree this is very important, but it requires a massive investment of capital, and more to the point, I think people on the right are over-impressed with the power of film. To hear some conservatives talk you’d think movies were the Holy Grail, the golden passkey to the collective unconscious. This gets things precisely backwards. Sure, a successful Hollywood movie can have a major impact. But as a vehicle for political ideas and moral lessons, movies are simplistic and crude compared with the novels on which many are based.

Tolkien’s *Lord of the Rings* and the Narnia books by C. S. Lewis both produced big-budget movies that reached millions of people with what most of us would probably agree is a subtly conservative message. Yet both of these successful movie franchises ultimately pale in comparison with the impact of the books. Even at their best, movies are essentially cartoons and their effects are superficial and fleeting. Books engage the reader much more deeply, at a level of identification with the characters and plot that can instruct the soul and edify the mind.

A hundred years from now, moreover, these classic books will still be read all over the world in dozens of languages when the films on which they are based are long forgotten or superseded by new forms of entertainment.

In short, conservatives should remember that mainstream popular culture is still largely driven by books. Fiction therefore is and will remain the beating heart of the new counterculture. This is not just my bias as a publisher. It is a practical reality—and a fortunate one for us, since there are hundreds if not thousands of conservative and libertarian writers out there today producing politically themed fiction. The conservative right brain has woken up from its enchanted sleep and it is thriving. Instead of banging on Hollywood’s front door, a better approach is to go in the back by publishing popular conservative fiction and then turning those books into films.

Now let me address a few objections. To begin with, we are not talking about what is sometimes called “cause fiction,” or, more bluntly, literary propaganda. That is simply a right-wing version of socialist realism—the demand that the arts advance a particular social and political agenda. Such works are indeed being written on the right, but that is not what most conservatives are doing.

As the founder of Liberty Island, a website that publishes fiction by conservative authors, I have read a great deal of this material and can attest that yes, their stories and novels do have political themes. But these themes are not presented for the most part in a way that is preachy or subordinates the story to the “message.” Instead the authors craft dramatic situations and pick heroes and villains that serve more subtly to advance their point of view.

These are the voices not of ideologues but of free individuals exercising their birthright as Americans to think and write with fearless independence. But they are up against tremendous odds. Scattered all over the country, they are isolated geographically and culturally. They feel embattled and excluded. Many are aware that they are taking a risk and prefer to publish pseudonymously. Their resistance and courage are deeply inspiring.

A more pragmatic objection might be that conservative writers shouldn’t ghettoize themselves. But this is how such things get off the ground. All literary and artistic movements begin among enthusiasts. The impressionists boldly displayed their own rejected works in a “salon of the refused.” The literary modernists had to publish their works through small journals and privately funded presses. Both movements needed a place to congregate in order to share ideas, debate one another’s work, hone an aesthetic, and work out new critical standards. Out of this creative ferment a number of talents arose whose appeal transcended the confines of this rarefied world.

The same applies in popular music: Chicago was the home of the blues, Nashville the capital of country-and-western, Seattle the progenitor of grunge. In each case, a passionate fan base provided early support to talented artists who eventually broke out and went mainstream.



The new conservative creators don't have a Greenwich Village or Seattle grunge scene to nurture their journeyman efforts. They lack the patronage of wealthy individuals and must rely on passionate enthusiasts, especially now, while they are still developing their talent and building an audience. If we want conservative Steven Spielbergs or Stephen Kings—people who tell great stories but have a right-of-center sensibility and aren't afraid to take on the liberal thought police—we have to identify them early and support them as they rise and learn their craft.

**I**T would be nice if all this could just take care of itself. But it won't. Conservatives must beware of taking too literally their own free-market dogma. Just as funders and institution builders were needed to grow the conservative intellectual movement to the point where it could sustain a commercial entity like Fox News, the conservative counterculture also needs an institutional base and a means of delivering its products to market.

We rightly honor the 20th-century visionaries who created a network of think tanks, foundations, magazines, and publishing houses to provide crucial support to conservative thinkers who couldn't get tenured jobs in academia. Upon this basis a powerful movement arose that went on to ramify and diversify itself in many ways. The result is a major accomplishment. But it represents, if you will, the left side of the conservative mind.

For years conservatives have favored the rational left brain at the expense of the right. With apologies to Russell Kirk, the conservative mind is unbalanced—hyper-developed in one respect, completely undeveloped in another. It's time to correct this imbalance and take the culture war into the field of culture proper.

We need to invest in the conservative right brain. A well-developed feeder system exists to identify and promote mainstream fiction writers, including MFA programs, residencies and fellowships, writers' colonies, grants and prizes, little magazines, small presses, and a network of established writers and critics. Nothing like that exists on the right.

This is a major oversight that must be urgently addressed. We need our own writing programs, fellowships, prizes, and so forth. We need to build a feeder system so that the cream can rise to the top, and also to make an end run around the gatekeepers of the liberal establishment.

Currently there are a number of entrepreneurs working in the conservative cultural space, trying to build independent production and publishing companies and distribution platforms for music, film, and other forms of conservative-themed entertainment. This is major unreported news as far as I'm concerned. When we went to the Conservative Political Action Conference this year to get out the word about Liberty Island, we met a number of these people who were active at the fringes of the conference: selling their books, promoting new music, making film-production deals, and above all looking for investors.

We were impressed and inspired by the dedication and vision of these cultural entrepreneurs. But they all shared one complaint: Conservative leaders are more concerned with raising money for political campaigns than supporting the new cultural creators.

Maybe these conservative leaders need to be reminded of the role of fiction writers in helping to win the Cold War. Not for

nothing did the CIA distribute copies of *Doctor Zhivago*—banned in Russia and circulated illegally in the crude typewritten form known as samizdat—at the 1958 Brussels world's fair. Solzhenitsyn's works, fiction and nonfiction alike, also circulated in samizdat, and vividly exposed the moral rot at the heart of the Communist system.

In 1966, the satirical novelists Andrei Sinyavsky and Yuli Daniel were respectively sentenced to seven and five years in a Soviet prison camp. The harsh verdict sparked an international furor and is credited with launching the Soviet dissident movement. But in a way it also marked the beginning of the end for the Communist regime. Its exaggerated fear of a few satirical books revealed its underlying weakness and implicitly acknowledged that the mighty totalitarian state could be effectively laughed out of existence.

I had the privilege of meeting Sinyavsky in 1984 at a writers' conference organized by the late Allan Bloom in the green hills of southern Vermont. With his long yellowed beard, white hair, and tangled brows, he looked every inch the Tolstoyan man of letters. His splayed and ruined fingertips attested to the tortures he'd endured. Yet his blue eyes glittered with amusement as he expounded witty epigrams and told mordant political jokes of the kind that circulated widely in those days in the dissident underground. His was a hard, knowing laughter, born of repression and suffering. But it was also filled with humor, hope, and warmth.

Five years later the Berlin Wall came down, and two years after that the Soviet Union collapsed. Laughter alone hadn't brought down the evil empire, but Sinyavsky and his colleagues surely deserved much of the credit.

Today's conservative fiction writers are not in danger of having their fingers hammered in a labor camp. But their self-publishing efforts do represent a modern analogue to the dissident samizdat movement, and they are deploying the same weapons in defense of your freedom of conscience. Can we really afford to ignore them?

I know what Andrew Breitbart would say if he were here: Stop giving money to Karl Rove to spend on useless political ads. Instead, you should support the conservative literary wing, which has been producing great stuff against tremendous odds and urgently needs your help.

The question is, What are you personally going to do about it? Every conservative has a responsibility to support the rising counterculture. Buy their books and records. Share their videos with your friends. Join the crew at Liberty Island and support our authors with tip-jar contributions and donations to our crowd-funding efforts. Or become a creator yourself—write a story, record a song, make a video.

What good will it do to write a novel? May as well ask what good it did to show the revolutionary flag at Bunker Hill (a battle we lost, by the way). We need to hoist our flag and show the strength of our resolve in order to build morale and win recruits.

Remember, this is still a fight that can be lost. Will we as a society reject the new regime of liberal thought control or will we let it impose a politically correct orthodoxy on us that we will all have to live with for the rest of our lives? Win or lose, Sinyavsky's example suggests that defiance is both a moral and a practical necessity.

As a friend of mine once put it: Resist! Surrender is futile. **NR**

# Fight Not The Dragon

*The unwisdom of economic  
retaliation against China*

**BY RAMESH PONNURU  
& MICHAEL R. STRAIN**

**O**REN CASS's argument for threatening trade sanctions against China ("Fight the Dragon," June 23) begins to go wrong from its very first words. He allows that the standard economic model of trade is correct in holding that all countries are better off if all practice free trade, but he says the model does not account for the fact that a country that refuses to practice free trade can reap benefits at other countries' expense. Free trade thus presents a prisoner's dilemma.

Cass himself is prisoner to a misconception, for he does not understand the model he is criticizing. That model does not ignore the possibility of a prisoner's dilemma but rather denies that it exists. After all, the classical case for free trade was developed in a mercantilist world, and it argued that free trade almost always benefits the country adopting it, regardless of the trade policies of other nations.

This insight allows us to break free of the common metaphor of trade policy as war. For an economy as large and diverse as that of the United States, dropping a tariff is not like dropping a shield in a swordfight; rather, it is refraining from inflicting a wound on oneself. Cass does not refute this well-worn case; he ignores it. He takes the military metaphor to its limit and then beyond. If the United States does not raise taxes substantially on the customers of Walmart, he says, we are acting like pacifists and appeasers. He even expresses puzzlement that "somehow" we respond differently to threats of reduced profits for American companies than to threats of actual force.

Almost all of the flaws in Cass's argument follow from these mistakes. Because he thinks of imports from China as a kind of invasion, he exaggerates the harm that trade causes us, and he proposes a course of action that is far less likely to reduce those harms than to inflict some of its own.

Which is not to deny that he makes other mistakes. He argues, for example, that "in theory" a persistent trade imbalance should not be possible in the absence of currency manipulation. This is untrue. China sells the United States goods and receives dollars in return. There is no reason "in theory" that China should use those dollars to purchase goods. It can, for example, purchase U.S. government debt—which it does. Cass implies that this action (along with currency manipulation) is somehow foul play. Of course it isn't. And any economic model that denied that trade imbalances could persist would be dubious, as all you have to do

is look out the window to see plenty of persistent trade imbalances. (Yours with the grocery store, for example.) If your model predicts that the sun won't rise tomorrow, you should throw it out tomorrow afternoon.

Cass's essay makes it sound as though U.S. trade policy and the policies of other countries determine the U.S. trade deficit. They do not. A nation's trade balance is determined by how much households, firms, and the government save and invest. If investment exceeds saving, the country will import more than it exports: The capital-account surplus will mirror a trade-account deficit. This isn't a theory and it isn't a policy: It is a fact of national income accounting.

It is thus not at all true that protectionist countries will run trade surpluses and free-trading countries—the chumps of Cass's story—will run deficits. The United States in the late 19th century ran deficits while also maintaining protectionist tariffs. As that example also suggests, persistent trade deficits are not a sign of national decline either.

Cass's portrait of a hapless United States too sunk in pacifism to respond to the gathering economic threat of China is also poorly timed. China's currency has been appreciating for several years now—a fact he notes, without reconciling it with his general description of relations between the two countries—and the ratio of imports to exports in our trade with China has been shrinking as well.

Other recent events undercut Cass's description of China's offenses still further. The U.S. has pursued a highly discretionary monetary policy in recent years, and to the extent that this policy has been expansionary, it has exerted downward pressure on the value of the dollar and thus made U.S. exports more attractive abroad. Some of our trading partners have criticized us for this. Perhaps, then, we should not be so quick to seek tariffs in response to "currency manipulation."

Nor should we be quick to take any action against the alleged danger of "predatory pricing." This bogeyman has an extensive history in both trade and antitrust policy—a company or country allegedly sells below cost to bankrupt the competition and then jacks up prices on customers who now have no alternative—but actual examples of this strategy's working have been rarer than clear skies over Beijing. Economists have had a far harder time finding them than explaining the formidable obstacles to the success of such a strategy, including the immense costs of its first phases.

This is as good a time as any to revisit the case that an earlier generation of trade alarmists made against Japan. Cass is aware of the fact that nearly everything he says about China was said about Japan in the 1980s: They were breaking the rules of the game, taking advantage of our free-trading naïveté, and we had to take drastic action. Predatory pricing was a major preoccupation of the alarmists then: Supposedly Japanese television makers were waiting for the day when they could bleed U.S. consumers dry.

This history should but does not embarrass Cass. He even suggests that the case against Japan was largely correct and should have been heeded. Yet the promised reckoning we were supposed to suffer never happened—television sets have just been getting cheaper and better, as you may have noticed—and Japan has hardly amassed fearsome economic power since the 1980s. Its economy has instead limped along for many years.

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In addition to overstating the dangers of current trade patterns with China, Cass overstates the likelihood that the strategy he recommends will work. In part that is because he again exaggerates the importance of trade policy. He wants us at least to make a credible threat to impose massive tariffs, for example, but even if we levied those tariffs, it is not a given that we would significantly shrink the long-term bilateral deficit. Higher tariffs would likely cause the dollar to appreciate, which would tend to increase that deficit. American companies would find it more attractive to sell in our protected home market than to try their luck abroad, and this would restrain export growth. (Moreover, any fall in imports from China would partly be made up by increased imports from other countries, thus dampening any effect on our overall trade deficit.) Even in the short run, it is far from clear that Cass's strategy would be anywhere near as effective as he implies.

**A**CHIEVING Cass's goals would also have some negative consequences. In the very-best-case scenario, the United States wouldn't have to impose a tariff and China would stop its objectionable behavior. In that event, U.S. consumers would be paying higher prices for imported consumer goods, and some U.S. firms would have to pay higher prices for imported supplies to use in their own production of goods and services. While it may be in the interest of some U.S. workers and firms to see China's trade practices stopped, it is not in the nation's interest as a whole to increase the price of imports. In addition, over the long run, movements in the exchange rate could make it harder for other firms to export to China, even in this scenario, which would reduce employment in firms that depend on exports. Are those jobs somehow less worthy of protection?

There are other costs he ignores. Cass wants China to buy fewer U.S. bonds. Fewer Chinese exports to us and more Chinese imports from us would indeed leave China with fewer dollars to buy our bonds. While there are some valid reasons to be concerned about Chinese bond holdings, a decline in their bond purchases might force us to pay higher interest rates on those bonds. In today's economy we shouldn't put upward pressure on those rates. (Of course, in the event of an aggressive trade war, there will likely be a "flight to safety," which would lower rates, as happened during the global slump of 2008; but this is hardly a happy precedent.)

It is also likely that closing the bilateral trade deficit in this manner would lower investment spending in the United States over the long term. Again, this conclusion follows from accounting identities. Reduced investment would be bad for long-run economic growth, and would lower the wages earned by tomorrow's workers.

And, of course, less trade with China means less of the standard good that comes from trade between any two parties, be they nations or firms or individuals. In this case, the good is the ability of the U.S. firms to specialize in the production of certain goods and services and to enjoy the fruits of economies of scale. Almost all of these costs would be higher if we actually raised tariffs rather than just threatening to raise them.

We have not, so far, made any mention of the possibility of Chinese retaliation against U.S. exporters. Such retaliation is of course a prospect that a sober-minded U.S. government would weigh in its deliberations, rather than dismiss with bluster about "appeasement." Cass reassures us that retaliation would be

unlikely. Indeed, we would not even have to take the aggressive steps he outlines, because the credible threat of them would induce better Chinese behavior. He therefore never weighs the costs of following through on our threats. He is recommending a strategy of bluffing, in other words, without making contingency plans for the event that the bluff is called. (If trade policy really is war, we need another general.)

To Cass's credit, he acknowledges that Chinese retaliation against U.S. firms would leave them at a disadvantage against other countries' firms when trying to compete in China. His solution: "Where nations act in concert, they can do so without fearing such a consequence." This is not really a solution, though, so much as an act of faith. How to bring about this international coordination for a course of action that no major developed-world government currently wishes to take—and that all of them have good reasons to refrain from taking, there being competent economists advising each of them—is left completely unclear.

Cass never reckons with any of the costs or risks of the policies he recommends. Disrupting the most geopolitically important bilateral economic relationship in the world is no big deal because we are, allegedly, already in a trade war. A brief mention that tariffs might cause "some economic disruption" is all Cass is willing to say.

This is not the advice of a realist urging skepticism about a textbook model. It is advice that wishes away any feature of the real world that is inconvenient to the argument.

So Cass's strategy seems unlikely to yield the results he seeks. Then again, what he seeks is not entirely clear. He says the World Trade Organization is useless because it only authorizes retaliation against unfair trade practices, which reminds him of kindergarten—but retaliation against unfair trade practices is what his article advocates. He faults China for restricting American companies' activities in China—and then complains that those companies reinvest too much of their money there, and says they should not be allowed to sell their products there at the prices they think most advantageous.

None of this has much to do with Cass's ultimate stated goal of freer commerce. A better approach would be to recognize that many of our economic problems are home-grown, and to tackle them. If we want to make the United States a more attractive destination for investment, we should reform our tax laws accordingly. We should save more and rein in federal entitlement spending, for a lot of reasons, and if we did, we would borrow less from China and shrink the trade deficit.

Our larger posture toward China should be one free of illusions, both about the character of the Chinese regime—it is a tyranny with interests contrary to ours—and about our ability to change its character with the flick of a wrist. We should intelligently use the tools at our disposal to promote our interests in the development of a China that is peaceful toward its neighbors, respectful of human rights, cooperative in international fora, and open in trade and investment. Some of the specific steps Cass outlines might even, under some circumstances, be appropriate.

A sensible policy would, however, involve understanding that our wishes for China cannot easily be achieved; distinguishing between commerce and warfare; rejecting alarmism about the trade deficit; and resisting the impulse to take counterproductive actions in the name of doing something. A trade war is not a war, but neither one should be started recklessly and without a strategy.

**NR**

# Nobody @#\$%&\*! Loves Science

*The method, the memes,  
and the ideological crutch*

BY KEVIN D. WILLIAMSON

IN 2013, an obscure Christian school, the Blue Ridge Academy of Greenville, S.C., administered a test to its fourth-grade students titled “Dinosaurs: Genesis and the Gospel.” The test was derived from a creationist curriculum developed by Ken Ham’s Answers in Genesis, which operates the Creation Museum, and it was more or less what you would expect: Young Earth horsepucky denying that the world is billions of years old and that dinosaurs lived millions of years ago, maintaining that *Homo sap.* and *T. rex* walked the Earth contemporaneously, helpfully answering the vexatious question of on which day the Almighty created the dinosaurs—the sixth, it turns out—and positing that the behemoth of Job 40 probably was a sauropod of some sort. A disgruntled parent uploaded the quiz to the atheism forum on Reddit and, with the help of a social-media operation called I F\*\*\*ing Love Science (IFLS), the episode became instantly famous, another demerit badge on the bandolier of the fundamentalist boobs who are holding us all back from our inevitable emergence upon the sunlit uplands of enlightened reason.

The dons of the Blue Ridge Academy did not f\*\*\*\*\*g love science, nor, apparently, did they think much of fundraising: The school has since been shuttered. The Lord provides for the ravens, which neither sow nor reap, and likewise for the lily that outshines Solomon in his splendor, while the annual fundraising appeal of the Blue Ridge Academy of Greenville, S.C., apparently was on its own. The school is dead, but the meme lives on, deathless and eternal.

The irony is that such memes—indeed, the entire implicit worldview of IFLS and its millions of admirers—owe their success to precisely the same factors that quicken so-called creation science and Adam-rode-a-brontosaurus curricula: sentimentality and scientific illiteracy. In the public discourse, nobody cares about science—they care about winning cheap rhetorical points, which is what a political meme is. The Blue Ridge quiz was first brought to my attention by Mike Godwin, who, as the creator of Godwin’s law—“As an online discussion grows longer, the probability of a comparison involving Nazis or Hitler approaches 1”—is himself a *judan*-level practitioner of the memetic martial arts. But Mr. Godwin suffers from the same cultural blind spot as the IFLS crowd in that he mistakes the argument about evolution for a discussion about science, which of course it is not: It is a discussion about Christianity and culture in which science-flavored

memes are simply used as a cudgel to whack Christians holding religiously informed traditionalist views. That task is made much easier and more enjoyable for secularists by the tendency of some Christians to associate themselves with such buffoonery as that being marketed by Mr. Ham et al. I pointed out to Mr. Godwin that when Katie Couric (B.A., English) asks Sarah Palin (B.A., communications) about her views on evolution, whatever is transpiring between the two of them is not a scientific discussion. Likewise, when Bill Nye the Science Guy—who is actually Bill Nye the engineering guy (B.S., mechanical engineering)—debates Mr. Ham (B.S., environmental biology), neither the debaters nor the scientifically illiterate popular audience sitting in judgment of them are engaged in anything that comes close to meriting description as scientific discourse—they are not equipped for it. What they are engaged in is simply the flashing of cultural and political gang signs. Mr. Godwin was, I must report, intensely annoyed by this line of argument.

APPROXIMATELY 99 percent of voters are intellectually unable to understand even modestly sophisticated scientific problems. But they are able to understand prestige, and the uses to which prestige may be put, which is one of the reasons we look to famous scientists for guidance about issues in which they have no particular expertise.

For example: Carl Sagan’s reputation is practically bullet-proof, but he was known to step in it while stepping outside of his field. “Embryonic recapitulation” is a long-discredited 19th-century theory championed by Ernst Haeckel holding that “ontogeny recapitulates phylogeny,” meaning that the developing human embryo passes through stages recreating the evolutionary descent of man from ancestral species. Professor Haeckel supported this view with anatomical drawings now known to be inaccurate, sometimes extremely so, and even considered fraudulent by his less charitable critics. His theory has been known to be erroneous for decades and was as dead as fried chicken among scientists by the middle of the 20th century, but the theory and the inaccurate drawings still crop up in science textbooks; indeed, they appeared in my own eighth-grade text. But Professor Haeckel’s pseudoscience is not being inflicted only on junior-high students with out-of-date textbooks. Professor Sagan relied upon embryonic recapitulation for a 1990 essay in that noted scientific journal *Parade*, in which he presented superficial Haeckelesque embryonic observations—“looks a little like a segmented worm,” “something like the gill arches of a fish or an amphibian,” “reptilian face,” “mammalian but somewhat piglike,” “the face resembles that of a primate but is still not quite human,” etc.—to argue for abortion. Drawing ethical conclusions out of good scientific knowledge is difficult enough if not impossible; drawing them out of scientific error is a cardinal intellectual sin. Professor Sagan was wrong about the science, but if the dispute is framed as Carl Sagan vs. the Bible-thumpers, that does not matter—nobody f\*\*\*\*\*g cares about science; they care about winning.

In the same essay, Professor Sagan presents clumsy mistruths about U.S. abortion law and grossly inaccurate observations about fetal brain development. This is not entirely surprising: Carl Sagan was an astronomer with no special expertise in fetal development or law. He had no special expertise in climate science, either, but that did not stop him from predicting during the 1991 Gulf War that smoke from burning Kuwaiti oil wells might



“disrupt agriculture in much of South Asia.” Professor Sagan is hardly alone in this: Stephen Hawking has said some pretty bone-headed things about population growth, apparently unaware of what scholars in that field in fact expect to happen over the course of the coming years. Albert Einstein harbored some extraordinarily addleheaded ideas about politics and economics.

But Professors Sagan and Hawking do not influence public discourse as *scientists*; they influence it in that most religious of roles: as *icons*. The same is broadly true for the collective contributions of their less illustrious colleagues. This is not an accident.

Consider the case of the biological roots of homosexuality. It is worth appreciating that not only does the Lady Gaga hypothesis—“Born This Way”—far exceed the current state of scientific research on the subject, it in fact precedes the existence of any scientific evidence to that effect by many, many years. But the science is and has always been beside the point. Gay-rights activists have for more than a generation attempted to present their cause as a close analogue to the civil-rights movement, and have long held that if people are born gay in the same way that they are born black, then moral objections to homosexuality are the functional equivalent of racial prejudice. Notice that the science here is subordinate to an unstated ethical proposition, i.e., that congenital features are by definition immune to moral judgment. All that was rhetorically hunky-dory until science began to catch up with and surpass political rhetoric: With the usual caveats that the issues are complex and that the evidence is not yet conclusive, there are some pretty good indicators that homosexuality has a relatively strong biological basis—and so may pedophilia, rape, violent crime, etc. Texas governor Rick Perry was lambasted for arguing that homosexuality and alcoholism were similar in that they are behaviors probably rooted in what he called “genetic coding,” but there is evidence that alcoholics are “born this way” as much as homosexuals. Racism may very well turn out to have as much biological basis as homosexuality. Answering the question of whether a particular inclination is inborn or acquired is not the same as answering the question of whether it is good or bad. Even if the scientific evidence supports the factual conclusion, nobody is going to be singing any pop anthems about how alcoholics, racists, and rapists are “born this way”—nor should they.

In the case of homosexuality, the unstated moral guideline is something like John Stuart Mill’s harm principle—“consenting adults” and all that. I happen to think that’s an excellent guideline for public policy, but it’s as much an argument against minimum-wage laws as it is against sodomy laws—it is in fact a brief for radical libertarianism—so the principle must go unstated and the issue disguised as a question of science. When the moral case is inconvenient to make, the easiest thing to do is to pretend that it isn’t there and that the question is one of science.

Consider two competing explanations for differences in human sex roles that are very common across a variety of human cultures. The orthodox feminist explanation amounts to very little more than a conspiracy theory, i.e., patriarchy, the existence of which as anything more than a rhetorical device is associated with no empirical evidence, enabled by “social constructs” and enforced by mean-spirited advertisements in *Cosmopolitan* magazine. The competing theory, put forward by evolution scholars, is that these differences are every bit as much the product of selection as are our thumbs and our eyes; for instance, higher levels of aggression and risk-tolerance in men

probably have to do with the fact that sexual selection acts more aggressively on male primates than on female primates, not with the fact that little boys get toy guns for their birthdays. I have no idea whether that explanation is true—and, statistically speaking, it is almost certainly the case that you do not, either—but present that theory at your local university’s women’s-studies department and see how much everybody f\*\*\*\*\*g loves science.

Biology inevitably will present challenges to feminism, but feminism is nothing if not resilient, thus the University of Wisconsin–Madison’s recent creation of a postdoctoral fellowship in “feminist biology.” The fellowship, it is worth noting, is not to be hosted by the biology department or by any of the natural-sciences departments, but by the Department of Gender and Women’s Studies, which advertises its ideological commitments: “Where social justice is part of the curriculum.” Feminists have for at least 30 years been waging intellectual war on the scientific method itself, which, given their influence on higher education, is of far more consequence than what’s happening at the defunct Blue Ridge Academy.

ON questions ranging from gay rights to global warming, there is a great deal of “science says” unaccompanied by any appreciation for the fact that the related questions are not scientific. Gay rights and abortion are moral questions, not scientific ones; the question of what if anything to do about global warming is mostly economic and political, not scientific. Who controls what is taught in schools is a political question, too, even when the schools teach nonsense—which they do, about a great deal more than evolution. And to the extent that science might help provide some guidance for policies, it is often in fact unwelcome, met with a great deal of hostility by the very same sort of people who get worked up about creationist hoo-haw. The implications of complexity theory for economic regulation? Nobody loves *that* science.

The eccentricities of a defunct Christian academy in South Carolina are of keen interest to the 16.4 million aficionados of IFLS, even though their effect on public policy—and public life—is essentially zero. In contrast, the matter of abortion is a deeply important one, but there is no popular criticism of Professor Sagan’s defective arguments about it—arguments that did not dry up and blow away with that issue of *Parade* magazine. Likewise, as I have reported at NATIONAL REVIEW ONLINE, the Affordable Care Act will mandate subsidies for all manner of pseudoscientific quackery, from chiropractic to acupuncture, homeopathy, and herbalism—there is zero evidence for the effectiveness of any of those so-called therapies—at a cost known only to Him Who created dinosaurs on the sixth day, the Congressional Budget Office having wearied of estimating the costs. Superstition and pseudoscience surround us, infusing our culture and imbuing our institutions with beliefs and prejudices that are not only irrational but in fact hostile to reason. Sometimes the results are trivial, as in IFLS’s observation: “If God didn’t want us to masturbate, He would have made our arms shorter. Maybe that’s why *T. rex* was always so angry.” (If *Who* didn’t want us to masturbate?) But that same science-of-convenience attitude is why we’re having a measles outbreak in New York City and why progressives are trying to force upon the world agricultural practices that would see millions starve to death. In the long run, the price of ignorance is very high.

NR

## A Low Point for High Culture

**A**NYONE who wanted to feel old, fusty, cranky, and despairing of the end of High Culture could scan recent cultural news and feel as if he had clambered into a handbasket and boarded the high-speed rail for Hades. Example A:

The Seattle Symphony performed a version of Sir Mix-A-Lot's rap classic "Baby Got Back."

It is not my place here to detail the catalogue of Sir Mix-A-Lot, except to note that his other hit, "Put 'Em on the Glass"—a deathless exhortation encouraging the placement of mammarys on a hard, transparent material—is unlikely to be scored for full orchestra. If he'd composed "Baby Had Back, but She Done Went on Atkins," it might be played by a chamber orchestra, seeing as it would concern a subject not philharmonic in its dimensions.

Lyricaly, it concerns the singer's physical preference in a mate. To paraphrase: The object of my affection has myriad attributes, but I cannot utter a falsehood: Her fundament is not only capacious, it ranks the highest among the attributes I prize.

Or, as he puts it: "I like big butts and I cannot lie." Well, no one was asking him to. He's not under the hot lights with someone working his kidneys with the spine of a phone book. In fact if there's one thing you can note about modern culture, it's the ease with which people confess these things without inducement.

Many have responded to critics of the concert with an eye roll: Lighten up, it's just fun. True. And like much modern fun, it is vulgar, low, and common. The fellow who arranged the event is Gabriel Prokofiev, and if you're wondering: Yes. Grandson. He composes both orchestral and electronic music. From his blog about the performance:

It opens with a declamatory introduction, with big orchestral outbursts inspired by the rhythms of some of his most famous lines of rap performed orchestrally. For example, from *Posse on Broadway*, there is "I'm the man they love to hate, the J. R. Ewing of Seattle." Then his infamous line: "I Love Big Butts" . . . which becomes a central motif in the work, at times becoming an insistent haunting call.

An *idée fixe*, then. A leitmotif. We are not so far from the greats after all.

It's the latest example of a post-'60s belief: pretending high and low culture are not points on a continuum, but occupy the same spot. Classical music wasn't "relevant," because modern youth, the most terribly important generation in the history of the species, could not be expected to listen to anything that did not directly affect their emotional state and limited apprehension of Western Civ. So rock was pronounced a serious art form, instead of the peppy popular warblings of some jolly buskers.

Mr. Lileks blogs at [www.lileks.com](http://www.lileks.com).

Some rock bands stepped up to fill the assumptions: Procol Harum cut an album with an orchestra; Emerson Lake & Palmer recorded a piano concerto and toured with it, much to the dismay of the audience, which had come to hear the Aaron Copland covers. Focus, a bunch of hairy Dutchmen with classical pedigrees, hit the airwaves with "Hocus Pocus," a tune noted for wordless manic yodeling, but the lead singer also released a solo album consisting of classical flute pieces. It would not be inconceivable at a concert for someone to shout "FAURÉ'S PAVANE! YEEEEAAAAHHHH!!"

Anyone who listened to "progressive" rock expected complex, ornate pieces with baroque details and fleet-fingered virtuosity. For a while it looked as if rock could take up the mantle dropped by the modernists, who had retreated into screechy angular din that sounded like mating calls for Cubist donkeys. It was melodic, complex, had enough angst for the adolescents and complexity for the grad students. And it was awesome if you were stoned. But Bach it was not.

Which brings us to Example B: Over in Colorado, once a state you associated with cowboys, oil, rugged terrain, and flinty folk who could smell snow a-comin' down the pass, the Colorado Symphony had a "Classically Cannabis" event last May. Reefer and Bach.

What's the prob? Why, Hector Berlioz's *Symphonie Fantastique* was based on Thomas De Quincey's "Confessions of an Opium Eater," in which the narrator gets loaded, dreams he murdered his beloved, observes his own guillotine execution, then attends a witches' orgy, which is pretty METAL, dude.

Granted. Hector probably wrote it hopped up on goofballs, but it is difficult to appreciate his work under the influence of opiates, and surely more difficult to play it. Although someone who has ingested lots of meth could probably play John Cage's "4'33'" in under two minutes.

Putting the "high" in "high culture" will not be the end of the Republic, but if orchestras want to perform in a smoke-choked hall it's an admission that modern audiences cannot be expected to appreciate a symphony with a clear mind, but must be eased into an appreciative state with chemical assistance. Because the glories of Beethoven's Ninth are just missing something, really.

Granted, sometimes when you're listening to a Philip Glass piece, feeling as though you're being pecked to death by starlings, a glass of wine would be nice. But in general the classical repertoire isn't about enhancing consciousness, it's about explaining it. Orchestrating funky-bumpy rap does not elevate the common, or popularize the venerable tradition of massed instruments performing complex works of timeless entrancement. It signifies exhaustion of serious people and serious art.

Oh, they said that about Gershwin, bringing jazz to Aeolian Hall, and now we worship "Rhapsody in Blue." True. But do you know what the difference is? No? Then you're just the sort of person they're looking to entertain. **NR**





# The Long View

BY ROB LONG

## Begin GChat 0754

**ITDept:** Hi, this is the IT department at the IRS. Thank you for using GChat for your support session. How can we help you?

**LLerner:** This is Lois Lerner. Wondering about the missing e-mails from 2009 to 2011.

**ITDept:** Right. As we mentioned, we're working on those. Can you tell us a little about your process when sending and receiving e-mail correspondence?

**LLerner:** Sure. Happy to help. This whole thing has really been a mess. Can't believe what people are saying about me. Just amazing. Like I would erase e-mails that contained sensitive or incriminating evidence. Ridiculous, right? I mean, LOL, am I right?

**LLerner:** Am I right? LOL? ROT-FLMAO?

**LLerner:** Lulz?

**LLerner:** ☺

**ITDept:** Sorry, Ms. Lerner. We had a short delay as the system backed itself up. As you say, it is indeed ridiculous what people are saying about the missing e-mails. Especially because we can probably get them all back with a little bit of effort.

**LLerner:** Oh, good. Good. Good good good. Phew. Load off my mind.

**ITDept:** So, how can I help you?

**LLerner:** Wait. So the system keeps backing itself up? Even these IT support chats?

**ITDept:** Oh yes. Happens roughly every 60 seconds. That way we know for sure that nothing is ever truly lost. Just a matter of following the trail to where it's archived.

**LLerner:** Oh, super! Super to hear!

**ITDept:** So, in your particular case, we're right now just trying to find the mirror site that all e-mail backups go to. We designed the system to have lots of redundancy—

**LLerner:** That sounds like the federal government! LOL!

**ITDept:** Yes, LOL.

**LLerner:** So should I turn my computer off and turn it on again?

**ITDept:** No, that wouldn't be a good idea.

**LLerner:** Because I'd lose all of my data? I did that, you know. I did that a lot between 2009 and 2011. Maybe that's what happened. Oh well! We tried! I just turned off my computer! Thanks for helping. Guess there's no way to retrieve those e-mails. Damn. Oh well.

**ITDept:** Actually, that wouldn't mean a loss of data. Just an interruption in the data-fingerprint chain. We can still find the e-mails.

**LLerner:** Oh thank God! Wait. I spilled coffee on my keyboard a few times during that period. That must have been it! I would hit "send" and then be so clumsy I'd spill my coffee all over the place! Damn! It was my klutziness all along! I feel like such a fool. Thanks for helping, but I guess it's impossible to find those e-mails.

**ITDept:** Well, if you hit "send" first, the e-mails are still there, in the backup archives and probably the client server.

**LLerner:** Backup archives? Archives plural? What the hell are you doing over there?

**ITDept:** We're just following standard procedure, ma'am. Archives of archives. Backups of backups. And so far, nothing you've said leads me to believe that your e-mails are truly lost.

**LLerner:** Well, that's good news, huh?

**ITDept:** Certainly is!

**LLerner:** Well, what would it take? To erase them, I mean? What would it take?

**ITDept:** Gosh, Ms. Lerner, that's almost impossible to answer. The

truth is, and I know this is ironic, but the only foolproof way an e-mail can ever be "lost" is if it's never sent in the first place.

**LLerner:** Can we go with that, then?

**ITDept:** What?

**LLerner:** Can we just say that between 2009 and 2011, the reason that no e-mails can be found is because I didn't send any?

**ITDept:** You didn't send any e-mails for two years?

**LLerner:** What can I say? I'm a pen-and-ink freak. I'm old school. What the kids call "Original Gangsta." When I want to talk to someone, I dip my pen in the inkwell and I scratch out a letter.

**ITDept:** I'm sorry?

**LLerner:** Don't be sorry. We've solved the mystery. The reason there are no e-mails is because there *were no e-mails*. I'm a Luddite. I'm flustered by all of these newfangled computer doodads and whatnot. I don't log into my modem with my browser cookie or whatever! I don't surf the online second life! I don't have a Facebook or a Tweeter! You want to talk to me? Pick up the phone! I'm a lady who lives IRL!

**ITDept:** But then why did you have a computer at all? And why are there mail headers on the server from all of those e-mails if you didn't send any?

**LLerner:** Why is there anything? Why is there war? Why is there hepatitis? See where we go when we keep asking "Why"? We go in circles. Why can't we find that Malaysian plane? Why can't we breathe underwater? Why did a low-level IT contractor get audited by the IRS for 17 years in a row? Why? So many whys, don't you think? I mean, LOL, right?

**LLerner:** Lulz, am I right?

**LLerner:** You there?

**LLerner:** ??

**ITDept:** I think I understand now, Ms. Lerner.

**LLerner:** ☺

# Books, Arts & Manners

## Protecting The Republic

HANS VON SPAKOVSKY



*Faithless Execution: Building the Political Case for Obama's Impeachment*, by Andrew C. McCarthy (Encounter, 234 pp., \$23.99)

**T**HIS is a serious book about a serious subject: the abuse of constitutional authority by President Obama and whether he merits impeachment for it. Some, undoubtedly, will try to dismiss it as just politically motivated sour grapes, but Andrew C. McCarthy lays out a detailed case with careful legal arguments.

McCarthy, a policy fellow at the National Review Institute, cannot be easily dismissed. He is a former federal prosecutor known both for his insightful legal analyses and for his prosecution of the Muslim terrorists in the 1993 World Trade Center bombing. McCarthy is not recommending that the House of Representatives act immediately to draw up articles of impeachment. He understands that “impeachment is a *political* remedy,” not a legal one, and that an impeachment cannot succeed without public support.

Impeachment is not a plausible response to Obama’s serious abuses of power and maladministration “unless the American people become convinced . . . that a governing system they wish to preserve is mortally threatened” by the president’s actions.

*Mr. von Spakovsky is a senior legal fellow at the Heritage Foundation and a former Justice Department official. He is a co-author, along with John Fund, of the just-released book Obama's Enforcer: Eric Holder's Justice Department.*

At the moment, the public does not support impeachment, because “no substantial argument for impeachment” has been made. According to McCarthy, without that argument’s being made convincingly, it would not be rational to demand that the Republican-controlled House impeach Obama when the Democratic-controlled Senate would “surely acquit him.”

His prime example of this political logic is the Clinton impeachment. While Clinton’s perjury and obstruction of justice satisfied the “high crimes and misdemeanors” threshold of the Constitution, Clinton remained popular with the American people. They were never convinced that his behavior, while troubling, affected his ability to carry out his duties as president to such an extent that he should have been removed.

The point of McCarthy’s book is to make the legal case for impeachment in order to start the *political* debate about whether impeachment is the appropriate remedy for President Obama’s misbehavior. McCarthy argues that the more convincing the legal case, “the more compelling becomes the political case for the president’s removal. And the more realistic is the opportunity to sway the public will.”

This is a relatively short book. The first 87 pages are spent explaining the historical background of the impeachment clause, which the Framers saw “as the appropriate response to presidential corruption, lawlessness, and infidelity to the Constitution.” McCarthy also outlines the salient differences between criminal prosecutions and the impeachment process, and the many actions taken by the president that show why he should be impeached. Then in the second and final part of the book (67 pages), he lays out seven detailed articles of impeachment. “So rampant are President Obama’s violations of law and derelictions of duty,” he writes, “that it has become a chore to summarize them.”

McCarthy’s thesis is that Obama has intentionally concentrated power in the executive branch, undermining the Constitution’s careful balancing of power among the branches of the federal government and between the federal government and the states. While the other branches can influence the executive with congressional oversight, appropriations, and judicial

orders, “they cannot compel a president to act or refrain from acting. They cannot force a president to abide by his constitutional obligation to execute the laws faithfully. They have no means of taking enforcement action on their own. The judiciary’s capacity to halt capricious executive action is entirely dependent on the administration’s willingness to honor judicial directives.” If a president is “of dictatorial persuasion” and “coopts the media in his disregard for the system’s checks and balances,” he is almost impossible to contain.

Normally, one would expect that Congress would want to preserve the powers of the legislative branch. But McCarthy observes that “congressional Democrats want the current president to use the enormous raw power vested in his office by Article II to achieve statist transformation.” As long as he does so, they will support his usurpations.

Unfortunately, the House has also shown that it is “unwilling to use its command over the treasury to coerce the president into heeding the limits of his power.” If you are unwilling to defund it, “you have to remove it—or accept it. There is no other course.” McCarthy warns that legislators had better get past their “angst” about impeachment—“either that or be prepared to accept a government that is more a centralized dictatorship than a federalist republic under the rule of law.”

McCarthy’s seven articles of impeachment cover both well-known abuses by President Obama and other abuses that have not received as much public attention. He makes the strongest case in Articles I and V, which cover the “President’s Willful Refusal to Execute” various laws. Prominent among the counts here are Obama’s failure to enforce our immigration laws and his granting of amnesty to illegal aliens through executive edicts and orders. McCarthy also details Obama’s unilateral amendments of Obamacare, the WARN Act (which requires employers to notify employees in advance of plant closings and major layoffs), the welfare work requirement, and the Clean Air Act.

McCarthy’s book is worth getting just to read his careful explanation (using his extensive experience as a federal prosecutor) of why the defense of “prosecutorial



discretion” for Obama’s refusal to abide by or enforce the immigration and other laws is a “canard.” As McCarthy says, prosecutorial discretion does not give the president a generalized license to ignore congressional statutes.

McCarthy is also on strong grounds in Article VI, which deals with the lawless Department of Justice. McCarthy’s list of abuses includes Operation Fast & Furious and the subsequent cover-up; DOJ’s racially discriminatory enforcement of federal civil-rights law; the politicization of hiring and enforcement; the investigation of journalists in violation of DOJ guidelines; and the systematic stonewalling of Congress’s oversight responsibility. All of these are serious and substantive examples of the corruption that Obama has engendered in the Justice Department.

In Article II, McCarthy cites the president’s “usurping the constitutional authority” of Congress. That ranges from instigating an undeclared and ultimately disastrous war in Libya, through making unlawful “recess” appointments, to resisting congressional oversight of federal agencies. While many may agree that Obama’s Libya policy has been disastrous, there is considerable disagreement about whether he violated the Constitution or acted within the war powers of the commander-in-chief. We will soon hear what the Supreme Court has to say about Obama’s “recess” appointments, but those appointments illustrate one of the most important problems: the approval by congressional Democrats of the president’s stomping on their “Advice and Consent” role. It is doubtful that *any* legal arguments, including a judgment against the president by the Supreme Court, would have any persuasive political effect on Senate Democrats.

Article III covers President Obama’s “Dereliction of Duty as President and Commander in Chief.” It cites two examples: Obama’s imposition of “unconscionable” rules of engagement in Afghanistan that have recklessly endangered and killed American troops, and his reckless stationing of personnel in Benghazi under “grossly inadequate security” that resulted in a “foreseeable terrorist attack” that killed four Americans and wounded many others.

While I agree that these are gross derelictions of the president’s duty to protect our troops and diplomatic personnel, one can point to numerous examples of military

and national-security decisions made in the past by American presidents that were even worse. President Lyndon Johnson’s micro-management of the Vietnam War, for example, resulted in some particularly disastrous decisions. It is not clear that the American public could be convinced that these are sufficient grounds to remove the president, even with the anguish he has caused the families of those killed.

In Article IV, McCarthy cites six examples of President Obama’s “Fraud on the American People.” This includes waging the Libyan war under false pretenses; the fraudulent claim about the Benghazi massacre; misrepresentations about Obamacare; the enabling of Iran’s nuclear-weapons program; fraudulent claims about immigration-law enforcement; and the Solyndra fraud. I don’t minimize the perfidy of any of these actions, but again many may question whether they rise to the level of impeachable offenses.

Finally, in Article VII, McCarthy accuses Obama of “Willfully Undermining the Constitutional Rights of the American People.” This section discusses the IRS targeting of political opponents, suppression of information about Islamic terrorism, abridgment of religious rights through the HHS mandate, and infringement of the Second Amendment by signing the U.N. Arms Trade Treaty.

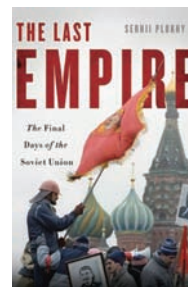
Legal and historical scholars, as well as politicians and elected officials, will no doubt debate the validity of these charges. Many of them are serious violations of the president’s oath to “preserve, protect and defend the Constitution.” Some seem more in the nature of bad policy judgments that don’t fit the standard of “high crimes and misdemeanors.”

McCarthy’s point is that even if some of his charges are not as strong as others, taken all together, they “look overwhelming,” and McCarthy does put his considerable skill as a prosecutor and legal analyst to work in presenting a persuasive case against President Obama. But does his bill of particulars lead to the conclusion that the president should be impeached? Will the legal case lead the public in general to support impeachment? Would it persuade Democratic senators to rethink their support of the president?

I don’t have any answers to these questions, but McCarthy has organized and analyzed the issues cogently and may at least accomplish his primary goal: *starting* the public debate. **NR**

# Return of The Bear

MICHAEL AUSLIN



*The Last Empire: The Final Days of the Soviet Union*, by Serhii Plokhy (Basic, 496 pp., \$32)

**I**F location is everything in real estate, then timing is everything in book publishing. Even a few months ago, Serhii Plokhy’s revisionist history of the end of the Cold War might not have garnered much attention. Yet with Crimea annexed and eastern Ukraine starting to break away to Russia, *The Last Empire* may be the most timely book of the year.

Timely, however, does not mean uncontroversial, and Plokhy’s central contention is sure to engender years of debate. In a nutshell, Plokhy, a professor of Ukrainian history at Harvard, argues that the “lost arms race, economic decline, democratic resurgence, and bankruptcy of Communist ideals” were not what ultimately led to the collapse of the Soviet Union; rather, it was the “imperial foundations, multiethnic composition, and pseudofederal structure of the Soviet state” that made it so vulnerable.

At the core of it all, and what makes Plokhy’s book almost preternaturally relevant to today’s headlines, is that the fate of the Soviet Union was decided by the unwillingness of Russia and Ukraine to continue coexisting inside that pseudo-federal framework. From that perspective, Vladimir Putin’s so-far-successful attempt to begin reasserting Russian control over Ukraine takes on an even more dramatic cast. Recent hyperbolic comments on the return of the Cold War suddenly seem more understandable, if not more correct.

While Plokhy deals with weighty and somewhat academic issues, such as the

*Mr. Auslin is a resident scholar at the American Enterprise Institute.*

concepts of empire, multiethnicity, and political structure, his book really focuses solely on the period from the August 1991 coup against Mikhail Gorbachev by members of his own government to the December 25 lowering of the Soviet flag over the Kremlin. These are the five crucial months that determined the fate of the USSR and the Cold War, Plokhy argues.

During those five months, moreover, it was the actions of four men that shaped the course of history. The interactions among President George H. W. Bush, Russian leader Boris Yeltsin, Ukraine's "shrewd" leader Leonid Kravchuk, and above all Gorbachev form the core of the narrative. No surprise, either, is it that Gorbachev comes across as almost a tragic figure: His miscalculations, arrogance, and ultimate ineptness left no place for him, says Plokhy, in the new world he unwittingly ushered in.

*The Last Empire* is thus a hybrid book—partly a traditional diplomatic history, making use of the much-derided "great man" approach, and partly a quasi-Marxist "impersonal forces of history" analysis. Yet Plokhy avoids being drawn further than necessary into tendentious argumentation of a metaphysical sort, and focuses instead on the drama of the months that sealed the doom of the Soviet Union.

That narrative, while it has an undeniable nostalgic appeal, will not lessen the controversy surrounding Plokhy's attempt to quash what he calls the "inflated accounts" of America's role in the Soviet Union's collapse. In this, he takes aim at nearly the entire post-Soviet corpus of political science and history, the memoirs of the key players (or at least certainly the Americans), and newer treatments, such as Henry Nau's chapter on Ronald Reagan in his *Conservative Internationalism* (2013).

At first glance, Plokhy's most startling claim might be that George H. W. Bush and his advisers attempted to save Gorbachev, whom they considered "their main partner on the world stage." Thus, to Plokhy's critical eye, Bush's triumphal addresses to the nation on December 25, 1991, and on January 28, 1992 (his last State of the Union address), rewrote history when proclaiming that the U.S. had "won" the Cold War and vanquished a foe that in reality it had tried to preserve.

This is obviously a subtle argument, and one that can get drowned in the torrent of narrative. Plokhy might have done better to acknowledge more fully that the key to understanding Bush's actions was his

desire to maintain global order and avoid the nightmare of accidental nuclear conflict between either Moscow and Washington or Moscow and its nuclear-armed former republics (Ukraine, Belarus, and Kazakhstan). From that perspective, there is less of a contradiction, and less ad hocery, in American actions than Plokhy initially claims.

There is little doubt that American leaders wanted to "win" the Cold War, but they also saw an opportunity to work with a potentially post-Soviet, even democratic, Russia that ideally would maintain control over the USSR's nuclear arsenal. When that seemed likely under Gorbachev, still the West's main adversary, Bush was willing to give qualified support in the interest of global order (if not survival). When Gorbachev was thrown under the bus by Yeltsin and Kravchuk, Washington pivoted to the new power center. Bush's proclaiming victory was not rewriting history, but recognizing new realities brought about by the triumph of American grand strategy (perhaps the only instance in which the term can be appropriately used). Realism, not ideology, was always the hallmark of the George H. W. Bush administration—sometimes to its detriment.

The other major elements in Plokhy's revisionist history are its downplaying of the personal rivalry between Mikhail Gorbachev and Boris Yeltsin and its assertion that the inability of Ukraine and Russia to agree to a post-Soviet political structure was the final nail in the coffin of the USSR. This supports his thesis that multiethnic revolt and the brittleness of the quasi-federal political structure of the Soviet Union proved too much for either the men or their institutions. Yeltsin's opportunism and stubbornness stripped Gorbachev of any opportunity to recast the Union on new grounds, but Kravchuk's opposition to a new structure stalemated Yeltsin's attempt to take over the center and make Russia the dominant force in a new grouping.

*The Last Empire* is imbued with a rather 21st-century sensibility. Plokhy's underlying theme is that America was (and is) not all-powerful and that much of what popular opinion has attributed to the efforts of the American people and the sagacity of Washington does not reflect reality. In that sense, Plokhy's book is very much a post-Iraq and -Afghanistan revisionist history. The somewhat confused and inconsistent policy of the senior Bush's administration in this account

foreshadows an even more misguided crusade on the part of his son's administration.

This belief Plokhy makes explicit at the end of his epilogue, tracing the neoconservatives' triumph inside the George W. Bush administration to the rewriting of history at the end of the Cold War. From that perspective, it is no surprise that the more cautious and traditionally realist among the advisers of George H. W. Bush come across the better.

How much of a role did the U.S. play in the fall of the USSR? Here one might question Plokhy's methodology, and the scope of his book. In choosing such a limited, though fascinating, time frame, he perforce excises nearly all Cold War history from his account. The five months he concentrates on may indeed have been crucial to the fate of the USSR—but then, so were the decades leading up to them, which undermined Moscow's strength and ability to control its sprawling empire. A large part of those decades was consumed with direct competition with the United States; and, without question, Ronald Reagan's forceful challenging of Soviet interests in Central America, his military buildup and technological challenge, and the American support for the Afghan mujahedeen sapped Soviet energy.

Some strategic failures were of course brought about by Moscow acting alone: for example, the 1979 invasion of Afghanistan. The very fact of Mikhail Gorbachev's coming to power in 1985 was a result of failed Soviet policies and of an ossified leadership. But the system may well have lumbered along for more years—if it had not already been bleeding to death from the post-1945 global competition the Soviets had launched.

For all its strengths, *The Last Empire* seems almost made for TV—a perfect miniseries centering on the dramatic collapse of a worldwide threat to liberty and security. With appealing dramatis personae, it tells a compelling story well. Like all miniseries, it must sacrifice context for immediacy. Plokhy strives to keep the big picture in the plot and to acknowledge the influence of all that led up to those five crucial months. Yet even if we accept that Washington in the autumn and winter of 1991 was often led by events and did not lead them, its successful multi-generational strategy brought about the endgame whereby unique leaders could choose a once unthinkable peaceful ending to one of history's great struggles. **NR**



# DAY #4 ON THE NR 2014 POST-ELECTION CRUISE



Well, after four incredible days aboard the *Allure of the Seas*, you wouldn't have known that Mary and I once thought we "weren't cruisers." I'm so glad our friends finally convinced us to really check out those NR magazine cruise ads we'd been looking at for years. Those NR post-election trips always sounded like fun, and heck, now I can admit, they ARE. No question, this voyage is a BLAST. It's everything my pals said it would be, and more. Take the ship for starters: It's beautiful. The cabins: beautiful. The restaurants (there are many to choose from): beautiful. And the food: deee-licious. The public spaces: beautiful. You like spas? The *Allure's* are super. You like quiet places? There are plenty, so you can read, write, nap, whatever (on Monday Mary handed me a pencil and this notebook and pointed at some palm trees: I think I am getting the hang of it! Didn't know I was an artist!).

Want to zip line or climb a rock wall? Yep, you can. Make new friends? We've made a lot, including a few of the NR speakers.



Don't forget to tell kids...  
- Dad had long talk w/ RICH LAWRY about Lincoln book!!  
- and he smoked a cigar w/ JONAH!  
- We had lunch w/ MARY CHARBEN\*

Oh my she is sooo nice and sooo smart!  
- Did they get the cocktail party pictures I emailed of RALPH REED and FRED THOMPSON?!!  
- LOVE LOVE the cabin!  
- Food. Is. Fabulous!

## MORNING PANEL SESSION

Every "panel" is an exclusive and intimate 2 1/2-hour session that kicks off with a fascinating one-on-one interview. This morning's began with Jay Nordlinger quizzing Luis Fortuno about Puerto Rico's future. Jay's way of getting to the heart of any matter is the tops. After a short break there was an hour-plus panel with Jon Kyl, Tim Pawlenty, Ralph Reed, Cal Thomas and Fred Thompson--yep, all of them--giving very smart analyses of the elections. One was better than the other. And Mary even got a chance to ask a question (to Pawlenty, or as we now call our new pal, "Tim," about the 2016 race).

Afterwards, we figured we'd hang around, just a few minutes, to get Cal to sign his new book, and, well, as he was signing we got to talking, one thing led to another, and we ended up having lunch with him and his wife (she is so cool, and even funnier than Cal). You see the ads, you wonder--are these guys and gals really going to be on the cruise; are Allen West and John Goo



(I played blackjack with him in the casino the first night!) and Brent Bozell and the NR Gang of Rich, Ramesh, KDW, K-Lo and Charlie Cooke (damn he is sharp!) and the rest going to be on the ship? They are! And they're so accessible, fun, friendly. I swear I was Rob Long's BFF for a few minutes after I lit his H. Upmann cigar at last night's smoker.

## AFTERNOON PANEL

Where to start? Andy McCarthy and VDH (my favorite!) and Bing West made mincemeat of Obama's national security policy. They were brilliant--what a unique chance this was to hear them expound. And that came after a kick-off interview of Cleta Mitchell by John Miller. Turns out Cleta knows everything about the IRS scandals--I wish she had another hour to talk. That was just one of nine sessions happening this week. When it ended I turned to say something to Mary, and she had such a look of contentment. I don't think she ever looked so beautiful. This really is proving to be a once-in-a-lifetime experience.



## 6:00PM--PRIVATE COCKTAIL PARTY

Great event! Out by the pool hundreds of NR guests were enjoying each others company. We met several people just like us (Red State vote, Blue State address) and before you knew it a dozen of us were talking about the direction the conservative movement is taking and shared our local-level experiences. Then Jim Geraghty and Tim Phillips joined us. I can't tell you how cool that was. It only

ended when the steward came around chiming his bells letting us know it was time for dinner.

## 10:15PM--"NIGHT OWL"

What could you possibly do after a sumptuous dinner? We walked into the show lounge to see Jonah, Rob, Michael Walsh, Michael Ramirez, and James Lileks talking about Hollywood and Washington, and having us in stitches half the time. What a way to end a phenomenal day: Another one is just a few hours off. Mary and I are so glad we decided to come on this great cruise!



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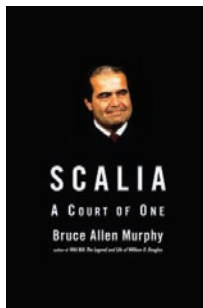
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# Murphy's Law

EDWARD WHELAN



*Scalia: A Court of One*,  
by Bruce Allen Murphy (Simon &  
Schuster, 644 pp., \$35)

ANYTHING that can go wrong will go wrong: So goes Murphy's Law. And so demonstrates another Murphy, Lafayette College professor Bruce Allen Murphy, in his new biography of Supreme Court justice Antonin Scalia (for whom I clerked more than two decades ago).

Murphy sets out to show how Scalia's political views, religious faith, and personality have influenced his judicial decisions and speeches. But instead of the sophistication and nuance such an undertaking would demand, Murphy delivers a cartoonish and incompetent account.

For the most hilarious example, take Murphy's stunning misuse of Scalia's 2004 dissent in *Hamdi v. Rumsfeld*, a case that concerned the rights of an American citizen who was being detained indefinitely as an enemy combatant. Murphy spends two and a half pages arguing that Scalia's dissent shows "his unwavering support for a powerful American presidency." According to Murphy, Scalia argued "in favor of a 'blank check' on behalf of total presidential power" and opined that "whatever George Bush wanted to do in the 'War on Terror' should not be second-guessed by his judicial colleagues."

Wrong on all counts. What Murphy somehow misses is that Scalia, joined by

the liberal Justice Stevens, dissented from Justice O'Connor's plurality opinion because he regarded it as too deferential to presidential authority. While O'Connor allowed the president to detain an American citizen indefinitely (and merely afforded the citizen the opportunity to contest the factual basis for his detention), Scalia read the Constitution as denying the president—yes, George W. Bush—that detention power. Far from arguing in favor of a "blank check" in wartime, Scalia emphatically rejected the principle that "liberty give[s] way to security in times of national crisis." In sum, among the nine justices, he and Stevens adopted the position that was most restrictive of presidential authority.

It is astounding that a putative constitutional scholar could get Scalia's dissent so wrong. But Murphy displays a dogged tendency throughout his book to contend that the evidence supports whatever thesis he is positing even when it plainly doesn't.

I'll note further that after reviewing the book galley, I highlighted Murphy's massive blunder on *Hamdi* (as well as other bloopers) some seven weeks before the book's release date. Yet, to their deep discredit, Murphy and his publisher didn't bother to make a fix.

Murphy is equally obtuse, and even more outrageous, when he maintains, in one of his major theses, that Scalia's methodology of originalism enables him to "accomplish as a judge all that his [Catholic] religion commanded without ever having to acknowledge using his faith in doing so." There is a glaring defect in Murphy's claim that Scalia's originalism—which looks to the public meaning of constitutional provisions at the time they were adopted—is a cloak for imposing his "traditional Catholic values": On the vast bulk of hot-button "culture war" issues—from abortion to marriage to obscenity—Scalia's position is that the Constitution is, within very broad bounds, substantively neutral and instead leaves those issues to the democratic processes to be resolved *one way or another*. Scalia doesn't read the Constitution to *prohibit* permissive abortion laws, to *require* that marriage be defined as the union of a man and a woman, or to *bar* obscenity. In short, he doesn't read the Constitution to impose the Catholic position on these important matters (or any other matters).

Indeed, if Murphy were correct that Scalia believes that "his religion com-

mand[s]" him to impose Catholic values, he ought to be deeply puzzled that Scalia is an originalist rather than a living constitutionalist. On abortion, for example, a living-constitutionalist of a conservative bent would have no difficulty, given modern advances in embryology, in recognizing unborn human beings as "persons" for purposes of the Due Process Clause of the 14th Amendment.

In another of his major theses, Murphy contends that Scalia's interpretive methodology has repeatedly changed over the years. According to Murphy, "any fair reading of his speeches and judicial opinions demonstrates clearly [that Scalia] became a strict textualist on the Supreme Court by the late 1980s, then evolved into a broader originalist by 1996, spoke as a Catholic on the Court in the early 2000s, became an even more partisan originalist by 2005, and was [in 2010] casting himself as the judge of the historians."

Murphy's contention and his labels are hopelessly confused. Murphy uses the term "strict textualist" to mean that Scalia supposedly used to base decisions solely on dictionary definitions. But Scalia never embraced the bizarre notion that textualism could involve nothing but dictionary definitions, and his broad originalism was clearly on display in his classic 1988 dissent in *Morrison v. Olson* (the independent-counsel case), at the end of only his second term.

In his impressive 2006 book on Scalia's jurisprudence, Ralph Rossum concluded that Scalia "has been remarkably consistent in his approach to questions of constitutional and statutory interpretation." (Murphy lists Rossum's among the 150 or so books in his bibliography, but gives no signs that he ever read it.) To be sure, there may well be plenty of room for an intelligent scholar to identify changes in Scalia's approach as well as inconsistencies in how he has applied his stated principles. But Murphy's account of Scalia's purported shifts is ridiculous.

Much of Murphy's book is dedicated to a tedious and tendentious account of seemingly every speech or interview that Scalia has ever given (e.g., the "controversial television interview with Maria Bartiromo"). Murphy contends that Scalia's "extrajudicial speeches and conduct . . . ventured far beyond those of any other justice, including Abe Fortas, who was forced to resign from the Court." Further, according to Murphy,

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when Scalia began making speeches in his early years on the Court, he violated the “prevailing ethical norms of the Court against such extrajudicial speechmaking.”

Murphy’s claims are bogus. For starters, if there had been an “informal rule” against “extrajudicial speechmaking,” how is it that Justice William Brennan gave a speech in 1985 contesting the Reagan administration’s constitutional philosophy? Murphy also fails to distinguish away a handful of speeches by Justice Blackmun in the early to mid 1980s. Further, judicial-ethics rules expressly provide that, within broad limits, a judge “may speak, write, lecture, and teach on both law-related and non-legal subjects.” Murphy himself, writing an encyclopedia entry a few years ago, referred to extrajudicial activities of justices that “can involve activities as innocuous as giving a speech.”

Murphy’s claim that Scalia’s speeches and conduct could even remotely be compared to Fortas’s is absurd. As one account puts it, Fortas helped LBJ “draft pieces of legislation,” “revise[d] State of the Union addresses in the Oval Office,” “served as Johnson’s secret emissary to the Dominican Republic during a 1965 coup,” discussed with LBJ “issues then under consideration by the Supreme Court,” and accepted payment for serving on a foundation funded by Louis Wolfson, whose appeal of his criminal conviction was pending in federal court. That, it turns out, is Murphy’s own account from his encyclopedia entry, but no one reading his charge against Scalia would learn those inconvenient facts from this book.

For a biographer, Murphy has remarkably little insight into the mind of his subject. Perhaps that’s because he evidently never interviewed Scalia (beyond one brief conversation at a party—Murphy reconceives his confused questioning as a gotcha moment) or his family members, colleagues, friends, or law clerks. Murphy’s ignorance, however, doesn’t prevent him from engaging in endless implausible psychologizing.

Murphy, for example, asserts that a 1996 *Time* magazine article that argued that Jesus was an “imaginative theological construct” so “unsettled” Scalia that he “decided to lash out against [its] anti-religion message” in a speech. Never mind that Murphy gives no evidence that Scalia ever read the article or referred to it in his stock speech. Never mind that

Scalia was 60 years old, not six, at the time and had long been familiar with arguments of that genre. For Murphy, the mere fact that Scalia’s speech occurred a few days after the article was published is enough for him to assert that it “seemed to disturb Scalia profoundly.”

When convenient, Murphy frees himself from the minimal logical constraints that linear time imposes. It’s bad enough that he baselessly asserts that Scalia felt overshadowed when a pundit, in March 2008, proposed Clarence Thomas as a vice-presidential candidate for John McCain. (Murphy offers zero evidence that Scalia even knew of the pundit’s proposal.) It’s even worse that he claims that this supposed slight led Scalia to seek “a new media platform to restore his place in the conservative pantheon” and thus to travel to London in February 2008—the month *before* the pundit’s proposal.

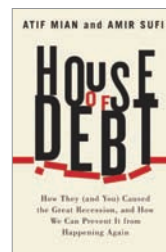
Murphy somehow imagines that Scalia was pleased to be the only originalist on the Court when he joined it, as he “would have the stage to himself, just as he liked it.” He even viciously insinuates that Scalia was happy that Judge Bork’s 1987 nomination was defeated, as “Scalia was now completely free of the intellectual shadow of Robert Bork” and “he and he alone would represent the original interpretation theory on the Supreme Court.”

Murphy’s book is rife with other witless errors, some rather striking. In the course of raising alarms over “a controlling majority of Catholic votes on the Court,” Murphy states that Chief Justice Roberts was once a member of the board of Feminists for Life. Really? In all the speculation during Roberts’s confirmation process over his views on *Roe v. Wade*, had everyone failed to notice that he had been on the board of a pro-life group? Fortunately, Murphy’s endnote cites his source for this surprising proposition, a *Washington Post* article that does indeed state that “Roberts instantly joined the [Feminists for Life] board.” Murphy misses, though, that the “Roberts” the article refers to is Jane Sullivan Roberts, the Chief’s wife.

Not everything in Murphy’s book is inept or unfair, and there are some chapters, especially on Scalia’s formative years and his career before joining the Court, that are interesting despite Murphy’s heavy-handed intrusions. But Murphy is such an unreliable guide that the reader will have no idea when he can be trusted. **NR**

# Roots of the 2008 Crisis

DAVID BECKWORTH



*House of Debt: How They (and You) Caused the Great Recession, and How We Can Prevent It from Happening Again*, by Atif Mian and Amir Sufi (Chicago, 192 pp., \$26)

THE “Great Recession” of 2007–09 was the most severe economic crisis since the Great Depression of the 1930s. The net worth of households fell \$13 trillion, the stock market declined more than 50 percent, and 8 million jobs were lost. The severity of this recession led many to question why it happened and what could be done to prevent it from happening again. Atif Mian and Amir Sufi provide answers to these questions in an accessible and engaging manner, and anyone wanting to better understand the Great Recession should read this book.

*Mr. Beckworth, formerly an economist at the U.S. Department of the Treasury, is an assistant professor of economics at Western Kentucky University and the editor of Boom and Bust Banking: The Causes and Cures of the Great Recession.*

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Mian and Sufi make the case that it was the large run-up in household debt between 2000 and 2007 that set the stage for the crisis. During this time, household debt doubled, to \$14 trillion, rising at a pace far faster than the growth of household income. Most of the debt was in the form of mortgages. When house prices started falling, the debt became unbearable and households were forced to start paying down or defaulting on their debt. This deleveraging by households led to a sharp collapse in consumption, which in turn ushered in the Great Recession. The authors note that rapid

recession was comparatively so mild: It was associated with a stock-market crash that mostly affected rich individuals who had very little debt. Their net worth was not destroyed by the stock-market crash. The 2007–09 recession, on the other hand, was tied to a housing-market crash that affected many middle-income Americans who were carrying a lot of debt. The authors provide evidence that supports this view for the early part of the recession: The U.S. counties whose residents were most indebted and had the largest net-worth declines were also the ones with the greatest pullbacks in spending

in money demand and a decrease in money supply—imply that an excess money-demand problem was at work during the crisis.

The problem, then, is as much about the excess demand for money by creditors as it is about the deleveraging of debtors. Why did creditors increase their money holdings rather than provide more spending to offset the debtors? This important question does not get the discussion it deserves in the book, but Mian and Sufi do briefly bring up a potential answer: the 0 percent lower bound (ZLB) on nominal interest rates.

## Given the **disparate distribution of assets and debt**, the Great Recession was almost inevitable.

debt accumulation and deleveraging also occurred in other countries during the same period—and occurred in the U.S. economy during the Great Depression. According to the authors, then, this boom–bust cycle in debt is the key to understanding the recent crisis.

They are not the first ones to make this observation, but they give an original explanation as to why the run-up and subsequent deleveraging of the debt was so problematic. They provide evidence that it was the distribution of debt that made it so harmful. Specifically, they show that most of the run-up in household debt occurred for individuals in the middle- and lower-income brackets, whose only significant asset was their home. Consequently, their net worth—assets minus debts—was low going into the crisis and highly susceptible to swings in housing prices. Higher-income individuals, by contrast, had less debt and a more diversified portfolio of assets, and therefore were not as dependent on housing to maintain their net worth. When housing prices fell 30 percent, this wiped out the net worth or equity of many middle- and lower-income households. They were now holding mortgages worth more than their homes and could no longer use them as collateral to borrow money. For many, it also meant their retirement investment was gone. As a result, they had to cut back on spending, and this further reinforced the downward spiral of falling home prices and deleveraging.

Mian and Sufi note that this understanding can explain why the 2001 recession

and increases in unemployment in 2007 and 2008. Middle- and lower-income households saw far larger percentage drops in net worth than richer ones did during this period.

The authors conclude that, given this uneven distribution of household debt and its implications for changes in net worth, the severe effect the sharp drop in home prices had on the economy should not come as a surprise. Given the disparate distribution of assets and debt, the Great Recession was almost inevitable. This conclusion, however, prompts an important question: Why should the decline in debtors' spending necessarily cause a recession?

Recall that for every debtor there is a creditor. That is, for every debtor who is cutting back on spending to pay down his debt, there is a creditor receiving more funds. The creditors could in principle provide an increase in spending to offset the decrease in debtors' spending. But in the recent crisis, they did not. Instead, households and non-financial firms that were creditors increased their holdings of safe, liquid assets. This increased the demand for money. This problem was exacerbated by the actions of banks and other financial firms. When a debtor paid down a loan owed to a bank, both loans and deposits fell. Since there were fewer new loans being made during this time, there was a net decline in deposits—and therefore in the money supply. This decline can be seen in broad money measures such as the Divisia M4 measure. These developments—an increase

The ZLB is a floor beneath which interest rates cannot go. This is because creditors would rather hold money at 0 percent than lend it out at a negative interest rate. This creates a big problem, because market clearing depends on interest rates' adjusting to reflect changes in the economy. In a depressed economy, firms sitting on cash would start investing their funds in tools, machines, and factories if interest rates fell low enough to make the expected return on such investments exceed the expected return on holding money. Even if the weak economy means the expected return on holding capital is low, falling interest rates at some point would still make it more profitable to invest in capital than to hold money. Similarly, households holding large amounts of money assets would start spending more if the return on holding money fell low enough to make household spending worthwhile. This is a natural market-healing process that occurs all the time. It breaks down when there is an increase in precautionary saving and a decrease in credit demand large enough to push interest rates to 0 percent. If interest rates need to adjust below 0 percent to spur creditors into providing the offsetting spending, this process will be thwarted by the ZLB.

It is the ZLB problem, then, rather than the debt deleveraging, that is the deeper reason for the Great Recession. Mian and Sufi do not acknowledge this point, but their evidence actually is consistent with it. Their findings that the most indebted, low-net-worth areas were hit hard while the less indebted, higher-net-worth areas

were relatively unscathed up through the end of 2008 fits well with the fact that the recession was mild until the last quarter of 2008. From this period on, all households were adversely affected—and it was during this subsequent period that the ZLB became a problem.

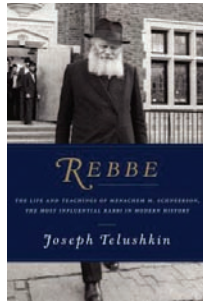
Moreover, research by Luigia Pistaferri and Itay Sporta Eksten of Stanford University shows that most of the actual decline in consumption from late 2008 to mid 2009 occurred in higher-wealth groups. Consistent with this finding, they also show, using survey data, that the top income groups became the most pessimistic during the crisis. Consequently, the Mian and Sufi account makes sense only for the mild stage of the recession.

Still, the authors note, correctly, that the debt crises are *associated* with economies' hitting the ZLB. They argue, therefore, that it is important to avoid debt crisis in the future. They propose that we do this by changing debt contracts so that lenders share in both the risk and the return borrowers face. They specifically call for a risk-sharing mortgage, in which the lender would share in house-price gains but would reduce the loan principal if house prices fell. That way, both lender and borrower share in the upside as well as the downside of the home investment. This effectively would make the mortgage like an equity investment for the lender. If adopted, this proposal would mean that a collapse in housing prices would not destroy the net worth of ordinary Americans. It also would nicely align incentives up front: Lenders would be more careful in choosing to whom they lent, and this would minimize the chances of housing boom–bust cycles' occurring in the first place. Others have made similar suggestions for student loans. There is much to like in these proposals to make debt more like equity.

Mian and Sufi have produced an interesting book that provides a unique explanation of why debt was so important to the crisis, and their risk-sharing mortgage is an innovative proposal for avoiding future debt crises. Though they undersell the importance of the ZLB in creating the Great Recession, the authors do make a solid case that these crises are not inevitable. Better policies—such as more risk-sharing in debt contracts—arguably could prevent them from happening. Let's hope policy-makers are listening. **NR**

# Redemption Road

ABBY W. SCHACHTER



*Rebbe: The Life and Teachings of Menachem M. Schneerson, the Most Influential Rabbi in Modern History*, by Joseph Telushkin (Harper Wave, 640 pp., \$29.99)

A Jew may say to you, “Why can’t you leave me alone? Why can’t you just go and do your thing and let me do mine? What does it bother you if I drill this little hole in my little boat?” You must answer him: “There is only one boat, and we are all in it together.”

—Rabbi Menachem Mendel Schneerson

**T**HE statement above is typical of the attitude and driving mission of the seventh Lubavitcher Rebbe. Rabbi Schneerson spoke often about the oneness of the Jewish people as well as the unity of all humanity. As Joseph Telushkin explains in his impressive and expansive new biography, Schneerson “saw America as perhaps the first society in which there was a hope of carrying out Judaism’s universal mission: not to make the whole world Jewish but to bring the world, starting with the United States, to a full awareness of One God.” And Schneerson wasn’t satisfied with keeping the mission within the boundaries of the United States, either.

His movement, Chabad Lubavitch, is a branch of Orthodox Judaism founded in 1775 in Russia. *Chabad* is an acronym for *hochma* (wisdom), *bina* (understanding), and *da’at* (knowledge); Lubavitch is the town where the movement was based for

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more than a century. With the emigration of the sixth Rebbe in 1940, the center of the movement moved from Russia to America. Menachem Schneerson was born on April 18, 1902, in southern Ukraine and, like his father-in-law (the sixth Rebbe), he fled Europe and the Holocaust for the United States.

In America, Chabad adherents found a safe place to thrive and to spread their message. Schneerson became the seventh Rebbe in 1951, but even before his ascension, he was a force to be reckoned with, because of his expansive knowledge both of Jewish law and of secular subjects. He rapidly pushed the movement to expand into new places, and into new means of serving others. Supporting education for girls; establishing mitzvah tanks (vans) that drive around seeking Jewish men, to encourage them in religious observances, such as the wearing of *tefillin* (phylacteries); and promoting the lighting of Sabbath and Chanukah candles, as well as public celebrations of such lesser-known Jewish holidays as Lag Ba’omer—all these recent developments in Jewish life were instigated or inspired by Schneerson. It is important to remember that public expressions of Jewish religious rituals and customs used to be rare to nonexistent among American Jews. One of Schneerson’s many gifts was the Jewish self-confidence and pride he felt, and that he demanded his followers display.

The success of Chabad is undeniable, especially in the two decades since Schneerson’s death in 1994. “To the amazement of outsiders . . . the movement has more than doubled in the years since the Rebbe died,” Telushkin notes. “[Chabad] is represented in approximately 80 countries and Chabad houses are present in 48 out of the 50 American states.” As the movement itself proclaims on its website, today “4,000 full-time emissary families apply 250-year-old principles and philosophy to direct more than 3,300 institutions (and a workforce that numbers in the tens of thousands).”

Chabad’s success in the post-Schneerson era may sound surprising, but it shouldn’t be, given Schneerson’s attitude toward building leadership and independence among his followers. In a 1972 *New York Times* interview, Schneerson said, “I am not a *tzaddik* [righteous man]. I have never given a reason for a cult of personality and I do all in my power to dissuade [my followers] from making it that.” As

much as the modern Chabad movement is associated with him, Schneerson did in fact encourage the individual abilities of all his adherents and emissaries. As he put it in the same interview, Schneerson saw his role as “awakening in everyone the potential he [or she] has.”

In this respect, Schneerson could be more demanding and disciplined even than the military. Here’s his response to one Rabbi Moshe Yitzhak Hecht, who wrote from his posting in New Haven, Conn., pleading for help in handling his myriad responsibilities. “I have already done as you have suggested and I sent [to New Haven] Rabbi Moshe Yitzhak Hecht,” Schneerson wrote. “It is apparent from your letters, both this and the previous one, that you don’t yet know him, and you don’t know the strengths that were given to him. You should at least try to get to know him now, and then everything will immediately change; the mood, the trust in God, the daily joy, etc.”

Rabbi Lord Jonathan Sacks, the former chief rabbi of the United Kingdom, says that Schneerson’s insistent manner made a “profound” impression. “I had been told [Schneerson] was a man with thousands of followers. After I met him, I understood that the opposite was the case. A good leader creates followers. A great leader creates leaders. More than the Rebbe was a leader, he created leadership in others.”

Schneerson promoted the idea of sending emissaries (*shluchim*), often husband-and-wife teams, to college campuses and out-of-the-way communities with few Jews, to minister to the basic needs of all Jews, whether religiously observant or unaffiliated. The emissaries are independent, and become entrepreneurs and innovators even as they promote traditional Jewish practice. “Followers can be turned into leaders only by leaders who want to do so,” Telushkin writes. “In sending out [emissaries], the Rebbe knew that for them to impact the communities into which they were sent their own leadership skills had to be cultivated.”

Schneerson was intensely focused on getting the job—any job—done. He believed, Telushkin explains, “that the extra bit of effort might be exactly what is necessary to bring about the world’s redemption.” A case in point: In December 1978, an emissary from apartheid-era South Africa told Schneerson of the difficult conditions for Jewish prisoners there. Schneerson asked whether they were allowed to light Chanukah candles, which they weren’t. “Do you realize how much a little bit of light would mean to a person incarcerated in a dark cell?” Schneerson asked. “Can’t you arrange for the prisoners to light Chanukah candles?” When the emissary said he would ask upon his return to South Africa, Schneerson immediately suggested that he call right away.

The emissary explained that it was only a week or so before the holiday and that it was the middle of the night. How could the emissary call the chief of prisons at 3 A.M.? Schneerson replied that calling in the middle of the night would only serve to impress the “matter’s urgency.” And it worked. Indeed, when the emissary reported his success, Schneerson immediately asked him to do the same for Jewish prisoners in New York State, for that year’s Chanukah observance.

That’s the sort of attitude that wins victories—and encourages high levels of devotion: Some of Schneerson’s adherents have promoted the idea that he is the Messiah. Telushkin rejects this notion but makes a compelling case that the campaign for Schneerson as Messiah is misunderstood by Jews and non-Jews alike. Jewish tradition lists a series of attributes that the Messiah must possess and, as Telushkin explains, every Lubavitcher knew that Schneerson, in his lifetime, had not attained them all; so why do some of them promote this idea? The answer is that Judaism’s vision for a redeemer is different from that of traditional Christianity: As Telushkin explains, Judaism teaches that “in every generation there is one righteous man who merits to be the Messiah.” Many Lubavitchers fervently believed that if anyone had that potential in their own generation, it was certainly the Rebbe. Lubavitchers knew, Telushkin writes, that “he had not completed the tasks set forth in Maimonides and all the traditional sources but they were also sure that if there was anyone in this generation who could fulfill these tasks it would be Menachem Mendel Schneerson.”

Schneerson himself denied he was the Messiah and, in the two decades since his death, the calls for his recognition as such have lessened. But Telushkin also makes clear that Schneerson was an advocate of promoting the idea that actions in the here and now could hasten the Messiah’s arrival. “What comes through very palpably from reading and listening to [Schneerson’s] talks on this subject is his passion for [the notion] that world redemption via the Messiah must happen soon and that people must do everything in their power to influence it to happen.” To the end of his days, Schneerson remained committed to a singular idea: There is only one boat and we are all in it together. **NR**

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## MY WRECK

Somewhere Hopkins refers to his great long  
Ode as *my wreck*, as possessive as a salvager  
Tossing sand dunes for rubble the day after.

And somewhere a critic says Hopkins thought  
*Vòlpone* a great play. I can’t locate either  
At the moment, but they are out there

Barely visible on the horizon as you  
Fall asleep into the terrible weather  
Of a dream, a collision in an hour-glass

And awake from a threadbare epic.  
How much clearer at dawn is the memory  
Of a motionless figure covered by snow

A statue at night oblivious to the storm,  
The old bronze general riding south,  
Whose four-o’clock-in-the-morning courage

Astonished those around him, as alone  
Now as the statue of St. Joan a mile away  
Rising out of the wreckage of the past.

—LAWRENCE DUGAN



Film

# Into the Past

ROSS DOUTHAT

**I**DA, a small black-and-white masterpiece currently getting its American release, is set in Poland in the 1960s, and it feels as if it could have been filmed in the '60s as well: It's like finding a lost Bresson or Bergman in a time capsule, a missing link from the age of the auteur.

The director is Pawel Pawlikowski, a Pole who spent his childhood under Communism and then moved with his parents to the United Kingdom when he was a teenager. He has made his career to date in England, as an English-language filmmaker, so this is a homecoming, a return—a triumphant one for the director, built on the rather darker journey that his characters undertake.

They are a young woman and her aunt, meeting for the first time since World War II. The young woman, Ida (Agata Trzebuchowska), raised in a convent and unacquainted with the world outside its walls, is weeks away from making her final vows when the mother superior sends her out to meet her only living relative, whom she knows only as the person who repeatedly declined to take over her rearing from the nuns. That relative, her aunt Wanda (Agata Kulesza), is worldly and weary, once a true-believing state prosecutor for the Polish Communist regime—"Red Wanda," they called her—and now a disillusioned apparatchik in middle age, who smokes and drinks and takes men home without seeming to find much enjoyment in it.

She is also Jewish, as was their entire family—a fact with which her niece, the future nun, was previously unacquainted. And soon the women, oddly matched, are on a journey into the Polish countryside to find the place where Ida's parents—who were killed, of course, during the war, though at whose hands is initially unclear—found their final (or, it turns out, not quite final) resting place.

The journey offers a test of faith, a study in human contrasts—old and young, cynical and innocent, secular/Jewish and

Catholic—and a partial (and eventually literal) excavation of the crimes and horrors and tragedies that Poland's Communist regime tried to seal away under ideology and drab concrete. A few developments are predictable—when the women pick up a young hitchhiking saxophonist (Dawid Ogrodnik), you will not be surprised at the role he ends up playing in Ida's encounter with the world—but the overall narrative, its various turns and twists and endings, is neither tidy nor simplistic. This is a film in which many different strands entangle, and Pawlikowski treats all of them—religion, psychology, history—with the seriousness they deserve. (The contrast with how a Hollywood studio would handle

tered, tragedy-stalked character. But as Ida's encounter with the world proceeds, her inscrutability lends a significance to small gestures—a lifted lip, a widened eye—that amplifies every hint of feeling, every sign of alteration or uncertainty or sorrow. We don't know exactly what's happening in her depths, but you have a sense that the secrets of the universe are being worked out there, behind her eyes and underneath her wimple.

In addition to using black-and-white, Pawlikowski has shot the film in a determinedly old-fashioned style: The aspect ratio is the boxy 1.33:1; the camera is positioned and then rarely moves; the music is mostly what the characters hear on radios and gramophones and



Agata Trzebuchowska in *Ida*

the same material is too painful to be contemplated, as is the number of Oscar nominations the end result would probably receive.)

Kulesza is a celebrated Polish actress, and she lives up to that reputation here. Trzebuchowska is an unknown, reportedly plucked from a café for the role, and for a while she is overshadowed by the older actress—remaining inscrutable and implausibly placid, despite a wide and wide-eyed face, while Kulesza unpeels layer after layer from her embittered,

what they play themselves. Many shots place the characters below the midpoint of the frame, so that we have a kind of hovering view of them—something in between a God's-eye view and a human one, like the perspective of the angels, or the not-yet-ascended dead.

Those dead haunt *Ida*, and Pawlikowski, the returning native, delivers a small piece of the long-denied remembering they deserve. Poland is fortunate to have his talent. We are fortunate to have this movie. **NR**

## The Always-Already Progressive

**L**AST week, Hillary Rodham Clinton—who, readers may not recall, is a former secretary of state and United States senator from New York, and is coincidentally the wife of William Jefferson Clinton—had a somewhat heated exchange with NPR’s Terry Gross over whether there was a political “calculus” behind her flip-flop on gay marriage. Clinton had been against gay marriage as a presidential candidate in 2008, only to come out in favor shortly after leaving the State Department in 2013.

Madam Secretary, who both resented and resembled Gross’s remark, let the host have it for “playing with [her] words” and pivoted to the official script the DNC issued sometime around 2011. Her position, Clinton said, had merely “evolved.”

For her part, Gross seemed wounded by Hillary’s hostility, as if it had been clear she was merely giving her guest a public-radio secret handshake for having been clandestinely pro-“marriage equality” all along, even before it was safe to tell the masses.

But one can understand Clinton’s testiness on the subject, especially considering the presidential overtones, under-tones, and plain-old tones of the book tour she’s currently on. Given where her party’s consensus has moved over just the last few years, it’s a dangerous time to have ever been against gay marriage.

That leaves Mrs. Clinton in a dilemma. Either Gross is right, and she’s been misleading voters for years in a kind of time-release Noble Lie—a hypocrisy that was not inert; her husband signed the Defense of Marriage Act—or else she really did hold the views of people *her* people now consider abominable bigots, and held them as recently as 2012.

If this sounds familiar, it’s because it’s also true of Barack Obama, and in the coming years it will be true of just about every nationally relevant Democrat over the age of 45 who is asked about gay marriage. The question will become a sort of quantum-measurement event, which causes the amorphous beliefs of an entire aging generation to collapse into their own palatable “evolution” narratives.

Now I have no problem with the idea that a person’s views on the politics of marriage could evolve over time (mine certainly have). But it makes many in the progressive policy vanguard profoundly uneasy, and forces them to swallow the Straussian view—that Clinton has been One of Us all along, and was waiting for the hoi polloi to catch up—as the lesser of two ills.

The reason they are willing to stomach this level of dishonesty and hypocrisy has something to do with contempt for popular opinion, to be sure. But it is also bound up with

what could be called the *always-alreadyness* of the progressive self-conception. “Always-already” is a clunky translation of a German adverb of art that has its roots in Marx and Heidegger and is still bandied about by the critical-theory set. But for our purposes the important part is that it describes a kind of cognitive point of no return, like the event horizon of a black hole. Once you’re inside it, it becomes impossible not only to go back, but even to *conceive* what it was like outside.

There are traces of the always-already in the parable of Pandora, or Adam’s bite at the apple: Man is always already fallen. Or, to use a more earthly example, one could talk about the acquisition of consciousness, either by our remote ancestors or ourselves as infants, in these terms. That is, we find ourselves always already cogitating.

The things about us that are always-already are no longer accidental or even essential properties, but so inextricably a part of our being that they are indivisible from it. And that’s the thing that you have to know about the progressive self-conception, the thing that makes Hillary’s dilemma—either she’s a lying hypocrite or she held Rick Santorum’s views two years ago—so agonizing for her fans on the left. Progressivism, you see, is always already “on the right side of history.”

In practice, this means that once a view achieves hegemony within the movement and is folded into its corporate body of beliefs, it becomes impossible to comprehend a place and time in which a right-thinking person could hold all the other progressive views without holding the *newest* progressive view. Progressivism short of support for gay marriage isn’t progressivism at all, and in a critical sense, *it never was*. The principle applies when progressives decide to shed views as well. Progressives were *always already* against, e.g., sterilization or prohibition.

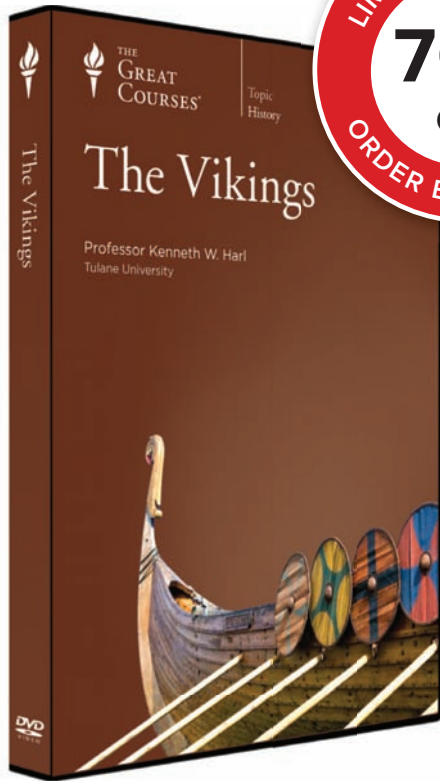
This always-alreadyness accounts for the frequent conservative complaint that the Left is ignorant of its own history. In the case of gay marriage, always-alreadyness by necessity obscures that some of the earliest organized support came from the burgeoning libertarian movement of the Seventies, whose remnant is now the most vital force in the GOP. So too does it ignore that Barack Obama’s adviser at Occidental, typical among the gay radicals who came up in a pre-Andrew Sullivan world, was utterly indifferent to his pupil’s “evolution” on marriage, viewing the institution as a hetero-bourgeois backwater.

But the myopia of the always-already extends into the future as well. It’s why I am in the habit of asking my lefty friends, as they scoff at some item of red-state backwardness, whether they worry about committing unknowing acts of bigotry for which their progressive successors will judge them.

They’re usually confused by the question. Bigotry is always already conservative.

NR

*Mr. Foster is a political consultant and a former news editor of NATIONAL REVIEW ONLINE.*



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