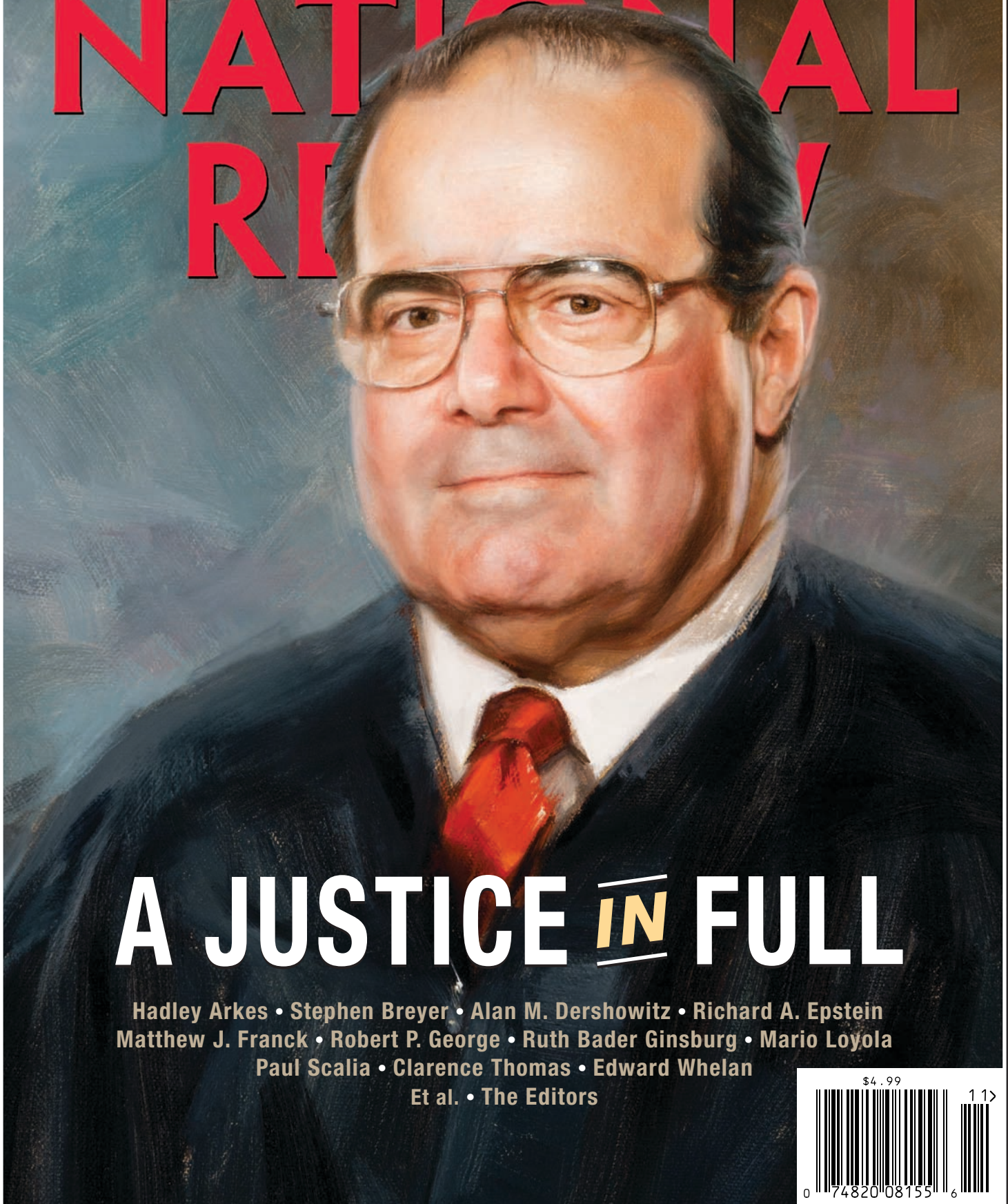


JOHN O'SULLIVAN:
What Mrs. Thatcher Wrought

KEVIN D. WILLIAMSON:
Why We Hate Wall Street

NATIONAL REVIEW



A JUSTICE **IN** FULL

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America: Step Up, Wake Up, Wise Up

By Gen. Frederick J. Kroesen, *U.S. Army retired*

The American Security Council Foundation has produced a noble program called Step Up America, which is designed to help educate young Americans about their culture, their government, and the history of the design and growth of the most successful, powerful and humanitarian nation the world has ever seen.

Unfortunately, there is now a requirement for a corollary program. Some might call it Wake Up America, but I think Wise Up America is more appropriate. Existing forces—some domestic, some international—are working or threatening to damage, if not destroy, our nation.

The world has become more unfriendly, principally the Islamic terrorists who are not averse to a generational religious war fought with suicide attacks from land, sea or air—or with weapons of mass destruction, should they become available. That threat is growing, destabilizing the Muslim world, invading Europe and Africa, and creating subversive cells in the United States.

A second threat is the expansionism of Russia, which has committed air power to settle the Muslim disagreements and establish a foothold in Syria, building an airfield to protect its naval base. No ground forces are to be committed except, of course, a few thousand to secure the air base. From these operations will come an influence on control of the production and distribution of Mideast oil, and access and egress in the Persian Gulf. Additionally, Russian action in Eastern Europe threatens its neighbors with indications of wishing to restore some of the borders of the Soviet Union, some of which include NATO nations.

Another disruptive threat encompasses East and Southeast Asia, where the North Koreans are ever more dangerous as they contemplate the use of their nuclear arsenal to reunite the peninsula. The role of China in another Korean dispute is unknown, but the steady buildup of Chinese military capabilities and their claim to sovereignty over islands and waterways in the South China Sea are potential trouble spots. Threats to U.S. naval operations in the Western Pacific from both China and North Korea are tangible.

The threat list includes many more potential requirements for a counter-military involvement: protecting embassies, cyberwarfare, border disputes, and the growth and use of weapons of mass destruction around the world. We are committed formally and morally to allies around the world (NATO, Israel, South Korea, Philippines, Taiwan) and perhaps to places where unforeseen crises occur (Kuwait, Grenada, Bosnia).

There can be no doubt about the potential need for capable joint

American forces to be ready to combat such threats. Instead, we have an antiquated nuclear deterrent of suspect reliability, and conventional forces that are being reduced by budget and structure limitations to a state of questionable capability for achieving the minimum requirements of the National Defense Strategy. Specific details of the limitations of the joint forces are beyond the scope of this column, but those of the Army component essential for any operation are especially worrisome.

Current defense strategy for which an Army of 490,000 active, 205,000 Reserve and 350,000 National Guard soldiers was considered adequate by the Joint Chiefs of Staff is now programmed at an “acceptable” 450,000, 195,000 and 335,000, respectively; and forebodingly, at an “affordable” 420,000, 185,000 and 315,000. But end-strength reductions are not the only worrisome issue. The impact on Army combat capabilities includes a drastic loss of experience as the captains, majors, colonels and sergeants of the recent wars must be terminated.

The Defense Officer Personnel Management Act requires reductions of officers by grade as percentages of the total force. Other congressional limitations apply the same kind of rules to noncommissioned officers. The officer reductions are further increased by the normal practice of introducing thousands of second lieutenants earning commissions as they graduate from the U.S. Military Academy and ROTC colleges who must be assimilated to maintain a year-group balance in the force. Finally, there are requirements to continue social changes that will force additional leaders out. It will take years to restore the leadership experience that will be lost.

Modernization of the Army becomes almost a dead issue as more than 100 weapons and equipment programs are modified or canceled and new starts are halted completely. Army structure, measured in brigade combat teams, will be reduced more than 40 percent while the mission requirements continue to demand the same rate of rapid rotation burdened by soldiers during the last decade.

The Army will continue to provide the high-quality forces to respond immediately to meet crisis needs. But very early and against any well-prepared enemy, it will be faced with expending rather than sustaining combat efforts. A replica of the Bataan Death March is a haunting portent. The move from step up to wake up to wise up is already at hand for both Congress and the American people.

Gen. Frederick J. Kroesen, USA Ret., formerly served as vice chief of staff of the U.S. Army and commander in chief of U.S. Army Europe. He is a senior fellow of AUSA's Institute of Land Warfare.

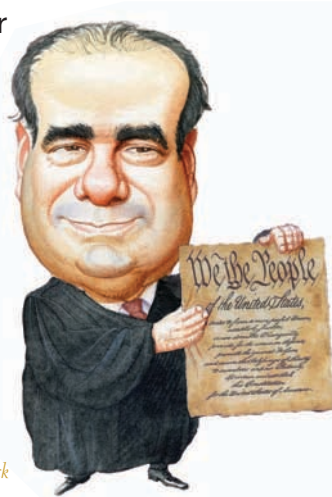
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Justice Scalia was rightly celebrated for his brilliant reasoning and his rapier-sharp prose style. From his majority opinions on free exercise of religion and Second Amendment rights to his famous dissents on the independent counsel, abortion, and same-sex marriage, among countless others, Scalia authored more opinions that will be read a century hence than anyone since John Marshall. *Matthew J. Franck*



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Letters



Opiate Withdrawal: Discomforting or Deadly?

Kevin D. Williamson is mistaken as to the severity of withdrawal from opiates (“From Oxy to Overdose,” February 29). The withdrawal can be brutal, sometimes worse than is depicted in movies and books, and I’ve seen people die. Ultimately, the withdrawal aspect of addiction is a relatively small part of the picture, regardless of its severity (unless it kills you, which sucks).

I disagree with your idea that treatment will necessarily cost a lot of money. I’ve worked with addicts in various settings and circumstances for many years, and the money and programs mean very little. Recovery doesn’t happen until a person is ready to go to any lengths to get it—but once ready, “it” is free. Addiction differs from other “diseases” in that its treatment calls for a level of willingness and honesty that isn’t germane in, say, the treatment of cancer.

John Meyers, M.D.
New Canaan, Conn.

KEVIN D. WILLIAMSON RESPONDS: There is nothing in the clinical literature to support these dramatic claims about opiate withdrawal. Death from opiate withdrawal is practically unheard of, though there have been a few deaths from secondary health problems exacerbated by the stress of withdrawal, the main symptoms of which are insomnia and discomfort. I would point Dr. Meyers to *Drugs of Abuse and Addiction: Neurobehavioral Toxicology*, and repeat my recommendation of Theodore Dalrymple’s excellent *Romancing Opiates*, which cites, among other findings, a review of nearly a century’s worth of opiate-addiction data in which not a single case of death from withdrawal is documented.

The Best is Yet to Croon

Stipulated: Jousting over musical preferences is generally pointless—but your recent squib (“The Week,” December 3) lauding Frank Sinatra as “quite simply the best American pop singer ever” flatly overwhelms any reticence I maintain about debating the subject. Sinatra: a commercially successful entertainer? Clearly. A uniquely consequential figure in the history of modern music? No doubt. But—the “best American pop singer ever”? Preposterous. I won’t even bother listing those who could challenge ol’ blue eyes on that claim—a certain swivel-hipped phenom out of Mississippi favored by the late founder of this publication comes to mind—because specifically what other bard merits the honorific “the best” is fodder for another squabble.

Steve Pauwels
Londonderry, N.H.

CORRECTION

In “The Champ and Mr. X” (February 29), the paragraph beginning “Haley manipulated . . .” was a quotation from the book, by Randy Roberts and Johnny Smith, that James Rosen was reviewing. It was, however, mistakenly printed in the same format as the rest of the review rather than identified as a quotation. We regret the error.

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



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The Week

■ If Trump shot somebody on Fifth Avenue, Cruz and Rubio would blame each other.

■ After a limp finish in South Carolina, Jeb Bush ended his campaign. He was felled by the populist temper of the times, and even more by his own failure to come to grips with it. When Donald Trump or Marco Rubio punched or counter-punched, he could not respond. A good governor of Florida at the turn of the century, he had been out of the game too long. He seemed to be running out of a sense of family obligation. There may be a natural two-person limit on family dynasties at the presidential level. In the 19th century, Charles Francis Adams, son and grandson of presidents, lost a third-party nomination out of a combination of haughtiness and distaste. Now Jeb follows father and brother off the stage. *Frater ave atque vale.*

■ When two publicity hounds chase the same scent, headlines ensue. Pope Francis, giving an interview on a flight home from Mexico, said “a person who thinks only about building walls . . . and not building bridges, is not Christian.” Donald Trump, taking the remark as an attack on his immigration rhetoric, called it “disgraceful.” The fight ended almost immediately: A Vatican spokesman repeated what Francis had himself said, that he was not giving voters advice, while Trump called the pope a “wonderful guy.” Yet the bad impression left by the initial dogfight remains. Pope Francis is happy to cast himself as a man of Latin America, nipping at *el Norte*. Trump, who questions the faith of others—recall his slurs of Ben Carson and Ted Cruz—bays when anyone yanks his chain.

■ Washington was a surveyor, Lincoln worked on a riverboat, Reagan was a lifeguard. And how did young man Sanders pass his days? In 1963, he worked on a kibbutz in Israel. The Sanders campaign has never said which, but in a 1990 interview with the Israeli newspaper *Haaretz*, Sanders gave the name: Shaar Haamakim. This was a hard-left kibbutz, founded by a movement of Marxist Zionists: Ten years before Sanders went there, they had mourned Stalin’s death; in his day, they still flew the red flag and sang “The Internationale.” It recalls the youthful follies of half the founding editors of NATIONAL REVIEW—except they repented their delusions while Sanders barely modified his: running for office in Vermont as a Socialist, taking his second wife on a honeymoon in the Soviet Union. The most Sanders appears to have learned about his past is to hide it. *That old red magic’s got me in its spell . . .*

■ Hillary Clinton beat Sanders in the Nevada caucuses, 52.6 percent to 47.3 percent. Do the math: She notched a squeaker victory in Iowa, a crushing defeat in New Hampshire, and a small but solid win in Nevada. On with the struggle! But do the math again: Thanks to superdelegates who hail from the Democratic establishment, she has 502 delegates to 70 for Sanders (2,383 are



needed to win). Clinton swept Nevada’s black vote; blacks did the pride thing in 2008, now they want the sure thing. As a young woman, Clinton was every bit as left as Sanders (she interned for Robert Treuhaft, a pro-Communist lawyer). But she has shifted her shape so many times since that the only authentic things about her now are avarice and ambition. e. e. cummings savagely wrote: “A politician is an arse upon / which everyone has sat except a man.” Hillary’s gift to feminism is to have applied that couplet to the ladies.

■ Killer Mike, a rapper and a surrogate of the Sanders campaign, said something at a rally at Morehouse College in February that got him into trouble: “A uterus doesn’t qualify you to be president.” The self-evident truth of the statement didn’t prevent its being deemed sexist by online commentators and Hillary Clinton supporters such as NARAL. Killer Mike protested that he had merely been repeating something a “progressive activist woman” friend had told him. Alas, even these bona fides did not placate his critics. A *Vox* explainer noted that it was “crude and demeaning” to suggest that the rationale of Clinton’s candidacy can be reduced “to her reproductive organs.” Someone ought to get this news to the Clinton campaign.

■ “Given the track record of this president and the experience of obfuscation at the hearings, with respect to the Supreme Court, at least: I will recommend to my colleagues that we should not confirm a Supreme Court nominee except in extraordinary circum-

BAD NEWS FOR SURVIVAL FOOD



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Just as we were beginning our investigation, our warehouse manager was shocked to receive a call from an agency official.

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- ▶ **How quickly we can produce more?**
- ▶ **Where is inventory kept?**
- ▶ **Just how fast could they get their hands on it?**

We don't know about you, but any time outsiders start prying into the affairs of private businesses like ours, we can't help but get concerned – and frankly, we are. After all, here's an agency we never heard from before suddenly asking questions about foods intended solely for emergency use in a disaster. Certainly makes you think, doesn't it?

Something just happened that explains why tons and tons of survival food are literally flying off warehouse shelves. We've never seen anything like it before. Right now, our truckers can barely keep up with the rapidly rising demand. We have even been getting reports that this food is actually sold out in many parts of the country – and unfortunately, may be for a while.

What the heck is going on?

We were determined to figure out why so much survival food has been disappearing... and where it was going. So we did some digging around on our own and it paid off. Wait until you see what we found out. It caught us totally by surprise because it involves a well-known agency that is responsible for aiding Americans in times of crisis. The possibility that they could have something to do with a potential survival food shortage made no sense to us ... unless they knew something we didn't. We were determined to discover the truth for ourselves – and for you.

Know what we heard? Nothing.

It's like talking to a wall. But we're going to keep the pressure on until we get some believable information. The truth

is, revealing a plot like this could land us in some serious hot water. There's a reason they're not going public with any details. But we are absolutely convinced they are up to something. And we think you and every other American deserves an explanation.

Listen, we all know most people will be woefully unprepared when disaster strikes. The smart among us prefer to take steps to ensure that in a crisis, we won't be relying on someone else to take care of our families. That's our job.

Anyone not taking action will find themselves in the same boat as millions of other brainwashed souls who go through life thinking everything is fine. Until one day it is definitely not fine and they are OUT OF LUCK!

Go to GETFOOD6.COM right now.

We just posted a free video presentation that exposes the truth. You can view it right now at GETFOOD6.COM. We have to warn you that you'll probably think what it shows is really disturbing. Because it sure seems like the American people are being kept in the dark about something that could threaten not only our way of life, but even our very lives.

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you'll also learn what is the #1 item to hoard in a crisis and why supplies of this critical item are so low in some places or even completely gone – unavailable at any price.

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stances.” So spoke Chuck Schumer in 2007, and what he recommended was certainly within the Senate’s constitutional authority. Now that it’s a Democratic president, the New York senator is trying to explain away his remarks—and similar remarks made by Harry Reid in 2007 and Joe Biden in 1992—to suggest that Republicans are under a constitutional obligation to proceed with an Obama nominee to replace Justice Antonin Scalia. But the Senate Republicans are right to say that filling the vacancy can wait. The Court will conclude oral arguments in the current term by the end of April; no justice arriving after that could participate in a single one of this year’s cases, and confirmation in time to consider even a handful of them would entail an unseemly rush. And the justices can begin the October 2016 term shorthanded without any difficulty, setting the calendar to wait until early 2017 before taking up the most critical cases. With the Court so evenly divided, with President Obama such a proven devotee of a living Constitution that simultaneously upends settled legal

tanamo Bay is a drain on American coffers while studiously ignoring the prodigious sums it would require to harden, say, federal “supermax” prisons sufficiently to ensure that they would be secure enough to hold terrorists. Of course, the president’s main argument for closing the Guantanamo Bay detention center is that it inspires terrorism, against the U.S. and against our allies. But Islamist ideology inspires terrorism, and that ideology will persist whether Guantanamo Bay is kept open or not. The president is aiming to fulfill a long-postponed campaign promise, and the Congress, now tasked with weighing his plan, should keep that firmly in mind. A president’s legacy-building should not entail a risk to American security, at home or abroad.

■ Once or twice a year, the progressives who get their news from NPR and comedians pronounce themselves shocked and surprised that they agree with Charles Koch. That is because they have taken for reality the fiction that Koch desires to drag chil-

Apple should be working with the FBI to try to catch the terrorists before we have yet another San Bernardino, or worse.

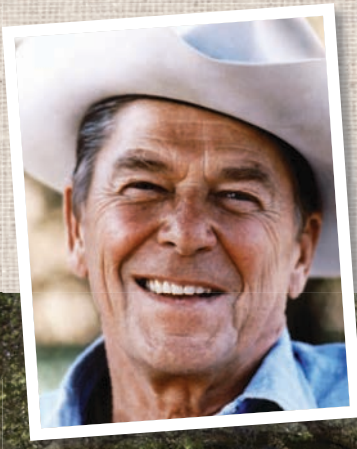
understandings and liberates executive power, and with an election less than nine months away, the Schumer standard—the old one, that is—has never been more appropriate.

■ President Obama announced that he will travel to Cuba. This was a natural follow-on from his opening to the Castro regime after our midterm elections in 2014. The Castros have always dreamed of a rapprochement with the United States—on their terms. The American Left has always dreamed of essentially the same thing. With Obama, the day has arrived. Since the president’s opening in late 2014, repression in Cuba has gotten worse. The democracy movement feels abandoned. While in Cuba, will Obama speak up for democracy, human rights, and freedom? Will he insist on meeting with dissidents, as well as their persecutors? Will he meet with the dictator emeritus, Fidel, as well as the current dictator, Raúl? They both have much blood on their hands, including American blood. This is an ignominious moment for the United States. And Obama has a year to go: On to Tehran.

■ On the same morning that the president announced his plan to close the detention center at Guantanamo Bay, Spanish and Moroccan police arrested four suspected members of an Islamic terrorist cell, among whom is a former Guantanamo detainee. Alas, that grim juxtaposition is unlikely to dissuade the president from his reckless course. Ninety-one detainees remain at Guantanamo Bay, down from nearly 250 at the beginning of Barack Obama’s administration. The president’s plan calls for the continued transfer of Guantanamo detainees to willing countries and, where that is not possible, for housing remaining detainees on American soil. Both have always been, and remain, bad ideas. The release of Guantanamo detainees has proven calamitous, with a recidivism rate as high as 30 percent, and the president’s plan offers no way to mitigate the risk that detainees would return to the battlefield. Meanwhile, he argues that Guan-

dren screaming out of their kindergartens and force-feed them crude oil before diving into a pile of gold ducats like Scrooge McDuck. The latest episode was spurred by an op-ed in the *Washington Post* written by Koch, in which the lifelong libertarian political activist opined that Senator Bernie Sanders, the Brooklyn socialist who represents Vermont, is right about a few things, namely that current U.S. economic practices really do favor market incumbents and that the U.S. criminal-justice system is in dire need of reform. Koch argues that this common-with-Sanders ground should be built on, “in spite of the fact that he often misrepresents where I stand on issues.” It is a long-standing part of the libertarian view that excessive regulation, subsidies, and what’s broadly known as “corporate welfare” tend to accrue to the advantage of large, established firms and politically connected business interests, and that heavy reliance on the criminal-justice system in the management of such social problems as drug addiction is unnecessarily punitive, especially for the poor. The dream of a Left–Right alliance on these issues (along with foreign policy) goes back at least to Murray Rothbard. There is a reason that dream has not come to pass, but Koch deserves credit for his eternal optimism.

■ Tech giant Apple is resisting a court directive that it help the FBI gain access to the iPhone of Syed Rizwan Farook, the deceased San Bernardino jihadist who, with his wife, killed 14 people in San Bernardino on December 2. There are good reasons to criticize Apple. The government has overwhelming probable cause to search the phone. There is a compelling public interest in identifying other jihadists and terror plots about which the phone data might provide evidence. And in the narrow confines of this case, Apple is protecting nobody’s privacy: Farook is dead, and the phone belongs to his employer, the San Bernardino County Department of Public Health. Apple should be working with the FBI to try to catch the terrorists before we have yet another San Bernardino, or worse. Apple may be right



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to worry about a broader law-enforcement push to defeat encryption on its phones, but in this case it is clearly in the wrong.

■ More than half the states in the country now enjoy right-to-work laws, following West Virginia's decision to become the 26th, as Republican lawmakers overrode the veto of a bill by Democratic governor Earl Ray Tomblin. This success marks another development in the stunning transformation of West Virginia from one of the most solidly Democratic states to one where Republicans can compete and win, as they did in 2014, when they secured a legislative majority for the first time since the 1930s. It also highlights the continuing resurgence of the right-to-work movement, which since 2012 has notched victories in the Big Labor strongholds of Indiana, Michigan, and Wisconsin. Near-future opportunities lie in Kentucky, Missouri, and Montana. The idea that nobody should be forced to join a union never has been more popular.

■ A few months after his concert at Paris's Bataclan nightclub was attacked by an ISIS cell, the lead singer of the rock band Eagles of Death Metal returned to the venue for a rerun. This time, however, he brought a message to go along with his music: that all free men, whichever part of the world they might live in, have the right to keep and bear arms. The only thing that prevented November's massacre from being worse, Jesse Hughes argued through tears in a pre-concert interview, was that "some of the bravest men that I've ever seen in my life [charged] head-first into the face of death with their firearms." "French gun control," he added, had done nothing concrete at all—except, perhaps, to deny the victims their chance at fighting back.

■ Governor Scott Walker has signed two bills that restrict taxpayer funding of Planned Parenthood in Wisconsin. The first bill prevents Title X federal funds from going to any organization that performs abortions. That money, which in Wisconsin was being allotted entirely to Planned Parenthood, is now poised to be redirected to community health centers that serve the underserved. In Wisconsin, they outnumber Planned Parenthood clinics 17 to 1. The second bill caps the amount that Medicaid can reimburse any abortion-performing organization for prescription drugs. Neither bill touches the alleged right to abortion. Both ensure the right of the taxpayer not to subsidize abortion. The symbolic location where Walker signed the bills is a pregnancy center that offers alternatives to abortion and is eligible for Title X funding that until recently Planned Parenthood monopolized. We expect that the mothers served by the pregnancy center are thankful but largely unheard, so we add here our own exclamation of gratitude.



■ Last year, Senator Ted Cruz proposed a bill to rename the plaza in front of the Chinese embassy in Washington after Liu Xiaobo, the Chinese democracy leader. Known as the "Havel of China," Liu has been imprisoned by the Chinese regime since 2008. In 2010, he was awarded the Nobel Peace Prize (in absentia, of course). Even this famous and powerful award could not open his prison doors. It is the contention of Cruz and his allies that honoring Liu, and shaming the Chinese government, would be helpful. They point to the Reagan years, when our government renamed the plaza in front of the Soviet embassy after Andrei Sakharov (another Nobel peace laureate). The Cruz bill has passed the Senate, but the Obama administration pledges to veto it. The administration says that a Liu Xiaobo Plaza would be counterproductive. We are all for quiet diplomacy, or any diplomacy that works. But, for all these years, the 2009 Nobel peace laureate—Obama—has not been able to spring his immediate successor. How hard has he tried, by the way? In any event, a Liu Xiaobo Plaza might concentrate the mind of the jailers.

■ Professor Melissa Click of the University of Missouri reached a very generous—suspiciously generous—agreement with local prosecutors after assaulting an undergraduate student journalist attempting to cover campus protests that Click was instrumental in instigating, receiving only a few hours of community service after yelling at the student and then calling for "some muscle" from protesters in an attempt to spur mob violence against him. The university, which has a famous journalism program, so far has not roused itself to lift a finger to pursue meaningful action against a communication professor (albeit one concentrating in Lady Gaga studies rather than journalism) who assaulted a student journalist in response to his attempting to commit an act of journalism. The assault was caught on video, and another video has surfaced showing Click screaming obscenities at police working to clear a road that protesters had been blocking. (They were permitted to continue their protest, but not to block traffic.) One wonders when Professor Click finds the time to teach her dopey classes in "*Fifty Shades of postfeminism: Contextualizing readers' reflections on the erotic romance series.*" Missouri professors, no doubt crippled with fear by the mere suggestion of personal responsibility, continue to support her, with the *Chronicle of Higher Education* publishing a half-literate apology for Click written by English professor Andrew Hoberek. The University of Missouri has ejected students for using ugly language, but professors—professors with the right politics—are permitted to assault students with impunity. Check your privilege.

■ Inefficient bureaucracy can endanger lives. A report by the Department of Veterans Affairs Office of Inspector General found that numerous calls on its suicide hotline went to voicemail. The hotline has apparently struggled to accommodate 450,000 callers in 2014, a 40 percent increase from 2013. Roughly one in six calls were redirected to backup centers, where some calls went to voicemail, and where some staffers had no clue there even was a voicemail system. Many callers also complained of being put on hold for long periods. A spokeswoman said the VA will comply with the report's recommendations for upgrading the hotline service. The agency will also hire more staff and stagger shifts to meet

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demand during peak hours. Veterans commit about one-fifth of suicides in the United States.

■ The CIA is being made to actively recruit employees from “diverse communities . . . with dedicated programs for citizens of African, Asian, Hispanic, Middle Eastern, South Asian, and Native American descent; Lesbian, Gay, Bisexual, and Transgender Individuals; Persons with Disabilities; Veterans; and Women.” Conceding the need for familiarity with foreign languages and cultures, which one suspects the CIA had already thought of, how will having Transgender Individuals on the payroll help the CIA determine whether ISIS has nuclear weapons? The scheme is not just pointless but harmful: To keep the CIA from cheating by hiring the most talented applicants, supervisors have devised an “inclusion index” to help them monitor “diversity and gender break-down of applicant flow data and recruiting trends.” Breakdown is certainly the mot juste.

■ Some Brits from the highest in the land to the lowest are in the habit of claiming that membership of the European Union is the indispensable key to prosperity and security. Nonsense, say other Brits, also from the highest to the lowest, EU membership is the end of representative democracy and self-government, handing decisions in important areas of life to unknown and unelected foreigners. The jolly little neologism “Brexit” is their shorthand for recovering independence by getting out of the EU. Prime Minister David Cameron had a strategy aimed to obtain the best of the two worlds. He would negotiate reforms concerning such major issues as control of borders and the limits of the welfare state, and the Brits would then hold a referendum as soon as June 23, supposedly in support of his achievement. Unfortunately for him, he has been obliged to return from frantic negotiations in Europe without the desired reforms but still stuck with the hasty referendum—the would-be statesman exposed as a fabulist. Michael Gove, the highly admired Lord Chancellor, and half a dozen other cabinet ministers have immediately come out for Brexit. When Boris Johnson, the mayor of London and also an MP, followed suit, Cameron ripped into him in full view of Parliament with most un-parliamentary venom. The Conservative party is splitting irrevocably into pro- and anti-Brexit, with the former having the better argument.

■ The last “Soldiers of Odin” to roam Scandinavia rowed longships and pillaged monasteries. But a group by that name has taken to patrolling streets in Finland and Norway, claiming that local law enforcement has proven itself inadequate to the task of protecting natives from the crime wave that has accompanied the surge of asylum-seekers arriving in Europe’s northernmost nations. “Drugs are being sold, girls are being touched, there are assaults and violence,” the group’s Norwegian spokesman told Agence France-Presse. That vigilantes are taking to the streets in famously open-armed Scandinavia is alarming—and a reminder that, if Europe’s official powers don’t aim to control the Continent’s refugee situation, far less savory elements will.

■ Cease-fires are proving to be elusive in Syria. After the United States and Russia brokered a cease-fire deal early in February, it collapsed before it could be implemented—reach-

ing its nadir as American-allied militia groups battled each other near Aleppo. Now there’s hope for another agreement, in which the warring parties have once again agreed to confine hostilities to attacks against ISIS or the Nusra Front, al-Qaeda’s Syrian affiliate. But no one should be under any illusions: This cease-fire will last only so long as the Assad regime and its Russian masters believe a cessation of hostilities bolsters its strategic position. The Assad regime has made important gains on the ground, but it is stretched thin. A cease-fire allows it to consolidate its gains, rest, and refit. Expect it to end the instant Russia is ready for another offensive.

■ When Ronald Reagan went to Eureka College, he was on the football and swim teams, did drama and debate, wrote for the newspaper and edited the yearbook, served as student-council president, washed dishes and worked as a lifeguard to pay his tuition, and still found time to major in economics. But that’s nothing compared with the crushing load borne by today’s students at Brown University, who (according to the student newspaper) spend so much of their day “confront[ing] issues of racism and diversity,” “organizing demonstrations with fellow activists,” and “demand[ing] the diversity and inclusion action plan’s revision” that they have no time left to cram for punishing courses such as “Television, Gender, and Sexuality” and “Beauty Pageants in American Society”—particularly with “stressors and triggers” flooding them “constantly,” to the point where students are “breaking down, dropping out of classes, and failing classes.” Worst of all, “the decision of completing activist work or studying for an exam, . . . often made by students advocating for increased diversity on campus, ‘has systemic effects on students of color.’” We have now come full circle: Fighting injustice is itself an injustice.

■ Students at Williams College invited John Derbyshire to speak, and the president, Adam Falk, has just disinvited him. “Whatever our own views may be, we should be active in bringing to campus speakers whose opinions are different from our own,” Falk wrote in the student newspaper back in October. Why now the reversal? “We have said we wouldn’t cancel speakers or prevent the expression of views except in the most extreme circumstances,” he explained on the Williams website, but “there’s a line somewhere,” and “Derbyshire, in my opinion, is on the other side of it.” By Falk’s logic, he should also forbid students to stand on a dais and read aloud from Derbyshire’s work. A private institution, Williams is not bound by the First Amendment. But when Falk exercised his license to curb freedom of speech on campus, his previous paeans to the importance of seeking diversity of opinion evaporated. We have had our own disagreements with John Derbyshire but never claimed to be a forum for those “whose opinions are different from our own.” The “line somewhere” that Falk refers to is one he drew himself, and then crossed himself.

■ In mid February, a man entered the Nazareth Restaurant & Deli in Columbus, Ohio, with a machete and began swinging, injuring four people before he was shot dead by police. Law enforcement is investigating the incident as a potential “lone wolf” terrorist attack, but according to officials, why Mohamed Barry—a Somali native who had previously come under

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FBI scrutiny for “radical comments”—attacked the Israeli-owned shop remains “unclear.” Perhaps he just really hated the pastrami-on-rye.



■ Boutros Boutros-Ghali had a career as Egypt’s foreign minister, and then as secretary general of the United Nations. This was a great feat for a Copt, that is to say an Egyptian Christian, but the preeminence of his family proved an unlikely advantage. In the days of the British, his grandfather became prime minister, only to be assassinated by a Muslim fanatic. In turn, his father had been a cabinet minister. Boutros-Ghali himself was an old-world cosmopolitan with an academic background and a fastidious expression on his face conveying that he did not expect much of the human race. He accompanied President Anwar Sadat on the historic visit to Jerusalem to make peace with Israel.

Dealing at the United Nations with large-scale catastrophes in Yugoslavia, Somalia, and Rwanda, he could not hide his disdain for President Clinton, Warren Christopher, and Madeleine Albright, who between them practiced and handed on a foreign policy that to the end of his life he continued to condemn as “utterly confused.” Aged 93, he has died in Cairo. R.I.P.

■ Umberto Eco lived a rich, productive, and apparently happy life. He gave much happiness to others. Eco was many things: a scholar, a professor, a critic, an essayist, a novelist, a popular journalist. His main field was semiotics, i.e., the study of signs and symbols. Indeed, he taught many of us what semiotics was. He had a big academic career, hopping from continent to continent, and conference to conference. He was the Norton lecturer at Harvard and so on. Mainly he taught in Bologna. He loved spending time with students, having a great appetite for banter, argument, and instruction. On the weekends, he wrote novels: seven of them, starting with *The Name of the Rose*, his most successful. A medieval who-done-it, the book sold more than 10 million copies, and deserved to. It was later made into a movie. The author’s unusual name, Eco, has a tale behind it. According to this tale, it was given to the author’s grandfather, a founding, and is an acronym. It stands for “ex caelis oblatus,” or “brought from the heavens.” Umberto Eco has died at the age of 84. R.I.P.

■ In *To Kill a Mockingbird*, Harper Lee wrote a good-and-evil fable expressing the liberal racial idealism of the early Sixties, set in a child’s-eye reminiscence of the small-town, Depression-era South. The rest was silence. She helped her longtime friend Truman Capote find and interview subjects for *In Cold Blood* (Capote callously gave her only perfunctory credit). *Go Set a Watchman*, published in her old age as the sequel to *Mockingbird*, was in reality an abandoned first draft.

Was her greatest book a great book? No, though it became something almost equally impressive: a piece of the furniture of daily life. She died, age 89, in Monroeville, Ala., where she was born. R.I.P.

ANTONIN SCALIA

An Originalist and an Original

THE sudden and untimely death of Justice Antonin Scalia is a reminder of two things—first, how much he himself meant to the rule of law and the integrity of our Constitution; and second, how very much is at stake in this year’s presidential election. Justice Scalia was a champion of textualism and originalism in the reading of both statutes and the Constitution, and he was the reliable anchor of the Supreme Court’s originalist wing in an era of deep division and conflict with the “living Constitution” approach to jurisprudence that holds down the other wing of the Court. His passing leaves the contending sides slightly less evenly matched, if anything maximizing the influence of Justice Anthony Kennedy, the notorious swing vote who alternates between constitutional constraint and progressive abandon.

Scalia was already an important figure in conservative legal circles when he was appointed by President Reagan in 1986—present at the creation of the Federalist Society as a professor at the University of Chicago, and for four years an accomplished judge of the D.C. Circuit Court of Appeals. His nomination to the Supreme Court was confirmed 98–0, an outcome that would have been unlikely if he had not been succeeding William Rehnquist (who was elevated to chief justice at the same time), with Republicans in control of the Senate. (Witness the furor a year later when Reagan nominated Robert Bork to succeed the swing-vote Lewis Powell, with Democrats in the majority.)

Scalia was a devout Catholic, the patriarch of a large family, famously on good terms with his jurisprudential opposites Ruth Bader Ginsburg (they shared a love of opera, among other bonds of friendship) and Elena Kagan (whom he introduced to hunting), and a beloved friend and mentor to countless people in the conservative legal movement. No doubt thousands of lawyers, judges, constitutional scholars, and students count Scalia as an inspiration. To his widow, Maureen, his family, and his many friends and admirers, the editors of NATIONAL REVIEW extend our deepest condolences.

With his brilliance, his tenacity, and his devastating wit, Justice Scalia transformed the terms of debate in American constitutional law. Under his commanding intellectual influence, constitutional discourse both on and off the Court took an originalist turn. By far the most eloquent and effective writer of judicial opinions in the past 60 years of Supreme Court history, Scalia was equally ready to advance his views in books, articles, and public appearances—and to spar cheerfully with those who disagreed with him.

It would take many pages to give an adequate accounting of the contributions Antonin Scalia made to our legal order. Eschewing “legislative history” in the reading of acts of Congress, Scalia brought new standards of rigor to the art of statutory interpretation. In constitutional law, Scalia championed the structural features of the separation of powers and federalism, led the Court in the recognition of Second Amendment rights, advocated a colorblind reading of equal protection, and reminded his colleagues

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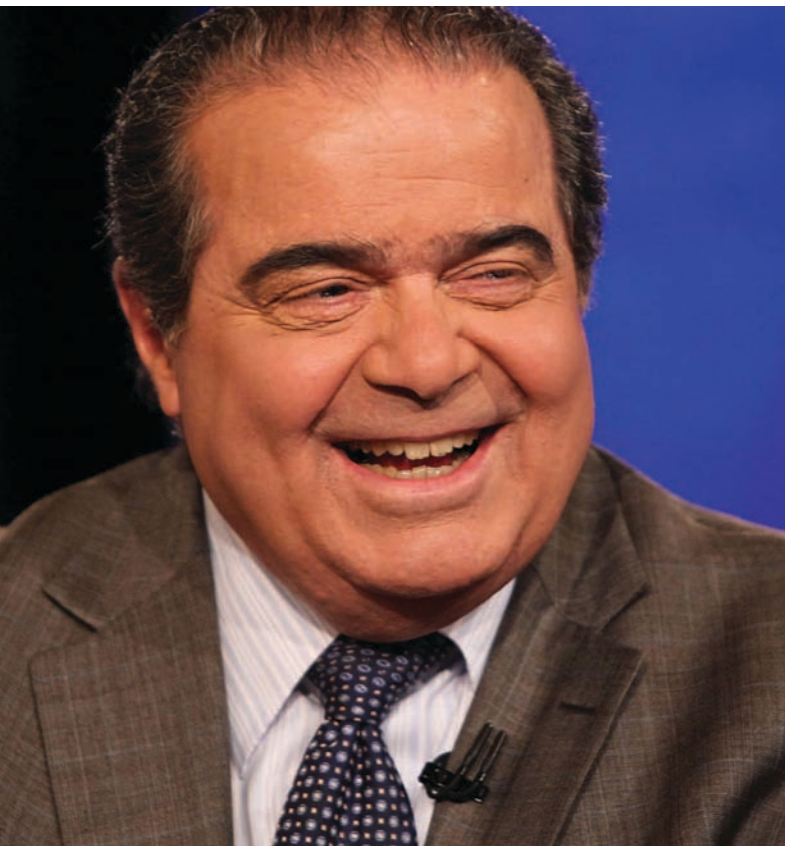
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and his fellow countrymen that property rights (especially as protected by the takings clause) are no less important than the “civil liberties” prized by the Left.

Justice Scalia was no mere ideologue; some of his most notable opinions had “liberal” results for criminal defendants, and he voted to strike down bans on flag-burning under the First Amendment. But his abiding contribution was in trying to stem the tide of government by judiciary. When puncturing the pretensions of “levels of scrutiny” or skewering the progressive invention of “rights” to abort the unborn or to same-sex marriage, Scalia was the Great Dissenter of our age.

This election season, assuming Senate Republicans stand firm and block an Obama appointment, the GOP candidates for president—especially the eventual nominee—must place the politics of the judiciary squarely before the people. They must show them that the only way toward a less political Supreme Court is through a more openly political debate about its future. If this happens, Antonin Scalia will have done, in death, one last service for his country. Whatever happens next, Justice Scalia has our abiding respect and gratitude. R.I.P.

2016

Still Against Trump

DONALD TRUMP won solid victories in South Carolina and Nevada that were made all the more, uh, impressive by a series of what would have been disqualifying statements if uttered by anyone else. He stood by his past position in support of George W. Bush’s impeachment; repeated the poisonous smear that Bush lied us into war; touted his supposedly prescient opposition to the Iraq war before it began, when he had in fact supported it at the time; praised the good

work that Planned Parenthood does; and endorsed the individual mandate in Obamacare.

Trump still beat his conservative rivals, Marco Rubio and Ted Cruz, who essentially tied for second, by more than ten points in South Carolina, and smoked the second-place finisher, Rubio, by 20 points in Nevada. It is clear that Trump has bonded so strongly with his base of blue-collar supporters and voters repulsed by politics as usual that he might well be able to shoot someone on Fifth Avenue and not see his poll numbers decline, as he boasted several weeks ago.

The nomination battle is now effectively a three-man race. Jeb Bush, an honorable man who ran an honorable campaign, did the honorable thing by dropping out after South Carolina as soon as it became painfully obvious he had no path to the nomination. John Kasich and Ben Carson, in contrast, aren’t letting the implausibility of their campaigns stop them from continuing, and perhaps robbing Cruz and Rubio of valuable votes at the margins. It is hard for us to see what legitimate purpose either of them serves by remaining in the race.

Even in a drastically compressed field from what it was three weeks ago, Trump has a distinct advantage. He will probably rampage though Super Tuesday. Ted Cruz had a bad night in South Carolina, where he lost Evangelicals to Trump and finished disappointingly in a southern state where he had staked much. Marco Rubio surged at the end in South Carolina and Nevada, but he hasn’t won any of the first four contests, and it’s not clear where a victory might be in the offing soon.

The race is hardly over. The crucial winner-take-all states don’t arrive until March 15. But there’s hope for stopping Trump only if he is taken down a notch or two, which will require a more concerted and wide-ranging counter-assault from the other candidates and outside groups than we’ve seen to this point.

The case against him must be broader than ideology. In particular, Trump’s spotty business record—something he is very sensitive about—is a major vulnerability and might dent his populist appeal. Yet it hasn’t received the critical scrutiny it deserves. Trump has gained a reputation as a truth-teller in this race, but his history of exaggeration, duplicity, and backtracking is very long and very current. His opponents need to exploit it. He should be pounded on his refusal to release his tax returns, which one assumes he would be eager to do if they were the testament to his fabulous wealth that he asserts. Trump can’t be trusted even on his core issue of immigration, where he advocates a “touch back” amnesty on a grand scale—promising to roust and deport every illegal alien and then bring many of them back into the country, in one of the largest and most pointless police actions in American history.

Finally, a word on Ted Cruz and Marco Rubio: We admire both men and backed them early in their Senate races. We understand the dynamic of a hotly contested primary race, but much of the back-and-forth between them has been unedifying at best and unworthy at worst. We know it is unrealistic to call for a ceasefire, but an awareness that the larger enemy is Trump and not each other would be helpful. Unless Trump is slowed and diminished, neither of them will win the nomination.

Trump has taken a big step toward his hostile takeover of the GOP. That should increase the urgency and focus of conservatives who believe that our ideas and principles are the only way to make America great again.



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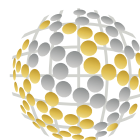
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Accursed Wall Street

Our ritual, shallow denunciations of the finance industry

BY KEVIN D. WILLIAMSON

EVERYBODY hates bankers, and they're a hateable bunch: After making a series of insanely hubristic bets on the U.S. housing market, they created a credit crisis and helped set off an ugly recession. A few rat bastards lost their jobs, and for a couple of months the waiting list for a boat slip at the Greenwich marina went from a few hundred to a few dozen. The big banks took billions in bailout loans at sweetheart rates and used a fair bit of the subsequent profits to finance the presidential campaign of Barack Obama, with Goldman Sachs becoming the Democrats' largest business donor in 2008.

Bernie Sanders hates Wall Street: "The business model of Wall Street," he declares, "is fraud." Hillary Rodham Clinton, who was paid \$6,000 a minute to give speeches to Goldman Sachs, Morgan Stanley, and other Wall Street firms, threatens to break up the banks. John Kasich (R., Lehman Bros.) bemoans Wall Street's lack of ethics and says there is "too much greed" there. Kasich was attacked for his Wall Street ties by a super PAC supporting Chris Christie—funded by the founder of SAC Capital Advisors, an investment firm that corporately pleaded guilty to

insider trading and paid \$1.8 billion in fines. Donald Trump, whose company went bankrupt after defaulting on its junk bonds, hates Wall Street, and that's understandable: He owes hundreds of millions of dollars to practically every bank on the street, from Capital One and Deutsche Bank (he's in hock at least \$50 million to each, according to his financial filings) to BNY Mellon, Amboy, and UBS (between \$5 million and \$25 million each). Marco Rubio lambasts bankers for purportedly going around bragging about being too big to fail, Ted Cruz denounces Marco Rubio as a candidate with *Wall Street Journal* values, and Rand Paul blasted Ted Cruz as a pawn of Goldman Sachs, where Cruz's wife worked. For five minutes, everybody was making a stink about the fact that Cruz took out a large loan from Goldman Sachs, until somebody (I think it might have been me) explained that Cruz's margin loan—essentially a cash advance against investment assets on deposit with the bank—was an utterly ordinary transaction available to any old schmoe with a million or so in assets to use as collateral.

Jeb Bush of Lehman Bros. and Barclays was practically alone in failing to

vilify Wall Street. All he did was complain that "systematic risk" was higher now than before the so-called reform under the Dodd-Frank law—and propose an enormous tax hike on private-equity companies.

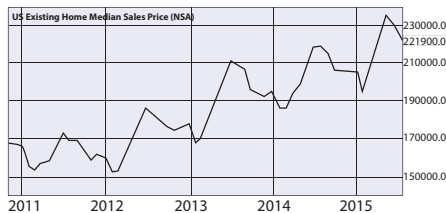
Why do politicians hate Wall Street? Because people hate Wall Street, and politicians are always looking to get out in front of the parade. Show them a sufficiently large and stupid mob, and they'll find a reason to join it. (Cf. "Trump, Donald, supposedly conservative supporters of.") Americans hate Wall Street because they blame it for the 2008–09 credit crisis, which they are largely right to do, and for the subsequent recession, which they are only partly right to do. They resent the bailouts of firms such as Chase, without quite understanding that many of those were perfectly healthy banks pressured to take bailout money to disguise just how bad things were at the worst institutions. Many Americans resent what seems to them an asymmetrical outcome: Most of the deadbeat borrowers who defaulted on their mortgages lost their homes and saw their credit get pretty well jacked, while the big Wall Street players (give or take the odd Dick Fuld) seem to have got one over on the Treasury Department and the taxpayers. That's not entirely untrue, but that's not what caused the so-called Great Recession, which is what happened as American households adjusted to the ugly facts of economic reality after their inflated house values collapsed.

Politicians and ordinary people also resent that Wall Street types make so damned much money. Washington is full of lawyers and professors who live in \$5 million and \$8 million homes. (Senator Elizabeth Warren, that great and holy scold of the hated 1 percent, lives in a multimillion-dollar mansion in Cambridge, Mass., plus whatever quarters she inhabits in Washington, and she made a tidy profit buying and flipping homes in foreclosure.) But it should not surprise anybody that it is so profitable to work on Wall Street. Modern economies run on credit, from *Fortune* 500 companies to three-man start-ups, but the business of lending and investing money is very, very tightly regulated, meaning that there are not that many firms in the market. Bigger firms tend to do better in highly regulated industries (because they can more easily

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However, there are still millions of homeowners who could benefit from this FHA-insured loan but may simply not be aware of this "retirement secret."

Some people think that reverse mortgages simply sound "too good to be true." You get cash out of your home, no monthly payments, and you still own your home.

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PAYMENTS? * EXTRA CASH?**

It's true, no monthly mortgage payments are required with a reverse mortgage; the



FACT: In 1988 President Reagan signed the FHA Reverse-Mortgage Bill.

homeowners only have to pay for maintenance, property taxes, homeowner's insurance and, if required, their HOA fees.

In fact, reverse mortgages took hold when president Ronald Reagan signed the FHA mortgage bill into law over 25 years ago to help senior citizens remain in their homes. They're simply an effective way for folks 62 and older to get the cash they need to enjoy their retirement.

Although today's HECM reverse mortgages have been greatly improved to provide greater protection for homeowners, there are still a lot of misconceptions. For example, many people mistakenly believe the home must be paid off in full in order to qualify for a reverse mortgage, which is not the case. One key benefit of a reverse



"I now have paid off my credit cards and have money in the bank and still have my home."

- Margaret Tennant, Summerfield, NC

mortgage is that it automatically pays off your existing mortgage, which frees up cash flow, a huge blessing for those on a fixed income.

Unfortunately, many homeowners who could benefit from a reverse mortgage don't even bother to get more information due to rumors they've heard. That's a shame because reverse mortgages are helping many seniors live a better life.

A recent survey by American Advisors Group (AAG), the nation's number one HECM reverse mortgage lender, found that 96% of their clients were satisfied with their reverse mortgages.

If you're a homeowner age 62 or older, you owe it to yourself to learn more. You may be pleasantly surprised by what you discover.

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*If you qualify and your loan is approved, a HECM Reverse Mortgage must pay off your existing mortgage(s). With a HECM Reverse Mortgage, no monthly mortgage payment is required. Borrowers are responsible for paying property taxes and homeowner's insurance (which may be substantial). We do not establish an escrow account for disbursements of these payments. Borrowers must also occupy home as primary residence and pay for ongoing maintenance; otherwise the loan becomes due and payable. The loan must be paid off when the last borrower, or eligible non-borrowing surviving spouse, dies, sells the home, permanently moves out, or does not comply with the loan terms. Call 1-800-732-2806 to learn more.

A HECM/Reverse Mortgage increases the principal mortgage loan amount and decreases home equity (it is a negative amortization loan). American Advisors Group (AAG) works with other lenders and financial institutions that offer reverse mortgages. To process your request for a reverse mortgage, AAG may forward your contact information to such lenders for your consideration of reverse mortgage programs that they offer.

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bear regulatory-compliance costs), which is why it's no surprise that the "too big to fail" banks are bigger in both absolute and relative terms today than they were before Dodd-Frank. And while top-shelf investment banks such as Goldman Sachs expand their market share, their counterparts in commercial banking are doing the same: Between 2007 and today, the assets of the nation's commercial banks grew by more than \$2 trillion, even as the number of commercial banks declined by more than 1,000. Lots and lots of eager, willing demand meets severely restricted supply: That's a pretty good formula for big profits, supercharged by cheap money from the Fed.

Bankers are like lawyers and congressmen: Nobody likes them in general,

There is still much that needs to be done in the way of **Wall Street reform**—and it isn't caps on ATM surcharges.

but everybody likes his own guy okay, and likes him a great deal at those moments when he proves useful. We all love Silicon Valley's "angel" investors, but that kind of hands-on venture capital is no substitute for what Wall Street does: provide credit and risk-management services that enable the relatively smooth functioning of everything from corporate payrolls to large-scale inventory management. For all of the cheap and irresponsible talk about "Wall Street vs. Main Street," our pinstriped financier friends contribute a great deal to America's small businesses and farms. You think those \$500,000 John Deere combines bringing in the cotton crop are financing themselves?

Credit matters. Donald Trump was forced to finance one of his daft casino projects at 15 percent interest, which is approximately what an unemployed felon with tax liens pays on a used-car loan. It was that high interest rate—the great dealmaker's inability to secure himself affordable financing—that drove Trump's enterprise back into bankruptcy (his third) in 2004. Business simply does not get done without financing.

That is why, with the recent exception of Dodd-Frank, a disastrously cumbersome piece of misregulation, attacks on Wall Street tend to be mainly rhetorical—a

great deal of "Harrumph!" and not much more. Senator Sanders, a self-identified socialist and an avowed enemy of Wall Street, hardly so much as lifted a finger in behalf of financial reform prior to the 2008–09 credit crisis. His big idea on banking reform before that? Putting federal caps on ATM-withdrawal fees. Having listened to the gentleman from Vermont speak extemporaneously on the subject of financial reform, I would be willing to bet a non-trivial sum of money that he couldn't explain what a derivative is, as perfervid as he is in his insistence that whatever it is, it needs stricter regulation.

We are suffering a bout of populism in American politics just now, which means we are having a national Us-and-

Them moment. The reality is that, when it comes to Wall Street, *Us is Them*. But populists hate Big Business for its bigness as such, and thus Senator Sanders and batty old Hillary Rodham Clinton get wild applause when they promise to break up the big banks. (Perhaps Mrs. Clinton one day will make the content of her richly remunerated Goldman Sachs speeches public and we can see whether she previewed her threat on Wall Street's home turf.) Never mind that the problem in 2008 wasn't the bigness of the firms but the leverage associated with them—try explaining the basics of the situation to the typical Trump, Clinton, or Sanders voter and you'll see high-speed glazing over of a caliber that would turn the Dunkin' Donuts guy himself green with envy.

Barack Obama ran against Wall Street while powered by Wall Street money. Eight years later, with squat to show in the way of meaningful financial-industry reform, it is, apparently, enough to proclaim one's hostility to Wall Street, even if one is suckled by that great money teat in New York, as Mrs. Clinton is, or sleeping with a Wall Street veteran, as Ted Cruz and John Kasich's wife both do. There is still much that needs to be done in the way of Wall Street reform—and it isn't caps on ATM surcharges. **NR**

Better Days for Globalization

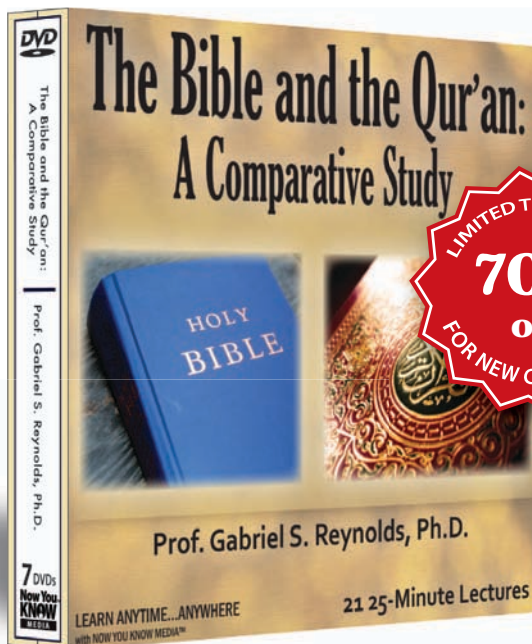
Technology should make it more of a win-win

BY REIHAN SALAM

HAS globalization peaked? The U.S. commitment to free trade has been essential to globalization, and this commitment is waning. While there are many factors behind the rises of Donald Trump and Bernie Sanders, both candidates have profited by making appeals to economic nationalism. Ted Cruz and Hillary Clinton insist that they are as committed to free trade as ever, yet they are united in their opposition to the Trans-Pacific Partnership, a twelve-nation trade accord that is explicitly designed to facilitate the flow of goods and services across borders. There are perfectly good reasons to oppose the Trans-Pacific Partnership, and Cruz in particular has raised the uncomfortable possibility that it could lead to undesirable changes in immigration law. Nevertheless, it seems clear that what once was a bipartisan consensus in favor of free trade is being challenged by an equally potent bipartisan coalition opposed to it.

And it is easy to see why. Outsourcing is not popular with American voters, to put it mildly. In 2014, the Alliance for American Manufacturing, a pressure group that lobbies for protectionist measures, commissioned the Mellman Group and North Star Opinion Research to conduct a survey on the obstacles to the creation of manufacturing jobs. Not surprisingly, given the Alliance's protectionist bent, the survey found that voters are troubled by the rise of offshore outsourcing, a phenomenon the Princeton economist Alan Blinder has usefully defined as "the migration of jobs, but not the people who perform them, from rich countries to poor ones."

When asked why there aren't more U.S. manufacturing jobs, 65 percent blamed outsourcing, including 70 percent of Democrats and 65 percent of Republicans. Was the Alliance for American Manufacturing exaggerating the extent of public opposition to outsourcing? It



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certainly doesn't seem so; other surveys have reported broadly similar results. Back in 2010, for example, a *Wall Street Journal*/NBC News poll found that 86 percent of Americans blamed outsourcing as one of the chief causes of America's economic problems.

Even if we assume that public opinion on outsourcing has softened somewhat between then and now, there is no question that politicians have had great success railing against it. During the 2012 election, President Obama and his super-PAC allies saturated the airwaves with attacks accusing Mitt Romney of outsourcing jobs in large numbers, and many believe that these attacks did a great deal to suppress the turnout of working-class whites who might have otherwise voted Republican. More recently, Donald Trump has coupled his attacks on immigration with attacks on outsourcing, including calls for steep tariffs on U.S. multinationals to deter them from exporting jobs overseas.

To date, we've mainly been thinking of outsourcing in the context of manufacturing, and for good reason. In 2013, David Autor, David Dorn, and Gordon Hanson found that between 1990 and 2007, regions housing manufacturers that competed with Chinese imports saw higher unemployment, lower labor-force participation, and reduced wages. Not surprisingly, transfer payments to households in these regions soared. One could argue that some dislocation is inevitable as we move towards freer trade and that the costs associated with a more closed economy might have been higher still. Moreover, the impact of outsourcing on manufacturing employment has been dwarfed by the impact of automation, and not just in the U.S. But the severity of the decline in manufacturing employment has proven traumatic for many Americans, particularly in the Rust Belt, and it helps explain why outsourcing is so politically toxic.

But this understandable focus on outsourcing obscures the deeper nature of globalization. When we talk about "globalization," we usually have in mind an intensification of trade and competition between companies and between countries. According to this line of thinking, what's new and different about globalization is that whereas America used to "win" on the economic battlefield, these days (to quote Trump) "China's eating our lunch." While this makes an effective slogan, it reflects a profound misunder-

standing of how the global economic integration we've seen in recent decades differs from what came before it.

The truly novel thing about today's globalization is not that different parts of the world are trading with each other, or even that different parts of the world are trading with each other more than ever. Rather, as the Brown University political scientist Edward Steinfield observes in *Playing Our Game*, it is that globalization involves production networks that can extend across dozens of different countries. Steinfield observes that "in the networked world of global production, there inevitably arise lead firms and follower firms, rule makers and rule takers." There is a reason that U.S.-based Apple reaps the majority of the profits from sales of the iPhone while most of the hard work of assembling the device is done in East Asia. By controlling the highest-value components of the global supply chain—the branding, the creation of new intellectual property—it occupies the most privileged position in this new, more dispersed hierarchy of production.

So it is wrong to say that the U.S. has "lost" from globalization. Many Americans have lost from it, as Autor, Dorn, and Hanson have documented. But most Americans have won from it, whether as consumers, as workers who occupy the more privileged rungs of these complex production hierarchies, or as shareholders who profit when multinational business enterprises grow more valuable. The political challenge facing free-traders is not just that the effects of global economic integration have been highly uneven, but also that the human suffering deindustrialization has caused in U.S. communities once built around goods-producing industries has been far greater than advocates of free trade expected in the 1980s and 1990s. This has engendered deep distrust of the partisans of free trade, and it is this distrust that has contributed to the twin insurgencies of Trump and Sanders.

The irony of this new anti-trade mood is that the worst is most likely behind us. As automation accelerates, labor costs will represent a declining consideration for manufacturers when choosing where to locate their facilities. China is experiencing a wave of deindustrialization not unlike that experienced by the U.S. Rust Belt, as many of its labor-intensive manufacturers embrace labor-saving technologies. Some hope that this trend will result

in "insourcing," or a return of manufacturing jobs to U.S. shores. The trouble is that even if the U.S. does attract new manufacturing facilities in large numbers, the number of jobs they create will likely be modest, owing to automation. The current manufacturing sector, having survived Chinese competition, is leaner and meaner than what came before it, and this will protect it from further job losses; but the real frontier of global economic integration will be in services—and that is where Americans stand to benefit most.

The gravest economic challenge the U.S. faces is sluggish productivity growth in the service sector. This is a reflection of government's outsized role in the delivery of medical care and education. Though both sectors feature high levels of private spending, they're also rife with regulation, tax subsidies, and other measures that stymie innovation. While the outsourcing of services will present economic challenges for Americans, it will also create economic opportunities.

Consider, for example, the business model of Udacity, a for-profit education start-up. Udacity offers highly focused courses created in partnership with leading business enterprises such as Google and AT&T. Those who complete these courses are awarded "nanodegrees" as proof of their mastery of the skills in question. Students are charged \$200 per month and take their courses on an all-you-can-eat basis. If you devote yourself full time to acquiring a nanodegree, you can, in theory, complete your course in a few weeks. Most enrollees, however, balance their studies with other pursuits. On completing a nanodegree within a year, students are refunded half of their tuition. This is a strong incentive to actually finish these quite challenging courses.

How can Udacity afford to offer valuable skills at such low prices? To drive down the cost of their instructional model, the start-up relies heavily on outsourcing. Specifically, Udacity employs paid graders around the world, who do the labor-intensive work of evaluating the projects submitted by students.

If Udacity could hire only Americans to do this work, it would be crippled. The U.S. is a high-productivity, high-wage society by global standards, and people with the skills to evaluate these projects have many other lucrative employment opportunities, so Udacity would have to pay them handsomely. But when Udacity

hires Indians with the same skills, it can exploit this “place discount,” the flip side of the “place premium” that makes high-wage, high-productivity societies magnets for migrants. Moreover, Indians who work for Udacity and remain in India find that wages that are low by U.S. standards can provide them with very high incomes by local standards.

What if unionized teachers faced competition from skilled professionals residing in low-cost, low-wage countries? As fanciful as this prospect might seem at first glance, it is being made more plausible by advances in virtual-reality (VR) technology. VR headsets have long been a staple of science fiction, but the collapsing cost of processing power and 3-D cameras are bringing immersive VR experiences closer and closer to reality. Intel has developed a new technology it calls RealSense, which will allow cheap laptops and smartphones to create realistic three-dimensional images. Oblong Industries has developed a videoconferencing technology that makes in-person and remote collaborators seem to inhabit the same physical space. Assuming that the most advanced VR technologies will grow cheaper and more sophisticated in years to come, as we have every reason to expect, we are looking at a future in which it will be no handicap for programmers in Silicon Valley to work with programmers in Utah Valley, or for that matter Hyderabad or Minsk. The same will apply to teachers, primary-care physicians, and other providers of expensive services.

Immigration advocates emphasize the benefits created by immigrant labor, yet they rarely acknowledge the costs. Though some immigrants pay far more in taxes than they receive in benefits, many others do the reverse, a subject that Steven Camarota of the Center for Immigration Studies has addressed in *NATIONAL REVIEW* (“Open Borders, Open Coffers,” October 19, 2015). Essentially, the outsourcing of services can let Americans enjoy the benefits of low-cost services without bearing the costs of providing for the needs of workers and their families. And then, of course, there is the fact that workers who remain in their native countries while “virtually commuting” to jobs in the U.S. will have a far more muted cultural and political impact on U.S. society. To conservatives concerned about the potentially disruptive impact of mass migration, the next phase of outsourcing could have much to recommend it. **NR**

43 and His Theme

A visit with George W. Bush

BY JAY NORDLINGER

Dallas

THE George W. Bush Presidential Center sits on the campus of Southern Methodist University.

Like the Bush 43 presidency itself, it puts an accent on freedom, human rights, and democracy. One of its main features, architecturally, is Freedom Hall.

This morning, approximately 70 Lost Boys are having a special tour. These are men who were orphaned in the Second Sudanese Civil War. Something like 20,000 children walked more than a thousand miles, facing every danger, to reach a refugee camp. Those who managed to survive were dubbed “Lost Boys.”

There was a handful of girls among them. And there are a few “Lost Girls” here at the Bush Center today.

The entire group is in a festive mood. They are robustly pro-Bush—he made the Sudanese civil war a focus of his concern. After their tour, they have breakfast. And after breakfast, they have a group photo. “Taller people in the back, please,” says the photographer. The room breaks into laughter. “That might be everybody!” someone says. We are talking about East Africans.

Once the group is assembled, a man strides into the room. “Are there any Lost Boys and Girls here?” It’s Bush. They erupt in cheers—jubilation—and Bush wades into them: hugging, joshing, beaming. He’s in his element. The charisma is turned on full blast.

Seeing Bush, you’re reminded: Not for nothing did he win two gubernatorial elections and two presidentials.

He is with his wife, the former first lady, Laura. They take their place at the center of the group, for photos. Glancing at the people behind him, with their impressive height, Bush quips, “We’re not going to block you.”

Once the photos are taken, the former president makes some remarks and fields some questions. He opens with, “Laura and I appreciate your courage and perseverance. We can learn lessons from people who come from difficult circumstances.”

The Lost Boys can remind Americans how lucky we are, Bush says. They can also remind us that “there’s evil in the world.”

At this, the Lost Boys nod, laugh, and clap. (They laugh as if to say, “Yeah, you got that right.”)

Bush continues, “But you also remind us that evil can be overcome.”

Hitting his favorite theme, he says, “Human dignity is universal, and so is freedom.” The crowd nods and says, “Yes, yes.” Bush expands: “There is a God, and a gift of the Almighty to everybody—not just Methodists—is freedom.” (Bush is a member of the United Methodist Church.)

The Lost Boys come from southern Sudan. South Sudan is a new country, just five years old. And Bush says that countries need time to evolve. “Condi Rice’s ancestors were enslaved here for a hundred years,” he remarks.

One of the men tells the former president that his nickname is “Bush.” “You are the Bush of America, I am the Bush of Africa.” It turns out he is not named for the 43rd president. He got the name because he was born in the bush, not in a hospital. Whatever the case, says the ex-president, “I’m happy to claim you as a family member.”

After he says goodbye to the Lost Boys, he and I retreat to his office upstairs, for an hour of conversation about sundry matters, most relating to his “freedom agenda,” both during his presidency and in this post-presidency. (I will give a fuller report of this conversation at *NATIONAL REVIEW*’s website.)

There are two things you can do in a post-presidency, Bush says. You can try to “rewrite history,” i.e., influence how your time in office is remembered. Or you can try to “shape history,” by helping people now and in the future. To rewrite history, he says, is “a futile task.” He takes the second approach.

The Bush Center has a variety of programs—a Women’s Initiative in the Middle East, for example—and it invites outstanding human-rights figures to come to Dallas. Shin Dong-hyuk has been here. He’s the North Korean who told his story in *Escape from Camp 14*. Chen Guangcheng has been here. He’s the “blind barefoot lawyer” who escaped from China.

Speaking of China, the Dalai Lama has been here too. “I view him as a very close friend,” says Bush. While in office, Bush did something unprecedented: He appeared with the Dalai Lama in public.



At the Bush Center on February 12, 2016

This is something that the Chinese government detests. In 2007, Bush sat next to the Dalai Lama in the Capitol Rotunda, where the Tibetan received the Congressional Gold Medal. “I informed the Chinese I was going to do that ahead of time,” says Bush. “I tempered it somewhat by telling them I was coming to the Olympics” (the 2008 Summer Games in Beijing). Smiling, Bush observes, “The old sweet ‘n’ sour” (meaning, “good news, bad news”).

His second inaugural address rubbed a lot of people the wrong way. It was a ringing declaration of a freedom agenda. Sample line: “It is the policy of the United States to seek and support the growth of democratic movements and institutions in every nation and culture, with the ultimate goal of ending tyranny in our world.”

Leaving the Left to one side, the Right did not like this speech—on the grounds that it was utopian, Wilsonian, unrealistic. Bush understands the criticisms, and he stands by the speech entirely.

“What’s interesting about the debate is that people tend not to listen to the whole spiel,” he says. “People pick out what they want to hear.” In the second inaugural address, he did not mean that the U.S. should ignore its interests. “I don’t think it’s a zero-sum game: free societies or American interests. Matter of fact, I think they’re aligned.” Freer societies are in the American interest, he says, and a boon to American security. “And, of course, we have allies who aren’t as free as we want them to be. But the alliance gives us an opportunity to nudge toward freedom.”

He talks about Saudi Arabia and his relationship with (the late) King Abdullah.

From Bush, a little history: “For me, the freedom agenda became extremely

clear right after September the 11th. I mean, the immediate focus was of course, How do we protect ourselves from another attack? The long-term focus had to be the root causes of radicalism, and the frustrations that caused 19 fairly well-educated kids to come and murder 3,000. I came to the conclusion that forms of society matter. And one reason people were frustrated is that nobody ever listens to them. There’s a group of elites that dominate their lives. And the more educated people have become in the 21st century, the more frustrated they grow, because nobody seems to care what they think.”

He then discusses Tahrir Square, the Egyptian Revolution of 2011, and the ensuing events.

“Part of the problem that people had with the 2005 inaugural speech,” he continues, “is that it was an easy way to say, ‘All he wants to do is impose American values.’” This, he rejects entirely. Freedom, democracy, and human rights are universal values, he insists, not American ones.

I can’t resist an interjection: “My line is, I’d like to impose American values on *America*. That’s a little bit of campaign rhetoric.” Chuckling, Bush says, “Yes, it is.”

He then talks about Junichiro Koizumi, who was prime minister of Japan from 2001 to 2006. “On September the 12th, he called me to say, ‘We stand shoulder to shoulder with you, to enhance our mutual security and spread freedom as the alternative to the ideology of those who murdered 3,000 on American soil.’” Bush found this an interesting statement on several levels. For one thing, his dad, the

future president, had fought the Japanese in World War II.

Bush says, “I bet you, if you had said in the 1940s, ‘Someday America and Japan will be standing shoulder to shoulder,’ people would have said, ‘What a hopeless, idealistic person you are! How naive! How Wilsonian!’” Bush believes in “the transformative power of freedom,” as he says, and regards Japan as a prime example.

As an aside, he notes that he took Koizumi to Graceland in 2006. There, the Japanese PM sang “Love Me Tender.” This “flew in the face of traditional Japanese diplomacy,” says Bush, with understatement.

In the course of our discussion, we talk about political prisoners. In 2007, Bush gave Oscar Biscet the Presidential Medal of Freedom in absentia: Biscet was in the Cuban gulag at the time. (He was released in 2011.) Does such acknowledgement help keep such prisoners alive? Bush thinks so. “For America to embrace individuals and publicize their plight is somewhat of an insurance policy. I hope it is.”

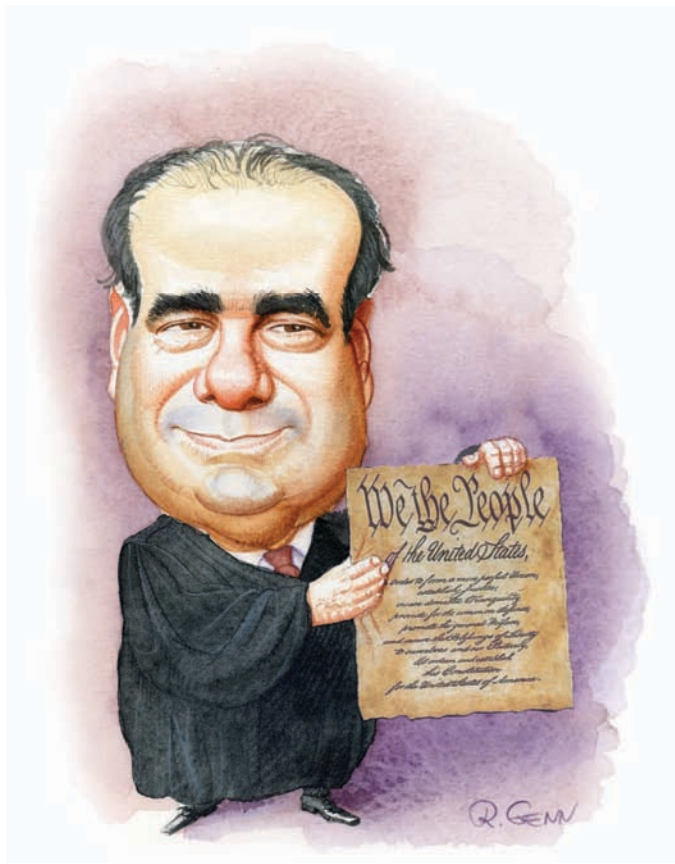
He does not like what he is seeing and hearing in today’s American politics. “The isms of isolationism and protectionism and nativism run deep in our history.” He thinks these isms leave the country more vulnerable to external danger, not less so. And I can tell that he’s worried about the reversion of Afghanistan to dictatorship and barbarism.

I volunteer, “That place is going to hell, Mr. President, is my concern”—I mean, after the U.S. departs. “Yeah,” says Bush, “because it’s not ready to be alone. Neither was Iraq.”

People mock Bush for saying, as he regularly does, that a desire for freedom beats in every human breast. “What about all the tyrants and terrorists?” they say. “Their desire is to tyrannize and terrorize!” Of course, says Bush. He’s not talking about persecutors and would-be persecutors. He’s talking about the run of people, who don’t want to live their lives under a boot.

The “unelected” naturally fear a freedom agenda, he says. They have a battery of ways to maintain control. Imprisonment is one. A monopoly on the press is another. Bush mentions Vladimir Putin. “People say, ‘He’s the most popular guy in Russia.’ I say, ‘Yeah, I’d be popular too if I owned NBC,’” and the other networks.

Nonetheless, he’s popular with some. Those Lost Boys of Sudan. Me. Others. **NR**



Scalia's Last Opinions

His final two dissents reveal themes of his jurisprudence

BY MATTHEW J. FRANCK

WHEN death came for Justice Antonin Scalia, it came quietly and unexpectedly, far from his home and family, during a holiday break in the middle of the Supreme Court's annual term. Had he lived to have things his own way, perhaps Justice Scalia would have planned on a quiet retirement, beginning at a time of his choosing, after a term's end—followed by more time spent with his grandkids, more hunting trips, maybe some memoir writing.

Or perhaps Scalia went out just as (though not just when) he wished, *in medias res*, while his work continued and he had no end of it in view. He did not have a chance to write any memoirs; his opinions and his books, essays, and lectures off the bench will have to speak for him. He did not even get a chance to say to himself, "I'm about to leave the Court, and this is the last opinion I will ever publish."

Yet so consistent, so powerful, and so penetrating in their devotion to the rule of law are Scalia's judicial opinions that one may take one or two almost at random and catch a glimpse of the great patterns of his jurisprudence, as well as flashes of his famous wit. Consider his very last two, published on January 25 of this year—the final messages to his colleagues, to the legal community, and to the American people, which of course he did not know were final when he wrote them. Taken together, these

two opinions—both of them dissents, a mode in which Scalia's voice was unparalleled—say a very great deal about what he thought it meant to be a judge in our constitutional republic.

The first of these cases, *Federal Energy Regulatory Commission v. Electric Power Supply Association*, concerned that commission's authority to regulate pricing policy on the nation's electric-power grid. If this sounds like one of the more boring cases on the Court's docket—the title alone is somnolent—perhaps it is. Yet it contained large problems of rulemaking by the administrative state, statutory interpretation by the judiciary, the separation of powers, and federalism.

The Federal Power Act permits the Federal Energy Regulatory Commission (FERC) to regulate the "sale of electric energy at wholesale," which is to say, "for resale" to retail consumers. Retail transactions for electricity are expressly left by Congress to be regulated by the states. But in 2011, FERC issued a rule regulating the compensation paid to large-scale *retail* consumers (factories, for example) that enter into "demand response" transactions. These amount to promises to reduce their energy use at stated times in return for payment from wholesale regional "market operators." FERC's rule required consumers making this sort of agreement to be compensated at the same rate that energy producers would be paid for producing the equivalent amount of energy.

For a 6–2 Court (Justice Samuel Alito did not participate, possibly because he owned stock in a company that would be affected by the ruling), Justice Elena Kagan upheld FERC's regulation of

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ROMAN GENN

these transactions. Kagan's reading of the statute is replete with references to how demand-response transactions *affect* the wholesale marketplace, since wholesalers take them into account when setting their prices. While this does not make them wholesale transactions themselves, she argues that if FERC's power to regulate such transactions were nullified, these market exchanges would take place in a "no man's land" where neither the federal government (regulating the wholesale market) nor states (regulating retail sales) has any role to play. Congress, Kagan insists, was determined to "eliminate vacuums of authority over the electricity markets"—determined, that is, that "some entity must have jurisdiction to regulate each and every practice" there. (Perish the thought, an unregulated economic transaction!)

Readers familiar with Justice Scalia's restoration of "textualism" in statutory interpretation can anticipate the hammer coming down in his dissent (which was joined by Justice Clarence Thomas). Not for Scalia any arguments based on a putative congressional "purpose," nor any "extratextual" considerations unless they grow directly out of reflection on the text itself (again, not out of reflection on its putative purposes). Show him the text, and precisely the part that the commission's rule is said to be carrying out. Aha! The text of the relevant statute says FERC may regulate the "sale of electric energy at wholesale"? Well, then, a "plain reading of the statute" settles the case, because compensation of demand-response consumers who conserve energy may be a transaction with actors in the wholesale marketplace, but it is manifestly not a *sale at wholesale* that comes within FERC's reach.

Scalia is completely unmoved by the "no man's land" or "vacuum of authority" argument as well. On a plain reading of the statute, federal and state agencies would still have their respective powers over the wholesale and retail markets. But in any event, he noted, this leave-no-vacuum principle is a makeweight argument, fashioned by the judiciary itself in precedents that "base it (no surprise) on legislative history"—sources such as committee reports and legislative debates, which were always Scalia's *bête noire*. He continued:

One would *expect* the congressional proponents of legislation to assert that it is "comprehensive" and leaves no stone unturned. But even if one is a fan of legislative history, surely one cannot rely upon such generalities in determining what a statute actually *does*. Whether it is "comprehensive" and leaves not even the most minor regulatory "gap" surely depends on what it says and not on what its proponents hoped to achieve.

Legal reasoning that presumes that federal power prevails wherever state authority looks impracticable to federal regulators deserves, Scalia says, to "disappear in the Court's memory hole," no matter what precedents there are for it.

In this homely legal case about administrative power, which will largely be forgotten the day after tomorrow by anyone not involved in it, we see so much of what Scalia contributed to the law. Where a statute is plain and unambiguous, he was unwilling to defer to agency interpretations that expanded the government's authority over our daily lives and our market transactions. He was equally ready to cry foul when his fellow judges relied on dubious precedents, forays into legislative history, creative suppressions of a statutory text's plain meaning, and special pleading about the federal bureaucracy's "need" to solve some alleged problem, all in order to justify that same expansion.

Perhaps most notable in the *FERC* case, despite its hardly being mentioned in the course of his dissent, is Scalia's defense of

Congress, and thus of democracy itself. Congress, the people's elected legislature, had written the Federal Power Act and created the commission administering it. Who's the boss here? Bureaucrats who know what's best for the people? Judges who aid and abet them? Or the people and their representatives? As Scalia and his co-author Bryan Garner wrote in their 2012 book *Reading Law*, "A system of democratically adopted laws cannot endure—it makes no sense—without the belief that words convey discernible meanings and without the commitment of legal arbiters to abide by those meanings." The judge is most consistently the people's champion when he resolves *not* to be their tribune.

IN the second case from January 25 in which Scalia dissented—in his very last opinion—we see even more of the qualities that distinguished him as a judge, notably his fierce opposition to a vision of the judge as dispenser of sweetness and light and avatar of progress, even or especially in a case in which many people's sympathies may be drawn to just such a vision.

Montgomery v. Louisiana was the case of a man who, at the age of 17, killed a sheriff's deputy in Louisiana. Henry Montgomery was finally sentenced, after two trials, to life imprisonment without possibility of parole, and has been in prison for most of the last half century. But in *Miller v. Alabama* (2012), the Supreme Court decided on Eighth Amendment grounds ("cruel and unusual punishment") that juvenile offenders cannot be sentenced to life without parole unless they are found to be truly incorrigible—a rare subset of cases, in the Court's expectation. Following this ruling, Montgomery claimed that *Miller* should apply retroactively to his case, entitling him to resentencing or parole consideration. The state supreme court disagreed with him.

A 6–3 U.S. Supreme Court agreed with Montgomery, in an opinion by Justice Anthony Kennedy. But Kennedy had to, shall we say, get around certain difficulties in the Court's precedents. The Court has settled on a set of standards for determining when new rules in constitutional law apply retroactively—a matter especially relevant in the field of criminal law, where many prisoners are behind bars on the basis of old rules that are later supplanted by new ones.

If a case has not yet been subject to a final judgment following appeals, then any new rule the Court has announced is supposed to be applied to it. This seems compelled by the supremacy clause of Article VI. But on "collateral review" after final judgment, when a court revisits a case under habeas corpus, the Court has said that federal judges must abide by the rules that were in place before final judgment—with a couple of exceptions, such as when a major new "substantive rule" is announced (for instance, a ruling that certain conduct cannot be prosecuted as a crime at all, or that a certain class of offenders cannot ever be subjected to a certain punishment). This standard is understood to be an interpretation of the federal habeas corpus statute, not of anything in the Constitution, least of all the supremacy clause.

And what of collateral review in the *state* courts? It had always been understood to be entirely up to the states themselves—their legislatures, their judges—whether *any* recent constitutional rulings of the U.S. Supreme Court, in the exceptional categories or not, would be given retroactive effect. The Supreme Court wasn't even thought to have *jurisdiction* to second-guess the decisions of state courts in such cases.

This is the fairly settled legal order that Justice Kennedy's opinion gratuitously blew up in *Montgomery*. First, Kennedy asserted

jurisdiction, claiming that new “substantive rules” of constitutional law must apply retroactively on collateral review in *all* courts, state as well as federal—and not by the force of the federal habeas statute, but because of the supremacy clause. Then he claimed, equally dubiously, that *Miller* had announced a new “substantive rule” because it had “generally” forbidden life without parole for juvenile offenders.

Voilà. It seems that now all new rulings announcing hitherto unheard-of meanings of the Constitution will apply retroactively if the Supreme Court says they are important enough, and that state courts as well as federal ones will be saddled with the work of reopening heaven knows how many cases for reexamination under the new rules, no matter how long ago they were settled under rules understood at the time.

This fairly breathtaking claim of federal jurisdiction drew Justice Scalia’s special brand of scorn, in a dissent joined by Justice Alito as well as by Justice Thomas (who also wrote separately). So, the supremacy clause did this? “But the Supremacy Clause cannot possibly answer the question before us here,” said Scalia. “It only elicits another question: What federal law is supreme? Old or new?” Scalia’s famous originalism in constitutional interpretation does not seem on the surface to be a large feature of this case (it is prominent and central in Thomas’s separate dissent), but one can see it between the lines of his impatience as he recounts the recent history of the Court’s struggle with the problem it has created for itself by continually inventing “new” meaning for the Constitution. Exposing the majority’s “sleight of hand” in its treatment of precedents going back to the 19th century, Scalia said that “the dicta cherry picked from those cases are irrelevant” and concluded: “All that remains to support the majority’s conclusion is that all-purpose Latin canon: *ipse dixit*”—simply the Court’s say-so.

BUT Scalia was just getting warmed up. At the time of Montgomery’s crime, he pointed out, the death penalty was available in Montgomery’s case, and was considered perfectly constitutional. But “our ever-evolving Constitution changes the rules of ‘cruel and unusual punishments’ every few years.” First the Court ruled out the death penalty for juveniles (in *Roper v. Simmons*, 2005), and then it ruled out most sentences of life without parole for juvenile offenders (in *Miller*, 2012). But even if *Miller* was to be foisted on state habeas proceedings, it could not be said to have announced a new “substantive rule” of categorical exclusion of a penalty where a certain class of offenders was involved, for *Miller* does permit states, even today, to sentence truly incorrigible juveniles to life without parole.

Yet here is what the majority in *Montgomery* has just imposed on our legal system, in Scalia’s apt description:

Federal and (like it or not) state judges are henceforth to resolve the knotty “legal” question: whether a 17-year-old who murdered an innocent sheriff’s deputy half a century ago was at the time of his trial “incorrigible.” Under *Miller*, bear in mind, the inquiry is whether the inmate was seen to be incorrigible when he was sentenced—not whether he has proven corrigible and so can be safely paroled today. What silliness. (And how impossible in practice . . .)

There was a “solution” to this conundrum, kindly offered by Justice Kennedy: simply treat every such offender as now eligible for parole. To which Scalia responded:

Of course. This whole exercise, this whole distortion of *Miller*, is just a devious way of eliminating life without parole for juvenile offenders. The Court might have done that expressly (as we



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know, the Court can decree *anything*), but that would have been something of an embarrassment.

Why an embarrassment? Because just a decade ago, the Court invalidated the death penalty for juveniles partly on the grounds that life without parole still remained available—in an opinion by Justice Kennedy. So today, Scalia said, “in Godfather fashion, the majority makes state legislatures an offer they can’t refuse”: universalize parole for past juvenile offenders in order to avoid having to perform “utterly impossible nonsense.” Scalia’s final words, in his final opinion: “Mission accomplished.”

Scalia’s *Montgomery* dissent is an apparently effortless tour de force. It seamlessly combines logic, a comprehensive grasp of precedent, a complete mastery of the relation between the Constitution and statute law, and a deep respect for federalism and the right of the states to have their own systems of criminal law. And it pours justifiable derision on the “pure applesauce” (as Scalia famously said elsewhere) of the “living Constitution,” while resting sturdily on the firm foundation of jurisdictional and interpretive principles that should limit federal judicial power.

Justice Scalia was rightly celebrated for his brilliant reasoning and his rapier-sharp prose style. From his majority opinions on free exercise of religion (*Oregon v. Smith*, 1990) and Second Amendment rights (*D.C. v. Heller*, 2008) to his famous dissents on the independent counsel (*Morrison v. Olson*, 1988), abortion (*Planned Parenthood v. Casey*, 1992), and same-sex marriage (*Obergefell v. Hodges*, 2015), among countless others, Scalia authored more opinions that will be read a century hence than anyone since John Marshall.

If he was not always right about the original meaning of the Constitution, he nevertheless restored that meaning to its rightly central place in the work of everyone who seriously undertakes constitutional interpretation. And Scalia seemed incapable of writing a stupid, ridiculous, or implausible opinion on any legal subject. His many dissents are an especially bitter-sweet joy to read. The joy comes from how fully liberated he was to say just what he thought, the bittersweetness from how often one wishes they had not been dissents but decisions!

Antonin Scalia had no tolerance for the impulse among his fellow judges to steal a march on democratic self-government, whether it was done with the trumpets of Progress blaring, as in the same-sex-marriage ruling last year, or accomplished more stealthily, by nibbling little “evolutions” of constitutional meaning, as in *Montgomery* or hundreds of other cases like it. His untiring work ethic led him to call overreaching judicial power by its right name every time he saw it.

Decisions such as *FERC* and *Montgomery* will not go down in the history books as big cases, and collections of famous Scalia opinions will probably not include either one of these dissents. Yet these two final opinions of the great Antonin Scalia capture, as if in a microcosm, his 30-year career of warning us about what he said on the last page of his last opinion: “As we know, the Court can decree *anything*.” In the coming struggle over Scalia’s vacant seat on the Court, it is up to us to heed his warning and do our best to make such a characterization of judicial power a distant and unpleasant memory. If we achieve that, then we can look back at Antonin Scalia’s distinguished career and say, this time with joy and not with the sarcasm he employed in his last published sentence: Mission accomplished. **NR**

Scalia’s Blow For Federalism

The significance of Printz v. United States

BY RICHARD A. EPSTEIN &
MARIO LOYOLA

WHEN the Constitution was originally ratified, the Framers consciously sought to keep the powers of the federal and state governments separate. The federal government could regulate those transactions that actually crossed state lines, while each state could use its general “police power” to regulate manufacturing, agriculture, and mining activities that occurred wholly inside its borders. The great virtue of this division was that it spared people and firms from having to deal with different sets of rules over the same activity, while fostering a healthy competition for residents and businesses among the several states.

That harmonious arrangement began to erode in the early 20th century, culminating in the Supreme Court’s devastating 1937 decisions that subjected virtually all economic activity to federal power. Overnight, the federal government went from regulating little beyond interstate telephones and railroads to regulating just about everything—including the states themselves. The new arrangement ironically expanded state power, too—particularly the power to create anti-competitive cartels and monopolies for special interests—but only to the extent that such power served federal purposes. In his 1950 article “The Passing of Dual Federalism,” Princeton University professor Edward Corwin asked whether, given the new federal dominance, states could even be salvaged “for any useful purpose.”

Nearly 50 years later, the Supreme Court finally answered “Yes,” in what was perhaps the late Justice Antonin Scalia’s greatest single contribution to constitutional law—his majority opinion in the 1997 case of *Printz v. United States*. At issue was whether the federal government could require state police officers to conduct background checks on prospective gun purchasers—in other words, whether the federal government could deputize state officials against their will and impress them into federal service.

First, a bit of background. One of the many troubling constitutional questions left in the wake of the New Deal was whether federal labor standards applied to state employees. The Supreme Court went back and forth on this issue as if caught in a logical maze in which all the available answers were wrong. Over several decades, the Court embraced and rejected a variety of indeterminate “balancing tests” before finally deciding, in the thoroughly misguided 1985 case of *Garcia v. San Antonio Metropolitan Transit Authority*, that the Founders intended the states to be protected from federal power solely by the federal political process, a counterintuitive proposition

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for which there is not the slightest evidence in the historical record.

Shortly after *Garcia*, Republican appointees regained a majority of the Court for the first time since the New Deal. Only then did the outlines of a coherent answer to Corwin's question begin to emerge. In the 1992 case of *New York v. United States*, the Court articulated a crucial distinction that would have been totally irrelevant under the pre-1937 constitutional order—the distinction between laws of general applicability, which apply to state governments only incidentally, and laws that seek to commandeer state governments for federal purposes. As to the former, Justice Sandra Day O'Connor wrote that balancing tests might be preferable to the rule of *Garcia*, but the latter were a different matter: "The Constitution has never been understood to confer upon Congress the ability to require the States to govern according to Congress' instructions."

The stage was now set for Scalia to extend the counterattack against the progressive federal takeover of state governments. When the Brady Act's requirement of state-police background checks on prospective gun purchasers came before the Court five years later, he seized the opportunity. In a colorful majority opinion full of italics for emphasis, Scalia resoundingly reaffirmed the incontestable "dual sovereignty" of the states, which was "reflected throughout the Constitution's text," and not just there. Both the history of federal-state interactions and the very structure of the Constitution, Scalia wrote, required that states "remain independent and autonomous within their proper sphere of authority."

As James Madison noted, the tumultuous Articles of Confederation had "exploded on all hands" the "practicability of making laws, with coercive sanctions, for the States as political bodies." State governments, Scalia noted, must "represent and remain accountable to their citizens," by being kept "independent and autonomous within their proper sphere of authority." The "dual sovereignty" Corwin thought "passing" was in fact a vital constitutional imperative. "This separation into the two spheres is one of the Constitution's structural protections of liberty," Scalia wrote.

A balancing test might be appropriate, Scalia went on to say,

if we were evaluating whether the incidental application to the States of a federal law of general applicability excessively interfered with the functioning of state governments. . . . But where, as here, it is the whole *object* of the law to direct the functioning of the state executive, and hence to compromise the structural framework of dual sovereignty, such a "balancing" analysis is inappropriate. It is the *very principle* of separate State sovereignty that such a law offends, and no comparative assessment of the various interests can overcome that fundamental defect.

Scalia expressed a rather dim view of cooperative federal-state programs, such as federal grants to the states. He noted cases in which the Court had sustained such statutes "only after assuring ourselves that they did not require the States to enforce federal law." In keeping with other decisions in the wake of the New Deal, he gave such "cooperative federalism" programs a dubious pass but seemed to imply that he was suspicious of them, too.

His suspicion was well founded, particularly in light of a new tactic of federal control—namely, attaching strings to federal delegation of regulatory powers to the states, as when the EPA gives states "permission" to implement its Clean Power Plan or face the dire prospect of the EPA's implementing the plan itself in a far more onerous way. The innocuous term "cooperative federalism" is just a polite way to describe the federal takeover of state governments when accomplished by indirection and implied coercion.

Scalia's invocation of the necessary-and-proper clause in *Printz* charts a path away from state subservience to an omnipotent federal government. In the wake of *Printz*, no law that violates the federal structure of the Constitution is a "proper" means of carrying into execution any enumerated power. Taking this logic farther, it may be possible once again to set the outer boundaries of the federal government's delegated powers by reference to the wide area of the states' reserved powers, as the Supreme Court did back in 1824, in *Gibbons v. Ogden*, when Chief Justice Marshall denied federal power to block state inspection laws or regulate the purely interior commerce of any given state by noting the laws "of every description" reserved for the exclusive dominion of the states.

Scalia well understood, as Sandra Day O'Connor had written in *New York*, that "accountability [of state governments to the people] is . . . diminished when, due to federal coercion, elected state officials cannot regulate in accordance with the views of the local electorate in matters not pre-empted by federal regulation." It would have been but a short step to recognize that the allure of free federal dollars, or of some nominal "flexibility" to implement federal regulations, too often proves an overwhelming incentive to ignore local preferences in favor of federal ones in matters of primary state and local jurisdiction.

The promise of Scalia's approach in *Printz* was illuminated in a more recent case, *Bond v. United States*. The habitually ambivalent Justice Anthony Kennedy's majority opinion rightly stressed how the division of authority into federal and state spheres "protects the liberty of the individual from arbitrary power"—especially when the 14th Amendment is there to give a federal check against the excesses of state government. Once again it is possible for the Supreme Court to equate unbridled national majority rule with "arbitrary power."

Scalia was not perfect, to say the least. In his last book, *Reading Law: The Interpretation of Legal Texts*, he admitted that he might no longer be able to stand by many opinions he had joined or written during his time on the Court: On some questions, he wrote, "wisdom has come late."

If Scalia was too permissive of "cooperative federalism," he was too hostile to the so-called dormant commerce clause, which holds that the Constitution makes the United States into a unified free-trade zone, preempting state laws that discriminate against the commerce of other states. Indeed, the same constitutional structure that Scalia so effectively defended in *Printz* requires barring states from discriminating against out-of-state firms in order to favor local ones. The same goes for federal protections of minorities from state abuses, which the 14th Amendment made explicit, but which the Supreme Court substantially neutered in a series of late-19th-century cases.

The Supreme Court's jurisprudence on federalism is a fearsome tangle of mistakes. Its few bright spots include *Printz*, which Scalia authored, and the dormant commerce clause, which he opposed. Nonetheless, the Court has generally permitted federal control of state governments where state autonomy is most vital and neutered federal protection against state abuses where federal protection is most vital. Fixing those errors is especially daunting today given the straitjacket of *stare decisis*, which blocks a coherent reexamination of dubious decisions starting from first principles. Too many of the Court's modern constitutional milestones continue down the wrong turns of a century ago or more.

Justice Scalia's opinion in *Printz* laid the foundations for correcting these enormous mistakes. May future Courts build on those foundations.

NR

A Justice in Full

A symposium on Antonin Scalia

NATIONAL REVIEW asked colleagues, friends, and family members of the late Justice Antonin Scalia to say some words about his mind and character. The editors thank Edward Whelan for assistance in planning and organizing this symposium.

HADLEY ARKES

It was part of Nino's virtue and charm—and his Christian outlook—that he could find something redeeming and likeable in just about everyone he met, regardless of politics. And so we'd go to dinner at the Scalias' and find Nina Totenberg, from NPR, along with her husband. Ms. Totenberg has put in her years in the vineyard of covering the Court, and she has cultivated the skills of a workman. But among her skills has never been the knack of concealing her contempt for conservatives.

Whoever composed the company at table, everything would end well when Father Malcolm Kennedy, a seasoned New Yorker, took a seat at the piano. We would gather around, and then Nino and I and others would join in belting out those Broadway tunes we grew up with in the '50s—Rodgers and Hammerstein, *South Pacific*, *Carousel*, and all the others. And one could almost believe, at the end of such an evening, that with good will, everything would come out all right.

Mr. Arkes is the Ney Professor Emeritus at Amherst College and the founder and director of the James Wilson Institute on Natural Rights and the American Founding.

RICHARD BERNSTEIN

When I clerked for Justice Scalia in 1987 and 1988, he already had his textualist method, but he was often applying it for the first time to a particular area. So Justice Scalia had lots of discussions in which his clerks as a group would push him on where his method led. One topic was whether the free-exercise clause exempted religious conduct from generally applicable laws. I asked, "Suppose a state, exercising its 21st Amendment power, banned all use of alcohol, with no exception for the sacrament?" He thought a bit and his face broadened into that inimitable smile. The justice said: "The Constitution permits a state to do it, but they'd burn in hell."

Mr. Bernstein is a partner at Willkie Farr & Gallagher, and a Democrat.

STEPHEN BREYER

For many years Nino Scalia and I knew each other as administrative-law buffs. We met at least annually with other convivial members of that small group of teachers and practitioners, perhaps at a bar-association meeting in Santa Fe, or Miami, or Washington, where, over a drink after a concert or at a good dinner, we would trade administrative-law stories, discuss recent cases, and thoroughly enjoy ourselves. Yes, even in that setting Nino sparkled with enthusiasm, energy, sense of humor, insight, and seriousness

of purpose—the very same qualities that I and his other colleagues have benefited from in more recent years.

We would sometimes debate our philosophical differences in public, once before the Senate Judiciary Committee, once on a football field before several hundred students in Lubbock, Texas. He would explain the benefits of "originalism." I would respond that George Washington was not aware of the Internet. He would reply, "Actually, I knew that." And, sometimes conceding that originalism, too, had imperfections, he would add that, comparatively speaking, it's like the camper who sees his friend lacing up his running shoes: "What are you doing?" he asks. "There's a bear coming," answers the friend. "You can't outrun a bear," he replies. "True, but I can outrun you."

That was Nino: funny, principled, and spirited. He loved nothing better than a good argument. We both would hope that the audience of students or senators would leave not with a better sense of who was right, but with a greater respect for the institution we represented. They would see that sometimes we disagreed, that we nonetheless understood and paid attention to each other's points of view, that those views were serious views, and that we were friends. And we were good friends. Like the rest of my colleagues, I shall miss him enormously. I shall miss his love of life, his infectious humor, his memorable phrases, his definite opinions, and his dedication to the Court and to the law.

Mr. Breyer is an associate justice of the Supreme Court of the United States.

DANIEL COLLINS

One evening, while the justice and I were working late on a draft opinion, he walked into the reception area to leave a note for one of the secretaries. I followed him into the room, and we lingered there for a few moments while we continued our conversation about a point in the opinion. Now, in the reception area, near the window, there was a special red phone. I had never seen it used or heard it ring, and no one seemed to know why it was there. But just at that moment, it happened—the red phone rang. Justice Scalia appeared surprised at first, but without missing a beat he looked at me and said, "I'd better answer that—it could be Khrushchev!" He hurried over to the phone, spoke briefly with the person on the other end, and then placed the receiver back down. As he turned to me, I asked him who it was. He smiled and said, "It was a wrong number!" We both had a good laugh.

Mr. Collins clerked for Justice Scalia during the Court's 1991–92 term and is now an attorney in Los Angeles.

ALAN M. DERSHOWITZ

One morning as I was returning from teaching a first-year criminal-law class at Harvard Law School, my phone rang. When I picked it up, I heard a familiar voice say, "Hey Alan, this is Nino. I accept your challenge." Although I had known Justice Scalia for a long time—I even knew his father, who was a professor at Brooklyn College when I was a student—I never called him Nino. So I answered, "Who?" to which he replied "Nino Scalia." I said, "What challenge?"

"Oh, so your students didn't tell you?" he replied.

"Tell me what?" I asked.

"Some of the students in your criminal-law class challenged

me to come debate you in front of the class about my theory of originalism, since they tell me you've been quite critical of me."

I quickly accepted the challenge and we set a date for the debate. He told me to tell the class that he was not coming as Justice Scalia, but rather as just another lawyer with a controversial idea and that everyone in the class should regard himself as everyone else's equal for the purposes of the debate so that the best ideas would win. "I don't pull rank when I'm debating."

Typical Scalia. He loved challenges, debate, and controversy.

We argued back and forth for nearly two hours. The students declared the debate a draw, though each of us probably had a different conclusion.

That was not our only confrontation. When he issued the stay in *Bush v. Gore*, I was extremely critical, ultimately writing a book, *Supreme Injustice*, in which I attacked his views in that case mercilessly. When he subsequently addressed a group of faculty members at a lunch, I told him that many people in the room probably believed that if the shoe had been on the other foot—if it had been Bush who sought a recount—he might not have reached the same decision. He responded, "I don't like being accused of violating my oath of office," to which I responded, "Then you should be careful to avoid the appearance of having done so."

When the next round of questioning began, the then-dean, now-justice Elena Kagan pretended not to see my raised hand, obviously seeking to avoid another confrontation. But Justice Scalia saw it and said to Dean Kagan, "Call on Dershowitz, I'm not afraid of his questions." After the lunch, he came over and put his arm around me and said, "The one thing no one can ever say about us shin-kickers is that we're boring."

Mr. Dershowitz is a professor emeritus at Harvard Law School.

ROBERT P. GEORGE

The last time I saw Nino was a few months ago, when the two of us conducted a public conversation on the Constitution at the Union League in Philadelphia. We had engaged in discussions of this sort on several occasions, and he was always a superb interlocutor. But this time, he was at his very best—absolutely sparkling. The several hundred people assembled as our audience adored him. There is no other word for it. He was witty, charming, articulate, informative, down to earth, and, whenever I pressed him a bit on the few points on which we did not quite see eye to eye, characteristically—and winningly—pugnacious.

There was, however, a poignant moment that evening, one that the audience did not witness. In fact, I alone witnessed it. The Union League handled the justice's visit with great formality. The club's president introduced the two of us to the audience as we waited out of view in an adjacent room. That way, we could walk into the lecture hall and onto the dais to the applause of the audience. I was given a nice but appropriately brief introduction. Then Nino was given an equally appropriately lengthy and elaborate one. As the president went on and on, noting Justice Scalia's brilliance, the depth and breadth of his learning, the analytical rigor of his thinking, the elegance of his writing, and so forth, Nino turned to me and said, "If I'm so wonderful, why am I so often on the losing side?"

It was, I believe, what is known as an "Italian joke"—a humorous (and in this case self-deprecating) comment, but one meant to express a truth. Nino was not the sort of person who didn't mind los-

ing but really cared only to be able to speak his mind, make his point, and revel in the intellectual combat. He was too great a patriot, and he revered the Constitution too much, for that. He minded losing. He profoundly cared that the Constitution be respected and not manipulated or trashed under the pretext of giving effect to its guarantees. He feared that the abandonment of authentic constitutional principles by judges who feel it is their prerogative to make laws and rule the people, in the name of "making the Constitution a living, breathing document," would doom the nation. Like Lincoln, under whose portrait Justice Scalia and I held our conversation that evening in a club founded during the Civil War to support the Union cause, he regarded the usurpation of the authority of the people and their elected representatives by judges who failed to understand the constitutional limits of their own power as a dire threat to republican government—government of the people, by the people, and for the people.

Mr. George is the McCormick Professor of Jurisprudence, and the director of the James Madison Program in American Ideals and Institutions, at Princeton University.

RUTH BADER GINSBURG

December 12, 2000, the day the Court decided *Bush v. Gore*, I was in chambers, exhausted after the marathon: review granted Saturday, briefs filed Sunday, oral argument Monday, opinions completed and released Tuesday. Justice Scalia and I were on opposite sides. The Court did the right thing, he had no doubt. I disagreed and explained why in a dissenting opinion. Around 9 P.M. the telephone, my direct line, rang. It was Justice Scalia. He didn't say, "Get over it." Instead, he asked, "Ruth, why are you still at the Court? Go home and take a hot bath." Good advice I promptly followed.

Among my favorite Scalia stories is that, when President Clinton was mulling over his first nomination to the Supreme Court, Justice Scalia was asked, "If you were stranded on a desert island with a Court colleague, whom would you prefer, Larry Tribe or Mario Cuomo?" Scalia answered quickly and distinctly: "Ruth Bader Ginsburg." Within days, the president chose me.

I will miss the challenges and the laughter he provoked, the roses he brought me on my birthday, the chance to appear with him once more as supernumeraries at the opera. But how blessed I was to have a friend of such brilliance, high spirits, and quick wit. In the words of the duet for tenor Scalia and soprano Ginsburg in the opera buffa *Scalia/Ginsburg*, we were different, yes, yet one in our reverence for the Court and its place in the U.S. system of governance.

Ruth Bader Ginsburg is an associate justice of the Supreme Court of the United States.

KEVIN B. HUFF

One day, during my clerkship, Justice Scalia came to the office after a hunting trip. He produced from his briefcase a picture of himself, in a camouflage outfit, holding by the legs a turkey he had shot. My co-clerks and I loved the picture and decided to play a prank on the justice. We "borrowed" the picture and had it printed onto a computer mousepad. We gave the mousepad to Justice Thomas and asked him to put it on his desk and arrange for Justice Scalia to happen upon it as they talked about a case. A few days later, after oral argument, Justice Thomas asked Justice Scalia to chat with him in his chambers. My co-clerks and I apprehensively waited to see whether Justice

Scalia would find the mousepad as funny as we did. After a few minutes, we were relieved to hear, wafting down the halls of the Court, the distinctive belly laughs of the two justices. I will miss that laugh.

Mr. Huff, of the law firm Kellogg, Huber, Hansen, Todd, Evans & Figel in Washington, D.C., clerked for Justice Scalia during the Court's 1998–99 term.

ANDREW NUSSBAUM

By the 1990s, a well-established Scalia-clerk tradition was the annual visit to A.V. Ristorante, a local Italian restaurant best known, in the justice's view, for its anchovy pizza. Each year, the justice took clerks from each chambers, starting with his own, out for this Italian delicacy.

The clerks generally approached the lunch with some culinary trepidation—whether worldly or not, few of us had eaten anchovy pizza, and even fewer looked forward to the tasting. With a deep dislike for anchovies, I sought a judicial workaround. When we sat down for lunch and the justice ordered “anchovy pizza for everyone,” I told him I could not join in.

“Why not?” he asked.

“Thought you would know this, justice, but Jews don't eat hairy fish,” I replied. “Look it up, it's true.”

For the moment, at least, the religion clause provided me a safer haven with the justice than some recent petitioners before the Court had enjoyed. After lunch, we returned to chambers. A few hours later, the justice called me to his office. He smiled and belatedly, “I looked it up, it's not in there. You made that up.”

“Oh,” I replied, “it must be an interpretation, then.”

Mr. Nussbaum, a corporate partner at Wachtell, Lipton, Rosen & Katz in New York City, clerked for Justice Scalia during the Court's 1992–93 term.

LEE LIBERMAN OTIS

I clerked for Justice Scalia in his first year on the Supreme Court, October term 1986. At some point during that year, the Court held a party for Justice William Brennan in honor of his 80th birthday. At the time, Justice Scalia was 50. Justice Scalia had enormous respect for Justice Brennan as a lawyer and they got along famously, notwithstanding some fundamental disagreements.

When Justice Scalia came back from the party, we asked him how it had gone. He said that for the occasion, the clerks had collected all of Justice Brennan's most important opinions, which took up quite a large table. He said he took one look and deadpanned, “So little time, so much to overrule!” He reported that Justice Brennan roared with laughter.

Lee Liberman Otis clerked for Antonin Scalia on the D.C. Circuit (1983–84) and the Supreme Court (1986–87) and was a student of his at the University of Chicago Law School. She is currently senior vice president of the Federalist Society. The views expressed here are her own.

PAUL SCALIA

The beach our family went to every summer had a convenient Sunday Mass. Unfortunately, that convenience was at the price of

reverence. The “church” was an open-air structure, and that made Mass about as reverent as it sounds. With the entire brood to prepare and get out the door, we were inevitably late and always found ourselves standing in the sand outside the church.

One Sunday, my younger brothers and I were standing apart from my parents (i.e., beyond arm's reach). When the time came for the Consecration, my parents knelt. In the sand. Without support. Or cushions. My brothers and I stood.

When we returned to the cottage after Mass, Dad was waiting for us at the top of the stairs. He proceeded to . . . well, not to scold us and certainly not to yell at us. Rather, he gave us a strong catechesis on the Mass, explaining that no matter who or what kind of man the priest is, he can do something no other man can do: He can change bread and wine into Christ's Body and Blood. And when he does so, you had better kneel.

Obviously, that scene has stuck with me and has probably had no small part in my own vocation. But the lesson revealed two essential elements of the Catholic instinct my dad possessed. First, the Catholic reverence for the priesthood that survives particular priests. Second, the understanding that, although God has hidden things from the wise and the learned, He has revealed them to the childlike (Matthew 11:25). In his work and in many other areas, my dad was wise and learned (indeed, more so than many priests). But in turning to the things of God, he knew he needed to become childlike. And kneel in the sand.

Father Scalia is a priest of the Diocese of Arlington and serves as the episcopal vicar for clergy.

GLEN SUMMERS

A few years after my clerkship ended in 1997, having settled into private practice, I summoned the courage to invite the justice to join me on a mule-deer hunt in western Colorado. The justice accepted the invitation, took a respectable buck, and thoroughly enjoyed the experience of hunting big game in the West.

In 2003, I again invited the justice to join me for a hunt in Colorado, this time for elk. We'd had a long, unsuccessful hunt, but just as we were leaving the hunting area, a herd of elk crossed the road right in front of us. After a short pursuit and some excellent long-range shooting by the justice, a magnificent bull elk lay at our feet. Later nicknamed “Leroy,” that beautiful elk thereafter adorned the walls of the justice's chambers in the Supreme Court.

In the years to follow, the justice and I went on dozens of hunting and fishing outings together all over North America. One of our more memorable hunts was in 2005, when we hunted pronghorn together in Wyoming. Our host was Tony Rose, a colorful Wyoming lawman who was then the U.S. marshal for the district of Wyoming.

That night, we ate steaks, drank whisky, and told tales around an open campfire under a clear, star-filled night. The justice loved every moment of it. He was certainly fond of whisky and always had a good joke to tell. The justice did have to rough it on that trip. He, the marshal, and I shared a single, canvas-wall tent with cots and sleeping bags. But the joke was on me. When we retired for the night, the justice and the marshal immediately passed out. As I lay in the middle cot trying to fall asleep, the snoring began. First, to my right, the justice. Then, to my left, the marshal. Faint at first, it rapidly escalated into a thunderous cacophony. I had never heard snoring so loud, and haven't again to this day. There

I lay, wondering: Could I possibly prod a Supreme Court justice, or yell at him to “shoosh”?

It was a long night.

Mr. Summers, a partner in the law firm Bartlit Beck Herman Palenchar & Scott, clerked for Justice Scalia during the Court's 1996–97 term.

CLARENCE THOMAS

I first met Justice Scalia when I arrived at the Court in October 1991. I had known him only by what I had read by and about him. The seeds of my deep affection for him were planted in those early days when he joined my separate writings and thus ensured that I was not alone in receiving the criticism that was sure to come. Over the nearly quarter of a century that we were colleagues, we grew to trust and love each other.

He cared deeply about the oath that he had taken and what it required of him. Whether it was wrestling with difficult legal principles or syntactical nuances, he gave it his all. This applied to both his work and that of his colleagues. Even when we were on opposite sides of cases, he would offer suggestions that he thought would improve an opinion with which he disagreed.

I am eternally grateful that my friend Antonin Scalia was a member of the Court when I arrived. His presence made a difficult transition less so. I certainly know I am better for having worked with this good man. And I know our country, our Constitution, and our legal system are better for his outstanding tenure on the bench.

Mr. Thomas is an associate justice of the Supreme Court of the United States.

EDWARD WHELAN

Yes, Justice Scalia loved hunting and fly-fishing, opera and Shakespeare, anchovy pizza and red wine. But while those all brought him real pleasure, the two deep loves that sustained him, in good times and in bad, were his wonderful wife Maureen and the Catholic faith they shared.

During one very low point of the dismal term I clerked for him, when some of his colleagues were engaging in rampant lawlessness, I asked him, somewhat rhetorically, how he could possibly put up with it all, year after year. Instead of telling me to stop griping, he answered: “Maureen.”

Similarly, while he was rightly proud of his nine children, whenever anyone complimented him for their achievements and virtues, he would say, “Maureen deserves all the credit.”

The boss was quiet about his faith in chambers. But on one Holy Day of Obligation on which he detected that I was buried in work and hadn't yet gone to Mass, he gave a gentle nudge by quoting the Gospel passage, “What will it profit a man if he gains the whole world, but loses his soul?”

From Justice Scalia's two loves, I was inspired to deepen my embrace of the faith and to find my own Maureen. It's no surprise that she turned out to be someone who, although a non-lawyer, was already an ardent admirer of the justice.

Mr. Whelan, the president of the Ethics and Public Policy Center and a regular contributor to NATIONAL REVIEW's Bench Memos blog, clerked for Justice Scalia during the Court's 1991–92 term.

NR

The CRISPR Conundrum

A powerful new genetic technique comes with possibly grave dangers

BY JOHN J. MILLER

Pasadena, Calif.

“I've seen revolution after revolution in biology,” says David Baltimore, a 77-year-old scientist who has had one of the brightest careers in his field. “This one is a big deal.”

He's talking about CRISPR, which may sound like a drawer in your refrigerator but in fact refers to a new gene-editing technique whose acronym could become its own word, as familiar in the future as “radar” and “laser” are today. Its full name is gibberish to most people: “clustered regularly interspaced short palindromic repeats.” Its possible effects, though, are easy to understand. In December, *Science* hailed CRISPR as its “breakthrough of the year,” announcing that it promises to do everything from wiping out diseases to creating super crops. “In short,” said *Science*, “it's only slightly hyperbolic to say that if scientists can dream of a genetic manipulation, CRISPR can now make it happen.”

Yet these dreams could turn to nightmares if they involve the genetic manipulation of people. “That's an obvious application of the technology,” says Baltimore. It raises the specter of Dr. Frankenstein's wild experiments and the eugenic goal of designer babies. In an article on CRISPR last year, *MIT Technology Review* wrote of labs in which “man rebuilds creation to suit himself” and warned of “a path toward a dystopia of superpeople.” From these accounts, it would seem that Aldous Huxley's creepy totalitarian vision in *Brave New World* looms as never before.

For much of the last year, Baltimore has devoted himself to organizing his fellow scientists in an ad hoc campaign to fend off these dark possibilities. It culminated in December, when he convened a major conference for the National Academy of Sciences (NAS). Baltimore and his allies urged researchers around the world not to proceed “in purposefully altering human evolution.” At the same time, they believe that CRISPR may hold the valuable potential to fight hereditary diseases, so they stopped short of calling for the broader moratorium that some have demanded.

A respected scientist who is also a veteran of political rumbles, Baltimore may be the ideal person to direct this effort. The native New Yorker was a prodigy who knew from boyhood that he would spend his life in science. “I wanted to learn about the world, to live on the edge of knowledge,” he says. As an undergraduate at Swarthmore, he developed an interest in molecular biology. Because Swarthmore didn't offer any courses on the subject in the 1950s, he designed and taught his own.

He earned his doctorate at 26, worked at the Salk Institute in California, and then joined the faculty of MIT. The Nobel Prize in Medicine commonly caps off careers, going to people as they near the end of their professional lives. Baltimore won it in 1975, when he was just 37, for work that he had finished five years earlier. Baltimore and two others shared that year's award "for their discoveries concerning the interaction between tumor viruses and the genetic material of the cell." By the 1980s, he was not just a first-rate researcher but also a builder and leader of institutions. He launched the Whitehead Institute for Biomedical Research, in Massachusetts, and went on to be appointed president of Rockefeller University, in New York City.

Around this time, Representative John Dingell (D., Mich.) dragged Baltimore in front of his congressional committee, which oversaw federal science grants. Baltimore stood accused of covering up the alleged scientific fraud of a colleague. "The Baltimore case is reminiscent of the Watergate scandal," glowered an editorial in the *New York Times*. Baltimore resigned from Rockefeller's presidency, but he refused to admit wrongdoing—and in 1996, after a decade of adversity and legal bills, a special panel exonerated him. "When it's time to hold a bridge, I want David Baltimore in my fox-hole," wrote Paul Gigot of the *Wall Street Journal*, who covered the ordeal. His reputation restored, Baltimore went on to serve as president of the California Institute of Technology for nearly a decade. Today he's a professor on its faculty, working on the third floor of a laboratory building, in a small office he has decorated with the modern art of Damien Hirst and Michael Kenna.

BALTIMORE first learned of CRISPR about three years ago, in conversations with other molecular biologists. "I saw its importance right away," he says. Although much of the groundbreaking work had been done in mice, he knew its lessons could apply to humans. One basic and uncontroversial type of therapy would involve somatic cells, which are the ordinary cells of the body. Editing these would affect only the person whose body contains them. Germline cells, however, are another matter. These are the egg and sperm cells that generate offspring—and editing them with CRISPR would shape human inheritance.

Instead of the future, Baltimore's thoughts turned to the past—specifically, to a 1975 conference that usually goes by the shorthand name of "Asilomar," after the facility near Monterey, Calif., that hosted it. Back then, researchers were just learning about the gene-splicing power of recombinant DNA, as well as confronting widespread concerns about mad scientists' hatching deadly plagues in their test tubes. If the literary touchstone of CRISPR is *Brave New World*, then for Asilomar it was Michael Crichton's popular 1969 novel *The Andromeda Strain*.

With several others, Baltimore called on scientists to police themselves, building public trust through transparency and allowing regulators time to develop sensible policies. Yet Baltimore says he always knew scientists would have to confront the challenges posed by Huxley's novel, which he had read as a teen. "The history of our field teaches that the inconceivable becomes conceivable," says Baltimore. "At Asilomar, we had

identified the genetic modification of humans as the biggest coming issue. We just didn't know when it would come."

When it came in the form of CRISPR, Baltimore hesitated to throw together a new Asilomar conference. "I thought younger people might do it," he says. One of those younger people was Jennifer Doudna, a geneticist at UC Berkeley who had helped discover CRISPR. Through a mutual friend—the scientist Michael Botchan, also of Berkeley—she contacted Baltimore and invited him and a handful of others to a small meeting at a hotel in Napa Valley early in 2015. Their group discussed the implications of CRISPR and began to draft a statement, which appeared in the April 3 issue of *Science*. It spoke of "the promise of curing genetic disease" but also warned of "unknown risks to human health and well-being." Then it put forth a proposal: "We recommend that steps be taken to strongly discourage . . . any attempts at germline genome modification for clinical applications in humans."

The statement listed 18 authors, with Baltimore at the top. "I thought Doudna should have been the first signer," says Baltimore. Yet Doudna insisted on an alphabetical ordering, which had the perhaps intended effect of making Baltimore look like the leader. Soon he started to act like one. With fellow Nobel laureate Paul Berg of Stanford, he wrote an op-ed for the *Wall Street Journal*: "Let's Hit 'Pause' Before Altering Humankind."

Days later, as if on cue, scientists at Sun Yat-sen University in China published the results of a controversial study in which they used CRISPR to alter the genome of human embryos. The research, meant to investigate the possibilities of CRISPR, was performed on selected embryos that had a chromosomal defect that rendered them unviable. The Chinese research revealed that CRISPR, despite its potential, is still a young technology that often doesn't work properly, leaving it a long way from practical applications in people. Yet the event demonstrated that Baltimore's concerns had moved out of the realm of science fiction and into scientific reality. "There are no borders around this technology," says Baltimore.

Before the month was over, Francis S. Collins, director of the National Institutes of Health, pledged not to "fund any use of gene-editing technologies in human embryos," calling it "a line that should not be crossed." A few weeks later, John P. Holdren, President Obama's chief science adviser, declared: "The administration believes that altering the human germline for clinical purposes is a line that should not be crossed at this time."

IN the debates over gene editing, "lines that shouldn't be crossed" is everyone's favorite metaphor. Where would Baltimore draw them? "There may be things we should just say no to, but until I have a precise proposal in front of me, I don't know what those limits are," he says. "Right now, we need an international, voluntary consensus, from a highly respected process." He thinks it would be a mistake to rule out anything—and wise to proceed with extreme caution.

Baltimore had hoped that the NAS might sponsor the equivalent of a new Asilomar conference. When the NAS did and asked him to lead it, he reluctantly agreed. In December, an international group gathered in Washington, D.C., under the aegis of the NAS as well as the Royal Society of London

and, notably, the Chinese Academy of Sciences. “The overriding question is when, if ever, we will want to use gene editing to change human inheritance,” said Baltimore, as he opened the deliberations.

“We did not answer the question—that’s still in front of us,” says Baltimore now. “To answer it, we would have had to make a lot of assumptions and decisions that we didn’t want to make. We wanted to open a discussion, not close it.” Yet he also intended the conversations to reflect certain perspectives. Speakers included Yale historian Daniel J. Kevles, author of *In the Name of Eugenics*, the definitive account of the movement to improve humanity through supposedly better breeding. “I wanted him to remind us of the historical context,” says Baltimore. “People may not know how popular eugenics once was, when some of the best scientists believed in it. Just because we can do it with more foresight and precision today doesn’t mean it’s a good thing.”

As the conference closed, Baltimore released a new statement that tried to balance the fear of eugenics with the hope that CRISPR could improve the human condition: “It would be irresponsible to proceed” with germline modification without first having worked out basic questions of safety, or having achieved a “broad societal consensus” about the application. “At present, these criteria have not been met.” In the future, though, that could change: “As scientific knowledge advances and societal views evolve, the clinical use of germline editing should be revisited on a regular basis.” The statement carries no legal or regulatory authority. “It’s an act of moral suasion,” says Baltimore. “It worked at Asilomar and it can work here.”

Some complain that it doesn’t go far enough. In May, Robert Pollack of Columbia University wrote to *Science*: “I do not think anything short of a complete and total ban on human germline modification will do.” He warned of “the beginning of the end of the simplest notion of each of us being ‘endowed by our Creator with certain inalienable rights.’” Marcy Darnovsky of the Center for Genetics and Society accused Baltimore of having “kicked the can down the road” and called on the United States to outlaw germline editing.

Gene editing makes a hash of ordinary political labels. Pollack calls himself liberal and Darnovsky calls herself progressive, but they also might be labeled genetic reactionaries who seek to halt innovation. They’re opposed by genetic radicals such as John Harris of the University of Manchester and Julian Savulescu of Oxford University, who argue that the genetic enhancement of the human species is a moral obligation. Their school of thought is sometimes dubbed “transhumanism.”

Baltimore, who is a liberal in the conventional sense, prefers what might be called, in this context, a conservative approach. “We didn’t want to ban anything or make permanent decisions about anything,” he says. “If we had banned research into recombinant DNA in the 1970s, we wouldn’t have modern biology—and that means we wouldn’t have all of the treatments and drugs that have helped us fight cancer and heart disease, increase lifespans, and improve the quality of life for so many people.”

CRISPR may yet do the same, allowing scientists to reach inside the human genome and cure diseases before they’re passed on to new generations. “If we could keep a child from inheriting Huntington’s disease, for instance, would we want



David Baltimore

to do that?” asks Baltimore. “Maybe we would. At the very least, we should talk about it.”

What about another kind of gene editing, which aims not to alleviate suffering but to offer voluntary enhancements? “When people talk about altering genes to make children taller or smarter, they’re talking about whole sets of genes that work together. We don’t even know how to define intelligence, let alone how to increase it through genetic therapy,” says Baltimore. Selecting for eye color might be easier. Should parents pick brown or blue for their kids? This gives him pause. “If everybody wanted blue-eyed children, we’d lose some of the beauty of the human race.”

Before CRISPR allows these choices, it will force us to consider other questions that are perhaps only slightly less vexing. One current idea involves using CRISPR to refashion mosquitoes so that they cannot spread malaria or the Zika virus and then releasing these genetically modified insects into the wild, reshaping the species in a way that holds obvious benefits for people in the developing world but also poses unknown risks for ecosystems.

Eventually, though, the questions will turn back to whether and how we’ll use genetic technologies on people. “*Brave New World* is not a novel about science,” says Baltimore. “It’s a novel about politics and the choices we make.” He thinks we still have a bit more time to contemplate gene editing, as technologies mature. “I don’t think it’s a problem we’ll have to worry about for 50 years. I leave it to people in the next generation to think this through. When they do, I hope they’ll be glad we started this conversation now. The future has a way of arriving quickly.”

NR



The Long View BY ROB LONG

UNITED STATES DISTRICT COURT

FOR THE CENTRAL DISTRICT OF CALIFORNIA

IN THE MATTER OF THE SEARCH OF AN APPLE IPHONE SEIZED DURING AN ARGUMENT BETWEEN JOHN DOE AND JANE ROE #1–JANE ROE #27

This matter is before the Court pursuant to an application pursuant to the All Writs Act, 28 U.S.C. Sec. 1651, by JANE ROE ET AL. requesting an order directing Apple Inc. (“Apple”) to assist law-enforcement agents’ and plaintiffs’ discovery actions in enabling the search of a digital device seized in the course of a physical confrontation on Valentine’s Day 2017 between JOHN DOE and JANE ROE #1 when JANE ROE #2 arrived at the location unexpectedly, which then led to the revelation of the existence of JANE ROE #3, who arrived in person and then texted JANE ROEs 4–6, who then discovered the existence of JANE ROEs 7–27, which led to the physical altercations between JOHN DOE and JANE ROEs 1–27 during which JOHN DOE suffered blows to the head, neck, and face, rendering him into an unconscious state in which he currently remains.

The cascade of events occurred at a local Olive Garden restaurant, continued into the parking lot, and finally terminated in the dumpster behind the restaurant.

JANE ROEs 1–27 have petitioned the court for the right to investigate the contents of JOHN DOE’s iPhone smartphone device, which they insist contains “photographic materials, telephone text messages, WhatsApp exchanges, Kik communications, numerous Snapchat updates, and various other means of connecting with and exchanging information between JOHN DOE and the various JANE ROEs to whom he claimed an exclusive and monogamous romantic relationship.”

For good cause shown, IT IS HEREBY ORDERED that:

1. Apple shall assist in enabling the search of a cellular telephone iPhone Model 6s, which was in the possession of JOHN DOE during the altercation and events previously described, and which flew out of his hands as he attempted to flee the angry pursuit of JANE ROEs 1–13 and suddenly found himself confronted by JANE ROEs 14–25 around the corner. He then attempted to reason with JANE ROE #26, exclaiming that “it was always just you and me, baby, you’re my only one, and I literally have no idea what these other women are talking about, they’re crazy, baby, you’ve got to believe me, I never once talked to these women and I have no idea what they’re talking about, I’m really scared, baby, you gotta help me, these women are seriously deranged,” at which point JANE ROE #26 stepped aside and allowed JANE ROE #27 to land a blow on his head. (Litigation re: blow is pending.)

2. Apple’s assistance shall accomplish the following five important functions: (1) It will bypass the auto-erase function that the owner, JOHN DOE, almost certainly installed on his phone due to his nature and disposition as a low-down, lying, womanizing dog who deserves to rot.

(Language adapted from earlier civil complaint.) (2) It will enable both law enforcement and plaintiffs’ counsel to thoroughly investigate all of the social and communication and photography data on the phone and its cloud-connected applications in order to determine the proper and accurate timeline of JOHN DOE’s two-timing lies and unacceptable frat-boy-ish behavior. (3) It will finally create an accurate and indisputable chart revealing who, in fact, among JANE ROEs 1–27 is appropriately referred to as “John Doe’s girlfriend” and who are the tramps who were just on the side. (4) It will also reveal which tramps (see item (3)) were fully cognizant of the other JANE ROEs and are really asking for it. (5) It will unearth any other lingering JANE ROEs who may be a party to this complaint.

3. Although Apple may make reasonable efforts to maintain the integrity of the data on the device, Apple may not be required to make copies of any data recovered. All data becomes the property of JANE ROEs 1–27 and any subsequent law-enforcement officials.

4. To the extent that Apple believes that compliance with this Order would be unreasonably burdensome, it may make an application in person to JANE ROEs 1–27, all 27 of them, in a room, alone, without security personnel or any guarantee of personal safety. Apple is free to make as many high-minded arguments as it likes, but it should be mindful that JANE ROE #1 all the way to JANE ROE #27 are highly motivated petitioners and are fully committed to getting into that iPhone. Attached is a photograph of JOHN DOE, in a coma, for possible reference.

DATED: FEB 20 2017

JUDGE SHERI PYM, UNITED STATES MAGISTRATE

Into the Gophers' Den

MILO YIANNOPOULOS is quick, clever, amusing, naughty, British yet charismatic, and would probably be the first to agree that his brand of Flaming Gayness could be seen from the International Space Station, like a burning field of Iraqi oil wells. (Much of what he says is not for sensitive ears; look for @Nero on Twitter if you want a sample.) If he toured campuses insisting on an end to heteronormative privilege and used gender-neutral pronouns like “xyr” and “xth,” the students would strew rose petals before his well-shod feet—composting them all later, of course. But he is a conservative who pokes a digit in the moist eyeballs of the Left. He knows what he is supposed to be and delights in being its opposite, so his appearance requires the vanguard of the next utopia to gird up xyr loins and plaster the campus with trigger warnings.

He came to Minneapolis with Professor Christina Hoff Sommers for a speech called “CALM DOWN! Restoring Common Sense to Feminism.” I went. Here’s what happened.

In the old days, polite Minnesotans would have acknowledged contrary ideas by pursing their lips. At worst, they would have issued the most stinging indictment their culture could muster: “Well, that’s different.” In the passive-aggressive vocabulary of the Northern Plains, that’s as harsh as you can get without striking someone, but since we hate physical contact, the act of punching a bad actor is just so . . . intimate. *Aw jeez, for a second there we were touchin’ and all.*

So when Milo and Christina came to town, I expected something less than the caterwauling, keening, and rending of garments that had attended their previous lectures. At Rutgers, for instance, students interrupted the speech by smearing blood on their faces, perhaps to counteract Professor Sommers’s observation that modern feminists are unable to hear contrary ideas without swooning onto a soft couch and taking refuge in the vaporous oblivion of a good faint. Perhaps the sanguineous youth were showing that they were taking to the fainting couch not because they had witnessed an outrage but because they had nicked an artery and were growing weak. It’s a demand that the college fight hemophiliaphobia, now!

So deep was the psychic wound inflicted by Milo’s presence that the Rutgers audience members felt it necessary to convene a fortnight later to discuss how the event had left them shaken, scared, and unable to sleep. It wasn’t so much that someone had said something contrary to their beliefs; it was that it happened *on campus*, a sacred spot where the iron certainties of youth are supposed to provide an adamantine carapace to prevent wrongthink from entering.

The University of Minnesota’s students are not that stupid, because the school doesn’t cost as much as Rutgers. It’s

a commuter campus, which means a large part of its student body is required to have contact with the outside world on a daily basis. So the protest was small. A speaker with a megaphone shouted out alarums over Christina and Milo. Given that the Wicked Witch was inside, along with a Friend of Dorothy, it lacked only a male in a Cowardly Lion suit worrying his tail and muttering *I do believe in rape culture, I do believe in rape culture.*

There were plenty of police on hand, because conservatives were speaking. Packed house of 250 students, mostly male. (OF COURSE. AS if that didn’t say EVERYTHING.) Professor Sommers and Milo took the stage to great acclaim, the latter wearing sunglasses and a huge red scarf, as though this were Cannes. Milo spoke first, and had gotten into a few minutes of lacerating the Left for intolerance and dishonesty when the most astonishing thing happened.

A young man stood up and said EXCUSE ME. All eyes swiveled to him. “You’ve just made an assertion based on a logical fallacy, conflating two dissimilar things to discredit both, and—” then he grew red-faced. “I’m sorry. That was rude. Couldn’t help myself. Go on.”

Oh, I’m kidding. Of course that didn’t happen. Three guys stood up and started blaring air horns while chanting “You’re an [bleep]hole” and extending their middle digits.

This may have come before or after the part about how the tolerant Left cannot abide dissent, but the point was made. They’re pro-free speech in the sense that they’re pro-choice: Eliminate that offending entity before it’s fully formed.

The protesters were led out to hoots and laughter; Milo beamed with gratitude. Back to the speech. A minute later, another disruptor: He stood and shouted WOMAN HATER!—which would be homophobic if Milo’s conservative politics had not granted his opponents the Clarence Thomas Exception—and then he pressed the air-horn button. It gave one wet bleat and then tapered off into a high, thin whine. Apparently, the guy had it set on “Symbolic.”

You can chalk it all up to the hothouse world of college, where people pay vast sums to take classes in 17th-century Belgian sexual identities and expect that employers will shovel cash at them someday so they can live in the Bay Area and have a sideline as a YouTube critic of locally sourced toast restaurants. But it’s why Bernie thrives: A generation that grew up in the post-9/11 world, which should judge human perfidy on a sliding scale, has retreated to a fantasyland where it is acceptable to quaver with stammering indignation when someone disputes a statistic on gender-related wage gaps.

At least there’s no need to worry about how they might bedevil the real world. No serious profession would take them, and they can’t get hired anyplace where they’d do real damage.

Aside from the media, education, and government, that is.

NR

Books, Arts & Manners

Maggie in Charge

JOHN O'SULLIVAN



Margaret Thatcher: At Her Zenith: In London, Washington, and Moscow, by Charles Moore (Knopf, 880 pp., \$35)

CHARLES MOORE ended the first volume of his authorized biography of Margaret Thatcher with his heroine—and it would be foolish to think of her in any other way—at a moment of triumph after three turbulent years of political, economic, and military struggle as prime minister. She had just pronounced the traditional dinner-party request “Gentlemen, shall we join the ladies” to the otherwise all-male guests at the Falklands victory dinner for the war cabinet and senior military officers. It was, wrote Moore, perhaps the happiest moment of her life.

It also marked the beginning of what was recognizably a second phase in her career as prime minister and Tory leader. After her victorious leadership in the Falklands, she was dominant politically both in her party and in the nation. The U.K. economy—the main focus of Thatcherite reform, and of joint Tory Wet–Labour resistance—had already turned the corner late in 1981, even if this would not become clear for some time. Her reshuffling of her cabinet, also in 1981, had given her an economic team agreed on maintaining the essentials of policy. But this was reversible; the Wets retained a strong position in the full cabinet. Her firm anti-Soviet alliance with Ronald Reagan was looking prophetic as

the Soviet Union ramped up its campaign to prevent the installation of U.S. missiles in Western Europe to offset its own SS-20s across the Iron Curtain. But the Labour party was swinging left, toward a nuclear unilateralism and a “peace movement” that seemed to be sweeping Europe.

What the Falklands victory did was to settle these broad questions of economic and foreign policy in Mrs. Thatcher’s favor for most of the following decade. She had almost a free hand to determine policy if she was clear-sighted about what was at stake and determined to prevail. A first fruit of this dominance was her landslide in the 1983 election, over a Labour party so left-wing that one of its leading front-benchers called its manifesto “the longest suicide note in history.” Her majority of 144 in a 650-member House of Commons entrenched that dominance. It lasted until a year or two beyond her third election victory in 1987, which is where the second volume ends. And it is crisply expressed in the subtitle of the book’s U.K. edition: “Everything She Wants.”

That subtitle is not entirely accurate: Mrs. Thatcher meets occasional reverses, as we learn, and the reasons for them are illuminating. But the overwhelming impression left by Moore’s second volume is that the second Thatcher administration was one of the most creative legislatively, successful economically, and influential internationally in British history. Merely to list its major achievements is to demonstrate a deep transformation—or perhaps, more accurately, a deep *restoration*—of Britain, its economic standing, and its worldwide influence. They include the government’s unambiguous defeat of the miners’ strike, a defeat that restored the constitutional stability of British democracy against what had been the realistic fear (and memory) of anti-democratic union power; the acceptance and *use* of labor reforms that brought unions within the law and dramatically reduced the number of days lost in strike action; the privatization revolution that turned loss-incurring state-owned industries into taxpaying private ones *and* laid the basis for wider share ownership and popular capitalism *and* created a new

industry in U.K. financial companies that exported their knowledge and skills in privatizing to governments around the world; the transfer of Hong Kong to China by Britain (which was inevitable, given the local realities of power in Asia) on terms that, however fragile, have preserved elements of liberal democracy in the former colony; Mrs. Thatcher’s personal diplomacy toward the Soviet Union, an initiative that—once the Soviet threat receded with the installation of U.S. missiles in Western Europe—sought out a Soviet leader with whom the West could do business, discovered and cultivated Mikhail Gorbachev, introduced him to Ronald Reagan, and worked with both to wind down the Cold War; and, above all, the gradual but strong recovery of the U.K. economy from its “winter of discontent” in 1979 to become the fifth-largest economy in the world.

Moore quotes a memory from Bernard Ingham, the prime minister’s loyal and highly competent spinmeister, of sitting one afternoon in Downing Street shortly before the 1987 election, when the various economic indices had for several successive months been pointing in the same favorable direction: “She seemed to experience a moment of pure joy. She believed that, at last, her policies really were working.”

They were. Moore rightly warns himself against retailing the Thatcherite myth encapsulated in the two previous paragraphs. But that myth is not false, merely partial and inadequate. It doesn’t cover a lot of other things, including some failures of policy, and it doesn’t really offer an explanation of how things started to go wrong. Moore provides explanations of both in a narrative that, though it sounds complex, gives the reader a consistently clear understanding of what his subject was feeling, saying, fearing, expecting, hoping for, deciding, and occasionally failing to decide in the maelstrom of events competing for her attention.

We start reading in 1982 and we end in 1987; chapters follow each other in broad chronological order. Each chapter between those dates is built around a major topic, such as the Anglo–Irish Agreement or Grenada (“Reagan Plays Her False”).

Moore draws on the fullest possible range of information: Mrs. Thatcher's own observations (at the time and in her memoirs), the evidence of the archives (both those in the Cabinet Office and those meticulously maintained by the Margaret Thatcher Foundation), other official documents, interviews of others involved (from senior U.S. officials to the prime minister's detectives), media reporting at the time, and much more. He unearths new information, corrects errors, and reconciles contradictions (or points out that they are irreconcilable). We get a complete education on these topics and on the entire period.

At the same time, each chapter has to touch on many other topics—as various as her resistance to sanctions on South Africa and the poll-tax riots—alongside

of great energy and ability, clear-minded, constantly inquisitive and learning, highly flexible in adapting to the changing press of business, who mastered and digested her briefs across the full range of government policy but was not overly reliant on them. I can recall one occasion on which, facing a senior defense minister accompanied by top military brass, she picked up on a fatal flaw in their highly technical paper that none of her advisers, who enjoyed much greater time and leisure, had noticed. The military beat a prudent retreat.

The nature of her mind was nonetheless often a mystery to those who worked with her. She sometimes made or rejected an argument, it seemed to them, against its apparent logic. Usually that was because she intuited an error

yielded to the demands of the mineworkers' union—until there was enough coal mined, stored, and distributed to enable the government to withstand a long strike.

But when caution became indecisiveness, as it did on a few occasions when she hadn't made up her mind on an important question, or wanted to resist pressure for a policy she disliked without an open row, or hoped that it would simply run into the sands of bureaucracy, it caused her serious difficulties.

One curious example, given that it is usually cited as one of her successes, is the Anglo-Irish Agreement. She was never keen to pursue this, and in doing so she was yielding to strong pressures from her civil servants in the Cabinet Office and Foreign Office. Their conscious justification was that an inter-governmental

It takes a very special **temperament and mind** to live with such conflicting pressures, let alone thrive on them as she did.

the central one. Moore reminds us from time to time of the demands this helter-skelter of events made on his central character: While Mrs. Thatcher was waiting to hear how U.S. planes flying from British bases to bomb Libya had fared, for instance, she also had to calculate how to handle the defeat of a bill to approve Sunday trading.

It takes a very special temperament and mind to live with such conflicting pressures, let alone thrive on them as she did. Mrs. Thatcher was treated with contempt by the progressive intellectuals of her day, such as playwright Alan Bennett and director/physician Jonathan Miller, who felt that she was narrow, suburban, vulgar, intellectually limited, and snobbish. It is hard to imagine that such a cramped person could function at the top of a major government, let alone dominate it. In reality, Margaret Thatcher was not a carrier of snobbery but its victim, "the point at which all snobberies [i.e., feminist, socialist, academic, and cultural] met," as Thatcher defender Professor John Vincent, quoted by Moore, puts it. Some of her critics long ago retracted their remarks. If they had not done so, their condescension could hardly survive the picture of Thatcher that emerges from Moore's book. She was plainly a woman

that she couldn't yet articulate. So she worried away at the problem until she had solved the mystery. Until she had done so, she was hesitant and cautious; when she had done so, she was firm and even aggressive in making her case.

In the course of thinking things through, she would make occasional little leaps of logic that confounded or amused others. Moore has a footnote describing how she asked an officer in the intelligence services whether they employed forgers. Sometimes we do, he admitted.

"How do you check their references?" she responded.

I recall a similar moment at parliamentary Question Time. A Labour backbencher asked if she was aware that Len Murray of the Trades Union Congress had said that meeting her was like "a dialogue of the deaf."

"Really, I had no idea that Mr. Murray was deaf," she replied.

Mrs. Thatcher was famous for having a very small sense of humor, but she had a quick wit, and a quick mind, and a temperamental caution that kept both under control.

Caution is almost always a political virtue, and it helps to explain many of her most significant achievements, such as the defeat of the miners' strike. She

agreement between Dublin and London would undermine support for the IRA and other terrorist groups. But there is no doubt that the advisers concerned were sympathetic to Irish nationalism in a way their boss wasn't and that, in effect, they conspired with senior Irish civil servants to drag her, protesting, toward a policy that made her uneasy.

Once she had agreed to start the diplomatic process, however, she had to move toward *something*. And because she had no destination of her own in mind, even the Iron Lady found it hard to avoid endorsing the Whitehall-Dublin consensus that involved installing Irish-government advisers within the Northern Ireland administration. Not only did she feel uneasy about this, but she also felt guilty because the Northern Ireland Unionists had been kept in the dark about the talks while the constitutional Irish nationalists were fully informed by the Irish side. As a result, the agreement was denounced in harsh terms by Unionists and seemed stillborn for some time.

It is now seen as a success because it led eventually to the Good Friday Agreement. Instead of undermining terrorists, however, the GFA made them respectable. Sinn Fein/IRA is now a permanent part of the Northern Ireland government

and, as the latest polls show, the third or second party in the forthcoming elections in the Republic. Neither Thatcher nor her advisers would have hoped for that result. Why did she agree to a solution she distrusted? Why did she not resist more firmly, or propose a different policy? As Moore (who is critical of her on this policy) points out, she didn't know enough to do so and, with all her other responsibilities, she wasn't ready to devote enough time to finding out. But if you set out on a journey without either a destination or a map, you might end up in places you would never want to go.

Her two other major indecisions had a more powerful impact on the future of her government. In a prefiguring of the conflicts that brought her down five years later, the prime minister had clashes with senior ministers on two successive days in late 1985. One of them threatened her immediate political survival; the other undermined the long-term health of her government.

The Westland Affair, ostensibly a dispute about how a failing helicopter company should best be rescued, began as an attempt by the defense minister, Michael Heseltine, to craft his own "European" industrial policy against that of the industry minister. He ran roughshod over cabinet rules. Mrs. Thatcher recognized this as a power grab that ultimately threatened her. Wanting to avoid an open conflict, however, she took no decisive action until the crisis metastasized into a public row between ministers, when she allowed her staff to "leak" confidential legal advice to weaken Heseltine in a subterranean way. It had the opposite effect, making her look uncharacteristically devious. Heseltine resigned from the cabinet, apparently impulsively, but she had to face a parliamentary censure motion that might have brought her down. She made a clever forensic case for the defense and survived, but it had been an intimation of political mortality.

On the day before the Westland crisis came to a boil, Mrs. Thatcher had resisted efforts by Chancellor of the Exchequer Nigel Lawson, supported by other ministers, to join the EU's Exchange Rate Mechanism. Thatcher's alliance with Lawson, initially rooted in their joint support for the monetarist strategy he had devised, had been the linchpin of the second Thatcher administration. It meant

that there was no substantial opposition to economic policy within the government. Lawson had come to believe, however, that the fight against inflation needed additional discipline to make monetary policy more credible and the task of reducing inflationary expectations easier. He proposed joining the ERM, to effectively link monetary policy to German firmness via the exchange rate. Joining the ERM "when the time is ripe" had long been official policy, but he proposed to do so now and recruited senior ministers in support.

Though Mrs. Thatcher instinctively disliked the ERM, she had never opposed it in principle. She was suspicious of it on both economic and "European" grounds, but was still at the stage of worrying the question to death, while taking refuge in the argument that the time was not yet ripe. And because she did not expect the meeting to be a crucial one, she stuck to this formula and, against the trend of the discussion, won an indefinite postponement. The meeting was an acrimonious failure. She felt ambushed; Lawson felt humiliated; his ministerial supporters felt that she was acting unreasonably; a decision on ERM membership was still on the table, with the potential for later disputes (which indeed occurred in the third term); and the close confidence between Thatcher and Lawson had been severely damaged.

It would have been better if she had called for papers and a meeting on the principle of joining the ERM and fought this issue out openly. Sticking to the "when the time is ripe" formula was a recipe for dithering that created more friction between ministers without resolving it. Moore's concluding thoughts on this offer an unhappy balance of different judgments:

History later showed that, as Terry Burns [a senior government adviser who was a Lawson supporter] put it, "she was fundamentally correct about this issue all the way through," but being right is not necessarily the same as governing well. The Thatcher-Lawson clash made it increasingly difficult to run the British economy, and the British government, properly.

Misjudgment and failure are, alas, inevitable in government. And these two hesitant misjudgments are exceptions to Mrs. Thatcher's overall record of calculated bravery leading to success, which,

in Moore's telling, includes some surprises, such as her sustained pressure on South Africa's apartheid government to release Nelson Mandela and move toward a peaceful transfer of power. It is interesting, moreover, that the misjudgments occur in the area of man management, where, as in her fatally dismissive treatment of Geoffrey Howe, she lacked a sure touch (though it must be said that the British political world, in which one's closest colleagues are also one's bitterest rivals, is not conducive to confident psychological judgments). And whatever the long-term damage to her political prospects, neither Westland nor the ERM dispute prevented Thatcher from winning her third election victory two years later and securing her reputation in history.

The first volume of Moore's work has already established its reputation as a classic, one of the finest political biographies ever written. This second volume will entrench that judgment. So complete is its coverage of both the life and the work of its subject, so thorough the research supporting its narrative, so fair-minded its adjudication of her disputes with colleagues and opponents, and so lucidly readable its prose that it is all but impossible to imagine its portrait of Margaret Thatcher being substantially revised by future historians or because of new archival discoveries. That portrait, with all the faults, misjudgments, pettiness, and other warts she sometimes displayed, is of a truly great woman who achieved great things for her country and the world, against great odds.

We leave her at the end of this volume on the morrow of a third election victory with most of her achievements already accomplished. Ahead lie more disappointments than successes. Among the former is the bittersweet climax of her prime-ministerial life, when she learns she faces political defeat and loss of office while attending the Paris conference that marked the peaceful end of the Cold War, an end she did so much to bring about. And beyond that: depression, rallying herself, a Lady in the Lords, the writing of memoirs, her haunting of the Tory party, a political resurrection internationally, prophetic utterances on Europe, the lioness in winter, and the third volume of this biography.

In Mr. Moore's skilled telling, it could be the most gripping tale of all. **NR**

A Very Big Tent

MATTHEW CONTINETTI



The Four Faces of the Republican Party: The Fight for the 2016 Presidential Nomination, by Henry Olsen and Dante J. Scala (Palgrave Macmillan, 160 pp., \$67.50)

BACK in 1980, Republican John Connally was a favorite to win the GOP presidential nomination. The former governor of Texas, a Democrat who had switched parties to serve under President Nixon, Connally raised an enormous sum of money at the outset of the campaign. The press lavished him with publicity. Conventional wisdom assumed that Connally would beat Ronald Reagan easily. But conventional wisdom was wrong: Connally ended up with a single delegate. His career was over.

Political analysts Henry Olsen and Dante J. Scala say Connally's fate shouldn't have been a surprise: All of his money and fame couldn't win him the support of any one of the party's major factions. By 1980, Reagan had become the undisputed leader of the conservative movement and the tribune of Evangelical voters. "Connally was no man's moderate," they write, "so any hope he had was to corner the somewhat-conservative vote and use it as his base." Unfortunately for Connally, somewhat-conservative voters favored George H. W. Bush. And with no base, he had no chance. He was doomed.

Olsen has been arguing for years that Republican primary campaigns are misunderstood. His argument, made in articles in *National Affairs* and *The National Interest* and now expanded into this lucid

and fascinating monograph, is that it's wrong to see primaries as fights between conservatives and the establishment. The GOP is more complicated than that. Not two but four factions—somewhat conservatives, liberals and moderates, very conservative Evangelicals, and very conservative seculars—compete for dominance. "The winner is the person with the best message who appeals to at least two, and usually three, of the GOP's factions."

The somewhat conservatives are the silent plurality of the Republican party. They're the voters to watch. "The candidate who garners their favor has won each of the last four open races," note Olsen and Scala. Somewhat conservatives want experienced candidates who aren't revolutionaries. They don't want cultural warriors but optimistic leaders. Former House speaker John Boehner is their ideal. "They are conservative in both senses of the word; they prefer the ideals of American conservatism while displaying the cautious disposition of the Burkean." They might not have read Edmund Burke, but they would vote for him if he showed up in Florida.

Then there are the moderate and liberal Republicans. There are more of them than you'd expect from reading the news. They are the second-largest category of GOP voters. Strong in such places as New Hampshire and Michigan, they are also present in the South. "The moderate or liberal voter," write the authors, "seems motivated by a candidate's secularism above all else." A majority of these voters are pro-choice.

The power of the very conservative Evangelical vote is greater than its actual numbers. Very conservative Evangelicals are concentrated in the South and in caucus states such as Iowa, where they tend to determine the winner. They find the moral condition of the United States abhorrent and desire a restoration of traditional values. They want to outlaw abortion entirely, and they are more open to government intervention in the market and society than are other Republican voting blocs. They are vocal, passionate, and committed. And they turn other Republicans off.

Very conservative voters split along religious lines. The secular ones are over-represented along the Acela corridor between Washington, D.C., and Boston but are the smallest Republican group. "This small but influential bloc likes urbane, fiscally oriented men," write Olsen and

Scala. Jack Kemp was the candidate of the very conservative seculars, and so is Kemp's protégé, House speaker Paul Ryan. You watch the very conservative seculars to find out what elites are thinking. But the candidate they prefer at the beginning of the process never wins. "They invariably see their preferred candidate knocked out early, and they then invariably back whoever is supported by the somewhat-conservative bloc."

This is a book for political junkies, and for readers who aren't afraid of regression analyses. Olsen and Scala draw their findings from a close study of election returns, exit polling, and other surveys. "Exit and entrance polls of Republican primaries and caucuses going back to 2000," they write, "show that the Republican presidential electorate is remarkably stable." They discuss the 2000, 2008, and 2012 primaries in detail because, without an incumbent president or vice president, races become more open, fluid, and hence revealing. They find, unsurprisingly, that the importance of money is overrated in politics, but they also conclude that the idea of momentum is exaggerated. Early-state wins are important not because of abstractions such as "momentum" but because they sort candidates by group and determine the heralds of each of the four factions.

What does all this mean for the 2016 election? Iowa behaved as it normally does, voting for the candidate of very conservative Evangelicals (that would be Ted Cruz). But close behind him was Donald Trump, who split the somewhat-conservative and moderate vote with third-place finisher Marco Rubio. In New Hampshire, Trump won a blowout victory. He won the very conservative, the somewhat-conservative, and the moderate vote. John Kasich came in a distant second based on support from moderates and liberals.

As the race goes on, look to see where the somewhat-conservative voters go. The size of the Republican field has split their vote among several candidates, including Trump, Kasich, and Rubio. The man who consolidates their support is likely to be the nominee, with Ted Cruz challenging him as the leader of very conservative Evangelicals. Will the somewhat-conservative voters back a New York real-estate mogul who has never held political office? On this question the fate of the Republican primary campaign depends. **NR**

Mr. Continetti is the editor-in-chief of the Washington Free Beacon and a columnist for Commentary.

2016 Post-Election Cruise

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TUE/Nov. 15	AT SEA			morning/afternoon seminars
WED/Nov. 16	Georgetown, Grand Cayman	8:00AM	4:00PM	afternoon seminar evening cocktail reception
THU/Nov. 17	Cozumel, Mexico	11:00AM	11:00PM	morning seminar late-night Smoker
FRI/Nov. 18	AT SEA			morning/afternoon seminars "Night Owl" session
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We'll see you—in the company of Victor Davis Hanson, Allen West, Bing West, Heather Higgins, Steven Hayward, James Buckley, Jonah Goldberg, Andrew McCarthy, John Podhoretz, Neal Freeman, James Lileks, Kathryn Jean Lopez, Eliana Johnson, Charles C. W. Cooke, Kevin Williamson, Jay Nordlinger, Ramesh Ponnuru, Jim Geraghty, Jillian Melchior, Rob Long, John J. Miller, Charmaine Yoest, David French, Ed Whelan, and Reihan Salam—this November 13-20 aboard the *Nieuw Amsterdam* on the *National Review 2016 Post-Election Caribbean Cruise*.

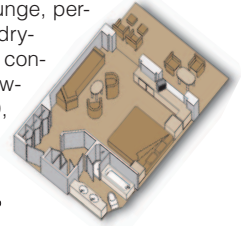
For more information or to apply online go to www.nrcruise.com or call The Cruise Authority at 1-800-707-1634

RATES START AT JUST \$1,999 P/P!

Superior service, gourmet cuisine, elegant accommodations, and great entertainment await you on the *Nieuw Amsterdam*. Prices are per-person, based on double occupancy, and include port fees, taxes, gratuities, all meals, entertainment, and admittance to and participation in all *National Review* functions. Per-person rates for third/fourth person in cabin (by age and category):

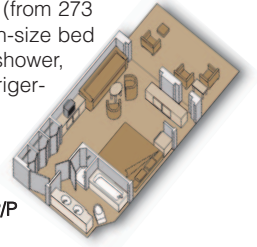
Categories C to N	17-younger: \$ 567	18-up: \$ 748
Category VC	17-younger: \$ 617	18-up: \$ 798
Categories SS & SA	17-younger: \$ 670	18-up: \$ 851

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



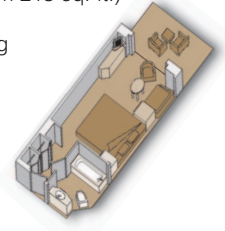
Category SA	
DOUBLE OCCUPANCY RATE:	\$ 4,899 P/P
SINGLE OCCUPANCY RATE:	\$ 7,599

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



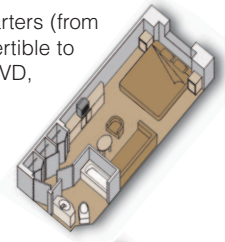
Category SS	
DOUBLE OCCUPANCY RATE:	\$ 3,799 P/P
SINGLE OCCUPANCY RATE:	\$ 5,999

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



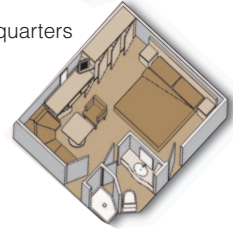
Category VA	
DOUBLE OCCUPANCY RATE:	\$ 2,899 P/P
SINGLE OCCUPANCY RATE:	\$ 4,299

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

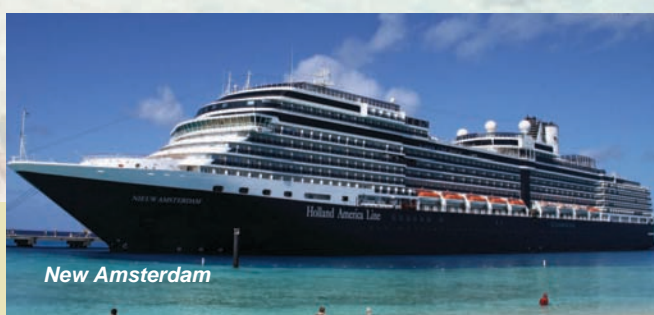


Category C	
DOUBLE OCCUPANCY RATE:	\$ 2,399 P/P
SINGLE OCCUPANCY RATE:	\$ 3,299

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



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



National Review 2016 Post-Election Cruise Application

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

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

Personal

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

Passport Number _____ **Expiration Date** _____ **Citizenship** _____

Are you a past Holland America cruiser? Yes No

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

Passport Number _____ **Expiration Date** _____ **Citizenship** _____

Are you a past Holland America cruiser? Yes No

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

Cabins, Air Travel, & Other Information

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

I. CABIN CATEGORY (see list and prices on previous page)
 First cabin category choice: _____ Second cabin category choice: _____
 Bedding: Beds made up as Twin King/Queen
 BOOKING SINGLE? Please try to match me with a roommate. (My age: _____)

II. DINING w/ FRIENDS/FAMILY: I wish to dine with _____
 Every Night 3-4 times 2 times Once

III. PRE- AND POST-CRUISE TOUR PACKAGES
 Please send me information on pre-/post-cruise packages in Ft. Lauderdale.

Payment, Cancellation, & Insurance

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

My deposit of \$600 **per person** is included. (Make checks to "National Review Cruise")
 Charge my deposit to: AmEx Visa MasterCard Discover

Expiration Date / / **Security Code**
 Month Year Amex 4 digits on front, others 3 digits on back

Important!

Authority (TCA) and National Review magazine (NR). You understand and agree that if you elect to use TCA to serve as your agent in connection with the provision of any Services, you will look solely to HAL or the applicable service provider in the event of any loss to person or property, and you expressly release TCA from any liability for injury, damage, loss, accident, delay or irregularity to you or your property that may result from any act or omission by any company, contractor or employee thereof providing services in connection with the Cruise (including any shore excursions), including but not limited to transportation, lodging, food and beverage, entertainment, sightseeing, luggage handling and tour guiding. For purposes of the preceding sentence, the term "Services" shall include, but not be limited to, the following: (i) the issuance of tickets, vouchers and coupons, (ii) arrangements for transportation to and from the point of embarkment, and (iii) hotel accommodations prior to embarkment. ● Furthermore, TCA shall not be responsible for any of the following: (i) delays or costs incurred resulting from weather, road connections, breakdowns, acts of war (declared or undeclared), acts of terrorism, strikes, riots, acts of God, authority of law or other circumstances beyond its control, (ii) cancellation of the Cruise or postponement of the departure time, (iii) price increases or surcharges imposed by HAL and/or service providers, (iv) breach of contract or any intentional or careless actions or omissions on the part of HAL and/or service providers, (v) social or labor unrest, (vi) mechanical or construction difficulties, (vii) diseases, (viii) local laws, (ix) climate conditions, (x) abnormal conditions or developments or any other actions, omissions or conditions outside of TCA's control (xi) the accessibility, appearance, actions or decisions of those individuals promoted as Speakers for the Cruise. Should a Speaker promoted for the Cruise be unable to attend, every effort will be made to secure a speaker of similar stature and standing. ● TCA does not guarantee suppliers rates, booking or reservations. In the event you become entitled to a refund of monies paid, TCA will not be liable in excess of amounts actually paid. TCA reserves the right to prohibit any person from booking the Cruise for any reason whatsoever. ● HAL reserves the right to impose a fuel supplement of up to \$10 USD per guest, per day if the price of West Texas Intermediate crude oil exceeds \$65 USD per barrel. ● On behalf of those guests listed in this application, I authorize TCA to use image(s) (video or photo) for purposes of promoting future NR cruise events. ● You acknowledge that by embarking upon the Cruise, you have voluntarily assumed all risks, and you have been advised to obtain appropriate insurance coverage against them. Retention of tickets, reservations, or package after issuance shall constitute a consent to the above and an agreement on the part of each individual in whose name a reservation has been made for the Cruise, or a ticket issued with respect to the Cruise. ● This Agreement shall be governed by the laws of the State of Georgia, excluding its conflicts of laws principles. Each party hereto agrees that all claims relating to this Agreement will be heard exclusively by a state or federal court in Fulton County, Georgia. Accordingly, each party hereby consents to the exclusive jurisdiction of any state or federal court located in Fulton County, Georgia over any proceeding related to this Agreement, irrevocably waives any objection to the venue of any such court, and irrevocably waives any claim that any such proceeding in such a court has been brought in an inconvenient forum. No provisions of this Agreement will be interpreted in favor of, or against, any of the parties hereto by reason of the extent to which any such party or its counsel participated in the drafting thereof or by reason of the extent to which any such provision is inconsistent with any prior draft hereof or thereof.

ACKNOWLEDGEMENT: I understand and accept the terms and conditions of booking this cruise package and acknowledge responsibility for myself and those sharing my accommodations (signed)

MAILING AND CONTACT INFORMATION (FOR INTERNAL USE ONLY)

Mailing address _____

City / State / Zip _____

Email Address _____

Daytime Phone _____ **Cell phone** _____

CREDENTIALS

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

Guest #1 _____ **Guest #2** _____

IV. AIR / TRANSFER PACKAGES

We will provide our own roundtrip air and transfers to and from Seattle (arriving there on 11/13/16 by 11:00AM and departing after 11:00AM on 11/20/16).
 We would like The Cruise Authority to customize roundtrip air (fees apply) from _____ Coach First Class Air
 Arrival date: _____
 Departure date: _____
 Preferred carrier: _____

V. MEDICAL / DIETARY / SPECIAL REQUESTS

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

The card's billing address is indicated above. The card's billing address is: _____

CANCELLATION PENALTY SCHEDULE: Cancellations must be received in writing by date indicated. Fax / email is sufficient notification. Guests must confirm receipt by The Cruise Authority. PRIOR to June 13, 2016 cancellation penalty is \$100 per person; June 13 to August 12, 2016, penalty is \$600 per person, AFTER August 12, 2016, penalty is 100% of cruise/package.

CANCELLATION / MEDICAL INSURANCE is available and highly recommended for this cruise (and package). The exact amount will appear on your cruise statement. Purchase will be immediate upon your acceptance and is non-refundable. Call 1-800-707-1634 for more information.

YES I/we wish to purchase the Trip Cancellation & Medical Insurance coverage. Additions to the cruise package will increase my insurance premium.

NO I/we are declining to purchase the Trip Cancellation & Medical Insurance coverage and understand that I/we will be subject to applicable cancellation penalties.

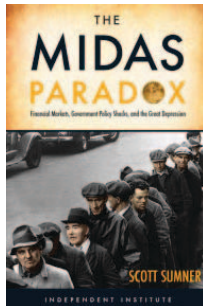
RESPONSIBILITY: The Holland America Line (HAL) cruise advertised herein (the "Cruise"), which features guest speakers promoted for the National Review Cruise (the "Speakers"), is being promoted by HAL Ltd. db/a The Cruise Authority. You understand and agree that if you elect to use TCA to serve as your agent in connection with the provision of any Services, you will look solely to HAL or the applicable service provider in the event of any loss to person or property, and you expressly release TCA from any liability for injury, damage, loss, accident, delay or irregularity to you or your property that may result from any act or omission by any company, contractor or employee thereof providing services in connection with the Cruise (including any shore excursions), including but not limited to transportation, lodging, food and beverage, entertainment, sightseeing, luggage handling and tour guiding. For purposes of the preceding sentence, the term "Services" shall include, but not be limited to, the following: (i) the issuance of tickets, vouchers and coupons, (ii) arrangements for transportation to and from the point of embarkment, and (iii) hotel accommodations prior to embarkment. ● Furthermore, TCA shall not be responsible for any of the following: (i) delays or costs incurred resulting from weather, road connections, breakdowns, acts of war (declared or undeclared), acts of terrorism, strikes, riots, acts of God, authority of law or other circumstances beyond its control, (ii) cancellation of the Cruise or postponement of the departure time, (iii) price increases or surcharges imposed by HAL and/or service providers, (iv) breach of contract or any intentional or careless actions or omissions on the part of HAL and/or service providers, (v) social or labor unrest, (vi) mechanical or construction difficulties, (vii) diseases, (viii) local laws, (ix) climate conditions, (x) abnormal conditions or developments or any other actions, omissions or conditions outside of TCA's control (xi) the accessibility, appearance, actions or decisions of those individuals promoted as Speakers for the Cruise. Should a Speaker promoted for the Cruise be unable to attend, every effort will be made to secure a speaker of similar stature and standing. ● TCA does not guarantee suppliers rates, booking or reservations. In the event you become entitled to a refund of monies paid, TCA will not be liable in excess of amounts actually paid. TCA reserves the right to prohibit any person from booking the Cruise for any reason whatsoever. ● HAL reserves the right to impose a fuel supplement of up to \$10 USD per guest, per day if the price of West Texas Intermediate crude oil exceeds \$65 USD per barrel. ● On behalf of those guests listed in this application, I authorize TCA to use image(s) (video or photo) for purposes of promoting future NR cruise events. ● You acknowledge that by embarking upon the Cruise, you have voluntarily assumed all risks, and you have been advised to obtain appropriate insurance coverage against them. Retention of tickets, reservations, or package after issuance shall constitute a consent to the above and an agreement on the part of each individual in whose name a reservation has been made for the Cruise, or a ticket issued with respect to the Cruise. ● This Agreement shall be governed by the laws of the State of Georgia, excluding its conflicts of laws principles. Each party hereto agrees that all claims relating to this Agreement will be heard exclusively by a state or federal court in Fulton County, Georgia. Accordingly, each party hereby consents to the exclusive jurisdiction of any state or federal court located in Fulton County, Georgia over any proceeding related to this Agreement, irrevocably waives any objection to the venue of any such court, and irrevocably waives any claim that any such proceeding in such a court has been brought in an inconvenient forum. No provisions of this Agreement will be interpreted in favor of, or against, any of the parties hereto by reason of the extent to which any such party or its counsel participated in the drafting thereof or by reason of the extent to which any such provision is inconsistent with any prior draft hereof or thereof.

SIGNATURE OF GUEST #1 _____

DATE _____

Policy Mixing

RAMESH PONNURU



The Midas Paradox: Financial Markets, Government Policy Shocks, and the Great Depression, by Scott Sumner (Independent Institute, 560 pp., \$37.95)

DID FDR lead us out of the depths of the Great Depression, or did his policies extend it for years? Were his economic policies salutary or destructive? In *The Midas Paradox*, Scott Sumner answers yes.

The devaluation of the dollar in the spring of 1933, overseen by the president personally, led to a 57 percent increase in industrial production in four months, easily the most rapid increase in U.S. history. Stocks rose even more dramatically. This upswing lasted so briefly because, during the summer, the National Industrial Recovery Act (NIRA)—Roosevelt’s attempt to cartelize American industry—imposed very large wage increases on business. Stocks and industrial production both went into reverse.

Sumner makes a strong case for this story, even arguing that, without the attempt to fix wages in Washington, the Depression might have ended seven years earlier than it did. It might make more sense, he even suggests, to say that a second, hidden Depression began in mid 1933.

Both contemporaries and later researchers missed this story, according to Sumner, but for understandable reasons. Because these policies counteracted each other after the summer of 1933—labor-market interventions pushing real wages up and stocks and production down, devaluation doing the

reverse—the magnitude of their effects was hidden. Studies that focused on either the wage policy alone or the currency policy alone underestimated their importance.

The book is an ambitious attempt to explain the origins and course of the entire Depression. Sumner integrates previous work on the role of the gold-exchange standard, wage shocks, and Federal Reserve policy in the economic history of the 1930s. He adds his own focus on how these events influenced the stock markets—or, to put it another way, what the stock market’s reaction says about these events.

The Midas Paradox builds, as any account of the Depression must, on Milton Friedman and Anna Schwartz’s *Monetary History of the United States*. That 1963 book revolutionized our thinking about the Depression by diagnosing its cause as tight money from the Federal Reserve. Sumner believes that Friedman and Schwartz were right to see monetary contraction from 1929 to 1933 as the main cause of the calamity, but he places less emphasis than they did on the money supply and more on international flows of gold.

Given the currency arrangements of the time, these flows had a major effect on market expectations about future monetary policy—and these expectations, Sumner argues, powerfully influenced economic behavior. He bolsters his case by noting that one can make more sense of the pattern of decline and

advance in stocks and industrial production by tracking gold flows than by looking at changes in the money supply.

Maintaining the gold-exchange system under the circumstances of 1929 required cooperation among the great economic powers, and Sumner convincingly traces the stock-market crash and onset of the Depression to the dawning realization that it would not materialize. The U.S. and, even more, France would keep building their gold reserves, regardless of the deflationary effects this had on everyone else. The gold-exchange standard would have been less destructive if it had been either more or less rigid: if governments were not allowed to hoard gold, or could disregard gold flows altogether.

A dispute over how much the standard constrained the Federal Reserve has inspired a lot of economic-history literature. Sumner takes a moderate line: The constraints were real, but the Fed failed to do all it could within them. He also notes that the constraints worked in part through markets: Monetary expansion would have little effect if traders assumed that the gold outflows would scare the Fed from going very far with it, or if people hoarded gold in response to it.

To my mind, the analysis of 1933 is the high point of the book, and the year turns out to be full of lessons yet unlearned. To this day many observers look at interest rates and the money supply to gauge the stance of monetary policy. Neither indicator, however, showed much change that year, even as the devaluation showed



Unemployed men queuing outside a Salvation Army hostel, circa 1935

all the signs of being the most expansionary shift in monetary policy since the Depression began.

Another open question reverberating in our own time is how important financial-industry turmoil was to the broader economy. In March 1933 the banking industry was in the midst of the worst crisis in our history, one that led to a ten-day bank holiday. Yet the stock market treated these events as much less important than the devaluation or the wage spikes—suggesting to Sumner that the distress in the financial sector was more a symptom than a cause of the Depression.

The conflicting economic experiments in the U.S. affected the behavior of other countries. The early success of devaluation put pressure on France to follow suit, but the post-NIRA faltering of our economy relieved that pressure. Later France would adopt its own version of NIRA—which it probably would not have done if the full consequences of the policy in the U.S. had not been masked by the devaluation.

The confusion that resulted from this record affected economists, too, and for decades. Thwarted monetary expansions

under the gold-exchange standard influenced Keynes's conclusion that monetary policy would be ineffective in a slump. Hence his advocacy of the aggressive use of fiscal policy to stabilize the economy.

Much of the book is a catalogue of catastrophic economic mistakes, and Sumner does not shrink from judging these policies harshly. Other historians think that the economy went through several impressive recovery periods during the 1930s; he thinks most of them were weaker than one would expect in a rebound from a deep depression.

But Sumner is at the same time forgiving of the policymakers involved, who faced institutional, political, and even psychological constraints. Devaluation was seen, for example, as a radical step at the time. The book provides another reason for forbearance: How can we hold the officials of the 1930s responsible for all that went wrong when we still do not have a comprehensive understanding of the Depression all these decades later? That understanding is, however, much more complete thanks to this book. **NR**

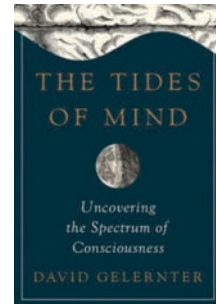
FOLDS OF LIGHT

The gentle folds within the flower of the lily, the gentle look of the folds of the robes of the *Pietà*, flower of a few days, or the stone of centuries, as each comes first to the eye, the living thing, the living idea, birth that there may be rebirth, where the will drives inspiration, and rekindles it with perseverance, a struggle for emergence, where the flower beams as a beacon; cloth of stone, where the ashes of old inspiration do not bury the garden, but sustain it, a vision ignited, the folds of celestial light; finding Mother and Son within the marble, where they were unrevealed for millennia, sacred task a passion for the finding, the mind driven, hands without rest, with talents run deeper and deeper, the folds of cloth of a softness made for the eye, with a luster like the lily, curve and fold of memory and salvation, each in its way the steady light of Heaven, as empires rise and fall, and rise and fall again.

—WILLIAM W. RUNYEON

Inside Man

DANIEL N. ROBINSON



The Tides of Mind: Uncovering the Spectrum of Consciousness, by David Gelernter (Liveright, 320 pp., \$26.95)

THOSE familiar with the work of David Gelernter have come to expect both penetrating insight and a graceful, inviting presentation. This most recent book fully satisfies such expectations, even if the uncovering promised in the subtitle tends to be more analogical than evidentiary.

The author sets down his major claims in a concluding chapter pleasingly direct and economical. Mind has (occupies?) two separate regions: conscious mind and memory. The latter is unconscious in a rather idiosyncratic sense. As the conscious mind deals with the *now*, memory deals with the *then*. “Conscious mind is a spectrum from pure *thinking about* to pure *feeling* . . . from pure *acting* to pure *being*. . . . A mind requires a body and a brain.” Neither these main points nor others in this section reach beyond synonymy, analogy, metaphor, and simile. In these respects, the book joins a crowded company of essays and volumes devoted to philosophy of mind. At least Gelernter eschews the widespread tendency to reduce the mental to events in the brain, and engages in no silly talk about minds being the software that runs brains.

Perhaps the first feature of the book likely to surprise readers is the imaginative melding of concepts drawn from artificial intelligence (AI) and psychoanalytic

Mr. Robinson is a fellow of the faculty of philosophy, and an adjunct fellow of Linacre College, at Oxford University.

theory: Seemingly incongruous with each other, both of these domains are in fact capable of hosting a dynamic and adaptive system that narrows or widens its focus to meet the demands posed by one or another problem.

Gelernter writes of a *spectrum* of consciousness ranging from disciplined rational thought to the ever less constrained realm of imagination, emotion, dreams, and other states in which the once-commanding “self” retreats to the margins. He refers to the disciplined thought as “upstream” and emotions as “downstream.” But the lines he draws between thought and feeling are too sharp. He writes: “Thoughts are always about something. . . . Feelings are ways of being and are *about* nothing.” Which is too casual: One can plausibly say that the

able to assume that a fair amount of evolutionary capital was invested in the process. How profligate! Surely much—even most—of what creatures do in the name of survival can be achieved *without* consciousness. A zombie could save babies in burning buildings and even serve tea and scones later in the day, just before defeating a chess grandmaster.

All this inevitably raises the sort of question Aristotle demanded of any allegedly complete explanation. Regarding the event or object in question, *what is it for?* Was the famous chess computer Deep Blue “conscious” of the match and the moves? Its opponent surely was. Of what value would the addition of consciousness have been to Deep Blue? Of what value is it to us? My own poor attempt to answer the question (in my

criticism. Professor Gelernter correctly castigates textbook writers who dismiss Freud’s dream theory, but then defends the theory on the basis of individual clinical cases. He seems surprisingly unaware of that burden borne by Freud’s *Interpretation of Dreams*: It can be assessed only by presupposing its validity. An illustration: We cannot find our keys. Two explanations are on offer: 1) People forget things and we just forget where we put the keys. 2) The keys include car keys to be used to visit the ever dreaded Uncle Mortimer, and we have blocked the emotion of resentment but, in the process, have repressed our awareness of the location of the keys. Is it not clear that the second can explain forgetting as repression only if it assumes the validity of this theory?

What the physical cosmos is in relation to the laws of physics is what **human culture** is in relation to the powers and preparedness of mental life.

sensation of “tickle” is about nothing, but it would be odd to claim that passionate love has no object. Gelernter’s account of Chateaubriand’s imaginary girl makes quite clear just how emotions are very much *about* their objects or targets.

The author draws a similarly sharp line between inner and outer consciousness. The former refers to an awareness of one’s own internal states, the latter to conscious awareness of events in the external world. In giving us these two fields of consciousness, he ignores influential and cogent Kantian arguments to the effect that the “inner” depends centrally on the “outer.” Naturally, there are good reasons to spare readers a march into the Kantian weeds, but this is best achieved by avoiding generalities that seem sound only to those solicitously shielded from the weeds.

Professor Gelernter is right, of course, in savoring the richness of mental life even in the face of scolds who underscore its poor design and its evolutionary wrong turns. However, he might have given closer attention to evolutionary accounts. If we grant (solely for the sake of argument) that mind is the product of evolution (a transparently untestable claim, given the protean nature of “mind” as a word and mind as a fact), it is plausi-

2007 book *Consciousness and Mental Life*) begins with what I take to be an uncontroversial claim, viz., that the imputation of conscious mental life to others requires that one be in possession of the same. Only by way of thinking can I attempt to think of what you might be thinking. So, in the end, consciousness may have justified the evolutionary investment as a small price to pay for creatures now able to hold fellow members responsible and to join them in an irreducible form of civic life. Professor Gelernter’s appraisal of such notions would be instructive, and his book would have been all the richer for engaging them.

If evolutionary accounts are left in a sort of limbo, psychoanalytic accounts are at center stage in Gelernter’s book. He is more eager to explore than to challenge Freudian theories. With Freud, Gelernter would have dreams serve as the *via regia* to the unconscious, where time and place occupy a home of their own, obsequious to no commands from “upstream.” The onset of sleep yields a parade of distinct hallucinations that come together in such a way as to reveal the “real theme”—a blocked emotion.

This is vintage Freud and therefore heir to enduring praise and devastating

Alas, the staff are outstanding, the cuisine excellent, the appointments lavish, but one still won’t get far on a beached ocean liner.

Mild and perhaps overly pedantic scolding aside, the book is filled with gems. When so celebrated a figure in the world of high technology as Gelernter can also present credentials as a Biblical scholar, the following passage stands as a manifesto: “Modern-day relations between science and religion are all wrong. ‘Science’ has no more right to pontificate about religion than it does about field hockey or dog shows.”

And it’s also true that the history of science has gained much through the use of simile, analogy, and metaphor. Perhaps Newton should be our guide: With negligible exceptions, he never claimed to know the cause or essential nature of gravity, only the law that accurately tracks its effects. I stop here with an analogy of my own: The mind is known solely by its achievements, as gravity is known by the behavior of falling bodies. What the physical cosmos is in relation to the laws of physics is what human culture is in relation to the powers and preparedness of mental life. Put another way, “upstream” is where the rational work is done—and where the intellectual fun is. **NR**

Film

In the Cartoons

ROSS DOUTHAT

HERE is the pitch. *Deadpool* is unlike any other superhero movie that you've ever seen. It's savage, profane, darkly comic, and subversive. It's a hard "R" for sex and violence—and kinky sex, at that. Its hero is actually an anti-hero: not just a brooder like Batman but a genuine jerk who doesn't really grow or learn or sacrifice himself for the greater good of Gotham or Metropolis or Planet Earth. So if you want something genuinely unusual—if you're tired of all the carbon-copy caped crusaders, bored with the 17-odd Avengers movies and the endless Spidey reboots, and dreading the lugubrious Zack Snyder take on "Batman vs. Superman"—well, then, *Deadpool* is definitely the superhero movie you've been waiting for.

Here is the reality. All of this might be true, but only so long as "you" are about 15 years old and male. Of course a 15-year-old isn't technically allowed to see *Deadpool*, thanks to that "R" rating I just mentioned. But given that the movie's extraordinary box office (it made a ridiculous \$134 million in its opening weekend) skewed heavily toward men under the age of 25, I'm willing to bet that more than a few of them were MPAA scofflaws, and young enough to experience the movie the way it was meant to be experienced: in the hormonally crazed, sarcasm-besotted state, all sexual anxiety and chest-hair envy, in which so many young men spend the first few years of puberty. (Not me, of course. I'm just thinking about, um, my friends at that age. Poor guys, it sure was tough for them.)

I do not begrudge those teenagers their joy. For what it is, *Deadpool* is moderately entertaining. It hands Ryan Reynolds, whose career was all but destroyed by his turn as the Green Lantern, a superhero role that fits his distinctive talent for embodying untrustworthy snark addicts. It has a script that adequately, if not brilliantly, deploys various inside jokes (a few of them at the expense of Reynolds him-

Ryan Reynolds in *Deadpool*

self) and makes sport of various rival superheroes. Morena Baccarin, playing Reynolds's love interest, is really *hawt* in a way that not only teenagers can appreciate. The first big action scene is well choreographed. There's a nice insult-comic patter to the hero's obnoxiousness. I wasn't bored; sometimes I laughed.

But as Marco Rubio might say, let's dispel with the idea that there's something boldly original here. Like President Obama, *Deadpool* knows exactly what it's doing—and what it's doing is giving us something we've seen many times before, but with just enough kink and gore and knowing cynicism to flog our flagging appetite for men in tights.

A plot summary should suffice to make this clear. Reynolds's *Deadpool* starts out as Wade Wilson, a former special-ops soldier who now works as some sort of mercenary-cum-hitman, though the only "hit" we see him carry out involves scaring a teenage stalker straight. He falls in love with Baccarin's Vanessa, a hooker with a heart of gold (really), and they're about to live happily ever after when he's hit with an unexpected cancer diagnosis. With months to live, he's approached by a shadowy group headed by a sinister Brit (Ed Skrein), which offers him a cure that promises to turn him into, basically, an X-Man, by expressing his latent mutant genes.

Except that they actually intend to transform him *and* enslave him, and the process makes him look like a hideous burn victim in addition to granting him super strength and instant regenerative power. So after he escapes, he dons a mask and suit to hide his scars, hooks up

with some superbuddies (two of the lesser-known X-Folks) and a comic-relief sidekick, and sets out to get revenge and reclaim the woman he loves.

Is there anything that's genuinely bold or shocking in here? Does anything genuinely unexpected *happen* in between the bare breasts and curse words and smart-aleck monologuing? For instance, does our supposed anti-hero actually kill anyone who doesn't seem to deserve it? Are there any actual shades of gray between the good guys and the bad?

The answers are no and no, and indeed the movie is literally upfront about its predictability. Instead of cast and crew, its opening credits just list the clichés that *Deadpool* will repurpose: "a British villain," "a hot chick," "a gratuitous cameo," and "an entirely CGI character." (Reynolds, the star, is billed as "God's perfect idiot," the producers are given an unprintable description, and the writers are billed as "the real heroes here.")

This preemptive self-deprecation is charming, but by the time the movie reaches its tedious, thumping, airless climax, that charm has worn a little thin. *Deadpool* is a coarse little trifle, a diversion for the teenaged of body and spirit, and if you grade it on that (admittedly morally problematic) curve it's not so bad.

But the "bold, daring, and dark" pitch that's earned it a bazillion dollars is just nonsense, and the fact that both audiences and critics seem to think there's something truly fresh here is a sign of just how totalitarian the reign of superheroes has become: Even our imagination seems unable to conceive of a genuine and meaningful escape. **NR**

Exercise In Style



RICHARD BROOKHISER

WHEN I first saw the men's locker room in my new gym, I thought, *Really?* I know that few gyms in the city are housed in spaces that were designed for that purpose, so improvisation is the order of the day. But here was truly a desperate solution: a long sad slot; a steam tunnel with lockers, a boiler room with toilets; if four men wanted to take showers, one would have to wait; if the lucky three wanted stalls with shower curtains, one of them would have to wait. The rest of the facility was only a little more commodious. The main exercise room recalled a surgical theater, or a cockpit. Additional pieces of equipment were shoehorned into the hallways. All of this was underground, in the hall of the mountain king. Almost as an afterthought, a few exercise bicycles were left in the street-level window by the reception desk, for the edification of passers-by.

But the new gym is cleaner than the old gym, the equipment is better, and the staff is welcoming. Compensation, as Emerson said.

Gym-going does not come naturally to me. I have never been athletic. As a city dweller who for years owned neither a car nor a house, I was unmindful of maintenance generally; if I had to go anywhere, I took a subway, a cab, or my feet; if water, heat, or gas went on the fritz, I left it to the super or the utility. As with my life, so with my body. Yet I have been going to gyms for almost a quarter of a century now. Why?

Disease is a great prompter. If you almost die, you realize you surely will.

Paradoxically this encourages you to live better, at least as far as health and fitness are concerned. Time is disease's unbeatable reinforcement. Illness is a game of odds, erratic though ultimately losing, but new days come like clockwork. Someone e-mailed me a picture of myself in college: Seventies hair! Over time it has become gray, then white, all the while becoming less. So I go to the gym. I will never do triathlons or load up on steroids, but stick arms, stoop shoulders, and writer's gut can be combated if not averted entirely. This combat is surprisingly easy. All it takes is effort. Think of it as reading an extra newspaper three days a week, without having to look at Kim Jong-un. The routines of journalism, simultaneously niggling and soothing, suit me for such regularity.

Another reason for going to the gym is comradeship. Regular attendance there is the easiest way to follow sports. One of the regulars at my old gym went to Notre Dame, while another is a high roller: two different styles of obsession. I stay abreast of World Series, bowl games, and March Madness without experiencing the tedium of actually watching the games. If anything memorable happens, like Jeter's final walk-off single, I can catch it online. It's like being a historian of politics: I know what states Henry Clay carried in the election of 1832, even though I did not live through it.

Comradeship teaches me things I did not know. I have had two trainers; one was a gay man from New Orleans and Sicily, the other is a black man from the islands. Knowing them has been like knowing five countries. Once my first trainer pointed out another exerciser who was wearing a brown scapular; if you wear that when you die, he explained, you will not go to hell. I understand the theology of it is more complicated than that, though not in Sicily. What I contribute is a modest gossip buzz—almost-celebrities I know, celebrities I almost know—and political analysis. It's so much better doing the latter in the gym than on TV; I don't have to pretend to be authoritative, only current. Together we discuss what we have learned from the papers of record, the tabloids. Eliot Spitzer actually seems to have found someone worse than he is.

A hidden reason for going to the gym is what going there preempts. While I am in the surgical theater and the locker room, or going and coming, I cannot be online.

My name is Richard, and I am an Internet user. Here are the dimensions of my use. I don't own an iPhone, a laptop, or any portable device. All my time online happens at my home PCs, or in the business centers of hotels. My only social medium is Twitter; I once was on a listserv, but I gave it up. Most of my computer time is spent doing what I am doing now—writing—or researching. (No one will ever again go to a library to consult Benton's *Abridgment of the Debates of Congress*.)

But there, on the blue screen, is the pool of the world. I check four sites regularly—NRO, of course, an art blog, an



aggregator, and a headline service. That's not a lot (cf. I drink only wine). But then there are links to other sites, some of them not the *Daily Mail*. If I want to look up something quickly, there is Wikipedia (I know the rules: judgments worthless; birth dates and death dates safe). Then there are the impulses. When I was a little boy my parents had a record of "The Oceana Roll." I recently wondered, could I find that? Sure thing—several versions, all lousy (it is a lousy song).

How did I use to waste time? I read the eleventh edition of the *Encyclopaedia Britannica*. Alphabetical order was a much better stimulus for mind travel than links. I pulled books off shelves (still do that, but not enough).

Now the online world invades the gym. The exercise bicycles at the new place allow you to pick a TV channel. My second day I saw Al Capone beating someone to death with a baseball bat. No thanks—I'll just work out. **NR**

You Never Had It So Good

WE are living through a truly historical election season. Or, actually, maybe we're living through the fall of the republic. It's difficult to tell some days.

An unscientific survey of the political landscape tells me there are loads of angry and anxious people out there. They believe their institutions have failed. They want their traditional political parties smashed. They believe oligarchs are running this so-called democracy like a personal ATM. They think China is killing us in the trinket-making business. You know the drill.

The nation's most treasured asset, our youth, are being forced to pay for our sins—not to mention their own liberal-arts educations, which place them, according to many Democrats, only a small step from indentured servitude. This generation, as folks in both parties like to remind us, will be the first to be worse off than the generation that preceded it.

I doubt it.

Now, I'm open to the idea that the end may be nearish. But we can't let it die in a third-rate, self-pitying melodrama starring Donald Trump and Hillary Clinton. Not only because we deserve a better fate and a better class of villains, but because it makes no sense. Not yet.

For one thing, we've lost all sense of context. Surely the Dust Bowl-era family trekking across Oklahoma or the family man sitting waiting hours for rationed gas in 1974 would find this iteration of America sort of great already?

I point this out to the Trump voter. I explain that not only have college-enrollment rates nearly doubled in the past 30 years, but the job market has vastly expanded to include an array of new and fascinating choices. I mean, our kids are a lot luckier than we were.

The irate Trumpkin rolls his eyes at this gutless twaddle of mine and demands America bring back low-paying, back-breaking, mind-numbing factory jobs from Mexico, pronto! Because, as everyone knows, we don't build anything in this country anymore.

Well, I point out, that's not precisely the case, either. U.S. industrial output and productivity are at an all-time high, I tell him.

Pfft. Like those bogus employment numbers? Or those bogus illegal-immigrant numbers? That's what the establishment wants you to believe. Save your charts. We've been lied to enough; this is about action. And also, maybe you should stop being a whiny RINO and do some actual *homework* for a change.

Who am I to argue? As you may know, it's futile to challenge the Right-populist kamikaze. Your patriotism is measured by the depth of your disgust. His grievances do not exist to be dispelled or disproven or mitigated; they exist to be avenged.

There's one thing about the angry voter, though: He isn't interested in seeing his own children taking those low-

paying, back-breaking, mind-numbing factory jobs from Mexico. The only thing his kid might build is some refurbished chair at the artisan carpentry shoppe.

His kids, the Left-populist kamikazes, are flocking to collectivism to right the injustices of the same system. Exit polls from recent Democratic primaries show that 85 percent of voters under the age of 30 support Bernie Sanders. A majority have no problem with socialism—though it's unlikely most of them could properly define what the philosophy entails. I read about their imaginary tribulations, shot from pocket-sized supercomputers (also, phone/music player/theater/GPS system/camera/game console) onto social-media platforms that are typically valued in the billions of dollars. The plutocracy has to be smashed! And they say it without a hint of irony.

Many of these Millennials, who no doubt grew up in the comfort of their parents' 3,000-square-foot mini-mansions—purchased on the strength of 4 percent interest rates and low middle-class tax rates instituted by Ronald Reagan—have had enough.

Granted, life may be tedious in the urban areas they tend to inhabit. With the precipitous reduction in crime over the past 30 years and ensuing market-driven gentrification, grabbing Ethiopian injera or Thai tom yum goong in a once-squalid, drug-infested neighborhood is nothing special to them, I'm sure.

Yet I'm willing to cut these young idealists more slack than I'll cut their angry Trumpite parents. The latter should comprehend, for example, that every indicator of human well-being has dramatically improved over their lifetime. How long we live. How we live. The environment in which we live. They should understand that the aesthetic and technological value of nearly every item in their houses and businesses has made them richer and their existence easier. They have no cause to be this angry.

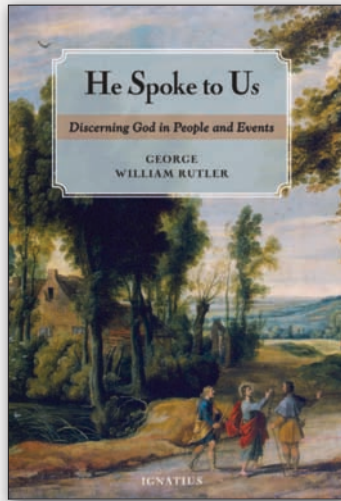
Every successive year the world becomes less poor, less violent, and freer. And yet many Americans act like this is the worst time to be alive. Which would be true if we didn't count every other time people were alive. It reminds me of this snippet from Chesterton on modernity:

The modern world is not evil; in some ways the modern world is far too good. It is full of wild and wasted virtues. When a religious scheme is shattered (as Christianity was shattered at the Reformation), it is not merely the vices that are let loose. The vices are, indeed, let loose, and they wander and do damage. But the virtues are let loose also; and the virtues wander more wildly, and the virtues do more terrible damage.

Don't get me wrong. Politics matters. There are momentous issues facing the nation. Some of them could inflict irreparable damage. But the revolution of 2016 is a manifestation of an unhealthy trend that finds Americans treating politics as if it were the wellspring of happiness and the source of redemption. This is a tragedy. Because, though politicians aren't always dishonest and superficial, they will always disappoint you. We're going to have to find salvation elsewhere. **NR**

Mr. Harsanyi is a senior editor of the Federalist.

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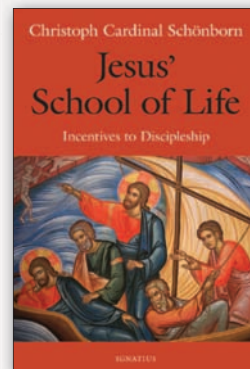
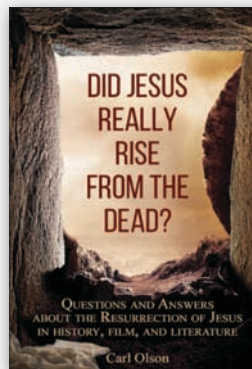
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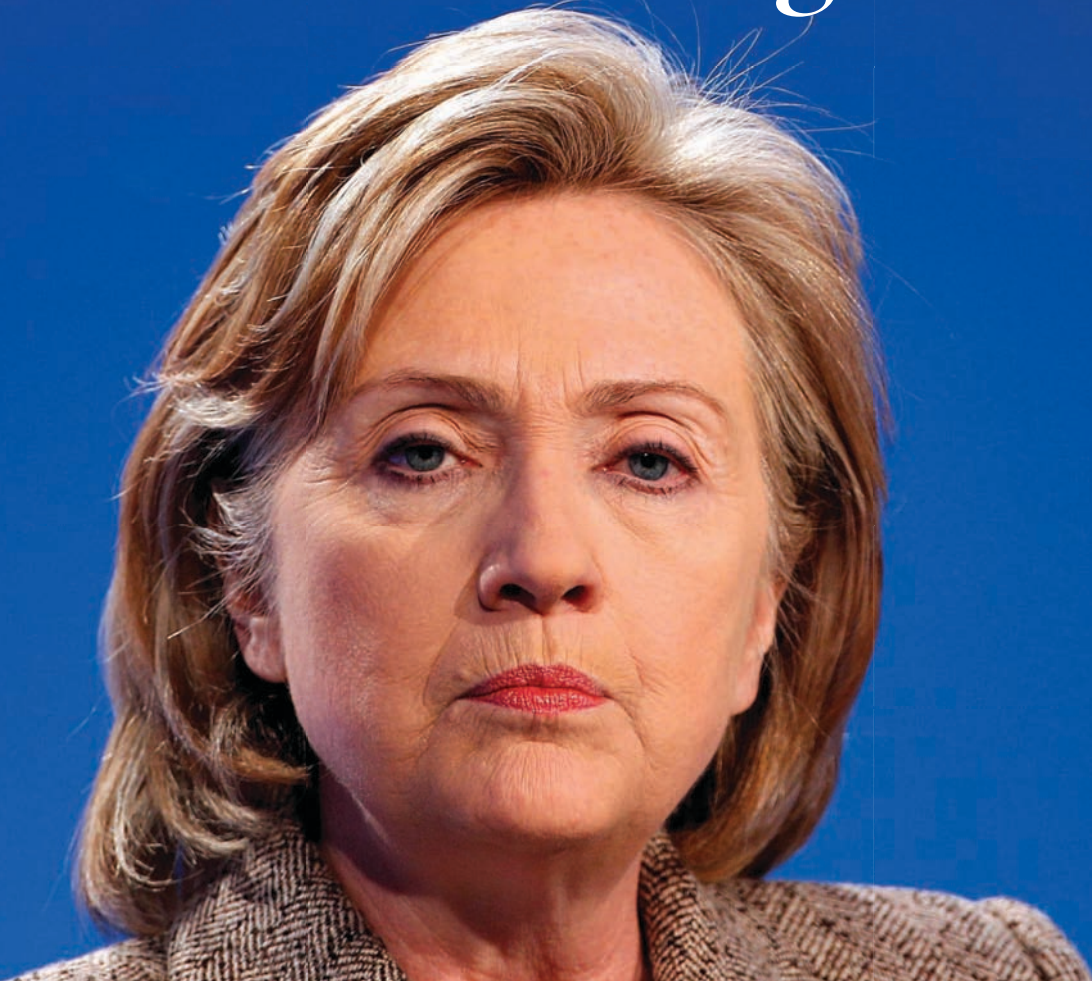
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