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RALPH NADER, CONSERVATIVE WANNABE
DAVID BROOKS

CALIFORNIA DOESN'T MATTER

The political future once happened there. No more.

BY FRED BARNES

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BPA INTERNATIONAL

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The Empathy Express

The Scrapbook, as a general rule, disapproves of quoting oneself, but sometimes it can't be helped. Right about this time four years ago, after three stupefying days at the Republican National Convention in San Diego, we editorialized that the convention had been Bill Clinton's "ultimate triumph." The gathering carried all the hallmarks of Clintonized politics: the obsession with image over substance, the sly substitution of sentiment for ideas, the highly disciplined refusal to utter a word or phrase that had not been vetted and certified by focus groups and polls—recall, if you dare, Newt Gingrich singing his hymn to beach volleyball, or Elizabeth Dole wading into the crowd to perform a harrowing impression of Sally Jessy Raphael.

And now, four years later, all signs are that the Clinton juggernaut will roll right into Philadelphia's First Union Center, where the Republicans will gather to nominate George W. Bush.

For doubters, consider one day's worth of press releases from the convention's PR operation, all of which spit forth from The Scrapbook's fax machine within a few hours of each other last Wednesday. They suggest that the proceedings in the City of Brotherly Love will be an orgy of empathy. "Son of Immigrant Field Worker to Address GOP Convention Entirely in Spanish." "Breast Cancer Crusader to Bring Message to Republican National Convention." "Blind Mountain Climber to Lead Pledge of Allegiance to Open Republican National Convention." "Teletubby Tinky Winky to lead Convention in Singalong Before Mandatory Nap Time."

We made that last one up. But only the last one. Now we do not want to be misunderstood: The Scrapbook thinks empathy is a wonderful thing. But it is properly a personal, even intimate thing, and it loses some crucial element when translated into the idiom of mass media. These are synthetic expressions of show-biz empathy—crude instances of identity politics being squeezed into a made-for-TV package. They are silly, they are cynical, but at least they are understandable.

What's less understandable—to shift focus only slightly—is the convention's open hostility even to the mere expression of ideas. Bob Dole betrayed this hostility four years ago by famously declaring he had no interest in reading the platform of the party that had nominated him for president. Now comes Wisconsin governor Tommy Thompson, chairman of this year's platform committee—the fellow, in other words, responsible for writing the platform—to declare that the party's formal explanation of itself doesn't count.

Appearing on CNN last week, Thompson was asked about the platform's assertion that Republicans "support the appointment of judges who respect traditional family values and the sanctity of innocent human life." The assertion—which after all is a declaration of a longstanding party principle—will stay in the platform, Thompson said, but that doesn't mean the nominee agrees with it. "I'm quite confident that Governor Bush will not be able to embrace it," he said. (Those Bush appointees may not respect family values or the sanctity of life, but you can bet they'll be empathetic.) So now we know why there haven't been, and probably won't be, any bloody platform fights this year: Republicans have decided that declarations of principle don't matter.

All of which is sure to satisfy the convention's chairman, the extremely empathetic Andy Card, who is vowing to put on "a different kind of convention for a different kind of Republican." Too true: a Clintonized convention, for a Clintonized party. ♦

The Wording of Her Slurs

Did Hillary Clinton, in a moment of rage, once call someone a "f—ing Jew bastard"? So a new book about the Clinton marriage, *State of a Union*, alleges. Mrs. Clinton, seconded by the usual crew of mudslinging bootlickers, denies it.

Here again, as always, we'll never know the absolute, undeniable truth. The source of the allegation is the purported Jew bastard himself, one Paul Fray, Bill Clinton's campaign manager in an unsuccessful race for the House of Representatives in 1974. Two other apparent earwitnesses back him up. But Fray has a troubled history and appears three years ago to have apologized to Mrs. Clinton for circulating unspecified falsehoods about her. And he's not Jewish. To say nothing of the fact that the author of *State of a Union* once worked for the *National Enquirer*.

In other words: He said, she said. And he's disreputable. And the reporter involved is a sleazeball. And "they" are behind it all, Mrs. Clinton complains. "I'm sure they'll come up with a lot more." Some things never change.

Usually, though, the Clintons are more efficient at tarring their accusers.

Fray's tale of a furious 1974 argument with Mrs. Clinton—minus the anti-Semitic slur—has been in the public record for years. She has never before disputed it. Now, though, she

says she doesn't remember it happening. Her husband, the president, *does* remember it happening, and allows as how Hillary might have called Paul a bastard, but doesn't remember the f—ing Jew part. How come the first couple can't keep their stories straight?

And how come Mrs. Clinton's Senate campaign staffers have responded to the controversy with dishonesty? In a memo to members of the campaign's "Jewish Advisory Group," Clinton staffer Karen Adler asked that they phone reporters at two Jewish newspapers and pretend to be merely "concerned citizens." As Adler explained: "It is important that you do not say that you calling [sic] because the campaign asked you to, but because you are outraged with what was said about her."

That is to say: It is important that you lie. One thing about the Clintons—they always seem to get the staff they deserve. The Scrapbook suspects there will be epic screaming and swearing inside this campaign, too, before it is over. ♦

Gory Logic

Say this for Al Gore: He is the most relentlessly logical of presidential candidates we've seen in years. Once upon a time he was an opponent of legalized abortion, but sometime in the 1980s he realized that his viability in the Democratic party depended upon his support for *Roe* v. *Wade*. Now lots of politicians have made a similarly cynical decision. But few have brought to the task the thoroughgoing focus that Gore has: Nothing can ever impinge in the slightest way upon the logic of his new position; everything that he says must be tailored to it.

Questioned recently in an NBC interview about an obscure federal law that prohibits the execution of pregnant women, Gore asked for time to think—and, having thought, announced the next day that pregnant women should be able to decide whether to postpone their executions: "The principle of a woman's right to choose," he declared, "governs in that case."

Now, whether you believe the fetus is an unborn child or not, *Roe* v. *Wade* can hardly be said to have enshrined at the heart of the American Constitution the right to fry it to death in an electric chair if you choose. But, of course, once a frighteningly consistent man has made his choice for abortion, nothing can stop him: not a distaste for capital punishment, not a tinge of delicacy, not the fact that the (hypothetical) woman concerned would have already forfeited her rights as a condemned criminal, not the most ancient moral sense—held even in the days of the stern creed demanding "an eye for an eye"—that we don't execute pregnant women, precisely because of what it does to us when we do it. Give Gore high marks, then, for rigor—and for creepiness. ♦

Extra! Extra!

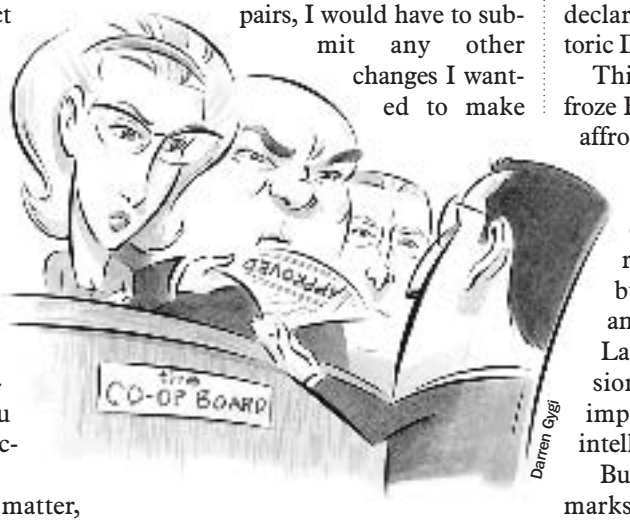
The Scrapbook, along with the rest of The Weekly Standard staff, will be at the Republican Convention next week. Visit our website, www.weeklystandard.com, to read our daily dispatches. ♦

Casual

Co-opted

I am now officially a hypocrite. I've probably been an unofficial hypocrite for many years—who among us hasn't?—but now my hypocrisy has become so blatant that I am uncomfortably aware of it, and feel the need to confess my transgression against the ideological purity I find wanting in other people.

The cause of this two-facedness is my recent entry into the propertied class of New York City. At the end of June, I moved into a cooperative apartment. The purchase of a New York City co-op was my first act of hypocrisy, because these strange places violate sacred conservative tenets about a man's home being his castle. Hobbes and Locke taught us that we gather in societies to protect ourselves and defend our property, which Locke understood primarily to mean land. But a co-op owner's apartment isn't actually *his*. Co-ops are a form of collective ownership—and you know how chilling "collectivism" is to a conservative.



I had little choice in the matter, because I wanted to buy a flat, and the lion's share of tenant-owned apartment buildings in New York are co-ops. That's fitting for this overregulated and overcomplicated city. Co-op buildings are far more self-regulated and complicated dwelling-places than the condominium complexes in which the vast majority of home-owning apartment dwellers in the United States live.

The symbolism is also appropriate because New York is the world center of stock transactions, and when you live in a co-op, what you actually own is shares in a corporation corresponding to your apartment's size and location (the more square footage and the higher the floor, the more shares you own). You then are assigned a proprietary lease to the apartment. For example, my building is divided into 36 apartments, and the corporation that owns the building comprises 11,000 shares. Buying my flat meant buying shares in the corporation—345 of them—and the proprietary lease that goes along with Apartment 4-A.

What this means is that while I have the right to hammer nails into the wall to hang my pictures and make modest cosmetic repairs, I would have to submit any other changes I wanted to make to the building's board. A co-op's board has nearly unlimited authority over the building; it can reject buyers at will and put a stop to any renovation plan a shareholder might design.

This represents a monumental aggravation and source of anxiety when you make an offer on an apartment and the offer is accepted—because you cannot be sure you will meet with what New Yorkers call, with terror in their voices, "board approval."

Of course, once you're in, you love Big Brother. The collective cossets you, as the unseen authorities (well, you see them in the elevator, but you know what I mean) provide safety and assurance and a certain blissful sense of irresponsibility that is wholly at odds with the hardy self-reliance of the pioneers who went west.

My hypocrisy extends to the neighborhood I'm living in—Brooklyn Heights, which is directly across the East River from Wall Street and just south of the Brooklyn Bridge. It's a spectacularly gorgeous place, and not only for the picture-postcard view of lower Manhattan you've seen in a thousand movies.

Some of the houses on my block date back to 1841. In the 1960s, following a spurt of development in which lovely old buildings were torn down and replaced by ugly new ones—much of this the work of the Jehovah's Witnesses, who seem to own half of the neighborhood—the socially powerful Old Guard succeeded in having Brooklyn Heights declared the city's first official Historic District.

This designation, which effectively froze Brooklyn Heights in place, is an affront against the legitimate rights of property owners—another assault on John Locke's philosophy. It puts in place a height restriction of 50 feet on all new buildings, gives veto power over any exterior changes to the city's Landmarks Preservation Commission, and in general intrudes on important freedoms in ways that intellectually I consider calamitous.

But if, for some reason, the Landmarks law and the Historic District designation were to become an open political issue again, I would fight their repeal with every ounce of hypocritical energy I could muster. Just like the co-op board, Brooklyn Heights enfolds me in a never-never land of regulation—to which I have willingly, indeed even eagerly, submitted.

I can offer no defense for myself, except to invite you over for a cup of coffee and a walk through one of America's most breathtaking parcels of real estate—hoping that perhaps you, too, will be seduced into the happy world of the hypocritical conservative.

John Podhoretz

Shrink Rap

Paul R. McHugh, in his review of T.M. Luhrmann's *Of Two Minds* ("The Death of Freud and the Rebirth of Psychiatry," July 17), concedes that Luhrmann has it right, that the constraints of today's health care financing often preclude spending enough time with a psychiatric patient to allow the psychiatrist to really understand his patient's conflicts and problems, or to allow the patient to really understand that someone is taking him seriously. McHugh quickly goes on to launch a diatribe against Sigmund Freud, recreating a straw man that's easy to demolish. He describes some distortions of Freud's principles as he experienced them years ago and attacks *The Diagnostic and Statistical Manual of Mental Disorders* (DSM-IV), which, with all its faults, is merely an attempt to categorize clusters of symptoms or syndromes so we can discuss patients without taking two pages of text to describe each diagnosis. Yes, it is based on phenomenology, not etiology, because we do not know in detail the origins of most mental health disorders.

McHugh then indulges in reminiscing about his own training at Johns Hopkins (an institution notoriously anti-psychoanalytic for many years) and decries some of the assumptions of the analysts of that time. He omits that the analysts never taught that everyone should be treated with long-term psychoanalysis or that diagnosis did not matter, but only that every patient, whether suffering from schizophrenia, Alzheimer's disease, panic disorder, or depression, has ideas, fantasies, and unconscious desires and conflicts that provide the detailed content of their thoughts and behavior. If this is ignored, whatever treatment we prescribe, from confinement to the most modern drugs, will have only moderate effectiveness. The proponents of psychopharmacology, of behavioral techniques, and all other therapies are now realizing (and writing) that one must understand the nature of the relationship, the early experience as recapitulated in transferences, and the unconscious fantasies, in order to treat more than the few easy patients.

Luhrmann does not advocate full psychoanalysis as the therapy of choice for every patient, or even for most patients. She emphasizes the necessity of understanding each patient's emotions, fantasies (conscious and unconscious), and past history in order to understand what makes him or her tick. All psychotherapies are based on the fact that memory is not veridical, that unconscious desires and fantasies exert their force on us all, that conflicts from the past are relived in the present. Any physician who diagnoses a patient from a checklist of symptoms and prescribes drugs according to a table of indications, without trying to understand the person and helping the person understand himself or herself, is merely a pharmaco-technician, not a physician.

Psychoanalysis is growing in the United States and in the world. Modern psychoanalysts understand neuroscience, pharmacology, the influence of the cultural milieu and of the family on formation of personality. We understand that there is no way to consider nerve cells apart from mind and no way to consider mind apart from nerve cells. Few patients need full intensive psychoanalysis, but all patients need to be understood in terms of dynamic mental processes.

Henry Kaminer
Tenafly, NJ

Paul R. McHugh clarifies: The 1950s medical student experience recounted in my essay was from Harvard, not Hopkins.

As a lifelong observer of the psychiatric and psychological fields, I register concern over Paul R. McHugh's regard for "evidence" in support of this or that therapeutic technique. It is a conceit of these professions that only conclusions drawn from standard research procedure should count as solid.

But psychotherapy is surely an interpersonal art, relying heavily on intuition, and those who are gifted at it are not often the same people who are drawn to research. Criticism of such scientism within the field has been ignored in favor of the prestige of left-brain empiricism.

It is not the task of psychotherapists to wait for empirical justification of the methods they are constantly evolving with each patient. Rather, it is the task of researchers to keep up with therapists, working aggressively to translate their discoveries on the frontlines into usable data.

Sharon Kass
College Park, MD

Perhaps the principal discovery of psychoanalysis is that human beings have difficulty handling the biologically rooted drives of sex and aggression. Dr. McHugh writes as if this tenet has not been proved, and welcomes the fact that "Freudianism [is] in ruins." But civilization's survival depends upon recognizing aggression as an instinctual drive and managing it rationally.

If the findings, methods, and applications of psychoanalysis are further devalued, it may be civilization that is in ruins. It's unlikely that the psychic activities of tyrants, terrorists, and warmongers can be adequately explained by reference to brain diseases or, alternatively, to their being "'demoralized' [and] overmastered by some problem related to their present lives."

Hazen Kniffin
Baltimore, MD

Preventive Medicine

In arguing for the adoption of "discounting" when contemplating what, if anything, to do about global warming, Ira Carnahan makes a persuasive case for turning the so-called precautionary prin-

ciple on its head ("Al Gore's Economics," July 17).

The precautionary principle has become the mantra of those who would have us err on the side of caution in the face of scientific uncertainty. This means that in the absence of adequate data on the seriousness of a problem, we should go ahead and take concrete steps to counteract it, just to be on the safe side. In effect, the precautionary principle is a call for major surgery before the patient has been fully examined.

Yet for Gore and his fellow global warming advocates, the surgery is the purpose of the whole exercise. Once an international regime for controlling the use of energy (like that included in the Kyoto Protocol) is in place, decision-making authority in these matters will have been removed from the marketplace and placed in the hands of a green global aristocracy, one led by Gore and his fellow advocates.

By forgoing precipitous moves until such time as the climate science is better understood we can, as Carnahan rightly argues, save ourselves a lot of trouble. But if power is the ultimate goal, why bother with the uncertainties of science?

Bonner Cohen
Arlington, VA

Al Gore's bad economics notwithstanding, Ira Carnahan's are just as bad. Paying today to protect the environment has little to do with the financier's theory of discounting. Instead, it is more akin to bi-annual appointments with the dentist, which reinforce the old saw "an ounce of prevention is worth a pound of cure."

In terms of the environment, prevention makes a lot of sense. Unpolluting a lake is a lot more difficult and expensive than not polluting it in the first place. Reforesting is a long and laborious process that is not guaranteed to succeed. Better to protect an existing forest.

This does not mean I support Al Gore's crackpot, government interventionist environmental policies, but to ignore the environment now, so the next generation can clean it up, is irresponsible and will be expensive.

Joan Adams
New York, NY

When Justices Attack

Jeremy Rabkin's "The Supreme Mess at the Supreme Court," is right on target (July 17). Judicial activism has finally produced a Supreme Court whose collective reasoning is neither rational nor compassionate. The result is a kind of judicial anarchy that distorts, weakens, and corrupts the representative system of government that has served our country so well for over 200 years. The Court zealously guards our constitutional rights against the tyranny of the majority, but who will defend them against the tyranny of the five lawyers?

W.M. Grogan
Richmond, VA

Wizardry 101

The Parody "Harry Potter and the Public School" (July 17) was excellent. Beyond the predicament faced by the public school, the NEA may be put in a difficult position this fall. School administrations with anti-Halloween policies will be caught in a Catch-22 on witches and wizards: If Harry Potter can call on them, can children dress like them? Or does the separation of church and state force us to take this popular reading out of children's hands?

John Covell
Brunswick, GA

Goodbye, Golden State

As a member of the California team that followed Ronald Reagan to the White House in 1981, I always felt guilty for not returning to California after my Washington stint, as my family and I elected to remain on the East Coast.

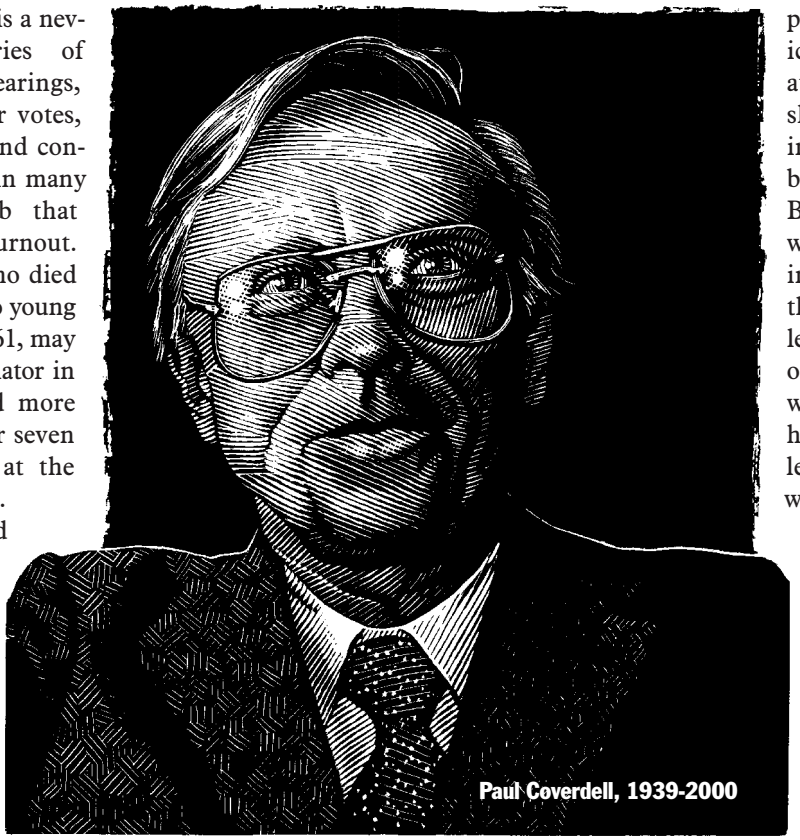
In J. Bottum's "California Dreaming" (July 17), he articulated what I have long felt about the East Coast—and my California guilt vanished.

E. Pendleton James
New York, NY

the weekly Standard

The Gentleman from Georgia

A senator's work is a never-ending series of committee hearings, caucus meetings, floor votes, flights, fund-raisers, and constituent service. It is, in many ways, a dreadful job that inevitably produces burnout. Yet Paul Coverdell, who died suddenly and much too young last week at the age of 61, may have been the only senator in U.S. history who had more spring in his step after seven years in office than at the beginning of his tenure.



Paul Coverdell, 1939-2000

Patrick Arrasmith

In this way and many others, Coverdell defied the senatorial stereotype. He didn't come from a prominent family, he wasn't particularly handsome, and he had a speaking style that, as the joke went, looked and sounded like someone imitating Dana Carvey imitating George Bush. He was never much of a back-slapping glad-hander. His campaign slogans—"Paul Coverdell Means Business" and "Coverdell Works"—reflected his simple, can-do approach to politics.

Before coming to the Senate in 1993, Coverdell spent more than 20 years building an insurance company and the Georgia Republican party. (The party was so small when he began—he was one of just four Republicans in the state senate in 1971—that he used to joke about its meeting in a phone booth.) He proved a spectacular success at both tasks, and the experiences taught him a skill noticeably lacking among today's senators of both parties: how, against all odds, to get things done.

Coverdell lived by the simple creed of a Boy Scout: Be prepared. His work ethic was the stuff of Senate lore. If he wasn't sleeping, he was working. He once took his briefcase to an Atlanta Braves game and worked from the third inning on. Trent Lott, the Senate Republican leader, was so enamored of Coverdell and his work habits that he put him in charge of countless task forces and working groups. He also dubbed him "Mikey," a reference to the kid in the Life Cereal commercials who was always willing to eat anything.

Yet Coverdell was not a grind who worked for the sake of working. His labors flowed from his deeply held belief in the value of freedom. A few years ago he wrote that "ensuring freedom is to me the highest possible goal of a political party. Why freedom? Because human experience has shown that the greatest practical good for the greatest number is achieved by free people through free elections and free markets."

Tagged as a moderate upon his election in 1992—he was mildly pro-choice, and his chief Republican primary opponent had been Bob Barr—Coverdell emerged as one of the more conservative members of the Senate, and certainly one of the most effective conservatives. Asked about this seeming ideological shift, he downplayed it, saying he'd simply become "more concerned about government's intrusion into our lives."

Coverdell's concern jelled in 1993, with the release of

the Clinton plan to remake the American health care system. While many Senate Republicans were squeamish about raising objections, Coverdell told them in one now-famous meeting precisely what was at stake: "Think of this as 1939. We have to choose whether to be Chamberlain or Churchill." To that end, he began organizing meetings attended by Senate staffers, activists, and interest group representatives, and these meetings quickly became the nerve center of the opposition. Coverdell's boundless energy, and willingness to do the organizational scut work his colleagues couldn't be bothered with, yielded this apt characterization of his time on Capitol Hill: "The best staffer in the Senate." In the end, he may have done more to defeat the Clinton health care plan than anyone else in Congress.

Coverdell was not, however, a wild-eyed partisan. He struck close alliances with Democratic senators like Bob Torricelli and Dianne Feinstein. And though a journalism major in college, Coverdell rarely made for good copy. His loyalty to his colleagues prevented him from revealing much of anything in interviews.

Phil Gramm, who delivered a moving tribute to Coverdell on the Senate floor, once pinpointed a secret behind his close friend's success: "People like to put Paul in leadership positions because he makes other people look good." Indeed, for all that Coverdell had already accomplished, there was a widespread belief among Republicans that his best years were ahead of him. Slated to move into the number three position in the Senate GOP hierarchy next year, replacing the retiring Connie Mack, he was widely expected to continue his rapid ascent of the greasy pole. As a confidant of George W. Bush and a close friend of Bush-*père*, Coverdell would have been even more influential in a Bush presidency. As it is, his success in the Senate stands as proof that Washington does occasionally reward, rather than punish, talent and effort. And decency. Tom Daschle, the Senate minority leader, in a tribute last Wednesday, called Coverdell "a gentleman." So he was.

It is fitting that Coverdell's last floor speech in the Senate, on July 13, was devoted not to advancing an arcane piece of legislation but to honoring another friend of freedom, Ronald Reagan. Fitting because Coverdell had emerged as a latter-day Reaganite who, like Reagan, was more interested in what was accomplished than in who got the credit. In his speech, Coverdell described the former president as someone who "preferred to see himself as a simple citizen who had been called upon to aid the nation he so loved." That's a good description of Ronald Reagan. It's also a good description of the late Paul Coverdell.

—Matthew Rees, for the Editors

Al Gore, Robo-candidate

The vice president is running a relentlessly weird campaign. **BY TUCKER CARLSON**

Saginaw, Michigan

IT'S 7:30 ON A RECENT WEEKNIGHT and the gym at Arthur Hill High School in Saginaw is not packed. There are maybe 200 people in the room, which, judging from the championship banners on the walls, is a smaller crowd than the school's basketball team draws. All have come at the invitation of local Democratic activists. They are here to participate in one of Al Gore's "open meetings." They are in for a long night.

Gore stands at the end of the basketball court and addresses the group with a microphone. He opens by telling his life story, beginning with selective biographies of his parents. ("My mother was a poor girl in West Tennessee at a time when poor girls weren't supposed to dream." "She worked as a waitress at an all-night coffee shop for 25 cent tips." She took her blind sister to school every day, etc.) He follows with a short campaign speech, then he opens the floor to questions. Gore promises to answer every single one. "I don't care if there's only one person left, I'll stay here," he says. He means it.

The reporters covering Gore dread these events, known informally as "Last Man Standing," a kind of contest in which Gore always emerges the winner. (The record for a Gore open meeting, recorded in April in Albuquerque, is more than 4 hours and 20 minutes.) Tonight is no exception. Gore prides himself on being patient. After answering the same question about Social Security for the third time, he seems perfectly happy to answer it again. "If you want to stay afterwards to talk more about this," he says calmly, "I'd be happy to."

Fred Harper

After an hour or so, the gym begins to get uncomfortably hot. Camera crews from the campaign are filming the event for commercials, and there are large, movie-type floodlights positioned around the room. Each throws off more heat than a steam radiator. Sweat has begun to roll down Gore's face, soaking through his polo shirt, and dripping south to his pleated Dockers and cowboy boots. The questions keep coming.

But mostly people want to give lectures. Self-important, boorish, stunningly long-winded lectures. An Asian kid about 18 (a self-identified "APA"—Asian-Pacific American) rises to complain that the Mattel toy company did not include an Asian Barbie in its "Barbie for President" set. A fiftyish man makes a complicated point about the spread of algae in the Great Lakes and the St. Lawrence Seaway. A large woman with dozens of warts on her face, a college English teacher, scolds Gore for selling out to right-wing corporate interests.

None of them shows any awareness that Gore is the vice president of the United States, a man who—whatever else he is—is generally considered too busy to spend an entire evening responding to pointless and impolite "questions" from the citizens of Saginaw. Gore never betrays the slightest irritation. He never changes his tone, never becomes sharp. He answers each question, sometimes in excruciating detail. He is condescending, of course. But that's always the case.

What is striking is that, unlike Bill Clinton, George W. Bush, and other natural politicians, Gore doesn't appear to take pleasure or draw energy from interacting with the crowd. He doesn't wade in. As the night wears on, he shows no evidence of a speaker's high. But Gore doesn't seem to be suffering, either. He seems dutiful. He plows forward.

After a couple of hours, the meeting officially ends. Most people leave, but several dozen don't. They form a receiving line. Gore talks to each one, sometimes at length. Every other person has something time-consuming for Gore: an anecdote to share, a mutual acquaintance to ask about ("My cousin Bob used to live in Nashville. Did you know him?"), or at the very least, a camera. The pictures slow things down the most.

Tucker Carlson is a staff writer at THE WEEKLY STANDARD.

Often, the people taking them get so nervous that they fumble shot after shot. Each time, Gore is left stranded with his arm around a sweaty stranger, a smile frozen in place.

One woman is having what seem to be severe problems with her disposable box camera. The flash won't go off. She pauses to read the fine print on the back. Reporters are getting tense just watching. Gore acts as if he'd be delighted to spend all night helping her get the perfect photograph. "Take another," he says with no discernible edge in his voice. It is a remarkable feat of will. Gore is, I decide at that moment, the Robo-candidate.

Thanks to weightlifting and a low-carb diet, Gore looks fit. Even so, events like this are physically demanding. (No bathroom breaks, for one thing.) They are also expensive. Gore brings along press secretaries and policy experts and schedulers. There is the press, the people who feed the press, the aides who plan the route for the motorcade, the guy who brings Gore's limousine out from Washington. And then there is the security detail—I counted nine Secret Service agents within a 20-foot radius of Gore as he spoke. (Not to mention the huge contingent of local police wandering the empty halls of the high school.) It takes two planes to carry the whole entourage. It takes most of a day to set up for the show. Who knows how much it all costs.

Which makes you wonder: Why does Gore subject himself to this? He held open meetings in Iowa and New Hampshire during the primaries because he had to. He doesn't have to now. Nor does it seem a wise use of his time or money. At no cost to his campaign, Gore could reach far more voters in three minutes sitting alone in a television studio in Washington than he does in as many hours in a gym in Saginaw. And yet since he secured the nomination, Gore has continued to barnstorm the country hosting his own makeshift political talk show—usually untelevised.

Bob Shrum, Gore's chief media consultant, explains the meetings as a chance for the candidate to interact with "real people." They are also, Shrum says, "a pretty good continuing drill for all the stuff he'll be dealing with in the campaign"—meaning, for the most part, the debates. This is true too. Shrum doesn't even bother trying to defend the meetings on the usual practical grounds. "The standard notions of retail politics say they're not worth doing," he says. "But he likes them."

He must. After three hours, most of the traveling press give up and depart for the airport. Gore keeps chatting with the dozen or so citizens still standing. As the reporters walk out, he is deep in a conversation about real estate prices in Saginaw. According to his staff, once everyone finally went home, Gore stayed even later to shoot a public service announcement for local television.

Clinton used to do things like this, most famously during the primaries in 1992, when his willingness to work almost continuously helped push him to victory. But Clinton always seemed like he might be campaigning at midnight even if he weren't running for office. With Gore you get the feeling he has decided he has no choice. ♦

Michael Ramirez

Campaign Reform for Conservatives

The Democrats are benefiting from the soft money status quo. BY JEFFREY BELL AND WILLIAM KRISTOL

IT IS TIME for conservative leaders and activists to reexamine their opposition to federal campaign finance reform.

They should do so because there is a strong conservative case for reform. They should do so because, if conservative leaders continue to just say no, there is a real danger that campaign finance reform, which is popular with the public, will be enacted in a form that makes the campaign funding system even worse than it is today.

There is another reason for conservatives to get behind reform. The transformation of the system since the Reagan era, and especially the rise to dominance of "soft money" during the Clinton era, is changing the world of federal campaign funding into one that favors, on balance, Democrats.

This became evident in recent weeks with the publication of the half-year financial reports of the Democratic and Republican campaign committees that fund races for the House and Senate. For the first time in living memory, the Democrats are in better shape than the Republicans. As of June 30, the House Democratic committee had $15 million more cash on hand than did its GOP counterpart, while the Democrats' edge on the Senate side was around $6 million.

These Democratic advantages are especially striking in view of the fact that Republicans control both the House and Senate, normally a huge fund-raising asset. Added to the decades-long GOP financial edge that held firm even when Republicans were in the minority, this should be giving the Republicans massive financial superiority. Yet those endlessly chronicled shakedowns of big business supposedly conducted by GOP House whip Tom ("The Hammer") DeLay seem to be less effective than those presided over by Democratic Senate campaign chairman Robert Torricelli and House chairman Patrick Kennedy.

Part of the emerging Democratic tilt is that labor unions have significantly stepped up their soft-money giving. The $15 million they have given so far in the 2000 election cycle is 50 percent more than the entire amount they gave in the 1996 and 1998 cycles. And virtually all labor money goes to the Democrats.

Corporations are giving more than ever as well, but their giving is now almost evenly divided between the two parties. Democrats have become increasingly adept at raising soft money from business interests.

Torricelli is becoming particularly renowned for harvesting six-figure checks from both sides of issues before Congress. But his adeptness may be obscuring a critical point: Soft-money fund-raising, focused on economic interests and unconstrained by any legal limit on contributions, may be peculiarly suited to the party that is the more disposed ideologically to intervene in the private sector. In our politics, that is the Democratic party. Which is why the Democrats have become so willing and able to shake down business interests, with the threat, or promise, of government policies that would help or harm their particular industries.

There may be a post-Cold War aspect to all this. In the century when the primary political debate was capitalism vs. socialism, most democracies featured a battle between a party or coalition that was pro-capitalist and a party that was, at minimum, skeptical of capitalism, and in some cases hostile to private enterprise. In those cases, business tended to side with the more or less pro-market party.

But in the post-Cold War era, ideological lines have blurred, especially on economic issues. Tony Blair and Bill Clinton sound pro-business in most contexts. When business, particularly big business, no longer feels its existence is on the line, it is much more likely to look to its narrow interests, and to whatever group of politicians can best serve them at any given time. And Democrats are willing to use government to serve those interests—and to use the threat of government to raise money from them.

Whatever fund-raising success Democrats may be enjoying in the struggle for Congress, we can hear conservatives saying, surely little of this applies to presidential politics. After all, George W. Bush, with his ocean of $1,000 checks and refusal to accept matching federal funds in the GOP primaries, outclasses any candidate in the realm of fund-raising—in this presidential cycle or any other.

He does. But that's because in presidential primary financing, the $1,000 check and direct mail are still dominant, and Bush did well in both. Soft money begins to matter only after the party nominee is known. In the 2000 election cycle, that phase began for both parties in early March.

Between March and June, both parties raised soft money and spent little. In that three-month period, Bush went from a roughly even race to a high-single-digit lead over Gore in most national polls. In early June, the Democratic National Committee went up with a multi-million-dollar, soft-money-financed TV campaign of "issue ads" singing the praises of Al Gore on a series of issues, including

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prescription drug coverage for seniors and a patients' bill of rights. The Republican National Committee decided not to counter or to run significant pro-Bush ads of its own. Gore has now narrowed the gap with Bush.

The DNC ads and the poll shift may be unrelated. Some Republican strategists argue that, in 1995-96, the "issue ads" written in the Oval Office by Bill Clinton and Dick Morris and put on the air with massive amounts of soft money by the Democratic National Committee had nothing to do with Clinton's opening up a solid lead over Bob Dole. (If they had thought differently, Republicans presumably would have made more than token efforts to finance soft-money issue ads of their own, instead of leaving the Clinton ads pretty much uncontested.) But when history shows signs of repeating itself, with one party massively on the air at a formative stage of the campaign and the other dark, one can hardly be blamed for wondering whether the balance of political forces is starting to change. And one can hardly be blamed for wondering why Republicans retain an affection for a soft-money system that harms their electoral prospects and gives politicians leverage over the private sector in a way fundamentally hostile to any hopes for restoring what conservatives claim to believe in—limited government.

Nebraska senator Chuck Hagel, along with Michigan's Spencer Abraham and a handful of other congressional conservatives, are working toward legislation to ban or severely limit soft money. Unlike more liberal versions of campaign finance reform, including McCain-Feingold, Hagel's bill would try to reinvigorate private giving with a long overdue raising of the contribution limit, frozen at $1,000 for a generation. Hagel deserves help from conservative leaders and activists. If he doesn't get it, the Robert Torricellis could wind up the winners from conservatives' reluctance to engage the issue of campaign finance reform. ♦

Lynching the Truth

Jesse Jackson and the media turn a suicide into a racial cause célèbre. BY DAVID FRUM

IN THE EARLY EVENING of June 16, the dead body of 17-year-old Raynard Johnson was found hanging from a pecan tree in front of his family home in the little town of Kokomo, Mississippi. An autopsy established that Johnson had killed himself: There were no marks or bruises on him, no signs of a struggle, no bindings on his wrists.

Johnson's death was a sad but not entirely unusual event. More than 30,000 Americans kill themselves every year. For American men aged 15 to 24, suicide is the third-most-common cause of death. But what happened next was unusual. In their grief, the Johnson family refused to accept the verdict of the local medical examiner. The Johnsons are black. Young Raynard had sometimes dated white girls. They convinced themselves that this crossing of their state's ancient racial line had provoked local racists into lynching their son.

It was not only themselves they convinced. Soon Jesse Jackson was jetting in to lead marches and fling accusations of coverup and worse at the Marion County sheriffs. "This thing in Kokomo smells a lot like Emmett Till," Jackson said, referring to the Chicago boy murdered while visiting Mississippi relatives in 1955, apparently after flirting with a white woman. Jackson's fervid words attracted the attention of the national press, as of course they were meant to do. Over the past month, Raynard Johnson's death has emerged as a national news story, with multiple stories about it appearing in *USA Today*, the *New York Times*, and the *Washington Post*, as well as on all three of the major networks and the major cable news shows. Most of these stories ran after Janet Reno's July 12 meeting with members of the Johnson family and her tragically inept statement that she considered Johnson's mother "a very courageous lady."

These stories have often been presented so as to imply the truth of Jesse Jackson's and the Johnson family's charges of murder and deceit. On the July 12 edition of the NBC *Nightly News*, for example, correspondent Pete Williams led his story this way: "Concerned that state authorities are covering something up, members of Raynard Johnson's family are asking the Justice Department for an impartial investigation of his death—a hanging that has stirred up bitter memories of the South's racist past."

Williams then cut to a clip of rep. John Conyers reminding viewers of Mississippi's history of lynching, to a second clip of two white neighbors alleging murder, and a third clip of Jesse Jackson charging official malfeasance. The absence of any evidence of homicide was described as merely "no evidence to rule out suicide." While a pathologist was permitted to explain that murders by hanging invariably leave some sign of violence on the victim's body, Williams did not mention that no such signs were found on Johnson's. In the end, the death was described both as "puzzling" and a "mystery."

When asked to justify treating a nearly certain case of suicide as very possibly a racially motivated lynching, Pete Williams cites the FBI's

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Thomas Fluharty

involvement: Surely that turned the homicide angle into a prime-time story? But by the time Williams got to the story, the FBI had already, according to other news reports, concluded that the death was overwhelmingly probably a suicide. Besides, it is simply not responsible to treat the politicized Clinton Justice Department as a reliable guide to the genuineness of racial incidents. Remember its eagerness in 1996 to promote the myth of a nationwide epidemic of black church-burning?

Still, Williams's reporting was a model of lucidity compared with the hyperventilation of ABC's Chris Cuomo on *20/20*. On July 7, Cuomo presented a lengthy account of the Johnson case that did not so much as nod to the overwhelming evidence of suicide until the segment's final seconds. Even then, the brief acknowledgment of truth was immediately followed by a new allegation from a friend of the family that he had seen a bruise on the back of Johnson's neck that might perhaps indicate strangulation. Cuomo's report made much of the Johnson family's decision to request a second autopsy from an "independent" pathologist. But Cuomo did not wait for the second doctor's report before airing his item. Too bad: It confirmed suicide.

CBS's account of the Johnson death was more careful. Dan Rather introduced the story with a warning that there was little evidence to justify the family's suspicions. Correspondent Byron Pitts gave close to half his airtime to information that corroborated the official version of events. But splicing together two contradictory accounts is not quite the same thing as weighing those accounts. Revealingly, the network's transcript refers to Johnson as the "victim"—as if of a homicide—rather than by some neutral term like "the deceased." And Pitts invited Johnson's friends to speculate on what motive the nonexistent killers might have.

> PITTS: Even before the boy was buried, rumors were rampant [that] this was murder. The belt around his neck wasn't his own. Johnson had dated white girls and certain locals didn't like it.
>
> SUSIE STALLING (Victim's friend): This is still the old South.
>
> PITTS: Mississippi?
>
> STALLING: Mississippi.
>
> PITTS: Susie Stalling knew Raynard and she knows Mississippi.
>
> STALLING: I mean, it's not that they—they don't like black people. That's not the problem. It's just that they don't want none of their white girls dating a—a black man.

Print coverage of the Johnson death has been markedly less sensational than television's. The *New York Times* in particular played the story straight, giving prominent attention to the solidity of the medical evidence in favor of suicide and the speciousness of Jesse Jackson's charges. Better still, the *Times* ran its account of the case in the appropriate obscurity of page 21. The *Washington Post*, on the other hand, has printed stories that gave only perfunctory mention to the evidence in the Johnson case and then immediately moved to a discussion of President Clinton's proposals for new federal hate-crimes legislation, implying that such laws might despite

everything be relevant to Raynard Johnson's death.

There is something more than ordinarily strange about the media's seeming determination to report the Johnson story in the most inflammatory possible way. Both in their editorial content and in their employment practices, the country's major news organizations represent themselves as passionately committed to racial harmony. Yet here are some of the country's proudest broadcasters and publishers provoking racial mistrust by disseminating allegations of which they themselves acknowledge the nearly certain untruth.

Why? Abigail Thernstrom, coauthor of *America in Black and White*, the definitive study of contemporary race relations, regretfully observes how often journalists convince themselves that they are "furthering the work of the civil rights movement when they are in fact undermining racial equality and goodwill."

When called on to report cases of black-on-white crime, journalists are acutely conscious of the need to avoid stoking atavistic fears. When New York City's Puerto Rican Day Parade ended in mayhem this year, nobody felt it necessary to run stories under headlines like: "Black and Hispanic youths sexually assault dozens of white women"—even though such stories, unlike the Johnson lynching stories, would at least have had the merit of being true. With stories that tap into white racial anxieties, news organizations try to ensure that the details they present are not only true, but also relevant. But when the racial anxieties at issue are black or minority, all that care flies out the window.

Jesse Jackson makes his living turning ordinary tragedies into racial confrontations. By now, few journalists harbor doubts about who Jackson is and what he does. And yet knowing everything they do about him, knowing everything they did about the real cause of Raynard Johnson's death, they rolled over at Jackson's signal like so many well-trained poodles. In so doing, they shamed their profession and injured their country. ♦

The Natural Selection Election

Will Charles Darwin survive the GOP primaries in Kansas? BY JACK CASHILL

Kansas City, Kansas

As Sixty-Third Street crosses the state line from Kansas City, Missouri, into Kansas, the speed limit drops from 35 to 25, stop signs pop up at every other corner, and police cars lurk behind the topiary. Welcome to Johnson County, one of the most affluent suburban areas in America and the unlikely site for what a local columnist has aptly called "the Gettysburg of the culture war." In this war, as in most, propaganda has trumped truth at almost every turn.

In Mission Hills, the first and plushest town across the state line, where until recently "For Sale" signs were banned, "Sue Gamble" yard signs sprout like wildflowers. The heretofore anonymous 58-year-old is challenging the incumbent in the GOP primary on August 1 for an unsalaried seat on the Kansas State Board of Education. Despite her brief window of celebrity, Gamble has managed to attract the outspoken support of the local Republican establishment, the endorsement of the *Kansas City Star*, and the eager embrace of the rich and the scared.

As Sixty-Third Street quits Mission Hills and heads into the merely prosperous suburbs to the west, the green Gamble signs yield to the red signs of the incumbent Kansas school board member, Linda Holloway. Holloway runs strong in these more modest quarters, but possibly not strong enough.

As "chairman" (her word) of the state school board last August, Holloway committed the one unforgivable sin in the tonier confines of Johnson County: She embarrassed her betters by reminding them that they still live in Kansas.

Specifically, Holloway led a surprise counterattack against the science educators who had attempted to impose new, evolution-heavy science standards on the state. The board's move was hardly the "ban on evolution" that was reported. After much wrangling, Holloway's 6-4 majority merely referred the decision on how evolution should be taught to local districts and deleted a few contested theories from the state assessment tests, most provocatively the so-called big bang. "The decision," Holloway notes correctly, "was rather minor compared to the reaction it got."

That reaction bordered on the hysterical. Governor Bill Graves, a moderate Republican, called the move "a terrible, tragic, embarrassing solution to a problem that did not have to exist," a lament that has been echoed by one pol and pundit after another. Kansas is the "laughingstock of the world," wails the influential, if solipsistic, Mainstream Coalition on its website. A billboard on I-35, as it approaches Johnson County, features a call to vote under one large word: "Embarrassed?"

So deep is the embarrassment that Greg Musil—one of three contenders in the GOP primary for Congress—has chosen to exploit it and make evolution the theme of his campaign. His radio ads, for instance, quote an outrageous string of Kansas-bashing editorials from the East Coast media and then, incredibly, present Musil as the only candidate bold enough to confront the board of education and erase the shame.

Jack Cashill, a Kansas City based writer and producer, has just published his first novel.

AP / Wide World

Kansas Board of Education chairman Linda Holloway meets the press.

This strategy might seem just eccentric and amusing were the normally Republican seat not held by a Democrat, one-term incumbent Dennis Moore. Worse, Musil has raised as much money as his two conservative primary opponents combined, although both of them have better credentials and more hair than the amorphously moderate Musil.

To win their respective primaries and rout the Neanderthals, Musil and fellow moderate Sue Gamble are both counting on the emergence of one-day Republicans. Friends of their campaigns are openly targeting Democrats and Independents and teaching them how to vote Republican on August 1. This corrosive strategy is endorsed by the *Star*'s lead Johnson County columnist, Mike Hendricks, who encourages the reader to "become an instant Republican" and tells him how to do so.

But in the same column, Hendricks gives away the game. In an oddly indiscreet moment, he discourages his readers from educating themselves on the issues and urges them instead to just go vote.

After all, why bother with education? The election's not about science. It's about self-image, a shaky thing around here at least since Toto and Dorothy. To be sure, neither Gamble nor Musil ever talks about science. A ballroomful of their highly respectable campaign contributors will not have read more than three books among them on either side of the unsettled evolution debate. For all they know or care, the "Cambrian explosion" could be a new French cheese dip.

Holloway supporters, on the other hand, read voraciously and care a lot. In the last decade, the university-based "intelligent design" movement—whose proponents, in physics and biochemistry and philosophy departments, admit the possibility of a designer in the intricate patterns of nature—has given grass-roots creationism an intellectual shot in the arm. Although the two movements differ deeply in their approach to evidence, they share a keen knowledge of Darwinism and the holes therein. These holes are large and growing larger. Some in the intelligent design movement believe Darwinism may be on the verge of collapse.

It won't happen overnight. The science establishment and its friends in the media know they can evoke the Scopes paradigm and scare the elite with the bogeyman of Christian fundamentalism. But Holloway does not stereotype easily. This artlessly handsome former inner-city school teacher—perhaps the only woman in recent Johnson County history to let her hair go gray—begins her TV ads with the defiant line, "I want evolution to be taught in the schools."

Like 68 percent of Americans (George W. Bush included) in a recent Gallup poll, Holloway would like to see the schools teach the controversy: She wants evolution and design theories taught side by side. The self-declared "progressive" camp won't hear of it. As Robert Boston of Americans United for Separation of Church and State pontificated during a recent visit, "A choice between truth and error is not a choice worth having."

As is evident here on the ground, the Scopes paradigm has shifted in Kansas. In their desperation to prop up Darwinism and shut intelligent design out of the classroom, in their blind submission to the authority of the science establishment and their willingness to sic the ACLU on those who would challenge it, local progressives and their influential friends have finally become what they long have ridiculed—the Tennessee legislature. ♦

Motor Mouth in the Motor City

Al Sharpton takes his shakedown show to Detroit.

By Henry Payne and Diane Katz

Detroit

KEYNOTE SPEAKER Dick Gregory took on the awkward issue without flinching: "Some people have doubted our cries of racism in this case," the veteran entertainer and civil rights activist told 600 protesters outside the federal courthouse here last week. Just because the accidental killing of a black man that has roiled Detroit for a month was black-on-black, he said, some people can't see the racism behind it. "But let me remind you that Hitler's grandmother was a Jew."

Institutional racism is the theme of the rallies that are keeping Frederick Finley's death in the headlines here. Finley died in the parking lot of a suburban Lord & Taylor in a confrontation with security guards over suspected shoplifting. Three of the five security guards, including the one who allegedly constrained Finley in a fatal chokehold, were black. Yet the culprit, according to Gregory, Martin Luther King III, and other speakers outside the courthouse, is Lord & Taylor's white management, which employs black people as cover for its bigotry, then brainwashes them to regard their own brothers and sisters with suspicion and scorn.

Since Finley's death on June 22, part-time security guard Dennis J. Richardson has been charged with involuntary manslaughter, a felony carrying a possible 15-year sentence. And anti-racism crusaders have piled on.

The Rev. Al Sharpton flew in from New York to inflame a crowd of 5,000 outside the department store on July 5. He shared the podium with Gregory, Detroit congressman John Conyers Jr., trial lawyer Geoffrey Fieger (last seen arguing that 11-year-old killer Nate Abraham was a victim of racism), members of the local clergy, and representatives of the NAACP.

"You hire thugs to run us down in parking lots!" thundered Sharpton. "There's a misconception some of the brothers have that they work for the Lord . . . & Taylor! But WE work for the lord . . . Jesus that has all power in His hands!"

Although Finley obviously did not deserve the fate that befell him, no evidence has emerged to indicate that the store singled him out.

The Finley tragedy "takes racism to a new, clandestine level in corporate culture," fulminated Detroit pastor Horace Sheffield. "Racism can be black-on-black if white folk have staged this to be black-on-black."

Roars of applause came from the crowd of largely middle-class blacks, who waved placards reading "No Justice, No Peace!" and "Respect Our Black Fathers!"

The protesters are making several demands. In addition to a $600 million lawsuit filed by Fieger against the department store, they want capital investment and more jobs for blacks in downtown Detroit. Sharpton traveled to Chicago to confront executives of the May Co., which owns Lord & Taylor, and demanded an apology for Finley's death, which the company proffered.

Sharpton et al. have also called for a boycott of the mall where Finley's death occurred, even though this would disproportionately hurt blacks. A good many of the store's sales force, and the majority of Fairlane Town Center's shoppers, are black. And the general manager of the mall is an African-American woman, a previous keynote speaker for the NAACP, who oversees a jobs program jointly run with the Detroit Public Schools.

Protest leaders also want to see stiffer charges brought against Richardson, a Detroit firefighter and family man. At Rep. Conyers's insistence, the Department of Justice is investigating possible civil rights violations.

Meanwhile, Sharpton and his friends are championing the victim. Although Finley obviously did not deserve the fate that befell him, no evidence has emerged to indicate the store singled him out for "shopping while black." Lord & Taylor surveillance cameras recorded members of Finley's family removing tags from merchandise and taking items of jewelry.

And it turns out that his common-law wife has been arrested at least four times since 1996, for retail fraud, child abuse, and credit card fraud. Finley himself, at the time of his death, was carrying two credit cards not his own.

As the *Detroit News*'s influential black columnist Bill Johnson noted recently, "attention-grabbing demagogues" may posture about corporate conspiracies, but "there's more than enough justification to closely monitor black crime."

"Since 1978," Johnson continued, "almost 20,000 Detroiters have fallen victim to homicide. More than 95 percent died at the hands of someone with the same skin color. Rarely, if ever, was there a protest or demonstration in opposition to this carnage. Perhaps some forms of racial profiling are more acceptable than others." ♦

Henry Payne and Diane Katz write for the Detroit News, *where Payne is also the editorial cartoonist.*

Let Them Eat Patents

Instead of cash, which corrupts, why not give poor countries intellectual property? BY JAMES D. MILLER

HELPING THE POOR is a worthy goal. But in countries with corrupt bureaucracies, it can be difficult to do. Aid destined for the needy often goes to buy limousines for the ruling class. Instead of giving money to third world politicians, why not give their people the right to use intellectual property?

James D. Miller is an assistant professor of economics at Smith College.

Suppose, for example, that the United States purchased and then gave away to all comers the African rights to an AIDS drug. Companies that produce drugs for the African market could then produce the AIDS drug without having to pay royalties.

This plan need not be limited to pharmaceuticals. Rich countries could buy the right to reproduce software in Africa and could make this software freely available to users there. This would reduce the cost of conducting business in the recipient countries. Unlike money for building infrastructure or for providing tax breaks to businesses, the right to use intellectual property couldn't be secretly salted away in a Swiss bank account. It couldn't be used to finance wars. Unlike tangible aid, it wouldn't go to waste because of a poor distribution system. Most important, private firms could make use of the aid without having to go through their government.

The primary danger of this plan is that third world countries would attempt to limit the use of donated intellectual property to those who paid the government some tax. Such aid should therefore be given only to countries that agreed not to restrict the use of the intellectual property.

But what if a country attempted to violate this agreement and surreptitiously imposed a tax on the use of the donated property? Fortunately, bureaucratic inefficiency would mitigate the harm of any such tax. Collecting a fee on the use of information while pretending that no such fee exists would be beyond the competence of most third world governments.

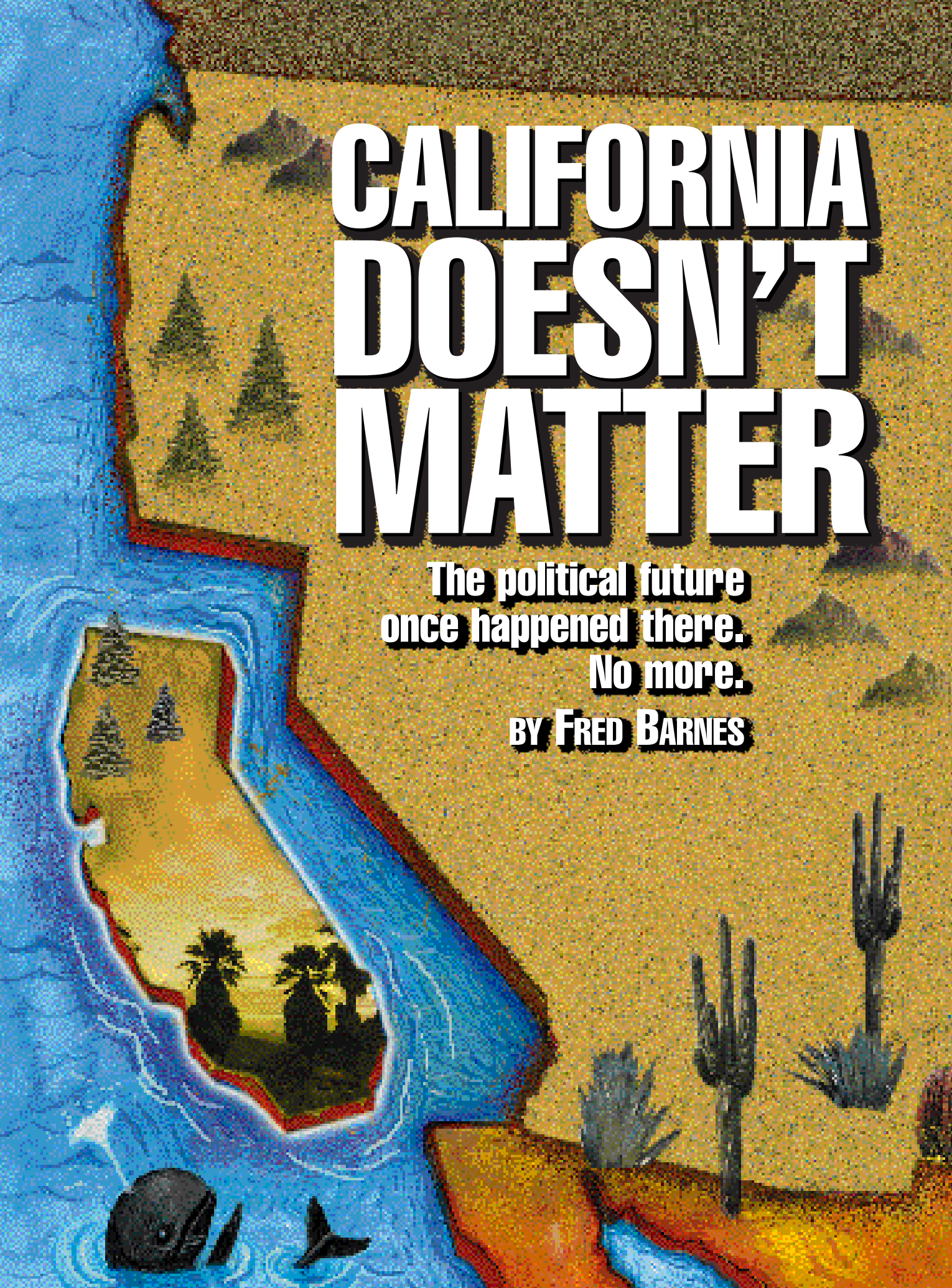
Many third world countries already steal American intellectual property. Since we are unlikely to go to war over the misappropriation of Windows 2000, it's difficult to deter or stop this kind of piracy. By giving away the right to use intellectual property, we would reduce the advantage to countries that steal it.

Because of the rampant theft of intellectual property, companies are reluctant to develop many products that would benefit primarily those in poor countries. Why should a pharmaceutical company develop a cure for malaria if the natural customers for such a product would only steal it? Instead of giving direct aid earmarked for fighting this disease, rich countries should offer a substantial reward to anyone who develops a cure for malaria. Such a cure would do more good than hundreds of World Bank-financed dams, and infinitely more good than IMF-financed *dachas*.

Giving away intellectual property would not reduce the wealth of the donor country. Every dollar the United States contributes in foreign aid is one less dollar America has. However, if we were to purchase and donate intellectual property (that would not otherwise be bought by those to whom we gave it), then we would not be reducing America's wealth. Instead we would be helping the world's needy by transferring money from U.S. taxpayers to U.S. patent holders.

Ordinary Americans would even benefit directly from this plan. The aid would subsidize and therefore promote intellectual property. Firms would engage in more research and development knowing that they had a new potential source of income. Furthermore, if this form of aid strengthened the economies of third world countries, it would eventually increase the demand for American exports.

The greatest benefit of capitalism is the creation of ideas and information. This has produced tremendous affluence in the developed world. The same creativity could do much more for the world's neediest. ♦


CALIFORNIA
DOESN'T
MATTER
The political future
once happened there.
No more.
BY FRED BARNES

Los Angeles

Bill Bradley spent lavishly in the run-up to the presidential primary in California last March 7. He lost, but even had he won, it wouldn't have made a difference. The Democratic presidential nomination had been decided in Al Gore's favor before the candidates got to California. In a referendum that same primary day, Californians voted overwhelmingly (61 percent to 39 percent) to bar gay marriage. The national impact of this vote was nil, as the gay rights movement continued to gain strength. In April, Vermont became the first state to legitimize gay unions. Others may follow.

California fancies itself the Big Enchilada of American politics, the trendsetter, the state where things happen first, where national elections are won or lost, where issues are raised up or buried. And for much of the 20th century, all this was true. But no longer. California isn't a political backwater. It's too big for that. But its influence in national affairs has shriveled, and its reputation as "the great laboratory of America," in Michael Barone's phrase, has become largely a myth. In national politics, California doesn't matter much, at least for now and probably for the foreseeable future.

Let's start with presidential politics. California has 54 electoral votes, one fifth of the 270 needed to win the presidency. Yet the last time California's electoral votes had any impact on the outcome of a presidential election was 1968, when Richard Nixon needed his home state to keep the contest from being decided in the House of Representatives. (Had Nixon lost California, Hubert Humphrey would have become president.) And the last time a presidential primary in California was crucial to winning the Democratic or Republican nomination was 1972, when George McGovern's campaign would have collapsed if he hadn't captured the state's winner-take-all primary. Yes, Gary Hart was still in the running when he won California in 1984, but he lost the Democratic nomination to Walter Mondale.

Now, Texas governor George W. Bush must decide whether to campaign full-throttle against Vice President Al Gore in California, which has become a fairly reliable Democratic state. If he goes ahead and wages a sustained campaign here, as he has promised California Republicans he will, it won't directly affect the election at all. Bush can win California only as part of a national Bush landslide that gives him a huge majority of the electoral vote. In other words, Bush doesn't need California. For him, the state is a luxury, pure froth. He can win the White House without California. Gore can't. But even if the vice president carries the state, it won't ensure he becomes president. If Gore wins California's 54 electoral votes and adds the votes of the Northeast states (68) and those of other normally Democratic states—Minnesota (10), Maryland (10), Washington (11), New Jersey (15), Oregon (7), and West Virginia (5)—he'll still be 90 votes shy of capturing the presidency. The Midwest, not California, will be key to determining the next president.

What about Congress? California has 52 of the House's 435 members. The theory goes that if Democrats win four vulnerable Republican seats in California, they'll take control of the House. This is conceivable, but not probable. More likely is a split, since Democrats lead in one seat, trail in another, and two are tossups. Even if they win all four, however, those gains may be offset by the loss of Democratic seats in other states. Already this year, Democrats have lost a seat in Virginia, where a Democrat turned Independent and announced he'd vote with Republicans. And in Ohio, Democratic incumbent Jim Traficant indicated he'll vote for a GOP House speaker in the next Congress. Thus, the chance that California will determine control of the next House is slim to none.

So California just isn't what it used to be. Until the 1990s, the state previewed practically everything that happened in America, both socially and politically. The Progressive movement took hold here early in the century, pioneering the direct primary and influencing the rest of the country. The movie industry, headquartered here, became a powerful force. After World War II, California suburbanized before almost anywhere else. And in the 1950s and 1960s, the state led the nation in the building of highways, schools, water projects, and every other kind of infrastructure you can think of.

In politics, California produced the first sightings of white backlash to rapid racial integration, rising crime, and inner-city turmoil. In 1964, a state initiative passed that nullified open housing laws (it was later overturned by the courts). A year later, the first major urban riot erupted in the Watts neighborhood of Los Angeles. In 1966, California pointed Ronald Reagan, and conservatism, on the trajectory to the White House by electing him governor. In 1978, Proposition 13 won landslide approval in a referendum that slashed property taxes and touched off a national tax-cut fever. In 1990, another successful initiative applied term limits to California legislators and stirred a nationwide drive to restrict the terms of elected officials at all levels of government.

But that was it. Throughout the 1990s, California's

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clout has waned. The initiatives that once galvanized the nation now lack legs. California lost its lofty position as the state universally envied for its effective government, top-notch schools, and auto-friendly transportation system. The leading California Republicans of the 1950s and 1960s—Richard Nixon and Reagan—easily won presidential nominations and elections. The GOP heavyweight of the 1990s, governor Pete Wilson, didn't make it to the first primary when he announced for president.

What explains California's fall? For one thing, California has become an atypical state. It used to be reasonably representative of America, only bigger and farther out on the cutting edge of change. California had a representative mix of whites and blacks, natives and immigrants, business and labor, Republicans and Democrats, conservatives and liberals. But by the late 1990s, everything was different. California was more Democratic, more pro-President Clinton, and more pro-abortion than the rest of America. Its population was more Hispanic and Asian. Its business community was more culturally liberal.

California's newly marginal status makes Bush's decision on whether to devote serious resources to the state problematic.

No longer is California a leading political indicator. "We may be too Democratic to be a bellwether," says Bill Carrick, a Democratic strategist in Los Angeles. California is one of only three states where the governor, both U.S. senators, the House delegation, and both houses of the state legislature are Democratic (Hawaii and Maryland are the others). The Democratic advantage in elections is anywhere from 4 percentage points to 10 percentage points. "If Gore is 4 points behind nationally," insists Carrick, "he'll be 6 points ahead here."

California began drifting Democratic in the 1980s. In 1984, Walter Mondale did better there than he did nationally. The same was true with Michael Dukakis in 1988. Clinton won the state twice by 13 percentage points. Gray Davis did even better in 1998, winning the governorship by 20 points, a landslide. "By definition, any non-incumbent Republican running statewide is the underdog," says Jim Brulte, the GOP leader in the state senate.

Underpinning the drift to Democrats are dramatic demographic changes, notably the doubling of the Latino electorate since 1994. Latinos are now roughly 14 percent of the voting population. The new Latino voters tend to be younger, less likely to speak English, and monolithically Democratic. When Pete Wilson was reelected governor in 1994, he got 40 percent of the Latino vote. Four years later, Republican Dan Lungren got 17 percent. And Democrats have also gained among Asians, gays, and soft Republicans living along the Pacific coast. There's another ominous shift for Republicans. In the 1980s, Democrats were twice as likely as Republicans to vote for a candidate not of their own party. Now Republicans are twice as likely to cross over.

Garry South, Davis's chief political adviser, claims the Republican problem is easily explainable. "They are an anti-choice, pro-gun, anti-environment, and pro-tobacco party in a state that is arguably the most pro-choice, anti-gun, pro-environment, and anti-tobacco in the country," he says. "It's not a good fit." Republicans all but concede they've lost control of the state's agenda. "The Republican party stopped standing for anything about 10 years ago," grouses state assemblyman Tom McClintock. "This allowed Democrats to define us on issues they'd like to define us on—abortion, guns, the environment." Republicans currently trail 25-15 in the state senate and 48-32 in the assembly. They're more likely than not to lose seats in November.

Just as California has become politically idiosyncratic, its state referenda have lost their national relevance. The last to have significance outside the state was Proposition 209, which was passed in 1996 and outlaws race and gender quotas and preferences. But it didn't create a bandwagon, as Proposition 13 had in 1978. Its reach has been limited. In 1998, a copycat referendum was approved in Washington. Since then, George W. Bush has pointedly not endorsed the idea of ending affirmative action. His brother Jeb Bush, GOP governor of Florida, has opposed a 209-like referendum in his state. Prop. 209, Carrick says, "just hasn't traveled well." Nor has Proposition 187, passed in 1994, which aimed to cut off state services to illegal aliens, or Proposition 22, passed this year, which bars homosexual marriage. Both hurt Republicans in California, however, among Latinos and gays.

The truth is, California initiatives have lost a good bit of their populist flavor and, according to Carrick, their "grass-roots appeal." It's become "more expensive and harder to get them on the ballot," he says. So initiatives are often California-specific and special-interest oriented—and not applicable or politically marketable in other states. Big money has flowed recently into initiatives on such matters as gambling on Indian reservations and legal

spats between trial lawyers and health care providers and insurers.

There's another inescapable truth that has made California less politically influential. The state itself has deteriorated. Its economy has recovered from the early 1990s recession, but the quality of life hasn't. This is politically important because it means the state is no longer an object of envy. California is still living off the schools, highways, and water storage facilities of decades ago. In L.A., only half the planned freeways have been built, which explains the 24-7 traffic congestion. Tom McClintock says when he moved to California from New York as a fourth-grader in 1965, he had trouble keeping up in school. Now the schools are inadequate. Democratic congressman Howard Berman says when he was growing up in L.A. he didn't know anyone who went to private school. Now the private school population in the state is 600,000 and growing.

California's newly marginal status makes Bush's decision on whether to devote serious resources to the state problematic. So far, though, polls that show him tied or just behind Gore have made California look inviting. Brulte says he hasn't had to urge Bush to commit to a major effort. "Bush himself is the biggest proponent of Bush in California," he says. In the run-up to the national convention beginning July 31, the Republican National Committee spent $1 million on TV for Bush in California. "You don't spend a million in California just to say howdy," says chief Bush strategist Karl Rove.

A major effort in California may be a mistake. In 1996, Bob Dole poured money into California, where he had no chance against Clinton, and de-emphasized Pennsylvania, a state he might have won. Democrats insist Bush is in roughly the same position. South points out that a prolifer hasn't won a major statewide race in California since 1988. Besides, South says, once state voters learn how conservative Bush is, they'll never back him. Naturally, Democrats would like to win California by default and free up money for Gore to spend in contested states. Bush says this won't happen.

"California's in play," says Ken Khachigian, a veteran GOP strategist. "I don't care what anyone says. The Bush crowd would be crazy to let California go. The math works totally in their favor." Khachigian claims Bush can win one-third or more of the Latino vote. He can count on Republican loyalty. "We're desperate to win a statewide election," Khachigian says. And "he fits the state culturally a little better" than Dole or his father, President Bush.

Like Brulte, Khachigian says the Republican problem in California is serious but not fundamental. "The party will come back if we win the presidency," he says. "Bush will make it positive to be a Republican again." And California would again become a two-party state. Still, I haven't found a single Democrat who thinks this is remotely possible. The furthest Berman would go was to say California is not quite as rigidly Democratic as Massachusetts. Says South: "The way population trends are moving, they spell long-term ascendancy for Democrats and long-term problems for Republicans."

Maybe. But two other contests in California this year have the potential for rebuilding the state's reputation as a bellwether and perhaps boosting the Republican party. One of the vulnerable GOP House seats is held by Jim Rogan, a House impeachment manager. The suburban L.A. district, having grown more Democratic in recent years, is a microcosm of the state. It "mirrors" the state "demographically and electorally," Rogan says. And there's only one real issue in the race—impeachment, right or wrong.

Clinton has twice encountered Rogan's Democratic challenger, Adam Schiff, at California fund-raising events. Both times he made a beeline for Schiff, saying that he'll do whatever he can to elect Schiff. "I take it [the president] is a bit miffed with my role in impeachment," Rogan says. Clinton won the district by 20 percentage points in 1996, Davis by 25 points two years later. Rogan got barely over 50 percent each time. If he wins, that will be a clear signal of public approval of impeachment, even in a state where Clinton has been enormously popular. If Rogan loses . . . well, you can figure it out. (Either way, Rogan says he has no regrets. He knew the risks when he went for impeachment. "I may pay the ultimate price," he says. "Actually I think I may pull the rabbit out of the hat again.")

The other fight with national implications is over Proposition 38 on school choice. It would provide a $4,000 voucher for every California student who chooses to attend a private school. In 1993, a school choice initiative lost by better than 2-to-1. But vouchers are more popular now, especially among low-income blacks and Latinos. Seven years ago, the advocates of choice were outspent by 10-to-1. This time, a wealthy Silicon Valley businessman, Tim Draper, promises to spend $20 million of his own money on behalf of Prop. 38. The teachers' unions, joined by Democratic leaders, strongly oppose the initiative and will spend at least that much to defeat it. The best guess is they'll prevail.

But just imagine if Prop. 38 won. It would stir momentum for school vouchers all over the country. The education establishment would never be the same. And California would matter again. ♦

Ralph Nader, Conservative Wannabe

America's most famous corporation hater has a surprising idea of who should support his presidential campaign.

By David Brooks

"I read The Weekly Standard," Ralph Nader confesses, leaning across the table with that deadly serious look of his. "You guys need to think bigger."

I take a swig of my Diet Snapple and fumble about for an appropriate response. We were supposed to have our interview at Nader's campaign headquarters, but at the last moment his press secretary called to say that he hadn't yet had lunch and would I mind meeting him somewhere where he could eat. I was going to suggest a few restaurants, but Nader had already picked one: the cafeteria of the National Education Association. It turns out you can walk into the NEA building on 16th Street, go into the cafeteria, and get a cheap lunchtray meal subsidized by compulsory union dues. It's the most frugal lunch in our part of Washington, so no wonder Nader knows about it. And no wonder he wants to meet there with a journalist; the man knows how to reinforce his public persona.

No one takes any notice of Nader when he walks in. He sits right down and starts talking, and never does get up to get lunch, so I guess that accounts for his famous gaunt look and his hollow cheeks. I don't have to wait very long to find out what Nader means when he says we at The Standard should think bigger. He means we should be supporting him in this year's presidential race. It's a little implausible at first, but Nader has clearly thought about this a lot, and he makes a long, detailed case that he is the true conservative candidate.

The essence of his case is that the major threat to conservative values right now comes not from global Marxists or countercultural leftists; it comes instead from nihilistic corporations like Time Warner that poison our children's culture with violent rap lyrics and soiled sensuality. It comes from the commercialization of life, which undermines family values, upsets communities, and trivializes virtue. It comes from corporate lobbyists, who instead of working for an honest day's pay finagle millions in corporate welfare out of money-mad politicians. It comes from international organizations like the World Bank and the IMF that inflict suffering on poor nations for the sake of big banks and nationalized industries.

"Every major religion in the world," Nader says, going full throttle, "has warned us of the evils of commercialism." Nader proceeds to list some of the conservative leaders he has worked with in the past: "Bill Bennett, Paul Weyrich, Gary Bauer, Grover." The "Grover" he is talking about is Grover Norquist of Americans for Tax Reform.

This isn't just an argument Nader trots out when he's sitting with the likes of The Weekly Standard. Nader talks about conservatives a lot. During interviews with local media, he talks about his conservative values. I heard his running mate Winona Laduke interviewed on Minnesota Public Radio the other day and she went out of her way to make a pitch to conservative voters. Nader accepted the Green party nomination for president in Denver on June 25, and the first group he addressed in his speech, in the third paragraph, was conservatives. "These are also conservative goals," he declared. "Don't conservatives, in contrast to corporatists, want movement toward a safe environment, toward ending corporate welfare and the commercialization of childhood?"

And in truth, Nader does radiate some conservative values. He certainly dresses conservatively. The Green party convention may have been a gathering of the Birkenstock brigades, but you almost never see Nader out of his gray suit, white shirt, and red tie. His lifestyle is about as parsimonious as the most comstockian sort of conservative could want. He doesn't have any of the sensual vices (except for a secret weakness for strawberry short-

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Drew Friedman

cake). He doesn't go in for countercultural excess. Nader announced recently that if he had been serving in Congress at the time, he would have voted to impeach and convict Bill Clinton. We all know people who vote right and live left, but Nader votes left and lives right.

And Nader's argument about conservative values is plausible. Conservatives, he says correctly, have never been as corporatist as the Republican party with which they are now allied. The interests of big business and the ideas of conservatives often conflict. This is a point a lot of conservatives have also made, especially during the fight against communism in the Soviet Union and China, when the business types wanted to trade with any tyranny that paid its bills, while conservatives wanted to topple and disarm all of them. And Nader really does compel one to ask certain questions: Is rampant commercialism now the biggest threat to conservative values? Has the Right become too cozy with the corporate types who are funding the GOP? Is the Nader candidacy more than just the last gasp of the granola Left? Could there actually be a new populist movement forming that joins left and right populists against both the corporatist media and the corporate donors who now fund both major parties?

I went out to a Nader 2000 rally at the University of Minnesota to look for answers. And I must say, if Nader is persuading any conservatives to join his cause, they didn't show up at the event here. The place was awash with Spartacus Youth, vegans, white suburban Rastafarians, proud lesbians, "Free Leonard Peltier" activists, no-growth crusaders, Saddam sympathizers, public transit militants, Castro groupies, bearded, cabinet-making communards, and IMF-loathing anarchists with pierced cheeks and perfect teeth (all that bourgeois orthodontia gone to waste!). It was a gathering of the alternative-weekly Left, with a few middle-aged progressives and one Ayn Rand loner sprinkled in. There were about 1,500 people thronging the hall, and as always in such company one is impressed by the fact that, while leftists have lost a lot of their fire these days, one thing they have not lost is their passion for sandal-wearing. The place was stuffed with toe exhibitionists. Nine of the 16 people in my row wore sandals, and that's not counting the guy in clogs.

Nader was only 45 minutes late to the event, which is a miracle of promptness by his standards (left-wing speakers like Nader and Jesse Jackson are expected to be late, because promptness is a sign of bourgeois repression). So we sat around watching a slide show of nature scenes and listening to a small band play bluegrass and Bob Dylan tunes. Then a Green party activist got up and said Nader makes two requests of his audiences. First, don't take pictures: "The flash bulbs really bother his eyes and his focus on his words." Second, try not to applaud. That too is distracting. Instead, we were told, do the "Twinkle" or "Quaker Clap." This is performed, we learned, by raising your arms skyward and shaking your hands and fingers from the wrist.

The Nader campaign must be serious this time

because it has a campaign video. Unfortunately, the video has a little of the Reunion Tour aroma that pervades the entire effort. There are clips from *The Mike Douglas Show*. There's a shot of Nader in dialogue with John Lennon and Yoko Ono. There's a clip of him guest-hosting *Saturday Night Live* back in the Dan Aykroyd/Garrett Morris days, and a snippet of him speaking at a No Nukes rally back when Jackson Browne was on rock's cutting edge.

Nonetheless, the video got the crowd going. They were flapping their fingers in the air like a bunch of frenzied Quakers, and a few even forgot Nader's sensitivities and began applauding and screaming. Then the hall went dark and Nader made his entrance.

Part of the attraction of seeing Nader these days is to find out whether the guy can actually campaign. He is pulling about 7 percent in national presidential polls, so if he can actually keep up the momentum he could be a significant factor in the fall. He claims that this year, unlike in 1996, he is actually going to work hard to raise money and win votes.

The verdict from the first 15 minutes of his appearance at the rally is that Ralph Nader is the worst campaigner in the history of American politics.

The sympathetic crowd is in a frenzy, and Nader slouches into the room, his shoulders hunched and his hands thrust in the pockets of his suit jacket. He doesn't smile; he is almost incapable of smiling. And I am beginning to give some credence to the rumors that he intentionally crumples his suit to make himself look authentic. I wouldn't be surprised if he has an aide who keeps a heap of perfectly un-ironed suit jackets in a garbage bag and hands one to Nader just before he goes onstage.

Instead of opening his talk with an attempt to bond with his audience, Nader recalls a toxic waste battle he fought in Minnesota back in 1970. This leads to a short history of toxic dumping law, and suddenly you feel you're not at a political rally but in the middle of a lecture on the evolution of American regulatory reform. Nader then jumps chaotically through a series of regulatory matters, and when you hear him begin a passage with the observation "Most people haven't been exposed to a history of corporate chartering . . ." you begin to fear the worst. Sure enough, he launches into a short description of how corporations have been chartered, but soon he is off on other arcana. I prick up my ears when he suddenly declares, "Some of you are going to be dealing with the ethical problems of humanoids." He means robots with human-like brains, an issue I haven't heard Bush or Gore discussing. "I don't think we're more than 35 years away from humanoids," Nader predicts. At the moment, it seems that a humanoid has captured the Green party nomination for president and is about to bore us unto submission.

The audience is longing for Nader to be good, and so far he's awful. But then, gradually, something strange starts to happen. He starts to get good. He's talking about the commercialization of the culture. "Everything is for sale, everything is monetized. We're seeing the logoization of our children!" This gets the crowd finger waving.

Then he actually tells a personal story. He says that he was a car nut when he was 5 years old. He saw all the car ads, memorized the different makes and models, and loved all the car companies. "I was growing up corporate," he confesses. His parents took him to the 1939 world's fair and he fell in love with the General Motors exhibit. "I was running around shouting, 'GM! GM!' Little did they know." If there are any Freudians here, they are probably reaching for their notebooks, but the rest of the crowd is laughing and finger wagging.

It is almost as if Nader opens with a dull 15 minutes to prove he is not a packaged politician, because once he gets going on corporate greed, he's quite a good speaker—funny, impassioned, filled with soundbites and Quaker Clap-inducing riffs. "The top 1 percent have more wealth than the bottom 95 percent of the population," he shouts. "The lords of the manor in medieval France would have drooled with envy at such inequality." Then he goes after the CEOs. "They don't say the pledge of allegiance at corporate shareholder meetings!" he accuses (though of course we didn't say it here). Then he goes after sprawl. "Have you ever seen a commercial showing a car stuck in traffic?" he asks. A bearded survivalist is standing up and shaking his wrist so hard I think his hands are going to fall off. "Bush and Gore are following the marching orders of their corporate paymasters," he roars, in fine populist fettle.

Nader has a funny riff on Al Gore's incremental approach to nationalized health care. He's got an extended joke on what it's like to be put on hold while trying to reach United Airlines reservations using the 800 number. He gets his second largest applause line of the night when he calls for the legalization of industrial hemp (the biggest comes when he says he should be included in the debates). He gets the crowd flapping their arms again with some outrageous stories of corporate welfare, the sorts of tales you normally hear at the Cato Institute.

We're well over an hour into the speech now, and Nader is beginning to wrap things up. He tells about the plight of poultry farmers, which seems to be leading into

the speech's conclusion. But as he is heading toward his wind-up, another thought seems to occur to him, and he takes a different tack, about the unfairness of the contracts the auto dealers make you sign when you're buying a car. Then he goes off on the Silicon Valley executives who are recruiting workers from overseas and so exacerbating the brain drain from developing nations. Now the speech is 90 minutes old, and Nader still has topics he wants to get into: his disgust with radio, which is dominated by music and entertainment, his opposition to the Taft-Hartley Act, his defense of estate taxes. As he goes on and on, it occurs to me that through all this, he really has only one idea: Corporate executives are evil. They are really evil. Totally evil. And if there is one more story out there that can prove again that they are evil, he is not going to sit down until he tells it.

Finally, after speaking for about 100 minutes, he finishes. There is a big ovation—actual applause this time—and the moderator hops up to thank some of the people who organized the event. People are streaming out into the night, when Nader announces that he'll take questions, so a good many people turn around and sit down again. He takes question after question. Periodically, the moderator pops up to try to make some announcement, but then Nader is back at the mike. I confess that at this point I break all the rules of professional journalism. If you're covering an event, you're supposed to stay through the whole thing. But after nearly four hours in that chair, I can't take it any more. I get up and leave, with Nader still ranting about corporate greed as I head up the aisle and out into the night.

The Nader campaign brags that it hasn't spent a single dime on polling and consultants. But it should. Nader has a fantastic 60 minute speech buried in his three hour spiel. If he gave that speech from now until November, he would revive populism in America and pull in 8 percent of the vote or more.

As it is, he could still do well this fall. The process of globalization, which is wonderful for most Americans, hurts a few. Since the two major parties support free trade and globalization, it makes sense that some portion of the victims should flock to Nader and Pat Buchanan, opponents of globalization. Furthermore, there are liberals in this country who feel no attachment whatsoever to the new Democratic party, now that it has been corporatized by Ron Brown and Tony Coelho. These are white liberals, primarily, who loathe Wal-Mart, Disney, and corporate branding and who disdain the entrepreneurs in Silicon Valley (over lunch, Nader called them "techno-twits").

These leftists no longer hunger for socialist revolution. They no longer have much of an agenda at all. Neither does Nader. For all his venting about evil corporations, Nader has no program to dismantle them, though he says labor, management, and activist groups should cooperate through workers' councils, as in Western Europe. For all his tirades against the commercialization of culture, he has no solution, except to say there ought to be more channels like C-SPAN.

But these leftists do believe that sometime in the future an agenda will take shape and there will be a progressive upsurge. Nader cannily bills his campaign as a step toward that vague and glorious renaissance. Over at May Day, the radical bookstore near where Nader spoke in Minneapolis, a clerk is heard complaining that Nader hasn't been a consistent anti-imperialist. Another clerk replies that he's still worth supporting because the revolution is a generation away in any case, and Nader at least is moving us in the right direction.

Nader seizes on this sentiment again and again in the speech. He says that his campaign will be a success if it builds a data bank of progressives, if it strengthens progressive groups at the grass-roots level. He all but says that he is a mere John the Baptist figure, laying the groundwork for the next stage in the great revolution.

Which brings us to why Nader is not a conservative, and why his appeals to conservatives ultimately fall flat. Nader, like left-wing revolutionaries through the centuries, is a secular monk. He may be ascetic, he may seem to have a conservative lifestyle, but his faith is in the earthly paradise that will be achieved the day after the triumph of the masses. His answers to the problems of evil and greed and commercialization are all legal and political. Utopia comes with the right laws.

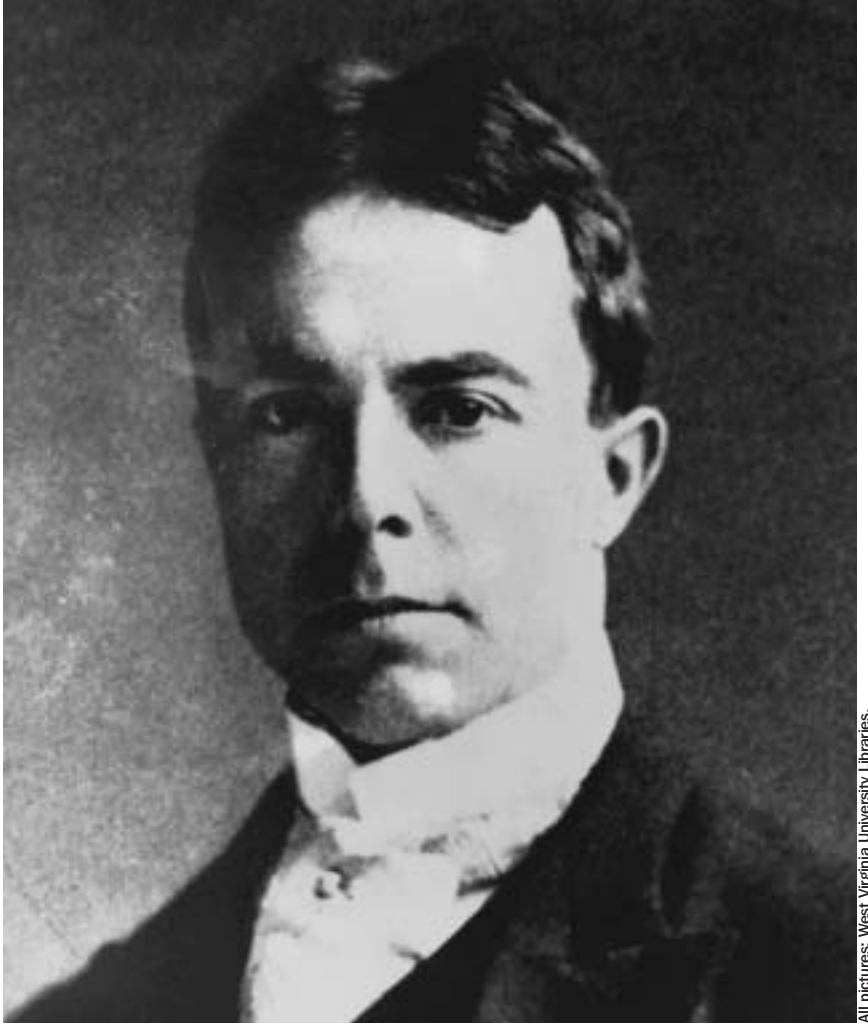
Conservatives through the ages, like Edmund Burke or the pope or, for that matter, Bill Bennett, Gary Bauer, and Russell Kirk, have seen some of the same problems of commercialization. But they tend to look to cultural or religious solutions. They tend to believe that capitalism needs to be embedded in a religious and moral framework that will restrain impulses and wrongdoing. While conservatives make religious and moral arguments, Nader always has a technical solution to moral problems.

To be fair to Nader, sometimes the mundane technical solution—the seat belt or the breakaway rearview mirror—can improve lives. But if you spend four hours ranting to your audiences about a world consumed by evil and selfishness, as Nader does, you had better have something more to offer in its place than a brief history of corporate charters. ♦

Melville Davisson Post

America's greatest mystery writer

By J. Bottum



All pictures: West Virginia University Libraries.

There is a case to be made that the Uncle Abner stories—the twenty-two tales of the Virginia hills written by Melville Davisson Post from 1911 to 1928—are among the finest mysteries ever written.

Ellery Queen certainly thought so, calling the stories "an out-of-this-world target for future detective-story writers to take shots at." In *Cargoes for Crusoes*, a failed 1924 attempt to teach literary critics about the quality of popular magazine fiction, Grant Overton called the 1914 appearance of Post's "The Doomdorf Mystery" a major literary event. In a later survey of the genre—the 1941 *Murder for Pleasure*, a book that succeeded where Overton's had failed in convincing critics to take mysteries more seriously as literature—Howard Haycraft declared that Uncle Abner was, after Edgar Allan Poe's Dupin, "the greatest American contribution to the form." When William Faulkner, discouraged by slow sales of his highbrow fiction, tried his hand at thrillers, Post was the model to which he turned.

High as Post's stories rank in the broad genre of mystery fiction, however, they stand alone at the top of the subgenre of religious mysteries. In the deliberate tone of the stories and the matching of the writing's pitch to its subject, in the uniting of the religious element with the detective's action and the sense of good's battle against evil in the solution of a crime, not even G.K. Chesterton's Father Brown—the only arguable rival—belongs beside Melville Davisson Post's Uncle Abner.

And yet, the stories starring Uncle Abner are extremely hard to find. When Post brought eighteen of them out as *Uncle Abner: Master of Mysteries* in 1918, the volume stayed in print for almost twenty years—and then disappeared, despite the praise it continued to receive from discerning critics. A 1962 reprint edited by Anthony Boucher made little impression before slipping away. A University of California volume from the 1970s, long ago allowed to go out of print, is the only complete edition, adding the four magazine tales Post wrote after 1918. A partial collection from the 1970s in Dover Press's mystery reprint series is out of stock, with no apparent plans for republishing.

"I ought to say a word about my Uncle Abner," the narrator tries to explain in 1911's "The Angel of the Lord," the first of these tales set just before the Civil War in what would later become West Virginia. "He was one of those austere, deeply religious men who were the product of the Reformation. He always carried a Bible in his pocket and he read it where he pleased. Once the crowd at Roy's Tavern tried to make sport of him when he got his book out by the fire; but they never tried it again. . . . Abner belonged to the church militant, and his God was a war lord."

There's something of a caricature here, a two-dimensional, stock character that was, once upon a time, intimately familiar to American readers. Indeed, the disappearance of Post's stories from print at least parallels, if it was not caused by, the rapid vanishing of this stock character from Americans' vision of themselves and their history.

By the next year, in "The Riddle," Post had strengthened his character. Uncle Abner, says the narrator, "was one of those austere, deeply religious men who might have followed Cromwell. . . . His god was the god of the Tishbite, who numbered his followers by the companies who drew the sword. The land had need of men like Abner. . . .

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The fathers had got this land in grants from the King of England; they had held it against the savage and finally against the King himself. . . . And the sons were like them."

Notice how religious history has merged with political history to flesh out Uncle Abner from American caricature to American archetype, and how the language has thickened into an unforced King Jamesian diction. That such work should be unavailable is striking. Where are America's publishers? Where, in particular, are America's religious publishers—especially the evangelical presses that keep so much else in print? You can't imagine Catholic publishing houses allowing Chesterton's *The Innocence of Father Brown* to fall out of print. That evangelical houses have so far failed to promote Uncle Abner, the stern American Calvinist who is our greatest religious detective, is itself a mystery.

Among his other forgotten virtues, Post was a technical innovator of note. The writing of mystery fiction presents the literary craftsman with a problem, for it always involves two awkwardly related movements: the narration of the crime and the narration of the detection. One solution—used in mysteries from R. Austin Freeman's "Dr. Thorndyke" tales of scientific detection in the early 1900s to the *Columbo* television programs in the 1970s—is simply to reveal everything from the beginning: opening with a complete account of the crime and then presenting the detective's struggle to pick up the threads of what the audience already knows. Another solution—invented by Poe, raised to its highest pitch in Arthur Conan Doyle's *Adventures of Sherlock Holmes*, and smoothed to a machine-like regularity by Agatha Christie—is to invert the chronology: opening with the detective's uncovering of the evidence and then presenting (as the detective's solution) an account of the crime.

What Post brought to such tales was a gradually developing notion of how to make the story work on a single pass—a solution to the mystery writer's problem that is now so common we hardly notice how often such admired recent works as Michael Connelly's *The Poet* and *Void Moon* lack the traditional postscript of the detective's explanation. "It occurred to me," Post wrote toward the end of his life, that "instead of giving the reader the mystery and then going over the same ground with the solution, the mystery and its solution might be given together. . . . When all the details of the mystery were uncovered the solution also would be uncovered and the end of the story arrived at."

The most commonly anthologized of Post's Uncle Abner stories is a locked-room puzzle called "The Doomdorf Mystery." Though it must necessarily come close to giving away the mystery's ending, a careful explanation of the story is helpful for understanding the author's method. "The Doomdorf Mystery" tells of Uncle Abner and his brother Randolph—the local squire and justice of the peace, a supercilious man who makes an admirable Dr. Watson-like foil for Abner's detection—riding up into the hills to confront Doomdorf, a notorious moonshiner whose peach liquor has inflamed the poor whites and slaves of the countryside.

Post always loved a biblical turn. In "The Doomdorf Mystery," when Abner and Randolph arrive at their destination, they find a Protestant circuit rider sitting on his horse before the door. "'Bronson,' said Abner, 'where is Doomdorf?' The old man lifted his head and looked down at Abner over the pommel of the saddle. 'Surely,' he said, 'he covereth his feet in his summer chamber.'"

Even for the more biblically literate readership of Post's time, this is a rather cryptic way of announcing that Doomdorf is dead. But the story from which Bronson quotes—Ehud's assassination of the Moabite king Eglon in Judges 3:24—contains elements that Post puts in his own tale: a locked room, the death of an evil figure, and, most of all, a moral balancing of the universe, which is the invariable lesson Abner draws from his detections. After they break down the door to discover Doomdorf shot in his bed by a gun now hanging back on its hooks on the wall, Randolph suggests that someone must have slipped into the cabin by an unknown means. "'I could better believe it,' replied Abner, 'but for the running of a certain awful law.' 'What law?' said Randolph. 'Is it a statute of Virginia?' 'It is a statute,' replied Abner, 'of an authority somewhat higher. Mark the language of it: He that killeth with the sword must be killed with the sword.'"

The key to Post's technical advance in mystery writing is the way the impossibility of the crime is revealed in the course of its detection. When Abner and Randolph go back out, Bronson calmly confesses to the murder—explaining how he prayed for Doomdorf's death and arrived to find him already dead. "It is no use to talk with the mad old preacher," Randolph declares. "I won't issue a warrant against him. Prayer may be a handy implement to do a murder with, Abner, but it is not a deadly weapon under the statutes of Virginia."

Then they interview Doomdorf's child-like mistress, who also confesses to the murder—incidentally proving that no one but the dead man could have entered the locked cabin while she explains that she killed Doomdorf by making a magical doll and stabbing it through the heart. "'And now, sir, may I go? . . . The good God will be everywhere now.' It was an awful commentary on the dead man—that this strange half-child believed that all the evil in the world had gone out with him. . . . It was not a faith that either of the two men wished to shatter, and they let her go."

In a certain way, "The Doomdorf Mystery" is a story about getting God wrong: Randolph disbelieves in divine influence on events, the circuit rider Bronson—"who preached the invective

Post, fourth from left, in an 1891 Richard III *at the University of West Virginia. Opposite: The first edition of* Uncle Abner *(1918).*

of Isaiah as though . . . the government of Virginia were the awful theocracy of the Book of Kings"—considers prayer a weapon of vengeance, and Doomdorf's mistress pathetically attempts to conjure the divine with sympathetic magic. Only Abner sees the role of God's providence in human affairs. The vital explanation comes at the end, once Abner demonstrates how Doomdorf's own crime of brewing his evil peach liquor led directly to his death. "It is a world," Randolph exclaims in the high, Blackstonian language of eighteenth-century Virginia law, "filled with the mysterious joinder of accident." "It is a world," Abner corrects him in the higher language of the Bible, "filled with the mysterious justice of God."

Melville Davisson Post was born April 19, 1869, scion of a pair of old Virginia families. Daniel Davisson, Post's maternal ancestor, received a land grant from George III in 1773 at what is now the heart of Clarksburg, West Virginia—though, despite this royal largess, he joined the Revolutionary cause four years later. The Post family was from neighboring Upshur County and also of note in colonial and revolutionary times. Both families appear to have avoided the Civil War; though slaveholders, they seem—like many over the mountains—to have felt alienated from the state government in Richmond and to have had sympathies with the North. According to the only study of the author, Charles A. Norton's *Melville Davisson Post: Man of Many Mysteries*, Post enrolled at the University of West Virginia in 1887, after a typical wealthy boy's rural upbringing, returning there to take his law degree in 1891.

The next year, having obtained through his father a chance to speak at the state convention, he was selected as one of the Democratic party's electors in the national election. (He was subsequently chosen by the Electoral College to serve as its secretary, the youngest person ever to hold the position.) But upon his return home, perhaps feeling that he was rising too fast, the West Virginia party chairman rejected him for a congressional run, and he settled down to practice law in Wheeling.

He was not an immediate success. In his ample free time, he wrote *The Strange Schemes of Randolph Mason*, a peculiar set of inverted mystery tales in which a lawyer advises his clients on how to commit crimes and avoid punishment. A second collection followed in 1897, entitled *The Man of Last Resort, or The Clients of Randolph Mason*.

With his law practice improving, he was unable to complete his third book, a novel called *Dwellers in the Hills*, until 1901. Based on his own experiences, the novel tells the story of three young West Virginians who take on a contract to drive a herd of cattle across the state in a limited amount of time. *Dwellers in the Hills* is Post's only successful novel and remains worth reading—though slightly overpraised by Norton as "a minor classic of American literature."

In 1903 Post married Ann Schoolfield from a prominent Roanoke, Virginia, family. But the great change of Post's life came in 1906 when their only child, a son, died at the age of eighteen months. Post withdrew from the practice of law and the social life of West Virginia and, after European travel, devoted himself entirely to writing. A torrent of articles would soon follow, and by the time the *Saturday Evening Post* published the first of the Uncle Abner stories in June 1911, he was the highest-paid magazine writer in America.

Between Ann Post's death in 1919 and his own after a riding accident in 1930, he concentrated more on books, publishing several collections of mystery stories (involving new detectives). There is a fine volume to be made of the best of these tales. But Post's reputation must finally stand on the Uncle Abner stories, because they are the only works in which he achieved a perfection of tone—the ideal matching of his narration to his material.

"The man was a by-word in the hills; mean and narrow, with an economy past belief," Post begins "The Hidden Law."

> He cultivated his fields to the very door, and set his fences out into the road. . . . He had worked his son until the boy had run away. . . . He had driven his daughter to the makeshifts of the first patriarchal people—soap from ashes, linen from hemp.

"The man who lived here," he writes in "The Wrong Hand,"

> was a hunchback, who sat his great roan as though he were a spider in the saddle. He had been married more than once; but one wife had gone mad, and my Uncle Abner's drovers had found the other on a summer morning swinging to the limb of a great elm that stood before the door, a bridlerein knotted around her throat and her bare feet scattering the yellow pollen of the ragweed.

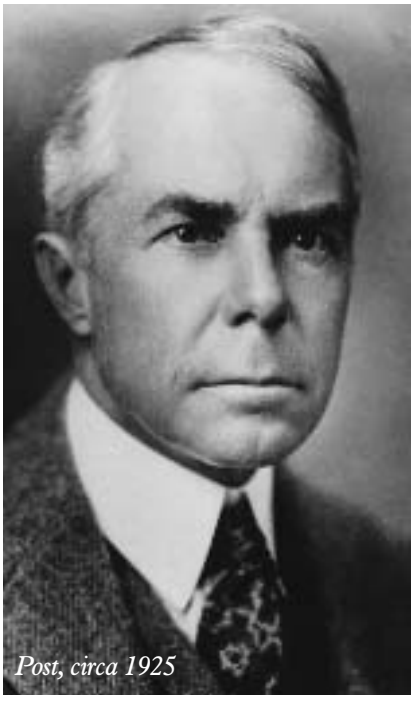
The trick of such prose is its adult narrator recollecting events from his childhood, sometimes with the reactions of a child who hero-worships his uncle, sometimes with the reactions of an adult who now sees the motives he did not grasp as a child. And the result is a tone—precisely circumstantial and yet somehow simultaneously mythical—that William Faulkner seized upon when he came to write his own mysteries of a man recollecting from boyhood the adventures of his uncle, Gavin Stevens, in *Knight's Gambit*: "Anselm Holland came to Jefferson many years ago," Faulkner's 1930 story "Smoke," begins. "Where from, no one knew. But he was young then and a man of parts, or of presence at least, because within three years he had married the only daughter of a man who owned two thousand acres of some of the best land in the county."

Both Faulkner and Post saw that the mystery story wants strong moral judgments, but—lacking the biblical center for his stories—Faulkner could never find a way to use the narrating voice to express such judgments. Indeed, the weak, diffident moralism of the final lines in the best of the Gavin Stevens stories, "An Error in Chemistry," suggests why Faulkner gave up the genre.

Post had no such diffidence. "Like every man under a single dominating passion, he grew in suspicion and in fear," the narrator says of the miser in "The Hidden Law":

> We must not press the earth too hard. . . . We must not gather up every head of wheat. . . . It was the oldest belief. The first men poured a little wine out when they drank. . . . What did they know that they did this? Life was hard then; men saved all they could. There was some terrible experience behind this custom, some experience that appalled and stamped the race with a lesson.

You could make an anthology of such lines from Post. "I have read St. Paul's epistle on charity," Abner at his most Calvinist says to a sheriff he has caught committing fraud, "and, after long reflection, I am persuaded that there exists a greater thing than charity—a thing of more value to the human family. . . . Do you know what thing I mean, Smallwood? I will tell you. It is Justice." "I am in no humor to hear a sermon," the sheriff complains. "Those who need a sermon," Abner dryly responds, "are rarely in the humor to hear it."



Post, circa 1925

In none of his other collections of detective fiction did Post pull off such lines. His success with the Uncle Abner stories seems to derive from finding unique characters for the detective and his foil, and fortuitously joining them with the right narrative tone and a powerful logic for the structure of the stories—a structure in which either the crime or the detection reproduces a precedent or a principle from the Bible.

Julian Barnes, in a survey of mystery literature, pronounced these Uncle Abner tales "unintelligible" to British readers. That suggests a certain lack of imagination, probably deriving from a failure of sympathy for religion on Barnes's part: Post consistently uses the adjective "Cromwellian" to describe Abner, and Cromwell, as one recalls, was an Englishman. And yet, Barnes may nonetheless be on to something, for Post's use of that most English of productions, the King James Bible, does, curiously, offer the opportunity for him to take some profoundly American turns.

In particular, "Naboth's Vineyard" ends with a scene as moving, to an American, as any in literature. "One hears a good deal about the sovereignty of the people in this republic," the narrator begins. But "I have seen this primal ultimate authority naked at its work." The template for this story's crime you can find in 1st Kings 21:15, but in Post's version, it involves a judge trying two people for a crime he himself committed. And when at last Uncle Abner solves the mystery, that stern American Calvinist rises in open court and calls upon the judge to step down from the bench. "The authority of the law," he says, "is in the hands of the electors of this county. Will they stand up?"

The extraordinary passage that follows is worth quoting in full:

> I shall never forget what happened then, for I have never in my life seen anything so deliberate and impressive. Slowly, in silence, and without passion, as though they were in a church of God, men began to get up. . . .
>
> Randolph was the first. He was a justice of the peace, vain and pompous, proud of the abilities of an ancestry that he did not inherit. And his superficialities were the annoyance of my Uncle Abner's life. But whatever I may have to say of him hereafter I want to say this thing of him here, that his bigotry and his vanities were builded on the foundations of a man. . . .
>
> Hiram Arnold got up, and Rockford, and Armstrong, and Alkire, and

Coopman, and Monroe, and Elnathan Stone, and my father, Lewis, and Dayton and Ward, and Madison from beyond the mountains. And it seemed to me that the very hills and valley were standing up.

It was a strange and instructive thing to see. The loud-mouthed and the reckless were in that courtroom, men who would have shouted in a political convention, or run howling with a mob, but they were not the persons who stood up when Abner called upon the authority of the people to appear. Men rose whom one would not have looked to see—the blacksmith, the saddler, and old Asa Divers. And I saw that law and order and the structure that civilization builded up, rested on the sense of justice that certain men carried in their breasts, and that those who possessed it not, in the crisis of necessity, did not count.

Father Donovan stood up; he had a little flock beyond the valley river, and he was as poor, and almost as humble, as his Master, but he was not afraid; and Bronson, who preached Calvin, and Adam Rider, who traveled a Methodist circuit. No one of them believed in what the other taught; but they all believed in justice, and when the line was drawn, there was but one side for them all.

The last man up was Nathaniel Davisson, but the reason was that he was very old, and he had to wait for his sons to help him. He had been time and again in the Assembly of Virginia, at a time when only a gentleman and landowner could sit there. He was a just man, and honorable and unafraid.

How could we let such work pass out of print? In the midst of the American boom of detective volumes—with bookstores stocking them by the thousands and libraries shelving them row after row—we need a revival of Melville Davisson Post and his tales of Uncle Abner, master of mysteries. ♦

B&A

Where Is Thy Sting?

Richard John Neuhaus reflects on death and life. **BY JOHN WILSON**

It is the conceit of today's raconteurs and scholars of Death and Dying that no one talked about the subject until they came along. A variant of this pitch has it that postwar Americans are distinctively benighted in this respect. Robert Jay Lifton, for instance, could claim in a book published in 1979 that "there is good reason to believe that the American suppression of death imagery in young adulthood is uniquely intense and constitutes a cultural suppression of life's possibilities." (Lifton clearly wasn't going to the movies or listening to such pop songs as "Last Kiss.")

The Eternal Pity
Reflections on Dying
edited by Richard John Neuhaus
Univ. of Notre Dame Press, 124 pp., $25

Death on a Friday Afternoon
Meditations on the Last Words of Jesus on the Cross
by Richard John Neuhaus
Basic, 288 pp., $24

If that conceit was ever even faintly persuasive, it surely isn't today, besieged as we are by grief counselors and garrulous souls who want to tell us in exquisite detail about the death of a mother, a sibling, a "partner," a spouse. (There's even a thriving new genre that can only be called the "cremation memoir"—"Burning Oliver: The Brief Life and Burial of an Infant Son" by Greg Foy in *Harper's*, for example.)

In this climate, an anthology of "reflections on dying" might seem redundant. But it isn't, for the real antidote to all the chatter about death in our own day isn't silence but better talk. In *The Eternal Pity*, Richard John Neuhaus has brought to the task an urbane wisdom reminiscent of another great Catholic convert, John Henry Newman. If you obtain a copy of *The Eternal Pity* just to read Neuhaus's introductory essay—including an account of his own near-death experience—you won't have been cheated.

But the selections in the anthology proper, ranging across centuries and cultures, repay attention in their own right. Recently the *New York Times Magazine* reported that nearly 50 percent of Americans believe that the best religion is one that combines elements from many religions. One of the merits of this anthology is that it presents a variety of incompatible understandings of death: death as terminus, death as transformation, death as a dissolving into something larger. These cannot be reconciled or otherwise "combined." Either identity persists after death, or it does not. Reality isn't subject to polling.

The consensus, at least among the ostensible intelligentsia these days, is that death is the destruction of identity. It's straight out of a PBS documentary: Falling leaves, pond scum, hyenas tearing at the remains of a zebra—there's only Nature, baby. You don't like it? Tough.

The same shtick can be given a lyrical spin. "We are made of stardust" (I'm quoting from the Fall 2000 catalogue of Yale University Press) "and so is all life as we know it." Hence the mature twenty-first-century American regards the prospect of death with equanimity. From stardust we come, and to stardust we return. Death is the great Recycler.

Needless to say, this runs counter to the understanding of death that prevailed in the West from the birth of Christianity into the nineteenth century. In this opposing view, death is *un*-natural, the result of man's willful defiance of God, traceable to the primeval disobedience that is the subject of John Milton's *Paradise Lost*. And this in turn—so Christians say—explains why, contrary to the Naturalists, many people persist in feeling that human life is skewed somehow, that something about us is bent and needs fixing.

For a very long time, the connection between death and sin was known

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(whether or not accepted) by everyone in the West. That is no longer the case, and so we are also in Richard John Neuhaus's debt for his other recent book, *Death on a Friday Afternoon: Meditations on the Last Words of Jesus on the Cross*, which could be read as a companion volume to *The Eternal Pity*. Here Neuhaus focuses on a single death, the crucifixion of Jesus.

Most who read *Death on a Friday Afternoon* will come to the book already believing in the unique efficacy of the death that is its subject. They will read to deepen their wonder, to renew their faith, to wrestle with unanswered questions. But let me suggest a second readership: those who wish to know what it is exactly that Christians believe, those whose knowledge is hazy at best and who desire, if only for the sake of cultural literacy, to be better informed.

How large is this potential audience, how significant? It would include a large slice of all the people working at this moment in newsrooms, a large slice of the professoriate, a large slice of everyone employed in "new media." It probably would include a significant chunk of the readership of this magazine.

For such readers, Neuhaus is the perfect guide: not a bumptious testifier ready to thrust a tract in your hand, not a self-absorbed explainer who seems eager to assure you that of course, *he* doesn't believe all those old fairy tales. Imagine instead that in Paris, say, you find yourself standing next to an American priest, who seems a good person to ask about the tortured figure on the massive crucifix you're contemplating. Or maybe you've just emerged from a performance of Haydn's *Seven Last Words*. In any case you end up talking for hours with this priest, who is good company. That, more or less, is what it's like to read *Death on a Friday Afternoon*.

The priest will tell you how a sinless man, Jesus, who was also God, accepted death on our behalf and thus vanquished both sin and death. It is a peculiar story, but over the centuries many have found that it has the ring of truth—and found, in that story, an answer to the eternal pity. ♦

Our Robed Masters

It all began with the Warren Court.

BY DANIEL J. SILVER

On June 23, 1969, Earl Warren, chief justice of the United States, swore in his successor, Warren Burger, and brought to an end the most revolutionary judicial regime in American history. Since 1953, when Warren took over as chief justice, the Supreme Court had overturned forty-five precedents; prior to then, the Court had overturned a total of eighty-eight. Warren, who despised Burger and his patron, Richard Nixon, let everyone know at the swearing-in that under his leadership the Court had been a reign of enlightened oligarchs: "We serve no majority. We serve no minority. We serve only the public interest as we see it, guided only by [the] Constitution, and our consciences."

The Warren Court and American Politics
by Lucas A. Powe Jr.
Harvard University Press, 600 pp., $35

Indeed, the Warren Court saw its duty as going well beyond merely upholding the law. And its justices saw the Constitution as only a guide, and not a mandate, for their rulings, which were influenced more by their own personal sense of a transcendent social good. Unsurprisingly, the degree to which the Warren Court's rulings expressed any coherent view of law or policy is often hotly disputed. Its rulings certainly did not grow out of established legal doctrines. With the exception of Hugo Black, who was frankly a crackpot in his theorizing, there were no constitutional thinkers on the Warren Court. To be sure, William O. Douglas had a brilliant legal mind, but he used it impatiently to reach whatever result he liked. The most important doctrinalist became Warren's trusty lieutenant, William J. Brennan, yet he was really more a pragmatic strategist than a visionary. Felix Frankfurter, who retired in 1962, was the only real scholar in the bunch, yet his view of the Court's limited role—a view grounded in history—was an annoyance to Warren and the other liberals, and they were glad to be rid of him.

Sympathetic academics have lent retrospective rationales to the Warren Court's decisions. The canonical interpretation is that the Court was consistently trying to ensure that the political process itself was free of invidious discrimination against disfavored groups, particularly the poor and minorities. In this view, one can draw a straight line from the anti-segregation cases (*Brown* v. *Board of Education* and its progeny) to the legislative reapportionment cases (*Baker* v. *Carr*, *Reynolds* v. *Sims*), which aimed for a fair electoral process, and on to the criminal procedure cases (*Gideon* v. *Wainwright*, *Escobedo* v. *Illinois*, *Miranda* v. *Arizona*), which were meant to guarantee that society's downtrodden received the same fair treatment as the rich.

But, as Lucas A. Powe Jr. points out in *The Warren Court and American Politics*, this neat construction leaves out many other issues on which the Court handed down landmark decisions that don't cleanly fit the pattern, such as prayer in the schools (*Engle* v. *Vitale*), obscenity (*Roth* v. *United States*, *Stanley* v. *Georgia*), contraception (*Griswold* v. *Connecticut*), the free press (*Sullivan* v. *New York Times*), and free speech (*Brandenburg* v. *Ohio*). A professor at the University of Texas in law and government, Powe wants to revive a school of Court-

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The Court in 1965. Standing: White, Brennan, Stewart, and Fortas. Seated: Clark, Black, Warren, Douglas, and Harlan.

watching that pays as much attention to political influences as to matters of legal doctrine. When looked at in this light, the Warren Court's decision-making appears most coherent, Powe argues, as the judicial expression of Kennedy-Johnson liberalism, with its emphasis on the positive role of the federal government in redressing social wrongs and reinventing institutions on a modern, progressive basis.

In particular, Powe argues that much of the Warren Court's direction can be understood as the effort of national-minded elites to pave the way for an emerging progressive consensus. Thus, the Court aimed to eradicate the institutionalized racism of the South and overcome the sexual "backwardness" of Catholics. Cases like *Griswold*, forbidding government interference with access to contraceptives, *Roth*, barring censorship of sexually explicit artistic works, *Stanley*, protecting private ownership of obscene materials, and *Engle*, banning official prayer in public schools, all follow from an anti-Victorian—and anti-Catholic and anti-evangelical—crusade for modernism.

Warren and his liberal cohorts, Powe points out, had supreme confidence in their own forward-looking judgments, which, they thought, even the benighted would understand and value once freed of their provincial blinders. And about a number of things, these justices were right, as certain results enjoyed or earned a consensus among most Americans: Separate was decidedly never equal; state legislatures should reflect proportionate representation; you can't have a fair trial without a lawyer. But opinions from the Warren Court were often so poorly or cavalierly drafted as to seem arbitrary.

Even more disturbing, the Court under Warren played politics with its own decisions. Nowhere was this more apparent, as Powe observes, than in the area of remedies for violations of constitutional rights. The established rule was that there could be no delay in affording redress. Yet in *Brown II*, the Court offered the black population of the South only the oxymoron "all deliberate speed" to accomplish integration. Despite his rejection of Frankfurter's gradualism, Warren felt that forced desegregation would be a disaster, leading to open defiance that would cripple the prestige of the Court. So, too, right after *Brown*, the Court took a pass on striking down anti-miscegenation laws—expressly premised on racist doctrines about mongrelization—lest the fragile fabric of *Brown* be torn asunder by bitter southern reaction.

The Warren Court proved itself cynical and inconsistent when it came to criminal procedure, too. It boldly trashed the established police methods of all states in *Escobedo* and *Miranda*, and then expanded wildly the rights of habeas corpus—ensuring federal review of any criminal charge that could be looked at under a constitutional provision, even if state courts had already reviewed these claims. But, rather than set murderers and rapists free, the Court refused to apply retroactive effect to its rulings—thus depriving scores of defendants of the rights that had just been vindicated. The more conservative justices went along because they hoped to limit the ill effects of the liberal majority's bad rulings, but the outcome was unprincipled just the same.

The Framers of the Constitution gave federal judges life tenure so that they could be independent. Until John Marshall in *Marbury* v. *Madison* arrogated to the Supreme Court the exclusive province of interpreting the Constitution, probably none of the Framers realized what power this independence would entail. Still, no Court would bring this lesson home the way the Warren Court did. Striving to give the country the benefits of their superior wisdom—and, yes, hoping to serve the less advantaged as well—Warren and his brethren relished their imperial isolation as proof of disinterested purity. We can be grateful to Professor Powe—himself sympathetic to many of the outcomes of the Warren Court—for offering a more skeptical view of a judicial reign beset by colossal arrogance. ♦

Freedom's Harvest

Victor Davis Hanson on the end of democracy and the last farmer. **BY PETER G. BEESON**

There is an argument, typically heard from left-leaning analysts, that family farmers are falling victim to corporate monopolies and misguided government policies. But in *The Land Was Everything: Letters from an American Farmer*, Victor Davis Hanson argues that we, the non-farmers, are both the perpetrators and the victims in this social transformation. He sees our demands for convenience, sanitation, and cheapness as the driving force in agriculture and the looming extinction of the family farmer as a threat to a healthy democracy.

The Land Was Everything
Letters from an American Farmer
by Victor Davis Hanson
Free Press, 288 pp., $24

Victor Davis Hanson is a fruit farmer in the San Joaquin Valley and a professor of Classics at California State University, Fresno—perhaps best known for his co-authorship with John Heath of *Who Killed Homer?*, the widely praised and widely attacked 1998 vivisection of Classics programs in America.

He brings both his professions to bear in a series of essays about the realities of farming and the contribution of farming to society. In an interplay between his farming experience and the ideas of classical antiquity, he seeks to draw out the universal truths of farming: The ancient Greeks, he argues, "knew that man farms not merely to be fed, but also to learn how his society should be organized."

Farmers, as Hanson sees them, are "eccentric, independent citizens vital to consensual government." The kind of society we enjoy grew not from nomadic hunters but from those who cultivated the land. Our best social forms depend upon a tension between the city and the countryside, with the farmer as the touchstone—a conservative and practical anchor.

Ever since Thomas Jefferson, Americans have held up the family farm as an ideal way of life. But Hanson is not a traditional romantic. The loss he sees is more elemental, more tragic: It is the loss of the cornerstone of civilization. But neither is Hanson a populist in the Southern Agrarian tradition of Wendell Berry, who has said, "The question of the survival of the family farm and the farm family is one version of the question of who will own the country, which is, ultimately, the question of who will own the people."

For Hanson, the loss of the family farm is not a power struggle so much as a bleeding away of a social structure that provided the essential experience for the development of democratic man. One of the main themes of *The Land Was Everything* is that the experience of farming creates a particular kind of wisdom, a unique way of knowing. "Does a man understand the universe because he can read Descartes, or does such insight arise only after he has lost his ripe crop a day before harvest?" For Hanson, the farmer's wisdom comes from a constant struggle with nature and from a daily balance of intellect and brawn: An "active mind tempered by muscles creates a tension at the heart of knowledge."

A good deal of Hanson's focus is on the tough life of the farmer and the "enemies" with whom he battles. We learn of the struggle against viruses, bacteria, fungi, insects, weeds, mammals, birds, and weather. A whole chapter debunks the myth that farming is serene, simple, and timeless—and the myth that all farmers are nice and all big businessmen wicked. "People must realize that farming is . . . a very unpleasant and brutal task to bring food out of the dirt."

Indeed, Hanson spends so much time on the hardships of farming that the reader may be left wondering why anyone would ever choose to farm—though, in fact, the rewards of farming are so great that many farm families take on extra jobs just so they can continue doing it. Also absent from Hanson's treatise are the wives and children. We learn almost nothing about how farming nurtures them or what contribution they make to our society. Hanson's world of farming is peopled with men.

But about those farming men, Hanson is clear. In farmers, Hanson sees a refreshing antidote to our confusion and paralysis in the face of evil:

> I think the reductionist farmer alone, almost ridiculously so, understands the mind of his nation's enemy far better than the professor or diplomat. No, the farmer as fighter says quite honestly and without censure to drop the bomb on Hiroshima if that is what it takes to stop the onslaught of those who hate us and would shoot us down and would behead and torture millions of the weaker.

Hanson's farmers are "curt and blunt, due to their solitary existence" and "always harried and versatile." They are stubborn, rude, honest, dutiful, eccentric, law-abiding, skeptical, tightfisted, "property-owning voters." They are fatalistic. Farmers, Hanson says, "learn only how to accept, not change, fate; to understand, not to reinvent, man; to seek out faith, when reason is exhausted."

In an entertaining, tongue-in-cheek romp through the philology of farming, Hanson defines grapes as the fruit "once boycotted by those who never wished to eat them" and wine as "a tasteful and elegant product of grapes, which are always assumed to be picked by nonunion help but are never boy-

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Watching Father Work, *by Albert Neuhuijs (1854-1914).*

cotted." The consumer is "a well-meaning soul who wishes natural fruit of unnatural size, color and durability, all at an unrealistic price," and the farmer is "praised fulsomely in the abstract, avoided religiously in the concrete."

With a title like *The Land Was Everything*, one would expect Hanson to concentrate on what the land means to farmers. But the essence of what he means is captured in the book's last chapter, where he writes:

> And was it true that to Aristotle and Xenophon land was everything—that the ownership of a small plot, hard farmwork, the forced separation from the urban manifestation of the species, the war to master nature and work the ground with the back and shovel alone solved the age-old dilemma between democratic freedom and republican responsibility, between dearth and greed, autonomy and slavishness, equality and liberty, crudity, and effeminacy? Mostly, yes.

But this is a philosopher's assessment of the land. The farmer's actual experience is more aptly captured in words like those of a woman living on the great plains, Margaret Hawkins: "Sometimes, when we are moving cattle in the morning fog, the light breaks through onto the hills and the fog opens and we can see the clouds. It is on these beautiful mornings that the soul is restored. I have a love of the land, a love for a handful of dirt."

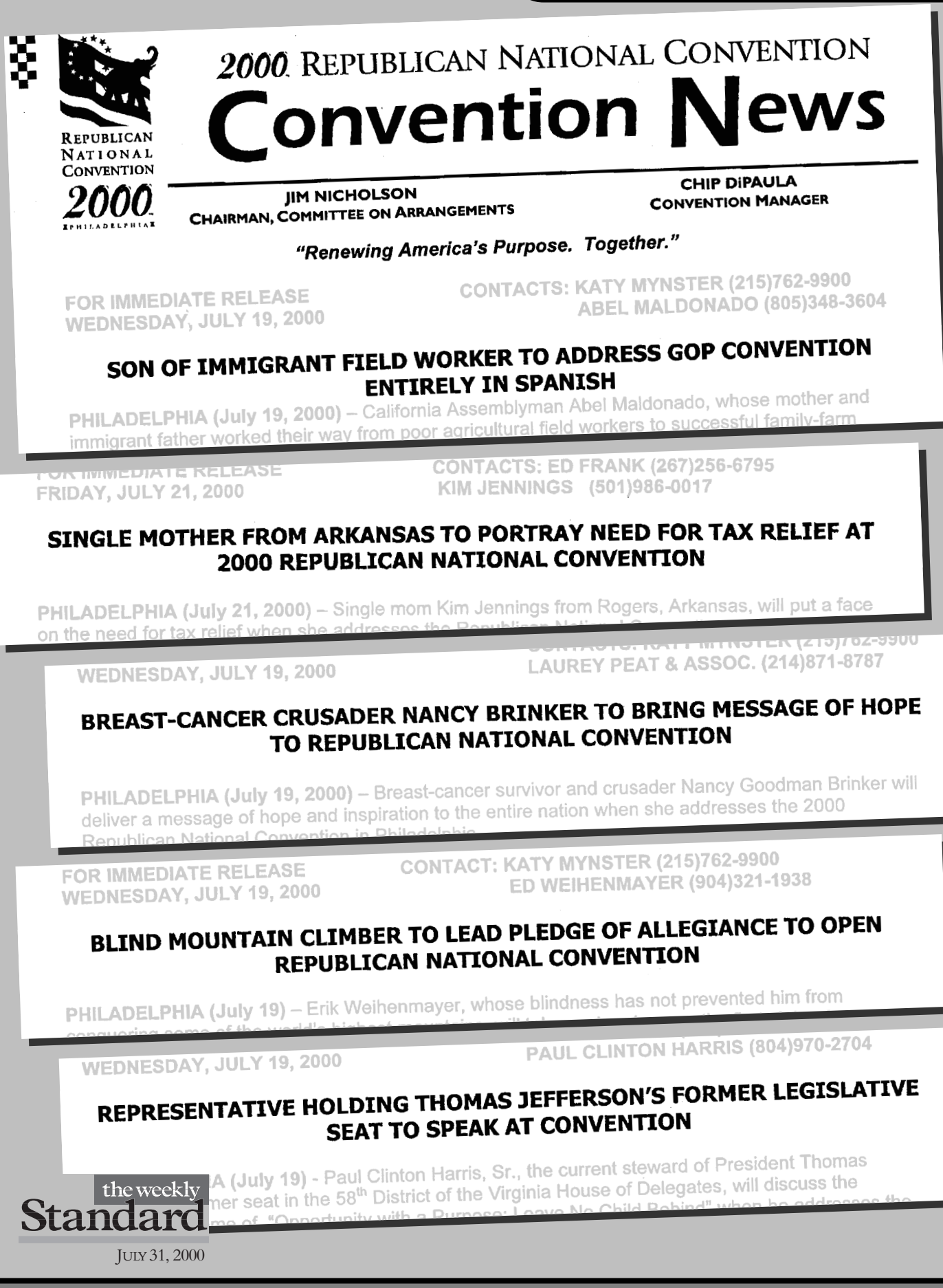
Hanson runs, as does anyone who writes about rural America, the risk of over-generalization. His experience is not the one most Americans picture when they think of farming. He is the fruit farmer of California, not the bread-basket farmer of the Midwest or the truck farmer of New England or the cotton farmer of the South. Hanson's farming is on the frontline, in the battleground of the urban fringe and suburban growth. Hanson admits he is "a wannabe farmer . . . with primary employment elsewhere," and this having a foot in both camps provides him with perspective, but robs him of true immersion in farming. (On the other hand, he is not all that unusual, for many farmers today have off-farm jobs—though not typically as Classics professors.)

Hanson, something of a reductionist, seeks to explain the social by drilling down to the individual: Farming produces a certain kind of man, which in turn produces a certain kind of social order. (I suspect Hanson's sociologist colleagues at the university would not readily agree.) The grounding in truth is what Hanson sees as the defining characteristic of farmers. The farmer "cannot use diction, dress, or social protocol to mask intent, much less disguise disgust or mitigate the expression of anger." But it is this fact and the farmer's conservative and solitary ways that work against his collective action and doom him to fall divided rather than stand united.

Hanson is certainly one of our more analytical and erudite agricultural apologists. He effectively communicates the complexity and paradox inherent in farming and in the social issues surrounding it. His text, rich with ancient analogy and vivid description, leads us time and time again back to the themes of his argument.

But, in the end, he offers neither hope nor solution. Those readers who come to *The Land Was Everything* looking for policy advice or a call to social action will be disappointed. He does, however, want us to know what we have lost. "Not food, not security, but the countryside whose culture created America and from time to time knocks it back to its senses" is what is at stake with the loss of family farms. He laments: "That the land is now nothing is the real diagnosis of modern man's mysterious spiritual illness." One does, however, get the sense that Victor Davis Hanson himself has learned something: Through farming, he has found a sense of personal redemption in living a life based on the lessons learned on the farm. ♦

Not a Parody



2000 REPUBLICAN NATIONAL CONVENTION

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BLIND MOUNTAIN CLIMBER TO LEAD PLEDGE OF ALLEGIANCE TO OPEN REPUBLICAN NATIONAL CONVENTION

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REPRESENTATIVE HOLDING THOMAS JEFFERSON'S FORMER LEGISLATIVE SEAT TO SPEAK AT CONVENTION

A (July 19) - Paul Clinton Harris, Sr., the current steward of President Thomas mer seat in the 58th District of the Virginia House of Delegates, will discuss the me of "Opportunity with a Purpose: Leave No Child Behind" when he addresses the