the weekly Standard

MARCH 26, 2001 $3.95

THE JOY OF DEBT
JAMES K. GLASSMAN

Ya Gotta Believe

William Kristol • Joe Loconte on Bush's faith-based initiative and its critics

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THE WEEKLY STANDARD (ISSN 1083-3013) is published weekly (except the last week in April, the second week in July, the first week in September, and the second week in January) by News America Incorporated, 1211 Avenue of the Americas, New York, NY 10036. Periodicals postage paid at New York, NY, and additional mailing offices. Postmaster: Send address changes to THE WEEKLY STANDARD, P.O. Box 96127, Washington, DC 20077-7767. For subscription customer service in the United States, call 1-800-274-7293. For new subscription orders, please call 1-800-283-2014. Subscribers: Please send new subscription orders to THE WEEKLY STANDARD, P.O. Box 96153, Washington, DC 20090-6153; changes of address to THE WEEKLY STANDARD, P.O. Box 96127, Washington, DC 20077-7767. Please include your latest magazine mailing label. Allow 3 to 5 weeks for arrival of first copy and address changes. Yearly subscriptions, $78.00. Canadian/foreign orders require additional postage and must be paid in full prior to commencement of service. Canadian/foreign subscribers may call 1-850-682-7653 for subscription inquiries. Visa/MasterCard payment accepted. Cover price, $3.95. Back issues, $3.95 (includes postage and handling). Send manuscripts and letters to the editor to THE WEEKLY STANDARD, 1150 17th Street, N.W., Suite 505, Washington, DC 20036-4617. Unsolicited manuscripts must be accompanied by a stamped, self-addressed envelope. THE WEEKLY STANDARD Advertising Sales Office in Washington, DC, is 1-202-293-4900. Advertising Production: Call Ian Slatter 1-202-496-3354.

BPA INTERNATIONAL

www.weeklystandard.com

The Real Objection to McCain-Feingold

A good journalistic rule of thumb is not to pick on cripples or old ladies or, if you can help it, crippled old ladies. But the uncompassionately conservative SCRAPBOOK is going to make an exception for Doris Haddock, aka Granny D, the self-described "old New Hampshire woman with arthritis and emphysema and parched lips and a splintered hat." Readers will recall her as the 91-year-old publicity-hound great grandmother who spent 14 months hiking 3,200 miles across America to highlight the need for campaign finance reform. (She would have made better time had she not kept peeling off to accept awards and speaking gigs at Reform party conventions.)

During Campaign 2000, we had occasion to meet Granny D several times, and were impressed by her ready wit, smart tailoring (fluorescent crossing-guard jacket, even indoors), and Katharine Hepburn-ish dramatics that made every speech sound like a community-theater reading of *Our Town*. With her trek completed, though, THE SCRAPBOOK was hoping we'd seen the last of Granny D's self-congratulatory 45-minute harangues about money being the root of all evil in politics (we like to think Bob Shrum is).

But no. Just in time for Senate debate on the McCain-Feingold bill, we receive an advance copy of Granny D's song-of-herself memoir, *Walking Across America In My 90th Year*, which she'll promote on a two-week campaign-finance-reform walk around the U.S. Capitol building (THE SCRAPBOOK can circle the grounds in 25 minutes, but then, we don't have a book to promote). Despite being a tad overwrought—people she meets during her odyssey are said to break down in tears when discussing soft-money excesses—the book is not without entertainment value, particularly when Granny D discusses her runaway libido. One of her chapters is entitled "A Man Magnet." In another, she visits a Midland bull riding ring where the cowboys "were very young men, strutting about in tight blue jeans, with colorful cowboy shirts tucked in over their trim bellies." Our favorite anecdote comes when she meets Connecticut congressman Christopher Shays. As an ice-breaker, Shays kneels down to kiss her hand, while Granny leans forward to kiss "the bald spot on the top of his head."

It's enough to call for a journalistic cold shower, which is provided by Bill Moyers's foreword. Who better to kick off a memoir celebrating high-fiber sanctimony than PBS's own Narcissus? Barry Goldwater once said of Moyers, "Every time I see him, I get sick to my stomach and want to throw up." (Goldwater had been on the receiving end of what author Rick Perlstein calls the anti-Goldwater "espionage, sabotage, and mudslinging unit" Moyers ran for LBJ.) Moyers would have Goldwater reaching for the Pepcid as he lovingly recounts Granny D facing down Mitch McConnell ("the most ardent apologist for legalized bribery in the United States Senate"), or how Granny D declared, during a march down Lobbyist Row, "Our brooms are ballots, and we come a-sweeping."

In fact, Goldwater wouldn't have had to read further than Moyers's first sentence before the onset of nausea. You know you are in trouble when the man who praised Al Gore's *Earth in the Balance* as "a powerful summons for the politics of life and hope" warns us that "The soul of a citizen shines through these pages." There are other arguments against the McCain-Feingold bill, but thwarting the likes of Bill Moyers and Granny D may be the best. ♦

Denise Rich, Class of '62

Every scandal deserves a yearbook photo, so as a public service we provide Denise Rich's at right, courtesy of irreplaceable Boston radio talkster Howie Carr, one of whose listeners faxed it to him.

In her pre-Clinton-fund-raising youth, the future former Mrs. Marc Rich was apparently known to her friends as "Neasy" and "Neasle." Here are the other details you've been looking forward to (ellipses in the original).

Denise Joy Eisenberg
Bancroft '62
"It's nice to be natural if you're naturally nice"

'Neasy . . . wild sweaters . . . dancing . . . disorganized . . . frolicking . . . around the bush . . . continental . . . offbeat . . . 'Really!' . . . dues . . . 'Neasle' is the most striking member of the Senior Class. She is funloving and is never without something to say. Sudden brainstorms and a lovable disposition are characteristics of Denise. The Drama Club is slowly going broke under her competent handling of the drama ledger. But never fear, she can also be an avid listener and a good friend to all.

Influence-peddlers be warned: Don't mess with us. We have access to your yearbooks. ♦

Disinfecting Depardieu

Good news from Norway: Reuters reports that Norwegian farmers,

fearing an outbreak of foot-and-mouth disease, are insisting that Gérard Depardieu be disinfected when he enters their country for a film shoot later this year. It seems the highly infectious disease can be carried not only by clothing, vehicle tires, and migrating birds, but also by overrated French actors.

Even before the foot-and-mouth outbreak, THE SCRAPBOOK supported a Depardieu disinfection. And not because in 1992 he sired a child with someone other than his wife of 22 years, or because we sat through the stink bomb that was *Green Card*.

Rather it's because of Depardieu's brutish quotes in a 1978 *Film Comment* piece, in which he related how when he was 9 years old, a friend took him along on his "first rape" in a bus depot.

"It was normal," Depardieu said, "After that I had plenty of rapes, too many to count. . . . There was nothing wrong with it. The girls wanted to be raped. I mean, there's really no such thing as rape. It's only a matter of a girl putting herself in a situation where she wants to be."

As they say in the land of lutefisk, Gérard: Hit the showers. ♦

The Real JFK

The Kennedy clan went into conniptions last week over the use of footage of the martyred president praising tax cuts in advertisements promoting the Bush tax plan.

Yet as Charles Krauthammer noted in his *Washington Post* column, "the ads are perfectly reasonable. . . . The Kennedy tax cut returned to the wealthiest Americans 26 cents on every marginal dollar they earned. The Bush tax cut would return less than 7 cents." The real problem: "tamper with the memory of John F. Kennedy and the guardians of the flame will strike you down for sacrilege."

Well, we'll risk the flame by amplifying the point. Ted, Caroline, et al. probably shouldn't protest too loudly, since JFK was no liberal by today's standards and was probably closer to Bush than to them. Indeed, he derided liberals as "honkers." As Chris Matthews recounts in his book *Kennedy and Nixon*, JFK shared Nixon's contempt for "Hiss types":

> "They're not queer at State, but . . ." he told Charlie Bartlett, "They're sort of like Adlai." Kennedy hated being grouped with such people in the public mind. "I'd be very happy to tell them I'm not a liberal," he declared in a *Saturday Evening Post* interview. . . . "I never joined the Americans for Democratic Action. . . . I'm not comfortable with those people." ♦

Correction

We are reliably informed that a couple of details in an article in our February 12 issue ("The Minister of Ministries," by Fred Barnes) were incorrect. Stephen Goldsmith, the former mayor of Indianapolis who had been George W. Bush's first choice to head the faith-based initiative, did not ask for cabinet status or meet with Dick Cheney about the job. ♦

Casual

The Enlivening Sins

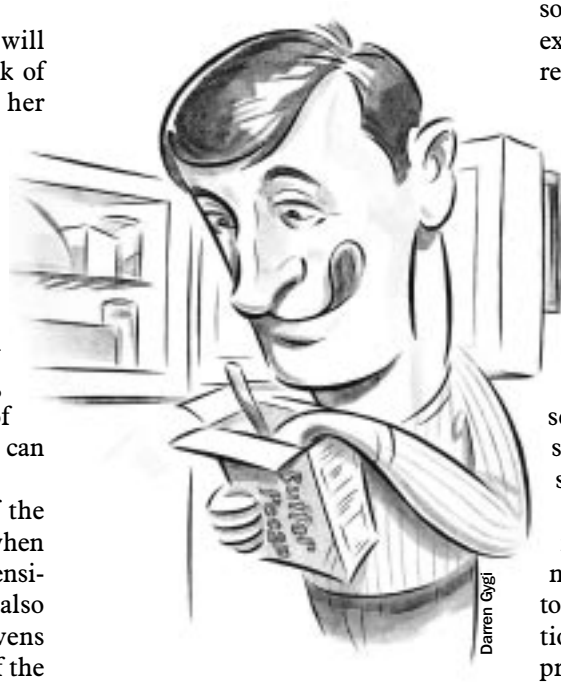
Everyone knows about the Seven Deadly Sins—Pride, Envy, Gluttony, Lust, Wrath, Covetousness, Sloth—but I wonder if alongside them we ought to find a place for what I think of as Enlivening Sins. These are sins, too, but quite minor, rather sweet ones, and instead of knocking a person out of heaven, they make life on earth seem a bit more piquant, a little more heavenly even.

Gluttony, I have no doubt, will bring a person down, not to speak of doing serious damage to his or her wardrobe. But what can be wrong with an occasional brief bout of over-eating: finishing, say, a full pint of butter pecan ice cream, in the carton, while standing up in front of an open refrigerator door? Along with going before the fall, Pride is socially unpleasant; but to feel, inwardly, that one has done a bang-up job of a difficult assignment—how bad can that be? Not very, I should think.

Sloth will put a person out of the running, yet there do seem days when an afternoon nap seems highly sensible policy. When I take a nap I also remind myself that Wallace Stevens spoke of "the necessary laziness of the poet," a remark in which I find comfort and confirmation, even though, it is true, I have published only a single poem in my life.

The Enlivening Vices are much on my mind, because earlier this week I committed a splendid one. On a Monday afternoon, in the middle of the working day, I went to a movie. *Crouching Tiger, Hidden Dragon* is its name, and I paid a mere $2.50 to see it. Full of astonishing spectacle, it presented elegant Chinese women flying over buildings, fighting with swords, riding long-maned ponies through dazzling golden deserts.

Aristotle thought spectacle "the least artistic of all the parts of tragedy and the least to do with the art of poetry," but I didn't allow the old Stagirite's stricture to prevent my enjoying this flick to the max, taking time out to lapse into the briefest of naps. I regret to say that I ate only a single slice of chocolate during the movie; I should have bought a box of Mason Dots. Best of all was emerging from the movie into full sunlight, which reminded me of coming out of the innumerable Saturday afternoon movies of my boyhood.



"A poet [recall my publishing record here] always cheats his boss," an old Russian proverb has it, and it occurs to me that, as a younger man, on every job I ever had I snuck away in the afternoon at least once to go off to a movie. Often I did so out of frustration, but perhaps just as often for the sheer delicious pleasure of it. The only reason I haven't done so over the past twenty-five or so years is that I've been self-employed. One of the few things I can say against working for oneself is that some of the joy of sneaking out to a movie is lost.

I haven't made a list of the Enlivening Sins, and I'm not sure there is any need to codify them, as was done with the Deadly ones and the Commandments, though I am glad that there are only seven of the former and ten of the latter. Some enlivening sins that I have committed in recent weeks include taking a pass on an entire Sunday edition of the *New York Times*, quitting a serious but ill-written book after fifty pages, eating something called a chocolate espresso square an hour before dinner, stopping all work at mid-morning, once to listen to a full CD of Fats Waller songs, another time to one of the songs by the late Charles Trenet. Not exactly Marquis de Sade material, I realize, but one does the best one can.

To be enlivening a sin must be occasional, never ending in compulsion, let alone addiction. It ought to have a fine feel of triviality to it, and affect only oneself. It ought to help get one, however briefly, out of one's regular groove, bringing no serious guilt in its wake. An enlivening sin is a deviation in the direction of mild self-indulgence. Before committing such a sin, one hears a voice within say, "Let 'er rip," but in a whisper.

The only flaw in enlivening sins is that, unlike major sins, they do not allow one to dramatize one's fall to oneself. Nor is the matter of expiation at all clear. Confession is also a problem, though there is a benign church of my imagining in which a special booth for confession of enlivening sins is perpetually set up.

"And what is your sin, my son?" I hear a priest in this new church ask.

"Forgive me, father, but I watched two college basketball games, back to back, on a Saturday afternoon."

"You must do it again, my son," the priest answers, "but not too soon. Meanwhile, for penance, sing three times the lyrics to Louis Prima's version of 'Banana Split for My Baby, A Glass of Plain Water for Me.' Go in peace."

Joseph Epstein

Correspondence

Monumental Thoughts

Congratulations for publishing Catesby Leigh's "Our Monuments, Our Selves" (March 5). It's no secret that The Weekly Standard is based upon certain intellectual traditions, one of which is the study of classical political philosophy. That philosophy, which had great influence on the Constitution, is much concerned with the key concept of nature.

It so happens that the ancient world gave us a theory of art that was also much concerned with the concept of nature. The twin theories, of art and of politics, were inseparable for centuries. The great monuments Leigh cites, the U.S. Capitol, for example, were manifestations of an art and a politics that were complementary.

But sometime in the 19th century (with the deaths of Ingres and Delacroix), the theory of classical art was abandoned in favor of modernism. That modernism, unchallenged, is the cause of the nuttiness Leigh documents so thoroughly. By taking the older monuments seriously, not merely as historical relics, but as guides to living artists, Leigh has shown us the way back to an art and a politics that are in sync. A predecessor of Leigh, Henry Reed, made the same observations back in 1959 in *The Golden City*. That book stirred some debate, but it was overwhelmed by the crassness of the last four decades. Let's hope that Leigh has better luck. With the support of The Weekly Standard, perhaps he will.

Elliott Banfield
New York, NY

The photos accompanying Catesby Leigh's article certainly make his case regarding the dismal state of memorial design in our time. But I cringe at his recommendations for greater monumentality and verticality. Given the obvious dearth of talent out there, not to mention the overcrowding of Washington with monuments to the hobbyhorse of every special interest, bigger would not be better. Smaller is definitely the thing for these lackluster designers and sculptors. Let them sink their designs even deeper below grade and shroud them with even more shrubbery. As for the appallingly crude FDR statue, the face of which looks like something from a claymation film, ivy might usefully be employed to cover it completely.

Leigh should consider that the Oklahoma City National Memorial ought never to have been built at all. Yes, the hapless victims deserve a discreet plaque somewhere, but this overblown grief park permanently memorializes Timothy McVeigh's hideous act as much as it honors the dead—thus the very idea of it is indecent.

G.R. Paterson
Wilmette, IL

Pope Pius Absolved

David Dalin's perceptive review of the current spate of anti-Pius XII

books solidly presents the historical record ("Pius XII and the Jews," Feb. 26). Let me just amplify one point in the anti-Pius campaign that Dalin acknowledges but cannot be expected to analyze fully.

As Dalin notes, what underlies most of the anti-Pius thesis is an exploitation of the Holocaust to score points in an intramural Catholic debate. The argument is not over the actions the Church took during the Holocaust. The agenda is the papacy and Church doctrinal, moral, and sacramental teaching, as well as traditional Church practices. And the real enemy is the papacy of John Paul II. They misuse the history of the Holocaust to wage war on celibacy, a male-only priesthood, the papacy, the role of the Church as teacher—the laundry list of the old-fashioned dissenting Catholic agenda. That is why Garry Wills's theories of "structures of deceit" and James Carroll's bewildering agenda for Vatican III leave non-Catholic readers unfamiliar with the turf at a loss to understand the purpose of the books. The attacks on Pius from these books are the last at-bats of 1960s-era Catholic revolutionaries at an old-timers' game. They might be good for nostalgia, but they are meaningless to everyone but a few players gone long in the tooth.

Robert P. Lockwood
New York, NY

David Dalin's defense of Pius XII is the best I have read. Says Dalin, "Almost none of the recent books about Pius and the Holocaust is actually about Pius and the Holocaust. Their real topic proves to be an intra-Catholic argument about the direction of the Church today, with the Holocaust simply the biggest club available for liberal Catholics to use against traditionalists." He hit the nail right on the head.

Theresa Mudgett
Plymouth, PA

I wish to thank you for publishing David Dalin's article on Pius XII. I have always felt shame about the Catholic Church's past (the Inquisition, Galileo, etc.). When I heard about the books calling Pius "Hitler's Pope," my shame was not only renewed but intensified, since this was not ancient history, but rather very recent, almost contemporary. To have The Weekly Standard remove this dark cloud is an absolute mercy and relief.

Linda Oliver
Bolivar, TN

De Mortuis Nil . . .

Each week, I look forward to reading the parody. I have found them to be clever, timely, and humorous—until the March 5 one, "Dale Earnhardt, White Male, Dead at 49." Of all the subjects that make good material to parody, death should not be one of them. Certainly not the death of a man who lived a decent life, harmed no one, and brought pleasure to millions who enjoy auto racing.

Joan McClain
DuBois, PA

the weekly Standard

Ya Gotta Believe

Barry Lynn could hardly contain himself. "This plan is sinking faster than the XFL," chortled the executive director of Americans United for Separation of Church and State on March 12. Two days later, staffers united for getting their boss in the newspaper had produced some more punchy sound bites for Lynn: "We've just finished round one, and the Bush team is staggering back to their corner. The White House threw only a couple of punches and the folks in Bush's corner are already reaching for the smelling salts."

Hysterical boasting usually masks fear. The truth is, liberal secularists like the good Reverend Lynn see the interest and passion generated by President Bush's faith-based initiative. They sense that something big is happening. They know their best bet is to strangle it in the cradle before the White House has had time to get fully organized, and before the American people understand what's at stake. A few of the president's more foolish allies have provided them some ammo. But deep down, and not even so deep down, Barry Lynn and his colleagues are afraid. They're right to be.

If George W. Bush is to have a distinctive legacy, it's likely to be that he brought an end to decades of government hostility to religion.

Beginnings are hard, especially important ones. Confusion over the program's details, contradictory statements from members of the administration, lack of coordination with outside allies—all of these marked the first few weeks of Bush's signature initiative. But none of that is nearly as important as this fact: George W. Bush understands this *is* his signature initiative. Tax cuts are good, and missile defense is important—but both are traditional, Reagan-era agenda items. If this president is to have a distinctive legacy, it's likely to be that he brought an end to decades of government hostility to religion and inaugurated a neo-Tocquevillean era in which religion and liberty, pluralism and faith, are no longer at odds.

In fact, beneath the surface disarray, the director of the initiative's White House office (and WEEKLY STANDARD contributing editor-on-leave) John DiIulio has been getting things organized. Task forces are combing through the regulations of five cabinet departments—Justice, Labor, Education, Housing and Urban Development, and Health and Human Services—to find regulatory barriers they can remove. Efforts to begin mobilizing the private sector are under discussion. (Four of the ten largest corporate givers in America explicitly rule out donations to faith-based organizations, regardless of their demonstrated effectiveness.) The charitable tax credit for non-itemizers is teed up for speedy passage on Capitol Hill.

The only area where there is uncertainty and delay is in the expansion of "charitable choice"—the principle, already embodied in several federal laws, that religious organizations should be able to compete equally for federal grants to achieve policy goals such as drug rehabilitation and job training. Given the confusion about how to implement existing law, and the genuine difficulty of necessary line-drawing, a certain amount of caution is in order. So the administration is taking an appropriate amount of time to get it right. It shows no sign of backing down. It admirably refuses to bow before the idols of the naked public square and continues to insist that success in social policy should no longer be scorned when it is associated with faith-based efforts.

The implications of the faith-based initiative are large and varied. Not everything can be accomplished quickly. But what needs to begin now is public education. The administration needs to organize itself and mobilize its allies to explain itself to everyone—from state and local social-service providers to grass-roots religious conservatives; from policy wonks to politicos; from inner-city African Americans to exurban evangelicals. And the administration needs to begin explaining to the American people its broader intention to relink liberty to morality, rights to faith.

One man is key to this whole effort: George W. Bush. He doesn't need to rush out to give lots of major speeches right now. But he does need to let everyone know, inside and outside his administration, that the initiative is of fundamental significance to him. If the president keeps the faith, and insists that his administration follow his lead, an important change in our culture and politics could follow. And then it will be Barry Lynn who really is reaching for the smelling salts.

—William Kristol

the weekly Standard

Carrot and Stick, Szechuan Style

Why does the Chinese premier rush to announce that President Bush will visit Beijing next fall—even before the White House is ready to make the news public? Why do senior Chinese officials suddenly declare, after months of railing against Bush's plans to build a missile defense system, that maybe the two sides can get together and talk about it after all? And why is China's vice premier, Qian Qichen, in town this week, self-invited and all smiles?

The very simple answer to all these questions is that next month the Bush administration will announce what new arms systems it will approve for sale to Taiwan. The Taiwanese have asked, for the umpteenth year in a row, for approval of the Aegis battle management system, which will help them address the increasingly dangerous threat of Chinese airpower and other advanced Chinese weaponry—including hundreds of ballistic missiles deployed just a hundred miles away across the Taiwan Strait. The Beijing government is now pulling out all the stops to prevent this sale, precisely because Chinese leaders want Taiwan to remain vulnerable to any attack they may choose to launch. The Chinese already have about 300 short-range missiles aimed at Taiwan, and they're building up at a rate of 50 per year. Just this past week, the *Washington Times*'s Bill Gertz reported that the Pentagon has discovered yet another recently built Chinese missile base. The last thing Beijing wants is for Taiwan to nullify this deadly threat with U.S. technology.

We are often told how clever and sophisticated the Chinese are. But really theirs has been the crudest, most obvious form of diplomatic coercion. Until this past week, the Chinese were using the stick: threatening Bush with a breakdown of relations, an arms race, and even war. Now comes the carrot: If Bush will refuse to help Taiwan with more advanced weaponry, all other problems in the U.S.-China relationship can be solved. If Bush behaves himself on Taiwan, he and Jiang Zemin can have a lovely and productive discussion in Beijing this fall. Of course, if Bush does go ahead and sell Aegis to Taiwan, all bets are off. The Chinese evidently believe the new American president is a jackass who can be prodded in the right direction by a few whacks from behind and a prize dangled before his nose.

Fortunately, the new administration looks to be made of tougher stuff than the Chinese have been used to. Deputy secretary of defense Paul Wolfowitz, deputy secretary of state Richard Armitage, and Vice President Cheney's chief of staff I. Lewis Libby have argued persistently over the past two decades that the United States should do more to help Taiwan defend itself. At his confirmation hearing last week, Armitage pointedly noted that China's defense budget was increasing while Taiwan's was decreasing. He also knows the key to U.S. policy is effective deterrence. "If there is a conflict in the Taiwan Strait," he said "then we haven't done our job." Armitage observed that past Republican administrations—and he obviously meant the Reagan administration, where he served as assistant secretary of defense—had managed to maintain decent relations with China without caving to Beijing's pressure tactics: "I don't mean we rolled over and let China tickle our tummy."

So there's reason to hope that this administration will not succumb to the latest round of Chinese tummy-tickling and chest-thumping. We admit to some concern about Bush's apparent agreement to hold a summit with Jiang next fall. There's nothing wrong with a summit, so long as American policy remains firm. But there are some in the administration, probably at the State Department and possibly even in the White House, who will argue that if Bush goes ahead and approves the sale of Aegis to Taiwan next month, this will spoil the trip or even provoke the Chinese to cancel it. We hope Bush resists this counsel of appeasement, which comes right out of Bill Clinton's engagement playbook. If the price of going to Beijing is shortchanging Taiwan's defense needs, then it is too high. Better to follow Armitage's advice. It is possible to maintain decent relations with China *and* to stand by our friends—but only if we don't roll over every time Beijing holds out a treat.

—Robert Kagan, for the Editors

Faith-Based Skepticism

Evangelicals to Bush: Lead us not into temptation.

BY JOSEPH LOCONTE

CHRISTIANITY is known for its paradoxes—the meek shall inherit the earth, the last shall be first, whoever loses his life will save it. Here's another: Evangelicals who complain that government is too secular, suddenly fear it's getting too much religion.

Despite their strong support for George W. Bush, a number of Christian conservatives have hurled stinging criticism at the president's high-profile attempt to enlist religious communities to battle social problems. They agree with Bush that most faith-based groups have been unjustly shut out of government's social service regime, but are resisting his plan to greatly expand a provision of a 1996 law letting them compete for federal anti-poverty money. While enthusiastic about the new Office of Faith-Based and Community Initiatives, they seem to regard government support for the faithful as the eighth deadly sin.

Christian Coalition leader Pat Robertson fears that once faith-based charities accept public funds, they will "give up their unique religious activities." Jerry Falwell, founder of the now-defunct Moral Majority, harbors "deep concerns" that government strings will come with government subsidies. Gary Bauer, former head of the Family Research Council, thinks the idea has "hit a big pothole." Given the shifting fortunes of these contrarians—Robertson's group is struggling with debt, and Falwell is more of a media target than a political player—they probably don't pose much trouble for the Bush White House. But others might.

Richard Land, president of the Ethics and Religious Liberty Commission of the Southern Baptist Convention—the nation's largest Protestant denomination—has "grave reservations" about public funding for religious charities. He especially worries about the future of church-state partnerships once Bush leaves office: "I wouldn't touch the money with the proverbial ten-foot pole." Marvin Olasky, whose ideas helped shape the president's "compassionate conservatism," sees in the Bush plan a bias against organizations that make religious conversion central to their mission. He has teamed with the Hudson Institute's Michael Horowitz to rally other religious leaders around a document detailing their complaints.

It's not clear whether the criticism has dampened congressional enthusiasm for the plan, which ultimately would allow church-based groups to bid on hundreds of federal programs, including job training, drug treatment, and after-school services. Leading supporters in the Senate, notably Rick Santorum, say they will wait several months before floating legislation, while in the House, J.C. Watts is expected to introduce a bill later this month. Nevertheless, the mini-revolt should come as no surprise. After all, government social policy has treated religious commitment with indifference or hostility for a long time. Reversing that pattern was never going to be easy or unproblematic.

The White House, meanwhile, is undaunted. While acknowledging the critics' concerns as serious and legitimate, the administration sees no inevitable threat to religion. Take the issue of government oversight. Some worry that audits and bureaucratic scrutiny will distort the character of religious charities. But the plan's supporters point out that eliminating intrusive regulations has been part of the initiative from the beginning: Bush immediately established offices in five federal agencies to remove regulations unfriendly to religion (the requirement, for example, that emergency shelters operate "in a manner free from religious influence"). Moreover, countless religious entities—hospitals, charities, community development corporations, international relief agencies—already receive government grants and contracts and have done so for decades. Financial and program accountability, it is argued, need not be an imposition.

More important, say the plan's defenders, the 1996 "charitable choice" law, designed to end discrimination against religious charities in federal contracting, puts government officials on a tight leash: They may not meddle with the content of faith-based programs or the people who staff them. If a bureaucrat's helping hand becomes a scolding finger, agencies can remind him of this existing law. At worst, recipients of public funds can terminate the partnership—which many charity leaders seem prepared to do.

One of them is Ed Morgan, president of the venerable Bowery Mission in Manhattan, a privately funded Christian shelter serving the homeless since 1879. Several years ago Morgan got New York City money to open another facility, where religious activities are available but must be run by volunteers. Today city officials rank the program their most effective in leading men out of homelessness and addiction. Nevertheless, if government regulators threaten the agency's spiritual mission, Morgan vows to walk. "I'm ready to go to the board of directors any day and say, 'I'm sorry,

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this is untenable. We can't do this anymore.'"

The question of proselytizing is a touchy one for both Left and Right, for opposite reasons. John DiIulio, director of the White House faith office, angered some when he told a gathering of religious conservatives earlier this month that "conversion-focused" programs probably couldn't receive direct grants. DiIulio tried to nuance his remarks: Although federal law prohibits nonprofits from using taxpayer money for religious instruction or evangelism, it allows those activities to occur on site—as long as they are funded privately and separated from the social-service aspects of the program.

Liberals see a slippery slope toward coercing participants into religious activities. Conservative detractors see a slouching toward secularization, denaturing religious charities at their core. "Unless an organization can strictly segment its religious and nonreligious work with an army of accountants and lawyers looking over its shoulder, it would not be eligible to participate," says Olasky, a senior fellow at the Acton Institute. "And that seems to be patently discriminatory."

Many ministers and other leaders, however, take a different view. Charles Ballard, president of the Institute for Responsible Fatherhood in Washington, D.C., for example, already gets federal money for fatherhood programs and job training. His organization moves married couples into blighted neighborhoods, where they befriend men and help them reconnect with their families. The strategy: Build trust through service, sacrifice, sweat—and time. "There's plenty of preaching the gospel, but not enough living the gospel," Ballard says. "But people will follow you into the fire if you know how to create relationships."

The Reverend Luis Cortes, president of Nueva Esperanza, a community development corporation in Philadelphia, looks forward to tapping new sources of public funding. His organization constructs housing for low-income residents, offers job training, and operates a charter high school. Cortes says his agency—supported by about 40 local evangelical churches, all in low-income neighborhoods—has no qualms about segregating the religious and secular aspects of its programs. "We believe we will not lose our independence, and I know that we will not lose our faith."

A final worry among conservatives is that expanding government support for faith-based charities will mean backing for unpopular religious sects—including Wiccans, Hare Krishnas, and the Unification Church. White House officials say they cannot discriminate against any religious groups, so long as they are effectively helping the poor. For Robertson and Falwell, that creates "an intolerable situation." Other Christian leaders, however, are perfectly at home with the ground rules of religious pluralism. Ronald Sider, the president of Evangelicals for Social Action, sees Robertson and Falwell as "confused about the First Amendment"—and playing straight into the hands of their enemies, who caricature them as closet promoters of "theocracy."

Even amid the brickbats of the last few weeks, a consensus is emerging over a way to transform the critics into converts: vouchers. Already many states subsidize day care through vouchers redeemable by church-run centers. And last year, President Clinton signed an initiative allowing drug addicts to use federal vouchers in faith-based treatment programs. These programs may be as religious as they want to be: Federal law—admittedly, as yet untested in the courts—places no content restrictions on religious programs helping individuals who participate freely and who pay with vouchers. If the administration proposes a comprehensive voucher scheme, Olasky says he will happily join the parade.

Meanwhile, in addition to the funding idea, Bush is pushing a broad faith agenda that enjoys bipartisan support: Reform tax laws to stimulate

charitable giving, and encourage a climate of church-state cooperation—open public schools to after-school tutors sent by churches, for example, or allow congregations to befriend and assist welfare families.

Even the contested funding concept has plenty of backers. It has been embraced by some of the nation's leading black ministers, including Walter Fauntroy, Frank Reid, and Eugene Rivers. The board of the National Association of Evangelicals, representing 51 denominations, also has endorsed it. *Christianity Today*, the flagship magazine of evangelicalism, gave the idea its editorial blessing and chided congregations who "may be enticed to use any regulations on evangelism as an excuse to exempt themselves from social services." While the Southern Baptist Convention—historically committed to strict separation of church and state—will likely remain wary, it does not control (though it will influence) the decisions of Baptist charities. And at least one influential evangelical leader, Chuck Colson, a Baptist, has praised the plan.

Even the president's critics on the right admit that his initiative represents a stunning repudiation of a political culture hostile to any but purely private religion. That, of course, explains the outcry from hardline separationists, who resist granting religion any public support. Conservative criticism itself reflects a lively—and healthy—concern to guard the independence of churches and other religious entities.

Still, it would be strange if evangelicals joined with secularists to block Bush's overture to people of faith who are addressing our social problems. "Yes, there are risks, but they are risks worth taking," says Michael Cromartie, director of the Evangelical Studies Project at the Ethics and Public Policy Center in Washington, D.C. "There are lives at stake. The opportunities to expand ministries to the poor, the alcoholic, the drug abuser, the homeless, the needy are just too great to not find a way to make it work." ♦

Unironic America

It voted for Bush and vacations in Vegas.

BY JOHN PODHORETZ

Danny Gans

AP/Wide World Photo

Las Vegas

"SOME PEOPLE SAY, 'Danny, he's not president any more, you should let up on him . . ."

To which the thousand-strong audience attending impressionist Danny Gans's Sunday-night show at the Mirage hotel, having just laughed riotously at Gans's extremely mild and obvious riff on Bill and Hillary and Monica and cigars, responds in one voice: "Nooooo!" A moment later, Gans morphs into Ronald Reagan: "I'll cut your taxes," he says, "and *this*"—meaning America—"is the Promised Land." His audience, already eating out of the palm of Gans's hand, erupts in raucous cheers and thunderous applause.

Gans, a one-time minor-league baseball player and third-rank television actor with an album currently racing up the contemporary Christian music charts, is the hottest act in Las Vegas right now—and it is telling that you have probably never heard of him. Las Vegas, the fastest-growing city in the United States, is not even the capital of Nevada, yet in a very real sense, it has become one of the nation's cultural capitals. More than a million people live in Vegas and its suburbs, and another 35 million Americans visit every year. If Washington is the political capital, New York the business and media capital, and Los Angeles the capital of entertainment, Las Vegas has become the capital of that scattered sector of the United States that does not gravitate to, or have much respect for, any of the other capitals. And those cities reciprocate the indifference and disrespect.

The Americans populating the Las Vegas Strip, if only for a few days, are almost unknown to New Yorkers, Washingtonians, or Angelenos. They are the sort of people whose weekend revolves around the Friday high-school football game; the men are devoted to broadcasts of NASCAR races and pro wrestling, the women to Dr. Laura. They were saddened by the death of Dale Earnhardt, a man whom few residents of the other capitals had heard of. They wear shades of green found nowhere in nature woven into patterns found nowhere in nature made of material found nowhere in nature; while black may be the uniform in the other capitals, in Las Vegas it's still exclusively the color of mourning.

What's most immediately striking about Vegas visitors is the unassailable proof they provide of the warnings we've heard for years about the growing obesity of Americans—

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which you do not really believe is happening when your frame of reference is K Street or Melrose Avenue or Broadway, where the women are sylph-like, the men wiry, and both have visible muscle tone. If the *salade niçoise* is the signature dish of the other capitals, the endless buffets loaded with high-carb, high-fat, heavy foodstuffs offered at low prices in all Vegas hotels comprise a joyous cornucopia for these 21st-century lotus eaters.

And they love Danny Gans, who is by contemporary standards a most peculiar performer. He is wildly popular and successful, doing something like 100 superb impressions in 90 minutes, many of them in song (the most impressive on the night I saw him were of singers Sarah Vaughan and Anita Baker). He has a $100 million contract with the super luxurious Mirage, whose owners built an eponymous theater for him there. And yet Gans will probably never get an HBO special or a one-man show on Broadway, despite his undeniable talent, because his act doesn't have any kind of edge.

If anything, Gans is anti-edge. There isn't even the faintest whiff of ironic distance or satire in his show. He reproduces word for word Al Pacino's concluding monologue in *Scent of a Woman* and stitches together passages of Tom Hanks's narration of *Forrest Gump*, attempting only to evoke the experience his audience members originally had at these tearjerkers. Gans performs an imaginary duet in heaven between James Stewart and Kermit the Frog that leaves many of the audience members in tears.

Gans really is the representative performer for the teeming hordes visiting Las Vegas. They appreciate his respectful treatment of entertainers and movies they adore, and find the lack of irony in his act refreshing—while the pooh-bahs in the other capitals would consider him drippy and anachronistic.

The difference is indicative of the yawning cultural gap that has developed in the United States in the past 35 years. It has become a contemporary cliché to say that America has become two nations—black and white (according to the 1968 Kerner Commission report) or rich and poor (Arianna Huffington and Peter Edelman). More recently, Washington has been afire with talk about the map we all watched change colors on Election Night. Al Gore's states, all (with the exception of New Mexico) on the West Coast, in the Northeast and the industrial Midwest, were colored blue. George W. Bush's South and Southwest and Plains states were all in red. The breakdown of all 3,309 counties in the United States made the point even clearer, with Bush winning the more rural areas in landslide numbers while Gore was comparably dominant in the cities and large suburbs.

The other American capitals were all Gore Blue. Las Vegas was Bush Red. And what Gans's act suggests is that the real division in the United States is not ideological or racial, but rather what might be called "an affect gap." Those of us who live in Gore Blue cannot dispense with our filter of distance. We see the absurdity in everything, and we struggle to believe. This is, at least in part, the result of the existential crisis that has beset American liberalism since the failure of its utopian promise to eradicate poverty and racial disharmony through government action.

That failure has left the residents of Gore Blue in a state of perpetual cynicism. They reject the conservative worldview but have no confidence in the restorative powers of their own belief system. Al Gore really was the appropriate representative of this mood in the year 2000, with the mocking sighs and eye-rolling contempt in which he indulged during the debates on the one hand—and his search for meaning in metaphor, in millenarian environmentalism, and in the psychoanalyst Alice Miller's blame-your-parents tome, *The Drama of the Gifted Child*.

Bush is seemingly a simpler man

than Gore, and Bush Red is a simpler place than Gore Blue. Its citizens love their country and its institutions without finding it necessary to enter the kinds of objections routinely offered in Gore Blue—about the nation's history of racism, its treatment of native Americans, the difficulties of suburban sprawl, the discontents of unbridled capitalism. They cry for Earnhardt, root for their teams lustily, eat fatty foods because they taste good, and wear nylon because it feels more comfortable on their overstretched skin. They do not like it when the institutions they respect, like the presidency under Bill Clinton, are brought low.

They are no better than the people of Gore Blue—they break as many of the Ten Commandments, even though they want to post the Ten Commandments on schoolroom walls—but they do not struggle with their core beliefs.

Those of us in the Gore cities do. Indeed, we make a fetish out of that struggle, believing that our confusion is actually a mark of sympathetic engagement with the complications of American life. That confusion makes it possible to, say, support a president who commits perjury in a videotaped deposition, because the perjury is seen as part of a complex sexual and marital dynamic—and because it can be understood in this way, it is therefore excusable.

It may seem, well, ironic that the capital of unironic America should be a mecca for gambling, but it isn't, really. Gambling is as basic a pleasure as the indulgence that leads to obesity. What could be simpler than the quick fix of fast food or the hope for an easy score? Both can cause worlds of trouble for those who grow addicted. But the simple pleasure taken by Danny Gans's audience in his anodyne entertainment is just as real a pleasure as the delighted relish taken by the residents of Gore Blue in their supposed intellectual superiority to the current occupant of the Oval Office. ♦

One Cheer for Paycheck Protection

It won't stop unions from political mischief.

BY JEFF JACOBY & MICHELLE MALKIN

BECK IS BACK, and so is talk of "paycheck protection." On February 17, President Bush signed an executive order that will draw attention to the U.S. Supreme Court's decision in *Communication Workers of America* v. *Beck*. That 1988 case held that employees who choose not to join a union but are forced nonetheless to pay dues as a condition of employment have a right to withhold the portion of their payment used for anything unrelated to collective bargaining—most notably, Democratic politics.

Bush's order—one of four dealing with workplace issues that were signed on the same day—doesn't actually put teeth in the *Beck* ruling. It merely requires federal contractors to post signs notifying employees of their rights. But that was enough for AFL-CIO head John Sweeney to blast Bush's action as "mean-spirited" and "anti-worker" and to accuse the president of indulging in "pure retribution" for union support of Democratic candidates in the last elections.

Sweeney knows something about retribution. In the 13 years since the high court's ruling, unions have intimidated and harassed workers asserting their *Beck* rights, often saddling them with huge legal bills. The posting of workplace notices will not, by itself, protect workers who are brave enough to buck the union. But at least it will help publicize a fact that employees in union shops often don't know: No employee can legally be forced to join a union and pay full dues as a condition of employment, and no non-member can be forced to subsidize a union's political or ideological activities. Bush deserves credit for taking his first small step toward protecting voters' paychecks from the grasp of union bosses.

To prove that he is as good as his word, however, the president will need to go considerably farther. During the campaign, Bush repeatedly called for a federal paycheck-protection law that would prohibit labor unions from spending any part of a member's dues on political activities unless the member first consents in writing. He promised to veto any campaign-finance bill—such as the one co-authored by his primary opponent, senator John McCain—unless it were rewritten to include such a provision.

On its face, paycheck protection would seem to strengthen dramatically the rights of political minorities in unionized workplaces. Unlike *Beck*, which empowers only employees who are not members of the union, paycheck protection would apply to everyone who pays dues. And while *Beck* makes the dissenting employee go through an elaborate ordeal in order to get his union fees reduced, paycheck protection would put the burden on the union, by requiring it to get written authorization before spending an employee's money on politics.

Several states have enacted paycheck-protection laws of their own. Under a bill just passed by the Utah legislature, unions would no longer be allowed to pay for political activities with union dues. Instead, they would have to create a separate segregated

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political fund, to which members could donate via payroll deductions. But in asking members to support the fund, the union would be obliged to disclose "in clear and unambiguous language . . . that contributions are voluntary." Public-sector unions would be barred outright from using payroll deductions for political purposes. (Unionized government workers wishing to donate to a union's political fund would, of course, be free to write a check.) Governor Mike Leavitt is expected to sign the bill into law.

The case for paycheck protection is easily stated: No union should be allowed to spend an employee's earnings to promote political causes that the employee may well oppose. In the last election cycle, unions funneled an estimated $800 million into campaign activities ranging from phone banks and literature drops to soft-money contributions and attack ads. Virtually every cent of that $800 million came out of employees' pockets—and virtually every cent went to the aid of Democrats and Democratic priorities. Considering that 40 percent of union members vote Republican, that is a strikingly unfair arrangement.

Paycheck protection is grounded in the proposition that Thomas Jefferson articulated in 1779: "To compel a man to furnish contributions of money for the propagation of opinions which he disbelieves and abhors is sinful and tyrannical."

Alas, paycheck-protection laws are no panacea.

Experiences in Washington state and California show that laws intended to stop unions from spending forced dues on politics have been vastly oversold. They have done little to reduce massive union expenditures of mandatory dues on left-wing lobbying, Democratic party-building, and soft-money "issues" ads designed to hurt Republicans. Worst of all, they do nothing to curb the power of unions to extract dues from dissenting members in the first place.

• *Washington.* In 1992, voters approved Initiative 134, the nation's first campaign-reform measure forbidding unions from automatically deducting money from members in order to fund political action committees. The measure also specified that paycheck deductions for political purposes had to be renewed annually with an employee's written authorization.

Conservative strategists routinely cite the dramatic impact that I-134 had on the teachers' union in the Evergreen State. Before paycheck protection was enacted, the Washington Education Association had been billing 48,000 members $1 per month to support the union PAC. After I-134 became law, however, the number of donors plummeted to just 8,000. Remarkable, no?

Well, actually—no. There was indeed a precipitous drop in the number of public school employees who were willing to contribute to the WEA's PAC once they had the option of refusing. But the rest of the story demonstrates the limits of paycheck protection. Tell a union it may not spend workers' money on political activity without written permission and you merely invite it to recast those activities as nonpolitical. The WEA rechristened its political action committee a "Community Outreach Program" and—poof!—its I-134 problem was gone. Between 1994 and 1996, the new program, which, like the former PAC, was funded through a mandatory $1 payroll deduction, raked in more than $1.2 million.

This diversionary tactic was eventually declared illegal, but only after a costly legal battle by a group of courageous teachers willing to face down their union. The union admitted laundering at least $319,000 of "outreach" money into political operations. In a toothless settlement, Washington state attorney general Christine Gregoire required the WEA to pay $430,000 in fines, court costs, and a one-time rebate to members. Incredibly, the settlement allowed the union to keep spending money on politics as long as its "primary" purpose was not political.

• *California.* Despite the emascula-

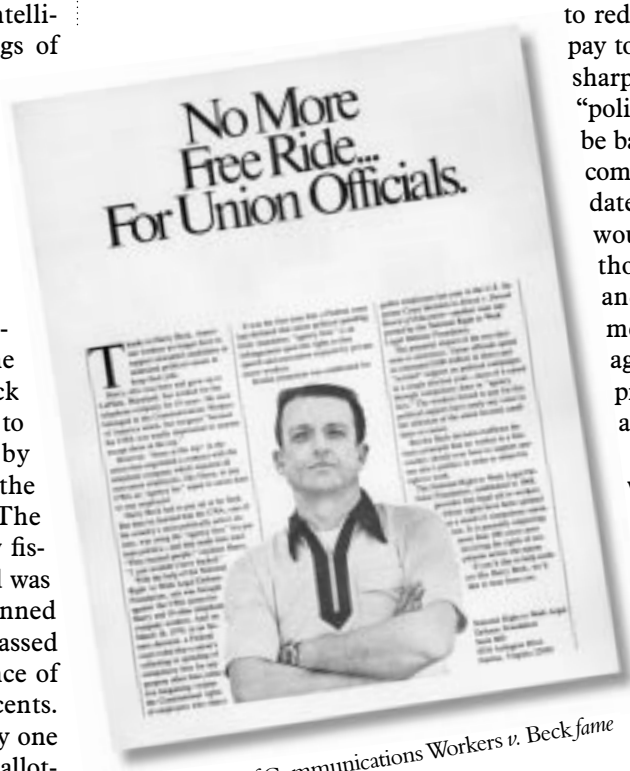
tion of I-134 in Washington state, paycheck protection advocates in California pushed a similar ballot measure in 1998. On Election Day, a savage media campaign spearheaded by the California Teachers Association paid off: Fifty-three percent of the voters rejected Proposition 226. But even if the measure had won, little would have changed. As in Washington state, the unions would have found a loophole and continued their political operations as usual.

Proof emerged a few weeks after the election when researcher Mike Antonucci, whose Education Intelligence Agency covers the doings of teachers unions nationwide, dug up the 1998-99 budget of the California Teachers Association. Or rather, the *two* '98-'99 budgets—the union had prepared one with the designation "226 wins" and a second marked "226 loses."

The CTA had attacked Proposition 226 ferociously during the campaign, describing paycheck protection as "the biggest threat to teachers and public education by far." But behind the scenes, the union was far more sanguine. The amount it budgeted for the new fiscal year if Proposition 226 failed was $97,394,400. The amount it planned to spend if Proposition 226 passed was . . . $97,394,400: a difference of exactly zero dollars and zero cents. The two budgets differed in only one respect: The "226 fails" version allotted $7.1 million to the union's Initiative Fund and political action committee. The "226 passes" budget shifted that $7.1 million into a new line item, the "Public Policy Center."

Taking a cue from their union brethren in Washington, the CTA was planning to simply redefine its political activities as non-political "outreach." The Public Policy Center's purpose would have been to "engage in the development of public policies"—i.e., politics—and to conduct "organizational outreach to other interested groups with common goals and objectives to obtain visibility and coordinated advocacy." Instead of giving money directly to left-wing candidates and campaigns, that is, the CTA would have channelled its members' money to other liberal groups so that they could make the political contributions.

In short, Proposition 226 wouldn't have changed a thing. And neither, we fear, would most paycheck-protection schemes—including the new measure in Utah. If history is any guide, Utahans will discover, eight or nine months down the road, that union dues are still being siphoned off to fund Big Labor's favorite political causes—paycheck protection notwithstanding.


No More Free Ride... For Union Officials.

Harry Beck, of Communications Workers *v.* Beck *fame*

Paycheck-protection schemes are well-intentioned but, like *Beck*, do nothing to address the fundamental injustice of the union shop—the fact that federal law allows unions to coerce dues out of nonmembers or unwilling members in the first place. With hundreds of millions of dollars and vast amounts of political clout at stake, unions will always be able to find a way to divert workers' money into politics.

To meet President Bush's demand that paycheck protection be included in any campaign-finance bill sent to him, the McCain-Feingold proposal now includes language purporting to enforce the *Beck* rule. (Identical language appears in the House bill sponsored by representatives Chris Shays and Martin Meehan.) But according to labor law experts who have analyzed it, the new language actually undermines *Beck*. For one thing, it would vest the sole power to enforce *Beck* rights in the National Labor Relations Board, which has a long record of hostility to workers trying to reduce the fees they are forced to pay to unions. For another, it would sharply restrict the meaning of "political activities." Unions would be barred from using nonmembers' compulsory dues to support candidates in an election, but they would be perfectly free to use those dues to lobby for judicial and executive branch appointments, to campaign for and against ballot measures, and to proselytize on a host of political and ideological issues.

In short, more regulation will simply make things worse—which is what usually happens with campaign finance "reforms."

Real paycheck protection is not about permission slips and the definition of "political." It's about ending compulsory unionism and preventing labor bosses from raiding workers' paychecks in the first place. Employees who wish to join unions should always be free to do so, but no one should have to tithe to a union—or any other organization—as a condition of keeping his job. President Bush ought to follow up his modest executive order with something much more substantial: a serious push for a national right-to-work law, making union membership voluntary. At the end of the day, that is the only way to guarantee that no employee will ever have to subsidize union politics against his will. Until such a guarantee is the law of the land, Americans' paychecks will remain unprotected. ♦

The Politics of Stem Cells

The good news you never hear.

BY WESLEY J. SMITH

STEM CELLS are undifferentiated "master cells" in the body that can develop into differentiated tissues, such as bone, muscle, nerve, or skin. Stem cell research may lead to exponential improvements in the treatment of many terminal and debilitating conditions, from cancer to Parkinson's to Alzheimer's to diabetes to heart disease. Indeed, breakthroughs in stem cell research reported just in the last six months take one's breath away:

• Italian scientists have generated muscle tissue using rat stem cells, a discovery that may have significant implications for organ transplant therapy.

• University of South Florida researchers report that rats genetically engineered to have strokes were injected with rat stem cells that "integrated seamlessly into the surrounding brain tissue, maturing into the type of cell appropriate for that area of the brain." The potential for stem cell treatments to alleviate stroke symptoms such as slurred speech and dizziness—therapy that would not require surgery—has the potential to dramatically improve the treatment of many neurological diseases.

• The group of scientists who achieved worldwide fame for cloning Dolly the sheep have successfully created heart tissue using cow stem cells. The experiment demonstrated that stem cells could be transformed into differentiated bodily tissues, offering great impetus to further research.

• Scientists at Enzo Biochem, Inc., inserted anti-HIV genes into human stem cells. The stem cells survived, grew, and developed into a type of white blood cell that is affected adversely by HIV infection. In the laboratory, these treated cells blocked HIV growth. The next step is human trials, in which stem cell therapy will be attempted using bone marrow transplantation techniques currently effective in the treatment of some cancers.

What will surprise many people is that *none* of these remarkable achievements relied on the use of stem cells from embryos or the products of abortion. Indeed, all of these experiments involved *adult stem cells* or undifferentiated stem cells obtained from other non-embryo sources. The rat muscle tissue in the first example was generated using adult rat brain cells. The brain tissue generated in the Florida research was obtained using human stem cells found in umbilical cord blood—material usually discarded after birth and a potentially inexhaustible source of stem cells, since 4 million babies are born in the United States alone each year. Dolly's creators obtained cow heart tissue by reprogramming adult cow skin tissue back into its primordial stem cell state and thence to cardiac cells. The exciting HIV experiments were conducted using stem cells found in the patients' own bone marrow, spleen, or blood.

The opportunities for developing successful therapies from stem cells that do not require the destruction of human embryos should be very big news. But where are the headlines? These and other successful experi-

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ments have been all but drowned out by breathless stories extolling the miraculous potential of embryonic stem cell research. How many readers are aware, for example, that French doctors recently transformed a heart patient's own thigh muscle into contracting muscle cells? When these cells were injected into the patient's damaged heart, they thrived and, in association with bypass surgery, substantially improved the patient's heartbeat. Such research is now on the fast track, offering great hope for cardiac patients everywhere.

With all of the hype surrounding embryo research, it is important to note that embryo stem cell research—and its first cousin, fetal tissue experiments—may not actually produce the therapeutic benefits its supporters have told us to anticipate. Such worries are not mere speculation. The March 8, 2001, *New England Journal of Medicine* reported tragic side effects from an experiment involving the insertion of fetal brain cells into the brains of Parkinson's disease patients. The patients thus treated showed modest if any overall benefits by comparison with a control group who underwent "sham surgeries" without receiving fetal tissue. But over time, some 15 percent of the patients who had received the transplants experienced dramatic over-production of a chemical in the brain that controls movement. The results, in the words of one disheartened researcher, were "utterly devastating," with the unfortunate patients exhibiting permanent uncontrollable movements: writhing, twisting, head-jerking, arm flailing, and constant chewing. One man was so badly affected he no longer can eat, requiring the insertion of a feeding tube.

While some studies using stem cells culled from embryos to treat Parkinson's type symptoms in mice have been encouraging, grafts of fetal and embryonic tissue may provoke the body's immune response, leading to rejection of the tissue and potentially death, since once the cells are injected they cannot be extracted. Even more alarming, a May 1996 *Neurology* article disclosed a patient's death caused by an experiment in China in which fetal nerve cells and embryo cells were transplanted into a human Parkinson's patient. After briefly improving, the patient died unexpectedly. His autopsy showed that the tissue graft had failed to generate new nerve cells to treat his disease as had been hoped. Worse, the man's death was caused by the unexpected growth of bone, skin, and hair in his brain, material the authors theorized resulted from the transformation of undifferentiated stem cells into non-neural, and therefore deadly, tissues.

Even some of the most enthusiastic boosters of embryo stem cell research see trouble ahead. For example, University of Pennsylvania bioethicist

Glenn McGee admitted to *Technology Review*, a Massachusetts Institute of Technology publication, "The emerging truth in the lab is that pluripotent stem cells are hard to rein in. The potential that they would explode into a cancerous mass after a stem cell transplant might turn out to be the Pandora's box of stem cell research." Thus, it could be that adult tissue-specific stem cells are actually safer than their counterparts culled from embryos since, being extracted from mature cells, they may not exhibit the propensity for uncontrolled differentiation.

These concerns arise just as the long-time ban on using federal funds for research that destroys human embryos is under renewed scrutiny. That longstanding ban was effectively reinterpreted out of existence in the waning months of the Clinton administration, and the National Institutes of Health are currently accepting grant proposals for research using embryos originally created for in vitro fertilization but now deemed "in excess of clinical need." The new administration is taking a long, hard look at the policy; during the campaign, George W. Bush declared his opposition to research that involved destroying human embryos.

All of this raises intriguing questions: Why is federal funding for embryo and fetal research pushed so hard and so publicly—while adult stem cell and other alternative therapies are damned with faint praise? Why do the media applaud fetal stem cell experiments and provide klieglight coverage of stories promoting the use of embryos, while they mention uncontroversial research not requiring the destruction of human life as an afterthought, if that? Indeed, why do some scientists assert that alternative stem cell research offers but uncertain hope, while they promote embryo and fetal tissue research as the keys to the Promised Land?

I suggest three answers: celebrities, abortion, and eugenics.

In a society that has often denigrated its true heroes, the only people who now stand head above the clouds are figures from the world of entertainment. Increasingly, these celebrities are using their power to promote public policies. They know that their participation can define issues and shape the debate by attracting media coverage, generating fan support, and, most important, stimulating a Pavlovian response in politicians.

Three high-powered celebrities have weighed in recently in the stem cell controversy, each promoting full federal funding of embryo research: the popular Michael J. Fox, stricken at a tragically young age with Parkinson's disease; the television icon Mary Tyler Moore, a diabetes patient; and actor Christopher Reeve, paralyzed from the neck down in an equestrian accident. With such kiloton star power favoring federal funding of embryo research, promoters of research relying on adult stem cells and other alternative sources, along with those opposed to the destruction of embryos on ethical grounds, have been reduced to background noise or, worse, made to look heart-

less by denying these celebrities medical breakthroughs they need.

At a deeper level, just as in the nineteenth century many national issues led back to slavery, today numerous public policy disputes lead ultimately to abortion. The controversy over destroying human embryos to obtain their stem cells has brought an outcry from the pro-life movement, which views human life as sacred from the moment of conception. This has led to reflexive support for embryo research by many pro-choicers, who have seized on the issue as a way to further their depiction of pro-life forces as caring little about people once they are born. Thus the embryo stem cell debate offers abortion rights advocates a "two-fer": It furthers their primary political goal of isolating and marginalizing pro-lifers, and it enables them to seize the PR high ground by "compassionately" pressing for research that offers hope against debilitating diseases. To acknowledge the tremendous potential of adult stem cell research would interfere with this political pincer movement.

Finally, in my view, the ultimate purpose of promoting federal funding for embryo experiments over adult stem cell research—particularly among many in the bioethics movement—is to open the door to the eugenic manipulation of the human genome. Once embryos can be exploited for their stem cells to promote human welfare, what is to stop scientists from manipulating embryos to control and direct human evolution—equally for the purpose of improving the human future?

Indeed, some of those who signed a recent open letter to President Bush urging an end to the ban on federal funding for human embryo research were scientists and bioethicists well known as favoring eugenics. For example, James D. Watson, a co-discoverer of the DNA helix, has written that newborns should not be considered "alive" for three days, to permit genetic screening. Newborns who fail to pass genetic muster should be discarded—much as the ancient Romans left unwanted babies outdoors to die of exposure. Another co-author of this letter, Michael West, head of the for-profit research company Advanced Cell Technology, proposes permitting human cloning as a way to obtain genetically matched stem cells for transplants, which might overcome the problem of tissue rejection in embryo stem cell therapy. Not coincidentally, many neo-eugenicists in the bioethics and science communities view cloning as a prime vehicle for directing the eugenic manipulation of human evolution.

All of this will come to a head in the coming weeks and months. Some recent news stories indicate that Health and Human Services secretary Tommy Thompson may be troubled by a federal ban on embryo stem cell research and thus inclined to retain the Clinton administration's funding policy. But why go down that controversial path, when adult stem cells and alternative sources offer such tremendous hope for treating every malady that research using embryos and fetal tissue seeks to ameliorate? Instead of turning this important field of medical research into another battlefield in America's never-ending culture war (the first lawsuit has already been filed to prevent federal funding), why not focus our public resources with laser-like intensity on the incredible potential of adult and alternative sources of stem cells? ♦

Shut Up, They Explained

McCain-Feingold approaches the finish line.

BY DAVID TELL

THIS WEEK AND NEXT, the U.S. Senate will consider amendments to a piece of omnibus campaign finance reform legislation—and then approve or reject the result by a majority vote. Nothing like this has happened for years. One or another iteration of the bill in question has haunted each of the past several sessions of Congress, to be sure. But it has never survived a real or threatened Senate filibuster. This time there will be no filibuster, the politics of the thing having been altered by last November's election. So perfervid advocates of the Bipartisan Campaign Reform Act of 2001—otherwise known as "McCain-Feingold"—are wagging their tails and woofing with special enthusiasm. The Senate now has before it, according to the *New York Times*, the "best chance in a generation to clean up American politics."

Were it actually the case that prospects for passage of McCain-Feingold in its current form had so dramatically improved, anyone fond of the Constitution would have reason to be unhappy. But it has become clear in the past few weeks that Democratic support for what mugwumps at the *Times* and elsewhere consider McCain-Feingold's central and vital provision—an absolute ban on high-dollar "soft money" contributions to political parties—has atrophied. And never really existed.

The substantive pretext for a soft-money prohibition has always been deeply flawed. To pay for an expensive campaign of nationwide image advertising, the 1996 Clinton-Gore reelection effort organized an unprecedented harvest of soft-money contributions to the Democratic National

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Committee. Eventually publicized, the scheme became infamous for its abuses, responsibility for which the Democratic party was thereafter eager to evade. The problem, they told us over and over, was bipartisan: "the system." And McCain-Feingold was the reform that would make it go away. Except that all the misdeeds charged to Clinton and Gore in 1996 were illegal under *existing* law. And it was the irrationality of a *previous* "reform"—the suffocating donation and expenditure limits imposed on publicly financed presidential campaigns—that inspired those misdeeds in the first place. Soft money per se had nothing to do with it.

No matter. For the cover the proposal provided, and for the appeal it made to an ancient American prejudice against other people's money, Democrats were content to pretend support for, and demand an up-or-down Senate vote on, the McCain-Feingold soft-money prohibition. So long as they could be certain that no such vote would ever come.

Well, now it has. Which has finally focused Democratic attention on what has always been true: that the abolition of unregulated political contributions would work greatly to the Republican party's advantage. Democratic campaign committees have traditionally trailed in small-dollar, "hard money" fund-raising. Today they trail so badly, in fact, that enactment of a soft-money ban could well cripple them at the polls. "If we lose these big contributions," one leading Democratic strategist has recently conceded, "we can forget our hopes of a comeback in 2002." Should McCain-Feingold become law, another admits, there'll be "absolutely no way we can compete." Not bothering to pretend that he was motivated by anything but partisan self-interest, Louisiana's John Breaux last week became the first Democratic senator to withdraw his support from the legislation. Many of his party colleagues would clearly rush to do the same if they could identify some slightly less cynical excuse.

Here's one: The Democratic and Republican parties exist to do more than elect members of the House and Senate. They are national organizations with major responsibilities, financial and otherwise, to state and local affiliates that act on behalf of candidates for literally thousands of non-federal offices—in campaigns conducted according to non-federal laws, most of which still permit direct party contributions by businesses and unions. The McCain-Feingold soft-money ban would criminalize those contributions by requiring that virtually all state-party expenditures, during any election in which even a single candidate for federal office appears on the ballot, be made with money raised in strictly limited increments, and only from individual donors. By unilaterally federalizing all American electioneering practices, in other words, the McCain-Feingold bill would violate our Constitution's Tenth Amendment.

Even so stalwart a Democratic interest group as the AFL-CIO has lately adopted some form of this argument. Since it happens to be true, it would be nice to hear it echoed more broadly.

As it would be nice to hear more widespread warnings about a still more pernicious feature of the McCain-Feingold bill as presently constituted: its harsh assault on independent political activity by business, union, and non-profit issue groups. Some sympathy is certainly due to congressmen and senators who find themselves, late in a reelection campaign, subjected to a televised barrage of soft-money-funded criticism from such groups. Constrained by hard-money rules, most incumbents are never able to respond at equal volume. Nevertheless, this problem, real as it is, cannot possibly justify the elaborate and draconian restrictions McCain-Feingold seeks to impose on private citizens who might so dare to criticize their elected officials: rules about whom the critics are allowed to consult or hire before they open their mouths in public, for example, and other rules about what they can say, and with whose money, when they do.

An unbroken, quarter-century-long line of Supreme Court jurisprudence makes clear: Under the First Amendment, all this stuff is unconstitutional. Unfortunately, however, unlike McCain-Feingold's soft-money ban, its restrictions on political speech appear to enjoy *growing* support—in both parties. Would that it were not so.

And would that it were easier to predict the ultimate character of the campaign finance bill the Senate will vote on at the end of next week. A blizzard of amendments will be offered to the McCain-Feingold legislation in the meantime. Most notably, Republican senator Chuck Hagel of Nebraska will propose a full-scale substitute measure that would preserve the prerogatives of state election law by capping but not banning federal soft-money fund-raising—while reducing the relative influence of soft money by raising existing limits on hard-money contributions. The *New York Times* bays that Hagel would thereby "institutionalize corruption." But no one in the Senate privately believes such full-mooner hysteria, and if they felt free to vote their sincerest preferences, the vast majority of senators in both parties would doubtless sign on to the Hagel amendment in a flash.

They may not feel free to vote their preferences, however. Everything will be up in the air these next two weeks, every proposed amendment will affect the prospects for every other, and there's no telling how it will all come out. Just as there's no telling how the House of Representatives might eventually handle similar legislation. The entire exercise may well collapse of its own weight. Or—wonders never cease—some modest though valuable piece of genuine campaign finance reform might emerge from Congress.

Or—prepare for the worst—the *Times* may get its way and Congress may decide to give the Constitution the back of its hand. In which case one hopes that President Bush, who has largely kept his powder dry on the subject, will prove willing, as his father was, to expend what political capital might be necessary to sustain a principled veto. ♦

The Joy of Debt

The last thing we should want is a U.S. Treasury flush with cash.

By James K. Glassman

Last Wednesday, investors, panicky over banking troubles in Japan, drove the Dow Jones Industrial Average down 300 points in the first few minutes of trading. Bloomberg Business News reported a worldwide "flight to quality"—from stocks into U.S. Treasury securities. But imagine if there were no such securities to buy. That's not such a farfetched notion. According to the latest estimates by budget experts, in five years, the market for Treasuries—the safest, most liquid, most popular investment in the world—will disappear.

Squirreled away on page xvi of the latest report of the Congressional Budget Office there's a very tiny but very scary graph. It shows a flat horizontal line at zero from the years 2000 to 2006, then a sudden soaring trajectory, like a cruise missile, blasting off at a 45-degree angle, then arching ever more vertically. By 2011, the graph shows the line exceeding $3 trillion, which is the equivalent of about $30,000 for every family in America.

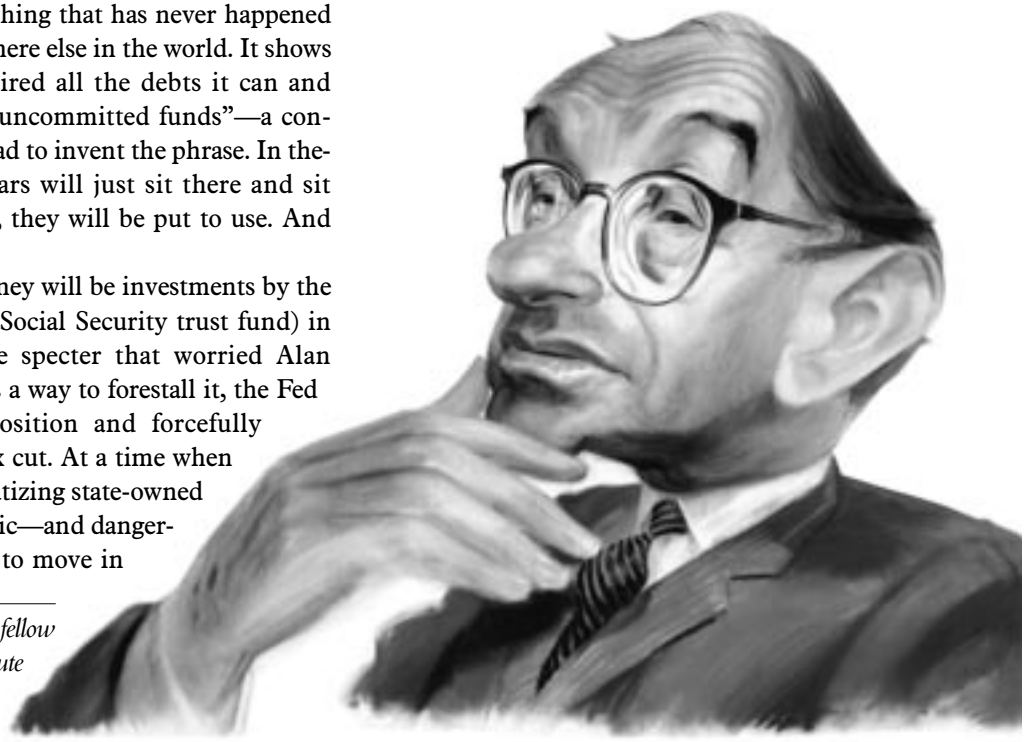
The graph depicts something that has never happened before, in America or anywhere else in the world. It shows a government that has retired all the debts it can and begun accumulating vast "uncommitted funds"—a concept so new that the CBO had to invent the phrase. In theory, these surplus tax dollars will just sit there and sit there. In practice, however, they will be put to use. And that's the scary part.

One likely use of the money will be investments by the government (probably the Social Security trust fund) in private assets. This is the specter that worried Alan Greenspan so much that, as a way to forestall it, the Fed chairman switched his position and forcefully backed President Bush's tax cut. At a time when the rest of the world is privatizing state-owned companies, it would be ironic—and dangerous—for the United States to move in the opposite direction, with government ownership of shares or bonds issued by U.S. companies and (inevitably with such ownership) government control of those companies.

Greenspan told a congressional committee in January that "it would be exceptionally difficult to insulate the government's investment decisions from political pressures." The result, he fears, would be "sub-optimal performance by our capital markets, diminished economic efficiency, and lower overall standards of living."

When the Clinton administration two years ago first proposed investing tax dollars in the stock market, the Senate unanimously passed a resolution opposing the idea. Certainly, government investing in private assets is a dramatic policy shift which, at the very least, needs to be debated publicly. We shouldn't blunder into it.

Another use of the money might be in new government programs—or an expansion of old ones. One salutary effect of the deficit was to prevent big new spending ideas from being funded. Was that so bad? During a decade of



John Kascht

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restraint, the unemployment rate dropped sharply, poverty and crime decreased, and the U.S. economy grew for the longest period in history. But already, the surplus has inspired both Democrats and Republicans to start spending again—at growth rates not seen since the 1970s.

A tax cut could prevent both of those consequences, but a cut of the size offered by President Bush—a total of just $1.6 trillion, phased in slowly, during a period when the federal government will be collecting about $25 trillion in taxes—is unlikely to be large enough or quick enough to prevent the scary graph from becoming reality.

The truth is that Washington is rolling in dough. There is so much cash flowing into the Treasury from tax revenues that every working day, on average, the federal government pays off another $1 billion in loans that it has made over the past three decades. The loans are in the form of U.S. Treasury debt securities—bonds, notes, and bills. In the past, when those securities matured, the Treasury (since it didn't have the money) would simply roll them over—that is, pay off the old bondholders and issue new debt, typically in a higher amount.

No more. In fact, in its latest report, the CBO estimates that "surpluses [will] exceed the amount of debt available for redemption in 2006." In other words, in five years, all the loans from the public that the government can repay will be repaid. And the money will keep flowing in; hence, the scary chart.

Even Greenspan seems to have been surprised that, at this rate, the Treasury won't have any retirable debt five years from now. Currently, the public holds about $3 trillion in loans to the federal government. But some of that debt is in the form of non-marketable securities, like savings bonds. Another $523 billion does not mature until after 2011. The Treasury has been offering financial enticements for investors to turn in those bonds, but the CBO—as well as the White House's Office of Management and Budget—estimates that very few of them will accept the deal. Why should they? As more bonds are retired, the remaining bonds become more scarce and thus more valuable. Greenspan, in his testimony before the House Budget Committee on March 2, said that investors who hold Treasuries do so because "they perceive them to be an extraordinarily valuable, risk-free, dollar-denominated . . . asset." They're right, and they aren't likely to part with such cherished objects. As a result, the CBO estimates that excess cash will start rolling into the Treasury, with nowhere to go, in 2006. And the OMB, for its part, sees those "uncommitted funds" starting to appear in 2004.

These are estimates, of course, and they may well be wrong. But it's important to remember that, in each of the past five years, congressional, presidential, and private prognosticators proved to be far too *pessimistic* about revenues. The key figure that determines future surpluses is the annual rate of growth of Gross Domestic Product (GDP), the sum of all the nation's output of goods and services. The CBO projects 3.0 percent, on average, for the next decade; President Clinton's OMB projected 3.1 percent; the consensus of private Blue Chip economists is 3.3 percent.

Whatever the projections, already the market for U.S. government securities "is fast disappearing," says Francis X. Cavanaugh, who, as a federal official, managed the federal debt at the Treasury Department. The Treasury has discontinued regular auctions of 52-week bills and 3-year, 4-year, and 7-year notes. "It is expected to eliminate the 30-year bond as well," he says. "That leaves only the 13-week and 26-week bills and the 5-year and 10-year notes." But the 10-year is slated for extinction next year.

This is an unprecedented condition in government finance, and, while it sounds perfectly wonderful, it's not. Paying off the debt has many negative consequences in addition to government ownership of corporate stocks. As Alexander Hamilton, the first treasury secretary, said, "The national debt, if it is not excessive, can be a national blessing."

One big problem is that Treasury debt provides investors—and the world financial system—with stability and consistency, nice things to have in a time of volatile markets. Treasuries are used by small investors, charities, and other institutions that want a secure flow of income and by financial institutions fashioning derivatives and other instruments that spread risk and modulate it. Too bad for them; they'll have to go elsewhere after 2006—but, of course, there is no elsewhere; there's nothing that comes close to the security of a Treasury security.

Another problem is that Treasuries are popular with foreign investors and governments. They are one of the major reasons that the U.S. dollar is the world's reserve currency—a status that keeps the dollar strong and interest rates low. (It also means a multi-billion-dollar windfall in "seigniorage," as foreigners give us interest-free loans of their currency in order to hold ours.)

A third difficulty is already starting to show up. As the Treasury starts eliminating certain securities, the value of the remaining securities rises—which, in bond terms, means that their interest rates fall. As a result, distortions in rates along the Treasury yield curve have blossomed. For example, interest rates have plummeted on the 30-year bond, which will soon become history.

So what? Treasury securities are benchmarks for other kinds of lending. Many adjustable mortgages, for exam-

ple, are linked to the one-year T-bill. Or consider student loans. Sallie Mae, a private company, provides the cash for $50 billion worth of those loans. But a law passed in 1993 sets a formula for student borrowers based on the 10-year Treasury note. As those notes become scarce (and, indeed, disappear), Treasury rates become irrelevant and the loan rate becomes detached from any market reality, threatening, says a Sallie Mae official, "to undermine the guaranteed student loan program . . . that serves 80 percent of America's schools and its students." (The law was modified temporarily in 1998 but that fix will soon expire.)

Without Treasuries, the Fed will have a tough time conducting its "open-market" operations, the practice of buying and selling bonds that keeps interest rates where the central bank wants them. And, finally, shutting down the Treasury market will make opening it again more difficult. Since CBO and most sober prognosticators believe the budget will go back into deficit in a few decades, a reopening looks inevitable.

If these unintended consequences don't look so terrible, then compare them to the benefits of paying down the debt. There really aren't any. "Contrary to widespread claims, there is no theoretical or empirical support for the enduring notion that either lower budget deficits or surpluses that lead to government debt reduction are beneficial to the economy," writes my colleague at the American Enterprise Institute, the economist John Makin.

In fact, Makin calls paying down the debt a "preposterous idea." He points out, for example, that during the Reagan years, while deficits rose, Gross Domestic Product grew a full percentage point faster than the post-1959 average. Clinton alumni have been peddling the story that by raising tax rates and reducing spending, their administration trimmed and then eliminated the deficit. Since government borrowing declined, general interest rates fell, and consumers and businesses benefited. In fact, federal borrowing is only a tiny proportion of total worldwide (or even U.S.) debt. Reducing its growth is not necessarily a bad thing but it has little effect on the total supply of debt. That supply rose sharply throughout the Clinton years—and, why not, since the economy grew, too?

Of course, debt can get out of hand—but we are far from that stage. Even at current levels, debt owed to the public represents less than one-third of GDP, or about half the level of other developed countries. The analogy is a family making $100,000 a year with total debt, including home mortgage, of $30,000. That's hardly excessive. If no policy changes are made, then by 2006, the proportion of public debt to GDP will drop below 10 percent.

But haven't conservatives been squawking for years about deficits and the national debt being out of control? Yes, and the ones who understand economics were being disingenuous. They used the deficit and the debt as a tactical weapon to stop liberals from spending. Now, those same conservatives have been hoist on their own petard. Conservatives need to convince the nation of the true story, which is that what counts is not so much how spending is financed (either through taxes or through debt) but rather how much spending is being done—and on what. Meanwhile, liberal Democrats have become green-eyeshade defenders of fiscal orthodoxy. It is not hard to see why. They want to prevent a tax cut so that they can eventually use the $3 trillion in uncommitted funds either for new spending or for government investing in stocks.

What about the argument, heard from both parties, that if we don't retire bonds now, then we will irresponsibly be saddling our children and grandchildren with debt? Actually, the opposite is true. As time has passed, new generations have always had higher incomes, so they are better able to pay off the debt. Indeed, retiring the debt is more apt to harm future generations. It would be better for our children, says Allan Meltzer, also of AEI, "if we reduced tax rates now, encouraged investment now, so that we would have a larger capital stock and higher incomes. They, too, would have a larger capital stock that would produce income that could be used to retire the debt that they inherit from us along with the capital stock."

In other words, the greatest gift we can give future Americans is a booming economy—with abundant physical and intellectual capital on which to draw. The real question is how to get there.

Clearly, the answer is not by repaying the debt, a process that is already causing serious disruptions in the capital markets and that confers no conceivable benefits on the United States. Instead, the answer is to stop the tidal wave of cash flowing into the Treasury by allowing Americans to keep more of what they earn.

This year, federal taxes will reach 20.7 percent of GDP. Only once, in 1944, has Washington taken a higher proportion of national income—and only twice (the other year was 1945) has it taken more than 20 percent. But, according to CBO, taxes will exceed 20 percent of GDP in *every* year through 2011. Currently, the Treasury is absorbing one-sixth more in revenues than it needs to operate the government. That's an overcharge that will mount with the years—reaching an incredible one-third by 2010.

If we end the overcharge through a tax cut, some of the income that doesn't go to Washington will be consumed, giving an immediate boost to an economy that has been sagging. The rest will be invested, adding to the capital stock and increasing productivity and incomes for future generations. That's a far more sensible—and far less risky—approach than shutting down the Treasury market. ♦

The Diversity Defense

The University of Michigan's excuse for racial discrimination

By Shikha Dalmia

Detroit

One of the first acts of Lee Bollinger upon taking office as president of the University of Michigan, Ann Arbor, four years ago was to vow publicly to mount the most vigorous and "comprehensive" legal defense of affirmative action or racial preferences yet. What prompted this show of bravado from a man otherwise known for his soft-spoken—almost meek—demeanor were two lawsuits by white applicants challenging the university's undergraduate and law school admissions programs. The lawsuits, filed on behalf of the applicants by the Center for Individual Rights, a public-interest legal organization in Washington, D.C., argued that the university had unlawfully rejected them in favor of less qualified minorities.

As the lawsuits wended their way through federal court, reaching trial late last year, Bollinger demonstrated that he was not kidding: The university has already spent $4.5 million—a sum that would cover a full year's tuition for about 700 in-state students—to hire one of the most prestigious law firms in the country, line up a slew of academic heavyweights as witnesses, and commission research to "scientifically" prove the benefits of affirmative action.

In the process, Bollinger has produced a case that is remarkable—both for its candor and its disingenuousness.

The university admits openly that it discriminates by race. Yet, it claims that this violates neither the Constitution nor any civil rights legislation because it serves a "compelling state interest"—diversity.

To make its case, Michigan relies upon the 1978 Supreme Court ruling in *University of California Regents* v. *Bakke*. In this ruling, Justice Powell, in his plurality opinion, allowed universities to use race as a tipping or "plus factor," when everything else is equal, to recruit a diverse student body.

But Michigan has taken this diversity defense further than any other institution. Elite universities in Texas, Georgia, and Washington that employ racial preferences have been sued. They have defended their practices primarily by demonstrating the advantages of preferences for their intended beneficiaries. *The Shape of the River*, a book co-authored by former presidents of Harvard and Princeton, has been their bible. The book attempts, among other things, to document how crucial preferences have been in strengthening the black middle class.

The University of Michigan, however, uses the diversity argument to make an even more grandiose claim: It argues that racial preferences are good not just for minorities—but for all students.

This defense has secured the university a partial victory in the first round of litigation: Federal district judge Patrick J. Duggan, a conservative Democrat appointed by Reagan, ruled last December that the university's 1995 undergraduate admissions policy, the one directly under challenge, was illegal because it operated like a quota, something that *Bakke* explicitly prohibited. But he also ruled that Michigan's post-1995 policy of awarding underrepresented minority applicants an automatic boost of 20 points or one grade point (when a perfect SAT score earns an applicant only 12 points) is not per se illegal. Oddly, he made this ruling despite the fact that the university itself admits that race gets no less weight now than it did in 1995. The university is awaiting judgment on whether similar favoritism by the law school toward minorities constitutes an illegal double standard. Regardless of the outcome, both these cases are likely headed for the Supreme Court.

How plausible is Michigan's pathbreaking argument, the diversity defense? Suppose one concedes that diversity is educationally valuable because it forces students to "encounter differences rather than one's mirror image," as Bollinger puts it. Still, why should skin color be the primary measure of diversity?

Bollinger's answer is that "race is educationally important for all students because understanding race in America is a powerful metaphor for crossing sensibilities of all kinds." The assumption behind this claim, as university expert witnesses explained during the trial, is that the primary experience shaping the psyche and intellectual viewpoint of Americans is their position on the "oppressor-oppressed" divide. Few would deny that some link exists between many people's race and their

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views. But the university reduces everything to race.

If diversity is as important as Bollinger says it is, why stop at racial diversity? Would not intellectual diversity, which is what truly matters, be enhanced more by using some direct measure of ideological, political, or religious beliefs? And supposing Bollinger were right that Americans cannot transcend the oppressor-oppressed divide, wouldn't the cause of diversity be best served by recruiting ever more non-Americans—students from other countries? Arguably, a society can learn most about itself by confronting not differences that exist within it but differences it has with others. Nor would the University of Michigan have to dilute its academic standards to offer this kind of diversity in its undergraduate program.

Another factor that is as important as race, if not more so, in shaping one's worldview is one's age or stage in life. A mature student who has had time to accumulate interesting experiences is surely as valuable a classroom resource as a privileged minority kid.

This point is relevant, for if Michigan had taken it into account, it would have deemed Barbara Grutter, the plaintiff in the law school case, a tremendously desirable candidate: When she applied in 1996, she was a fortysomething mother of two who had married at 19. She was returning to school 18 years after getting her undergraduate degree from Michigan State University, where she had paid her way by working at clerical jobs. After graduating, she had worked at the managerial level in several companies and then had started a successful consulting business that had allowed her to work from home and attend to her children at the same time. Given Grutter's proven ability to overcome adversity—a quality that Michigan emphasized at the trial as what makes minority candidates attractive—combined with her solid academic credentials (a 3.8 GPA and an LSAT score in the 81st percentile), her application ought to have escaped the reject pile.

Michigan's decision to privilege race above all else in its student mix is based at best on a hunch.

Social psychologists could no doubt list a whole host of factors besides race, country of origin, and age that influence the worldview of individuals. Michigan's decision to privilege race above all else in its student mix is based at best on a hunch. To make an empirical case for its hunch, the university has produced a scientific study. But the study, though replete with charts, correlation coefficients, and regression analyses, is tall on claims while short on scientific rigor.

Conducted by a psychology and women's studies professor at the university, Patricia Gurin, the study supposedly shows that students in racially diverse environments demonstrate "the greatest engagement in active thinking processes, growth in intellectual engagement and motivation, and growth in intellectual and academic skills."

Gurin, by all accounts, is a remarkable woman, both in her professional and personal life. An interim dean of Michigan's College of Literature, Science and the Arts, she graduated Phi Beta Kappa from Northwestern University in 1954. She was married to a black Ph.D. candidate in social work for five years, something that temporarily estranged her from her father.

The *Ann Arbor Observer* recently described the Gurin report as "U-M's Secret Weapon" because of the extent to which Judge Duggan relied on it in his ruling. But Tom Bray, a columnist for the *Wall Street Journal* and the *Detroit News*, notes that accepting Gurin's research on the matter is like "accepting the research of a Firestone scientist on the causes of tread separation." Indeed, one of her own colleagues describes her as so "fanatical" on the subject of racial preferences that he says he could have predicted her findings even before she had "discovered" them.

It would of course be extremely hard to design a study that accurately captures all the tangled aspects of a subject as complicated as affirmative action. But Gurin's study, which has yet to be accepted for publication in a peer reviewed journal, suffers from some basic—even shocking—methodological flaws.

The study essentially has two parts. The first analyzes data compiled from University of Michigan students. The major problem here is that Gurin does not measure what she says she is measuring. The obvious way of studying, for instance, the effect of classroom diversity on what Gurin calls "learning outcomes" would be to compare the academic performance of students in racially homogeneous classes with those in racially heterogeneous classes.

But this is not what Gurin does, as Howard Schwartz, a professor of organizational psychology at Oakland University, Michigan, notes. She arbitrarily defines "classroom diversity" as participation in an ethnic studies course or workshop regardless of the racial makeup of the class. She then compares the "learning outcomes" of students who have enrolled in such courses with those of students who have not. Obviously, what she is measuring is not the effect of racial diversity but the effect of a multicultural course of study. It is entirely possible that the classes themselves were monoracial.

Nor is the report's method of measuring "learning outcomes" or "academic benefits" much better. Gurin argues that diversity makes students think "more deeply" and in

"more complex ways." But to measure this she relies not on any objective measure of student performance, such as grades or standardized test scores or, for that matter, any of the proven psychological instruments that measure cognitive complexity. Instead, Gurin developed her own "instrument."

But this instrument, observes Patricia Hausman, a Virginia-based psychology consultant, does not even "pass the laugh test." It asks students questions such as whether they "prefer simple rather than complex explanations to phenomena" and whether they "enjoy discussions of causes of people's behavior" or, instead, "take people's behavior at face value." Students who say they prefer complex explanations and enjoy discussions of causes of behavior are supposedly complex thinkers and the others are simple thinkers. Gurin found more complex thinkers among students who had taken the ethnic studies course.

The obvious problem with Gurin's test is that it measures not whether students can actually think in a complex way, but whether they feel they can. But even her assumption that complex explanations are better than simple ones is questionable. As Albert Himoe, a retired chemist with a doctorate from the University of Chicago, asks: What if a student takes the scientific view of the situation and believes that the simplest explanation consistent with the facts ought to be preferred? "This answer would, according to her scale," he observes, "label you as an inactive thinker, a failure of the educational system." One of Gurin's retired colleagues from the English department, Leo McNamara, suspects that she devised the instrument to obtain the results she wanted. "Without any shred of malice, I have to say, Gurin's study is a Party piece," says McNamara, a one-time supporter of affirmative action who has a masters degree in psychology from Harvard University.

As if that weren't enough, Gurin also commits the cardinal sin in social science: using a biased sample. She should have relied on some random method for picking and assigning students to a control and an "experimental" group. Instead, she queried a group of students who had chosen to take an ethnic studies course and compared them with another group which had chosen not to. This raises real questions, points out Richard Cutler, also a retired Michigan psychology professor, as to whether the gains in "learning outcomes" were actually an effect of the course—or an effect of the pre-existing attitudes that had prompted the students to take the course in the first place.

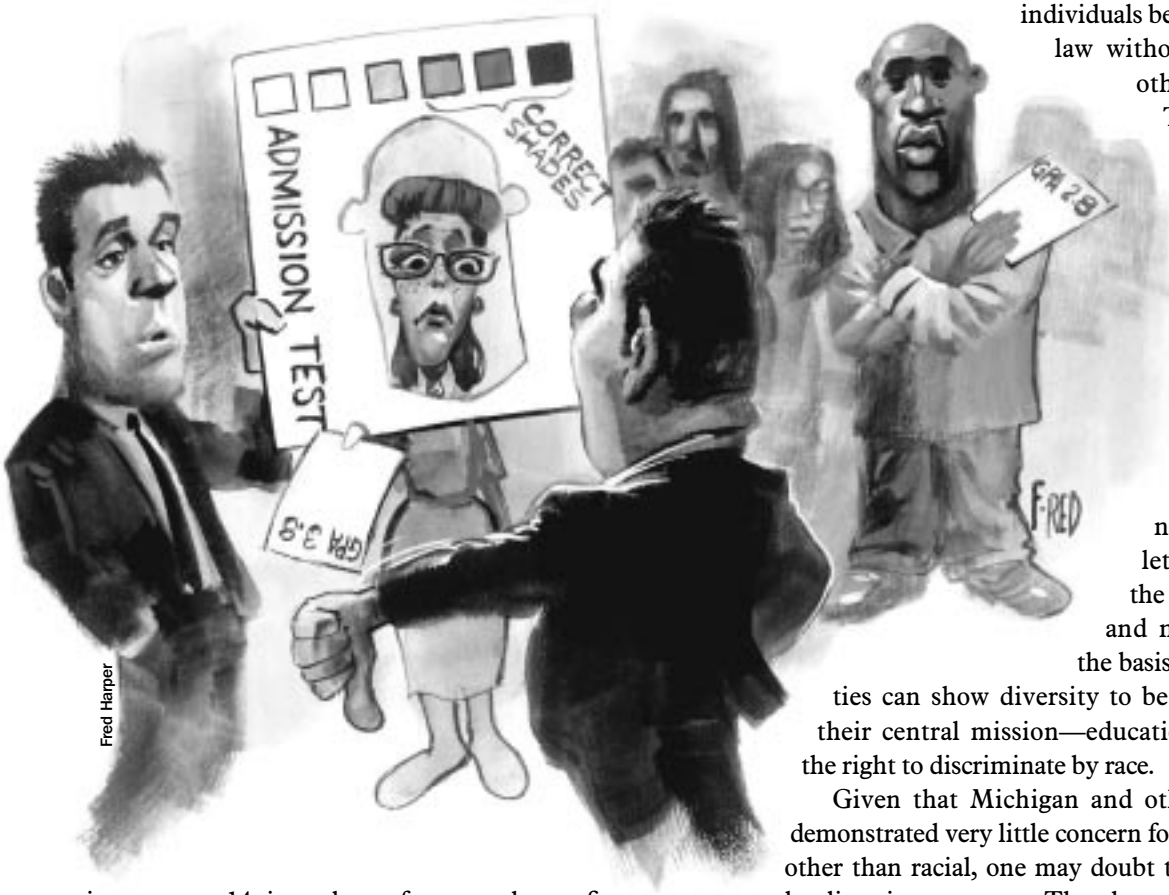
The second part of Gurin's study, in which she analyzes national longitudinal data, is equally problematic. The data are compiled by the Cooperative Institutional Research Program (CIRP) and the UCLA Higher Education Research Institute on 9,316 students attending nearly 200 colleges. This is one of the most comprehensive databases on college students, offering rich possibilities for research. Gurin's simplistic study, however, is an opportunity missed. She claims that, just as in the Michigan study, she found in the CIRP data a high correlation between institutional diversity and academic outcomes. But once again, Gurin chooses to study the educational benefit not of campus racial diversity, but of participation in an ethnic studies course. Indeed, Alexander W. Astin, another researcher, conducted a study on the same data set in 1993, using a more direct measure of campus diversity, and found "weak to no effect on academic outcomes."

It turns out, in fact, that the Gurin report is contradicted not just by the Astin study (which Gurin at least cites, albeit misleadingly), but also by many others that she fails even to mention—an odd departure from standard academic practice. For instance, researcher Ernest Pascarella, some years ago, conducted a series of studies comparing the performance of black students in historically black colleges with that of black students at predominantly white colleges. He found no difference in the academic ability of the two groups on any standardized measure of reading comprehension, mathematics, or critical thinking—a finding that Gurin conveniently omits from her work.

More significantly, a year after the Gurin report was released, economists Harry Holzer and David Newmark concluded, in a fall 2000 article published in the *Journal of Economic Literature*: "There is no evidence of the positive (or negative) effects of a diverse student body on educational quality." Their conclusion is notable because it was based on one of the most comprehensive reviews of the literature on affirmative action. Moreover, most of Holzer and Newmark's previous work has tended to support affirmative action, especially in the workplace.

The university claims—unconvincingly—that racial diversity produces great educational benefits. But it also claims that, to produce these benefits, only modest use of racial preferences is required. This claim too is disingenuous, something eloquently demonstrated in court by Kinley Larntz, a statistics professor at the University of Minnesota.

A longtime supporter of affirmative action, Larntz analyzed the university's law school admission data from 1995 to 2000, the latest year for which information is available. His calculations show that, averaged over these six years, the estimated relative odds of acceptance for black candidates were 234.5 times better than those for white applicants with the same GPA and LSAT scores. Relative odds are a method of statistical comparison typically used in medicine. Odds of the magnitude observed at Michigan, according to Larntz, are virtually unheard of. The relative estimated odds of smokers' getting lung cancer, for



Fred Harper

instance, are 14 times those of non-smokers, a figure that is regarded as huge. The difference in Michigan's odds ratios is the difference between a presumptive admission for all but the worst black, Hispanic, or American Indian candidates and a presumptive rejection for all but the best white and Asian-American applicants.

Despite such overwhelming evidence, the university denies that it uses "quotas or the functional equivalent of quotas," a "two-track" admission system, or a "double standard" in its admissions, things that Justice Powell in *Bakke* explicitly prohibited, even in the quest for diversity.

But given the questionable educational benefits of diversity and the inevitability that in its pursuit, racial preferences would slide into quotas, why did Powell open the door to this argument? After all, no Supreme Court ruling before *Bakke*—or since—has approved the use of race on anything but the narrowest of grounds, namely, the correction of identifiable instances of past discrimination by a specific entity. Indeed, in a string of rulings, the high court has rejected racial preferences for what appear to be much more "compelling" reasons, such as the rectification of past social discrimination, creation of "role-models" for minorities, and training of professionals to serve in underserved areas.

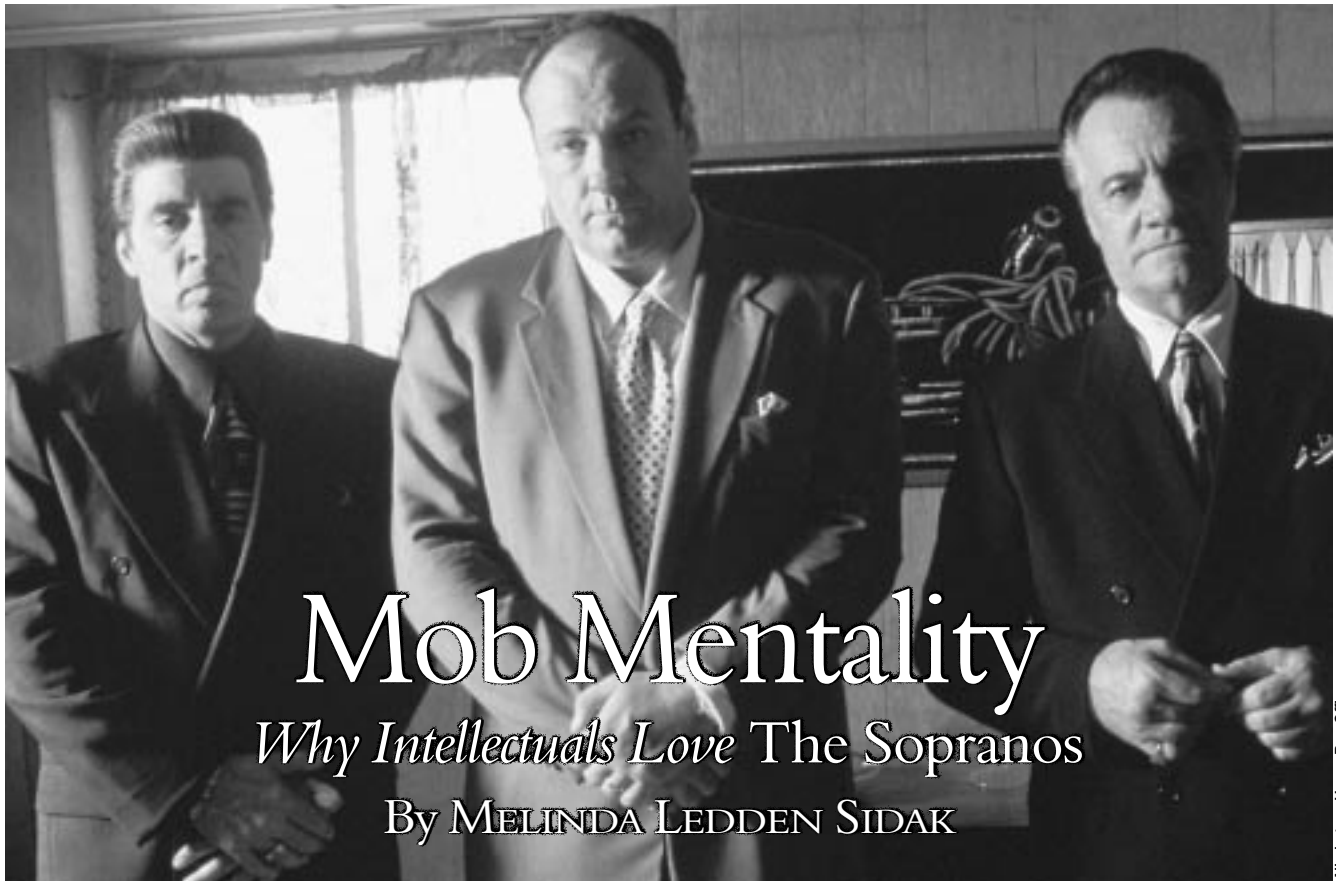
The reason the high court has consistently limited the use of preferences is that the Constitution demands that individuals be treated equally by the law without regard to race or other accident of birth. The appeal of the diversity argument is that it seems to offer a way around this hurdle. While the Constitution bars illegitimate discrimination, it does not regard all discrimination as illegitimate. Sports teams may discriminate on the basis of athletic ability, choirs on the basis of ability to sing, and modeling agencies on the basis of beauty. If universities can show diversity to be necessary to achieve their central mission—education—they may secure the right to discriminate by race.

Given that Michigan and other universities have demonstrated very little concern for any form of diversity other than racial, one may doubt that they truly believe the diversity argument. They have embraced it, it seems, because it allows them to promote a certain conception of social justice.

But there are real dangers in allowing universities, under the cover of diversity, to define racial discrimination as necessary to their mission. Should the Supreme Court endorse the diversity argument, affirmative action, adopted three decades ago as a temporary measure to remedy historic oppression, will become permanently enshrined in the American educational landscape.

The University of Michigan's Gurin report cannot withstand close examination. But given the stakes in the diversity debate, such politicized science is likely to proliferate. Furthermore, there is always the theoretical possibility that more respectable studies somewhere, someday, might show real educational benefits of diversity. Even so, the crucial question would remain whether these benefits rose to the level of a "compelling state interest" as required by law.

To settle this, courts should consider: What if some future research were to demonstrate convincingly that students learn best not in a diverse but in a homogeneous environment? Would the educational benefits then justify discrimination against minorities? The answer clearly is no. But if such discrimination is wrong, how can that practiced by the University of Michigan be right? ♦



All photos: Home Box Office

Mob Mentality

Why Intellectuals Love The Sopranos

By Melinda Ledden Sidak

What can make Tom Shales of the *Washington Post*, Caryn James of the *New York Times*, conservative columnist George Will, and even more conservative columnist Jonah Goldberg swoon in unison? How about a television show chronicling New Jersey mobsters filled with graphic violence, unremitting profanity, and sex so pornographic that in the not-so-distant past it would have qualified for an "X" rating? The answer, of course, is HBO's *The Sopranos*, beginning its third season to the acclaim of just about everyone.

For non-connoisseurs of popular culture, *The Sopranos* is a family saga about the domestic and business life of Tony Soprano, the head of a New Jersey crime family, or, as he likes to call it, the waste management business. The show's appeal does not rest primarily on the audience's fascination with a strange, exotic subculture. Rather, the viewer is both horrified and titillated by how much the players in this otherwise alien world resemble him and people he knows. Tony lives in an affluent suburban neighborhood. Although outwardly successful, he is beset by anxiety attacks and depression, and visits a psychiatrist. He is consumed by guilt and rage toward his aging mother, especially after he moves her from her house to a "retirement community" ("nursing home," she bellows in response). His wife, Carmela, is a typical rich man's wife: manicured, buffed, toned in regular gym workouts, and driving a champagne silver Mercedes station wagon. His teenage children treat their parents with the kind of casual contempt and bemused superiority that all American children reared on *The Simpsons* and John Hughes movies do.

The Sopranos is well-written, well-acted, and has some gripping story lines. It sucks you in like good pulp fiction on the beach. It's *Upstairs, Downstairs* (real, real downstairs) with New Jersey accents. But is it really "one of the greatest pieces of auteurist television ever produced," as Tom Shales puts it? Has it "gone beyond the status of mere TV series and is rife with reverberation—'social significance'"?

Shales is hardly alone in the extravagance of his praise. Caryn James declares that the show "has taken on the texture of epic fiction, a contemporary equivalent of a 19th century sequence of novels. . . .[Tony's] outlaw status offers a way of assessing mainstream society in all its savagery and hypocrisy." In the same paragraph, she compares it to Zola's Rougon-Macquart series and Balzac's *Comédie Humaine*. David Chase has not yet been hailed as the new Shakespeare, but it may not be far behind. The Museum of Modern Art recently screened the first two *Sopranos* series along with various other films, such as *Public Enemy*, that have influenced Chase artistically.

It is perhaps not surprising that liberal members of the intelligentsia like Shales, James, and the staff of the Museum of Modern Art would love a well-crafted television show or movie that they view as deliciously morally ambiguous (Tony is a violent criminal, yet we sympathize with him and root for him against the FBI) and revealing society's hypocrisy (the FBI is just as bad as the mob). Another hardy perennial of elite culture is the notion that underneath the sterile tranquillity and slick affluence of America's suburbs lies a boiling cauldron of social pathologies

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Tony Soprano and his wife Carmela, played by James Gandolfini and Edie Falco, sit in the office of the mobster's psychiatrist.

and personal angst. *The Sopranos* supplies this on a couple of levels. On the domestic side, Tony is a successful businessman with a lovely wife and two lovely children, but he is seriously depressed and must take Prozac just to get through the day. Carmela is rich, attractive, a devoted wife and mother—yet lonely and miserable because her husband relentlessly cheats on her and her children no longer need her. (Can Carmela's run for the Senate be far off?)

Because of the unusual nature of Tony's business, however, *The Sopranos* goes competitors in this genre like *American Beauty* one better. The suburban executive who fetches the paper each morning in his bathrobe and cheers his son at the football game murders people with his own hands. Carmela is unable to take a lover to fill the void left by her husband's neglect because the men she meets are too terrified of her husband to go near her. Tony's son wins playground fights without raising a fist for the same reason.

The notion that the series exposes society's "hypocrisy," however, is rather hollow. If hypocrisy is the tribute that vice pays to virtue, how can a society that has discarded virtue experience hypocrisy at all? In a culture where values are personal preferences—where they signify nothing more important about you than does your choice of a champagne over a brilliant silver Mercedes—how can Tony make an offer that can be good, or bad? Once we have blurred these distinctions, no one really knows what hypocrisy looks like.

Implicitly recognizing this paradox, some conservative commentators view *The Sopranos* not as an exposure of society's hypocrisy, but as a condemnation of society's moral relativism. Further confirming the show's elevation to Leading Cultural Indicator status, George Will recently interviewed David Chase on ABC's *This Week*. Though acknowledging the show's general moral ambivalence, Will is most interested in its strain of anti-moral relativism:

> WILL: This series is about family, loyalty, a kind of nobility of the soldiers in the Mafia. There's a clear code of behavior. Could it be that part of the appeal of this show is that Tony Soprano, terrible husband, loutish father, bad citizen . . . in some sense insists on the distinction between right and wrong? . . . That he's kind of going against the trend of a relativist age?
>
> CHASE: Yes. He is going against the trend. That's a very good point. I think that's really interesting. He is going against the trend of a relativist age. He does insist on right and wrong within the context that he lives in. A lot of his own people, a lot of his own guys, don't insist on that. They've become more relativist, and they're rats and informers and betrayers. But not him.

Other members of the conservative commentariat also have discerned an anti-relativist theme to the show. In his *National Review* online column, Jonah Goldberg expounds at length on the conservative subtext of both *The Sopranos* and its progenitor, *The Godfather*. Goldberg contends that Americans love mob movies because they have something "we are sorely lacking in our culture and our art: a strict moral code." Of course, he acknowledges, it is a pretty sad thing that Americans, particularly cultural liberals, have to "satisfy their craving for moral discipline by watching a television series about murderers." Though Goldberg doesn't mention it, the attack on "moral relativism" as such is explicit in several episodes.

Tony's psychiatrist, Dr. Melfi, is virtually a stand-in for the whole idea of moral relativism. She steadfastly refuses to "pass judgment" on the "choices" of her clients. And for this, she sometimes is attacked by Tony. Likewise, Dr. Melfi is harshly criticized by her ex-husband for treating Tony in the first place. He admonishes her to "get beyond her moral relativism" and realize that she is face to face with "good versus evil."

A continuing insistence on the distinction between good and evil, however, is hardly confined to *The Sopranos* and mob movies. Moral relativism may be pervasive, particularly in elite institutions, but catching the bad guys and meting out their harsh, but just, deserts remains a staple of countless films, television shows, and popular fiction. If we want to be pretentious about the "significance" of such everyday fare, we might say it reflects the irrepressible human desire for the restoration of moral order, an escape from the Hobbesian universe. Whatever you call it, Clint Eastwood, Arnold Schwarzenegger, and Mel Gibson have made millions from it. Even tabloids operate as a kind of popular morality play, taking clear sides and naming and shaming the villain in every national psychodrama: O.J. killed Nicole; the Ramseys did it; Clinton is a scoundrel.

Goldberg pushes the envelope on the social significance of mob movies, however, by suggesting that, at some deeper level, enthusiasm about *The Sopranos* also reflects "a certain alienation not just with the relativism of American

popular culture, but with the very definition of justice in America." *The very definition of justice?* For this weighty proposition, Goldberg relies heavily on an essay by the respected historian Paul Rahe examining the social significance of *The Godfather*, book and movie. Apparently, *The Godfather* reveals a fundamental conflict between the modern and ancient orders, between "contract versus friendship," and, ultimately, constitutes a rejection of America as an ideal. Whew. And I thought it was just a pretty good family drama with some imaginative gangland executions.

To be fair, there is a lot that a conservative can like about *The Sopranos*, just as there is a lot for liberals too, which, more than anything, may explain its broad popularity. Neotraditionalists love Tony's response to his jaded teenage daughter's denunciation of his outmoded social mores. After she reminds him, with a heavy, patronizing sigh, that it is the 1990s, not the 1950s, he sternly tells her he doesn't care what is going on "out there," it is *always* 1954 in his house. Tony and his crew of Mafia soldiers constantly lament the decline of traditional standards and virtues. When Tony's son discovers existentialism and Nietzsche and declares he will not be confirmed into the Catholic Church, Tony tells him he will—because "your mother wants it." To the insolent scoff, "what does Mom know, anyway?" Tony replies, "She knows that even if God *is* dead, you're gonna kiss His a—!" Who knew Tony was a secret disciple of Leo Strauss?

To the extent that all of these disparate observers can find so much significance in a popular television series may mean that *The Sopranos* is an accurate portrayal of contemporary America, including its complex cultural and moral anxieties. It also could be simply another example of our endless quest for more and better entertainment to fill up our bored and empty lives. Perhaps it's best to say simply that *The Sopranos* is a ripping good yarn, with colorful characters, familiar human conflicts, high drama, and just the right amount of comic relief. In this regard, maybe David Chase is a little bit—but only a little bit—like Shakespeare, after all. ♦

Lodge and Kennedy in a 1963 photograph. Bettmann / CORBIS.

The Yankees' Last Hurrah

Kennedy's 1952 defeat of Lodge meant the end of the bluebloods' Massachusetts rule. **BY PATRICK J. WALSH**

Thomas Whalen has written a fine book on a subject largely ignored by Kennedy scholars: the 1952 Massachusetts race in which John Kennedy defeated Henry Cabot Lodge Jr. to seize—for the next fifty years—a seat in the U.S. Senate for his family. Fascinating politically, because it marked the apparently final shift of power from the Republicans to the Democrats in Massachusetts, the race is also fascinating historically. If Kennedy had lost, there would never have been a Kennedy presidency, a Kennedy legend, or a Kennedy legacy to hand on to the apparently innumerable Kennedys in American politics today.

Kennedy Versus Lodge
The 1952 Massachusetts Senate Race
by Thomas J. Whalen
Northeastern University Press,
216 pp., $28.95

Perhaps others historians have not written extensively on the subject because much of the recorded information on the 1952 race is under lock and key at the Kennedy library. For *Kennedy Versus Lodge*, Whalen took advantage of the Lodge papers recently made available at the Massachusetts Historical Society. A young professor at Boston University, Whalen notes that the Kennedys' rivalry with the Lodges went back to 1916, when former Boston mayor John F. "Honey Fitz" Fitzgerald lost his race against Henry Cabot Lodge Sr. for the Senate—one of the many battles between the Yankee bluebloods of Boston and the offspring of Irish immigrants who had emigrated to Boston in droves.

Perhaps the Irish excelled in American politics because they were familiar with the English political system. But not to be scanted is the fact that they arrived speaking English; other immigrant groups had to learn the language

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from scratch, and their entry into politics was slower. Then, too, the Irish also brought organizational skills learned from nationalistic and revolutionary movements in Ireland.

The 1952 election seemed a rerun of the 1916 contest, pitting the nephew of Senator Lodge against the grandson of Mayor Fitzgerald. But, in truth, most differences between Yankee and Irish had disappeared by 1952. Both candidates were products of private school education and both were from wealthy families. What the election really turned on was money and politics.

Kennedy got an eight-month jump on Lodge, who was busy ensuring that General Eisenhower would be the 1952 Republican nominee for president. Lodge had another weakness for a Republican: He appeared to be soft on communism. Because of this, conservative newspapers in Boston and New Bedford would endorse Kennedy. (Though there may have been other reasons: John Fox, publisher of the Boston *Post*, received a loan of half a million dollars at this time from Kennedy's father.)

The Kennedy camp out-organized Lodge and got the better of him on the issues. The formidable Kennedy family was also thrown into the fray. Female members were instrumental in wooing the woman's vote by organizing teas all over the state. These teas were sold as classy social events. Bourgeois women were sent formal invitations, got all dressed up, and mingled with what they considered to be high class. They fell over themselves to meet Congressman John Kennedy and dreamed that an introduction of their daughter to the millionaire would result in marriage.

Spending another $500,000 on television advertising, the Democratic campaign decisively outspent the Republican. Kennedy was coached by experts in the use of television and used it to great effect. Lodge was uncomfortable with this new medium. Though he was handsome, he came across as stiff and formal.

Those who say that the Kennedys bought their elections are only partially correct. The truth is that money is only good if you know how to spend it. In 1946, when John F. Kennedy first ran for Congress, his father gave James Michael Curley $100,000, ostensibly to help settle his debt (actually to keep his mouth shut and stay out of the congressional race). Large families in the congressional district were given fifty dollars to work at the polls. In the 1952 Senate race, the Kennedys again demonstrated their political talent and clever use of money.

Still, a major factor in Lodge's defeat was his failure to solidify his conservative base—and in that failure there may be a lesson Republicans can learn. But the most interesting thing about the 1952 election is the final defeat of the old Massachusetts blueblods. All these years later, the Kennedys are still with us, while Yankees like Cabot, Lodge, and Saltonstall seem as distant as the old John Singer Sargent portraits hanging in Boston's museums. ♦

Smoking Gun

David Kessler's account of his own heroism at the FDA. BY JEREMY LOTT

As Dr. David Kessler was about to be nominated by President George H.W. Bush to head the Food and Drug Administration, he bumped into his former boss, Utah senator Orrin Hatch, at a social gathering. The senator greeted him with a bear hug and said, "Remember Uncle Orrin when you're commissioner of the FDA." After reading Kessler's memoir cum indictment of the cigarette industry, one still has not much idea whether "Uncle Orrin" ever came calling, but the author's recall of such amusing incidents at least keeps it interesting.

A Question of Intent
A Great American Battle with a Deadly Industry
by David Kessler
Public Affairs, 400 pp., $27.50

To hear Kessler tell it, when he assumed the post, "virtually nobody was happy with the FDA. . . . Much of its authority had been diluted by the Office of Management and Budget, which was used by the White House to pursue an aggressive and dangerous deregulatory agenda."

Worse, the functions of the FDA were spread out in buildings all over Washington, D.C., making it a logistical nightmare to try to run. Kessler set out to bolster the agency's image, consolidate operations and, above all, "enforce the law." The agency's job, as he saw it, was to regulate in the interest of public health; politics be damned.

Well, some politics. AIDS victims managed early on to impress upon Kessler the point that they didn't like the FDA's normal review process holding up potentially life-saving drugs.

Perhaps he tired of the picket signs labeling him a murderer, or perhaps he simply thought they had a point: One of his signature acts under Bush was the streamlining of the approval process for such emergency drugs. He also managed to force food companies to alter the packaging of store-bought foods so that they included the now ubiquitous "nutrition facts" labels.

He writes that he considered resigning if George Bush didn't side with the FDA in the fight over the USDA. This was important to him because he "knew that diet accounted for the second largest cause of preventable death in the United States . . . and that improving how Americans ate was one of the most important public health actions we could take. My goal was not

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to dictate behavior but to allow people to make educated choices."

The statement was made by Kessler, the competent Bush appointee with aspirations to make modest improvements in public health. Jeff Nesbit, an old Dan Quayle hand, did his best to keep the tobacco regulatory fires from dying, but Kessler had taken no action on the issue. Instead, he had killed it the good old-fashioned Republican way: a series of useless meandering meetings.

Shortly after Bill Clinton's inauguration, however, Kessler confided to Harriet Rabb, counsel to the Department of Health and Human Services, that compared with all the other good things the FDA had accomplished, "stopping tobacco use would have a bigger effect on health in this country." As it did to so many other things, the Clinton administration shifted Kessler's focus, producing an increasingly activist agency bent on "regulating" Big Tobacco.

The problem with regulations, Kessler admitted at the time, is obvious to anybody who knows anything about the FDA. A cigarette is such a toxic substance that the moment the agency declares its principal component, nicotine, a drug, it will have to be banned. A "safer" cigarette was largely a nonstarter because by the time nicotine and the rest of the pantheon of carcinogens were removed from tobacco, nobody would want to smoke it. As one tobacco executive quipped, "A cigarette without nicotine is like sex without an orgasm."

Another impediment would be that the FDA knew practically nothing about tobacco. But on the basis of information submitted by one informant code-named—and I am not making this up—"Deep Cough," the agency issued a letter to anti-smoking activists that put the decision not in Congress's tobacco-stained hands but in the FDA's. Kessler acknowledges that "from a congressional perspective, our letter had the word 'hearing' written all over it."

And so it did. Until the GOP took back Congress, hearings—under California Democrat Henry Waxman—were the order of the day. Tobacco executives were made to answer charges of nicotine manipulation, genetic engineering, and other Very Bad Things.

The remainder of the book runs along two parallel tracks: one detailing the discovery of the pharmacological process and properties of tobacco; the other rediscovering the history and ferocity of Big Tobacco to survive and expand market share against all impediments. The forensic details alternate between fascinating and tedious, with Kessler stressing all along that he did not intend to bring down Big Tobacco, but rather, to get at the truth. Shortly before the first hearing, Kessler "ticked off some of the questions we had to answer: How are cigarettes made? How is nicotine related to addiction? Are manufacturers adding nicotine to cigarettes? How does the industry set nicotine levels? Where is the nicotine coming from?"

Kessler has, after all, seen the fruits of his nutrition initiative: Americans are now better informed about tubs of lard than ever before.

The short-run solution was a cram session, with massive research following. Where the FDA's own labs came up short, ex-smokers and former employees of tobacco companies—in spite of the stringent secrecy agreements they had signed—were more than willing to fill in the blanks.

Two things proved decisive in the FDA's historic decision to take the first steps in regulating tobacco: the first was the supposed revelation that tobacco companies were targeting children, and the second was Dick Morris. The first shook the public out of its normal reflexive distrust for government intervention, while the latter wanted Bill Clinton to use it as a campaign issue to beat Bob Dole over the head with. Once Morris had polled tobacco-producing states and determined that strong majorities favored tightening the rules for teens, Joe Camel was a goner.

We know the rest of the story. Bill Clinton, stogie smoker, went up against Dole, the ex-smoker, and painted him as a pawn of Big Tobacco. Former demon-weed farmer Al Gore used his speech at the Democratic National Convention to damn the industry for killing his sister. Our children, they assured, must be protected from this noxious substance, and Republicans were complicit in this tragedy. Though a settlement was reached with all the state attorneys general, it appears that tobacco may yet be bled to death through punitive damages.

Looking back, Kessler thinks that the beast must be killed, not wounded. "If public health is to be the center of tobacco control," he says, "the tobacco industry . . . needs to be dismantled." Tobacco companies should be stripped of their trade, and the ability to manufacture and distribute cigarettes should be solely vested in the federal government. He deems this necessary because if the current arrangement is allowed to continue, "profits are inevitably used to create the same addictive product and to generate more sales."

It really is quite a leap from Kessler wanting to "allow people to make educated choices" to the current call for a new near-prohibition, but perhaps we shouldn't be too harsh. He has, after all, seen the fruits of his nutrition initiative: Americans are now better informed about tubs of lard than ever before.

But there's one Kessler assertion card-carrying conservatives are obliged to take issue with. "To this day," he says "the FDA has not been given some of the most basic powers a regulatory agency should have."

Like what, summary execution? ♦

Old Geneva & the New World

The Reverend Rousas J. Rushdoony, 1916-2001.

BY PETER J. LEITHART

"Revisionism," the Reverend Rousas J. Rushdoony wrote in *The Nature of the American System*, "is long overdue in American history." That was nearly forty years ago, but the fact that Rushdoony's death on February 8, 2001, was widely ignored is a sign we're still waiting to see the revisionism for which he hoped.

In one sense, the neglect of Rushdoony's death is hardly surprising. He spent his entire life outside the mainstream. Born in New York City in 1916 to Armenian parents who had fled the Turkish genocide, he went on to study English at the University of California, Berkeley, where he also finished a master's degree in education before taking a degree in theology from the Pacific School of Religion. After ordination to the Presbyterian ministry, he spent several years as a missionary in San Francisco and Idaho. In 1965, he founded the Chalcedon Foundation, the Christian think-tank that served as the vehicle for his work for the remainder of his life. At the time of his death, he was working in Vallecito, California—hardly the hub of American intellectual life.

Academic theologians, even conservative Calvinists who shared his basic theological outlook, panned Rushdoony. And yet, despite this isolation, Rushdoony may end up having as great an impact on American life as other, better known American theologians of the past century. Strongly influenced by the Dutch tradition of Calvinist philosophy and social thought, Rushdoony wrote on an astonishing array of topics. In addition to scores of books on strictly theological subjects, he published two collections of essays on the American political system, a history of Western philosophy from the standpoint of the Trinity, a treatise on the political and sociological implications of early Christian creeds, several books on education, a study of modern psychology entitled *Revolt Against Maturity*, a monograph on Freud, and a prophetic exploration of the "politics of pornography," not to mention several decades of monthly newsletters and lectures. A son of immigrants, Rushdoony proved a thoroughly American intellectual—in the old-fashioned sense: an independent-minded autodidact and polymath, who approached even the most esoteric matters with an earthy practicality.

And, in the end, he had an impact. His writing played a major role in two of the most important developments in the past half-century of American religious life: the spread of Christian education in private and home schools, and the rise of the Christian Right.

At the heart of Rushdoony's thought was an attack on what he called the "myth of neutrality"—an attack so overwhelmingly premodern, it could occasionally sound postmodern. All individuals have "certain pre-theoretical and essentially religious presuppositions" that shape their perspectives on the world, Rushdoony argued. This doesn't mean knowledge is impossible; it simply means that human knowledge is not divine knowledge. The Enlightenment's pretense to pure, objective knowledge was therefore not just an intellectual dead end, but an attempt to systematize the temptation Satan offered Adam and Eve in the Garden of Eden: "You shall be as gods." For Rushdoony, attacking neutrality was a theological imperative.

This theological critique underlies Rushdoony's work on education. In *The Messianic Character of American Education* (1963), Rushdoony exposed the religious assumptions that animated the theory of public education from Horace Mann to John Dewey. Modern education is committed to a vision of social salvation through education and to a religion of humanism, where man rather than God stands at the center of all things. But Christianity, Rushdoony insisted, cannot be confined to a small "religious" sector of life; it presents a "worldview" that embraces every area of life. For Christians, then, every subject in school has to be studied and taught in the light of Christian truth. Rushdoony's books provided the starting point for the development of thoroughly Christian curricula in thousands of private schools—and home schools—across the country. If the public schools' monopoly of education is going to be shaken by the earthquake of Christian education, the epicenter will have been a small town in the mountains of northern California.

Arguing that political systems are no more neutral than educational philosophies, Rushdoony sought in his political writings to uncover the humanistic pretensions of the modern state. He named his think-tank after the Council of Chalcedon (A.D. 451), the church council that formulated the orthodox dogma that God and man were united without confusion in the person of Christ. This is a creed with profound political implications. By stressing the uniqueness of Christ's union of human and divine, Chalcedon struck a death blow to the ancient tradition of divine kingship. Modern states may have shed the trappings of divine kingship, but, Rushdoony claimed, their ambitions are equally messianic: There is only one divine king, and he does not reside in Washington.

Rushdoony was not content to assail statism. He attempted to rethink politi-

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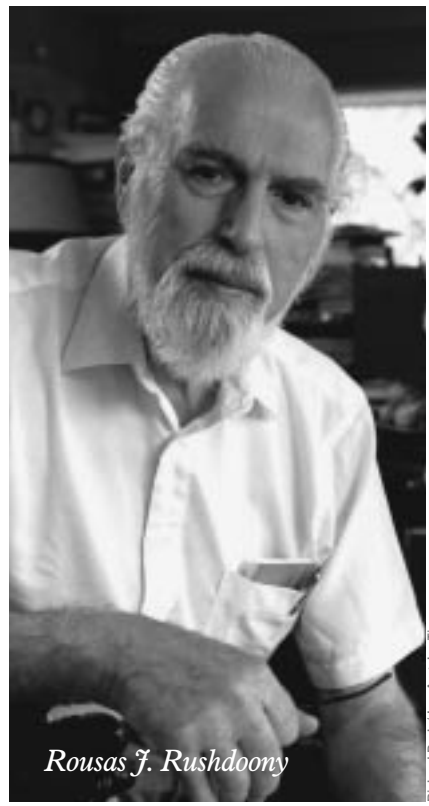
cal theory, law, community, property, economics, and justice from an explicitly Christian viewpoint, and advocated establishing a Christian civilization and political order. Throughout his writings, he insisted that this could not be achieved by federal fiat. Changing the laws was not the first step toward realizing a Christian culture. Hearts must be changed first.

Still, widespread conversion would mean political and cultural transformation. And especially in the massive two volumes of *The Institutes of Biblical Law* (1973 and 1982), Rushdoony explored how biblical law could resolve modern political dilemmas. In many respects, his political vision was a kind of Christian libertarianism. Welfare, education, and social security are responsibilities of the family and church, rather than the state. In place of prisons, Scripture requires restitution for crimes against property (a point picked up by Charles Colson's Prison Fellowship). A flat tax should replace the income tax, while inheritance and property taxes should be abolished. On social issues, however, he was anything but libertarian. He pointed out that the Mosaic law enacted the death penalty for abortion, adultery, sodomy, and certain forms of incest, and he argued that these penalties are still just today.

Such opinions made Rushdoony too controversial for many to embrace openly, and his influence on the Christian Right is therefore hard to assess. The proliferation of "biblical scorecards," which evaluate politicians and political issues by biblical principles, owes something to his work, as does the flood of "Save America" seminars, conferences, and movements. Rushdoony indirectly affected Pat Robertson and D. James Kennedy, and had a very direct impact on Constitution party founder Howard Phillips, who embraced Calvinism under Rushdoony's influence. Whether he knew it or not, John Ashcroft was echoing one of Rushdoony's characteristic slogans when he made his much-vilified confession "No King but Jesus."

Of equal significance was Rushdoony's nearly single-handed revival of "postmillennialism," the belief that the world is destined to be Christianized at the end of time. Postmillennialism was popular among nineteenth-century American Protestants. Early in the twentieth century, however, it was displaced by varieties of "premillennialism," which teaches that the world is destined to degenerate until Christ returns to rescue it from self-destruction. (Tim LaHaye's best-selling *Left Behind* novels are classics of pop-premillenialism.) Though the number of card-carrying postmillennialists is still small, the confidence of the Christian Right expresses something of this optimistic vision of the future of society.



Rousas J. Rushdoony

Richard Derk / Los Angeles Times

The most immediate—and least attractive—effect of Rushdoony's books and newsletters was the creation of the "Christian Reconstructionist Movement," a loose and fractious collection of writers, activists, and pastors dedicated to "reconstructing" Christian civilization. Like most small, ambitious, highly motivated movements, Christian Reconstructionism has its loopy side. Rushdoony's books took on a Talmudic authority, and Reconstructionism became in some quarters a closed ideology, providing instant and simple answers to every possible question. Some disciples rushed recklessly into political activism, ignorant of the workings of modern politics and heedless of Rushdoony's own warnings that politics was not the means of salvation. Churches warred and split over the finer points of Reconstructionism. Reconstructionism was embraced by hardcore conspiratorialists and militia groups to produce the very definition of "fever swamp."

Not all of the faults and follies of the movement can be attributed to Rushdoony's followers. Dissent from the master was not tolerated by the master himself. He had a lengthy feud with his son-in-law, Gary North, a prominent Reconstructionist. A string of disciples made their way to Vallecito to work with Chalcedon; just as regularly, they slouched back a few years later, having abruptly and mysteriously disappeared from the pages of Rushdoony's monthly *Chalcedon Report*.

Irascible though he was, Rushdoony had another side. For many years, he produced a monthly series of tapes, *From the Easy Chair*, in which he would comment on contemporary events, converse with his Chalcedon colleagues, read poetry, and casually review books (he is reputed to have read a book a day for fifty years and accumulated a library of forty thousand volumes). The tapes were a personal invitation to Rushdoony's study. You could almost hear the leather creaking and smell the cup of tea on the side table.

I interviewed him, many years ago, and asked him what the Reconstruction movement was aiming for. Since I was speaking to the commanding officer of the movement, I was expecting something like a five-year plan. Rushdoony replied, "I am simply a servant of Jesus Christ. He is King over everything and everyone, and my only goal is to press his crown rights into every area of life and thought." He was an eccentric and a genius, a man of follies and a man with some genuine greatness in him. An American original, if there ever was one. ♦

John Ford's Ireland

Why The Quiet Man *is always good.*

BY BRIAN MURRAY

Later in his life, long after he became a cinematic legend, Orson Welles was often asked to name filmmakers who had influenced him the most. "I studied the masters," Welles liked to reply, "by which I mean John Ford, John Ford, and John Ford."

Welles liked to shock and no doubt relished the astonishment that followed. After all, in such films as *Citizen Kane* (1942) and *A Touch of Evil* (1959), Welles had defined himself as an often showy experimentalist with an intellectual's jaded view of American life and the human condition. And Ford, by the late 1960s, was often dismissed by film critics and scholars as a cinematic dinosaur who made far too many movies for far too long. As late as 1980, David Thomson asserted in his *Biographical Dictionary of Film* that only "sheer longevity made Ford a major director." Ford—who died in 1973 at the age of seventy-eight—was, among other tedious things, "grandiloquent and maudlin."

By the mid-1980s, however, the Ford renaissance had begun. Other prominent directors—from Ingmar Bergman to Federico Fellini to Satyajit Ray—had praised Ford's mastery of his medium, his pure and often poetic craft. Moreover, the best of Ford's over one hundred films—including *The Grapes of Wrath* (1941), *The Searchers* (1957), and *The Man Who Shot Liberty Valence* (1963)—were widely available on video, prompting fresh scholarly assessments of his remarkably prolific career. Scott Eyman hailed not only Ford's craftsmanship but the completeness of his vision in *Print the Legend*, an excellent 1999 biography. Ford, as Eyman showed, was an unusually complex and often "terrible-tempered" man who was more respected than liked. But what Ford "brought to the movies" was "a sense of the turning of the earth" and the "rhythm of life as experienced by people who have a bond with the land. Fueling this was his fascination with people."

It is especially true of *The Quiet Man* (1952), one of Ford's most popular films and a St. Patrick's Day staple. *The Quiet Man* is based loosely on "The Green Rushes," a 1932 short story by Maurice Walsh, a shamefully unsung writer from Kerry. Set in the 1920s, it stars John Wayne as Sean Thornton, a popular American prizefighter who returns to Inisfree, a fictional and picturesque town on Ireland's stunning west coast. Thornton had delivered a fatal knockout in his final pro fight and now longs to leave the past behind. Growing up in America, he'd often heard his mother describe the lush splendor of Ireland's rural west. "Inisfree," Thornton tells the locals, "is a second word for heaven to me."

Thornton wants to buy the pretty cottage that was home to "seven generations" of his family. But a local man, Red Will Danaher (Victor McLaglen) also craves the property—and when he loses the cottage to Thornton, Danaher vows revenge. The feud deepens when Thornton marries Danaher's sister, Mary Kate, a strong and rivetingly beautiful redhead memorably played by Maureen O'Hara. Danaher refuses to endorse the match, and spitefully withholds his sister's dowry.

Thornton doesn't care: He doesn't need the money and he's sick of fighting. He doesn't understand all this "fuss and grief over furniture and stuff." But Mary Kate, seething, repeatedly insists that her Yank husband confront her rough brother and, if necessary, forcibly seize the money and property that are rightfully hers. Indeed, Danaher, a celebrated bruiser, is itching for a fight. Finally, the two men slug it out in an epic brawl that, in true Hollywood fashion, leaves them fast friends. And so, as *The Quiet Man* ends, all's right with Thornton's world. He's gained a beautiful wife, a pretty little cottage, and the enviable prospect of a peaceful life lived close to the land.

And yet, in Ireland, *The Quiet Man* stirred controversy. Some reviewers complained that the film relied too heavily on stereotypical characters and also trivialized the country's customs and traditions. Mary Kate's obsession with her dowry was not only woefully anachronistic, but furthered the notion that money inevitably prompts the Irish into comic displays of stinginess or greed. Other critics objected to the brutish manner with which Thornton sometimes assumed his husbandly role. In one particularly contested scene, Thornton drags his recalcitrant wife through a rough field and is cheered by neighbors who, it appears, find inexhaustible delight in violent scenes. One of them even offers Thornton a stick "to beat the lovely lady."

Ford certainly took liberties with Walsh's story, which offers no overdrawn characters and scant comic relief. Its title character, Paddy Bawn Enright, is "slightly under middle height" and a far cry from the heavyweight Wayne. Paddy, moreover, takes part in Ireland's civil war, joining the IRA to "fight against the terrible thing that England stood for in Ireland—the subjugation of the soul." In Ford's film politics are rarely mentioned, most notably when Michaleen Oge Flynn—a supporting character played by Barry Fitzgerald—observes in passing that "It's a nice soft night, so I think I'll join me comrades and talk a little treason."

Born Sean Aloysius O'Feeney in 1895, Ford—the thirteenth child of Irish immigrants—was keenly interested in Irish politics, and supported its fight for independence. In fact, he'd

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Everett Collection

John Wayne and Maureen O'Hara in The Quiet Man.

treated the subject before, far more somberly, in *The Informer*, a 1935 film based on Liam O'Flaherty's novel. But he didn't want politics to dampen the buoyant mood of *The Quiet Man*, which took him fifteen years to put on the screen. Hollywood's major studios had balked at the project, convinced that moviegoers would never buy the idea of Wayne sauntering about in the land of shamrocks and leprechauns. Ford finally sold the idea to Republic, a "B" movie factory. In return, Ford had to promise Republic one of his trademark westerns, *Rio Grande*, a 1951 vehicle for Wayne and O'Hara that, despite solid virtues, is largely forgotten today. *The Quiet Man*, however, proved the most profitable film in Republic's history and won Oscars for both direction and cinematography.

In some ways *The Quiet Man* is a western. Inisfree, after all, is a one-saloon cow town much enlivened by the arrival of Thornton, a strapping stranger with a mysterious past. Though reared in Pittsburgh, Thornton is so skilled on horseback that he gallops to first place in the grand Inisfree Race. At one point Thornton barks at Flynn, his comical sidekick: "Saddle up my horse!" The much anticipated brawl with Danaher provides *The Quiet Man* with its dramatic finale—just as so many westerns build up to the big gun fight at high noon.

The Quiet Man features other improbabilities. In one scene, Thornton asks Mary Kate whether she can ride a bike, even though he had watched her ride only minutes before. Thornton smokes like a chimney throughout the movie and flicks lit butts about with the swaggering abandon of a man who has forgotten that his own house is covered with thatch.

But such quirks don't bother the film's growing number of fans. *The Quiet Man* is one of the best-selling videos of all time, and its sales are steady in Ireland and Britain as well as the United States. For years, fans of the film have come to Cong, the quaint village in County Mayo where most of *The Quiet Man* was filmed. Cong's residents have encouraged such pilgrims by preserving their village in much the same state as the film's cast and crew found it some fifty years ago. Thus tourists can still see many of the shops and homes that are featured in *The Quiet Man*; they can book rooms at Ashford Castle, where Ford and Wayne stayed, and where *The Quiet Man* is still shown daily.

What accounts for the film's continuing allure? There is, for starters, the inspired combination of O'Hara and Wayne, whose characters are wholly comfortable with themselves, their social roles, and their attraction for each other, which is displayed in several elegantly and memorably sensuous scenes. Such characters aren't common in contemporary movies, and the world they inhabit is harder than ever to find. Ireland retains ample charms. But it's also fast becoming another secularized, high-tech Euro state filled with Ikea stores and sushi bars.

Indeed, in many ways, Ireland is the real star of *The Quiet Man*. With the help of his cinematographer, Winton Hoch, Ford movingly amplifies the impossible beauty of its landscape. *The Quiet Man* is, quite simply, one of the most perfectly composed movies ever made. It's lyrical in the best sense of the word: inspired and passionate at every turn. Ford, as the actor Rod Taylor once observed, "could look at a thing and compose it as well as Cézanne." He "was a wonderfully fluid painter."

It's no wonder, then, that such a diverse group of directors were struck by the lavishness of Ford's gifts. The French director François Truffaut, for example, shared few of Ford's values; and, as a young film critic in the 1950s, had openly mocked the patriotism and sentimentality frankly displayed in much of Ford's work. But even Truffaut succumbed to the old master's power and the appeal of the movie that so many of us watch, yet again, around St. Patrick's Day. "I had to become a director and turn on the TV to find *The Quiet Man*," Truffaut wrote, "before I could measure my blindness." ♦

Parody

On Monday, Lawrence Lindsey, Bush's chief economic adviser, arrived on time for the president to videotape a message to a banking convention, only to find that the taping had begun ahead of schedule. Afterward, Bush gently upbraided his aide, saying, "Lawrence, we're the on-time administration."

—*New York Times*, March 11, 2001

COMPORTMENT INITIATIVE

March 16, 2001

From: GWB

To: All White House Personnel

1. As you know, the Vice President and I have been grading all White House Personnel for Tidiness and Comportment on a weekly basis. Frankly, we have not been pleased by what we have seen. It is therefore necessary to impose a few additional rules in order to preserve the businesslike atmosphere to which we all aspire. Please post.

2. Tardiness will not be tolerated. Any official who arrives late to a meeting must bring a note from his sponsoring industry group or a nationally recognized corporate lobbyist.

3. Walking single file: My hallway monitors (thanks, Condoleezza, you're doing a great job!) tell me that some staffers insist on walking down the middle of the corridors, causing congestion. You are not on the set of *West Wing*. When walking down hallways, march single file no more than 10 inches from the righthand wall, and no less than 8 inches.

4. No whimpering. On occasion, I may be compelled to humiliate you publicly by reversing one of your public statements. This does not justify sniffling through the entire next cabinet meeting about how you thought I supported carbon dioxide emissions rules.

5. Cell phones. Do not accept cell phone calls during meetings. (Obviously this does not apply to calls from your broker informing you of imminent declines in the value of your stock options.)

6. Frankly, I didn't think it would be necessary to say this, but I didn't expect to see White House staff using bright pink Post-it notes. This is not a bordello.

7. Just because we oppose ergonomics safety regulations doesn't mean we tolerate bad posture. Watch Condi and imitate.

8. Breakfast Club. The Detention Room is not a place to do normal work. It is a place to reflect on how you might improve your behavior, so you don't end up there again.