the weekly
Standard
NOVEMBER 18, 2002 $3.95

THE U.N. TRAP?
WILLIAM KRISTOL & ROBERT KAGAN

Bush's Winning Hand

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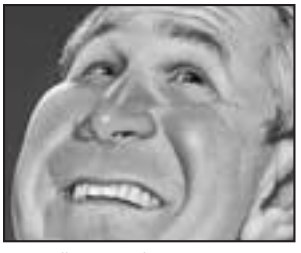

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the weekly Standard

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Pot Gets Smoked

Over the past few years, a handful of extremely wealthy eccentrics, like George Soros, in league with a handful of professional marijuana enthusiasts, like Keith Stroup and the other arrested adolescents at NORML, have quietly managed to pass a series of local and statewide initiatives designed to legitimize their favorite plant. In nearly every case, these pro-pot campaigns have come disguised as mercy: a plea that "medicinal" marijuana be made available to terminally ill people. Actual doctors say actual marijuana isn't actually good for you, especially if you're already sick. But never mind.

This year the cannabis "movement" finally abandoned its "medicinal" pretense—at least in certain key elections—and candidly campaigned for the decriminalization of dope-smoking generally. THE SCRAPBOOK is pleased to applaud Mr. Stroup et al. for their belated honesty. THE SCRAPBOOK is also pleased to report that they've just been soundly whipped.

A statewide initiative in Arizona would have reduced most marijuana offenses to civil, rather than criminal, violations, subject only to a fine. The measure was defeated by a 14-percentage-point margin. Nevada's "Question 9" would have eliminated every penalty for possession of under three ounces of marijuana, and would have required state officials to establish a regulatory system for open commercial sales of the stuff. "Question 9" was defeated by a 22-percentage-point margin. And Ohio's "Initiative 1," under which prison terms for "non-violent" drug offenses would cease to exist—that plan got trounced by a full 35 percentage points.

Each of these ballot measures was lavishly funded; "Question 9" advocates outspent their Nevada opponents 20 to 1. But each, nevertheless, produced a strong and successful grass-roots resistance, led, for the most part, by local law enforcement officials and parents' groups.

The marijuana lobby is blaming its crushing defeats on Bush administration drug czar John Walters, a longtime friend of THE SCRAPBOOK's. Walters does indeed deserve some of the credit: He made a total of four brief trips to these three states, and spoke against the reefer referenda each time—for which modest effort his enemies are now threatening, ludicrously, to sue the federal government. Still, it must be said: Our pal John is not the central reason why NORML's fondest wishes have suddenly vaporized. Turns out, when they think about it directly, most people quickly figure out that legalized marijuana is a dumb idea. ♦

The Issue That Dare Not Speak Its Name

Think abortion wasn't a salient issue in the elections last week? Most news coverage, and nearly every politician's speech, was silent on the subject throughout the campaign, so you're forgiven for overlooking the phenomenon. Nevertheless, it now seems clear: Abortion was a big deal. Exit polls conducted for Fox News Channel suggest that being pro-life was a key advantage to Senate candidates in several close races.

For example: In Missouri, where pro-choice incumbent Jean Carnahan was up against pro-life Republican Jim Talent, respondents were offered a range of options and asked to choose the one issue that had mattered most to them while deciding whom to select as senator. A small plurality of Missourians (21 percent) identified the economy as most important, but next on the list (at 17 percent) was abortion. Among these latter voters, the ultimately victorious Talent beat Carnahan by a more than four to one margin.

Incidentally, NARAL, the nation's leading abortion lobby, lost 18 of its 19 officially designated key elections. ♦

Why We Like Dennis Miller

Next time somebody you know starts complaining about ubiquitous knee-jerk liberalism and all-around imbecility in the entertainment industry, remind him that sweeping generalizations are usually wrong. . . .

Okay, don't do that. But definitely show your friend the following excerpts from comedian Dennis Miller's most recent appearance on Jay Leno's *Tonight Show*. Nothing knee-jerk or imbecilic about it.

LENO: I'm fascinated to hear your take on the election. Because you always have a little different look at things than most Hollywood people.

MILLER: I want to congratulate my president. I think he had a great day. I think George Bush is a good man. [Applause.]

LENO: Yeah? He did a fine job.

MILLER: I think, I think he's a good man and I think he's done a fine job in these last two years. I don't think he's a great man but I would prefer that our president would be a good man, because great men tend to believe they're great men and then they end up not being

great men anymore. I like Bush because he seems like a regular decent guy. . . . But uh, I think the thing I like most about him is that he's not Clinton. I just think he's a decent guy. I mean, you know [applause]—I'm telling ya when I watch those, the videotape of the retarded kids playing tee-ball on the White House lawn, on the field that he built for them.

LENO: Yeah.

MILLER: And I juxtapose it with Clinton and the wocka-wocka porno guitar of the Clinton administration. I just like Bush; he makes me proud to be an American again. He's just a decent guy. . . . Listen, I began to go off liberal America when they insisted to me that Rudy Giuliani was a bad guy. You remember that years ago? How they told us Rudy Giuliani, they always like tinged on the Nazi reference.

LENO: Right, right, yeah right.

MILLER: "He's a storm-trooper! He's a bad guy!" Every time I'd go to New York it was cleaner and safer and I'd think, "Wait a second, how bad a guy can this guy be?" And now you don't hear anybody saying that because it's been proven out that Rudy Giuliani is a good man. . . .

It's not a perfect world. Listen, I think Bush's old man could have ended this whole dilemma in the Middle East around 12 years ago. We were like two exits away on the Jersey Turnpike from croaking this toad and we back off because the coalition doesn't want us to go up the road. Are you kidding me? The coalition? This better not happen again. . . . We gotta assassinate Saddam Hussein. Why have we taken assassination off the table as a viable political tool? And yet they'll tell you the collateral damage of civilians is acceptable. But you're not allowed to assassinate the main pain in the ass. My theory is if you have trouble with your conscience, pretend you're trying to kill the guy next to him, and think of him as collateral damage, alright?! If that will allow you to get to bed at night. [Applause.] . . .

You know I find our approach to the war on terrorism to be amazingly nonchalant. I mean the simple fact is we are not being protective enough of ourselves. I think that was a mandate yesterday, saying, "Listen! We don't want these morons trying to croak us!" You know when the al Qaeda made a big mistake? It's when they whiffed that dog on videotape. That got the liberals into it. Because they're all sitting at home with their Marmaduke day-planner saying, "Wait a second? They croaked a puppy?" ♦

Help Wanted

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Casual

I Feel His Campaign

Perhaps it is unfair, but I've always regarded politicians as I regard lima beans, jazz fusion, and Dr. Phil—as unnecessary evils. For what kind of half-man/half-freak spends his entire life suppressing his true self to ask strangers to embrace a false one? Besides writers, I mean.

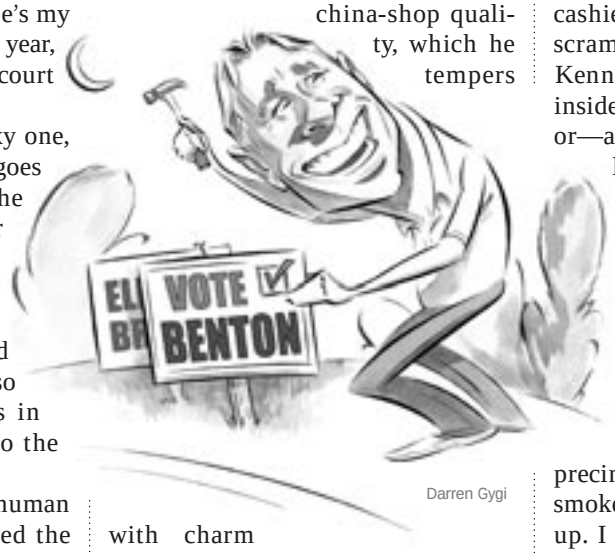
But then I met Mike Benton. Or actually, I already knew him. He's my former brother-in-law, and this year, he ran for clerk of the circuit court of Calvert County, Maryland.

The clerk's race is not a sexy one, not a bellwether. Nobody goes around saying, "As clerk of the court goes, so goes the registrar of wills." But you have to start somewhere, so this Election Day, Mike and I started at the bowling alley, where he picked me up in his Ford Explorer so that we could work the polls in what we liked to call "Road to the White House 2016."

I first met Mike in a college human sexuality course, and we formed the indissoluble bond men share when listening to 20-year-old coeds talk about the Gräfenberg spot. Around the same time, we began dating a pair of comely sisters. One sister is now my wife. The other is now his ex-wife. But though it's been years since he signed his walking papers, Mike has remained an in-law-at-large, showing up when most needed to help us put up swing sets or install garage-door openers. The least I could do, I figured, was to offer some helpful campaign advice.

"Mike," I wince, surveying his mustard yellow signs at a polling place, "Colorologists say yellow is associated with sickness or alarm." "With me," Mike answers cheerily, "you pretty much get both." He is pleased with his signs' prime positions, since he didn't plant them until the wee hours the night before. "I accidentally moved a couple to get mine in better locations," he confesses, "but after midnight, anything goes."

A former Marine with nearly superhuman physical strength (he once ripped a gear shift out of a floor in the normal course of driving), Mike has always had a bull-in-the-china-shop quality, which he tempers with charm and good looks (he was voted Northern High School's "Best Looking, 1984"—his only prior political experience). A realtor and small-business owner—this year's Chamber member of the year—Mike is a respected burgher and compassionate conservative who has made great inroads with female voters by dating roughly half of them. But he's still in a dogfight.



Darren Gygi

While his looks are obviously an asset, he failed to get a photo into the *Washington Post*'s local voter guide. Likewise, he told the paper that he viewed the paper-pushing clerk's job as a "steppingstone" to becoming county commissioner. "Mike," I cautioned, "This is a campaign—it's no time for honesty."

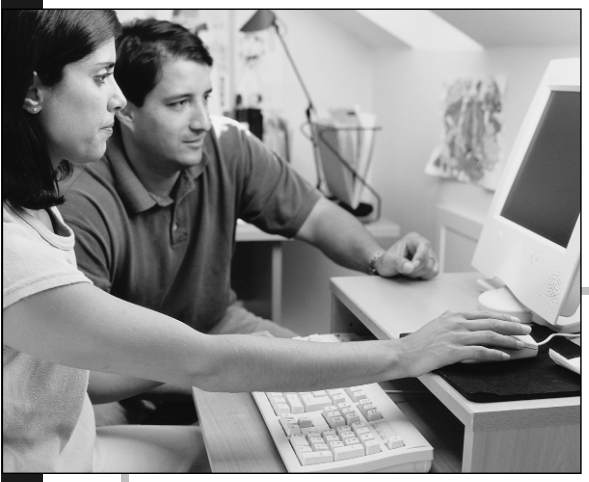
I always love the sweaty desperation of small, local elections. I love when the Joan Jones for School Board sign mistakenly bears quotation marks around "elect"—as if Joan is being facetious about the whole endeavor. I love that our county commissioner David Hale isn't too timid to flash the boldest campaign slogan in America: "Hale Yes!" But our struggling last-minute campaign push becomes a little much even for me.

Mike's best poll-workers—his parents—get lost, and then go home. When I follow Mike into an Elks' lodge as he votes, one of the "Benevolent Elks"—obviously living a lie—chases me out, afraid that I'll commit voter fraud. At a Giant grocery, as Mike is handing out literature, a surly cashier on smoke break tells us to scram, even though Kathleen Kennedy Townsend had campaigned inside the store just a few weeks prior—an injustice conveniently overlooked by the liberal media.

When we get to the Republican election party at the Masonic lodge that night, we are surrounded by cheese. There is cheese on celery and cheese on crackers, solid cheese, liquid cheese, and some combination of both. The election results pour in, and precinct by precinct, Mike is getting smoked. I try to be a pal, to buck him up. I tell him it doesn't matter until his hometown of North Beach comes in. He owns North Beach. He is the mayor of North Beach. I wouldn't even think of going to North Beach without his permission. But the North Beach returns come in, and he's still behind.

Out in the hall, we sit dejected next to an electric chair-lift used by weak-bladdered Masons. Mike nurses his wounds, while I nurse a Budweiser. "I just want it to be over," he says, and it pretty much is. Not for long, however. The commissioner's race is only four years away, and with all this new name ID, Mike has already settled on a slogan. This year, locals are saying "Hale Yes." In four more, with any luck, they will be "Bent on Michael Benton."

Matt Labash



AN AGENDA FOR INNOVATION

Now that midterm elections are over, agenda setting begins in earnest for the coming 108th U.S. Congress. And with opinion polls registering high levels of public concern over the economy, members of Congress are likely to be looking for ways to revive economic growth. They may want to consider the government's role in encouraging innovation.

Many economists agree that new knowledge, resulting from scientific discoveries and technological progress, is the most important contributor to increased productivity and growth in modern economies. In America today, with other drivers such as capital investment at relatively low levels, innovation is even more important.

Congress deserves credit for supporting innovation this past year by granting Trade Promotion Authority to the president. Trade liberalization is a priority for U.S. technology companies, many of which earn more than half their revenue abroad.

Much else can be done. Here are a few ideas for the session ahead:

Invest in human capital. The surest way to improve America's long-term economic prospects is to invest in the wellspring of innovation: the knowledge, skills and ingenuity of every American. Congress can look for ways to improve education, especially in math, science and engineering. And to keep the nation's brightest minds focused on innovation, Congress can use tax incentives and other policies to encourage investment in research and development.

Fight cybercrime. Attacks on computer networks impose enormous costs on the U.S. economy in lost productivity and resources allocated to security. The costs could go much higher if terrorists were to succeed in suspected plots to disrupt critical information infrastructures. And even without a terrorist attack, worries about security discourage the deployment of innovations. Microsoft and other technology companies accept our major role in protecting the nation's critical infrastructures, and Congress can help by strengthening penalties for cybercrime. We hope the Senate will approve the Cyber Security Enhancement Act, which passed the House in July by a vote of 385 to 3.

New ideas can strengthen the economy

Protect copyrights. The software industry is a major source of U.S. innovation and technological leadership. But the industry loses an estimated $11 billion annually to piracy and counterfeiting. These crimes drain the U.S. economy of thousands of jobs and millions of dollars in tax revenue. Congress should consider expansion in the funding and tools available for the FBI and other law-enforcement agencies to fight theft of intellectual property. Congress also should consider establishing civil and criminal penalties for trafficking in counterfeit certificates of product authenticity.

Clearly, government can promote innovation and economic growth in many additional ways. More ideas for a U.S. innovation agenda can be found at the Web address below.

One in a series of essays on technology and society. More information is available at microsoft.com/issues.

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Cheap Chicken Hawks

In "Cheap Hawks Can't Fly" (Nov. 4), Frederick W. Kagan makes several good points. Any administration's time in office is relatively brief, even one that lasts two terms, so the opportunities to see their decisions come back to haunt them are relatively rare. Such a circumstance now confronts the Bush administration. In the immediate aftermath of September 11, the Department of Defense, under the leadership of Secretary of Defense Donald Rumsfeld, published an assessment of the nation's military posture, the Quadrennial Defense Review or QDR. The central focus of this report was the need to concentrate on new threats. Consequently, the focus of United States defense planning shifted away from the former standard, that of fighting and winning two nearly simultaneous wars in widely separate geographic theaters. Exactly a year later, with war with Iraq looming and North Korea acknowledging that it has an illegal nuclear weapons program, the United States is facing precisely that threat of two wars.

Kagan rightly stresses the irony of this situation. An administration that campaigned on the slogan "help is on the way" finds itself in a militarily more precarious position than did its predecessor precisely because it failed to provide the required help. Why? As Kagan rightly points out, it failed to adequately fund national defense. In order to meet both current challenges and future force requirements the defense budget will have to be raised substantially. Kagan says that defense spending needs to be increased by $100 billion annually. This might sound like an impossible figure. However, as the author of a study on the subject of defense budgeting, I can confirm that Kagan is right.

The military needs forces that are more readily deployable with longer reach and improved lethality. Yet, the Department of Defense is reported to be seriously considering reductions or delays in new and advanced weapons systems that could mean the difference between victory and defeat in the wars of this decade. Kagan mentions several systems at risk such as the F/A-22 and the Comanche helicopter, but there are many more. One of these is the Stryker medium-weight combat brigade that will be as rapidly deployable as light infantry but with the mobility and punch of an armored/mechanized force. Imagine what such a force could do if deployed behind Iraqi front lines. Another is the V-22 Osprey, central to the Marine Corps's ability to conduct maneuver warfare against inland targets. Either of these could make the difference between success and failure in the next conflict.

The Bush administration has tried to buy security on the cheap. The Department of Defense proclaimed a strategy of transformation that amounts to promising to buy future technology

tomorrow while saving money today by cutting back on the modernization. Facing the very real possibility of two wars at the same time with an unknowable number of threats that may follow, it makes no sense to shortchange the military today in order to buy better equipment sometime in the future. The only answer, as Kagan points out, is to ante up the money to pay for both.

Daniel Goure
The Lexington Institute
Arlington, VA

Ernest Fortin, RIP

Werner J. Dannhauser mars his fine tribute to Ernest Fortin, "Faith and Reason" (Nov. 4), with a contrast between "the genuine man of faith and the genuine man of reason." Hence he does little justice to Father Fortin to call him a "man of faith," as if for that he were less a "man of reason."

Fortin's defense of the Church's early doctrinal definitions, his strictures on the trendiness and sketchy theological education of some fellow faculty, show him to be a man devoted to reason, yes, but also a man devoted to his faith.

I visited Ernest just three days before his edifying Christian death, which Dannhauser beautifully describes. The only regret he voiced to me was, "There's so much left to be done." When I responded that he had left a corps of devoted students who would carry on his work, he smiled and asked, "Do you think so?"

Although he had been scarcely speaking above a whisper, though he had been struggling for breath, though he had hardly been able to raise his hand to take mine, he lifted himself up to make a great sign of the Cross and, in sonorous Latin, pronounced the blessing of the Church over me.

Patrick G.D. Riley
Wauwatosa, WI

Though a peerless teacher of ancient political thought, Leo Strauss had three conspicuous shortcomings that Werner J. Dannhauser fails to take into account in "Faith and Reason": a vast overestimation of Heidegger, an undue preoccupation with so-called esoteric writing, and, most important, an unwillingness to acknowledge the primacy of faith. Unfortunately his ambivalent religiosity was transmitted to many of his students.

Thus, though Dannhauser would like to persuade us that through his focus on Christian medieval thinkers, Fr. Fortin showed himself to be no mere "follower of Strauss," his adoption of the irreconcilable Straussian "tension" between Athens and Jerusalem (read: contradiction between faith and reason) would require that, whatever his merits, he be considered something less than "our indispensable guide to this vast period of western history."

As Strauss himself demanded, this

title of "indispensable guide" could only be given to one who understood these thinkers as they understood themselves. Now it just so happens that Augustine, Aquinas, and Dante did believe in (indeed, demonstrated) the reconcilability of Hellenic and Hebraic thought and, therefore, the harmony of faith and reason, and ultimately, the singularity of truth.

And so it is to those contemporary thinkers who, in sharing this conviction, understand and stress its centrality—Maritain, Gilson, Garrigou-Lagrange, and Pieper, to name just a few—that we must turn as our indispensable guides to medieval thought.

CRAIG S. MAXWELL
La Mesa, CA

BORK, BORK, BORK

FRED BARNES IS NOT QUITE RIGHT when he writes that the U.S. Senate treated Supreme Court nominee Robert Bork "so badly a new verb—to bork—was coined for the unfair trashing of a nominee" ("A Choice, Not an Echo," Nov. 4).

Unfortunately, the term originated not from the right as a note of shame but from the left as a cry of triumph over its success in defeating Bork's nomination. It first appeared on July 5, 1991, as an off-the-cuff remark by the radical feminist lawyer Flo Kennedy, who—at an anti-Clarence Thomas press conference with leaders of the National Organization for Women—declared: "We're going to Bork him. We need to kill him politically."

NOW leaders at the press conference, including Gloria Steinem, Liz Holtzman, and Patricia Ireland, all chortled with glee at Kennedy's "witticism."

ERIC FETTMANN
New York, NY

LET'S DO THE TIME WARP

IT'S 1963 ALL OVER AGAIN (and 1964 and 1980 and on and on). THE SCRAPBOOK (Nov. 4) laments the media's desperate attempts to link John Muhammad (or John Williams, if you're NPR) to the right wing, to the gun lobby, and to anything but Islam.

Nothing new about this. As a young teenager I remember, in 1963, the fathers and grandfathers of today's press people trying to do the same thing with Lee Harvey Oswald. Even though this screwed-up man was an avowed Marxist and fan of Fidel Castro and had tried to settle in Communist Russia, the media did their best to smear Dallas and Texas and Barry Goldwater and Republicans and even protesters at an earlier anti-Adlai Stevenson rally.

It just *had* to be the vile right wing that killed their sainted President Kennedy. It just *has* to be the vile right wing that killed 10 innocent people in the D.C. area.

Evolution into a more advanced species doesn't seem to work when it comes to the media.

ALAN HOBDEN
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the weekly Standard

The U.N. Trap?

President Bush's resounding victory in last week's midterm elections was, among other things, a remarkable expression of national support for the course the president has steered in the war on terrorism. And, of course, that includes the president's Iraq policy. Time and again as he toured the nation providing invaluable support to Republican candidates, President Bush made clear to voters that he intended to take action against Saddam Hussein. If it is true, as we believe, that Bush's stature as commander in chief helped put Republicans over the top, it is also true that the president's commitment to Saddam's ouster is part of what has defined his execution of his duties as commander in chief. One might add that the most significant legislative action during this election campaign came when Congress gave the president authorization to use force to remove Saddam.

So now the president has cleared all the hurdles. He has won congressional authorization. He has received as much of a mandate for the use of force as any president could expect in a midterm election. All that remains is to go through the motions of U.N. inspections before the president orders military action to remove the world's most dangerous dictator. Right?

Probably right.

Of the president's intentions we have every confidence. For months he has consistently declared that Saddam Hussein is a dangerous menace who must be removed. No one can doubt that the president means what he says. He has had plenty of opportunity to back away from his tough rhetoric. He has braved criticism not only from much of the rest of the world, and not only from his political opponents in the United States, but also, as one thinks back to last August, from members of his own party, and from those who served his father.

Fortunately, the congressional vote of a few weeks ago and last week's elections pretty much doused whatever fire the critics of August, with the quiet support of some senior State Department officials, had tried to start. Unfortunately, the battle over the president's policy is still not over, and the attempt to derail the president's policy toward Iraq has not completely failed, at least not yet.

We can see the effects of the late-summer onslaught against removing Saddam unfolding before us right now, in the form of the U.N. Security Council resolution passed Friday and the attempt to get U.N. inspectors back into Iraq. We understand and sympathize with those in the Bush administration who believed there was no escaping this diplomatic effort. At the same time, it is impossible to ignore the fact that the weeks of negotiations carried out by the State Department have eroded the president's position, not terminally, but worryingly.

The French government of Jacques Chirac is reported to be "delighted" that over the past seven weeks it has been able to force "a substantial change in the initial U.S. position." As the *Financial Times* reported from Paris on Friday, the French are congratulating themselves for directing the new Security Council resolution toward disarmament rather than "regime change" in Iraq. And they are right that this is a substantial victory. When President Bush spoke to the U.N. General Assembly back in September, he made clear that his goal was not merely disarmament but forcing Saddam to abide by all U.N. Security Council Resolutions, some of which call for an end to tyrannical oppression of various sorts—effectively a call for an end to Saddam's regime. Today the president himself talks chiefly of disarmament and, at least theoretically, leaves open the possibility that a disarmed and fully inspected Saddam Hussein-led regime will be an acceptable outcome for the United States.

It is impossible to ignore the fact that the weeks of negotiations carried out by the State Department have eroded the president's position, not terminally, but worryingly.

The weeks of negotiations at the Security Council also softened the terms of the inspections. As the *Financial Times* reports, the French complained that the early American drafts of the resolution "seemed intentionally provocative," designed "to ensure the weapons inspection mission was a stillborn failure." To put it another way, the initial U.S. proposals were sufficiently tough that they would have been unacceptable to a Saddam intent on evading inspections. But over the past few weeks the French and the State Department have worked together to fix that problem. Now Saddam may well accept the inspections plan. What does that tell you?

There is no point in kidding ourselves: The inspections process on which we are to embark is a trap. It may well be one that this powerful and determined president can get out of, but it is a trap nonetheless. It was designed to satisfy those in Europe who oppose U.S. military action against Iraq; and it was negotiated by those within the Bush administration who have never made any secret of their opposition to military action in Iraq. We should hardly be surprised, then, that the process established by the U.N. Security Council makes it harder, not easier, for the president to accomplish what he has long stated as his objective in Iraq. President Bush's own policy advisers have led him into an inspections quagmire from which he may have difficulty escaping.

Indeed, one of the most disturbing features of the current process is the extent to which it takes control of American foreign policy out of President Bush's hands and puts it in the hands of people who, to put it mildly, have no interest in furthering President Bush's goal of regime change in Iraq. As the plan is currently devised, the people who will have considerable influence in deciding whether the United States has legitimate grounds for taking action against Saddam Hussein are (1) the U.N.'s chief arms inspector, Hans Blix, (2) the members of the U.N. Security Council, i.e., France and Russia, and (3) Saddam Hussein himself.

The best that can be hoped for is a return to the Security Council within or shortly after the next 105 days. At which point, we will be back where we began eight weeks ago.

First Hans Blix. No one should judge him before he has had a chance to prove himself. But it is well known that he was given the job of chief U.N. inspector in part as a concession to Saddam Hussein, who considered the previous chief inspector, Richard Butler, too tough, and that Blix's team was modified to make it less potent than Butler's.

Now President Bush's policy rests heavily on Blix's actions and decisions. According to the resolution passed on Friday, Blix will have 45 days to begin inspections in Iraq. Then he will have another 60 days to submit a report on his findings to the U.N. Security Council. During these 105 days he may also report on any efforts by Iraq to obstruct inspections. Now, of course, it is possible that Blix will report every breach or obstruction committed by Iraq, that he will file a complaint every time his access to some building is delayed by 24 hours, or every time one of his vehicles gets a flat tire, or every time one of the people he wants to interview mysteriously fails to show up. But, really, what are the chances that Mr. Blix will want to blow the whistle on Saddam—knowing that he may thereby signal the start of a war that he and his backers at the Security Council want to avoid? More likely he will doggedly persist in his work and try to overcome whatever obstacles Saddam's people place in his path. It's only natural: What U.N. diplomat wants to be responsible for starting a war over a few nagging inconveniences of the kind that Saddam has turned into an art form? Nor should we expect Mr. Blix at the end of 105 days to provide the kind of report that will make a clear case for going to war. Most likely, it will be a report filled with ambiguity and uncertainty, with reasons for concern and reasons for optimism. And inevitably the report will include an appeal for more time to keep looking. After all, years of inspections in the past produced only hunches and ambiguities and warnings about Iraq's weapons programs. Why should we expect a mere 105 days of inspections to produce much greater clarity?

Now it would be one thing if President Bush were able, whenever he learned of some Iraqi obstruction, to declare that the jig is up and order American troops to start moving. It would be one thing if, whenever a door were slammed in Blix's face, Bush could simply begin the invasion on his own initiative. And it would be one thing if Bush, upon reading Blix's 105-day report, decided that, ambiguity or no ambiguity, it was time for military action. But here is where American negotiators seem to have made a substantial concession to France and Russia in the Security Council negotiations last week.

Earlier American drafts had stated simply that if Iraq obstructed inspections or made false declarations, it would be in "material breach" of the U.N. resolution, thus implicitly leaving the United States free to take action. But in recent weeks France and Russia fought hard against this "hidden trigger"—precisely because, as the Associated Press reports, "the original wording would have let the United States determine on its own whether Iraq had committed an infraction." Last week the State Department negotiators backed down on this critical point. At France's insistence, the resolution now states that any new breach "will be reported to the Council for assessment." If Blix encounters trouble with the Iraqis, he is to report to the council, which will then "convene immediately to consider the situation." This is not a mere technicality. The French believe, and more important the British believe, that this means President Bush has promised he will not order an invasion just because it is clear to *him* that Saddam is obstructing inspections or lying and cheating. Their interpretation of the resolution is that the president can act only when *Blix* declares to the Security Council that there is a problem. As one British diplomat at the U.N. told the *New York Times*, "There is now no route through this resolution that circumvents the weapons inspections." Which means there is no way for the United States to make an independent judgment without being accused of sub-

verting a process the United States appears to have authorized.

That is why the French are "delighted." They have succeeded in ensuring that President Bush must come back to the Security Council before ordering an invasion. According to Colin Powell, the United States is committed to participating in another debate at the Security Council, which may mean another vote, as well. This two-stage process is what France demanded all along, and what the United States allegedly resisted all along.

So the best that can be hoped for now is a return to the Security Council sometime within or shortly after the next 105 days. At which point, we will be back where we began eight weeks ago. The Bush administration will claim the time has come for military action, and the French and Russians will argue that the time has not come, that the reports are ambiguous, that inspections need more time, etc. Then, it is true, President Bush will be free to flout the will of Security Council members and invade if he chooses. That is why administration officials still bravely declare that the president has not been "handcuffed" by the latest resolution. But surely this is no victory for American diplomacy. After all, the president, in this sense, has never been handcuffed. He has always been free to ignore the Security Council. So the question is, given that Bush has felt it necessary to let France and Russia, and his own negotiators, tie his policy in knots in order to win U.N. approval for his actions over the last eight weeks, will he feel freer to act without U.N. approval 15 weeks from now? One thing is sure: France and Russia, having won big this week on their demand for a second stage of Security Council deliberations, are not going to fold when their next opportunity to prevent the invasion arrives—especially if Saddam can, for four months, more or less behave.

Which brings us to the final and most problematic figure into whose hands the fate of President Bush's policy has been placed: Saddam Hussein himself.

We understand the operating assumption behind Bush's whole approach to the U.N. inspections plan: Saddam will blow it, somehow. He won't agree to accept the new resolution. Or if he does accept it, he will immediately demonstrate his unwillingness to abide by its terms. Or when it comes time to declare what weapons facilities Iraq has, he will lie or fudge, and we'll catch him. Somewhere, sometime, somehow, Saddam will trip up and give the United States the pretext to do what Bush wants to do—take him out militarily.

There is both history and logic behind the Saddam-is-foolish assumption. In January 1991, Saddam had a chance to prevent the U.S. attack on his forces in Kuwait. He sent his then-foreign minister Tariq Aziz to meet with then-secretary of state James Baker in Geneva. Baker was as opposed to a war against Iraq then as the current secretary of state is opposed to a war against Iraq now. Had Aziz made any con-

cession, any concession at all, Baker might have declared progress and convinced the first President Bush to delay the attack. But Aziz offered nothing. Saddam proved he was too stupid, or too unimaginative, or too crazy to make a few gestures to avoid an American attack. More than a decade later, we are supposed to believe, he will make the same mistake all over again. The Saddam-is-foolish argument is plausible. But it's a little nerve-wracking to have to base our future security on the premise that the man has learned nothing.

The case that Saddam has little room to maneuver is also plausible. We know Saddam is building weapons of mass destruction and that he is hiding them. Therefore, the argument runs, he has only three choices: admit it, and either disarm entirely or face an American invasion; deny it, and then try to prevent weapons inspectors from finding the facilities and weapons, and face an American invasion; or deny it, and let the inspectors roam freely until they prove him a liar, and then face an American invasion. Disarming is tantamount to suicide. Therefore, Saddam will lie or obstruct or both, in which case the wording of U.N. Security Council resolutions doesn't matter. Saddam will give the United States the pretext for invasion, and the French and Russians will not be able to stop Bush.

As we say, this is plausible. Perhaps it is even likely. But surely there is another possibility: That Saddam will tell some half-truths and some half-lies. That he will disarm in those areas where he has chosen to be truthful, but not in those areas where he is lying. That he will give inspectors free access, with perhaps the occasional bump in the road, but in the course of 105 days they won't find anything conclusive—no smoking gun to present to the Security Council as an unquestionable "material breach." What then? On what grounds will President Bush declare that the inspections effort has failed and the only remaining option is an invasion? The legal and scientific case may be no stronger then than it is now.

One answer administration officials give is that they intend to have "zero tolerance" for Iraqi misbehavior or dissimulation during the next 105 days. The minute Bush sees something he doesn't like, he will take action. We trust this will indeed be the administration's approach. But what would trigger such a decision by Bush? Inspectors' being turned away from a facility? Discovering a stash of "dual-use" chemicals that Saddam didn't put on his list? One scientist saying something bad was going on somewhere a year or two ago? Given the concessions of Bush's negotiators at the U.N., how exactly will Bush officials implement their "zero tolerance" approach? The truth is, they don't really know.

In fact, the inspections process may go on for a long time—"months," Secretary of State Powell has suggested—before anyone can claim with certainty that Saddam is flouting U.N. resolutions. And if it does take months for Saddam to trip himself up, if it takes until May or June or August, will the president then be able to rally the country behind military action? Will the summer heat in the desert preclude a relatively safe operation? Or will military action then have to wait until this time next year, with the 2004 presidential race pending?

And there is a more important question: Will the clarity of the case for war have been compromised, perhaps fatally, by this latest round of diplomacy? Until recently, the president had made it plain that the United States was going to war to remove the clear and imminent danger of an aggressive dictator developing nuclear weapons. But two months from now he may have to argue for war on the grounds that two inspectors were turned away from a suspicious chemical factory. That is not progress.

The tragic irony, of course, is that the inspections regime cannot possibly "work," no matter how compliant Saddam chooses to be. It simply cannot eliminate the danger Saddam poses to the United States and to the world. Even if the inspectors were to find and destroy some of his illicit weapons and weapons-making facilities, we could never be confident that they had found and destroyed all of them. Nor is there anything to stop Saddam, after "disarming" and getting a clean bill of health, from beginning all over again. That is why President Bush has been right all along to insist on a change of regime in Iraq. The problem is not just Saddam's weapons. The problem is Saddam.

The president knows this. But right now his administration is conducting a policy that deliberately denies and obscures this fundamental truth. And the further we stumble down this road, the greater the danger that the clarity of our vision—which the president has worked so hard to establish—may become hopelessly clouded.

That is the case for pessimism. But there is also a case for optimism. It rests entirely on President Bush himself. We find it inconceivable that the president intends to end his first term with Saddam Hussein still in power. He knows what a disaster that would be, for the security of his nation, for the world, and for him personally. While he has allowed his negotiators to give away too much in New York, it is possible that in Bush's eyes all that matters is his own freedom of action. He may not feel "handcuffed" in the slightest, despite the fact that the Security Council resolution appears to do just that. Perhaps what the president really believes is that, at the end of the day, he will act when he deems it necessary to act, no matter what Blix and the Security Council say. That is our hope. We trust the president will ensure that his administration's vision remains unclouded by the smoke emanating from the U.N., and that, at the right moment, and at a moment not dangerously far off and not indefinitely to be postponed, he will thank the U.N. and our "allies" for their efforts, and order his military to get about the urgent business of removing Saddam Hussein's regime in Iraq.

—William Kristol and Robert Kagan

Understanding Strong Presidents

A handy guide.

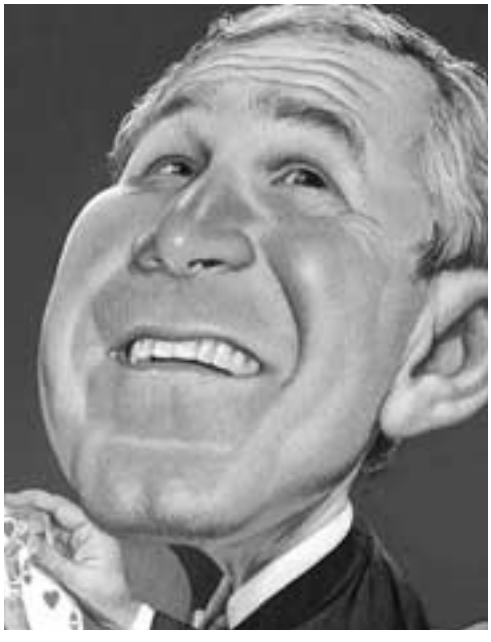
BY JEFFREY BELL

JUST BEFORE THE ELECTION last week, I half-attentively watched Norman Ornstein explaining to a television interviewer that President Bush was taking an enormous risk by campaigning for so many marginal Republican candidates. The reason I was half-attentive is that it wasn't the first such analysis I'd heard.

The premise of such interviews, though never quite stated, was that Bush was a bit of a dunce for not realizing that he would get blamed if a number of these GOP candidates were to lose. A corollary offered by a number of other analysts (the one I best recall is Larry Sabato) was that Bush would really be better off in 2004 if Congress (or at least the Senate) were in Democratic hands, for then he would have a more plausible scapegoat when things go wrong. If Bush were just a little smarter, he would realize his surest path to reelection is the one followed by Bill Clinton in 1995-96, and he'd be working a little less hard at electing Republicans in 2002.

Though this kind of analysis is, in its own terms, shrewd and intelligent—political leaders really do get blamed for backing losers, and it is undeniably more plausible to spread blame if one's adversaries are seen to share power—it badly misses the mood and feel of the Bush presidency.

Regardless of agreement or disagreement with the objectives of George W. Bush, it should be obvious by now that this is the first strong presidency since the 1980s. The Reagan era was two decades ago, so maybe some of us have forgotten what strong presidencies are like. Maybe some of us didn't even recognize how strong a president Ronald Reagan was at the time. He did have a habit of doing unexpected things that seemed crude and naive, like firing every air traffic controller in the country in his first months in office because he didn't think they should go on strike. Only much later—when we had forgotten the enormous risks Reagan took, and the fears and doubts they generated had lifted—were such acts written up as strength.



So here are a few modest rules of thumb for understanding strong presidents:

(1) Strong presidents seek political power to accomplish specific goals, not to make themselves look good or even to acquire power, or the perception of power, as an end in itself. Strong presidents have nothing against being reelected, but the thought of abdicating a share of power for two precious years to Tom Daschle (in Reagan's day, the roughly equivalent figures were Tip O'Neill and Robert Byrd), on the grounds that such abdication might enhance one's electability, would make a strong president physically ill.

(2) Because strong presidents think in terms of specific goals, they devote a lot of their time to building political support for their goals. Sometimes this takes the form of wooing legislators, including legislators of another political party or ideological persuasion. When polarization and partisanship make such wooing hard if not impossible, that same ambition is likely to take the form of aiding the election of candidates who can be counted on to support one's goals. The differing political climates of Austin 1995 and Washington 2001 fully account for the seeming contradiction between the legendary bipartisanship of Governor Bush and the fierce, relentless, highly effective partisanship we witnessed in the President Bush of the 2002 off-year election cycle.

(3) While strong presidents are hardly oblivious to calculations of risk and lost prestige, their orientation toward specific goals makes them far more interested in building loyalty. Undoubtedly there were strong arguments against the president's multiple appearances for candidates thought very likely to lose. But the other side of the coin is this: Try to picture a future time or situation when the president will be refused the help of Senator Wayne Allard of Colorado.

(4) Strong presidencies are not generated by the nature of the times they live in or the problems they deal with. William McKinley was a strong president who bequeathed an enhanced foreign and domestic hand

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to his successor, Theodore Roosevelt. But because Roosevelt was from his first moment in office a strong president, he took that strong hand and found ways to make it even stronger. As for George W. Bush, the vital signs of a strong presidency were evident well before 9/11, when against all the expectations of his 50-50 election, he demanded from Congress and largely got a sizable tax cut as his first order of business rather than the watered-down version everyone assumed he would settle for.

(5) Strong presidents tend to be selective in their agenda at any given point of their presidency. They greatly value focus. They are hard to divert from any issue or task they have decided is their center of gravity, as has so obviously been the case with Bush in regard to the war on terrorism in the last 14 months. In Isaiah Berlin's typology, a strong president is far more likely to be a hedgehog than a fox (the infinitely knowledgeable and voluble Bill Clinton is the epitome of a fox).

(6) The critics and political opponents of strong presidents often mistake their hedgehog-like methods and focus for a kind of tunnel vision. In the past year, for example, it might have been plausible for Tom Daschle to assume that, because the majority leader and most Democrats avoided obstructionist tactics on anything directly relating to the war, he could pretty well have his way, or at least exert an absolute veto, on almost everything else. Bush did little, directly, to disabuse him of this assumption, other than quietly lay the groundwork for the most elaborate, most comprehensive, and most partisan intervention by a president in an off-year election in American history.

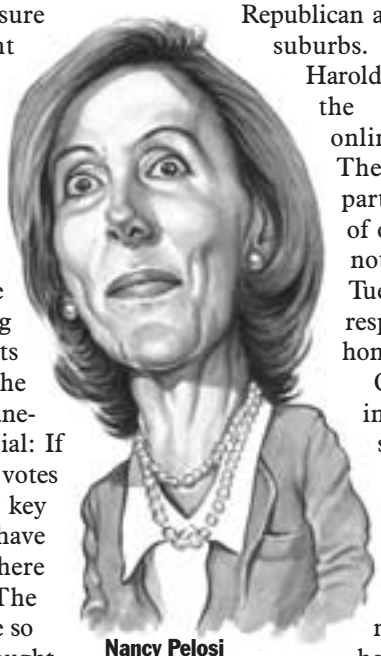
Strong presidents tend not to get visibly mad, and are even willing to look weak and ineffectual for extended periods of preparation. But in cases where they feel their power to achieve their goals is in danger of being called into question, they do have their ways of altering the playing field. It's a lesson Minority Leader Daschle will not soon forget. ♦

The Pelosi Democrats

Are they going to become the stupid party?

BY DAVID BROOKS

ARE THE DEMOCRATS about to go insane? Are they about to decide that the reason they lost the 2002 election is that they didn't say what they really believe? Are they about to go into Paul Krugman-land, lambasting tax cuts, savaging Bush as a tool of the corporate bosses? Are they about to go off on a jag that will ensure them permanent minority status in every state from North Carolina to Arizona?



Nancy Pelosi

If you look at the Democrats' reaction to their debacle last Tuesday you can be forgiven for thinking so. The Democrats went through all the stages of grief simultaneously. There was denial: If only a few thousand votes had changed in a few key precincts, we would have kept the Senate. There was self-pity: The Republicans just have so much money, they bought the election. There was rage. Boy was there rage! And this time it was directed at the Democrats themselves, a furious barrage of hatred aimed at Daschle, Gephardt, McAuliffe, et al. Those guys should be glad the Left is no longer in its guillotine phase.

Then there was resolve. If you troll through the liberal commentariat and among the liberal political class, you find a pretty coherent story line emerging. The Democratic triangulators lost because they had no alternatives to Republican policies. They didn't oppose the Bush tax cut. They didn't oppose regime change in Iraq. If they had done so, they would have mobilized their base. Black and Hispanic voters would have turned out en masse and compensated for the Republican advantage in the outer suburbs. The Democrats, Harold Meyerson declared in the *American Prospect* online, "had no message. They were an opposition party that drew no lines of opposition. They had nothing to say. And on Tuesday, their base responded by staying home in droves."

Other liberals were less interested in a political strategy. They thought it was time to crush the centrists and utter the truth, damn the consequences. Paul Krugman, who helpfully headlined his column "Into the Wilderness," announced that the Democrats must declare class war on the plutocracy. Times will be hard, he warned. The corporate criminals in the White House will rape and pillage. Children will be denied porridge in their orphanages. But someday the middle classes will emerge from their false consciousness and vote for the one true church and its guiding angel, Al Gore! At this point many Democrats eagerly mention Barry Goldwater. Wasn't his crushing defeat the prelude to victories?

Drew Friedman

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Well, Republicans can only hope. But the truth is that while Democrats are stupid, they are not that stupid. If you listen to intelligent members of the Democratic political class, you learn that the party hasn't totally lost its head. The smarter liberals say the last thing the party needs is another one of those DLC vs. populist intra-party fights.

Instead, the first thing the party has to do is get some credibility on national defense. So long as voters don't trust Democrats to be tough on terrorism, it doesn't matter what the party says on anything else. This is so patently obvious that surely some Democrats will come up with an ostentatiously hawkish homeland security agenda over the next few months.

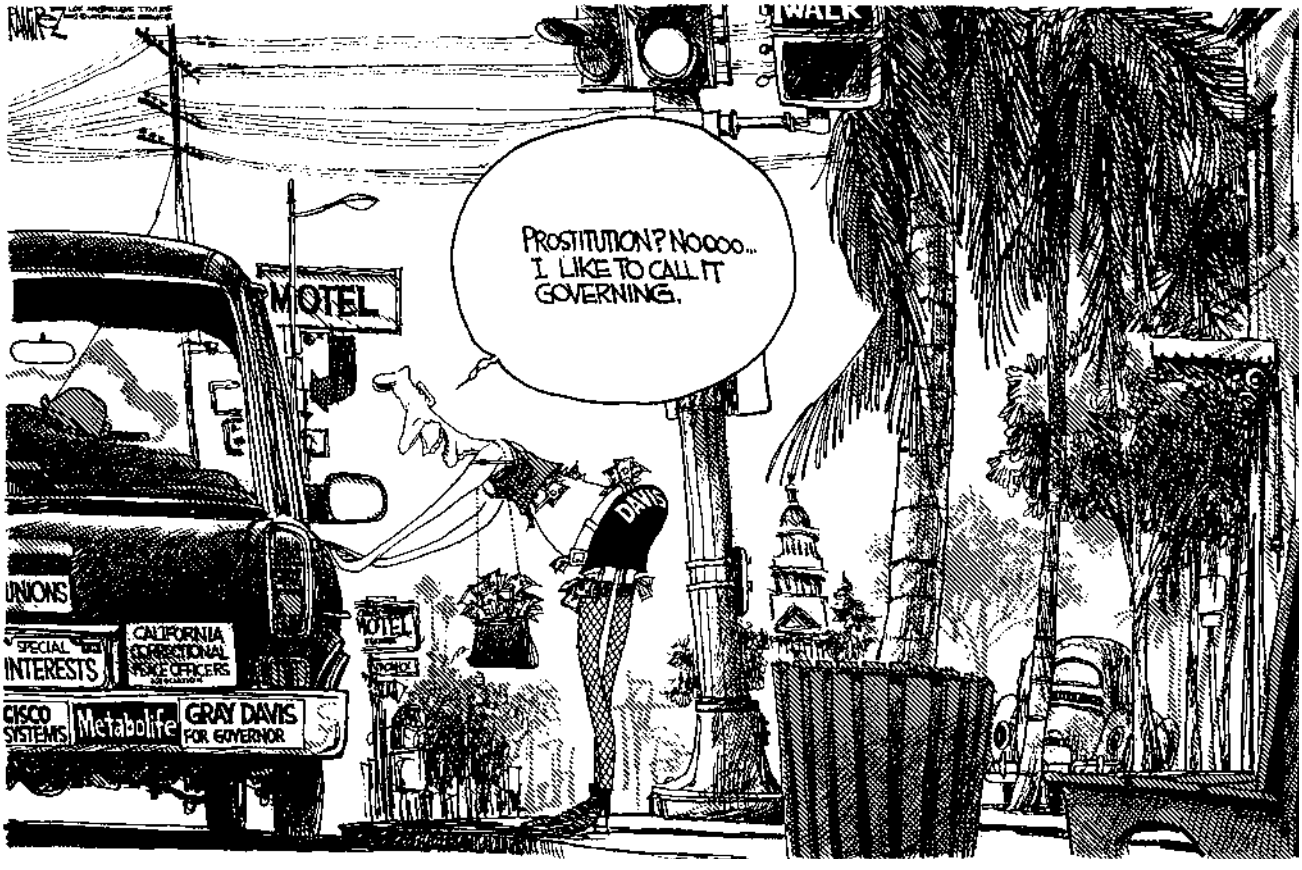
Then, the smarter Democrats say, you can't fight the tax cut. The better strategy is to counter the Bush tax cut with an equally large Democratic tax cut, which might lean more heavily on payroll taxes. Pit tax cut against tax cut, just as Republicans pit one prescription drug plan against another.

Finally, remember that over the next two years, the congressional Democrats are going to be overshadowed by the Democratic presidential aspirants. Nancy Pelosi, the presumptive House minority leader, may be the most caricaturable politician since Newt Gingrich—it will be easy to paint her as a San Francisco Democrat, especially if she makes a gaffe or two. But the headline Democrats will be John Edwards, Joe Lieberman, Dick Gephardt, Al Gore, John Kerry, and the rest of the presidentials. All of them save Gore supported Bush on the war. None of them save Gore is foolish enough to challenge the Bush tax cuts. If you look at their early presidential campaign speeches, you find a lot of bold energy plans, some outflanking of Bush on the right when it comes to nation-building in the Middle East, and a lot of cultural conservative-sounding talk about individual responsibility.

This is not loony stuff. This is an attempt to be Tony Blair, Yankee style.

Which is not to say the Democrats will always be able to control their message. A party in opposition is an unrestrained party. Ted Kennedy can go popping off as hysterically as he wants and there will be no real way to stop him. It's also quite possible there will be a fight over a Supreme Court nomination, which is sure to bring out the lefties in all their glory. Moreover, just as a matter of body mass, there are not that many Democratic centrists left to counter liberal urges when the fever strikes.

Still, this is a party that, even in defeat—even after a period of months in which Democrats revealed themselves to be fundamentally unserious on the great issue of the day—wins 47 percent of the vote. The odds are that the Democrats will not jump off a cliff from here. Much as conservatives, and liberal purists, might want them to. ♦



Michael Ramirez

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The Seriousness Gap

Why voters turned Republican.

BY FRANK CANNON & CHUCK DONOVAN

IT WAS SATURDAY AFTERNOON, 72 hours before the polls opened in Georgia, and President George Bush was in the state for the fifth time in 2002—three of them campaign swings for Saxby Chambliss. It was part of the last stage of a fierce drive that put Bush in 17 states in 15 days. The president took to the microphone in front of 6,000 cheering Republicans at the Cobb Galleria Centre and quipped, "Saxby said keep it short, the [University of Georgia] Bulldogs are playing." The crowd howled its approval.

Throughout the 2002 campaign, President Bush did keep it short—and simple. Two weeks earlier, he had spoken on behalf of Chambliss in downtown Atlanta. The assignment was difficult: Make the case for an underdog Senate candidate against Max Cleland, a decorated veteran who had never lost a campaign for elective office. Bush zeroed in on Cleland and the Democrats' blockage of the homeland security bill at the behest of federal labor unions. "Senate Democrats want to tie the hands of this department and determine who we can hire and who we can fire," Bush said.

Peter Steiner

Time and again in the weeks before the vote, Bush painted the Democrats into a corner. At a time when the nation is challenged to its very core, Democrats were playing not only partisan politics, but the worst form of partisan politics: interest group protectionism. If the Democrats would do this on homeland security, he implied, they would do it anytime, anywhere. Bush framed the stakes in 2002 in clear moral categories. Speaking of terrorists, he told the Atlanta audience, "We're fighting coldblooded killers. There's only one way to deal with that. Therapy isn't going to work."

Martin Peretz summed it up simply in the *New Republic*: "The nation is in danger, and Democrats avert their eyes."

The American people have come to terms with the presence in the world of implacable enemies, to whom no American life—man, woman, or child's—is innocent. With no act of aggression on our part, our homes, our businesses, our streets can become, in a heartbeat, places of blood and ash. Israel has lived with this reality for decades. It is now our reality, and, with a reflexiveness astonishing to behold, one of our major political parties considers all of it as, at best, a distraction from its strange brew of coalition politics.

Democrats spent most of the year after September 11 cobbling together Pyrrhic victories for their various incoherent splinter groups. They refused hearings to more than a dozen Bush judicial nominees; killed the president's efforts to revive charitable giving in order to placate left-wing homosexual groups that wanted new federal hiring privileges; reneged on their pledge to hold a Senate vote on a cloning ban; and blocked the homeland security bill. Voters found it hard to put a "United We Stand" sticker on this package.

The razor-thin margins in Senate races in Missouri, Minnesota, and South Dakota, two for the Republicans and one for the Democrats, prompted a hallucinatory *Washington Post* headline on November 6 claiming that the nation "remains evenly split." The nation *was* evenly split in November 2000. But now, two years later, the nation is moving decisively toward President Bush and his party. Not counting third parties, nearly complete raw

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vote totals in 36 governor's races show that GOP candidates as a group outpolled their Democratic opponents by 52.8 percent to 47.2 percent. In 34 races for the U.S. Senate, the gap was 52.2 percent to 47.8 percent. The Republican margin in House races, where the GOP now holds at least 227 seats, was almost a full 7 points—53.4 percent to 46.6 percent. That margin was a paltry 1.2 percentage points in 2000.

The "Seriousness Gap" is about more than war, peace, and freedom. For the last three election cycles the nation appeared to be embracing another emblem of Baby Boomer liberalism. Advocates of decriminalization of marijuana, for purposes medical and not so medical, were on a roll. Flush with cash from billionaire currency speculator George Soros and other benefactors, the Drug Policy Alliance had won 17 of 19 initiatives. They expected to do equally well this year, with referendums in Nevada, Arizona, South Dakota, Ohio, and the District of Columbia.

John Walters, the president's drug policy adviser, took a cue from his boss and campaigned personally in referendum states. He made the case that legalization was not a panacea but a retreat. This time around, Soros and his millions were beaten soundly. The results, Walters said, "affirm what most Americans already know: that no family, no community, no state is better off with more drug use."

The challenge now for Republicans is to carry on with the high purpose they have revived in our national life. Americans have shown that they want adults, not adolescents, in high office in times of peril. There is work to be done: terrorists to be caught or killed, regimes to be disarmed, judges to be appointed, poverty to be alleviated, families to be rebuilt, education to be reformed. It is a tall order, but November 5 proved once again that Americans take their votes seriously and will reward parties and candidates who do likewise. ♦

Mandate Mongering

Republicans and the temptation to hubris.

BY JOHN J. DIIULIO JR.

THE MEDIA PUNDITS and partisan spin-doctors are nearly unanimous: President Bush and the Republicans won a big, bellwether victory in the 2002 midterm elections. Most Democratic leaders, many in obvious don't-blame-me mode, agree: Bush's post-9/11 popularity, his peripatetic campaigning and fund-raising for Republican candidates, and his likable personality turned the tide. The only question remaining, it would seem, is how far, and how far right, Bush will push his new national mandate to govern over the next two years, and how much harder it will be for any Democrat to credibly challenge, let alone beat him, in 2004.

All the president's men, however, should think twice: Bush's media-manufactured morning-after mandate is irresistibly self-affirming but dramatically overstated. Remember, we have heard it all before, and all of it was wrong. The morning after the 1988 election, George H.W. Bush had consolidated the Reagan legacy. In 1992, Bill Clinton recaptured Reagan Democrats, and had a new progressive mandate for change. In 1994, Reagan-Republican dominance was resurrected, courtesy of "angry white males." In 1996, GOP dominance was repudiated, courtesy of "soccer moms." In 1998, Clinton "made history" by gaining five House seats while losing none in the Senate. In 2000, the "red states" in the "evenly divided" country gave Bush a narrow Electoral College mandate, courtesy of the Supreme Court, but no mandate to govern, and Democrats could be counted on to surge in 2002 to "avenge Florida."

Every one of these instant interpretations was predicated on an almost comically superficial reading of the election data and polling results. For example, in 1994, the Republicans gained 54 House seats. But this "earthquake election," as many morning-after analysts called it, was based on only small electoral seismic shifts: If fewer than a grand total of 20,000 voters in just 13 House districts had voted Democratic instead of Republican in 1994, Democrats and Tom Foley, not Republicans and Newt Gingrich, would have led the 104th Congress.

Two years earlier, many Republican gurus quickly concluded that Bush had lost to Clinton not because he had lost Democrats (Reagan or other), but because he had lost core Republican voters by being too moderate (breaking his no-new-taxes pledge, failing to court religious conservatives, and so on). Actually, Bush 41's biggest losses were not within the Republican base. They were among independents and Democrats. After winning 55 percent of independents in 1988, he won only 32 percent of their votes in 1992; if anything, they defected because they perceived him as too far to the right on many issues. As for Democrats: Reagan won 26 percent of them in 1984; Bush got 17 percent of them in 1988, but only 10 percent in 1992. For their part, the Democrats and Clinton, with only a plurality vote (43 percent), made like they believed their own mandate-for-change mantras. For two years, they pushed national health insurance and other liberal causes for which there was no mass electoral

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appetite in the country and no governing coalition in the Congress. Clinton recovered only when he moved back to the center, a lesson that House Democrats, his most fervent supporters, have yet to accept or master.

Contrary to the conventional commentary and red-blue map-making industry, what was novel about the 2000 election results was *not* that the country was so evenly divided in popular vote terms, but that it was so evenly divided in terms of the Electoral College. The country has normally been *very* closely divided in presidential politics, and divided in ways that bunch partisan blocs by region (for example, the once Democratic but now largely Republican South). In 1980, Reagan won just 51 percent of the popular vote but 91 percent of the electoral vote. Reagan thereby joined Harry Truman (1948), John F. Kennedy (1960), Richard Nixon (1968), and Jimmy Carter (1976) as a first-term president who won barely 50 percent of the popular vote. Clinton, of course, was twice merely a plurality president. Bush 43's victory was different in that, rather than carrying 55 to 70 percent of the electoral vote, he lost the popular vote and won the Electoral College both by razor-thin margins.

Likewise, all recent national congressional election results are best interpreted as the product of the incumbency-protection and voter-apathy machine that is the United States Congress. Since 1962, the vast majority (over 90 percent in many years) of House incumbents who sought reelection won it. Gerrymandering has become a near-exact science. Six states added, and five states lost, House seats after both the 1990 census and the 2000 census. The biggest winner is Florida (+10), the biggest loser is New York (-5), and the slight advantage goes to sun-seeking Republicans. The whole system, however, is predicated on low, and predictable, voter turnout. In September 2002, only 17 percent of voting-age citizens cast a midterm-year primary ballot (up from 16.8 percent in 1998). Midterm turnout has not broken 38 percent since 1970. Only 13 House races this year had no

clear favorite, and only four pitted incumbents against each other. A shift of just a few hundred thousand votes in the four tightest Senate races would have kept Tom Daschle and the Democrats in the majority. Republicans now control 21 state legislatures versus 17 for the Democrats. The GOP gained control of four state legislatures in this election, but down-ticket results have little to do with top-ticket trends. The country's governors' mansions are now evenly split between the parties, as is national voter opinion. In an early October *USA Today*/Gallup poll, 67 percent said they had thought little or not at all about the upcoming midterm races. In a late October *New York Times*/CBS poll, favorable ratings for the two parties were a dead heat: 54 percent favorable to Republicans and 55 percent to Democrats; 35 percent not favorable to Republicans and 36 percent not favorable to Democrats.

If there is any mandate to govern here, it is a mandate to govern from the center. Allowing for the post-Florida blues of 2001, a divided Congress, and even the way 9/11 has rightly redefined the Bush presidency around national and homeland security, the administration's domestic policy record is almost nonexistent. Not counting policymaking through speech-making and related communications ventures, no White House in recent memory has focused so little staff energy on thinking through and proposing meaningful social welfare initiatives. As a result, the Bush "compassion agenda," in all but rhetorical terms, has virtually disappeared.

There are, however, ample opportunities for the administration to develop genuinely bipartisan childhood health care plans, programs to aid the working poor, and many other initiatives that could revive that agenda without breaking or even straining the budget. With one party controlling both the White House and the Congress, a serious commitment to programmatic compassionate conservatism could help turn a narrow electoral victory into a real governing agenda that could serve the president and the country well. ♦

Here Come Da Judges

Get ready for a whole new confirmation game.

BY TERRY EASTLAND

ON JUDGES, things will be different. The wars over judges of the past two years were made possible by the simple fact that the Democrats controlled the Senate. They used their power to block an unprecedented number of President Bush's appeals court nominees. Now that the Democrats constitute the minority, the outlook for Bush's nominees—including any he might make to the Supreme Court—is considerably brighter.

The first thing that will change is the Judiciary Committee. It will have a new chairman—Orrin Hatch, replacing Patrick Leahy—some new members, and perhaps fewer members in total.

In June 2001, after James Jeffords left the GOP and became an independent allied with Democrats for purposes of Senate organization, the committee, evenly split at 9 to 9, added a tenth Democrat. If Republicans decide to maintain a 19-member committee, one Democrat must leave, the obvious candidate being the most junior Democrat, John Edwards. Republicans are considering shrinking the committee to 17 members, in which case a second Democrat would have to depart, probably the next most junior, Maria Cantwell.

One Republican—Strom Thurmond, who is retiring—will leave the committee. So the membership will include one new Republican even if the total drops to 17, two if it remains at 19. Candidates include Thurmond's successor, Lindsay Graham, and John Cornyn, the former Texas Supreme Court justice and attorney general who will take Phil Gramm's seat. Aides to Republican senators say that if Democrat Mary Landrieu loses the December 7 runoff in Louisiana and Republicans thus increase their majority to 52, they may seek a two-seat edge on the committee.

Whatever its size and membership, the committee will operate in ways congenial to Bush. The president's complaint with the committee under Leahy has concerned mainly its handling of appeals court nominees: It has failed to schedule hearings for some nominees and timely hearings for others, to vote on some nominees who did get hearings, and to allow the full Senate to vote on two nominees it rejected on 10-to-9 party line votes. Had the committee reported those nominations—of Charles Pickering and Priscilla Owen, both designated for the Fifth Circuit—to the floor even with negative recommendations, majorities including some Democrats would have voted to confirm.

Bush also has complained about the committee's "mistreatment" of some nominees, Owen in particular. In Dallas on November 4 campaigning for Cornyn, Bush asked his audience to consider "what happened to one of our finest Texans." He pointed to her stellar record as a private lawyer and a Texas Supreme Court justice, and the high regard in which she is held by the Texas bar and the American Bar Association. But "because these people"—meaning committee Democrats—were "playing politics, petty politics, . . . her record was distorted and she was

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denied a seat. She was grossly treated."

Some numbers help tell the story of Democratic obstructionism (or success, from their point of view): Of Bush's 32 nominees to the appeals court, the Senate confirmed only 14, or 44 percent. During comparable periods—the first two years of a presidency—the Senate typically has confirmed a much higher percentage of appeals court nominees. (For Ronald Reagan, it was 95 percent; George H.W. Bush, 96 percent; and Bill Clinton, 85 percent.) What especially irritates Bush is the lack of hearings: On November 15, no fewer than 15 of his appeals court nominees will have waited in vain for more than a year to have hearings scheduled.

At the White House six days before the elections, Bush announced a plan "to ensure timely consideration of judicial nominees." The plan proposes that the Senate Judiciary Committee hold a hearing within 90 days of receiving a nomination, and that the full Senate hold an up-or-down floor vote within 180 days. The plan drew little press notice, and committee Democrats summarily rejected it. Two days after the election, Bush made another pitch for it.

Were the Senate to adopt Bush's recommendations, it would do so in new rules—which Hatch favors. But it seems doubtful that the Senate would actually vote to constrain its own power. In any case, Bush is likely to get what he wants simply because he now has a Senate of the same party: hearings within 90 days and floor votes within 180. What this means is that even in the unlikely event a nominee is defeated in committee, the full Senate will be given the opportunity to vote. A committee will no longer act for the entire Senate.

The election results also will affect the administration's judicial selection. Had the Senate remained Democratic or become more so, demands would have grown louder for the president to compromise on judicial philosophy in choosing appellate nominees. Now, however, the administration can continue to pick judicial conservatives without worrying that Democrats will block them. Bush's judge-pickers may select more, and more-committed, judicial conservatives. Indeed, the election "should embolden them," says a Republican lawyer who has counseled on judicial selection. Meanwhile, potential candidates for the bench who before November 5 might have been wary of being nominated now will be more agreeable to the idea.

The lame-duck Senate is likely to confirm a Sixth Circuit nominee, John Rogers, whose nomination is now on the floor. Republican senatorial aides indicate that the committee might vote on two nominees who have had hearings—Dennis Shedd (for the Fourth Circuit) and Michael McConnell (for the Tenth). The committee probably will take no further action on another nominee who has had a hearing but not a committee vote—Miguel Estrada (for the D.C. Circuit). That nomination became stuck on a request to the Justice Department for papers Estrada prepared as a lawyer in the solicitor general's office during the 1990s. Getting his nomination to a vote, says an aide to a Republican senator, "will take some time"—more than is available in the Senate's last days.

Come January, the president can resubmit the names of any nominees still awaiting action. For that matter, he can resubmit nominees actually rejected by the committee. Both administration officials and aides to Republican committee members expect the president to renominate Owen and possibly also Pickering.

The issue of judicial selection and confirmation is, of course, fundamentally a matter of the role of the courts and how judges should interpret the law. Committee Democrats treated Bush nominees as they did because they didn't want many more conservatives on the appeals courts. That's why they can't be expected to give up easily even though they are in the minority.

Leahy and others will doubtless not forget their complaint that the Republican Senate treated Clinton nominees unfairly, blocking appointments of judicial liberals. And Charles Schumer will probably continue his crusade to make "ideology" an explicit ground for rejecting nominees. But precisely because their party is in the minority, they will be unable to prevail against a nominee—unless they can persuade enough of their colleagues to sustain a filibuster on the floor, a procedure so politically risky that it probably will be reserved for use only against a Supreme Court nominee.

Speaking of the High Court, one consequence of the election results may be to nudge a justice or two toward retirement, an event more likely in 2003 than 2004 since the latter is an election year and no justice wants to announce his or her retirement as the parties prepare for their quadrennial conventions. If the retirement is that of a judicial conservative, committee Democrats are more likely to accept a conservative replacement, reasoning that here you have an even trade. But if the departing justice is a judicial liberal—John Paul Stevens, say—they will insist that a liberal be named in his place for "balance." Bush will be wise to start preparing for that fight now by making substantive arguments in behalf of his judicial philosophy. ♦

Where Liberals Still Rule

In California, it's leftward ho!

BY DEBRA J. SAUNDERS

San Francisco

SOMETHING went terribly wrong on the way to last week's Republican revolution: California. While the White House, the U.S. Senate, and the U.S. House of Representatives were lining up Republican, Sacramento was looking like Washington, D.C., in reverse: The governor's mansion, the state Senate, and the Assembly will remain firmly in the hands of Democrats, who also may have captured every statewide office (not all vote counts are final at this writing). Soon there won't be anyone to greet President Bush when he gets off the plane to visit California. *If he visits California.*

Still, beneath the all-Democratic surface of state politics, last Tuesday saw one significant shift: Governor Gray Davis was reelected with just 47 percent of the vote—down from the 58 percent he won in 1998. While that landslide reflected weariness with 16 years of Republican executives more than enthusiasm for the colorless Davis, this year's distinctly tepid showing confirms Davis's failure to establish himself in his first term as a popular leader of the state.

Davis will continue to face the most left-wing legislature in America. The Senate breakdown probably will remain 26 Democrats, 14 Republicans. In the Assembly, despite the loss of up to 3 seats, the Democrats will retain at least 47 of 80 seats. Since it takes a two-thirds vote of the legislature to pass the state budget, Gov. Davis will have to peel off a few Republican votes in each house to pass a budget. The bottom line: The chief thing standing between California taxpayers and the legislature's long and creative left-wing agenda is Davis's dream of winning the White House as a moderate Democrat.

The next four years, in other words, are likely to look a lot like the last four, with the legislature pushing left and the governor, jealous of his moderate credentials, often hedging his bets, sometimes going along, sometimes resisting.

Davis tries to style himself the long-suffering adult supervisor of a gaggle of far-out Democrats and contentious Republicans. That might be credible if Davis had spent less of his time raising $65 million for his campaign and actually had overseen the legislative process. Instead, his game has been to keep mum on most bills until they reach his desk, in the meantime watching his campaign collect checks from interests that regard the Davis administration as a pay-to-play operation. His policies swing from rewarding donors to rewarding key constituencies.

Even though Davis served in the Assembly, he never established cordial relations with lawmakers. His imperious nature angered Sacramento Democrats, who see less of Davis than his major donors. And when they do see him, he's not exactly Mr. Personality. His no-muss hair and buttoned-down manner have prompted the nickname Gumby. Davis tries to make light of his non-personality; he can always joke about being Al Gore's charisma adviser. But few lawmakers laughed when Davis told the *San Francisco Chronicle* in 1999 that it was the legislature's job "to implement my vision." Ever styling himself the moderate Democrat, Davis added, "They have a totally different view of the world than I do, totally different. It was my vision that commanded a 20-point victory."

But visionary leadership has not characterized Davis's tenure. On the contrary, early in his first term liberal Democratic legislators seized the initiative, passing a spate of union-friendly, business-hostile bills. One that Davis signed was a measure restricting the 40-hour flextime work week in favor of the inflexible 8-hour work day. Then Democrats started taking bites out of workers' compensation reforms enacted under the previous governor, Pete Wilson, when lawmakers of both parties had responded to cries for help from employers up against a costly and fraud-ridden system. Davis signed an increase in benefits.

The California energy crisis came in the summer of 2000. Bad poll numbers for Davis mounted as he put off a decision on how to deal with electricity shortages, but declined to put off fund-raising. Californians' ire also was directed toward energy giants and utilities; as blackouts continued in 2001, angry leftists began flirting with Green party gubernatorial candidate Peter Camejo.

When the legislature was working on a bill that promised to reduce vehicle greenhouse gas emissions, in the spirit of the unratified Kyoto global warming treaty, journalists asked the governor if he planned to sign it. Davis was coy. He didn't want to alienate enviros, but he also was aware that almost half of new vehicle purchases in California in 2000 were of light trucks and SUVs. Nonetheless, with Camejo threatening to steal protest votes, Davis climbed onto the greenhouse gas bandwagon. (Last week, Camejo took 5 percent of the vote.)

In the summer of 2000, to the accolades of eastern newspapers and environmentalists and with Robert Redford standing at his side, Davis signed the bill. One enviro gushed, "With one stroke of the pen, he did more to

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reduce global-warming emissions than the other 49 governors combined." (Actually the bill set no new standards. Instead it directs the state Air Resources Board to issue regulations in 2005 for 2009 models and gives the legislature authority to modify those regulations. The enviros got rolled; this bill is a major shakedown opportunity.)

Back on the left again in September, Davis signed a bill guaranteeing paid family leave for employees. The new program, funded by an employee-paid payroll tax, will pay up to $728 per week for as many as six weeks so that workers can take off time to care for dependents. Readers may recall the bill's author, state senator Sheila Kuehl, D-Los Angeles, from her TV stint playing the lovelorn Zelda opposite Dobie Gillis. Jubilant supporters crowed that the measure would spur passage of similar legislation in 27 states.

Davis closed the session with a signature and a veto. Once again, he had been mum as a controversial bill passed both houses. It established mandatory state mediation in stalled farmworker disputes. There was reason to believe Davis would veto it—he had raised $1.5 million from agri-business. On the other hand, he needed the support of Latino groups and the United Farm Workers. At the same time, the legislature had passed a bill allowing illegal aliens to obtain California driver's licenses. Davis already had signed into law a measure that allowed illegal immigrants to pay subsidized in-state tuition at state colleges and universities. But he had vetoed other driver's license bills, while promising to sign one that addressed his concerns about illegal immigrants with criminal backgrounds. In the end, Davis split the difference. He signed the farmworker bill and vetoed the driver's license measure.

Many Latinos were furious—they didn't want to settle for only half a loaf. But the hard-bitten and usually profane president pro tem of the Senate, John Burton, was positively tearyeyed at the unexpected signature on the farm bill. You can see why he once told the *Chronicle*, "The only way that you can really find out what it is that you can get into law is to send the bill down to the chief executive, whoever it is."

That spirit works. In 2000, the same legislature passed and Davis signed two reparations measures. One created a panel to set a dollar amount on the economic costs of slavery—even though California was never a slave state. This year, Sacramento enacted a law allowing stem cell research and cloning in California—not that they were illegal, but just to grab a headline; the bill also required fertility clinics to inform parents how they could donate their unused embryos to science. And Davis signed a bill allowing nonphysicians to perform nonsurgical abortions, as well as one Zelda sponsored requiring all California obstetrics-gynecology residency programs to provide some abortion training, moral objections notwithstanding. So much for choice.


Gray Davis

AFP Photo / Stephen Jaffe

At least Davis has vetoed or failed to sign some of the far-out measures passed by the Assembly and Senate. This year he refused to sign a bill that would have added a $10 fee to TV and computer purchases to pay for recycling. Lawmakers also passed a bill to reduce the penalties for civil disobedience—except for antiabortion protesters; another to set up a hotline for anonymous tips about corporate misdeeds; and another to allow pharmacies to sell syringes without a prescription. None of these became law.

In recent months, as the $100 billion state budget faced a $24 billion shortfall, Assembly speaker Herb Wesson proposed raising the state cigarette tax from 87 cents to $3. Assembly Republicans fought the measure hard, and Davis's political guru Garry South was so disgusted with Sacramento Democrats during budget negotiations that he told the *New York Times*, "Everybody wants everything now. They try to ram things down the governor's throat without any analysis or thoughtful consideration of the impact it has on the governor or the image it gives of the State of California and the governance of our state."

Senate Republican Caucus communications director H.D. Palmer complains that, even as state revenues shrink, Democrats in the legislature are indifferent to the need for job creation. There's little doubt that they will soon propose steep taxes on "the rich," higher tobacco taxes, and even more imaginative recycling fees. And it's only a matter of time until a Democrat writes a bill requiring employers to contribute to the state family-leave program.

The worst of it is, says GOP strategist Dan Schnur, the legislature "is about to get lefter. Up and down the state, Sheila Kuehl's candidates won primaries against more moderate Democrats. For the last four years the state's business leaders have had to work harder and harder to find enough moderate Democrats to work with. By January, when the new class comes in, it will be impossible." Against that backdrop, a vacillating "moderate" governor offers little reassurance. ♦

The Democrats' Economic Problem

(Besides being unemployed.)

BY STEPHEN MOORE

THE ELECTION NIGHT returns were not even fully revealed before liberals began handing out recriminations. Across the country, Democratic activists and deep-pocket donors were devastated by the failure of party leaders to use the sagging economy to deliver a knockout punch to the Republicans. But it's not as if they didn't try.

In the weeks leading up to the election, the party's three heavyweight 2004 presidential aspirants—Tom Daschle, Dick Gephardt, and Al Gore—plastered Bush for mishandling the economy and the stock market. At the Democratic economic summit on October 11, Rep. Charlie Rangel raged that George W. Bush is a 21st-century Herbert Hoover. The Democratic National Committee ran a TV ad in battleground states showing a pitiful, 70-something grandfather returning to work because he's lost his retirement money in the stock market. The message: This is the miserable economy Republicans have given us.

Trouble is, the public didn't buy into the Democrats' "blame Bush" offensive. Polls showed voters were about equally divided on which party could better steer the economy back to prosperity. Why was that? After all, the Democrats had a point. The economy has been pretty miserable in these past two years, especially when contrasted to the high-growth and bullish Clinton years.

But here is where the Democrats kept getting tripped up. What program did *they* favor to juice the economy? Voters never knew. If you listened carefully, you got the sneaking suspicion that they hadn't a clue. In fact, the economic prescriptions that you heard from Democratic party leaders ranged from weak to moronic.

Al Gore's eagerly awaited pronouncements on the economy amounted to a grand total of one idea: extending unemployment insurance benefits. Then you have people in the liberal wing of the party, such as Ted Kennedy and Hillary Clinton, who want some old-fashioned priming of the Keynesian pump through massively increased federal expenditures. Dick Gephardt endorsed a $200 billion deficit-spending plan with more money for school construction, more money for bankrupt states, and $75 billion for complicated new tax credits. This plan would surely create jobs . . . for tax accountants and H&R Block employees. In his next breath, and with a straight face, Gephardt excoriated President Bush for running up the deficit.

Dick Gephardt

In sum, when it comes to fixing the economy, the Democrats are completely schizophrenic. They are arguably as confused as the feckless Republicans about what to do.

But there was one idea that almost all Democrats (except those in tightly contested Senate races) agreed on: What is poisoning the economy these days is the Bush tax cut. "Our problem is that the Democrats whine and whine," fumed Democratic senator Fritz Hollings of South Carolina. "Everybody knows what the problem is. What's the solution? We say the reason for the trouble is 'We don't know.'" Then he boomed with almost comical conviction: "We do know. It's the tax cuts."

Democrats also tried to pummel Republicans for wanting to gamble Social Security on the "risky scheme of privatization." Democrats in unison asked voters, Do you really want your Social Security dollars gambled on Enron stock? Now they're scratching their heads, wondering why the Social Security demagoguery fell flat with voters—especially young ones.

The answer seems to be that private Social Security accounts are not just good economics. They can be a surprising political winner, too. Across the country, Club for Growth-endorsed Republican candidates—including Elizabeth Dole, Lindsey Graham, John Sununu, and Pat Toomey—defended private accounts and rightly argued that the Democratic plan to save Social Security is nonexistent. True, many cowardly Republican candidates fled from the president's plan, but many of them lost—including Connie Morella and John Thune.

Indeed, many Republicans dared to touch the third rail of American politics and lived to tell about it.

The anti-tax-cut message had even more devastating consequences for the Democrats. The Democrats confronted giant hurdles in persuading voters to join in their obsessive loathing of

Drew Friedman

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the Bush tax cuts. One is that the public *likes* the tax cut. Two is that there is no semi-rational economic logic in the argument that canceling the Bush tax plan could possibly revive the economy. How in the world could a tax hike now incite more job creation, more investment, or more confidence?

The Democrats responded that the Bush tax cut has shown itself to be a failure and a deterrent to growth. The truth is the Bush tax cut largely hasn't happened yet. How could it have sparked an expansion when 70 percent of the $1.3 trillion cut doesn't take effect until 2004 and after? Furthermore, there aren't more than a dozen or so Americans outside of the Democratic Caucus on Capitol Hill who actually believe that terminating the Bush tax cut would somehow magically inspire an economic recovery or a stock market rally.

In fact, a strong argument can be made that the Daschle Democrats' continual threats to cancel the Bush tax cut have been preventing it from having its desired effects. Supply-side tax rate cuts are an economic stimulus because they increase the rewards for saving and investing. But if it seems those promised tax cuts are going to be snatched at any moment, there's no point in assuming their existence when making investment decisions. Would you buy a car from a dealer who promised you as an inducement zero percent financing over the next five years, but then announced that after the first year, he might have to rescind the zero financing promise?

Former Clinton economist Gene Sperling presents a nuanced argument against the Bush tax cuts. Sperling, who has the ear of Gore and other presidential wannabes, says that Democrats should be for deeper "temporary" tax cuts now, and lesser tax cuts later, so as to assure the markets that "fiscal discipline" will be restored. And that is important, according to Sperling, in order to hold down long-term interest rates.

Here's the inconvenient problem with Sperling's analysis: The budget deficit has indeed gone up a lot over the past two years, but long-term interest rates have concomitantly fallen to their lowest levels in decades. The American economy has a multitude of potential problems right now: High interest rates is not one of them. In fact, it is instructive to note that the nation with the highest public debt of all industrialized nations today is Japan. And yet Japan has the lowest interest rates. Even after a decade of depression, the Japanese still haven't figured out that it's not interest rates, but tax rates that are too high.

The only unifying message from congressional Democrats these days is that tax cuts are always and everywhere a bad idea. Hillary Clinton recently lampooned Republicans for "actually believing that tax cuts are the answer to everything." But it is Hillary and her friends who have the strange belief system. Especially irrational is their certainty that tax rates can never be too high to stifle risk-taking, job creation, or capital investment—just so long as those high taxes apply to the evil rich. They are anti-supply siders. They believe that confiscatory tax rates elicit no response from taxpayers.

It wasn't always like this. During its golden era under JFK, the Democratic party was for tax cuts, and the lamebrained Republicans were the austerity-first balanced budgeters. JFK was right when he said to the Rockefeller Republicans: "An economy constrained by high tax rates will never produce enough revenue to balance the budget, just as it will never create enough jobs and enough economic growth."

Not only did the 1964 Kennedy tax cut reduce income tax rates for all Americans by 30 percent—yes, even for the richest Americans—but JFK also cut the capital gains tax. Here is what JFK said about the capital gains tax in 1963: "The tax on capital gains directly affects investment decisions, the mobility and flow of risk capital . . . the ease or difficulty experienced by new ventures in obtaining capital, and thereby the strength and potential for growth in the economy."

That wasn't Jack Kemp, it was John F. Kennedy. And he was right.

The capital gains cut enacted by a Kennedy in '64 had a profoundly positive impact on the economy, as did the one passed by the Republican Congress and signed into law by President Clinton in 1997. From 1996 to 2000, tax revenues increased from $50 billion a year to more than $100 billion a year. The venture capital funding for new high-tech firms that are major innovators and employers of high wage workers in America more than doubled. The stock market soared.

Why not marry a new investment tax cut with a 2-percentage point reduction in the payroll tax to provide a demand and supply-side incentive for more hiring? Former senator Pat Moynihan has suggested this in the past. The payroll tax cut would surely do more to put Americans back to work than extending unemployment welfare benefit checks for another 26 weeks—an idea that will unquestionably reduce total employment. As a token Republican economist attending the Democrats' "bash Bush" economic summit, I suggested this very policy, but there were no takers.

The Democrats fear that a round of tax cutting will drain the treasury of dollars essential to fund vital public services. Just the opposite is true. The federal deficit and the budget problems in the states are a consequence of too little economic growth. If we can get back to a 4 percent economic growth rate for the nation, the federal revenues over the next decade will grow by nearly $2 trillion more than they will if economic growth remains at 2 percent. But none of this economic logic penetrates the Democratic mindset on Capitol Hill. Instead Democratic leaders, notably Nancy Pelosi, are still delivering the delusional message that Democrats lost because they didn't attack the Bush tax cut vigorously enough.

And it is precisely because of this message, that, despite the weak economy, the vacuous, uninspiring domestic agenda of many Republicans, and the history of large congressional gains in off-year elections by the party out of power in the White House, the voters handed the Democrats a richly deserved electoral catastrophe. ♦

Retaliation for Me, But Not for Thee

A foolish inconsistency is the hobgoblin of the State Department. BY MAX BOOT

QUESTION: What are the implications of the U.S. government's missile strike [on al Qaeda terrorists in Yemen] yesterday? . . . I'm sure many Israelis are wondering what the difference is between this and a targeted killing. And me, too. . . .

STATE DEPARTMENT SPOKESMAN RICHARD BOUCHER: Our policy on targeted killings in the Israeli-Palestinian context has not changed. . . .

QUESTION: What, so you have one rule for one conflict and another rule? . . .

BOUCHER: I think we all understand the situation with regard to Israeli-Palestinian issues and the prospects of peace and the prospects of negotiation and the prospects of the need to create an atmosphere for progress. A lot of different things come into play there.

—State Department briefing, November 5

TRULY, WHATEVER Richard Boucher is paid, it's not enough. His ability to advocate a nonsensical State Department line, with a straight face, time and again, is a credit to the diplomatic profession. Ever since the start of the Al Aksa Intifada in 2000, he has repeatedly condemned Israel's practice of killing terrorists and instead called for negotiations to settle the Palestinian-Israeli dispute. A typical comment came on March 8, 2002: "We've made clear that actions like targeted killings need to be halted now and always urged them to follow a path where security can be achieved for both sides through their cooperation."

A very laudable sentiment, except it raises some obvious questions: How is Israel supposed to defend itself if it can't kill the people who are killing its citizens? And how would the United States react if it faced a terrorist threat of similar magnitude?

The answer to the latter question came last week when a Predator drone over Yemen used a Hellfire missile to incinerate a car carrying Qaed Salim Senyan al-Harthi and five other suspected al Qaeda members. Unlike previous attacks in Afghanistan, this one occurred far from a conventional battlefield. But nobody at the State Department suggested that it disrupted the "prospects of peace" with al Qaeda, or that it impaired America's ability to "create an atmosphere for progress" in dealing with these murderous thugs. The only official to voice such sentiments was, no surprise, the foreign minister of Sweden, who condemned the CIA strike as "a summary execution that violates human rights." "Even terrorists," Anna Lindh explained, unctuously, "must be treated according to international law."

The risible Swedish response was almost universally ignored, as it should have been. Everyone—at least everyone outside Western Europe—understands that America is locked in a battle to the death with al Qaeda. The opportunity to arrest terrorists does not always exist; sometimes they must simply be eliminated. That does not make such strikes "assassinations" or "murders" any more than the killing of enemy soldiers would be. In fact there is no difference between the two situations; America is at war right now. Since international law permits the killing of enemy combatants, the United States was acting lawfully when it blasted al-Harthi and company.

So, too, Israel is in the right when it targets terrorists. Between the beginning of the Al Aksa Intifada on September 30, 2000, and September 1, 2002, more than 415 Israeli civilians were murdered and more than 2,000 maimed or injured (figures that don't include soldiers killed, many while engaged in peaceful pursuits). Israel's total population is only 6 million (a symbolic figure, that). If a similar proportion of America's population had been killed, we would have lost more than 19,000 people—the equivalent of six September 11's.

Apologists for Palestinian terror argue that suicide bombings targeting bus stops and cafés are justified because the Palestinians have no alternative means to achieve their political goals. This specious rationale—which ignores Israel's willingness, at Camp David in 2000, to grant practically all of the Palestinians' territorial demands—was exploded in an important report issued last week by Human Rights Watch, hardly a bastion of Israeli apologists.

The Geneva Convention states that the "civilian population as such, as well as individual civilians, shall not be the object of attack"—no matter what the rationale. By violating this injunction, Human Rights Watch wrote, the Palestinians had committed "war crimes" and "crimes against humanity." The terror attacks have not been carried out directly by the Palestinian Authority, but, the report found, Yasser Arafat bears "a high degree of responsibility for what occurred" by doing nothing to stop the terrorists and, even, in some instances, providing cash stipends to them.

This is not to suggest that Human Rights Watch has suddenly come out for bumping off terrorist master-

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AP Photo / APTN

One strike, you're out: An unidentified man pokes at the wreckage left by the Predator strike in Yemen.

minds. Like other human rights organizations, it has dutifully condemned Israel's resort to "extra-judicial killings." But, really, what choice does Israel have? It could try asking Arafat to arrest terrorists, as it has many times, to no avail. It could try arresting the terrorists itself, as it sometimes does, but that puts Israeli soldiers' lives at risk, and might not work anyway with suicidal maniacs. So Israel resorts to snipers, missiles, and the occasional exploding car or cell phone.

At all times, Israel takes great care to minimize the harm to civilians. Sometimes accidents occur, as on July 23, when an Israeli F-16 dropped a 2,000 pound, laser-guided bomb on a Gaza house where Hamas commander Salah Shehada was hiding. Shehada was killed but so were 14 others, including 9 children. This led to what the *Guardian* gloatingly called "searing international criticism" of Israel, but such is the cruel nature of war.

As long as Israel does not deliberately target civilians (which it does not) and as long as it takes reasonable care to minimize collateral damage (which it does), then it is acting well within the bounds of international law. It's nice if you can catch the bad guys in the middle of a desert, as America did last week in Yemen. But terrorists often hide among civilians precisely because they know that—unlike them—Americans or Israelis shrink from slaughtering innocents, even inadvertently. The ultimate blame for any casualties that result must therefore rest with the terrorists, since by sheltering among civilians they are violating the laws of war.

This is precisely the position we take in our own war on terror: The loss of hundreds of civilian lives in Afghanistan in no way invalidates the moral righteousness of the anti-Taliban campaign. Washington is willing to cut similar slack to other countries engaged in fighting terrorism, even Russia, which has been guilty of undoubted atrocities in Chechnya.

Israel is held to a uniquely high standard. It must watch its children being blown into blood-spattered fragments, and then sit down and share tea and baklava with the murderers. To do otherwise sabotages the prospects of long-term peace. Or so world opinion has it. The record suggests otherwise.

Suicide bombings in Israel peaked in March 2002, when at least 80 Israeli civilians were killed and 420 injured in 12 attacks. The Israel Defense Forces then occupied six West Bank cities. After the IDF pulled out in early May, suicide bombings resumed, leading to Israeli reoccupation of seven of eight major West Bank cities in June. The conventional wisdom was that this tough response would only further inflame the situation. It's true that the occupation did not end all suicide attacks, but it did dramatically diminish them.

Israeli leaders have never claimed that targeted killings would end the threat overnight; they have argued that it would reduce the danger over the long term, and the evidence so far supports that contention. Only when the Palestinians have been beaten militarily will they come to see the futility of violence and reach a modus vivendi with the Jews next door. Any attempt to short-circuit the process, as Bill Clinton and Ehud Barak tried to do, will only prolong the bloodshed.

Yet to judge from Richard Boucher's comments, the State Department remains convinced that if only Israel would stop shooting back, peace would somehow break out. It is hard to believe this naive faith could survive the failure of the Oslo "peace process." It is even harder to believe that it has survived more than a year after 9/11. ♦

Israel's New Ruling Party

Who will lead it, Netanyahu or Sharon?

BY TOM ROSE

Jerusalem

THE COLLAPSE OF ARIEL Sharon's national unity government last week revivified Henry Kissinger's famous observation that Israel has no national or foreign policy, only domestic politics. Once again, petty political causes have brought down an Israeli government, with potentially far-reaching consequences.

The government of national unity—uniting the two major parties, Likud and Labor—did not dissolve over policy disputes, though the coalition partners are ideological antagonists. It came apart because maintaining it ceased to serve the political interests of its key figures.

Afraid that he might not be able to withstand a challenge from former prime minister Benjamin Netanyahu for the leadership of the conservative Likud party, Sharon saw the preservation of the unity government as his only means of avoiding early retirement at the hands of a man he detests. Meanwhile, the leader of the left-wing Labor party—Sharon's defense minister, Benjamin Ben-Eliezer—found himself confronting the same party dynamics but with far worse prospects. In the Labor party primary slated for November 19, Ben-Eliezer faced not one, but two challengers, both of whom had surged far ahead of him in the polls. With his own party's leadership attacking him in the press and from the Knesset podium, Ben-Eliezer had no choice, he bitterly claims, but to leave the government.

Once Ben-Eliezer pulled Labor out of the government, Sharon was left with only 55 votes in the 120 seat Knesset, less than the majority he needed to survive the no-confidence motions that started pouring in. There were four such motions in the first three days, the most preposterous of which, submitted by the Labor party, condemned the economic record of the government Labor had jointly controlled until just two days before.

At first, Sharon seemed to dismiss the crisis. All he needed to do to establish a new, narrower coalition government was get the leader of the nationalist, right-wing "Israel is our Home" party to sign up. What Sharon seemed to forget was that this party's leader was Avigdor Lieberman, a Netanyahu protégé and one of Israel's shrewdest political minds. With opinion polls showing that new elections could double the size of Lieberman's party, his interest lay in hastening the very election Sharon sought to avoid.

Sharon's hopes of establishing a narrow government were dealt a fatal blow when his effort to undermine Netanyahu by offering him the position of foreign minister blew up in his face. Sharon's aides had convinced themselves and much of Israel's gullible media that this maneuver would end the Netanyahu threat once and for all: No matter how Netanyahu responded, Sharon would come out the winner. If Netanyahu turned down the post, he would reveal himself as the self-interested politician Sharon had long tried to convince the party faithful he was. But if he accepted and became foreign minister in a Sharon-led government, he would become subordinate to the prime minister just weeks before a party leadership election.

Without realizing it, Sharon had given Netanyahu the very platform he needed to showcase his mastery of Israeli media and politics. He would proudly serve as Israel's foreign minister, Netanyahu said: All Sharon had to do was agree to early elections. With polls showing Likud poised to win a massive parliamentary victory, how could the party's leader possibly object?

Thus, just 12 hours after the prime minister appeared with party allies on Sunday, November 3, proclaiming his determination to prevent early elections at any cost, he was forced to make the humiliating journey to the president's residence to formally request the dissolution of parliament. And the duel resulted in a surge of Netanyahu support among Likud primary voters. In a week, Netanyahu went from 10 points behind Sharon to 1 point ahead, according to an internal party poll.

Both Likud and Labor are slated to hold leadership primaries in the next month. Labor, the party responsible for creating and implementing the Oslo peace process, is largely blamed for Oslo's disastrous consequences. Fearing for their political lives, Labor moderates have fled the party in droves, leaving hard-leftists in firm control, and as a result, Labor is facing electoral collapse. Since more than 80 percent of Israelis now identify themselves as either "centrist or conservative," the winner of the Likud party primary is likely to command the largest conservative majority in the country's history.

Israeli law requires parliamentary elections to be held no later than 90 days after the establishment of a caretaker government—in this instance, no later than February 4, and probably in late January. Meanwhile, Sharon remains prime minister, which gives him an advantage in

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the Likud primary, although the latest polls show the two candidates neck and neck.

While both Likud and Labor party activists viewed the national unity government as an impediment to their respective agendas, a huge majority of Israelis supported it because it seemed to foster domestic peace in a fractious nation. Exploiting this popularity is clearly Sharon's best chance to remain his party's leader and thus the country's prime minister.

Sharon will remind voters that he inherited a nation in disarray and stabilized it with remarkable dispatch. He will argue that his incrementalist approach to fighting the war against Palestinian terrorism gave Israel the space it needed to strengthen its relationship with the United States while simultaneously striking devastating blows against Palestinian leader Yasser Arafat and his terrorist allies. Why, Sharon will ask, would Israelis want to change horses in midstream, handing the reins of power to a man whose previous tenure as prime minister had led to Likud's worst defeat since it first came to power in 1977?

Netanyahu will readily concede that Sharon did right a sinking ship, and for that he deserves the thanks of every Israeli. But with the ship now righted, shouldn't it start sailing? Should the skipper be a visibly tired 75-year-old man who, after two years in office, has articulated no vision for Israel's future and offered no solution to its mounting political, economic, and social problems? Netanyahu will try to convince Likud voters that Israelis need more than unity to solve their problems. They need solutions, and he is the candidate who can provide them.

For two years, Sharon has employed every tactic to fight Palestinian terror except the one that Netanyahu and most Israelis believe will work: Exile Arafat, dismantle his terrorist militias, and depose his Palestinian Authority. Any policy that tolerates the man who started and directs the terror war that has killed 650 Israelis and injured 8,000 more, Netanyahu will insist, is a policy that tolerates terror. Sharon will respond by reminding voters that it was Netanyahu who ceded 13 percent of the West Bank and the ancient Jewish city of Hebron to Arafat at the Clinton-sponsored Wye River Plantation talks in 1998. Sharon will have to tread carefully, however, since he himself, as Netanyahu's foreign minister, urged even more far-reaching concessions at Wye.

Ariel Sharon

Drew Friedman

Terrorism isn't all Netanyahu will talk about. Israel faces economic collapse. Its GDP has fallen for three consecutive years. Twelve percent of Israelis are out of work, another 20 percent are underemployed, and the rest have seen an average income decline of 25 percent. A third of Israel's children live below the poverty line. Nearly half depend on some measure of state assistance.

The combined market capitalization of Israel's hi-tech sector, which once accounted for nearly 30 percent of GDP, has declined 90 percent. Tourism, once Israel's leading foreign exchange earner, is down 80 percent. Interest rates are 14 percent and rising, depriving nearly every business of even short-term credit. Investment capital is nonexistent. Capital flight has assumed South American proportions.

Netanyahu's challenge here will be harder than it looks. While the cocktail of misery described above would spell certain defeat for any incumbent in the United States or Europe, economic failure has long been accepted by Israelis as the "price" of living under permanent siege. Netanyahu will attempt to break this pattern by arguing that Israel has largely itself to blame for its sorry economic state. Just as bad economic policies have put it through the economic ringer, good ones can restore growth. Taxes are too high and must be cut. Government is too large and must be shrunk. Unions are too strong and must be weakened. While familiar in the United States, this refrain could electrify those Israeli voters it doesn't appall.

As the most popular prime minister in years, Sharon will try to convince Likud voters that the party stands to win more seats in a general election if he leads the ticket than if Netanyahu does. This will be hard for Netanyahu to refute, despite the irony of its coming from the man who tried so hard to avoid elections in the first place. In any case, whoever leads Likud, the party appears to be on the verge of winning a monumental electoral victory that could presage a new era in Israeli politics. ♦

The Emerging 9/11 Majority

The war on terror has created a new political climate in America.

By Fred Barnes

We are no longer an equally divided, 50-50 nation. America is now at least 51-49 Republican and right of center, more likely 52-48, maybe even 53-47. The terrorist attacks on September 11, 2001, created a new political era, and the midterm election on November 5 confirmed it. Sure, a shift of 20,000 or 30,000 votes in a couple of states would have kept the Senate in Democratic hands. But the GOP gains were from top to bottom: an unprecedented Senate takeover *plus* a bigger House majority, a majority of governorships, the defeat of more incumbent Democratic governors than Republican, and a plurality of state legislatures. The legislative pickup gave Republicans more state legislators nationwide than Democrats for the first time in a half century. And most amazing: All this was achieved against the historic tide of a midterm election, which normally produces sizable losses for the president's party.

It's true that no "issues" dominated the fall campaign. But September 11 had produced two things that did. First, it created the circumstances for a strong, popular leader to emerge and President Bush seized the opportunity. And second, it introduced a factor that affects politics and policy even when it goes unmentioned. That factor: the vulnerability of America to terrorists and a national yearning for security. It is like the Cold War all over again, a wartime situation that is mostly peaceful, but with the threat of terrible violence always at hand. This kind of situation is more helpful to Republicans than Democrats on Election Day.

Democrats have largely ignored the anxiety over security or taken it lightly. The party's national chairman, Terry McAuliffe, said the Republican victories were "tactical" and thus not especially significant. Well, they're important enough that he's likely to lose his job because of them. Certainly the gains were a personal triumph for Bush, who, along with risking his sky-high job approval, campaigned more relentlessly for his party's candidates than even President Clinton did in his first midterm in 1994.

But the Republican triumph was not just about George Bush. It had breadth and depth. Capturing the Senate for the president's party in his first midterm election—that has never happened before. In a normal midterm, the president's party loses 30 House seats, but this time Republicans gained 6. The raw vote—the total of all 435 House races—was 53-47 percent Republican, roughly the same as in 1994, when Republicans blew Democrats away in a national sweep. As for state legislative seats, the average loss in an initial midterm is 300, but the GOP added 225 on November 5.

The Democrats' alibi was that their base—liberals, minorities, feminists, and union members—didn't show up in large numbers. In truth, the base turned out in most states. In Minnesota, there was a record turnout, and Democrats still lost the governor's office and a Senate seat. In many areas, there was evidence of a large black turnout that went strongly against Republicans. But what Bush produced was a bigger white vote that was as overwhelmingly pro-GOP in House races as it was in 1994. As a result, non-incumbent Republican candidates for governor broke through in blue, or Al Gore, states (Vermont, Minnesota, Hawaii, Rhode Island, Massachusetts, and Maryland) and red ones (South Carolina, Georgia, Alabama, Alaska, New Hampshire, and South Dakota).

Voting shifts by two groups contradicted the theory of an emerging Democratic majority. The rapidly growing Hispanic vote is a cornerstone of the theory. But Latinos moved in a Republican direction this year. In Florida, Gov. Jeb Bush won half the non-Cuban Hispanic vote. In New York, Gov. George Pataki won 51 percent of Hispanics, a higher percentage than he won overall. In Texas,

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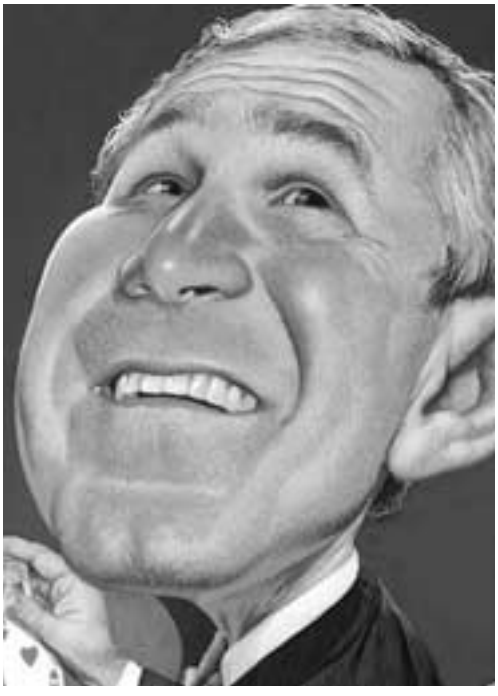
Gov. Rick Perry won 35 percent of Latinos against a Hispanic Democrat with virtually 100 percent name ID and an unlimited budget for TV ads. This suggests a serious chunk of the Latino vote may now be permanently Republican, especially in Texas.

Another group that's supposedly migrating to the Democratic party is professionals. But younger voters, who I suspect include an increasing number of professionals, are ever so gradually tilting Republican. A higher percentage of 18-30-year-olds voted Republican in 2000, a presidential election year, than in 1996. And it appears the same trend occurred in the midterm elections from 1998 to 2002. Most strikingly, some state exit polls last week showed that women in the 18-30 cohort voted Republican as often as men—in other words, no gender gap.



Though Bush's standard campaign speech was treated indifferently by the national media, it explicitly played up the national security theme. "We're on alert now in America," he told a crowd in St. Paul, Minnesota, two days before the election. "We understand the battlefield has come home." Later that day in Sioux Falls, South Dakota, Bush declared that after September 11, "the world changed." The most critical task in Washington, he said, is "to protect the homeland, to protect you from further attack, to prevent an enemy, which hates America because we love freedom, from hurting innocent life ever again."

In every address, Bush concentrated on the need for a Department of Homeland Security and the recklessness of Democrats in blocking its passage. On September 23, Bush said: "The Senate is more interested in special interests in Washington and not interested in the security of the American people." The remark is noteworthy because it evoked an outraged response from Senate majority leader Tom Daschle. In hindsight, my guess is Daschle inadvertently aided Bush by drawing attention to the statement, which most Americans probably didn't find outrageous at all.

Months ago, Republicans began emphasizing homeland security and the war on terrorism in their campaigns. Roy Blunt, the deputy House GOP whip, told me it was of deep concern to voters. I was dubious, as were Democrats, who failed to grasp the public's desire for security. When Republican Saxby Chambliss faulted Democratic senator Max Cleland for lacking the courage to break with unions opposing Bush's homeland security bill, Cleland huffily insisted his patriotism had been called into question. No, said Chambliss, it was his voting record. You can figure who won that exchange.

Democrat Walter Mondale, the stand-in for Paul Wellstone in Minnesota, didn't catch on either. "Don't worry about me and terrorism," he said in his lone debate with Republican Norm Coleman. "I'm opposed to it." That comment was likely to have reassured no one. In Missouri, Democratic senator Jean Carnahan trivialized the terrorist threat when she said Bush had failed to get Osama bin Laden and so now was targeting her. Carnahan had voted for the resolution authorizing the president to take military action against Iraq and Mondale sternly opposed it. In the end, the distinction didn't matter, as both lost.

A few Democrats understood the new political environment—Sen. Joe Lieberman, House minority leader Dick Gephardt, Rep. Martin Frost of Texas—but most were clueless. Democrats are hurting for other reasons as well. Their perennial scare tactics about Social Security have finally exhausted their usefulness. And if Bush's economic policies are unpopular, then the Democratic alternative (raising taxes) is more so.

As David Brooks has noted, traumatic events have dramatic consequences. World War I ended the Progressive Era, World War II drained the activism of the New Deal, the Iran hostage crisis brought forth more assertive policies, and the Oklahoma City bombing in 1995 snuffed out the Gingrich revolution. The September 11 attacks produced a new political climate. Bush recognized it. Democrats still don't.

Karl Rove, Bush's all-purpose adviser, says shifts from one party to another occur in "modest, small, incremental" steps that are often difficult to reverse. A few of these steps occurred on Election Day. The theory of an emerging Democratic majority holds that demographic change (more Hispanic voters, pro-Democratic professionals, and women) will be sufficient to reverse them. The evidence of November 5 tells a different story. ♦

The Seemliness Issue

What fired up Republicans? New Jersey, the judges, a tasteless funeral, and the odor of Clintonism.

By Noemie Emery

Chalk up a big one for Priscilla Owen, an unsung winner of last Tuesday's election, and a partial architect of the Republican victory. Owen is the Texas judge who was a Bush nominee for the U.S. Court of Appeals for the Fifth Circuit. She was described by the American Bar Association as "highly qualified," but her nomination never made it to the Senate floor. The ten Democrats on the Senate Judiciary Committee who served as the gatekeepers objected that she was much too "extreme." What made her "extreme" was her support for parental notification in the case of abortion for minors, a position that over 80 percent of Americans support. Liberal interest groups prevailed on liberal senators, themselves to the left of their party. Two of these senators, Dianne Feinstein and Charles Schumer, announced their intention to make unquestioning support for unrestricted abortion a litmus test for approving judges. Owen went down.

George W. Bush did not forget Owen. In every speech he made in his whirlwind tour just before the election, he was careful to include in his brief against Democrats that they were refusing to let his judges even be voted on. He said this in New Hampshire, in Colorado, in the Carolinas, in Missouri and in Minnesota, in Georgia and Texas. All of these states will now have Republican senators. Feinstein and Schumer are still in the Senate, but in the minority, where their power to block nominees will be vastly reduced. They will be able to vote against Bush nominees on the floor of the Senate, but they will no longer be able to keep them from getting there. Owen will come up again.

What fired up Republican voters? Things just like this. Owen would almost certainly have won on the floor of the Senate, as would Charles Pickering, another ill-fated nominee. But the Democrats used their majority on the committee to keep these Bush picks from reaching the floor. Committee chairman Patrick Leahy also broke his word on a long-standing matter of senatorial courtesy, refusing to let the last nominee of Strom Thurmond (retiring now at the age of 100) come to a vote in committee. As reporter Byron York explained, "Leahy lied."

Then came New Jersey. What do you do in a key Senate race with a clod of a candidate who is rapidly sinking under the combined weight of multiple scandals? You yank him out and replace him with . . . Frank Lautenberg, who is ancient and graceless but not actually under indictment. New Jersey had rules for changing steeds in midstream, meant to be used in cases of the illness or death of the candidate (not his moral impairment), and then not to be used any later than 51 days before the election. When Torricelli was yanked, there were 36 days to go. But what are a few laws among

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friends? They found a state supreme court packed with donors to Democrats. Legalists screamed, but the justices paid no attention. Lautenberg replaced Torricelli on the ballot, and he won.

Or did he? The 2000 Florida recount is often described as a red flag to Democrats—sure to enrage and inspire their fervent supporters. What is said less often (but is no less true) is that Florida is also a red flag to conservatives, who remember with loathing the legal contortions of Al Gore and the law-bending, deadline-extending antics of the Florida courts. Of what did the Supreme Court of New Jersey remind all these people? The Florida supreme court. The Lautenberg switch was everything that they detested: It was opportunistic. It was extra-legal. It was Gorean. And it was Clintonesque. At the time, it was hailed as the masterstroke that would save the Senate for Democrats, but that failed to work out as expected. What does it profit a party if it wins in New Jersey but loses in New Hampshire, Georgia, and Missouri? Lautenberg, like Schumer and Leahy, is now in the Senate, but in the minority. Which will not be all that much fun.

And then came the crash that killed Senator Wellstone. Democrats tried to use this as a means to silence Norm Coleman, suggesting that it was indecent for him to criticize Wellstone's replacement, meanwhile using the feelings stirred up by the death of the senator to whip up their own base. They whipped it up too much, at a memorial service that turned into a foot-stomping rally, repelling voters all over the country who thought that booing and jeering at some of the mourners was not the best way to honor the dead. The service didn't just help to elect Coleman, by dissipating the aura of reverence. Consultants believe there was a spillover, affecting many other tight races. Too many people found the event all too distasteful. And they made the Democrats pay.

Different as they are, these three things all have something in common, at least for conservatives. They raise what we can describe as the seemliness issue, the issue of decency. They are all cases where the Democrats tried to play smashmouth, blithely bent the law, took too much advantage of loopholes. They were too clever by half, too greedy by half, too eager to dispense with all courtesies. Most Americans don't like to see their judges vetted and vetoed by NARAL; they don't like to see judges trashed at the bidding of NARAL; and they don't like to see people trolling for votes at a funeral. The word for it all is Clintonian.

Clinton himself took a huge hit on Tuesday, sinking his reputation as a political rock star and mastermind. Everywhere he campaigned he left a trail of defeated candidates. He went to Florida to get revenge on Jeb Bush, who seemed to be in a squeaker. After he left, Bush opened a large lead. Clinton's beaming face at Paul Wellstone's memorial also went a long way toward sinking Walter Mondale, and helped feed the backlash. (This also should put an end to the great debate stemming out of the 2000 election, namely: Could Clinton have won it for Gore if Gore had used him? The answer is in now: It's no.)

The blowback from the rally appeared overnight, but other effects were long term and more subtle. Bush could make few direct hits at the people who shot down his judges, who were from safe states, or near the start of their tenure. But he could use them against vulnerable candidates running in key races in other parts of the country, saying that the Democrats there would be part of the system that gave the Leahys and Schumers their power. Did this work as an issue? Ask Ron Kirk, who was regarded as a bright rising star in the Texas Democratic party. Kirk suffered when he failed to stand up for Owen, who is also a native of Texas. Kirk is now history, having lost his race for the Senate by 12 points.

Kirk, of course, never got to vote against Owen, but he paid the price anyhow. So did some others. When the Judiciary Committee took down Mississippi's Judge Pickering, Georgia Democrat Zell Miller took to the floor of the Senate to warn that this vote would cost his party the statehouse in Mississippi. He didn't know the half of it. Last Tuesday, the issue helped bring down Miller's fellow Georgia Democrats Governor Roy Barnes and Senator Max Cleland. Like Kirk, Cleland didn't vote on the judges, but his place in the Senate's Democratic majority had helped make it possible. Bush could not hurt Leahy in Vermont, Schumer in New York, or Feinstein in California, but by taking down Cleland and fending off Kirk, he could push them all back into minority status, where they now have less power. Cleland took the hit for the work of the Leahys and Feinsteins. Nobody said life is fair.

Midterm elections can turn on turnout, and on turnout Republicans won. By all accounts, they were raring to get to the voting booths. According to a Gallup poll on Monday, November 4, 64 percent of Republicans said they were "very eager" to vote, while only about half of Democrats did. And what had them so worked up? Judges and arrogance; New Jersey and Wellstone; a long, long parade of in-your-face crassness, going back in time to the Clinton era, and threatening to continue in the future. For the moment, at least, this tide has been halted. Call it nemesis, call it comeuppance, call it sweet beyond measure. And call it Judge Owen's revenge. ♦

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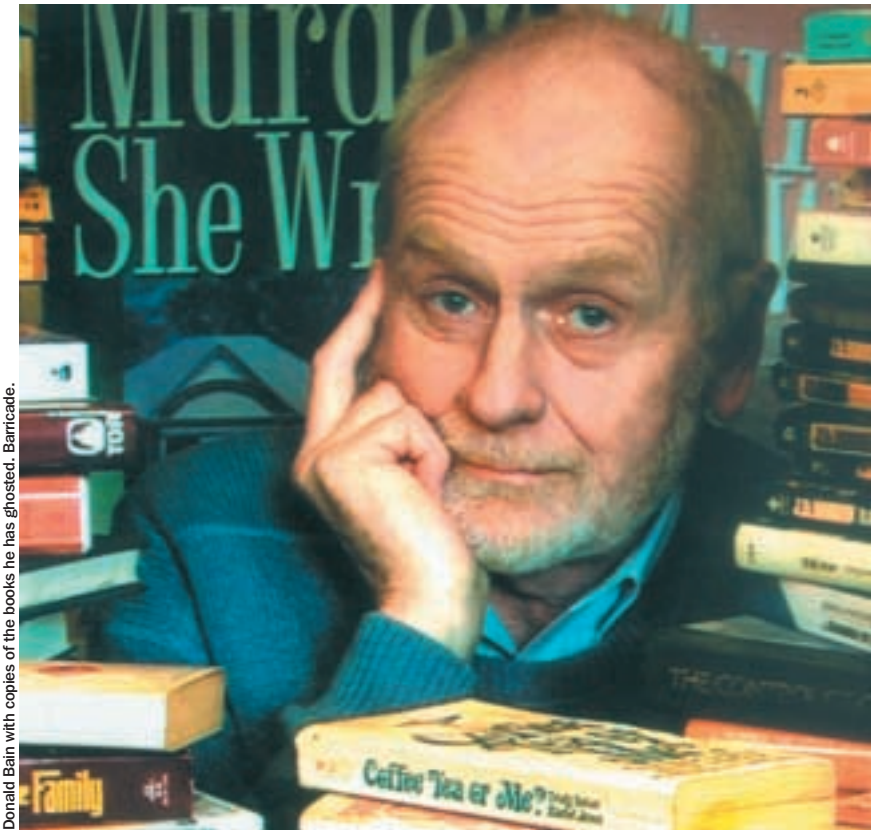

Donald Bain with copies of the books he has ghosted. Barricade.

The Ghost and Miss Truman

Sometimes the real mystery is the author.

BY JON L. BREEN

A bizarre phenomenon first observed in the 1940s became a crime-fiction epidemic by the 1990s. Famous entertainers, athletes, and presidential relatives began sitting down at the typewriter to bang out mystery novels.

Or so they would have us believe. In truth, nearly every one of those celebrities made a deal through an agent or book packager, collected a nice advance for the use of the name, and left to a professional ghostwriter all the actual writing.

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Ghostwriting is a time-honored practice, and most readers surely realize that movie stars and baseball players have help with their memoirs—just as all politicians these days have help with their speeches, campaign literature, and policy statements. But the dissemination of *novels* that are ghostwritten seems somehow more blatantly deceptive and ethically questionable.

Look, for example, at the new memoir by the veteran ghostwriter Donald Bain, who has written, under his name or others, some eighty books. In *Every Midget Has an Uncle Sam Costume*, Bain entertainingly describes his experiences as an officer in charge of censoring American Armed Forces Television in Saudi Arabia, as a jazz musician, and as an airline public-relations flack in a happier and more free-wheeling era of air travel.

But the most intriguing topic in the book is ghostwriting. Bain's first major success, *Coffee, Tea, or Me?* (1967), presented the comical amatory adventures of two stewardesses who appeared in public as the authors, Trudy Baker and Rachel Jones. Three sequels followed, plus similar faux first-person accounts of nurses, office temps, teachers, and actresses, always with attractive young women recruited to front the books for publicity purposes. Bain also wrote the autobiography of actress Veronica Lake, crime fiction signed by the actor David Toma and the ex-cops Nick Vasile and Mike Lundy, and the *Murder, She Wrote* novels in ostensible collaboration with "Jessica Fletcher," the fictional character played on television by Angela Lansbury.

There's no doubt that readers can be extraordinarily naive. About the cover photos on the *Murder, She Wrote* books, Bain reports, one fan wrote in to say it was "amazing how much Angela Lansbury looked like Jessica Fletcher." But when the ostensible author is a real person—and the book itself is a novel—readers don't seem unreasonable in expecting that the person whose name appears on the cover actually wrote the book.

Employing a ghostwriter on a work of fiction is never more dubious than when the putative author really is a writer. Brett Halliday (creator of Mike Shayne), Leslie Charteris (creator of the Saint), and Ernest Tidyman (creator of Shaft) all turned to ghosts to carry on the exploits of their famous characters. The Ellery Queen team employed other writers to turn out paperbacks that were very different from the genuine Queen novels. One case of posthumous ghosting, *Chains of Command* (1999)—credited on the cover to William Caunitz, who died in 1996, but written almost entirely by Christopher Newman—precipitated a class-action suit by readers who believed they had been defrauded.

Celebrity mystery novels, like other ghostwritten books, differ in the way the actual writer is or is not credited. In

the most honest method, arguably not ghostwriting at all, the celebrity makes the writing professional a full collaborator, as in the recent *Blue Moon*, signed in equal-sized print by bandleader Peter Duchin and Edgar Award-winning novelist John Morgan Wilson.

The second method doesn't admit the ghostwriter's existence to the world at large but at least tips off others in the writing and publishing trade. Many of the novels attributed to *Star Trek*'s William Shatner credit in the acknowledgments the assistance of science-fiction humorist Ron Goulart. Actor George Kennedy's paperback mysteries offer thanks to Walter J. Sheldon. A more subtle variation is to dedicate the book to the real author, as actor George Sanders did for Craig Rice and Leigh Brackett, the authors of the two 1940s crime novels published under his name. (Bain used the same method to give himself credit on the *Coffee, Tea, or Me?* books.)

The third method is for the celebrity mystery to eschew the slightest hint of a ghostwriter's presence. Great pains were taken to suggest that the earliest successful example of a celebrity mystery novel, Gypsy Rose Lee's *The G-String Murders* (1941), was the stripper's own work, though it has long been attributed to Craig Rice. The opera singer Helen Traubel's *The Metropolitan Opera Murders* (1951) was actually the work of Harold Q. Masur. Though the television personality and show-business all-rounder Steve Allen had a legitimate track record as a writer, his mystery novels of the 1980s and 1990s were all ghostwritten, first by Walter J. Sheldon and then by Robert Westbrook.

Perhaps the most curious subgenre of recent decades is the mystery novel written by the children of presidents. You can see neatly represented in them the three methods of dealing with a ghostwriter. The most recent to enter the field, Susan Ford, credits a co-author, Laura Hayden, for this year's *Double Exposure: A First Daughter Mystery*.

Elliott Roosevelt, whose first novel featuring his mother Eleanor as sleuth was *Murder and the First Lady* (1984), didn't offer a shared byline but gave his ghostwriter a nod via a note in his early books, crediting William Harrington as "my mentor in the craft of mystery writing [who] has given me invaluable assistance with the First Lady mysteries." After Elliott Roosevelt died in 1990, his publishers added to his jacket biography for *A First Class Murder* (1991) the claim: "A hard-working and prolific writer, he left behind a number of already-completed Eleanor Roosevelt mysteries."

By 1998's *Murder in the Map Room*, they were still touting "a number of unpublished manuscripts to be enjoyed by readers in the years to come." (A *Booklist* reviewer dryly noted that Roosevelt had become "one of the mystery genre's most prolific dead authors.") Harrington, ironically, would finally be credited as the author of a Roosevelt book, *Murder at the President's Door* (2001), only after his own death.

Every Midget Has an Uncle Sam Costume
Writing for a Living
by Donald Bain
Barricade, 239 pp., $22.95

Murder at Ford's Theatre
by Margaret Truman
Ballantine, 326 pp., $24.95

Margaret Truman, the longest running and most commercially successful of the presidential offspring fronting mysteries, offers no hint in any of her books, beginning with *Murder in the White House* (1980), that she has a ghostwriter, a collaborator, or even a literary mentor. Her "Capital Crimes" novels, which usually use as background Washington, D.C., landmarks (the Kennedy Center, the National Cathedral, the Pentagon, the National Gallery, the Library of Congress, etc.), provide plenty of historical tidbits and tourist information. They are far from distinguished detective fiction, but they do rank as above-average celebrity mysteries.

The latest, *Murder at Ford's Theatre*, is soundly crafted and professionally paced. The headline-inspired plot concerns the murder of a senatorial intern evocatively named Nadia Zarinski. The stock characterizations sound like casting notes, but at least it's easy to tell the people apart. The author employs familiar strategies to puff up the page count: potted biographies of characters and repetitious dialogue (as when the cops report to their superior investigative details that are still fresh in the reader's mind). Truman's amateur sleuthing team of law professor Mackensie Smith and his gallery-owner wife Annabel are sometimes likened by generous reviewers to Nick and Nora Charles. They share the stage with an odd-couple police team, a Jewish detective who's also a Lincoln buff and his African-American partner.

The writing is usually efficient but flavorless. Occasionally—in the deadly combination of authorial haste and editorial sloppiness typical these days of books considered to have a ready-made readership—it descends into clunky archaism ("Klayman had proved his mettle on more than one occasion, facing down dangerous situations with steely resolve and audacious fearlessness"), clumsy genre references ("The strange case of the murdering midget. Sounds like a Holmes novel"), ponderous banality ("Sunday, as everyone knows, is a day of rest, except for those in jobs demanding their presence"), and faulty syntax ("Seemingly social brunches offer both eggs Benedict as well as the scrambled eggs of negotiation").

Arbor House's Donald Fine, Truman's publisher at the time of her first mystery, swore she had no ghostwriter, but there was a clue from the beginning: Though widely and favorably reviewed, the novel was not nominated for the Edgar Award for best first novel by an American author, nor, according to Allen J. Hubin, a member of the committee, was it even submitted by the publisher.

Hubin's *Crime Fiction III: A Comprehensive Bibliography, 1749-1995*, the most authoritative source on mystery authorship, identifies Donald Bain as Margaret Truman's ghostwriter, based on intelligence from reliable publishing community sources. Bain has flatly denied it, both to Hubin and in an

e-mail to me: "I do not ghostwrite Margaret Truman's murder mysteries."

But what does Bain's autobiography have to say? A note at the end of *Every Midget Has an Uncle Sam Costume* claims that "contractual obligations prohibit Donald Bain from publicly taking credit for an additional twenty novels." Elsewhere in the book, he partially contradicts this, writing that "some of my best work appears in an eighteen-book series ghostwritten over the past twenty years for a well-known person. It would be professionally inappropriate for me to take public credit for this series, although I'm not under contractual obligation to conceal my involvement." (*Murder at Ford's Theatre* brings the total of Truman's novels to nineteen.) Obligatory or not, Bain's denial fulfills his duty as an honorable ghostwriter. In the same chapter, he excoriates, for ghostwriting unprofessionalism, Lucianne Goldberg, who publicly claimed credit for the novel *Washington Wives* (1987) out of anger over putative author Maureen Dean's interviews.

If Bain is Truman's ghost, he won't admit it, but he provides enough clues to support a strong circumstantial case. He states his involvement with the series "for a well-known person" began in 1980 and continues, "I've been writing novels in this series ever since, a book a year, most of them well reviewed and appearing on many bestseller lists throughout the country." How many other candidates for a frequently bestselling book-a-year mystery series beginning around 1980 are there?

Bain writes that he disagreed with a young editor over "a husband-and-wife team of characters [created] for a book in a series I was ghosting. My characters were in their fifties, erudite, physically fit, and madly in love." Though the editor thought them too old, "The characters stayed and went on to become particular favorites of critics and readers of the series." That sounds very much like Margaret Truman's Mackensie and Annabel Smith. In researching the coffee-table book *Caviar, Caviar, Caviar* (1981), Bain learned of the underground trade in Iranian caviar, smuggled into the United States via Copenhagen. He writes, "I later used what I'd learned as the basis for a crime novel I went on to ghost for a well-known person." The plot of Truman's *Murder on Embassy Row* (1984) involves caviar smuggling.

Recognizing that the ghosting of fiction presents a greater ethical dilemma than nonfiction, Bain asks, "Is a book buyer cheated when buying a novel not written by the person whose name appears on the cover? Is it fraud? I don't think so, though my bias is understandable." Perhaps his bias is, in fact, understandable—but he goes on to add: "In most cases, the consumer gets a lot better book than if the nonwriting collaborator had tried to do it solo." This will not do. The book is sold on the premise that a celebrity wrote it, and there is no excuse for such a pretense other than deceiving the consumer.

Ballantine

Margaret Truman

Still, one might ask, where's the harm? The journeymen writers doing the actual work undoubtedly realize more profit from being celebrity ghostwriters than they could from novels under their own names. The idea that the inflated money the celebrity and ghostwriter get would otherwise go to more deserving but less famous professional writers is clearly specious. The deceptiveness of attributing a book to a person who didn't write it is minor next to the credits for doing nothing that feature in many major motion pictures. And what does the deceived reader care, if the novel is a good read that appears to draw on the celebrity's area of expertise?

The answer is that there are several harms. The books, more even than most commercial fiction driven by the marketplace rather than the artistic impulse, are rarely good mystery fiction. The celebrity publicity machine attracts readers that might otherwise be drawn to better books. While the big advance might not have gone elsewhere, some of the bookstore display space, public-library buying, and newspaper review attention certainly would. The public impression that anybody can write a book erodes the professional respect accorded to real writers. And finally, in the unlikely event a celebrity author actually writes a novel, no one in the cynical book world will believe it.

Bain writes, "I'm often asked when talking to groups about my career: 'How can you stand to see someone else's name on a book that you've written?'" He finds it easy to answer: He makes a good living writing for others, and he takes pride in doing the best work he can on every project. Most professional writers would agree. Writing is such a hard way to make a living, it's tough to blame the ghostwriter for going where the money is.

The parallel question for celebrity novelists is, "How can you stand to see your name on a book somebody else wrote?" That should be harder to answer, but, sadly, it probably isn't. ♦

Latin Labors Lost

The dismal science south of the border.

BY DAVID FRUM

The lamps are going out all over Latin America. Two decades ago, there seemed hope at last that Latin America would emerge from its long, sad history of economic and political oppression. From Argentina to Mexico, the dictators and oligarchs fell in the 1980s and early 1990s—and so did the tariff barriers. Latin America was rejoining the world, or so Western investors were promised by the salesmen who peddled Latin American bonds.

Against the Dead Hand
The Uncertain Struggle for Global Capitalism
by Brink Lindsey
John Wiley & Sons, 368 pp., $29.95

John Maynard Keynes
Fighting For Freedom, 1937-1946
by Robert Skidelsky
Penguin USA, 608 pp., $20

But hopes that this time, no fooling, Latin America would at last achieve stability and freedom have once again been falsified. Since the economic crisis of 1998, the old ways have reasserted themselves, first in Venezuela (where the voters elected the onetime would-be dictator Hugo Chavez as president in 1998), then in Argentina (which defaulted on its debts and devalued its currency earlier this year), and now—most spectacularly—in Brazil. Last month, Luis Inacio Lula da Silva, known universally as "Lula," won the presidency of Brazil on his fourth try, with a platform that blended promises of radical economic redistribution, anti-Americanism, militarism, and a return to the protectionist policies of Brazil's past. In Latin America, the giddy, hopeful 1990s are now truly over. On the horizon are devaluation, inflation, and civil turmoil.

Studying Latin American history is like watching a handsome, talented friend throw his life away to some self-destructive addiction. Again and again he promises to reform; again and again he succumbs to the old affliction. In the 1870s, the 1920s, and the 1950s, Latin America seemed on the verge of success—and each time it faltered and failed.

This time, though, the failure (if it indeed occurs) will have more than local significance. The United States is now engaged in a world war against terrorism and Islamic extremism. In this war, America's ideals of democracy and freedom are powerful weapons. It won't help if America's nearest neighbors are rejecting those ideals at exactly the same time that the United States is attempting to propagate them in the Middle East.

For that reason, it is vitally important to understand what went wrong for many emerging markets in the 1990s. The critics and opponents of open markets have of course a ready answer: Globalization failed. Open trade, deregulation, and privatization, they say, further impoverished the already poor, who are now rising up against them in justified wrath. The former chief economist of the World Bank, Joseph Stiglitz, of all unlikely people, has become the leading exponent of this view. In a speech this summer, Stiglitz concluded that "a reform strategy that promised to bring unprecedented prosperity has failed, in an almost unprecedented way."

But *did* the reforms of the 1990s fail? Is globalization finished? Is Lula the future? The best answers to all of these questions are found in two extraordinary books published this year: *Against the Dead Hand*, by Brink Lindsey of the Cato Institute, and *Fighting for Freedom*, the third volume of Robert Skidelsky's great biography of John Maynard Keynes.

Against the Dead Hand is the most important book yet published on the whole subject of globalization—brilliantly original, superbly well informed, and most important, unflinchingly honest. Honesty is a surprisingly rare virtue in writing about globalization. An unpleasant odor of hucksterism and salesmanship lingers upon too many of the words published in the 1990s about emerging markets and the global economy. Remember those television commercials showing little Paulita in Montevideo e-mailing chess problems to little Ming in Shanghai? The hucksters wanted to convince American investors that it was technology that was changing the world—and that there was still time to get in on the ground floor.

Brink Lindsey urges us to understand globalization in a radically new way: politically, not technologically. That understanding illuminates with clearer light the progress we have made toward a more open world—and the reaction against that progress in both rich and poor nations.

As Lindsey tells it, the great intellectual event of the first half of the twentieth century was something he calls the "industrial counter-revolution." This counter-revolution attempted to use the state to corral and control the industrial revolution of the nineteenth century. This counter-revolution took extremely different forms from place to place, some of them politically benign (such as American Progressivism), some horrific (fascism and communism), but all of them concerned to insulate society against the unpredictable shocks and jolts of entrepreneurial capitalism, and all of them ultimately unsuccessful.

What we call "globalization" is the global response to that unsuccess. It wasn't the Internet that convinced poor countries from Argentina to Singapore that exporting was the route to prosperity—and that barriers to imports made exporting impossible.

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Nor was it jet planes that forced Mexico, Hungary, and South Korea to acknowledge that they needed foreign investment. It was the failure of state control.

But while this failure discredited the industrial counter-revolution, it did not assuage the grievances and resentments that inspired the industrial counter-revolution in the first place. The story of the 1990s, then, is not the story of exciting new technologies smashing dreary old hierarchies. It is a story of societies and governments grudgingly adjusting to realities they would have preferred to avoid.

In careful studies of countries from Argentina to Thailand, Lindsey shows the tight grip of the dead hand of the past: countries that opened their markets to imports of goods, while trying to keep tight state control over their financial sector; countries that linked their currency to the dollar, while pursuing policies that made the link unsustainable; countries that sought foreign investment, while refusing to protect foreigners' lives and property.

Against the Dead Hand is a devastating critique of the 1990s fantasy that global economic reform was an unstoppable force, over which humans could exercise no control. (A popular joke in Central Europe in the early 1990s asked how many Poles or Czechs or Hungarians it would now take to change a light bulb. Answer: none. The market would do it.) Progress is never more than an option, and can always be thwarted by human folly, enviousness, or indifference. The Brazilians may be about to discover that lesson the hard way—again.

Very soon, it may be the United States that takes up the struggle against the dead hand, this time in the Islamic world, as an agent of reconstruction and redevelopment in Iraq and perhaps other countries as well. There is no shortage of experts eager to itemize all the difficulties that the United States and its allies will encounter. It's a pleasure then to plunge into the third volume of Robert Skidelsky's biography and spend some time (make that *lots* of time; the book is long) in the company of John Maynard Keynes, a man who saw difficulties as challenges to surmount, not excuses for passivity.

Over the more than twenty years Robert Skidelsky took to complete his monumental work, he grew much more politically conservative, and so, maybe not coincidentally, does his depiction of Keynes. This third volume was originally subtitled "Fighting for Britain," and while the book has been renamed for the American market, the original subtitle was more apt.

By the time this volume opens, Keynes, the onetime iconoclast, had matured into a stalwart of Cambridge University, Eton College, the House of Lords, and even the very Treasury Department he had once despised as the stronghold of blinkered orthodoxy; the onetime Bloomsbury scoffer (he wrote in 1917 that he worked for "a government I despise, for ends I think criminal") metamorphosed into a robust British patriot, determined not only to defeat Nazi Germany but to defend Britain's independent imperial strength against the encroachments of the United States. His battlefield was the complex negotiation that created the International Monetary Fund and the World Bank at Bretton Woods in 1944.

There Keynes and his American counterparts battled over the leeway that would be extended to countries (like Britain) expected to run trade deficits after the war by those (like the United States) expected to run trade surpluses. It is hard to read these discussions now without some sense of shame for the ungenerosity of the American negotiators who insisted that Britain entirely exhaust its own resources as a condition for help from the United States, and the story is not made prettier by Skidelsky's conclusive case that the lead negotiator, Harry Dexter White, was at a minimum a Soviet sympathizer and very probably a Soviet spy.

Keynes died in 1946. He was only sixty-three. It is strange to look at photographs of this man in clothes that look almost contemporary standing in front of hotels that one could stay in today—Keynes especially liked the Mayflower in Washington—and realize that when his heart began to fail, the only remedy his doctors could offer for his pain was for him to pile bags of ice upon his chest.

Keynes did not live to see the American policy reversal of 1947-1949 that brought American money and American troops to rescue Europe for the third and final time in the century. I think that reversal would have surprised him. He did not have a very high opinion of the American people or their government. Oddly enough, this hero of the left seemed most irked by America's offensive informality and egalitarianism. In 1925, he had converted much of the wealth he had made in his bond-market speculations into a 600-acre country estate in Sussex, which he worked with a disdain for business rationality and an enthusiasm for traditional social distinctions that would have impressed Evelyn Waugh.

He could never accustom himself to the chaotic bureaucracy of Washington, with its endlessly ringing tele-

Agence France Presse

Lula in Brazil

phones and final subservience to the whims of whichever former insurance salesman or realtor it pleased the people of Missouri or Ohio to send to the Senate. On his way home from his last visit to the United States, Keynes stopped briefly in Ottawa. He loved Canada: not only its magnificent scenery, but also its vestigial British deference. If he ever had to leave England, he wrote to a friend at home, Canada was the country in which he would most like to live.

Whatever reservations one may have about Keynes the man and the international financial system of which he was the single most important designer—and there are plenty to choose from—it's hard not to be dazzled by the pulsing confidence of his mind. At the final dinner of the Bretton Woods Conference, Keynes delivered his brilliant toast: "To the economists—who are the trustees, not of civilization, but of the possibility of civilization."

For a brief moment in the 1990s, it appeared that we were on the verge of a regime of global liberty that would at last overcome global poverty. Now, from Bali to Buenos Aires, we seem once again to be heading backwards.

Of course, that is not how things are conventionally described. Britain's *Guardian* newspaper has hailed the election of Lula as "an inspirational triumph. . . . Neighbors such as Argentina and Uruguay may now believe that they, too, will find a middle way out of 'subservience' [to the United States]. . . . For the whole [American] backyard, it was a victory for self-respect." We shall see how much self-respect Brazilians feel when their government tries to escape its $260 billion foreign debt by inflating their savings out of existence.

In the meantime, Brink Lindsey has given us our best diagnosis of what went wrong in the 1990s—and Robert Skidelsky an inspiring reminder of our duty to try to set things right. ♦

Defining Drawing Down

The decline of draftsmanship, on display in New York City. **BY THOMAS M. DISCH**

In her latest succès de scandale, *The Rage and the Pride*, Oriana Fallaci forebodes darkly about the fate of the West's amassed art treasures. Surely she has not been alone in extrapolating from the destruction of the colossal Buddhas of Bamiyan—to say nothing of the World Trade Center—to a large-scale assault on the entire aesthetic fabric of civilization. Like windows, the arts are, by their nature, an invitation to vandalism, even as those who love them boast that art is long, though time is fleeting.

That boast, of course, depends upon a vast apparatus of safety nets: strongholds, treasuries, depositories; moats, fences, security cameras, and armies of guardians alert to those who would view those few precious strokes of pencil and brush that the ages have left as their record. Such as, to grab one six-by-seven-inch sheet of paper from the whole array, the charcoal drawing by Simon Vouet (1590-1649), perhaps a self-portrait from his teenage years with tousled hair and a spiky beard quite contemporarily punk, or perhaps from 1612, when he accompanied the French ambassador to Istanbul to paint the grand vizier (a task prohibited by Turkish law and so accomplished secretly from memory). Whether Vouet's own face or not, it is as vivid a ghostly presence as black chalk can offer, a real, scrawny, know-it-all up-and-comer with the very snows of yesteryear caked to his boots.

For our acquaintance with Vouet and some few dozen other seventeenth-century French draftsmen we are in debt to the Ecole des Beaux-Arts in Paris, whose show "Poussin, Claude and Their World" is being shown at New York's Frick Collection through December 1. The better part of the exhibition's seventy-one drawings are figure studies in a religious or classicizing vein that was to set the mold for the fine arts for the next two hundred and fifty years.

It is hard to look at these legions of Greek gods, Madonnas with children, and unknown gentlemen without acute advanced symptoms of museum fatigue. Indeed, it is almost impossible to see these sheets of paper as the artists' contemporary would have—as so many ground-plans and lesson-books for the construction of a civilization still essentially on the drawing board, as ammunition in an ongoing war between the luxuriating Catholic south and the iconoclastic Protestant north in Europe. How is one to look at Poussin's *Judgment of Solomon*, for instance, except as the doodled preliminary to the solemn canvas now in the Louvre, which the artist accounted his finest work but which most non-connoisseurs will find more than a little chilly. Learning to like either the canvas or the sketch, and even to look at them, is work.

Happily, most of the work has been done for us by the compilers of the show's exemplary catalogue, Emmanuelle Brugerolles (curator of the collection in Paris) and David Guillet. Each of the ninety-three plates is glossed with its own small essay, which comprise, in aggregate, a crash course in French classicism. Probably, most who attend the show will defer complete mastery of the catalogue's entire info-dump until they have reached the baroque heaven pictured in its pages, where such tasks are better undertaken. But for bringing the task within our

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compass the Frick and the Ecole des Beaux-Arts deserve our thanks.

The same can't be said for "Drawing Now: Eight Propositions," the new show at the Museum of Modern Art, in exile at the museum's temporary space in Queens through January 6. It would be a wonder if one could not find *something* to admire or be amused by among the over 250 drawings by twenty-six recent artists. But as with the "Whitney Biennial" or the German "Documenta" exhibitions, the real wonder is how, with a whole world to glean from, the pickings should be this slim.

Admittedly it has become harder and harder these days to shock gallery goers with anything that can be drawn or doodled or scraped off the pavement. What passes in the art world as food for thought—conceptual art—seldom rises to a level of inventiveness set by the better poets who work in the same hyper-ideating vein. In the *épater* department, the Queens show offers a second helping of Chris Ofili, the thirty-four-year-old Afro-British painter who stole the limelight at the Brooklyn Museum's "Sensation" show during its visit from the Tate in 1999. No lucky elephant dung this time; instead, artless doodles of African-American ladies and gentlemen, both in ball gowns, the whole mish-mash constituted from the tiny Afro-coifed heads of *Albinos and Bros with Fros*. All this contrivance to no visible satiric, ironic, or cognitive effect, but—like the proliferations of cartooned Snoopies in recent paintings by Nina Bovasso—a complex and conspicuous waste of time and (if buyers can be found) money.

In the mistier realm of conceptualism, "Drawing Now" offers aesthetic inflations whose cognitive weight can be taken in at a glance: Toba Khedoori's crisp renderings of architectural details—a door, a strip of molding—each glorying in its own vast margin of blank white wall (a greater luxury here than at most venues, for the temporary space in Queens is not only scruffy but very cramped); an even larger installation, *Prison* by Los Carpinteros, a drawing showing five room-size grain silos converted into filing cabinets.

Thaw Collection, the Pierpont Morgan Library.

Georges Seurat's Approach to the Bridge at Courbevoie (1886).

More in-your-face than these overgrown props from the surrealist warehouse are Yoshitomo Nara and Laura Owens's take-offs on Japanese cartooning styles and American greeting cards and gift wrap. Here the art world sinks to its all-too-common lowest common denominator. Do we need to be told that preteen girls around the world love kittens unduly, and that kitsch is kitschy? To attend such demonstrations of the low taste of the great unwashed is like being lectured on the evils of globalization and cattle-herding by a stoned fourteen-year-old. Perhaps one might have found the teenage Simon Vouet, four centuries ago, as callow in matters of global politics, but at least he knew how to make a compelling likeness of human flesh. On the evidence here, that is a lost art.

The bright side? Some inventive architectural fantasies by Paul Noble and David Thorpe. There are also some fashion sketches in colored pencil by Elizabeth Peyton that are pretty enough to be subway posters, and sketches by Takashi Murakami and John Currin gawky enough to be lavatory graffiti, which I say without pejorative intent, since that seems the condition to which they aspire.

All in all, not a compelling reason to venture to Queens—especially if you have not yet taken in "The Ages of Mankind: Time to Hope," a visiting exhibition of some hundred paintings and sculptures from a consortium of Spanish churches and museums, on view at the Cathedral of St. John the Divine through November 24. Those inclined to believe that recorded history has been one long slide from a Golden Age will find evidence here. St. John's is the New World's most imposing simulation of the Gothic style, and the chain of apsidal chapels in which the show is installed provides an ideal setting—with the subdued natural lighting most of these works would have received in their original homes. Not all art benefits from the noonday glare of museum lighting.

Those who associate Spain with pain—the flamenco, the corrida—will also find evidence, for crucifixions, depositions, pietàs, and grisly martyrdoms are the stars of the show. True, there are some fine enthroned Madonnas and other happily circumstanced saints, including a statuary group of St. Anne teaching the child Mary to read (Mary points punningly to the first two letters of her own name), which is as winsomely charming as a tapdance by Shirley Temple. But it is pain—its cruel infliction and brave endurance—that is the overriding theme, the lesson that one is challenged to ignore at peril of one's soul. The catalogue issued by the show's Spanish Catholic sponsors

underlines this by declaring several times that their intention in offering these works to view is not aesthetic but homiletic. They are meant to inspire faith in the Church and eternity's sacred truths, to make us feel Christ's pain and the Virgin's sorrow.

Whether one shares that faith or not, one must appreciate the candor of this approach and its consistency with what we must suppose was the art's original aim. Uninformed by such a purpose, many a crucified Christ or butchered saint would be hard to contemplate. I remember being in a room of a provincial German museum in which one winced from a sense that such a chamber of horrors was too much of a bad thing. But for those who like their Christianity marbled with darkness, "The Ages of Mankind" is essential viewing. Admission is free—though when you see the cathedral with its enormous timber bandage from the fire of a year ago, you would have to have a heart of stone not to leave a contribution to the building fund.

For a show of equivalent quality, though much smaller in scope, you should return to the Frick, where the Poussin and Claude exhibition has ceded some of the museum's limelight to twelve "Masterpieces of European Painting from the Toledo Museum of Art." Toledo, Ohio, that is, and "masterpieces" isn't just press-release puffery. There is an El Greco, *Agony in the Garden*, that out-Herods El Greco's own St. Sebastian at St. John's, and a frieze-like *The Flight into Egypt* by Jacopo Bassano that is worth a visit all on its own. The Renaissance lives up to its name in such a picture, which has that combination of sheer gorgeousness and grave dignity that was copyrighted by the Parthenon, but here we can see it in color.

The same combination still obtains in James Tissot's picture of foreign visitors vogueing outside the National Gallery. Tissot was a Frenchman in Victorian London, and his painting, louche yet decorous, is like a Whistler that has learned to relax.

The show is like a little Frick within the Frick, and it's drawn from a collection that came into being much the same way. Frick made his money in railroads, while Toledo's Edward Drummond Libbey was in glass, but they flourished in that era when Europe's treasures were spread at the feet of American millionaires like a field of daisies. As with the Spanish art at St. John's, the Toledo pictures have found the right setting, for the Frick is like heaven's own bank vault. (There is

Thaw Collection, the Pierpont Morgan Library.

Detail from Fantin-Latour's portrait of Rimbaud (1872)

even, seven levels down, a special crypt built just after World War I in prospect of such an event reaching these shores. It has taken all this time for the idea to seem common sense.)

There remains yet one more embarrassment of riches in New York: "The Thaw Collection: Master Drawings and Oil Sketches, Acquisitions since 1994," which is on view at another Gilded Age mansion, the Pierpont Morgan Library, through January 19. Over a hundred immortal pieces of paper gleaned from a span of over four centuries, but, even so, much less likely to cloy than the similarly scaled smorgasbord further uptown at the Frick. Two reasons account for this: the sheer diversity of the offerings and the quirkiness of the collectors, Eugene and Clare Thaw, who culled these works from the auctions and offerings of the last twenty years.

This is the fourth exhibition at the Morgan Library of the Thaws' remarkable taste and appetite. The Thaws are drawn to art that celebrates the artists' unforced inclinations and intimate associations—familiar streets and domestic interiors, flowers, friends, country roads, and farm animals. These drawings aren't prefigurings for some dramatic altarpiece or mural—which is only a way of saying that life and art became more middle-class after the Baroque. Art would finally pitch its tent among the commonplace, not the plaster casts and trumperies of the Ecole des Beaux-Arts.

Unfortunately, along the way, there was a general loss of skill. Look at Odilon Redon's charcoal drawing of Lady Macbeth. It is as hokey and inept as a drawing from a recent Disney cartoon. And Redon was *teaching* the next generation of Parisian painters, who would in turn teach draftsmanship to the artists on display at the Museum of Modern Art's show in Queens.

The slide from the Golden Age is inexorable, yet along the way other little miracles of art would happen, and often in the unlikeliest places. The Thaws snapped up a lot of the best, such as a pencil drawing of a crumpled dahlia by Mondrian that he drew in 1920 in order to pay the rent. It hasn't the same iconic status, but I like it better than *Broadway Boogie Woogie*.

The Thaws are not above acquiring a work for its anecdotal value, such as their small portrait of Rimbaud, probably copied from his group portrait with Rimbaud in it. But then, across the room, the seventeenth-century Dutchman Jacob Ruisdael has a *Ruined Cottage*. It is a sketch for a lost (though much copied) painting on the theme art seems to harp on most often and most plangently, which in recent years has been forced back into our view: the vanity of human wishes, the fragility of the fabric of civilization, the danger we are always in. ♦

Call-Waiting for Godot.

Books in Brief

Embracing the Firebird: Yosano Akiko and the Birth of the Female Voice in Modern Japanese Poetry **by Janine Beichman (University of Hawaii Press, 340 pp., $55).** Yosano Akiko has slipped under most literary radars, an oversight corrected by Janine Beichman's literary biography. A fusion of Sappho, Emily Dickinson, and Lady Murasaki, Yosano Akiko published her first book, *Tangled Hair*, in 1901 at age twenty-three. It was a sensation in Japan: *Pressing my breasts / I softly kick aside / the curtain of mystery / How deep the crimson / of the flower here*—poems such as this breathe immediacy into classical short forms of Japanese poetry.

In her account of how the poems came to be written, Beichman presents the poet's life almost blow by blow. She reports in such detail because Japanese poetry lives as much by context as by content—and thus differs from Western poetry, which aspires to freedom from the circumstances of composition. Still, translations or no, poems that shake off the chains of their creation possess the impact of telling snapshots, and transcend time and explanation. A number of translations in *Embracing the Firebird* attain that independent vitality.

Akiko was a celebrity and a heroine of domestic politics. In her introduction, Beichman quotes the mature Akiko on women's wisdom and Buddhist discipline: "When she gets to be my age, even an uneducated woman has attained a degree of enlightenment of which a man meditating cross-legged on a chilly wooden platform can barely catch a glimpse, if that. . . . For women, Zen meditation is unnecessary."

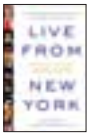
—Laurance Wieder

An Unlikely Conservative: The Transformation of an Ex-Liberal **by Linda Chavez (Basic, 262 pp., $26).** Chavez describes how civil rights and racial preferences intersected with her life. Along the way we see her shift from left to right—though at times the transformation seems more a process of putting the proper labels on her beliefs.

Born to working-class parents in Albuquerque, Chavez thought twice about attending college, even modeling briefly before enrolling. Through her husband and other students at the University of Colorado, Chavez joined up with the anti-Communist socialists and the United Mexican-American Students. While never enamored of the Chicano power movement, Chavez worked to recruit Mexican Americans for Boulder's new affirmative action program, and she recalls her frustration at the university's lax standards for the new students. Her alienation was sealed when she taught in an affirmative action program at UCLA. Some students read at grade school level, and attempts at classroom discussion devolved into name-calling sessions.

She admits that early in her career she was a handy Hispanic to plug into government positions, and affirmative action no doubt landed her at a plum graduate school. But Chavez seeks to empower others, especially Hispanics, so they won't experience her sense of shame. While her vision of federal contracting and university admissions without affirmative action has not yet been realized, the push for English-only education, for which she is an outspoken advocate, continues to gain momentum nationwide.

—Beth Henary



Live From New York: An Uncensored History of Saturday Night Live**, edited by Tom Shales and James Andrew Miller (Little Brown, 566 pp., $25.95).** This book gives the unsubtle impression that *Saturday Night Live* is the most influential achievement since humans first walked upright. But then, it consists of interviews with people who have spent three decades hearing how historic they are and can't be expected to cast that off just now without intensive therapy.

The editors assembled their interviews into a chronological history, from how producer Lorne Michaels pitched the idea to NBC, to the philosophical shift that transformed *SNL* from a stronghold of take-no-prisoners, semi-improvisational comedy to a corporate star factory. A few surprises spill out. Chevy Chase comes off as utterly unaware of the arrogance he radiates. And readers learn that, according to both friends and those not so friendly, Eddie Murphy was a comedy prodigy. As documentation of TV history, this is a treasure. For *SNL* fans and observers of pop culture, it's a candid, gossipy, and fun read.

—Michael Long

The New York Times

Washington Final
Washington and Baltimore: Today through at least November 9, 2004, extreme conditions, with freezing rain, as if the heavens were weeping, and a near-total eclipse of the sun. Weather map appears on Page B20.

WEDNESDAY NOVEMBER 6, 2002

ONE DOLLAR

GOP WINS SENATE; NATION GIRDS FOR BUSH JUDGES, END OF CIVILIZATION

Doomed to Repeat It
Ideological conservatives gather for a Ku Klux Klan initiation rally in the late 1920s. Their grandchildren now form the Republican Party's activist base. Coverage of GOP intolerance, Page A18.

Turnout Heavy in Key States Among Christian Rightists, Public School Graduates

Experts Surprised at Voters' Stupidity, Selfishness

By ZBIEGTEIM ASCHOAL

Defying well-established historical trends, the expectations of most political professionals, and the requirements of simple decency, voters in yesterday's mid-term elections gave the Republican Party at least 50 seats in the Senate. With Vice President Dick Cheney available to break any legislative tie in his party's favor, yesterday's results mean that Trent Lott of Mississippi, where once it was legal to hold black men in chattel slavery (see related stories on Page A18), is once again the Senate's majority leader.

Mr. Lott will no doubt begin planning an agenda for the new Senate — forcing women into back-alley abortions is high on his list, some say — almost immediately.

Republicans also appear to have retained control of the House of Representatives, a result that was more predictable, though no less repellent and disappointing to Americans with mainstream views and generous spirits.

The final outcome of Minnesota's Senate race had not yet been announced early this morning. That contest pitted former St. Paul mayor and Democrat-turned-Republican turncoat Norm Coleman against the distinguished and much-beloved former Vice President Walter Mondale. Mondale was a late-campaign ballot substitution for the distinguished and much-beloved incumbent Senator Paul Wellstone, who recently died in an unspeakably tragic plane crash.

Also unresolved this morning is Louisiana, where the incumbent Democrat Mary Landrieu was running against a number of Republican challengers who, some say, aren't really worth mentioning by name. Ms. Landrieu has surely finished first in Louisiana. But under that state's rules, if she hasn't won a full 50 percent of the vote, she will be forced into a second, runoff election, which is a risk that Louisianans with mainstream views and generous spirits would prefer to avoid.

At the White House, there is undisguised glee. That smirking bas-

Continued on Page A 14

DOJ Silent on Detention of Streisand

By FRIDA MEEROPOL

LOS ANGELES, Nov. 5 — James Brolin says he's heard nothing from his wife, singer-actress Barbra Streisand, since the morning of Oct. 29, when two men who identified themselves as agents of the FBI's Los Angeles field office interviewed her at the couple's Malibu estate. "She's clearly in federal custody," Mr. Brolin insists. But Justice Department officials in Washington are refusing all comment on Ms. Streisand's whereabouts.

Rights groups have long worried that the FBI might misuse its new domestic anti-terrorism powers against relatively minor threats to national security, like poor spelling.

Times to Distribute Arts & Leisure Section Free to Needy

By SUSAN CREAMCHEESE

Beginning with its Nov. 10 edition, the New York Times will distribute each Sunday paper's "Arts & Leisure" section free of charge to economically and culturally disadvantaged families. Times publisher Arthur Sulzberger Jr. announced the new charity yesterday afternoon, at a tastefully understated press conference in mid-town Manhattan.

The program's ultimate scope remains uncertain because qualifications standards have yet to be finalized, Mr. Sulzberger acknowledged. "How you define disadvantage is a difficult problem," he said. "But certain criteria are obvious and we're eager to get started."

At the urging of Times executive editor Howell Raines, registered Republicans in the city's five bor-

60 percent of them could not pronounce architecture critic Herbert Muschamp's name, and another 17 percent simply laughed when they were asked to try. Its sponsors call the results anomalous, and the study has since been abandoned.

But researchers from Columbia University have conducted a telephone survey of more than 400 ordinary people nationwide, whose responses have been compared to those obtained from a control group of Times subscribers at a truly delightful East Side dinner party.

Respondents were read a recent story by Alan Riding about the Ballet Biarritz in Perpignan, France, and they were then asked if they found the piece the slightest bit interesting. Though many have up-

Some Win, Some Lose

Long Before the Polls Close, An Excellent Cognac Puts Things in Perspective

By R. W. APPLE Jr.

News Analysis

The television pundits will have kept their frozen smiles in place — and on the air — until the wee hours of the morning. And even the most sophisticated print reporter may be tempted, momentarily, to work past his usual afternoon deadline. But all elections

Lott or Mr. Daschle, good-naturedly arguing that it did, too, matter whether Republicans or Democrats controlled the Senate. But he admitted that little had changed at the restaurant for more than 20 years, during which the Senate has switched hands four times already.

Ms. friend Pierre's 1946 Mayon-

A Label We Don't Need

Henry I. Miller is a research fellow at the Hoover Institution.

If you were designing a label to inform consumers that, for safety reasons, certain foods need to be cooked or handled in a certain way, what would it say? How about "Made in Brussels"?

No way, ridiculous and irrelevant, you say. Right on all counts. But that is tantamount to what the European Commission and parliament have decided to require for foods derived from organisms that have been genetically improved with the most precise gene-splicing techniques. This is public policy that puts politics and groundless fears ahead of science and common sense, and into conflict with more rational U.S. regulations.

Product labeling that conveys essential information is important, but compulsory labeling of gene-spliced foods is a bad idea for several reasons. First, it implies risks for which there is no evidence. Second, it flies in the face of worldwide scientific consensus about the appropriate basis of regulation—that it should focus on palpable risks, not the use of certain techniques. Third, it will push the costs of product development into the stratosphere. And fourth, the requirement constitutes a punitive tax on a superior technology.

The European Union (EU) is implementing labeling requirements for biotechnology that are more appropriate to potentially dangerous prescription drugs or explosives than to long-shelf-life tomatoes and disease-resistant potatoes.

Those who advocate mandatory labeling for genetically altered foods invoke consumers' "right to know." Just inform them what is in their breakfast cereal and let them make their own choices, goes the argument. But experience argues otherwise: The United Kingdom's mandatory labeling law has had the opposite effect. It sparked a stampede by food producers, retailers, and restaurant chains to rid their products of all gene-spliced ingredients so they wouldn't have to introduce new "warning" labels and risk losing sales.

A broad scientific consensus holds that modern techniques of genetic modification are an improvement on the kinds of genetic modification that has long been used to enhance plants, microorganisms, and animals for food. Because of the precision and predictability of the technology, the products of the newest techniques are even more predictable than—and at least as safe as—the genetically improved foods that have long enriched our diets, such as sweet corn and high yield grains.

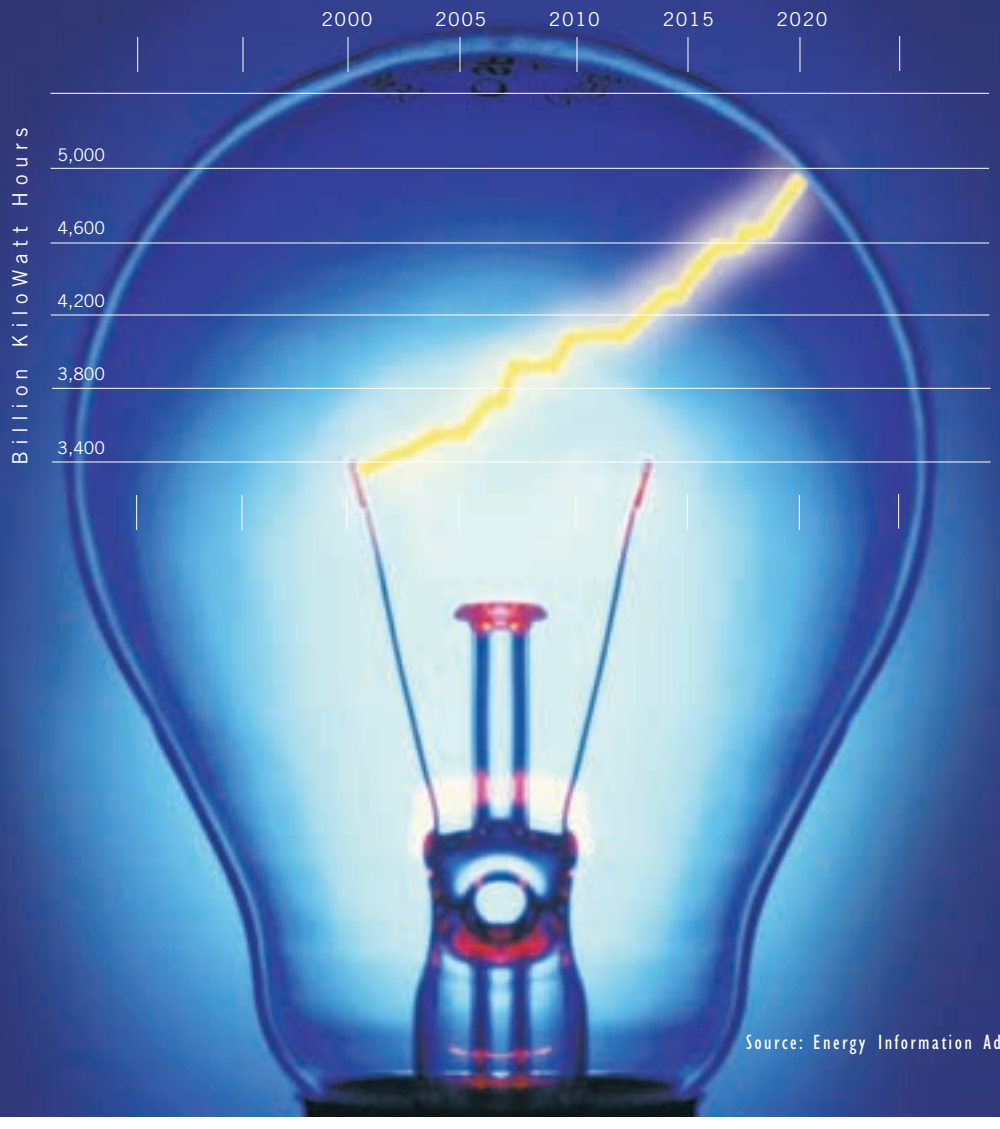
Following long-standing precedents in food regulation, the FDA requires labeling if any new food raises questions of safety, nutrition, or proper usage. There is, however, no requirement for disclosure of the use of particular techniques to make food.

The European-mandated need to segregate gene-spliced foods will raise production costs and pose a particular disadvantage to products in this competitive market with low profit margins. To maintain the accuracy of labels, gene-spliced fruits, vegetables, and grains will have to be segregated through all phases of production—planting, harvesting, processing and distribution—adding costs and compromising economies of scale.

If enough people want to avoid gene-spliced food, niche markets will arise without a government mandate, as they have for organic and kosher products. For the present, it appears that the EU's regulations on labeling deserve a label of their own: unscientific and anti-consumer.

— Henry I. Miller

[Over 40% growth in electricity demand projected over the next 20 years]



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